



FEDERAL ELECTION COMMISSION

1125 A STREET N.W.
WASHINGTON, D.C. 20461

THIS IS THE END OF MUR # 1387

Date Filmed 10/22/81 Camera No. --- 2

Cameraman SAC

MUR 1387 Tarant

Form 3811, Jan. 1978

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.
☐ Show to whom, date and address of delivery.
☐ RESTRICTED DELIVERY
 Show to whom and date delivered.
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery.

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Paul Amador Jr.
 3336 N. Ramona
 Chicago, Ill. 60618

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 090546

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☒ Authorized agent
 Paul Amador Jr.

4. DATE OF DELIVERY
 8/17/81

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

★GPO : 1975-590-488

Form 3811, Jan. 1978

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.
☐ Show to whom, date and address of delivery.
☐ RESTRICTED DELIVERY
 Show to whom and date delivered.
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery.

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Wm. C. Aldaker
 1050-17th St. N.W.
 D.C. 20036

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 170546

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☒ Authorized agent
 H. Harrell

4. DATE OF DELIVERY
 8/17/81

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

★GPO : 1975-590-488



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 13, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul Amsler, Jr.
3336 N. Damen Avenue
Chicago, Illinois 60618

Re: MUR 1387

Dear Mr. Amsler:

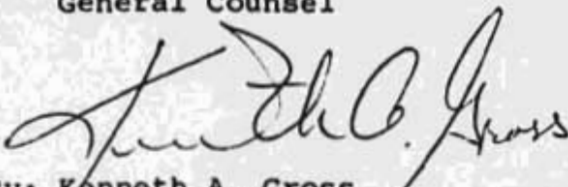
The Federal Election Commission has reviewed the allegations of your complaint dated June 5, 1980 and determined that on the basis of the information provided in your complaint and information provided by the Respondent's attorney, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

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

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

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

81040301113

Paul Amari, Jr.
3122 N. Lincoln Avenue
Chicago, Illinois 60657

Dear Mr. Amari:

The Federal Election Commission has reviewed the allegations of your complaint dated June 5, 1980 and determined that on the basis of the information provided in your complaint and information provided by the Respondent's attorney, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

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

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

Sincerely,

Charles W. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

cc 9/12/81



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 13, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William C. Oldaker
1050 Seventeenth Street, N.W.
Washington, D.C. 20036

Re: MUR 1387

Dear Mr. Oldaker:

On June 12, 1981, the Commission notified your client of a complaint alleging that the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees ("BRAC") had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on August 11, 1981, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

A handwritten signature in cursive script, appearing to read "Kenneth A. Gross", is written over the typed name.

By: Kenneth A. Gross
Associate General Counsel

8104030115

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William C. Oldaker
1050 Seventeenth Street, N.W.
Washington, D.C. 20036

Re: MUR 1387

Dear Mr. Oldaker:

On June 12, 1981, the Commission notified your client of a complaint alleging that the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees ("BRAC") had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1981, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

cc 8/12/81

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1387
International Brotherhood of)
Railway, Airline and Steamship)
Clerks, Freight Handlers,)
Express and Station Employees)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 11, 1981, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 1387:

1. Find NO REASON TO BELIEVE that the International Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees ("BRAC") violated the Federal Election Campaign Act of 1971, as amended, in connection with this matter.
2. Approve the letters as attached to First General Counsel's Report dated August 6, 1981.

Commissioners Aikens, Harris, McGarry, Reiche, Thomson and Tiernan voted affirmatively in this matter.

Attest:

8/11/81

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of the Commission Secretary: 8-6-81, 4:01
Circulated on 48 hour vote basis: 8-7-81, 2:00

81040301117

MEMORANDUM TO: Margerie W. Evans
FROM: Sybil A. Kayson
SUBJECT: [illegible]

Please have the attached First General Counsel's
Report distributed to the Commission on a 24 hour daily
basis. Thank you.

Attachment

cc: Tarrant

81040301110

SENSITIVE

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

81 AUG 6 P4:01

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 8-6-81

MUR # 1387
DATE COMPLAINT RECEIVED
BY OGC 6/09/81
DATE OF NOTIFICATION TO
RESPONDENT June 12, 1981
STAFF MEMBER
Marybeth Tarrant

COMPLAINANT'S NAME: Paul Amsler, Jr.

RESPONDENT'S NAME: International Brotherhood of Railway, Airline and
Steamship Clerks, Freight Handlers, Express and
Station Employees ("BRAC")

RELEVANT STATUTE: None

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

Mr. Amsler alleges that BRAC's procedures for refunding a portion of union dues as outlined in Article 28 of the Constitution of the Grand Lodge of BRAC (see Attachment 3) violates federal election law even though a specific violation is not mentioned. The complainant further states that he finds it hard to believe that all the political material that was sent out by BRAC to its members is paid for out of a fund containing only voluntary contributions when there is so much material that is sent out and no one he knows admits to contributing to such a fund.

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FACTUAL AND LEGAL ANALYSIS

The complaint was filed on June 9, 1981. On June 12, 1981, copies of the complaint were sent to Fred Kroll, President, and D. A. Bobo, Secretary-Treasurer of BRAC. Consequently, on June 26, 1981, this office received a response from William Oldaker and a letter from Mr. Kroll stating Mr. Oldaker would be representing BRAC in this matter. See Attachment 1.

As Mr. Oldaker points out in his response, Mr. Amsler's complaint does not state a violation of the Act. According to his response, the refund Mr. Amsler refers to stems from a Supreme Court decision that held that a member of a labor organization who objects to the expenditure of his or her dues for political and ideological purposes is entitled to a refund of the portion of his or her dues so used, even though such use of treasury money is otherwise permitted under federal law. See International Association of Machinists v. Street, 367 U.S. 740 (1961), and Brotherhood of Railway and Steamship Clerks v. Allen, 373 U.S. 113 (1963).

As outlined in Article 28 (see Attachment 3), a three year average is used to calculate how much money is taken in by BRAC from dues and agency fees and how much is then spent for political purposes. Once these two amounts are determined, the rebate is computed by dividing total receipts by the amount spent for political purposes. Thus, a member is entitled to a reduction of such dues in the same proportion that BRAC's average expenditures for political purposes bears to its average

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receipts of dues and agency fees.

If a member wishes to receive such a rebate, he or she must notify the International Secretary-Treasurer during the first thirty (30) days of each calendar year. An objection may be continued from year to year only if renewed during the thirty day period at the beginning of each calendar year. If an objecting member is dissatisfied with the proportional allocation made by the Board of Trustees of the Grand Lodge, said individual may appeal, in writing, within thirty days from the end of the month in which the allocation appears in "Interchange", the Railway Clerk's magazine. This appeal must be made to the International President.

Mr. Amsler feels that because a three-year average is used, a member will only receive one-third the amount to which he or she is entitled. This is not the case, however.

BRAC's procedures, as set out in Article 28, appear to fully comport with the Supreme Court's mandate. As pointed out by Mr. Oldaker, this conclusion was recently reached in Ellis v. Brotherhood of Railway, Airline and Steamship Clerks, etc., Civ. Nos. 73-113-N (S.D. Cal. Mar. 14, 1980). See Attachment 2.

It is apparent that Mr. Amsler does not understand how the three-year average works and that he has a mistaken notion that such a system causes a member to receive much less than he or she should. More important, however, is the fact that such a rebate is not required under the Federal Election Campaign

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Act of 1971, as amended (the Act) and, therefore, any problem with this rebate system would not come under the jurisdiction of the Commission.

In regard to the political and legislative communications made by BRAC, Mr. Oldaker mentions that such partisan communications are internal and thus exempted from the definition of contribution or expenditure under the Act. Pursuant to 2 U.S.C. § 441b(b)(2)(A), the term "contribution or expenditure" shall not include "communications... by a labor organization to its members and their families on any subject." Mr. Oldaker states that expenditures in connection with such internal communications are reported by BRAC pursuant to 2 U.S.C. § 431(9)(B)(iii). He further states that any political activity outside of BRAC's membership is funded entirely by BRAC's separate segregated fund, the Railway Clerks Political League, which is made up entirely of voluntary contributions.

Again, Mr. Amsler appears to misconstrue the application of FECA provisions because it seems that he is in fact talking about internal communications which can be paid out of union dues. If he is referring to political material which is distributed outside the membership, then indeed such material should be paid for by the Railway Clerks Political League; however, Mr. Amsler provides no evidence which indicates that BRAC is distributing political material beyond the membership. For the above-stated reasons, the General Counsel

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recommends the Commission find no reason to believe that BRAC violated the Act.

RECOMMENDATION

1. Find no reason to believe that the International Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees ("BRAC") violated the Federal Election Campaign Act of 1971, as amended, in connection with this matter.
2. Approve the attached letters.

Date

Aug 6, 1981

Charles N. Steele
General Counsel

By:

Kenneth A. Gross

Kenneth A. Gross
Associate General Counsel

Attachments

1. Response from Oldaker
2. Ellis decision
3. Article 28
4. Proposed letters

81040301123

WILLIAM C. OLDAREN

ATTORNEY AT LAW

1050 SEVENTEENTH STREET, N.W.

WASHINGTON, D. C. 20036

June 26, 1981

Attachment 1

JUN 26 5:32

TELEPHONE

202 222-0803

CABLE ADDRESS: "ORALORAY"

710-222-0827

Ms. Marybeth Tarrant
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1387

Dear Ms. Tarrant:

This is in response to the Commission's June 12, 1981, notification that a complaint had been filed by Mr. Paul Amsler against the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees ("BRAC"). Mr. Amsler alleges that BRAC violated the Federal Election Campaign Act ("FECA") but does not state a specific violation. His allegations appear to center on BRAC's procedures for refunding a portion of union dues money to members who object to the use of their dues for political or ideological purposes.

Although, as will be discussed later, Mr. Amsler's complaint does not state a violation of the Federal Election Campaign Act, it might be helpful to the Commission to explain the background to the refund procedures. Some years ago the United States Supreme Court held that a member of a labor organization who objects to the expenditure of his or her dues for political and ideological purposes is entitled to a refund of the portion of his or her dues so used, even though such use of treasury money is otherwise permitted under federal law. See International Association of Machinists v. Street, 367 U.S. 740 (1961), and Brotherhood of Railway and Steamship Clerks v. Allen, 373 U.S. 113 (1963). Article 28 of BRAC's Constitution is a refinement of the practices and policies of BRAC to permit those individuals who object to the use of their dues for political or ideological purposes to obtain a refund of a portion of their dues. You will note that Article 28 (on page 70 of the enclosed copy of BRAC Constitution) includes an exceptionally broad definition of "political purpose" to be used in determining the amount of such refunds.

The procedure set out in Article 28 fully comports with the Supreme Court's mandate. This was underscored recently by the United States District Court for the Southern District of California

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in Ellis v. Brotherhood of Railway, Airline and Steamship Clerks, etc., Civ. Nos. 73-113-N (S.D. Cal. Mar. 14, 1980). A copy of Judge Nielsen's opinion in the case is enclosed. You will note on page 3, after reviewing BRAC's rebate procedure, Judge Nielsen held:

5. On the basis of the above finding, the Court concludes that plaintiffs' rights in the political-ideological area have been vindicated by the rebates they have received and are protected for the future by the rebate plan.

Mr. Amsler appears to misunderstand how the rebate is calculated. He contends that because a three-year average is used, the member only receives 1/3 the amount he or she is entitled to. A three-year average is indeed used, but the rebates are made annually and a member may continue his or her request to receive rebates from year to year by simply renewing the request. BRAC Constitution, art. 28 § #8. In fact, by using a three year average a BRAC member may indeed receive a larger rebate in a particular year than if the rebate were calculated solely on an annual basis.

Refunds of dues are not required under the FECA, however, so that if Mr. Amsler's complaint states a violation of the Act, it would have to concern some alleged use of BRAC's treasury funds for a prohibited purpose. The only political use of BRAC monies Mr. Amsler mentions is the mailing of legislative and political materials by the union to BRAC members. This is an internal partisan communication that is expressly exempted from the definition of contribution or expenditure under the FECA.

See 2 U.S.C. § 441b (b)(2) (1976). In accordance with 2 U.S.C. § 431 (9)(B)(iii), BRAC reports expenditures for internal partisan communications that expressly advocate the election or defeat of a candidate for federal office.

Political activity outside BRAC's membership, including contributions to federal candidates, is funded entirely by BRAC's separate segregated fund, the Railway Clerks Political League. This fund is made up of voluntary contributions by BRAC members and their families.

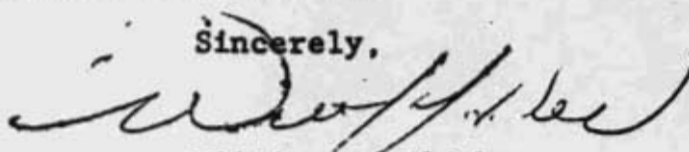
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June 26, 1981
MUR 1387
Page 3

In short, Mr. Amsler's complaint simply does not state a violation of the FECA and should therefore be dismissed.

If you require any further information on this matter, please do not hesitate to contact me.

Sincerely,

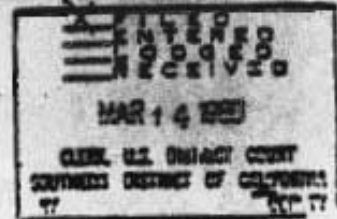


William C. Oldaker

Enclosures: BRAC Constitution
-Ellis Opinion

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Attachment 2



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

HOWARD ELLIS, et al.,
Plaintiffs,

v.

BROTHERHOOD OF RAILWAY, AIRLINE
AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION
EMPLOYEES, et al.,

Defendants.

Civil No. 73-113-N
Consolidated with
Civil No. 73-113-N

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

ALLEN FAILS, et al.,
Plaintiffs,

v.

BROTHERHOOD OF RAILWAY, AIRLINE
AND STEAMSHIP CLERKS, FREIGHT HAND-
LERS, EXPRESS AND STATION EMPLOYEES,
et al.,

Defendants.

These consolidated actions came on for further trial on August 1, 1978, before the Honorable Leland C. Nielsen, U. S. District Judge, sitting without a jury. The plaintiffs were represented by Michael E. Merrill, Esq., Raymond L. LaJaunesse, Jr., Esq., and Hugh L. Reilly, Esq. The defendants were represented by Joseph L. Rauh, Jr., Esq., John Silard, Esq., Mary M. Levy, Esq., and Solomon I. Hirsh, Esq. The Court having heard

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1 and considered the evidence, both oral and documentary, the
2 arguments of counsel, both oral and written, and now being
3 fully advised, makes the following Findings of Fact and Con-
4 clusions of Law:

5 1. On January 21, 1976 this Court issued Findings of
6 Fact, Conclusions of Law and an Interlocutory Summary Judgment
7 on the liability issues, which judgment together with amend-
8 ments of April 14, 1976, and November 29, 1976, are incorporated
9 herein as if set forth at length.

10 2. On April 14, 1976, the Court certified its Inter-
11 locutory Summary Judgment for appeal, but the Court of Appeals
12 denied hearing on said certification June 7, 1976.

13 3. The Findings of Fact and Conclusions of Law and
14 the Interlocutory Summary Judgment were the framework for the
15 trial commencing on August 1, 1978, as the pretrial order pro-
16 vided that these findings and conclusions "are conclusive and
17 shall not be subject to challenge or supplementation by evi-
18 dence or legal argument at the trial."

19 4. On October 6, 1975, BRAC adopted a rebate plan
20 encompassing all political and legislative expenditures of the
21 Grand Lodge and subordinate units, as well as all ideological
22 expenditures and all dues and contributions to other labor
23 federations, organizations and charities. That plan is a good-
24 faith effort to comply with the requirements imposed by the
25 United States Supreme Court in International Association of
26 Machinists v. Street, 367 U.S. 740 (1961), and Brotherhood of
27 Railway and Steamship Clerks v. Allen, 373 U.S. 113 (1963).
28 The Grand Lodge Board of Trustees annually computes political-
29 ideological rebates due to any protesting dues payer for the
30 prior calendar year. These are computed on the basis of forms
31 submitted by subordinate units and upon reports of political
32

1 time and expenditures by Grand Lodge personnel which are con-
2 temporaneously logged on the Grand Lodge computer system
3 throughout the calendar year. Any employee who believes his
4 rebate inadequate may appeal directly to an independent Public
5 Review Board authorized to make final determinations on such
6 appeals. Members of the Board include former Governor Edmund
7 G. Brown, Dame Soia Mentschikoff and Reverend Preston Bradley.

8 The Board of Trustees' computation for calendar year
9 1975 disclosed that 4.68% of the Union's total income from dues
10 and fees had been expended for items included in the rebate
11 plan, and each plaintiff in this suit was sent a refund check
12 that proportion of his 1975 dues payment, as well as for each
13 earlier year back to the date of his initial dues protest.
14 The rebate computation for 1976 was 4.9%, and each plaintiff
15 was then sent that amount for 1976 plus the amount necessary
16 to increase to 4.9% the rebate for each prior year since his
17 protest. Plaintiffs have also been sent their rebates for
18 1977, amounting to 5.4% of their dues payments in that year.
19 No plaintiff has appealed to the Public Review Board, although
20 each has been advised of his right of appeal.

21 5. On the basis of the above finding, the Court con-
22 cludes that plaintiffs' rights in the political-ideological
23 area have been vindicated by the rebates they have received
24 and are protected for the future by the rebate plan.

25 6. With respect to the area of expenditure defined
26 in Paragraph 22 of the Interlocutory Summary Judgment, pre-1975
27 based upon defendants' stipulation, each plaintiff is awarded
28 with interest his entire dues payment made or transmitted to
29 the Grand Lodge from the date of his initial protest through
30 December 31, 1975.

31 ----
32 ----

1 7. For calendar year 1976 each plaintiff is awarded
2 with interest a return of 40.0% of his dues paid to the Grand
3 Lodge.

4 8. For calendar year 1977 each plaintiff is awarded
5 with interest 37.8% of his dues paid to the Grand Lodge in 197

6 9. These awards for 1976 and 1977 are based upon
7 trial exhibits B and C and the supplements thereto, which the
8 Court finds to have been supported by a preponderance of the
9 evidence.

10 10. To comply with the requirements of the Railway
11 Labor Act, defendants shall establish a system that reduces th
12 dues payment obligation to the Grand Lodge of any plaintiff
13 for each calendar year by the proportion of Grand Lodge expendi
14 tures determined by defendants to have been spent for Para-
15 graph 22 functions and the rebates in the political-ideologic
16 areas in the preceding calendar year. To determine the annual
17 reduction amount, defendants shall at once integrate Paragraph
18 22 data into the regular accounting records of the Grand Lodge
19 which are subject to independent annual audit, and as concerns
20 compensated time of officers and staff, such records shall be
21 kept on the basis of a time study or other investigation
22 establishing generally accepted accounting standards for allo-
23 cating the compensated time and expenses of Grand Lodge per-
24 sonnel who engage in Paragraph 22 activity.

25 11. The testimony of the Local Lodge defendants and
26 examinations of their books and records established by a pre-
27 ponderance of the evidence that the Locals engage in almost
28 no Paragraph 22 activity and incur only minimal expenditures
29 in Paragraph 22 areas other than political contributions and
30 expenses which are already a part of the rebate plan. Upon
31 the stipulation of the defendants, each plaintiff is awarded
32 ----

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1 a return of \$1.00 per year from dues paid to his Local Lodge
2 from the date of his original protest through 1977 and in each
3 calendar year thereafter.

4 12. Testimony by officers and employees of defendant
5 System Board and examination of the books, records and other
6 exhibits establish by a preponderance of the evidence that,
7 with the exception of the years 1975 and 1976, the System
8 Board engages in Little Paragraph 22 activity. Only minimal
9 sums are spent on such activity, except items already rebated
10 to the plaintiffs. Therefore, each plaintiff is awarded the
11 sum of \$4.14 per year from the System Board for the year
12 1975 and a similar amount for 1976, and upon stipulation of
13 the defendant, each plaintiff is awarded a return of \$1.00
14 per year from the date of his original protest through 1977
15 and each calendar year thereafter, except for 1975 and 1976.

16 13. The costs of defending this litigation are not
17 a Paragraph 22 expenditure.

18 14. Plaintiffs are entitled to no return for any
19 alleged waste on the part of defendants.

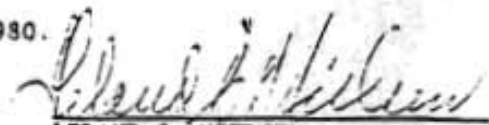
20 15. Upon stipulation of the defendants, strike bene-
21 fits shall be paid to agency fee payers equally with regular
22 members with no requirement being imposed upon such persons
23 or any other plaintiff other than that of refraining from work-
24 ing for Western Airlines during the time for which said bene-
25 fits are paid.

26 16. The plaintiffs shall recover the share of their
27 dues allocable to the death benefit fund and will no longer be
28 required to pay same, but shall be deemed to have waived any
29 rights or benefits under that fund.

30 17. The plaintiffs are entitled to their costs of
31 suit.

32 Dated: March 14, 1980.

FPI-SANCTIONS
1-13-77-0018-1008 17


LELAND C. NIELSEN,
United States District Judge

separate and apart from all other fund accounts of the Brotherhood.

Section 6. The International Secretary-Treasurer shall be the custodian of all funds.

ARTICLE 28

REDUCTION IN DUES AND AGENCY FEES TO MEMBERS AND NON-MEMBERS WHO OBJECT TO THE USE OF THEIR UNION DUES OR AGENCY FEES FOR POLITICAL PURPOSES

Section 1. Any full dues paying member or non-member who pays dues or agency fees pursuant to a collective bargaining agreement shall have the right to object to the expenditure of a portion of his dues or agency fees for political purposes.

Section 2. Expenditures for political purposes shall include the following expenditures:

(a) All funds expended, directly or indirectly, on the election of candidates for public office, including contributions to any political party or political organization: staff time spent during working hours on behalf of any political party, political organization, or candidate for public office: expenditures on behalf of and facilities used for any political party, political organization or candidate for public office: and a prorated proportion of the cost of the *Railway Clerk/interchange* and other union publications to cover space devoted to the above.

(b) All funds expended, directly or indirectly, on legislative lobbying, including time and expenses of full or part-time union staff, expenses of unsalaried persons reimbursed by the union.

(c) All dues to the AFL-CIO, CLC, and affiliated organizations of either.

(d) All contributions to other organizations, including charitable and educational groups.

(e) All of the above should include Grand Lodge, System Board, System Division and Local Lodge expenditures.

(f) The Executive Council, in consultation with the Board of Trustees, may modify the items to be included to be consistent with Federal Law and Court decisions based thereon, notifying the members thereof by publishing same in the *Railway Clerk/interchange*.

Section 3. The Board of Trustees of the Grand Lodge shall review the records of the union maintained by the International Secretary-Treasurer and shall determine the amount of receipts from dues and agency fees expended for political purposes by this union, including specifically such expenditures by the Grand Lodge, Boards of Adjustment, System Divisions, State Legislative Committees, and the Local Lodges, in each of the past three years. The figures for each year of the last three shall be added together and divided by three to determine the average expenditure for political purposes.

Section 4. The Board of Trustees of the Grand Lodge shall likewise compute the average receipts from dues and agency fees by computing the total receipts from dues and agency fees in each year of the last three years, adding the figures for each year together, and dividing that sum by three.

Section 5. The Board of Trustees of the Grand Lodge shall then compute the proportion of the average receipts of dues and agency fees which is expended on political purposes by dividing the average expenditures for political purposes by the average receipts of dues and agency fees.

Section 6. The above described computations by the Board of Trustees shall be made annually not later than the end of the month of April, using the figures for the preceding three years.

Section 7. Any member or non-member who perfects such an objection to the expenditure of dues or agency fees for political purposes shall be entitled to a reduction in such dues or agency fee obligation in the same proportion that average expenditures for political purposes bears to average receipts of dues and agency fees.

Section 8. Any member paying dues or non-member paying agency fees may perfect such an objection by individually notifying the International Secretary-Treasurer by certified or registered mail, provided, however, that such objection shall be timely during the first thirty (30) days of union membership and during the first thirty (30) days of each calendar year. An objection may be continued from year to year only if renewed during the thirty (30) day period at the beginning of each calendar year. Objecting members and agency fee payers who pay their dues or agency fees directly to their Local Lodge Financial Secretary-Treasurer or to their System Division General Secretary-Treasurer shall be entitled to a reduction in their dues or agency fees of that proportion of their monthly dues and agency fees which is the same as a ratio of average expenditures for political purposes to average receipts of dues and fees. Objecting members and agency fee payers who wish to pay their dues or agency fees through a company check-off shall receive an annual refund of that proportion of their dues and agency fees which is the same as the ratio of average expenditures for political purposes to average receipts of dues and fees.

Section 9. If an objecting member or agency fee payer is dissatisfied with the proportional allocation made by the Board of Trustees of the Grand Lodge, said individual may appeal, in writing, within thirty (30) days from the end of the month in which the allocation appears in the *Railway Clerk/Interchange* to the International President. If the objector is then dissatisfied with the decision of the International President, said individual shall have the right to appeal this decision, in writing, to the Executive Council within thirty (30) days from the date thereof. If still dissatisfied, the individual shall have the right to appeal within thirty (30) days, in writing, to the Public Review Board referred to in Section 10 of this Article. Appeals of either the decision of the International President or the Executive Council must be filed with the International Secretary-Treasurer, who within thirty (30) days of the

date of the filing thereof shall furnish to all members of the Executive Council or Public Review Board a copy of the appeal and a synopsis of pertinent Brotherhood records.

Section 10. For the purpose of considering appeals under this Article, a Public Review Board shall be established consisting of three (3) impartial persons of good public repute, not working under the jurisdiction of BRAC or employed by the International President and shall, subject to the approval of the Executive Council, appoint the members of the Public Review Board. Their terms shall be for the period between International Conventions. The International Union shall pay all of the Board Members' costs and expenses, plus a fee to such member in an amount agreed to between the member and the International President, as approved by the Finance Committee. Such Board will adopt its own procedures for the handling of appeals referred to it. The Public Review Board shall have the authority and duty to make final and binding decisions on all cases involving the subject matter of and appealed to it in accordance with this Article 28.

ARTICLE 29 DEATH BENEFIT DEPARTMENT

Maintenance

Section 1. (a) Through the Executive Council, the Grand Lodge shall maintain a Death Benefit Department which shall be under the immediate supervision of the International Secretary-Treasurer.

Funds

(b) For the purpose of maintaining the Death Benefit Fund, there shall be credited to it that portion of the fees and dues named in Article 27 of this Constitution. This is not to be construed in any way as a lien or claim against the Brotherhood, nor shall the Brotherhood be obligated in any way to carry out the several provisions herein beyond the extent of the Death Benefit Fund.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Attachment 4

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul Amsler, Jr.
3336 N. Damen Avenue
Chicago, Illinois 60618

Re: MUR 1387

Dear Mr. Amsler:

The Federal Election Commission has reviewed the allegations of your complaint dated June 5, 1980 and determined that on the basis of the information provided in your complaint and information provided by the Respondent's attorney, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

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

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

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

81040301134



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William C. Oldaker
1050 Seventeenth Street, N.W.
Washington, D.C. 20036

Re: MUR 1387

Dear Mr. Oldaker:

On June 12, 1981, the Commission notified your client of a complaint alleging that the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees ("BRAC") had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1981, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES**

AFL-CIO — CLC

RECEIVED

31 JUN 26 P 5: 32 P. J. KROLL, International President

June 26, 1981

Kenneth A. Gross, Esquire
Associate General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

RE: MUR 1387

Dear Mr. Gross:

This is to notify you that we have retained William C. Oldaker to represent us in the above referenced matter before the Federal Election Commission.

Mr. Oldaker may be reached at the following address and telephone number:

Suite 1200
1050 Seventeenth Street, N. W.
Washington, D. C. 20036
Telephone: 296-0505

We further authorize Mr. Oldaker to receive any and all notifications and other communications from the Commission in this matter on our behalf.

Sincerely,

Fred J. Kroll
International President

nd

cc: William Donlon, GC

81040301136

0004960

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

WILLIAM C. OLDHAM
ATTORNEY AT LAW
1000 SEVENTEENTH STREET, N.W.
WASHINGTON, D. C. 20036

JUN 26 P 5: 32

TELEPHONE
202 295-0005

June 26, 1981

CABLE ADDRESS: "ONALORAY"
710-222-0007

Ms. Marybeth Tarrant
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1387

Dear Ms. Tarrant:

This is in response to the Commission's June 12, 1981, notification that a complaint had been filed by Mr. Paul Amsler against the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees ("BRAC"). Mr. Amsler alleges that BRAC violated the Federal Election Campaign Act ("FECA") but does not state a specific violation. His allegations appear to center on BRAC's procedures for refunding a portion of union dues money to members who object to the use of their dues for political or ideological purposes.

Although, as will be discussed later, Mr. Amsler's complaint does not state a violation of the Federal Election Campaign Act, it might be helpful to the Commission to explain the background to the refund procedures. Some years ago the United States Supreme Court held that a member of a labor organization who objects to the expenditure of his or her dues for political and ideological purposes is entitled to a refund of the portion of his or her dues so used, even though such use of treasury money is otherwise permitted under federal law. See International Association of Machinists v. Street, 367 U.S. 740 (1961), and Brotherhood of Railway and Steamship Clerks v. Allen, 373 U.S. 113 (1963). Article 28 of BRAC's Constitution is a refinement of the practices and policies of BRAC to permit those individuals who object to the use of their dues for political or ideological purposes to obtain a refund of a portion of their dues. You will note that Article 28 (on page 70 of the enclosed copy of BRAC Constitution) includes an exceptionally broad definition of "political purpose" to be used in determining the amount of such refunds.

The procedure set out in Article 28 fully comports with the Supreme Court's mandate. This was underscored recently by the United States District Court for the Southern District of California

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in Ellis v. Brotherhood of Railway, Airline and Steamship Clerks, etc., Civ. Nos. 73-113-W (S.D. Cal. Mar. 14, 1980). A copy of Judge Nielsen's opinion in the case is enclosed. You will note on page 3, after reviewing BRAC's rebate procedure, Judge Nielsen held:

5. On the basis of the above finding, the Court concludes that plaintiffs' rights in the political-ideological area have been vindicated by the rebates they have received and are protected for the future by the rebate plan.

Mr. Amsler appears to misunderstand how the rebate is calculated. He contends that because a three-year average is used, the member only receives 1/3 the amount he or she is entitled to. A three-year average is indeed used, but the rebates are made annually and a member may continue his or her request to receive rebates from year to year by simply renewing the request. BRAC Constitution, art. 28 § #8. In fact, by using a three year average a BRAC member may indeed receive a larger rebate in a particular year than if the rebate were calculated solely on an annual basis.

Refunds of dues are not required under the FECA, however, so that if Mr. Amsler's complaint states a violation of the Act, it would have to concern some alleged use of BRAC's treasury funds for a prohibited purpose. The only political use of BRAC monies Mr. Amsler mentions is the mailing of legislative and political materials by the union to BRAC members. This is an internal partisan communication that is expressly exempted from the definition of contribution or expenditure under the FECA.

See 2 U.S.C. § 441b (b)(2) (1976). In accordance with 2 U.S.C. § 431 (9)(B)(iii), BRAC reports expenditures for internal partisan communications that expressly advocate the election or defeat of a candidate for federal office.

Political activity outside BRAC's membership, including contributions to federal candidates, is funded entirely by BRAC's separate segregated fund, the Railway Clerks Political League. This fund is made up of voluntary contributions by BRAC members and their families.

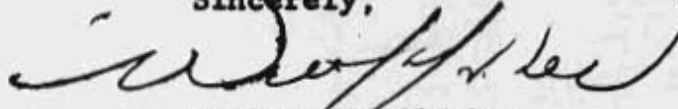
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June 26, 1981
MUR 1387
Page 3

In short, Mr. Amsler's complaint simply does not state a violation of the FECA and should therefore be dismissed.

If you require any further information on this matter, please do not hesitate to contact me.

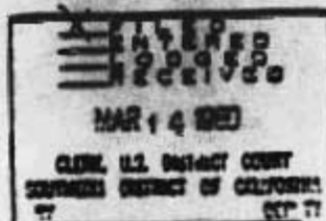
Sincerely,



William C. Oldaker

Enclosures: BRAC Constitution
Ellis Opinion

81040301139



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

HOWARD ELLIS, et al.,
Plaintiffs,

v.

BROTHERHOOD OF RAILWAY, AIRLINE
AND STEAMSHIP CLERKS, FREIGHT
HANDLERS, EXPRESS AND STATION
EMPLOYES, et al.,

Defendants.

Civil No. 73-113-N
Consolidated with
Civil No. 73-113-N

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

ALLEN FAILS, et al.,
Plaintiffs,

v.

BROTHERHOOD OF RAILWAY, AIRLINE
AND STEAMSHIP CLERKS, FREIGHT HAND-
LERS, EXPRESS AND STATION EMPLOYES,
et al.,

Defendants.

These consolidated actions came on for further trial
on August 1, 1978, before the Honorable Leland C. Nielsen, U. S.
District Judge, sitting without a jury. The plaintiffs were
represented by Michael E. Merrill, Esq., Raymond L. LaJeunesse,
Jr., Esq., and Hugh L. Reilly, Esq. The defendants were repre-
sented by Joseph L. Rauh, Jr., Esq., John Silard, Esq., Mary M.
Levy, Esq., and Solomon I. Hirsh, Esq. The Court having heard

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1 and considered the evidence, both oral and documentary, the
2 arguments of counsel, both oral and written, and now being
3 fully advised, makes the following Findings of Fact and Con-
4 clusions of Law:

5 1. On January 21, 1976 this Court issued Findings of
6 Fact, Conclusions of Law and an Interlocutory Summary Judgment
7 on the liability issues, which judgment together with amend-
8 ments of April 14, 1976, and November 29, 1976, are incorporate
9 herein as if set forth at length.

10 2. On April 14, 1976, the Court certified its Inter-
11 locutory Summary Judgment for appeal, but the Court of Appeals
12 denied hearing on said certification June 7, 1976.

13 3. The Findings of Fact and Conclusions of Law and
14 the Interlocutory Summary Judgment were the framework for the
15 trial commencing on August 1, 1978, as the pretrial order pro-
16 vided that these findings and conclusions "are conclusive and
17 shall not be subject to challenge or supplementation by evi-
18 dence or legal argument at the trial."

19 4. On October 6, 1973, BRAC adopted a rebate plan
20 encompassing all political and legislative expenditures of the
21 Grand Lodge and subordinate units, as well as all ideological
22 expenditures and all dues and contributions to other labor
23 federations, organizations and charities. That plan is a good-
24 faith effort to comply with the requirements imposed by the
25 United States Supreme Court in International Association of
26 Machinists v. Street, 367 U.S. 740 (1961), and Brotherhood of
27 Railway and Steamship Clerks v. Allen, 373 U.S. 113 (1963).
28 The Grand Lodge Board of Trustees annually computes political-
29 ideological rebates due to any protesting dues payer for the
30 prior calendar year. These are computed on the basis of forms
31 submitted by subordinate units and upon reports of political
32

1 time and expenditures by Grand Lodge personnel which are con-
2 temporaneously logged on the Grand Lodge computer system
3 throughout the calendar year. Any employee who believes his
4 rebate inadequate may appeal directly to an independent Public
5 Review Board authorized to make final determinations on such
6 appeals. Members of the Board include former Governor Edmund
7 G. Brown, Dame Soia Mentschikoff and Reverend Preston Bradley.

8 The Board of Trustees' computation for calendar year
9 1975 disclosed that 4.68% of the Union's total income from dues
10 and fees had been expended for items included in the rebate
11 plan, and each plaintiff in this suit was sent a refund check
12 that proportion of his 1975 dues payment, as well as for each
13 earlier year back to the date of his initial dues protest.
14 The rebate computation for 1976 was 4.9%, and each plaintiff
15 was then sent that amount for 1976 plus the amount necessary
16 to increase to 4.9% the rebate for each prior year since his
17 protest. Plaintiffs have also been sent their rebates for
18 1977, amounting to 5.4% of their dues payments in that year.
19 No plaintiff has appealed to the Public Review Board, although
20 each has been advised of his right of appeal.

21 5. On the basis of the above finding, the Court con-
22 cludes that plaintiffs' rights in the political-ideological
23 area have been vindicated by the rebates they have received
24 and are protected for the future by the rebate plan.

25 6. With respect to the area of expenditure defined
26 in Paragraph 22 of the Interlocutory Summary Judgment, pre-1975
27 based upon defendants' stipulation, each plaintiff is awarded
28 with interest his entire dues payment made or transmitted to
29 the Grand Lodge from the date of his initial protest through
30 December 31, 1975.

31 ----

32 ----

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1 7. For calendar year 1976 each plaintiff is awarded
2 with interest a return of 40.0% of his dues paid to the Grand
3 Lodge.

4 8. For calendar year 1977 each plaintiff is awarded
5 with interest 37.8% of his dues paid to the Grand Lodge in 197

6 9. These awards for 1976 and 1977 are based upon
7 trial exhibits B and C and the supplements thereto, which the
8 Court finds to have been supported by a preponderance of the
9 evidence.

10 10. To comply with the requirements of the Railway
11 Labor Act, defendants shall establish a system that reduces th
12 dues payment obligation to the Grand Lodge of any plaintiff
13 for each calendar year by the proportion of Grand Lodge expend
14 itures determined by defendants to have been spent for Para-
15 graph 22 functions and the rebates in the political-ideologic
16 areas in the preceding calendar year. To determine the annual
17 reduction amount, defendants shall at once integrate Paragraph
18 22 data into the regular accounting records of the Grand Lodge
19 which are subject to independent annual audit, and as concerns
20 compensated time of officers and staff, such records shall be
21 kept on the basis of a time study or other investigation
22 establishing generally accepted accounting standards for allo-
23 cating the compensated time and expenses of Grand Lodge per-
24 sonnel who engage in Paragraph 22 activity.

25 11. The testimony of the Local Lodge defendants and
26 examinations of their books and records established by a pre-
27 ponderance of the evidence that the Locals engage in almost
28 no Paragraph 22 activity and incur only minimal expenditures
29 in Paragraph 22 areas other than political contributions and
30 expenses which are already a part of the rebate plan. Upon
31 the stipulation of the defendants, each plaintiff is awarded
32 ----

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1 a return of \$1.00 per year from dues paid to his Local Lodge
2 from the date of his original protest through 1977 and in each
3 calendar year thereafter.

4 12. Testimony by officers and employees of defendant:
5 System Board and examination of the books, records and other
6 exhibits establish by a preponderance of the evidence that,
7 with the exception of the years 1975 and 1976, the System
8 Board engages in Little Paragraph 22 activity. Only minimal
9 sums are spent on such activity, except items already rebated
10 to the plaintiffs. Therefore, each plaintiff is awarded the
11 sum of \$4.14 per year from the System Board for the year
12 1975 and a similar amount for 1976, and upon stipulation of
13 the defendant, each plaintiff is awarded a return of \$1.00
14 per year from the date of his original protest through 1977
15 and each calendar year thereafter, except for 1975 and 1976.

16 13. The costs of defending this litigation are not
17 a Paragraph 22 expenditure.

18 14. Plaintiffs are entitled to no return for any
19 alleged waste on the part of defendants.

20 15. Upon stipulation of the defendants, strike bene-
21 fits shall be paid to agency fee payers equally with regular
22 members with no requirement being imposed upon such persons
23 or any other plaintiff other than that of refraining from work-
24 ing for Western Airlines during the time for which said bene-
25 fits are paid.

26 16. The plaintiffs shall recover the share of their
27 dues allocable to the death benefit fund and will no longer be
28 required to pay same, but shall be deemed to have waived any
29 rights or benefits under that fund.

30 17. The plaintiffs are entitled to their costs of
31 suit.

32 Dated: March 14, 1980.

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Copies to:

Michael E. Merrill, Esq.
4420 Hotel Circle Court, Ste. 343
San Diego, CA 92108

Raymond J. LaJeunesse, Jr., Esq.
Hugh L. Reilly, Esq.
The National Right to Work Legal
Defense Foundation
8316 Arlington Blvd., Ste. 600
Fairfax, VA 22038

Joseph L. Rauh, Jr., Esq.
John Silard, Esq.
Mary M. Levy, Esq.
RAUH, SILARD and LIGHTMAN
1001 Connecticut Avenue, N.W.
Washington, D.C. 20036

Solomon I. Hirsh, Esq.
530 Forest Avenue
Evanston, Illinois 60202

Graham & James

1050 17th St., N.W., Suite 1200
Washington, D.C.

8 1 0 4 0 3 0 1 1 4 6

Blackburn Room

CV 1387

Time punched 6:12

Fisher

Ms. Marybeth Tarrant
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 12, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

D.A. Bobo, International Secretary-
Treasurer
International Brotherhood of Railway,
Airline & Steamship Clerks, Freight
Handlers, Express & Station Employees
3 Research Place
Rockville, Maryland 20850

Re: MUR 1387

Dear Mr. Bobo:

This letter is to notify you that on June 9, 1981, the Federal Election Commission received a complaint which alleges that your Committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR . Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against your Committee in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

81040301147

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 sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter at 202-523-4175. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Pro...

81040301148

6/12/81

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

NO. 1387 TARRANT

1. The following service is requested (check one):
☒ Show to whom and their address.
☐ Show to whom, date and address of delivery.
☐ RESTRICTED DELIVERY
Show to whom and their address.
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESS TO:
D.A. Bobo
3 Research Place
Rockville, MD 20850

3. ARTICLE DESCRIPTION:
REGISTERED NO. 438234
CERTIFIED NO.
INSURED NO.

4. I have received the article described above.
SIGNATURE: [Signature]
DATE: [Date]

5. DATE OF DELIVERY

6. ARCHIVES Complaints only if requested

7. UNABLE TO DELIVER IN REASON:

8. JUN 15 1981
REG. DIV.
FBI - ROCKVILLE, MD

9. 1-800-445-4444



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 12, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Fred Kroll, International President
International Brotherhood of Railway,
Airline & Steamship Clerks, Freight
Handlers, Express & Station Employees
3 Research Place
Rockville, Maryland 20850

Re: MUR 1387

Dear Mr. Kroll:

This letter is to notify you that on June 9, 1981, the Federal Election Commission received a complaint which alleges that your Committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR . Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against your Committee in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

81040301149

- 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 sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter at 202-523-4175. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Procedures

NO. 1287 1987

✓ ☒ REGISTERED. Complete forms 1, 2, and 3.
 All post matters to use "RETURN TO" space on envelope.

The following service is requested (check one):
☒ Return to whom and date delivered.....
☒ Return to whom, date and address of delivery.....
☐ UNDELIVERED DELIVERY.....
☐ RESTRICTED DELIVERY.....
 Show to whom and date delivered.....
☐ RESTRICTED DELIVERY.....
 Show to whom, date, and address of delivery, 3.....

(CONSULT POSTMASTER FOR FEES)

ARTICLE ADDRESSED TO:
 Fred Kollman
 3 Research
 Rockville, MD 20850

1. ARTICLE DESCRIPTION:
 REGISTERED NO. 438324 SERIALIZED NO. 438324

(Always attach signature of addressee or agent)

I have received the article described above.
 SIGNATURE Charles DATE June 15 1987

DATE OF DELIVERY June 15 1987

2. ADDRESSEE (Stamping only if required)

3. UNABLE TO DELIVER BECAUSE:

U.S. POSTAL SERVICE
 ROCKVILLE, MD
 JUN 15 1987
 REG. MAIL

6/12/87

☆ INFO: 1-800-670-4000

MUR # 1387 (81)

DATE June 10, 1981

PLEASE PROVIDE THE NAMES AND ADDRESSES OF ALL RESPONDENTS WHICH ARE TO BE SENT A COPY OF THE COMPLAINT. IF A PRINCIPAL CAMPAIGN COMMITTEE IS A RESPONDENT, A CARBON COPY IS TO BE SENT TO THE CANDIDATE. PLEASE PROVIDE THE NAME AND ADDRESS OF THE CANDIDATE AND PUT A "CC" BESIDE THE CANDIDATE'S NAME. IF A CANDIDATE IS A RESPONDENT, A CARBON COPY IS TO BE SENT TO THE CANDIDATE'S PRINCIPAL CAMPAIGN COMMITTEE. PLEASE PROVIDE THE NAME AND ADDRESS OF THE PRINCIPAL CAMPAIGN COMMITTEE AND PUT A "CC" BESIDE THE COMMITTEE'S NAME. PLEASE PROVIDE THIS INFORMATION, ON THIS SHEET, WITHIN 24 HOURS OF RECEIPT OF THIS NOTICE. THANK YOU.

81040301151

- ① Fred Kroll, International President
International Brotherhood of Railway,
Airline and Steamship Clerks, Freight
Handlers, Express and Station Employees
3 Research Place
Rockville, Maryland 20850
- ② D. A. Bobo, International Secretary-Treasurer
same address

Paul Compton Jr
3334 N. Damen Ave
Chicago Illinois 60648
June 5, 1980

81 JUN 9 1980
Federal Election Commission
Office of General Counsel
1325 K. N. West
Washington, D.C. 20463

81 JUN 9 11:41

RECEIVED
Office of the
GENERAL COUNSEL

Dear Sir,
I believe Article 28 in the Grand Lodge
Constitution for the Brotherhood of Railway, Airline
and Steamship Clerks, Freight Handlers, Express
and Station Employees, which will be refer to as
B.R.A.C. and Allied Services Unions, which will
be refer as A.S.U. violates the Federal Election
procedures for refund of union and non-
union dues used in Federal and Local Elections.

The officers of the International Grand
Lodges for B.R.A.C. and A.S.U. are:

Mr Fred Kroll, International President

Mr A. G. Bobs International Secretary Treasurer

Address: International B.R.A.C. and A.S.U.

3 Research Place
Rockville, Maryland 20850

Page 2

Paul Smiler
June 5, 1987

Article 28 Section 4 states: The Board of Trustees of the Grand Lodge shall likewise compute the average receipts from dues and agency fees by computing the total receipts from dues and agency fees in each year of the last three years adding the figures for each year together and dividing that sum by three.

This simply means that a union member files for this rebate, the member will simply receive only $\frac{1}{3}$ of the total amount, which should have been refunded in full when first applied for or requested, and the member will have to refile the preceding two more years for the full amount used in any one given year.

I feel this harassment used by the Union to discourage refunds used in Federal and State Elections through Union rules, in which I very strongly believe is in discord with Federal Elections procedures for reimbursement of union dues used, or that portion used thereof.

Enclose a reply from BRQC International Secretary-Treasurer, recognizing my protest for

Paul G. Foster
June 5, 1987

this debate.

I have received from BRAC, Legislative material containing information on how and who to vote for, pertaining to the Federal and State Elections and at least union members have received the same legislative material, through the United States Mail.

BRAC did request from the membership, voluntary political contributions to be used for political purposes. In all fairness to BRAC, maybe this voluntary contribution was used and no other funds was involve, but this I find very hard to believe - there was simply too much political material sent to each Union member and none of the union member I have come in contact with, will admit to contributing anything to BRAC, especially money.

The membership would try to check the financial status of BRAC to see if union dues were used in the last Federal and State Elections. I am not saying it would be impossible, but

Page 4

Paul Amster
June 5, 1981

I am saying if there was any improprieties, it would take someone with more authority, than a union member to correct this situation. Outside help is needed.

Enclose a copy of the International Constitution of the Grand Lodge, pertaining to Section 28 which is on pages 70 through 73, also a copy of the Railway Clerk Magazine dated June 1980, covering financial statements used in conjunction with Article 28 - page 18 and 19. Clerk Magazines.

Your consideration and help in this problem, will be greatly appreciated.

Thank you

I, Paul Amster JR. swear
that this statement is true and
correct to the best of my knowledge.
sign: Paul Amster Jr

Paul Amster

Subscribed and sworn to before me
this 5 day of JUN 1981
at Chicago, County of Cook, State of Illinois.
Notary Public
Expires 12-16-81

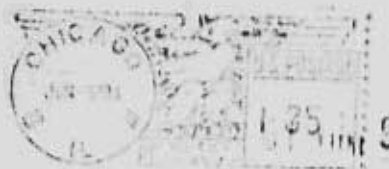
61040301
3336 N. Damen Ave
Chicago 111 IL 60618

RETURN RECEIPT
REQUESTED

CERTIFIED

P05 6794656

MAIL



Federal Election Commission
Office General Council
1325 K N. West
Washington D. C. 20463

June 1, 1981,

Revert to Anster
his original complaint to
be sworn to.

Talked to him on

Friday, 29. 1981.



81040301157

5/27/81

~~Handwritten scribbles and initials~~

This complaint is not sworn to and the notarization is lacking the expiration date. We sent this man an improper complaint letter 2 weeks ago. ~~Why~~ ^{When} he ~~did~~ received our letter he called and talked to Elisa.

Since he sent us his telephone # do you want us to call him and ask if he wants to correct his complaint, or just send another improper?

send him
another letter
call him & George

4 KWS

Paul Amster
3336 N. DAWSON AVE
CHICAGO ILLINOIS 60618

1000
RETURN RECEIPT
REQUESTED

CERTIFIED

P24 6786195

MAIL

CHICAGO, ILL. MAY 1963
Attn: Elvia Garr
Federal Election Commission
Office of Gen. Council
1325 K. N. West.
Washington D.C. 20463

Complaint ?

600-4768
RECEIVED

700622

81 MAY 26 PM 12: 00

PAUL AMSTER JR
3336 N. DAMEN AVE
CHICAGO ILLINOIS
60618

81 MAY 26 PM 1: 26

GENERAL DELIVERED

Telephone

312-525-9162

Private unlisted number.

RECEIVED
 31 MAY 26 P12:19
 3336 N. Harmon Ave
 Chicago, Illinois 60618
 April 30, 1981

Federal Election Commission
 Office of General Counsel
 1325 K. N. West
 Washington, D.C. 20463

RECEIVED
 OFFICE OF THE
 GENERAL COUNSEL
 31 MAY 5 P12:18

Dear Sir;
 I believe Article 28 in the Grand Lodge
 Constitution for the Brotherhood of Railway,
 Airlines and Steamships Clerks, Freight Handlers,
 Express and Station Employees, which will be refer
 to as BRAC and Allied Services Division, which
 will be refer as A.S.D, violates the Federal
 Election procedures for refund of union and
 non-union dues in the Federal and Local
 Elections.

The officers of the International Grand
 Lodge for the BRAC and the A.S.D are:

Mr. Fred Krill, International President
 Mr. D. H. Bobo International Secretary-Treasurer.
 International BRAC and ASD.
 3 Research Place
 Rockville, Maryland 20850

Page 2

Paul Gmaler
April 30-1987

Article 28 Section 4 states: "The Board of Trustees of the Grand Lodge shall like wise compute the average receipts from dues and agency fees by computing the total receipts from dues and agency fees in each year of the last three years adding the figures for each year together and dividing that sum by three."

This simply means that a union member files for this rebate, the member will simply receive only $\frac{1}{3}$ of the total amount, which should have been refunded in full when first apply for or requested. and will have to refile the preceding years for the full amount in any one given year.

I feel this harassment through union rules, are to discourage refunds, also I very strongly believe this procedure is in discord with Federal Election Laws, in union money ^(used) spent in Federal Election, pertaining to the procedures of being reimbursement.

Enclose a reply from BRAC International Secretary-treasurer, recognizing my protest ~~for~~

Page 3

Paul H. Hines
April 30, 1981

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Page 4

Paul Gmaler
April 30, 1981

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- Enclose a copy of the International Constitution of the Grand Lodge pertaining to Section 28 which is on page 70 through 73. Also a copy of the Railway Clerk Magazine dated June 1980 covering financial figures used for Article 28 - page 18 and 19.

Your consideration and any help for this problem would be greatly appreciated.

Thank you

Paul Gmaler Jr.

Notary

Matthew Agor

FEDERAL ELECTION COMMISSION
WASHINGTON, D. C. 20463

TO: *File*

DATE: *5/18/81*

FROM: *P. Saar*

- | | | |
|---|---|---|
| ☐ APPROVAL | ☐ IMMEDIATE ACTION | ☐ RECOMMENDATION |
| ☐ AS REQUESTED | ☐ INITIALS | ☐ SEE ME |
| ☐ CONCURRENCE | ☐ NECESSARY ACTION | ☐ SIGNATURE |
| ☐ CORRECTION | ☐ NOTE AND RETURN | ☐ YOUR COMMENT |
| ☐ FILING | ☐ PER OUR CONVERSATION | ☐ YOUR INFORMATION |
| ☐ FULL REPORT | ☐ PER TELEPHONE CONVERSATION | ☐ |
| ☐ HANDLE DIRECT | | |
| ☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ | | |
| ☐ PREPARE REPLY FOR THE SIGNATURE OF _____ | | |

REMARKS:

5
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9
Mr. Amster called this morning to request his original letter back so that he could swear to its contents & notarize it. Agreed to see it. It was mailed 5/18/81

Paul Amaler Jr
3336 N. Damen Ave
Chicago Illinois 60618
April 30, 1981

Federal Election Commission
Office of General Counsel
1325 K. N. West
Washington, D.C. 20463

31 MAY 5 PM 12:18

RECEIVED
GENERAL COUNSEL

Dear Sir;
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Constitution for the Brotherhood of Railway,
Airline and Steamship Clerks, Freight Handlers,
Express and Station Employees, which will be refer
to as BRAC and Allied Services Division, which
will be refer as A.S.D, violates the Federal
Election procedures for refund of union and
non-union dues in the Federal and Local
Elections.

The officers of the International Grand
Lodge for the BRAC and the A.S.D are:

Mr. Fred Krall, International President
Mr. D. H. Bobo International Secretary-Treasurer.
address International BRAC and ASD.
3 Research Place
Rockville, Maryland 20850

Page 2

Paul Foster
April 30-1987

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Paul G. Miller
April 30, 1981

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Page 4

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April 30, 1981

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Thank you

Paul Gmaler Jr.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 8, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul Amsler, Jr.
3336 N. Damen Avenue
Chicago, Illinois 60618

Dear Mr. Amsler:

We have received your letter of April 30, 1981, inquiring into the possibility of a violation of the Federal Election Campaign Act of 1971, as amended (the "Act").

As set forth in 2 U.S.C. § 437g(a)(1), any person who believes that there has been a violation of any law within the Commission's jurisdiction may file a written complaint. In order for the Commission to take action on such a complaint, its contents must be sworn to and signed in the presence of a notary, and notarized. Your letter did not satisfy this requirement of the Act.

In addition, Commission Regulations, found at 11 C.F.R. § 111.4, provide that a complaint:

- (1) must contain the full name and address of the person making the complaint;
- (2) should clearly identify as a respondent each person or entity who is alleged to have committed a violation;
- (3) should identify the source of information upon which the complaint is based;

81040301170

- (4) should contain a clear and concise recitation of the facts describing the violation of a statute or law over which the Commission has jurisdiction; and
- (5) should be accompanied by supporting documentation if known and available to the person making the complaint.

Finally, please include your telephone number, as well as the full names and addresses of all respondents.

Enclosed please find a copy of §§ 111.4 - 111.10 of Commission regulations which deal with preliminary enforcement procedures. I hope that an examination of these materials will answer most of your questions, and will enable you to be specific in any assertions or allegations you might make in the event you wish to file a legally sufficient complaint with the Commission.

Please contact Elissa Garr, 202-523-4073, of this office should you have any questions about the procedures which should be followed.

Sincerely,

Charles N. Steele
General Counsel

By: *Kenneth A. Gross*
Kenneth A. Gross
Associate General Counsel
202-523-4175

Enclosure

cc: Mr. Fred
Mr. D. J.

GCC #4618

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. ☒ Show to whom, date and address of delivery. ☐ RESTRICTED DELIVERY Show to whom and date delivered. ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery.	
(CONSULT POSTMASTER FOR FEES)	
ARTICLE ADDRESSED TO: Paul Ambler, Jr. 3336 N. Damen Avenue Chicago, ILL. 60618	
2. ARTICLE DESCRIPTION: REGISTERED NO. 600838 CERTIFIED NO. 600838 INSURED NO.	(Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE <i>Dejoko Ambler</i> Date <i>May 18 1981</i> DATE OF DELIVERY
3. ADDRESS (Complete only if different from return address) CHICAGO, IL KENNEDY ST MAY 18 1981	
4. UNABLE TO DELIVER REASON: CLERK'S INITIALS	

PS Form 3811, Jan. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

81040301171

☆ CPU : 1978 DEC-4 102

271040301172

☆ OPO : 1979-500-400

5-8-81

RECEIVED

700677

81 MAY 26 PM 1:00

Paul Amster Jr
3336 N. DAMEN AVE
CHICAGO ILLINOIS
60618

MAY 26 PM 1:26

GENERAL COUNCIL

Telephone

312-525-9162

Private unlisted number.

8104031173



**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

AFL-CIO — CLC

F. J. KROLL, International President

File: ST - 315

April 6, 1981

Mr. Paul E. Ansler
3336 North Damen Avenue
Chicago, Illinois 60618

Dear Sir and Brother:

Your 1981 letter of protest has been duly noted and you will be receiving a rebate of that portion of your dues which was used for educational, legislative or charitable activities. The amount will be determined by the Board of Trustees, in accordance with Article 28 of the Grand Lodge Constitution, when they meet in April 1982. The rebate will be mailed to you directly from this office in April or early May 1982.

I would like to take this opportunity to clarify some misunderstandings concerning this rebate. Probably the biggest misunderstanding is the belief that members' dues money is being given out to political candidates. Federal law forbids the use of any dues money to help elect any candidate for federal office. The principle political expenditures are in relation to voter registration and legislative lobby. Our Washington office is very active in lobbying for railroad retirement improvements, opposing coal slurry and other such matters affecting the welfare of both our active and retired members. Another portion of this rebate involves our membership in other labor organizations such as the AFL/CIO, Canadian Labour Congress, etc. In addition, we are rebating any contribution to any charitable or public service organization. As you can see these expenditures are being made not to further any particular party or candidate, but rather the general welfare of our membership.

I urge you to reconsider your request for a rebate and to notify me that you have reconsidered and wish me to disregard your request.

Sincerely and fraternally,

International Secretary-Treasurer



**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

AFL-CIO — CLC

D. A. DOBO, International Secretary-Treasurer

File: ST - 315

February 18, 1981

Mr. Juan Vazquez
8121 S. Maryland Avenue
Chicago, Illinois 60619

Dear Member:

I wish to acknowledge your recent letter.

In accord with Article 28 I regret that I cannot accept your recent request for a rebate for the year 1981. Article 28 provides that these requests must be made during the first thirty-days of each calendar year and should be filed by certified or registered mail with the International Secretary-Treasurer.

Sincerely and fraternally,

D A Dobo

International Secretary-Treasurer

DAB 19/js

Mr. Juan Vazquez stated to me that he sent this in on time - mail from his neighborhood street corner mail box - but this is not the main reason why I wrote this letter for your help & consideration.

Paul G. Smiley Jr
336 N. Damen Ave
Chicago Illinois 60628

81040301176

81 MAY 5 AM: 50



RETURN RECEIPT
REQUESTED

Federal Election Commission
Office of General Counsel
1325 K. N. West
Washington, D.C. 20463

RETURN RECEIPT
REQUESTED

CERTIFIED

P24 6786074

MAIL



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 1387

Date Filmed 10/22/81 Camera No. --- 2

Cameraman SPC

8104010-10-27-81