



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 2134

Date Filmed 8/1/86 Camera No. --- 3

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FEDERAL ELECTION COMMISSION

external Memoranda , duplicate copies
proposed conciliation documents

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- | | |
|--|---|
| ☐ (1) Classified Information | ☐ (6) Personal privacy |
| ☐ (2) Internal rules and practices | ☒ (7) Investigatory files |
| ☐ (3) Exempted by other statute | ☐ (8) Banking Information |
| ☐ (4) Trade secrets and commercial or financial information | ☐ (9) Well Information (geographic or geophysical) |
| ☒ (5) Internal Documents | |

Signed

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date

7-17-86

FEC 9-21-77

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~~SECRET~~

Hagan

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Citizens for Harkin Committee,
et al.

)
)
)
)

MUR 2134

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of June 24, 1986, do hereby certify that there were no objections to the staff proposal to close the file in this matter and send the appropriate letters to respondents.

Attest:

6-25-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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COMMISSIONER

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June 18, 1986

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

BY: Lawrence M. Noble *LMN*
Deputy General Counsel

SUBJECT: Certification of Findings in MUR 2134

On May 20, 1986, the Commission determined to close the file in the matter of Citizens for Harkin and its treasurer and four political action committee contributors to 1984 Harkin campaign.

In Finding 3 of the attached certification, the Commission amended the General Counsel's recommendation to find reason to believe and made the following determination:

3. Find reason to believe, take no further action and close the file with regard to the Committee on Letter Carriers Political Education and Florence Johnson, as treasurer, and its affiliate, Iowa State Association of Letter Carriers Political Action Committee and Cecil A. Johnson, as treasurer, for the following violations:
 - a) 2 U.S.C. § 441a(a)(2)(A)
 - b) 11 C.F.R. 104.14(d).

The Commission also approved recommendation 4, to enter into pre-probable cause conciliation with the above-named respondents and the Commission approved recommendation 5, to approve the proposed conciliation agreement attached to the First General Counsel's Report.

It is clear that the Commission determined to take no further action and close the file concerning the Committee on Letter Carriers Political Education ("COLCPE") and its affiliate

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and that approval of the recommendations regarding conciliation was not intended. Therefore, if there are no objections, the Office of General Counsel will proceed with the Commission's direction to close the file in this matter and send the appropriate letters to respondents.

Attachments

- A. May 20, 1986 certification
- B. Letter

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Thomas R. Harkin)
Citizens for Harkin and Randy Duncan,)
as treasurer)
International Brotherhood of Electrical)
Workers - COPE and Jack F. Moore, as)
treasurer)
Communications Workers of America COPE)
PCC and James B. Booe, as treasurer)
Local 13000 CWA PAC, AFL-CIO and Edwin J.)
Maher, as treasurer)
National Rural Letter Carriers)
Association Political Action Committee)
and Frank Newham, as treasurer)
Committee on Letter Carriers Political)
Education and Florence Johnson, as)
treasurer)
Iowa State Association of Letter)
Carriers PAC and Cecil A. Johnson, as)
treasurer)
Committee on Political Action of the)
American Postal Workers Union, AFL-CIO)
and Patrick J. Nilan, as treasurer)

MUR 2134

CERTIFICATION

I, Mary W. Dove, recording secretary for the Federal Election Commission executive session of May 20, 1986, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 2134:

1. Find no reason to believe that the Committee on Political Action of the American Postal Workers Union and Patrick J. Nilan, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
2. Find reason to believe and take no further action against the Committee on Political Action of the American Postal Workers Union and Patrick J. Nilan, as treasurer, for a violation of 11 C.F.R. § 104.14(d).

Attachment A (1)

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3. Find reason to believe, take no further action, and close the file with regard to the Committee on Letter Carriers Political Education and Florence Johnson, as treasurer, and its affiliate, Iowa State Association of Letter Carriers Political Action Committee and Cecil A. Johnson, as treasurer, for the following violations:
 - a) 2 U.S.C. § 441a(a)(2)(A)
 - b) 11 C.F.R. § 104.14(d).
 4. Enter into conciliation with the Committee on Letter Carriers Political Education and Florence Johnson, as treasurer, and its affiliate, Iowa State Association of Letter Carriers Political Action Committee and Cecil A. Johnson, as treasurer, prior to a finding of probable cause to believe.
 5. Approve the proposed conciliation agreement attached to the First General Counsel's Report signed May 8, 1986.
 6. Find no reason to believe that the National Rural Letter Carriers Association Political Action Committee and Frank Newham, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
 7. Find reason to believe, but take no further action against the National Rural Letter Carriers Association Political Action Committee and Frank Newham, as treasurer, for a violation of 11 C.F.R. § 104.14(d).
 8. Find no reason to believe that the Communications Workers of America COPE PCC and James B. Booe, as treasurer, and CWA Local 13000 PAC and Edwin J. Maher, as treasurer, violated the following:
 - a) 2 U.S.C. § 441a(a)(2)(A);
 - b) 11 C.F.R. § 104.14(d).

- 8 6 0 3 0 5 0 4 8 8 9
9. Find no reason to believe that the Citizens for Harkin Committee and Randy Duncan, as treasurer, violated the following in connection with contributions received for the 1984 campaign from the Committee on Political Action of the American Postal Workers Union:
- a) 2 U.S.C. § 441a(f);
 - b) 11 C.F.R. § 104.14(d).
10. Find reason to believe, take no further action, and close the file with regard to the Citizens for Harkin Committee and Randy Duncan, as treasurer, for violation of 2 U.S.C. § 441a(f) in connection with contributions received from the Committee on Letter Carriers Political Education and the Iowa State Association of Letter Carriers Political Action Committee during the 1984 campaign.
11. Find no reason to believe that the Citizens for Harkin Committee and Randy Duncan, as treasurer, violated 11 C.F.R. § 104.14(d) in connection with contributions received from the Committee on Letter Carriers Political Education and the Iowa State Association of Letter Carriers Political Action Committee.
12. Find no reason to believe that the Citizens for Harkin Committee and Randy Duncan, as treasurer, violated the following in connection with contributions received for the 1984 campaign from the National Rural Letter Carriers Association Political Action Committee:
- a) 2 U.S.C. § 441a(f);
 - b) 11 C.F.R. § 104.14(d).
13. Find no reason to believe that the Citizens for Harkin Committee and Randy Duncan, as treasurer, violated the following in connection with contributions received for the 1984 campaign from the Communication Workers of America COPE PCC and its affiliate CWA Local 13000:
- a) 2 U.S.C. § 441a(f);
 - b) 11 C.F.R. § 104.14(d).

14. Close the file as it relates to:

- a) National Rural Letter Carriers Association Political Action Committee and Frank Newham, as treasurer.
- b) Communications Workers of America COPE PCC and James B. Booe, as treasurer, CWA Local 13000 PAC and Edwin J. Maher, as treasurer.
- c) Committee on Political Action of the American Postal Workers Union and Patrick J. Nilan, as treasurer.

15. Send letters to respondents attached to the First General Counsel's Report signed May 8, 1986.

Commissioners Elliott, Harris, Josefiak, McDonald, and McGarry voted affirmatively for this decision. Commissioner Aikens was not present.

Attest:

5-21-86
Date

Mary W. Dove
Mary W. Dove
Administrative Assistant

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Keith E. Secular, Esquire
Cohen, Weiss and Simon
330 West 42nd Street
New York, New York 10036

RE: MUR 2134
Committee on Letter Carriers
Political Education
Florence Johnson, as treasurer
Iowa State Association of Letter
Carriers PAC
Cecil A. Johnson, as treasurer

Dear Mr. Secular:

On May 20, 1986, the Commission found reason to believe and took no further action against your clients for a violation of 2 U.S.C. § 441a(a)(2)(A) and 11 C. F. R. § 104.14(d) in connection with contributions to the Simon for Senate Committee in 1984. The Commission has closed the file in this matter.

The file will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens
Chairman

Attachment B(1)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 19, 1986

Robert F. Bauer, Esquire
Perkins Cole
1110 Vermont Avenue, N.W.
Washington, D.C. 20005

RE: MUR 2134
Citizens for Harkin
Committee
Randy Duncan, as
treasurer

Dear Mr. Bauer:

On May 20, 1986, the Commission took the following action:

1. Found reason to believe and took no further action against your clients for a violation of 2 U.S.C. § 441a(f) in connection with contributions from the Committee on Letter Carriers Political Education and its affiliate, the Iowa State Association of Letter Carriers PAC in excess of limitations for the 1984 primary election.

2. The Commission found no reason to believe that your clients violated 11 C. F. R. § 104.14(d) in connection with contributions received from COLCPE and ISALC PAC.

3. The Commission found no reason to believe that your clients violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d) in connection with contributions accepted from the following committees for the 1984 election:

- a) National Rural Letter Carriers Association Political Action Committee;
- b) Communication Workers of America COPE PCC and its affiliate, CWA Local 13000 PAC.
- c) Committee on Political Action of the American Postal Workers Union.

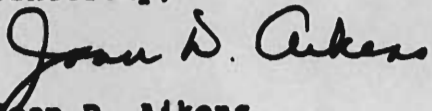
The file will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

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Letter to Robert F. Bauer
Page 2

If you have any questions, please contact Frances B. Hagan,
the staff member assigned to this matter, at (202) 376-8200.

Sincerely,


Joan D. Aikens
Chairman

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 19, 1986

James Coppess, Esquire
1925 K Street, N.W., Suite 411
Washington, D. C. 20006

RE: MUR 2134
Communications Workers of
America COPE PCC
James B. Booe, as
treasurer
CWA Local 13000 PAC
Edwin J. Maher, as
treasurer

Dear Mr. Coppess:

On January 31, 1986, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on May 20, 1986, determined that on the basis of the information in the complaint, and information you provided, that there is no reason to believe that a violation of any statute within its jurisdiction has been committed by your clients. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Jean D. Aikens
Jean D. Aikens
Chairman

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 19, 1986

**Frank Newham, Treasurer
National Rural Letter Carriers Association
Political Action Committee
1448 Duke Street, Suite 100
Alexandria, VA 22314**

**RE: MUR 2134
National Rural Letter
Carriers Association PAC
Frank Newham, as
treasurer**

Dear Mr. Newham:

On January 31, 1986, the Commission notified the NRLCAPAC ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on May 20, 1986, determined that on the basis of the information in the complaint, and information provided by your committee, that there is no reason to believe that your committee and you, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A). Also on that date, the Commission found reason to believe but took no further action against your committee and you, as treasurer, for a violation of 11 C.F.R. 104.14(d). Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens
Joan D. Aikens
Chairman

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 19, 1986

Patrick J. Nilan, Treasurer
Committee on Political Action
American Postal Workers Union, AFL-CIO
812 14th Street, N.W.
Washington, D.C. 20005

RE: MUR 2134
Committee on Political Action of
the American Postal Workers Union
Patrick J. Nilan, as treasurer

Dear Mr. Nilan:

On January 31, 1986, the Commission notified the Committee on Political Action and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on May 20, 1986, determined that on the basis of the information in the complaint, and information provided by your committee, that there is no reason to believe that your committee and you, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A). Also on that date, the Commission found reason to believe and took no further action against your committee and you, as treasurer, for a violation of 11 C.F.R. § 104.14(d). The Commission has closed its file in this matter. This matter will become a part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

A handwritten signature in cursive script, reading "Joan D. Aikens", is written over a rectangular area.

Joan D. Aikens
Chairman

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 27, 1986

**Keith E. Secular, Esquire
Cohen, Weiss and Simon
330 West 42nd Street
New York, New York 10036**

**RE: MUR 2134
Committee on Letter Carriers
Political Education
Florence Johnson, as treasurer
Iowa State Association of Letter
Carriers PAC
Cecil A. Johnson, as treasurer**

Dear Mr. Secular:

On May 20, 1986, the Commission found reason to believe and took no further action against your clients for a violation of 2 U.S.C. § 441a(a)(2)(A) and 11 C. F. R. § 104.14(d) in connection with contributions to the Citizens for Harkin Committee in 1984. The Commission has closed the file in this matter.

The file will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

A handwritten signature in cursive script, reading "Joan D. Aikens", is written over the typed name.

**Joan D. Aikens
Chairman**

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FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

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FIRST GENERAL COUNSEL'S REPORT

86 MAY 8 P 1: 02

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION _____

MUR #2134
DATE COMPLAINT RECEIVED BY
OGC _____
DATE OF NOTIFICATION
TO RESPONDENT: _____
STAFF MEMBER: _____
FRANCES B. HAGAN

COMPLAINANT'S NAME: Jeffrey W. Ryan

RESPONDENTS' NAMES: Thomas R. Harkin
Citizens for Harkin and Randy Duncan,
as treasurer
International Brotherhood of Electrical
Workers - COPE and Jack F. Moore, as
treasurer
Communications Workers of America COPE
PCC and James B. Booe, as treasurer
Local 13000 CWA PAC, AFL-CIO and Edwin
J. Maher, as treasurer
National Rural Letter Carriers
Association Political Action Committee
and Frank Newham, as treasurer
Committee on Letter Carriers Political
Education and Florence Johnson, as
treasurer
Iowa State Association of Letter
Carriers PAC and Cecil A. Johnson, as
treasurer
Committee on Political Action of the
American Postal Workers Union, AFL-CIO
and Patrick J. Nilan, as treasurer

STATUTES AND REGULATIONS: 2 U.S.C. § 441a(a)(2)(A)
2 U.S.C. § 441a(f)
2 U.S.C. § 441a(a)(5)
11 C.F.R. § 103.3(b)
11 C.F.R. § 104.14(d)
11 C.F.R. § 102.9(e)
11 C.F.R. § 110.1(a)
11 C.F.R. § 100.5(g)(2)(i)(B)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

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SUMMARY OF ALLEGATIONS

Complainant alleges that Thomas R. Harkin, Citizens for Harkin ("the Harkin Committee") and its treasurer, Randy Duncan, violated 2 U.S.C. § 441a(f) by knowingly accepting contributions in excess of limitations at 2 U.S.C. § 441a(a)(2)(A) from four union PACs during the 1984 primary and general elections. Complainant also alleges violations of 11 C.F.R. § 103.3(b) which provides for treatment of contributions which appear to be illegal. Complainant alleges violations of 11 C.F.R. § 104.14(d) for the Harkin Committee treasurer's failure to report the same election designations as reported by the contributors.

Complainant alleges that the following union political action committees and their treasurers violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to the Simon Committee during the 1984 primary and/or general elections:*/

- a) Communications Workers of America and its affiliate, Local 13000 CWA and their treasurers;
- b) Committee on Letter Carriers Political Education and its affiliate, Iowa State Association of Letter Carriers PAC and their treasurers.
- c) National Rural Letter Carriers' Association PAC and its treasurer
- d) Committee on Political Action of the American Postal Workers Union, AFL-CIO and its treasurer.

*/ Complainant listed as a respondent the International Brotherhood of Electrical Workers COPE and its treasurer, but made no allegations concerning this organization. Concomitantly we make no recommendations concerning the IBEW-COPE in this matter.

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Complainant states generally that liability may be imposed on the treasurers in this complaint pursuant to 11 C.F.R. § 104.14(d), but does not specifically allege a disclosure violation regarding the PAC treasurers as he did regarding the Harkin Committee treasurer.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(2)(A) states that no multicandidate political committee shall make contributions to any candidate and his authorized political committee with respect to any federal election which in the aggregate, exceed \$5,000.

2 U.S.C. § 441a(f) prohibits receipt of contributions violative of this section.

11 C.F.R. § 110.1(a)(2)(i) makes it clear that contributions designated in writing by a contributor for a particular election are attributable to the limit set for that election. The regulation further states that a contribution made after a primary election and designated for the primary shall be made only to the extent of the net primary debt. In the case of a contribution not designated in writing for a particular election, the contribution will be attributable to the primary election if made on or before the primary date, and the contribution will be attributable to the general election if made after the primary election date.

The Commission has endorsed the view that based on the regulation at 11 C.F.R § 110.1(a), the contributor's election designation must be in writing if it alters the function of the regulatory presumption. Furthermore, the written designation

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will be effective if it is contemporaneously communicated to the recipient. Absent such written communication, the recipient must rely on the date of the contribution to determine the particular election designation as set forth in 11 C.F.R. § 110.1(a).

11 C.F.R. § 103.3(b)(1) and (2) states in part that contributions which appear to be illegal shall be, within 10 days, either returned to the contributor or deposited into the campaign depository and reported. If deposited ... the treasurer shall make ... best efforts to determine the legality of the contribution. When a contribution cannot be determined to be legal, refunds shall be made within a reasonable time.

This regulation provides a method whereby a committee's diligent attention to receipts and prompt efforts to determine their legality can minimize instances of inadvertent acceptance of illegal contributions (such as those prohibited by the Act at §§ 441a and 441b).

A committee's failure to follow 11 C.F.R. § 103.3(b) and promptly to refund illegal receipts may result in a violation of the Act, but we would not recommend that the Commission find reason to believe that a violation of 11 C.F.R. § 103.3(b) also occurred. That regulation was designed to provide a mechanism whereby recipient committees could avoid a violation of the Act, but no separate violation of 11 C.F.R. § 103.3(b) results from a committee's failure to take advantage of the regulatory provisions for prevention of statutory violations. Therefore, in this Matter Under Review, our recommendations concentrate on violations of the Act and other regulations.

Committee on Political Action of the American Postal Workers Union, AFL-CIO

Our review of reports filed by the Harkin Committee and by the Committee on Political Action of American Postal Workers Union ("the COPA-APWU") reveals the following contributions:

<u>CONTRIBUTOR</u>	<u>CONTRIBUTION AMOUNT</u>	<u>DATE OF CONTRIBUTION</u>	<u>DESIGNATION REPORTED BY CONTRIBUTOR</u>	<u>DATE OF HARKIN RECEIPT</u>	<u>DESIGNATION REPORTED BY RECIPIENT</u>
COPA-APWU	\$ 250	07-01-83	G	07-12-83	P
	500	12-12-83	G	12-30-83	P
	250	03-27-84	G	04-09-84	P
	500	05-03-84	NONE	05-16-84	P
	1,000	05-14-84	NONE	05-18-84	P
	2,500	06-06-84	NONE	06-05-84	P
	2,500	06-14-84	NONE	06-18-84	G
	2,500	09-11-84	NONE	09-19-84	G

Iowa Primary Date: June 5, 1984

Complainant alleged that COPA-APWU contributed \$8,500 to the Harkin Committee for the general election based on the contributor's reported designation or, absent such reported designation, based on a post-primary date of contribution.

The contributor, COPA-APWU, stated in response to the complaint that it contributed \$5000 to the Harkin Committee's primary campaign. COPA-APWU listed the contributions and dates of receipt as reported by the Harkin Committee rather than verifying its own dates of contribution. There was no explanation for its reports which show three general election designations for contributions made before the primary and no designations reported for six of eight contributions. COPA-APWU gave no indication of having made written contemporaneous designations.

For its part, the Harkin Committee appears to have relied on the complainant's list of receipts rather than a review of its own reports or contributor records. The Harkin response to the complaint states that it received \$3500 for the primary and \$5000 for the general. However, the Harkin response failed to note two contributions totaling \$1500 which the Harkin Committee reported as received in May 1984 and labeled as primary election contributions.

Significantly, the response states that a contribution of \$2,500 was received and deposited on the day of the primary (6-5-84) and that the contributor's reports must be in error because COPA-APWU reported the same contribution as made on the day after the primary (6-6-84). Because the Harkin Committee provided documentation (check copy, deposit slip) to verify the deposit date as the day of the primary, we conclude that the June 6, 1984 date reported by the contributor is incorrect and the contribution of \$2,500 was made on June 4, 1984 and deposited on the date of the election (6/5/84).

Absent written designations by the contributor, which would alter the presumption of the regulation at 11 C.F.R. § 110.1(a), this Office must rely on the dates of the contributions to attribute the contributions to the primary or general elections. Therefore, it appears that \$5000 was contributed before the primary and \$5000 was contributed after the primary and no

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violations of the Act resulted from the contributions by COPA-APWU to the Harkin Committee. However, because COPA-APWU misreported election designations, we recommend a finding of reason to believe and no further action against COPA-APWU for a violation of 11 C.F.R. § 104.14(d). We recommend closing the file as it relates to COPA-APWU in this matter.

Committee on Letter Carriers Political Education and its
Affiliate Iowa State Association of Letter Carriers Political
Action Committee

Our review of reports filed by the Harkin Committee and by the Committee on Political Education of the National Association of Letter Carriers, AFL-CIO ("COLCPE") and its affiliate, the Iowa State Association of Letter Carriers Political Action Committee ("ISALC-PAC") reveals the following contributions:

<u>CONTRIBUTOR</u>	<u>CONTRIBUTION AMOUNT</u>	<u>DATE OF CONTRIBUTION</u>	<u>DESIGNATION REPORTED BY CONTRIBUTOR</u>	<u>DATE OF HARKIN RECEIPT</u>	<u>DESIGNATION REPORTED BY RECIPIENT</u>
COLCPE	\$ 500	6-29-83	NONE	7-06-83	P
	2,000	12-20-83	P	12-27-83	P
ISALCPAC	120	1-10-84	P	1-19-84 (\$60)	P
				1-24-84 (\$60)	P
COLCPE	2,500	3-15-84	P	3-26-84	P
	2,000	6-21-84	G	6-29-84	G
	2,880	7-24-84	G	7-31-84	G

Iowa Primary Date: 6-5-84

Complaint alleges that COLCPE and ISALCPAC made primary election contributions of \$5,120 or \$120 in excess of limitations at 2 U.S.C. § 441a(a)(2)(A) and that the Harkin Committee accepted the excessives for the primary in violation of 2 U.S.C. § 441a(f).

In response to the complaint, COLCPE and ISALC explained that COLCPE made contributions totaling \$2,500 to the Harkin

primary campaign and thereafter, ISALC purchased for \$120 tickets to two fundraising events. Respondents stated, "Apparently the fund raising events were not designated for either the primary or general elections." COLCPE further stated that it received no record of ISALCPAC's ticket purchase.

COLCPE stated that it made a contribution of \$2000 to the Harkin general election and was prepared to make another contribution of \$3000 when a conversation with the Harkin staff revealed ISALCPAC's contribution of \$120. COLCPE stated that the Harkin representative advised that the \$120 would be attributed to the general election. Apparently as a result of this conversation, on July 26, 1984, COLCPE contributed \$2,880 rather than \$3000 to the Harkin general election effort.* /

In its response, the Harkin Committee did not mention the general election contributions or the conversation concerning attribution of \$120 from ISALCPAC. Instead, the Harkin Committee stated that the two \$60 contributions were "not accompanied by proper designation for this purpose, under Commission election limit allocation rules, and thus resulted in an inadvertent excess over the \$5,000 limit." The Harkin Committee stated that it would promptly refund \$120 to ISALCPAC.

* / On February 2, 1986, COLCPE sent a letter to the Harkin Committee "designating" ISALCPAC's two pre-primary contributions of \$60 each to the 1984 general election.

Because COLCPE and its affiliate ISALCPAC made contributions totaling \$5,120 to the Harkin Committee's 1984 primary election, this Office is recommending a finding of reason to believe that COLCPE and ISALCPAC violated 2 U.S.C. § 441a(a)(2)(A) and that the Harkin Committee violated 2 U.S.C. § 441a(f). We are recommending a finding of no reason to believe against the recipient regarding 11 C.F.R. § 104.14(d) as the reported election designations accurately reflect the election attributions. However, because COLCPE failed to report an election designation for the contribution of \$500 dated 6-29-83, we are recommending a finding of reason to believe against COLCPE for a violation of 11 CFR § 104.14(d).

DISCUSSION OF CONCILIATION AND CIVIL PENALTY

COLCPE and ISALCPAC requested pre-probable cause conciliation if the Commission decided to proceed on these issues. Therefore, we have attached a proposed conciliation

National Rural Letter Carriers Association Political Action Committee

Our review of reports filed by the Harkin Committee and by the National Rural Letter Carriers Association Political Action Committee ("NRLCAPAC") reveals the following contributions:

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<u>CONTRIBUTOR</u>	<u>CONTRIBUTION AMOUNT</u>	<u>DATE OF CONTRIBUTION</u>	<u>DESIGNATION REPORTED BY CONTRIBUTOR</u>	<u>DATE OF HARKIN RECEIPT</u>	<u>DESIGNATION REPORTED BY RECIPIENT</u>
NRLCAPAC	\$1,000	6-28-83	G	06-30-83	P
	2,000	12-15-83	G	12-19-83	P
	1,000	08-01-84	G	08-08-84	G
	2,000	09-12-84	G	09-19-84	G
	2,000	10-04-84	G	10-11-84	G

Iowa Primary Date: 6-5-84

Complainant alleged that the NRLCAPAC contributed \$8,000 to the Harkin Committee's general election campaign based on the election designations reported by NLRCAPAC.

NLRCAPAC responded that its records indicate that the contribution of \$1,000 dated June 28, 1983, and the contribution of \$2,000 dated December 15, 1983, should have been reported as contributions to the primary election campaign. On February 27, 1986, NRLCAPAC submitted amendments to reflect primary election contributions for the public record.

The Harkin Committee responded to the complaint by stating that NRLCAPAC's pre-primary checks "were not accompanied by any designation that they be reserved for use in the general election." Accordingly, the Harkin Committee "designated" the pre-primary contributions to the primary election and the post primary contributions to the general election "in accordance with election limitation allocation regulations of the Commission." The Harkin Committee stated that it received \$3000 for the primary and \$5,000 for the general election from the NRLCAPAC.

Because the NRLCAPAC did not provide a contemporaneous, written designation for the two pre-primary contributions (\$1,000

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on 6-28-83 and \$2,000 on 12-15-83), the presumption of the regulation at 11 C.F.R. § 110.1(a) prevails and the pre-primary contributions are attributable to the primary election.

Therefore, it appears that NRLCAPAC's contributions to the Harkin Committee totaled \$3000 for the 1984 primary and \$5000 for the general election. As a result, no violations of 2 U.S.C. §§ 441a (a)(2)(A) or 441a(f) occurred in this matter. We are recommending a finding of no reason to believe as to these allegations. However, because NRLCAPAC misreported the subject designations, we recommend a finding of reason to believe, but no further action against NRLCAPAC for a violation of 11 C.F.R. § 104.14(d) and no reason to believe that the Harkin Committee violated 11 C.F.R. § 104.14(d). We also recommend closing the file as it relates to the NRLCAPAC in this matter.

Communication Workers of America COPE PCC and CWA Local 13000 Political Action Committee

Our review of reports filed by the Communications Workers of America COPE PCC ("CWA COPE PCC") and by its affiliate CWA Local 13000 Political Action Committee ("CWA Local 13000"), formerly the Federation of Telephone Workers of Pennsylvania Political Action Committee ("FTWP PAC"), reveals the following contributions:

<u>CONTRIBUTOR</u>	<u>CONTRIBUTION AMOUNT</u>	<u>DATE OF CONTRIBUTION</u>	<u>DESIGNATION REPORTED BY CONTRIBUTOR</u>	<u>DATE OF HARKIN RECEIPT</u>	<u>DESIGNATION REPORTED BY RECIPIENT</u>
CWA COPE PCC	\$5,000	7-27-84	G	8-23-84	G
FTWPPAC	5,000	7-31-84	G	8-15-84	G

Iowa Primary Date: 6-5-84

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Complainant alleged that CWA COPE PCC and the FTWP PAC became affiliated entities in February 1984 when the FTWP voted to merge with CWA, and according to the Complainant, must adhere to a single contribution limit. Based on this date of affiliation, complainant alleged violations of 2 U.S.C. §§ 441a(a)(2)(A) and 441a(f).

The response of CWA COPE PCC and CWA Local 13000 asserted that affiliation did not occur in February 1984 when the FTWP voted to merge, but that affiliation actually occurred later, on August 1, 1984. The response stated that until August 1, 1984, CWA and FTWP were "independent labor organizations, unaffiliated with each other, and each governed by its own constitution." It was then, the response continued, that the FTWP became a local of CWA:

On that date, CWA Local 13000 was chartered, the FTWP Constitution was replaced by the Local 13000 bylaws, and the former members of FTWP became CWA members and began paying dues to the CWA.

The Harkin Committee similarly argued that CWA and FTWP were not affiliated at the time of the contributions.

AO 1985-27, issued in answer to a request by R.J. Reynolds Industries, discussed a corporate rather than labor organization merger, but provides insight into this case in that here, the date of the actual affiliation is also questioned. In the Advisory Opinion, the Commission considered three dates as possible dates of affiliation. The Commission rejected the date when the directors voted to merge as well as a later date

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when stockholders approved the corporate merger. Instead, the Commission established the date of affiliation by focusing on the date when corporate stock was acquired. In this MUR, CWA did not control the funds of FTWP until August 1, 1984, when the Local 13000 was chartered and membership dues were paid to CWA. Under the terms of AO 1985-27, contributions made by political action committees before the connected organizations merge are viewed as contributions made by separate entities with separate contribution limits.

Because the contributions by CWA COPE PCC and FTWP PAC were made before their connected organizations merged on August 1, 1984, no violations of the Act occurred as a result of these contributions. Therefore, this Office recommends a finding of no reason to believe concerning CWA COPE PCC, CWA Local 13000 and the Harkin Committee for alleged violations of 2 U.S.C.

§ 441a(a)(2)(A) and 11 C.F.R. § 104.14(d) (the PACs), 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d) (the Harkin Committee). We also recommend closing the file as to CWA COPE PCC and CWA Local 13000.

RECOMMENDATION

1. Find no reason to believe that the Committee on Political Action of the American Postal Workers Union and Patrick J. Nilan, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
2. Find reason to believe and take no further action against the Committee on Political Action of the American Postal Workers Union and Patrick J. Nilan, as treasurer, for a violation of 11 C.F.R. § 104.14(d).

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3. Find reason to believe that the Committee on Letter Carriers Political Education and Florence Johnson, as treasurer, and its affiliate, Iowa State Association of Letter Carriers Political Action Committee and Cecil A. Johnson, as treasurer, violated the following:
 - a) 2 U.S.C. § 441a(a)(2)(A)
 - b) 11 C.F.R. § 104.14(d).
4. Enter into conciliation with the Committee on Letter Carriers Political Education and Florence Johnson, as treasurer, and its affiliate, Iowa State Association of Letter Carriers Political Action Committee and Cecil A. Johnson, as treasurer, prior to a finding of probable cause to believe.
5. Approve the attached proposed conciliation agreement.
6. Find no reason to believe that the National Rural Letter Carriers Association Political Action Committee and Frank Newham, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
7. Find reason to believe, but take no further action against the National Rural Letter Carriers Association Political Action Committee and Frank Newham, as treasurer, for a violation of 11 C.F.R. § 104.14(d).
8. Find no reason to believe that the Communications Workers of America COPE PCC and James B. Booe, as treasurer, and CWA Local 13000 PAC and Edwin J. Maher, as treasurer, violated the following:
 - a) 2 U.S.C. § 441a(a)(2)(A);
 - b) 11 C.F.R. § 104.14(d).
9. Find no reason to believe that the Citizens for Harkin Committee and Randy Duncan, as treasurer, violated the following in connection with contributions received for the 1984 campaign from the Committee on Political Action of the American Postal Workers Union:
 - a) 2 U.S.C. § 441a(f);
 - b) 11 C.F.R. § 104.14(d).
10. Find reason to believe that the Citizens for Harkin Committee and Randy Duncan, as treasurer, violated 2 U.S.C. § 441a(f) in connection with contributions received from the Committee on Letter Carriers Political Education and the Iowa State Association of Letter Carriers Political Action Committee during the 1984 campaign.

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11. Find no reason to believe that the Citizens for Harkin Committee and Randy Duncan, as treasurer, violated 11 C.F.R. § 104.14(d) in connection with contributions received from the Committee on Letter Carriers Political Education and the Iowa State Association of Letter Carriers Political Action Committee.
12. Find no reason to believe that the Citizens for Harkin Committee and Randy Duncan, as treasurer, violated the following in connection with contributions received for the 1984 campaign from the National Rural Letter Carriers Association Political Action Committee;
- a) 2 U.S.C. § 441a(f)
 - b) 11 C.F.R. § 104.14(d).
13. Find no reason to believe that the Citizens for Harkin Committee and Randy Duncan, as treasurer, violated the following in connection with contributions received for the 1984 campaign from the Communication Workers of America COPE PCC and its affiliate CWA Local 13000:
- a) 2 U.S.C. § 441a(f);
 - b) 11 C.F.R. § 104.14(d).
14. Close the file as it relates to:
- a) National Rural Letter Carriers Association Political Action Committee and Frank Newham, as treasurer
 - b) Communications Workers of America COPE PCC and James B. Booe, as treasurer, CWA Local 13000 PAC and Edwin J. Maher, as treasurer.
 - c) Committee on Political Action of the American Postal Workers Union and Patrick J. Nilan, as treasurer.
15. Send attached letters to respondents.

Charles N. Steele
General Counsel

May 8, 1986
Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

Letters from Respondents

Letters to Respondents and a Conciliation Agreement

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PERKINS COIE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 887-9030

REC'D
HAND DELIVERED
FEB 25 A 7:34
GOC# 9814
M2134

February 24, 1986

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C.

Dear Mr. Steele:

Senator Thomas R. Harkin, on his own behalf and on behalf of his principal campaign committee and its treasurer, files this response to the Commission's notification of its receipt of a complaint from the National Center for Labor Policy. This complaint alleges that the Senator received, through his 1984 United States Senate campaign committee, certain excessive contributions from labor organizations.

Senator Harkin requests that the Commission dismiss this complaint as failing to state any ground of liability under the Act.

I. APWU-PFC Contributions

On their face, the allegations of the complainant demonstrate that APWU-PFC made contributions within the lawful limit which applies under 2 U.S.C. §441a. APWU made contributions totaling \$3,500 to the Senator's primary election campaign, and an additional \$5,000 to his general election campaign. The contributions were made over the time frame of the election as follows:

<u>Amount of Contribution</u>	<u>Date Contribution Received by Citizens For Harkin</u>	<u>Election to which Contribution was Designated by Citizens for Harkin</u>
\$250.00	7/12/83	Primary
\$500.00	12/30/83	Primary
\$250.00	4/9/84	Primary
\$2,500.00	6/5/84	Primary
\$2,500.00	6/18/84	General
\$2,500.00	9.19/84	General

Attachment A(1)

2-26-86

Charles N. Steele, Esq.
February 24, 1986
Page 2

The complainant alleges that the last of the primary contributions, so designated by the Harkin Committee, was made on June 6 for the purposes of election limit allocation. In fact, as the FEC ruled, the date of receipt is controlling; and the Harkin Committee received the contribution in question on June 5, the date of the primary election for the Senate in the State of Iowa. FEC Advisory Opinion 1984-32, Fed. Elec. Camp. Fin. Guide (CCH) ¶ 5777 (August 17, 1984).

The facts set out in the complaint suggest a discrepancy in the dates reported as "made" and "received," with a June 6 date for the making of the contribution and a June 5 date for its receipt by the Harkin Committee. The June 6 date for the making of the contribution appears to have been an error either in the APWU-FPC report or in the execution of its check. The Harkin Committee can confirm, however, that all dates of receipt reflected in its report are based on the date of deposit (all such deposits are made within the required ten days). Therefore, the Harkin Committee had the money in question in hand on June 5, the date of the primary, and properly treated this contribution as one for the primary election in accordance with the requirements of the FEC's regulations. 11 C.F.R. §110.1(a)(2)(ii)(A).

Finally, the complainant's allegations with respect to the APWU contributions appear premised at least in part on the PAC's designation of these contributions as for the "general" election on its FEC filings. The checks supporting these contributions carried no such designation, nor was there any such indication reflected in any accompanying writing. The Committee reported these contributions as received for the primary, in accordance with the allocation rules set out in FEC regulations.

II. NALC-CPA and ISALC PAC

The contributions received by the Harkin Committee from the NALC-CPE and ISALC-PAC in connection with the primary election were as follows:

<u>Amount of Contribution</u>	<u>Date Contribution Received by Citizens for Harkin</u>	<u>Election to which Contribution was Designated by Citizens for Harkin</u>
<u>NALC-CPE</u>		
\$ 500.00	7/6/83	Primary
\$2,000.00	12/27/83	Primary
\$2,500.00	3/26/85	Primary

A (2)

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Charles N. Steele, Esq.
February 24, 1986
Page 3

<u>Amount of Contribution</u>	<u>Date Contribution Received by Citizens for Harkin</u>	<u>Election to which Contribution was Designated by Citizens for Harkin</u>
<u>ISALC PAC</u>		
\$60.00	1/9/84	Primary
\$60.00	1/24/84	Primary

In sum, these contributions total \$5,120.00, or \$120.00 in excess of the lawful limit. This smaller excess amount arose out of a misunderstanding by ISALC which intended to contribute this \$120 solely for use in the general election. The ISALC contribution of this \$120, in separate contributed amounts of \$60, was not accompanied by proper designation for this purpose, under Commission election limit allocation rules, and thus resulted in an inadvertent excess over the \$5,000 limit. The Harkin Committee is now preparing to refund this small excess and will have completed this refund by the time of Commission deliberation on this case.

III. NRLCA-PAC

The complaint, on its face, shows no contribution by the NRLCA-PAC to the Harkin Committee in excess of the limits. The contributions made by this PAC over the primary and general election periods were as follows:

<u>Amount of Contribution</u>	<u>Date Contribution Received by Citizens for Harkin</u>	<u>Election to which Contribution was Designated by Citizens for Harkin</u>
\$1,000.00	6/30/83	Primary
\$2,000.00	12/19/83	Primary
\$1,000.00	8/8/84	General
\$2,000.00	9/19/84	General
\$2,000.00	10/11/84	General

As will be readily apparent, the PAC made \$3,000 in contributions prior to the primary, and an additional \$5,000 in contributions for the general. All of these contributions were within the limits for the elections to which they must be allocated under regulations of the Commission.

A (3)

Charles N. Steele, Esq.
February 24, 1986
Page 4

The case made by the complaint stands and must fall on the apparent reporting by the PAC of the contributions as having been made for the general election. This appears again a case of misdesignation by the PAC. The checks supporting these contributions were not accompanied by any designation that they be reserved for use in the general election. Accordingly, the Harkin Committee properly treated and reported these contributions as made for the primary election, in accordance with the election limitation allocation regulations of the Commission.

IV. CWA COPE PAC and Federation of Telephone Workers of Pennsylvania

On July 27, 1984, the CWA PAC made a contribution to the Harkin Committee in the amount of \$5,000, while the Federation made a contribution to the Committee in the same amount on July 31, 1984. In the following month, August 1984, the CWA and the Federation formally merged in the wake of a favorable vote of the Federation membership six months before, in February 1984.

On the basis of Advisory Opinion 1985-27, issued by the Commission in response to a request of R.J. Reynolds Industries, the complainant alleges that the membership vote in February constituted a completed merger for purposes of the anti-proliferation regulations of the Act. The complainant thus alleges that the PACs of the Federation and the CWA were required to observe a combined contribution limit of \$5,000 in contributing to the Harkin Committee in July 1984.

The Harkin Committee urges that the Commission dismiss this claim on the following grounds. First, the question of when the Federation and the CWA became subject to "affiliation" for purposes of the anti-proliferation rules is a question of fact. From the evidence supplied by the complainant, this affiliation became effective only when the merger of the organizations was ratified in August, after the contributions in question were made.^{1/} Under the very terms of Advisory Opinion 1985-27, contributions made by PACs prior

^{1/} A membership vote approving the merger is a precondition for its occurrence, not its functional equivalent. By such vote, the leadership of the union is authorized to proceed with preparation and execution of the merger which has not yet taken place in effective terms.

Charles N. Steele, Esq.
February 24, 1986
Page 5

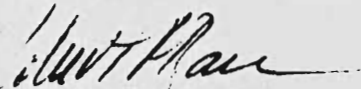
to the merger of their connected organizations are treated as made by separate PACs with separate contribution limits. The contributions in question were therefore within the lawful limits.

Second, the claim raised by the complainant would hold the Harkin Committee to a rule of law articulated by the Commission in an Advisory Opinion issued over one year after the events at issue transpired. This Opinion, moreover, turned on facts and law relevant only to corporate mergers, such as legal significance under the Act and general corporate law of the acquisition by one corporation of over 50% of the stock of another. It does not in any way address the facts of this case which, involving labor organizations, are wholly different in character. Whatever judgment the Commission might render upon close examination of these facts, the Harkin Committee cannot equitably be assessed liability for assuming that it was receiving contributions from separate and unrelated PACs which were functioning separately at the time, in name and otherwise.

CONCLUSION

Senator Harkin requests that the Commission take no action on the Complaint and close the file in this matter.

Respectfully submitted,


Robert F. Bauer
Counsel to Senator Thomas
Harkin

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PERKINS COIE

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1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 887-9030

March 20, 1986

Ms. Fran Hagan
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2134

Dear Ms. Hagan:

Enclosed are documents which you requested related to the contribution from the APWU-CPA which was deposited by the Citizens for Harkin on June 5, 1984. Included are a deposit slip dated June 5, 1984, a sheet which lists the individual checks which were included in that deposit, and a copy of the check dated June 4, 1984 written on the account of the APWU-CPA.

Please contact me if you have any questions.

Sincerely,

Kathy Schenck

Kathy Schenck
Legal Assistant

lc

Enclosures

A(6)

ADDITIONAL CHECK LISTING SPACE

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① Walter Shorestein

1 CALIFORNIA ST

SAN FRAN 94111

1000. PS

Chair of Board

MILKIN & MYER CO.

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② Norman Lear 1000 PS

③ NE A 5000 - P1

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Santa Monica Bank
Pacific Palisades, Calif. 90272

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COMMITTEE ON POLITICAL ACTION
OF THE
AMERICAN POSTAL WORKERS UNION, AFL-CIO
817 14TH STREET, N.W.
WASHINGTON, DC 20005

P1

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PAY
TO THE
ORDER OF

Citizens for Harkin

\$ 2,500.00

APWU 513250000

DOLLARS



AMERICAN SECURITY BANK, N.A.

1414 STREET AND PENNSYLVANIA AVENUE, N. W.
WASHINGTON, D. C.



Lorena A. Staph
DIRECTOR
John A. Moyer
SECRETARY-TREASURER

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SECRETARY-TREASURER

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**COMMITTEE
ON
POLITICAL
ACTION**

**American Postal Workers
Union, AFL-CIO**

817 14TH STREET, NORTHWEST
WASHINGTON, D.C. 20005
PHONE: (202) 842-4210

PATRICK J. NILAN
Secretary-Treasurer

February 13, 1986

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Dear Mr. Gross:

As Secretary-Treasurer of the APWU Committee On Political Action, I am responding to the complaint by Jeffrey W. Ryan concerning contributions made to the Thomas R. Harkin Citizens For Harkin Committee during the 1984-85 primary and general elections for the United States Senate in the State of Iowa.

I understand Mr. Ryan is the complainant and has some sort of relationship with The Center on National Labor Policy, Inc. of North Springfield, Virginia.

The letter of January 31, 1986 was incorrectly addressed to Douglas Holbrook, Treasurer, American Postal Workers Union Political Fund Committee and the name of the Committee is also incorrect.

For the record I am the Secretary-Treasurer of the Committee On Political Action of the American Postal Workers Union. I request that you correct your records and the complaint accordingly.

In response to the unfounded allegations by Mr. Ryan, I am providing you with the following information from our disbursement records for Senator Tom Harkin's successful campaign for the United States Senate in the primary 1985 election in Iowa.

Our reports filed with the Federal Election Commission should substantiate these financial contributions and the dates made by our Committee On Political Action:

7-12-83:	\$250	for primary election
12-30-83:	\$500	for primary election
4-9-84:	\$250	for primary election
5-16-84:	\$500	for primary election
5-18-84:	\$1,000	for primary election
6-5-84:	\$2,500	for primary election
	\$5,000	maximum contribution

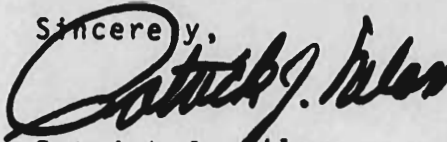
Attachment B (1)

Mr. Kenneth A. Gross
Associate General Counsel
February 13, 1986
Page 2

As you can see this totals \$5,000, which is the maximum contribution allowable for a primary election.

I will appreciate an acknowledgement of this response and being advised that the complaint by Jeffrey A. Ryan is without merit and no violation has occurred as he alleges. If there is any need for further consideration of this matter, please contact me at the address on the letterhead or by phone at 842-4210.

Sincerely,



Patrick J. Milan
Secretary-Treasurer, COPA

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B(2)

COHEN, WEISS AND SIMON
COUNSELLORS AT LAW
330 WEST 42 STREET
NEW YORK, N. Y. 10036

HENRY WEISS
BRUCE H. SIMON
STANLEY M. BERMAN
ROBERT S. SAVELSON
EUGENE S. FRIEDMAN
STEPHEN B. MOLDOP
MICHAEL E. ABRAHAM
KEITH E. SECULAR
JAY P. LEVY-WARREN
JANI K. RACHELSON
RICHARD N. GILBERG

PETER HERMAN
RICHARD M. SELTZER
FRANKLIN K. MOSS
JAMES L. LINSEY
APRIL D. HARRIS
SUSAN DAVIS
BABETTE CECOTTI
SHAILAN T. STEWART
ANN E. O'SHEA
CHRISTOPHER N. SOURIS

(212) 563-4000

600# 7204
OFFICE 12:22
Hagan
COUNSEL
SAMUEL J. COHEN

WASHINGTON, D. C. OFFICE
4740 WISCONSIN AVENUE, N. W. 20016
(202) 966-3778

HENRY WEISS
ROBERT S. SAVELSON

February 14, 1986

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2134

Dear Mr. Steele:

This office is counsel to the Committee on Letter Carriers Political Education ("COLCPE"), a separate segregated fund established by the National Association of Letter Carriers, AFL-CIO. We also represent COLCPE's affiliate, the Iowa State Association of Letter Carriers Political Action Committee ("ISALC/PAC"). This letter constitutes COLCPE's and ISALC/PAC's response to your letter dated January 31, 1986 transmitting a copy of the complaint in the above matter. These letters were received by COLCPE on February 4 and by ISALC/PAC on February 13, 1986. Duly executed statements by COLCPE and ISALC/PAC, designating us as counsel in this matter, are being sent to you under separate cover.

The complaint alleges that COLCPE and ISALC/PAC made contributions to candidate Thomas R. Harkin, Citizens for Harkin Committee ("Harkin Committee") and its treasurer in connection with the 1984 federal primary election, which totalled \$5,120 thereby exceeding by \$120 the monetary ceiling for such contributions provided by the Federal Election Campaign Act, 2 U.S.C. §441a(a)(2)(A).

Attachment C (1)

2-20-86

Charles N. Steele, Esq.
February 14, 1986
Page 2

Our preliminary investigation of the facts indicates that the following took place. COLCPE made three contributions to the Harkin Committee in connection with the 1984 primary election: a \$500 contribution on or about June 29, 1983; a \$2,000 contribution on or about December 20, 1983; and a \$2,500 contribution on or about March 15, 1984. These contributions totalled \$5,000, thus meeting, but not exceeding, the statutory ceiling for contributions in connection with a primary election.

In January, 1984, ISALC/PAC made two purchases, amounting to \$60 each, of tickets to two separate Harkin fund raising events in Iowa City and Des Moines. Apparently, the fund raising events were not designated for either the primary or general elections. COLCPE did not receive any record of the two \$60 purchases.

After the primary, COLCPE made a \$2,000.00 contribution to the Harkin Committee in connection with the general election on or about June 21, 1984. Thereafter, COLCPE determined to make an additional \$3,000.00 contribution to the Harkin Committee which would cause COLCPE's total contribution to reach but not exceed the statutory maximum of \$5,000. In late July, 1984, before any further contributions were made, Frederick Nesbitt, a member of COLCPE's staff, had a telephone conversation with a representative of the Harkin Committee. The Harkin Committee representative informed Mr. Nesbitt, for the first time, that it had received two \$60 checks from ISALC/PAC and that these funds were being credited by the Harkin Committee to the general election. Therefore, the maximum that COLCPE could contribute to the Harkin Committee for the general election would be \$4,880. Accordingly, COLCPE on or about July 26, 1984 contributed \$2,880 to the Harkin Committee instead of the \$3,000 that would otherwise have been contributed.

For your information, a letter was sent by COLCPE National Director Mark Roth to the Commission dated February 2, 1986. That letter states, inter alia, that:

"The contributions to Citizens for Harkin on 1/19/84 in the amount of \$60 and 1/24/84 in the amount of \$60 from the Iowa State Association of Letter Carriers Political Action Committee should be designated for 'general election 1984.'"

Based on the foregoing, COLCPE and ISALC/PAC respectfully request that the Commission take no action against them. If the Commission decides to proceed further, COLCPE and ISALC/PAC request the opportunity to enter into voluntary conciliation.

C (2)

COHEN, WEISS AND SIMON

Charles N. Steele, Esq.
February 14, 1986
Page 3

Finally, please be advised that Richard O'Connell, to whom your letter to COLCPE was addressed, is the Secretary-Treasurer of NALC, but is not an officer of COLCPE. The Treasurer of COLCPE is Florence Johnson, whose address is National Association of Letter Carriers, COLCPE, 1124 West Chapman, Orange, California 92668.

Please feel free to contact me if we can be of any further assistance.

Sincerely yours,

Keith E. Secular
Keith E. Secular

KES/mf

86030304926

C (3)

**POLITICAL
ACTION
COMMITTEE**

Suite 100, 1448 Duke Street

Alexandria, Virginia 22314



Telephone (703) 664-5545

GCC # 9825

FEB 25 12:05

LESTER F. MILLER, Co-Chairman
CLIFFORD E. EDWARDS, Co-Chairman
FRANK NEWHAM, Secretary-Treasurer

February 20, 1986

6 FEB 25 12:20

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Dear Mr. Gross:

MUR: 2134

I have received your letter of January 31, 1986 advising us that the FEC had received a complaint that the NRLCA PAC and the Citizens for Harkin Committee may have violated certain sections of "the ACT".

I have checked my records and find that the contribution of \$1,000.00 dated June 28, 1983 and the contribution of \$2,000.00 dated December 15, 1983 should have been reported to the FEC as contributions for the 1984 Primary Election instead of the General Election as reported. It was our intention that these contribution made in 1983 would be for the 1984 Primary Election by the Citizens for Harkin Committee.

I am enclosing amended FEC reports for the Quarters ending 6/31/83 and 12/31/83 for your consideration in correcting the errors made on the original filings.

Sincerely,

Frank Newham

Frank Newham
Treasurer, NRLCA PAC

Enclosures:

Attachment D

226-86

February 18, 1986

Mr. Charles N. Steele
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

16 FEB 18 P 2: 54

Re: MUR 2134

Dear Mr. Steele:

This is the response of the Communications Workers of America Committee on Political Education Political Contribution Committee (CWA COPE PCC), the CWA Local 13000 Political Action Committee, and the treasurers of the CWA COPE PCC and the Federation of Telephone Workers of Pennsylvania Political Action Committee (FTWP PAC) to the complaint in MUR 2134.¹

The complaint, ¶ 35-38, alleges that the CWA COPE PCC and the FTWP PAC violated 2 U.S.C. §441a(a)(2)(A) by each contributing \$5,000 to the Thomas R. Harkin Campaign for the 1984 election. The challenged contribution by CWA COPE PCC was made in July 1984. The challenged contribution by FTWP PAC was made in July 1984.

¹The present treasurer of Communications Workers of America COPE PCC is James B. Booe. Louis B. Knecht was treasurer of CWA COPE PCC at the time of the contributions in question. Ron Krouse was an assistant treasurer of CWA COPE PCC, and Fred Hassen, who is deceased, was also an assistant treasurer. Edwin J. Maher was the treasurer of the Federation of Telephone Workers of Pennsylvania Political Action Committee and is currently treasurer of the CWA Local 13000 Political Action Committee.

Attachment E ①

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The complaint is premised upon the erroneous assumption that the Communications Workers of America (CWA) and the Federation of Telephone Workers of Pennsylvania (FTWP) merged in February 1984. The fact of the matter is, however, that prior to August 1, 1984 the CWA and the FTWP were separate independent labor organizations, unaffiliated with each other, and each governed by its own constitution. Exhibit 1 (FTWP Constitution); Exhibit 3 (CWA Constitution). *out of sequence* On August 1, 1984, the FTWP joined the CWA as Local 13000. On that date, CWA Local 13000 was chartered, Exhibit 5, the FTWP Constitution was replaced by the Local 13000 bylaws, Exhibit 2, and the former members of FTWP became CWA members and began paying dues to the CWA, Exhibit 7. Also, on that date, a new geographic region of the CWA national union, District 13, came into being; this District is composed primarily of the members of CWA Local 13000. Exhibit 6. Compare Exhibit 3, pp. 114-115 with Exhibit 4, pp. 112-113 (showing the creation of the new District 13).

The FTWP, by the terms of its constitution, Exhibit 1, was an independent labor organization, Art. 22, p. 71, with its own requirements for membership, Art. 3, Sec. 1, p. 8, and its own definition of membership rights, Art. 19, pp. 66-67. Under the terms of this constitution, the FTWP was not affiliated with the CWA. Nor could the members of the FTWP have been members of the CWA under the CWA Constitution until their union became chartered CWA Local 13000 and they started paying dues to the CWA. Under the CWA Constitution, Exhibit 3, membership in that union must come through membership in one of its chartered locals, Art. V, Sec. 2(a), p. 3, and members must pay dues to the CWA, Art. VI, Secs. 1 & 2, p. 7. The former FTWP members did not meet either of these requirements until August 1, 1984.

E (2)

86030504929

The CWA Local 13000 bylaws, Exhibit 2, which became effective on August 1, 1984, the date that local was chartered, clearly place the local under the authority of the CWA Constitution and National Convention. See, eg., Exhibit 2, Art. 7, Sec. 3(1), p. 17; Art. 8, Sec. 7, p. 25; Art. 11, p. 33; Art. 12, pp. 34-35; Art. 14, pp. 37-43; Art. 17, p. 44; Art. 19, p. 46. Those bylaws also made the former members of FTWP into members of the CWA. Compare Exhibit 1 (page facing the index) with Exhibit 2 (page facing the index). See also Exhibit 2, Art. 3, Sec. 1, p. 9; Art. 9, p. 26; Art. 10, Sec. 4, p. 32.

The complaint acknowledges that the merger of the CWA and the FTWP was not accomplished until August 1984, but asserts nevertheless that the FTWP was transformed into an affiliate of the CWA by the vote of the FTWP membership in February 1984 approving a proposal to affiliate with the CWA. Complaint ¶ 36. After the FTWP membership approved affiliation in February 1984, there was only agreement that the two organizations would merge at a future date. An agreement between two organizations to merge at a future date is not sufficient to subject the political committees of the merging organizations to a single contribution limit. F.E.C. Advisory Opinion 1985-27 (Nov. 1, 1985).

All of the political committees established by a labor organization and its locals are subject to a single contribution limit. 2 U.S.C. §441a(a) (5): See 11 CFR §§100.5(g)(2)(i)(B) & 110.3(a)(1)(ii)(B). An agreement to merge one labor organization into another as a local does not, however, make the one organization a local of the other. This occurs only when the organizations actually merge — when their structures and governing documents are changed to accomplish the merger and when their memberships merge.

"[U]nion constitutions [are the] documents that prescribe the legal relationship and the rights and obligations between the parent and affiliated

E (3)

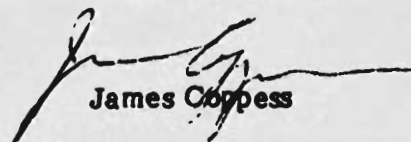
locals . . ." Plumbers & Pipefitters v. Local 334, Plumbers & Pipefitters, 452 U.S. 615, 624 (1981). The constitution is the "fundamental agreement of association" between a national union and its affiliated locals. Coronado Coal Co. v. Mine Workers, 268 U.S. 295, 304 (1925). The Commission's regulations recognize this. 11 CFR §§100.5(g)(2)(ii)(B) & 110.3(a)(1)(iii)(B). As the above factual discussion demonstrates, until August 1, 1984 the CWA and the FTWP were independent labor organizations, each governed by its own constitution and each having its own structure.

Moreover, the members of the FTWP could not possibly be considered members of the CWA before August 1, 1984. It was only on that date that they became members of a chartered local of the CWA Local 13000, Exhibit 5, and they began to pay dues to the CWA, Exhibit 7. These are the two basic requirements for membership in the CWA Exhibit 3, Art. V, Sec. 2(a) and Art. VI, Sec. 1. Under the Commission's regulations, only those who satisfy the requirements for membership in a labor organization can be considered members. 11 CFR §§100.8(4)(iv) & 114.1(e). This is the common legal definition of union membership. See 29 U.S.C. §402(o).

From the foregoing, it is clear that the CWA and the FTWP were separate labor organizations until August 1, 1984. The contributions challenged in the complaint were made prior to that date, when the CWA COPE PCC and the FTWP PAC were each subject to separate contribution limits F.E.C. Advisory Opinion 1985-27 (Nov. 1, 1985) (pre-affiliation contributions were not subject to a shared aggregate limit at the time they were made).

For the foregoing reasons, no action should be taken against the CWA COPE PCC, the Local 13000 PAC, or the treasurers of these committees.

Respectfully submitted,


James Coppess

E (4)

36030304931



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Robert F. Bauer, Esquire
Perkins Coie
1110 Vermont Avenue, N.W.
Washington, D.C. 20005

RE: MUR 2134
Citizens for Harkin
Committee
Randy Duncan, as
treasurer

Dear Mr. Bauer:

The Federal Election Commission notified your client on January 31, 1986, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act".) A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information you supplied, the Commission, on , 1986, determined that there is reason to believe that your clients have violated 2 U.S.C. § 441a(f), a provision of the Act. Specifically, it appears that your clients accepted contributions from the Committee on Letter Carriers Political Education and its affiliate, the Iowa State Association of Letter Carriers PAC in excess of limitations for the 1984 primary election.

The Commission found no reason to believe that your clients violated 11 CFR § 104.14(d) in connection with contributions received from COLCPE and ISALC PAC.

The Commission found no reason to believe that your clients violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d) in connection with contributions accepted from the following committees for the 1984 election:

- a) National Rural Letter Carriers Association Political Action Committee;
- b) Communication Workers of America COPE PCC and its affiliate, CWA Local 13000 PAC.
- c) Committee on Political Action of the American Postal Workers Union.

Attachment F (1)

86030604932

Letter to Robert F. Bauer
Page 2

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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 your clients wish the matter to be made public.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens
Chairman

Enclosures
Procedures

F (2)

8 6 0 3 0 5 0 4 9 3 3



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

**Frank Newham, Treasurer
National Rural Letter Carriers Association
Political Action Committee
1448 Duke Street, Suite 100
Alexandria, VA 22314**

**RE: MUR 2134
National Rural Letter
Carriers Association PAC
Frank Newham, as
treasurer**

Dear Mr. Newham:

On January 31, 1986, the Commission notified the NRLCAPAC ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1986, determined that on the basis of the information in the complaint, and information provided by your committee, that there is no reason to believe that a violation of any statute within its jurisdiction has been committed by your committee and you, as treasurer. Accordingly, the Commission closed its file in this matter as it pertains to the Committee and you, as treasurer. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

**Charles N. Steele
General Counsel**

**BY: Kenneth A. Gross
Associate General Counsel**

Attachment H

86030504934



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Patrick J. Nilan, Treasurer
Committee on Political Action
American Postal Workers Union, AFL-CIO
812 14th Street, N.W.
Washington, D.C. 20005

RE: MUR 2134
Committee on Political Action of
the American Postal Workers Union
Patrick J. Nilan, as treasurer

Dear Mr. Nilan:

On January 31, 1986, the Commission notified the Committee on Political Action and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1986, determined that on the basis of the information in the complaint, and information provided by your committee, that there is no reason to believe that a violation of any statute within its jurisdiction has been committed by your committee and you, as treasurer. Accordingly, the Commission closed its file in this matter as it pertains to the Committee and you, as treasurer. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g (a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Attachment I

85030604935



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

James Coppess, Esquire
1925 K Street, N.W., Suite 411
Washington, D. C. 20006

RE: MUR 2134
Communications Workers of
America COPE PCC
James B. Booe, as
treasurer
CWA Local 13000 PAC
Edwin J. Maher, as
treasurer

Dear Mr. Coppess:

On January 31, 1986, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1986, determined that on the basis of the information in the complaint, and information you provided, that there is no reason to believe that a violation of any statute within its jurisdiction has been committed by your clients. Accordingly, the Commission closed its file in this matter as it pertains to your clients. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Attachment J

86030504936

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Citizens for Harkin Committee,
et al.

)
)
)
)

MUR 2134

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of June 24, 1986, do hereby certify that there were no objections to the staff proposal to close the file in this matter and send the appropriate letters to respondents.

Attest:

6-25-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

86030604937



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
JUN 19 1986
COMMUNICATIONS SECTION

26 JUN 19 P 3:10

June 19, 1986

SENSITIVE

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

BY: Lawrence M. Noble *LMN*
Deputy General Counsel

SUBJECT: Errata in MUR 2134

The memorandum regarding certification of findings in MUR 2134 (Harkin et.al.) which circulated June 18, 1986, includes an attached letter with an error in it. The letter to a respondent refers to the Simon for Senate Committee and should refer to the Citizens for Harkin Committee. The corrected letter is attached.

860305049338



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

**Keith E. Secular, Esquire
Cohen, Weiss and Simon
330 West 42nd Street
New York, New York 10036**

**RE: MUR 2134
Committee on Letter Carriers
Political Education
Florence Johnson, as treasurer
Iowa State Association of Letter
Carriers PAC
Cecil A. Johnson, as treasurer**

Dear Mr. Secular:

On May 20, 1986, the Commission found reason to believe and took no further action against your clients for a violation of 2 U.S.C. § 441a(a)(2)(A) and 11 C. F. R. § 104.14(d) in connection with contributions to the Citizens for Harkin Committee in 1984. The Commission has closed the file in this matter.

The file will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens
Chairman

8 6 0 3 0 6 0 4 9 3 9

BEFORE THE FEDERAL ELECTION COMMISSION

3030504910
In the Matter of)
Thomas R. Harkin)
Citizens for Harkin and Randy Duncan,)
as treasurer)
International Brotherhood of Electrical)
Workers - COPE and Jack F. Moore, as)
treasurer)
Communications Workers of America COPE)
PCC and James B. Booe, as treasurer)
Local 13000 CWA PAC, AFL-CIO and Edwin J.)
Maher, as treasurer)
National Rural Letter Carriers)
Association Political Action Committee)
and Frank Newham, as treasurer)
Committee on Letter Carriers Political)
Education and Florence Johnson, as)
treasurer)
Iowa State Association of Letter)
Carriers PAC and Cecil A. Johnson, as)
treasurer)
Committee on Political Action of the)
American Postal Workers Union, AFL-CIO)
and Patrick J. Nilan, as treasurer)

MUR 2134

CERTIFICATION

I, Mary W. Dove, recording secretary for the Federal Election Commission executive session of May 20, 1986, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 2134:

1. Find no reason to believe that the Committee on Political Action of the American Postal Workers Union and Patrick J. Nilan, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
2. Find reason to believe and take no further action against the Committee on Political Action of the American Postal Workers Union and Patrick J. Nilan, as treasurer, for a violation of 11 C.F.R. § 104.14(d).

- 8 6 0 3 0 5 0 4 9 4 1
3. Find reason to believe, take no further action, and close the file with regard to the Committee on Letter Carriers Political Education and Florence Johnson, as treasurer, and its affiliate, Iowa State Association of Letter Carriers Political Action Committee and Cecil A. Johnson, as treasurer, for the following violations:
 - a) 2 U.S.C. § 441a(a)(2)(A)
 - b) 11 C.F.R. § 104.14(d).
 4. Enter into conciliation with the Committee on Letter Carriers Political Education and Florence Johnson, as treasurer, and its affiliate, Iowa State Association of Letter Carriers Political Action Committee and Cecil A. Johnson, as treasurer, prior to a finding of probable cause to believe.
 5. Approve the proposed conciliation agreement attached to the First General Counsel's Report signed May 8, 1986.
 6. Find no reason to believe that the National Rural Letter Carriers Association Political Action Committee and Frank Newham, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
 7. Find reason to believe, but take no further action against the National Rural Letter Carriers Association Political Action Committee and Frank Newham, as treasurer, for a violation of 11 C.F.R. § 104.14(d).
 8. Find no reason to believe that the Communications Workers of America COPE PCC and James B. Booe, as treasurer, and CWA Local 13000 PAC and Edwin J. Maher, as treasurer, violated the following:
 - a) 2 U.S.C. § 441a(a)(2)(A);
 - b) 11 C.F.R. § 104.14(d).

9. Find no reason to believe that the Citizens for Harkin Committee and Randy Duncan, as treasurer, violated the following in connection with contributions received for the 1984 campaign from the Committee on Political Action of the American Postal Workers Union:

a) 2 U.S.C. § 441a(f);
b) 11 C.F.R. § 104.14(d).

10. Find reason to believe, take no further action, and close the file with regard to the Citizens for Harkin Committee and Randy Duncan, as treasurer, for violation of 2 U.S.C. § 441a(f) in connection with contributions received from the Committee on Letter Carriers Political Education and the Iowa State Association of Letter Carriers Political Action Committee during the 1984 campaign.

11. Find no reason to believe that the Citizens for Harkin Committee and Randy Duncan, as treasurer, violated 11 C.F.R. § 104.14(d) in connection with contributions received from the Committee on Letter Carriers Political Education and the Iowa State Association of Letter Carriers Political Action Committee.

12. Find no reason to believe that the Citizens for Harkin Committee and Randy Duncan, as treasurer, violated the following in connection with contributions received for the 1984 campaign from the National Rural Letter Carriers Association Political Action Committee:

a) 2 U.S.C. § 441a(f);
b) 11 C.F.R. § 104.14(d).

13. Find no reason to believe that the Citizens for Harkin Committee and Randy Duncan, as treasurer, violated the following in connection with contributions received for the 1984 campaign from the Communication Workers of America COPE PCC and its affiliate CWA Local 13000:

a) 2 U.S.C. § 441a(f);
b) 11 C.F.R. § 104.14(d).

86030604942

14. Close the file as it relates to:

- a) National Rural Letter Carriers Association Political Action Committee and Frank Newham, as treasurer.
- b) Communications Workers of America COPE PCC and James B. Booe, as treasurer, CWA Local 13000 PAC and Edwin J. Maher, as treasurer.
- c) Committee on Political Action of the American Postal Workers Union and Patrick J. Nilan, as treasurer.

15. Send letters to respondents attached to the First General Counsel's Report signed May 8, 1986.

Commissioners Elliott, Harris, Josefiak, McDonald, and McGarry voted affirmatively for this decision. Commissioner Aikens was not present.

Attest:

5-21-86

Date

Mary W. Dove
Mary W. Dove
Administrative Assistant

86030304943

PERKINS COIE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 887-9030

March 20, 1986

Ms. Fran Hagan
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2134

Dear Ms. Hagan:

Enclosed are documents which you requested related to the contribution from the APWU-CPA which was deposited by the Citizens for Harkin on June 5, 1984. Included are a deposit slip dated June 5, 1984, a sheet which lists the individual checks which were included in that deposit, and a copy of the check dated June 4, 1984 written on the account of the APWU-CPA.

Please contact me if you have any questions.

Sincerely,

Kathy Schenck

Kathy Schenck
Legal Assistant

lc

Enclosures

6CC# 36

36 MAR 20 P 4:30

RECEIVED

36030604944

ADDITIONAL CHECK LISTING SPACE

DATE <u>6-5-84</u>		DOLLARS	CENTS
CURRENCY			
COIN			
CHECKS LIST EACH SEPARATELY			
1			
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TOTAL FROM OTHER SIDE OR ATTACHED LIST			
PLEASE RE-ENTER TOTAL HERE		TOTAL <u>36339</u>	<u>-</u>

00 709 9m

IN
DEPOSIT

CITIZENS FOR HARKIN

DEPOSIT TICKET

$$\frac{33-64}{730} \times 100$$

Bankers Trust

Checks and other items are received for deposit subject to the provisions of the Uniform Commercial Code or any applicable custom agreement.

BE SURE EACH ITEM IS PROPERLY ENDORSED

6-5-84 3030P.

Messing

① Walter Shorestein
1 CALIFORNIA ST
SAN FRAN 94111
1000. PS
Chair of Board
MILKIN + MYER CO.
EK # 1166

② Norman Lear 1000 PS

③ NEA 5000 - P1

H7 1128 J 43 = 1131

H8 828 J

H6 386 J (85)

P5 7000 J 480

H5 54 J

A32 500 ✓

H4 25 ✓

P1 7500 ✓

A33 250 ✓

P3 3000 ✓

P4 7200 J

P8 8445 J

B1 30 ✓

Fifteen



Santa Monica Bank
13240 BURET BOULEVARD
Pacific Palisades, Calif. 90272

P-10

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COMMITTEE ON POLITICAL ACTION
OF THE
AMERICAN POSTAL WORKERS UNION, AFL-CIO
817 14TH STREET, N.W.
WASHINGTON, DC 20005

1268

155549

June 4, 19 84

PAY TO THE
ORDER OF

Citizens for Harkin

\$ 2,500.00

APWU 632500000

DOLLARS

AMERICAN SECURITY BANK, N.A.

1918 STREET AND PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C.



FOR

⑈001268⑈ ⑈054000551⑈143⑈864 74 25⑈

Louise A. Harkin
John A. Mohr
DIRECTOR
SECRETARY-TREASURER

294

GCCT 9826
RECEIVED AT THE FEC

STATEMENT OF DESIGNATION OF COUNSEL

86 FEB 25 P12:12

NUR 2134

NAME OF COUNSEL: KEITH E. SECULAR
COHEN, WEISS & SIMON

ADDRESS: 330 W. 42ND ST

NEW YORK, N.Y. 10036
TELEPHONE: (212) 393-4695

86 FEB 25 P2:20

RECEIVED
GENERAL INVESTIGATIVE
DIVISION

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

2/13/86
Date

Carol G. Johnson
Signature

RESPONDENT'S NAME: IA. ST. ASSN. OF LETTER CARRIERS PAC

ADDRESS: P.O. Box 6161
Des Moines, IA 50309

HOME PHONE: (515) 266-6299

BUSINESS PHONE: (515) 282-3723

86030504948

STATEMENT OF DESIGNATION OF COUNSEL

86 FEB 21 P 1: 40

MUR 2134NAME OF COUNSEL: Robert F. BauerADDRESS: Perkins Coie1110 Vermont Ave., N.W., Suite 1200Washington, D.C. 20005TELEPHONE: (202) 887-9030

86 FEB 21 P 3: 03

RECEIVED
GENERAL COUNSEL

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

2/19/86
Date

Tom Harkin
Signature

RESPONDENT'S NAME: Thomas R. HarkinADDRESS: Hart Senate Office Bldg., Rm. 317Washington, D.C. 20510

HOME PHONE: _____

BUSINESS PHONE: 202 224-3254

Citizens for Harkin Committee and
its Treasurer
P.O. Box 75221
Washington, D.C. 20013

86030604949



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 24, 1986

Robert F. Bauer, Esquire
Perkins Coie
1110 Vermont Avenue, N. W.
Washington, D. C. 20005

Re: MUR 2134

Dear Mr. Bauer:

This is in reference to your letter dated February 14, 1986, requesting an extension until February 24, 1986, to respond to the complaint in this matter. After considering the circumstances, the Commission has determined to grant your requested extension.

We advise you that requests for extensions of time are to be submitted five days before the original deadline and should include a full explanation setting forth good cause for the extension.

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

H/a

86030504950

STATEMENT OF DESIGNATION OF COUNSELMUR 2134NAME OF COUNSEL: KEITH E. SECULARADDRESS: COHEN, WEISS AND SIMON330 West 42nd StreetNew York, New York 10036TELEPHONE: (212) 563-4100

36 FEB 18 P12:47

RECEIVED
GENERAL COUNSEL

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

February 18, 1986
Date
Signature Staff DirectorRESPONDENT'S NAME: COMMITTEE ON LETTER CARRIERS POLITICAL EDUCATIONADDRESS: 100 Indiana Avenue, N.W.Washington, D.C. 20001

HOME PHONE: _____

BUSINESS PHONE: (202) 393-4695

86030604951

PERKINS COIE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1110 VERMONT AVENUE, N.W. • WASHINGTON, D.C. 20005 • (202) 887-9030

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February 14, 1986

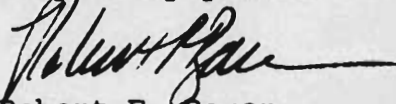
Ms. Frances B. Hagan
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2134

Dear Ms. Hagan:

This firm has been retained to represent Senator Thomas R. Harkin, the Citizens for Harkin Committee and its treasurer in connection with the above-referenced matter. A response to the Commission's letter of January 31, 1986 will be submitted. The Commission's letter was received by Mr. Harkin on February 3, 1986 and the matter was brought to the attention of counsel the following week. This firm respectfully requests an extension of time until February 24, 1986 in order to have adequate time to prepare a response to the Commission's letter. A Statement of Designation of Counsel will follow this letter.

Very truly yours,


Robert F. Bauer

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OFFICE OF THE
GENERAL COUNSEL
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**POLITICAL
ACTION
COMMITTEE**

Suite 100, 1448 Duke Street

Alexandria, Virginia 22314



Telephone (703) 684-5545

LESTER F. MILLER, *Co-Chairman*
CLIFFORD E. EDWARDS, *Co-Chairman*
FRANK NEWHAM, *Secretary-Treasurer*

February 20, 1986

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Dear Mr. Gross:

MUR: 2134

I have received your letter of January 31, 1986 advising us that the FEC had received a complaint that the NRLCA PAC and the Citizens for Harkin Committee may have violated certain sections of "the ACT".

I have checked my records and find that the contribution of \$1,000.00 dated June 28, 1983 and the contribution of \$2,000.00 dated December 15, 1983 should have been reported to the FEC as contributions for the 1984 Primary Election instead of the General Election as reported. It was our intention that these contribution made in 1983 would be for the 1984 Primary Election by the Citizens for Harkin Committee.

I am enclosing amended FEC reports for the Quarters ending 6/31/83 and 12/31/83 for your consideration in correcting the errors made on the original filings.

Sincerely,

Frank Newham

Frank Newham
Treasurer, NRLCA PAC

Enclosures:

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GENERAL COUNSEL

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M2134

February 24, 1986

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C.

Dear Mr. Steele:

Senator Thomas R. Harkin, on his own behalf and on behalf of his principal campaign committee and its treasurer, files this response to the Commission's notification of its receipt of a complaint from the National Center for Labor Policy. This complaint alleges that the Senator received, through his 1984 United States Senate campaign committee, certain excessive contributions from labor organizations.

Senator Harkin requests that the Commission dismiss this complaint as failing to state any ground of liability under the Act.

I. APWU-PFC Contributions

On their face, the allegations of the complainant demonstrate that APWU-PFC made contributions within the lawful limit which applies under 2 U.S.C. §441a. APWU made contributions totaling \$3,500 to the Senator's primary election campaign, and an additional \$5,000 to his general election campaign. The contributions were made over the time frame of the election as follows:

<u>Amount of Contribution</u>	<u>Date Contribution Received by Citizens For Harkin</u>	<u>Election to which Contribution was Designated by Citizens for Harkin</u>
\$250.00	7/12/83	Primary
\$500.00	12/30/83	Primary
\$250.00	4/9/84	Primary
\$2,500.00	6/5/84	Primary
\$2,500.00	6/18/84	General
\$2,500.00	9.19/84	General

Charles N. Steele, Esq.
February 24, 1986
Page 2

The complainant alleges that the last of the primary contributions, so designated by the Harkin Committee, was made on June 6 for the purposes of election limit allocation. In fact, as the FEC ruled, the date of receipt is controlling; and the Harkin Committee received the contribution in question on June 5, the date of the primary election for the Senate in the State of Iowa. FEC Advisory Opinion 1984-32, Fed. Elec. Camp. Fin. Guide (CCH) ¶ 5777 (August 17, 1984).

The facts set out in the complaint suggest a discrepancy in the dates reported as "made" and "received," with a June 6 date for the making of the contribution and a June 5 date for its receipt by the Harkin Committee. The June 6 date for the making of the contribution appears to have been an error either in the APWU-FPC report or in the execution of its check. The Harkin Committee can confirm, however, that all dates of receipt reflected in its report are based on the date of deposit (all such deposits are made within the required ten days). Therefore, the Harkin Committee had the money in question in hand on June 5, the date of the primary, and properly treated this contribution as one for the primary election in accordance with the requirements of the FEC's regulations. 11 C.F.R. §110.1(a)(2)(ii)(A).

Finally, the complainant's allegations with respect to the APWU contributions appear premised at least in part on the PAC's designation of these contributions as for the "general" election on its FEC filings. The checks supporting these contributions carried no such designation, nor was there any such indication reflected in any accompanying writing. The Committee reported these contributions as received for the primary, in accordance with the allocation rules set out in FEC regulations.

II. NALC-CPA and ISALC PAC

The contributions received by the Harkin Committee from the NALC-CPE and ISALC-PAC in connection with the primary election were as follows:

<u>Amount of Contribution</u>	<u>Date Contribution Received by Citizens for Harkin</u>	<u>Election to which Contribution was Designated by Citizens for Harkin</u>
<u>NALC-CPE</u>		
\$ 500.00	7/6/83	Primary
\$2,000.00	12/27/83	Primary
\$2,500.00	3/26/85	Primary

Charles N. Steele, Esq.
February 24, 1986
Page 3

<u>Amount of Contribution</u>	<u>Date Contribution Received by Citizens for Harkin</u>	<u>Election to which Contribution was Designated by Citizens for Harkin</u>
<u>ISALC PAC</u>		
\$60.00	1/9/84	Primary
\$60.00	1/24/84	Primary

In sum, these contributions total \$5,120.00, or \$120.00 in excess of the lawful limit. This smaller excess amount arose out of a misunderstanding by ISALC which intended to contribute this \$120 solely for use in the general election. The ISALC contribution of this \$120, in separate contributed amounts of \$60, was not accompanied by proper designation for this purpose, under Commission election limit allocation rules, and thus resulted in an inadvertent excess over the \$5,000 limit. The Harkin Committee is now preparing to refund this small excess and will have completed this refund by the time of Commission deliberation on this case.

III. NRLCA-PAC

The complaint, on its face, shows no contribution by the NRLCA-PAC to the Harkin Committee in excess of the limits. The contributions made by this PAC over the primary and general election periods were as follows:

<u>Amount of Contribution</u>	<u>Date Contribution Received by Citizens for Harkin</u>	<u>Election to which Contribution was Designated by Citizens for Harkin</u>
\$1,000.00	6/30/83	Primary
\$2,000.00	12/19/83	Primary
\$1,000.00	8/8/84	General
\$2,000.00	9/19/84	General
\$2,000.00	10/11/84	General

As will be readily apparent, the PAC made \$3,000 in contributions prior to the primary, and an additional \$5,000 in contributions for the general. All of these contributions were within the limits for the elections to which they must be allocated under regulations of the Commission.

Charles N. Steele, Esq.
February 24, 1986
Page 4

The case made by the complaint stands and must fall on the apparent reporting by the PAC of the contributions as having been made for the general election. This appears again a case of misdesignation by the PAC. The checks supporting these contributions were not accompanied by any designation that they be reserved for use in the general election. Accordingly, the Harkin Committee properly treated and reported these contributions as made for the primary election, in accordance with the election limitation allocation regulations of the Commission.

IV. CWA COPE PAC and Federation of Telephone Workers of Pennsylvania

On July 27, 1984, the CWA PAC made a contribution to the Harkin Committee in the amount of \$5,000, while the Federation made a contribution to the Committee in the same amount on July 31, 1984. In the following month, August 1984, the CWA and the Federation formally merged in the wake of a favorable vote of the Federation membership six months before, in February 1984.

On the basis of Advisory Opinion 1985-27, issued by the Commission in response to a request of R.J. Reynolds Industries, the complainant alleges that the membership vote in February constituted a completed merger for purposes of the anti-proliferation regulations of the Act. The complainant thus alleges that the PACs of the Federation and the CWA were required to observe a combined contribution limit of \$5,000 in contributing to the Harkin Committee in July 1984.

The Harkin Committee urges that the Commission dismiss this claim on the following grounds. First, the question of when the Federation and the CWA became subject to "affiliation" for purposes of the anti-proliferation rules is a question of fact. From the evidence supplied by the complainant, this affiliation became effective only when the merger of the organizations was ratified in August, after the contributions in question were made.^{1/} Under the very terms of Advisory Opinion 1985-27, contributions made by PACs prior

^{1/} A membership vote approving the merger is a precondition for its occurrence, not its functional equivalent. By such vote, the leadership of the union is authorized to proceed with preparation and execution of the merger which has not yet taken place in effective terms.

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Charles N. Steele, Esq.
February 24, 1986
Page 5

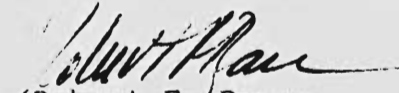
to the merger of their connected organizations are treated as made by separate PACs with separate contribution limits. The contributions in question were therefore within the lawful limits.

Second, the claim raised by the complainant would hold the Harkin Committee to a rule of law articulated by the Commission in an Advisory Opinion issued over one year after the events at issue transpired. This Opinion, moreover, turned on facts and law relevant only to corporate mergers, such as legal significance under the Act and general corporate law of the acquisition by one corporation of over 50% of the stock of another. It does not in any way address the facts of this case which, involving labor organizations, are wholly different in character. Whatever judgment the Commission might render upon close examination of these facts, the Harkin Committee cannot equitably be assessed liability for assuming that it was receiving contributions from separate and unrelated PACs which were functioning separately at the time, in name and otherwise.

CONCLUSION

Senator Harkin requests that the Commission take no action on the Complaint and close the file in this matter.

Respectfully submitted,


Robert F. Bauer
Counsel to Senator Thomas
Harkin

RFB/lff

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GC# 9741

Hagan

February 18, 1986

Mr. Charles N. Steele
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

36 FEB 18 P 2: 54

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Re: MUR 2134

Dear Mr. Steele:

This is the response of the Communications Workers of America Committee on Political Education Political Contribution Committee (CWA COPE PCC), the CWA Local 13000 Political Action Committee, and the treasurers of the CWA COPE PCC and the Federation of Telephone Workers of Pennsylvania Political Action Committee (FTWP PAC) to the complaint in MUR 2134.¹

The complaint, ¶ 35-38, alleges that the CWA COPE PCC and the FTWP PAC violated 2 U.S.C. §441a(a)(2)(A) by each contributing \$5,000 to the Thomas R. Harkin Campaign for the 1984 election. The challenged contribution by CWA COPE PCC was made in July 1984. The challenged contribution by FTWP PAC was made in July 1984.

¹The present treasurer of Communications Workers of America COPE PCC is James B. Booe. Louis B. Knecht was treasurer of CWA COPE PCC at the time of the contributions in question. Ron Krouse was an assistant treasurer of CWA COPE PCC, and Fred Hassen, who is deceased, was also an assistant treasurer. Edwin J. Maher was the treasurer of the Federation of Telephone Workers of Pennsylvania Political Action Committee and is currently treasurer of the CWA Local 13000 Political Action Committee.

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The complaint is premised upon the erroneous assumption that the Communications Workers of America (CWA) and the Federation of Telephone Workers of Pennsylvania (FTWP) merged in February 1984. The fact of the matter is, however, that prior to August 1, 1984 the CWA and the FTWP were separate independent labor organizations, unaffiliated with each other, and each governed by its own constitution. Exhibit 1 (FTWP Constitution); Exhibit 3 (CWA Constitution). On August 1, 1984, the FTWP joined the CWA as Local 13000. On that date, CWA Local 13000 was chartered, Exhibit 5, the FTWP Constitution was replaced by the Local 13000 bylaws, Exhibit 2, and the former members of FTWP became CWA members and began paying dues to the CWA, Exhibit 7. Also, on that date, a new geographic region of the CWA national union, District 13, came into being; this District is composed primarily of the members of CWA Local 13000. Exhibit 6. Compare Exhibit 3, pp.114-115 with Exhibit 4, pp. 112-113 (showing the creation of the new District 13).

The FTWP, by the terms of its constitution, Exhibit 1, was an independent labor organization, Art. 22, p. 71, with its own requirements for membership, Art. 3, Sec. 1, p. 8, and its own definition of membership rights, Art. 19, pp. 66-67. Under the terms of this constitution, the FTWP was not affiliated with the CWA. Nor could the members of the FTWP have been members of the CWA under the CWA Constitution until their union became chartered CWA Local 13000 and they started paying dues to the CWA. Under the CWA Constitution, Exhibit 3, membership in that union must come through membership in one of its chartered locals, Art. V, Sec. 2(a), p. 3, and members must pay dues to the CWA, Art. VI, Secs. 1 & 2, p. 7. The former FTWP members did not meet either of these requirements until August 1, 1984.

The CWA Local 13000 bylaws, Exhibit 2, which became effective on August 1, 1984, the date that local was chartered, clearly place the local under the authority of the CWA Constitution and National Convention. See, eg., Exhibit 2, Art. 7, Sec. 3(1), p. 17; Art. 8, Sec. 7, p. 25; Art. 11, p. 33; Art. 12, pp. 34-35; Art. 14, pp. 37-43; Art. 17, p. 44; Art. 19, p. 46. Those bylaws also made the former members of FTWP into members of the CWA. Compare Exhibit 1 (page facing the index) with Exhibit 2 (page facing the index). See also Exhibit 2, Art. 3, Sec. 1, p. 9; Art. 9, p. 26; Art. 10, Sec. 4, p. 32.

The complaint acknowledges that the merger of the CWA and the FTWP was not accomplished until August 1984, but asserts nevertheless that the FTWP was transformed into an affiliate of the CWA by the vote of the FTWP membership in February 1984 approving a proposal to affiliate with the CWA. Complaint ¶ 36. After the FTWP membership approved affiliation in February 1984, there was only agreement that the two organizations would merge at a future date. An agreement between two organizations to merge at a future date is not sufficient to subject the political committees of the merging organizations to a single contribution limit. F.E.C. Advisory Opinion 1985-27 (Nov. 1, 1985).

All of the political committees established by a labor organization and its locals are subject to a single contribution limit. 2 U.S.C. §441a(a) (5): See 11 CFR §§100.5(g)(2)(i)(B) & 110.3(a)(1)(ii)(B). An agreement to merge one labor organization into another as a local does not, however, make the one organization a local of the other. This occurs only when the organizations actually merge — when their structures and governing documents are changed to accomplish the merger and when their memberships merge.

"[U]nion constitutions [are the] documents that prescribe the legal relationship and the rights and obligations between the parent and affiliated

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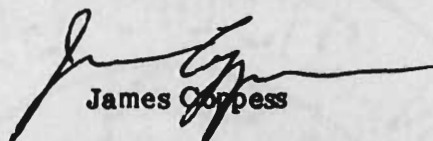
locals . . ." Plumbers & Pipefitters v. Local 334, Plumbers & Pipefitters, 452 U.S. 615, 624 (1981). The constitution is the "fundamental agreement of association" between a national union and its affiliated locals. Coronado Coal Co. v. Mine Workers, 268 U.S. 295, 304 (1925). The Commission's regulations recognize this. 11 CFR §§100.5(g)(2)(ii)(B) & 110.3(a)(1)(iii)(B). As the above factual discussion demonstrates, until August 1, 1984 the CWA and the FTWP were independent labor organizations, each governed by its own constitution and each having its own structure.

Moreover, the members of the FTWP could not possibly be considered members of the CWA before August 1, 1984. It was only on that date that they became members of a chartered local of the CWA Local 13000, Exhibit 5, and they began to pay dues to the CWA, Exhibit 7. These are the two basic requirements for membership in the CWA Exhibit 3, Art. V, Sec. 2(a) and Art. VI, Sec. 1. Under the Commission's regulations, only those who satisfy the requirements for membership in a labor organization can be considered members. 11 CFR §§100.8(4)(iv) & 114.1(e). This is the common legal definition of union membership. See 29 U.S.C. §402(o).

From the foregoing, it is clear that the CWA and the FTWP were separate labor organizations until August 1, 1984. The contributions challenged in the complaint were made prior to that date, when the CWA COPE PCC and the FTWP PAC were each subject to separate contribution limits F.E.C. Advisory Opinion 1985-27 (Nov. 1, 1985) (pre-affiliation contributions were not subject to a shared aggregate limit at the time they were made).

For the foregoing reasons, no action should be taken against the CWA COPE PCC, the Local 13000 PAC, or the treasurers of these committees.

Respectfully submitted,


James Corbess

86030304962

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2134

NAME OF COUNSEL: James Coppess

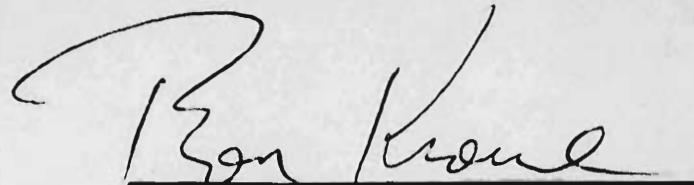
ADDRESS: 1925 K Street, N.W., Suite 411
Washington, D.C. 20006

TELEPHONE: (202) 728-2453

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GENERAL COUNSEL

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

2/4/86
Date


Signature

RESPONDENT'S NAME: CWA COPE-PCC

ADDRESS: 1925 K Street, N.W.
Washington, D.C. 20006

HOME PHONE:

BUSINESS PHONE: (202) 728-2500

86030504963

STATEMENT OF DESIGNATION OF COUNSEL

NOR 2134

NAME OF COUNSEL: James Coppess

ADDRESS: 1925 K Street, N.W., Suite 411
Washington, D.C. 20006

TELEPHONE: (202) 728-2453

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

2/10/86
Date

E. J. Maher
Signature

RESPONDENT'S NAME: Local 13000, CWA, AFL-CIO

ADDRESS: Second Floor
1410 Chestnut Street
Philadelphia, PA 19102

HOME PHONE: (215) 352-0777

BUSINESS PHONE: (215) 564-6169

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OFFICE OF THE
GENERAL COUNSEL

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Exhibits to the Response of CWA COPE PCC, et al., to MUR 2134

Exhibit 1 - FTWP Constitution

Exhibit 2 - CWA Local 13000 Bylaws

Exhibit 3 - CWA Constitution (1983)

Exhibit 4 - CWA Constitution (1984)

Exhibit 5 - CWA Local 13000 Charter

Exhibit 6 - CWA Executive Board Resolution

Exhibit 7 - Letter to Bell of Pennsylvania

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84-03

File: 1.28.1

From: Louis B. Knecht, Secretary-Treasurer

Subject: Issuance of New Local Charter - Local 13000

A new Local charter has been issued to Local 13000, effective August 1, 1984. The jurisdiction for this new Local reads as follows:

LOCAL 13000:

"Over all work performed by employees eligible for Union membership employed by the following: The Bell Telephone Company of Pennsylvania or any of its subsidiaries anywhere in the State of Pennsylvania; The Bell Atlantic Corporation and any of its subsidiaries in the State of Pennsylvania; The AT&T Company and any of its subsidiaries in Pennsylvania except for those employees who are already represented by other CWA Locals; The United Telephone Company at Butler, Pennsylvania; Alltell of Pennsylvania at Kittanning, Carbon, and Muncy, Pennsylvania; The North Pittsburgh Telephone Company at Gibsonia, Pennsylvania; The Murraysville Telephone Company at Murraysville, Pennsylvania; The Continental Telecommunications, Inc. at Selinsgrove, Pennsylvania and Quaker State Telephone Company at Loyalsock, Pennsylvania; The Westmoreland Cable Company at New Kensington, Pennsylvania; The Clear Channel Cable TV Company at Kittanning, Pennsylvania; The Lebanon Valley Cable TV Company at Lebanon, Pennsylvania; Trams Communications Company at Bethlehem, Pennsylvania; The Tele-Tec Corporation

Local 13000
August 1, 1984
Page 2

at Oaklyn, New Jersey; Economy Answering Service at Philadelphia, Pennsylvania; Answering Services, Inc. at Kittanning, Pennsylvania; The Armstrong County Emergency Operations Center at Kittanning, Pennsylvania; Any other workers in Pennsylvania who may be organized by Local 13000; and such other jurisdictions as may be assigned by the Executive Board of the Union."


L. B. K.

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CWA LOCAL CHARTER JURISDICTION

PENNSYLVANIA

FILE: 1.28.1

CWA LOCAL # 13000

JURISDICTION ASSIGNED:

"Over all work performed by employees eligible for Union membership employed by the following: The Bell Telephone Company of Pennsylvania or any of its subsidiaries anywhere in the State Pennsylvania; The Bell Atlantic Corporation and any of its subsidiaries in the State of Pennsylvania; The AT&T Company and any of its subsidiaries in Pennsylvania except for those employees who are already represented by other CWA Locals; The United Telephone Company at Butler, Pennsylvania; Alltell of Pennsylvania at Kittanning, Carbon, and Muncy, Pennsylvania; The North Pittsburgh Telephone Company at Gibsonia, Pennsylvania; The Murrys ville Telephone Company at Murrys ville, Pennsylvania; The Continental Telecommunications, Inc. at Selinsgrove, Pennsylvania and Quaker State Telephone Company at Loyalsock, Pennsylvania; The Westmoreland Cable Company at New Kensington, Pennsylvania; The Clear Channel Cable TV Company at Kittanning, Pennsylvania; The Lebanon Valley Cable TV Company at Lebanon, Pennsylvania; Trams Communications Company at Bethlehem, Pennsylvania; The Tele-Tec Corporation at Oaklyn, New Jersey; Economy Answering Service at Philadelphia, Pennsylvania; Answering Services, Inc. at Kittanning, Pennsylvania; The Armstrong County Emergency Operations Center at Kittanning, Pennsylvania; Any other workers in Pennsylvania who may be organized by Local 13000; and such other jurisdictions as may be assigned by the Executive Board of the Union."

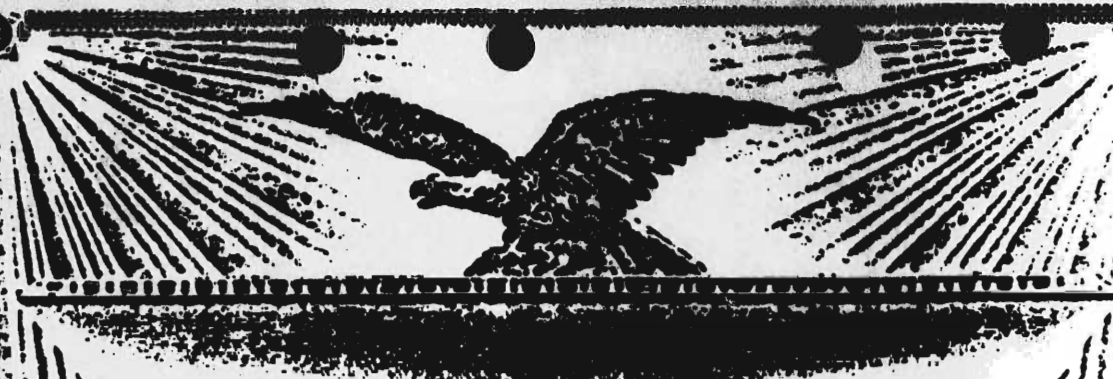
ORIGINAL CHARTER ISSUED:

August 1, 1984

ORIGINAL CHARTER ISSUED TO:

**W. E. Wallace, Vice Pres.
CWA District 13
1410 Chestnut Street
2nd Floor
Philadelphia, PA 19102**

86030504968



**COMMUNICATIONS WORKERS
OF
AMERICA**
AFL-CIO

LOCAL CHARTER

KNOW ALL PERSONS BY THESE PRESENTS THAT:

By Authority of the Constitution this Charter is hereby granted to:

LOCAL 13000

of the Communications Workers of America, with the following jurisdiction:

"Over all work performed by employees eligible for Union membership employed by the following: The Bell Telephone Company of Pennsylvania or any of its subsidiaries anywhere in the State of Pennsylvania; The Bell Atlantic Corporation and any of its subsidiaries in the State of Pennsylvania; The AT&T Company and any of its subsidiaries in Pennsylvania except for those employees who are already represented by other CWA locals; The United Telephone Company at Butler, Pennsylvania; Alltel of Pennsylvania at Kittanning, Carbon, and Muncy, Pennsylvania; The North Pittsburgh Telephone Company at Gibsonia, Pennsylvania; The Murrysburg Telephone Company at Murrysburg, Pennsylvania; The Continental Telecommunications, Inc. at Selinsgrove, Pennsylvania and Quaker State Telephone Company at Loysock, Pennsylvania; The Westmoreland Cable Company at New Kensington, Pennsylvania; The Clear Channel Cable TV Company at Kittanning, Pennsylvania; The Lebanon Valley Cable TV Company at Lebanon, Pennsylvania; Trans Communications Company at Bethlehem, Pennsylvania; The Tele-Tec Corporation at Oaklyn, New Jersey; Economy Answering Service at Philadelphia, Pennsylvania; Answering Services, Inc. at Kittanning, Pennsylvania; The Armstrong County Emergency Operations Center at Kittanning, Pennsylvania; Any other workers in Pennsylvania who may be organized by Local 13000; and such other jurisdictions as may be assigned by the Executive Board of the Union."

This Charter is granted with all the rights and privileges conveyed in the Constitution upon the condition that the said Local shall at all times comply with the Constitution and the Rules and Regulations thereunder and may be revoked only upon violation thereof and in accordance with the provisions of the Constitution.

In witness whereof we have hereunto attached our signatures and caused the seal of the Communications Workers of America to be affixed.



Dated this 1st day of August 1984

Sam E. Watts
President
Don B. Smith
Secretary-Treasurer

OFFICIAL COPY

COMMUNICATIONS WORKERS OF AMERICA
MINUTES OF THE MEETING
OF THE
EXECUTIVE BOARD

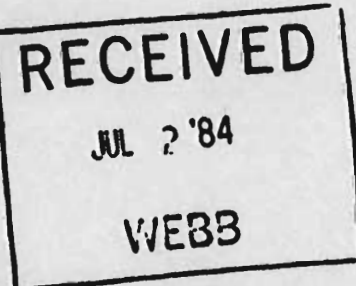
WASHINGTON, D. C.

APRIL 9-13, 1984

APPROVED BY THE EXECUTIVE BOARD: JUNE 10, 1984

ISSUED: JUNE 22, 1984

NS-9 (224)



8603004970

CONVENTION ARRANGEMENTS/STAFFING

A discussion was held concerning the forthcoming Convention which will be called for August 6-9, 1984. All business that is normally handled will be concluded with a three day time span.

Further discussion was entered into concerning the need to have enough Staff at the Convention to handle convention assignments and that it was important to conserve where possible. It was agreed that one half of the Staff would attend the Convention. This decision was made with the knowledge that the conduct of the Convention requires a certain number of Staff in order that the business flows as smoothly as possible and as conveniently as possible for the delegates.

STRATEGIC PLANNING AND BUDGET COMMITTEE REPORT

See Attachment #1

ORGANIZING - OHIO PUBLIC EMPLOYEES ORGANIZING PROJECT

Motion: Moved that expenditures be authorized from the Defense Fund of \$500,000 for the Ohio project to go to August, 1984.

Motion Adopted 4/11/84

DISTRICT 13 RESOLUTION

The delegates to the Eleventh CWA Convention adopted Resolution 11A-57-3 and thereby exercised their Constitutional authority by approving the creation of a new District for the states of Pennsylvania and Delaware and approved the removing of these states from the jurisdiction of District 2. This was reaffirmed by the delegates to the 42nd Convention in 1980.

This Resolution required that the action for the creation of a District for Pennsylvania and Delaware be effective coincident with the Federation of Telephone Workers of Pennsylvania joining CWA and further directed that the Executive Board of CWA take all steps necessary to effectuate this Resolution.

The members of the Federation of Telephone Workers of Pennsylvania, having overwhelmingly voted to join CWA, and pursuant to Resolution 11A-57-3, as adopted by the delegates to the Eleventh CWA Convention.

BE IT RESOLVED: That the Executive Board of CWA hereby establishes CWA District 13 consisting of the states of Pennsylvania and Delaware, effective August 1, 1984. Thereafter, the President of CWA shall convene a meeting of delegates from all Locals in District 13, including the new Local to be chartered for the jurisdiction of the FTWP, for the purpose of electing a Vice President who shall serve until the next regular Constitutional election of Officers.

Resolution Adopted
4/11/84

96030504971

July 16, 1984

File: 1.7.13.2377

Mr. Raymond Smith, President
Bell of Pennsylvania
One Parkway
Philadelphia, PA 19102

Dear Sir:

As I am certain you are aware, the Federation of Telephone Workers of Pennsylvania has merged with the Communications Workers of America, effective August 1, 1984. Therefore, as of 12:01 a.m., August 1, 1984, and subsequent to this time, all dues deductions from members of the Communications Workers of America (including former members of the Federation of Telephone Workers of Pennsylvania) should be made payable to the Communications Workers of America and transmitted to Louis B. Knecht, Secretary-Treasurer, 1925 K Street, N.W., Washington, D.C. 20006.

This will also certify that the minimum membership dues for the employees represented by Communications Workers of America have been established at two hours pay per member, per month, based on 40 hours a week, in accordance with the appropriate formula furnished herewith that is applicable to the schedule of payroll deductions being made. If present deductions amount to more than the minimum two hours pay, they should remain in effect until specific authorization is given to change.

This letter of certification, until further notice, authorizes the employer to make payroll deductions from the wages of employees represented by Communications Workers of America Local 17000.

Sincerely,

Louis B. Knecht,
Secretary-Treasurer

Enclosures

/pu

cc: W. E. Wallace, Exec. Pres., F.T.W.P.
Lawrence J. Barnhorst, Comptroller, Bell of PA. (enc.)

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CONSTITUTION
OF THE
Federation of Telephone Workers
of Pennsylvania



Adopted—November 1938
Revised—February 1942
Revised—June 1944
Revised—September 1945
Revised—January 1949
Revised—January 1950
Revised—January 1951
Revised—January 1953
Revised—January 1955
Revised—January 1956
Revised—January 1957
Rewritten—October 1959
Revised—May 1960
Revised—May 1961
Revised—May 1962
Revised—May 1963
Revised—May 1964
Supplement issued—June 1965
Revised—May 1966
Revised—May 1967
Revised—September 1968
Revised—June 1969
Revised—June 1970
Revised—May 1972
Revised—May 1974
Revised—May 1976
Revised—May 1977
Revised—May 1978
Revised—October 1982

EXHIBIT 1

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Your membership in the FTWP guarantees you certain rights, obligations and responsibilities as provided in this Constitution.

FEDERATION OF TELEPHONE WORKERS
OF PENNSYLVANIA
CERTIFICATE OF MEMBERSHIP



WZ Wallace
EXECUTIVE PRESIDENT

Member's Duties

- Members shall report any violation of the Contract by Supervisors as by members.
- Members shall attend all membership meetings.
- Members are entitled to a voice and vote on all matters and should express their opinions and vote.
- Members shall notify the Union of change in home address and/or work location.
- Members are required to picket during a strike authorized by the membership.
- Members shall follow authoritative orders of the Local, Division, or Union.
- Members shall adhere to all Union policies.
- Members should uphold all traditions of organized Labor.

COUNTERSIGN

Important

This is your annual membership card. Be sure to countersign on the back. Members duties as provided in the F.T.W.P. Constitution are carried for your information and guidance.

INDEX

	Page
PREAMBLE	4
ARTICLE 1—NAME AND PURPOSE.....	5
ARTICLE 2—STRUCTURE.....	6
Sec. 1—Organization	6
Sec. 2—Definitions	6
Sec. 3—Established Structure	8
ARTICLE 3—MEMBERSHIP	8
Sec. 1—Eligibility	8
Sec. 2—Application	8
Sec. 3—Termination	9
Sec. 4—Retention	9
Sec. 5—Duties of Member	10
Sec. 6—Assignment and Transfer of Members	10
ARTICLE 4—BRANCHES, BRANCH REPRESENTATIVES AND JOB STEWARDS.....	11
Sec. 1—Election and Duties	11
Sec. 2—Promotion	12
Sec. 3—Temporary Transfers	12
Sec. 4—Absence of Representative	13
ARTICLE 5—LOCALS.....	13
Sec. 1—Local Offices	13
Sec. 2—Local Councils	13
Sec. 3—Local Council Officers	15
ARTICLE 6—DIVISIONS	16
Sec. 1—Division Offices	16
Sec. 2—Division Councils	17
Sec. 3—Division Council Members	19
Sec. 4—Division Council Officers	19
ARTICLE 7—THE EXECUTIVE BOARD AND EXECUTIVE OFFICERS.....	22
Sec. 1—Officers	22
Sec. 2—Election	23
Sec. 3—Powers and Duties - Board	23
Sec. 4—Powers and Duties - Officers	26
a—The Executive President	26
b—The Executive Vice President	27
c—The Executive Secretary	28
d—The Executive Treasurer	28

- (q) Supervisor's groups shall mean all the employees reporting directly to a particular Supervisor. 1976

Sec. 3.—Established Structure

The structure of this Union, established as of the date of the adoption of this Constitution, shall be set forth in Appendix A hereof.

Sec. 4.—The structure of the Union may be altered or changed only by Constitutional amendment, as hereinafter set forth, provided, however, that the Executive Board may establish new Branches, Locals or Divisions to accommodate new members where existing Branches, Locals or Divisions are inadequate or inappropriate for their needs or where new or other departments are organized.

**ARTICLE 3
MEMBERSHIP**

Sec. 1.—Eligibility

Membership in this Union shall be available to pensioners or employees of communications companies who are eligible for Union membership under applicable law.

Sec. 2.—Application for Membership

(a) Application for membership shall be made on standard Union application forms approved by the Executive Board and submitted to the Local Council having jurisdiction of the applicant. Applicants for the reinstatement must be approved by the Local Council to which application for reinstatement is made. Such application must also be approved by the Council of the Local of which the applicant was a previous member and finally approved by the Executive Board, except reinstatements from expulsions by a Trial Court must be approved by the Convention.

(b) The Local Council shall have power to pass upon the qualifications of the applicant and issue a certificate of membership, provided, however, that the Executive Board may revoke said certificate or membership if it shall determine that the applicant was ineligible for membership under the provisions of this Constitution or owes any obligations to the Union by virtue of former membership.

Sec. 3.—Termination of Membership

Membership in this Union may be terminated only upon the following grounds.

(a) Expulsion as provided for herein for arrearages for dues, fines, or assessments.

(b) Expulsion by a Trial Court.

(c) Assumption of a position in a company with which the Union has a collective bargaining agreement which would have rendered the member ineligible to have made application for membership in the first instance. If the assumption of such a position is on a temporary basis, membership may be retained for a period of thirty days or during the period of such position, whichever is less.

(d) Termination of employment with the employer provided, however, that membership may be retained pursuant to the provisions of Section 4 of this article.

Sec. 4.—Retention of Membership

Members of the Union in good standing, upon leaving the communications industry, may retain membership in the Union, in the discretion of the Division having jurisdiction and upon the payment of regular dues. Members who are retired for reasons of age or disability may continue to be active members upon the continuation of regular dues payments or become Honorary Members without

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the requirements of dues payments. Honorary Members shall not have voting privileges.

Sec. 5.—Duties of Members

(a) It shall be a duty of each member to notify the Representative of the Branch in which the member is located, of any violation of the Agreements by either the Company Supervisors or employees at the time said violation occurs.

(b) It shall be the duty of each member to attend all membership meetings of the Branch, Local or Division in which he is located, either permanently or temporarily, at the time of such meeting.

(c) Each member in attendance at Union Membership meetings shall be entitled to a voice and vote in matters pertaining to the Branch, Local, or Division of which he is a member.

(d) It shall be the responsibility of the individual member to keep the Union informed as to his residence address and Company work location.

(e) It shall be the duty of each member of the Union to picket during an authorized strike unless otherwise excused by the Strike Director.

(f) It shall be the duty of each member to obey authoritative orders of a particular Council of the Union having jurisdiction over him.

Sec. 6.—Assignment and Transfer of Members

(a) Local Councils shall assign new members to the appropriate Branch within the Locals in their jurisdiction.

(b) Members who are transferred, vocationally or geographically, by company action, shall come under the jurisdiction of the

Branch, Local and Division into whose area such transfer is made. Where such transfer is intended to be for a period of six months or less, no change in jurisdiction shall be made, provided, however that such members shall be required to comply with all rules and regulations and directions of the Branch, Local and Division of the temporary location.

ARTICLE 4

**BRANCHES, BRANCH REPRESENTATIVES
AND JOB STEWARDS**

**Sec. 1.—Election and Duties of
Branch Representatives.**

(a) Each Branch shall elect from among its membership one Branch Representative who shall be a member of the Local Council of the Local of which it is a part. Eligibility and aspirant nomination procedures are under Article 10. 1978

(b) A Branch Representative shall not, during the period of his term of office, accept an "In Charge" assignment from the company employing him.

(c) Each Branch Representative shall:

(1) Represent the interest of the Union membership in his Branch and subject to the approval of the Local Council, may appoint a Job Steward for each Foreman's group to assist him.

(2) Conduct at least four meetings of the Branch Membership each year, except as modified under Article 5, Sec. 2, para. 8.

(3) Unless otherwise excused, attend all meetings of his Branch, Local, Division or Executive Board when his attendance is required. Failure to attend three consecutive meetings which require his at-

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port for work. Such determination shall be made in the light of the facts relating thereto, the state of the law at the time and the nature of this Union's contractual obligations in effect with respect thereto.

(b) Members of this Union shall not cross bona fide picket lines established by other Unions or other groups of employees. The Executive Board will recommend the adoption of economic action to protect its Members against discrimination for such acts.

ARTICLE 19 RIGHTS OF MEMBERS

Sec. 1. This Union is concerned with maintaining for its members and employees represented by it an avenue of appeal concerning the operation of any subordinate body or any office or representative thereof, or concerning any action by a subordinate body of this Union or any officer or representative thereof, which an individual believes constitutes unfair treatment of him, either insofar as his rights of membership are concerned or insofar as his rights under the Union's collective bargaining agreements are concerned.

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Sec. 2. To facilitate the orderly handling of complaints related to alleged violations of the rights of any member or to any action of a subordinate body of officer or representative thereof, the following procedures shall apply:

(a) If any individual believes that he is being improperly treated by a subordinate body or any officer or representative thereof, or if he claims that his grievance has not been fairly or properly handled, such individual must initiate a complaint with the subordinate body, of officer or representative thereof, to

seek redress and correction of the matter complained of through appeal to the membership of his Local Union.

(b) If redress for the conduct complained of is not obtained by the individual from the Local Union, the individual shall submit his complaint in writing to the Union's Executive Board through the Executive President. The Executive Board shall have the initial responsibility for investigating the complaint. The Executive Board may designate one of its members to conduct a further investigation and to interview the complaining party and officers and representatives of Local Unions or other subordinate bodies about whom any complaint is made.

(c) Upon completion of the Executive Board's investigation and action, the complaining member, and all other interested parties, will be informed as to the disposition made of the complaint by the Executive Board. In the event the complaining individual is dissatisfied with the decision and action of the Executive Board, he may, within 30 days, appeal such decision in writing to the Public Review Board for hereafter.

ARTICLE 20 PUBLIC REVIEW BOARD

Sec. 1. For the purpose of insuring a continuation of high moral and ethical standards in the administration or operation of the Union and its subordinate bodies, and to further strengthen the democratic process and appeals procedures within the Union as they affect the rights and privileges of individual members, there shall be established a Public Review Board consisting of impartial persons of good public repute, who are not

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of all of its decisions and all complaints or appeals made to it. The Chairman of the Public Review Board shall provide the Executive Board of the Union an annual report of its activities, which shall include a summary of all appeals it has handled during the year. Copies of the Public Review Board's annual report shall be mailed to all Local Unions and other subordinate bodies.

Sec. 7. All of the expenses of the Public Review Board shall be paid by the Union. The Executive President shall arrange with the Chairman of the Public Review Board and its members for appropriate compensation to be received by members of the Public Review Board, and for the payment of all expenses incurred by them. The Public Review Board may hold hearings and is authorized to rent rooms, obtain transcripts, and expend such other funds as are necessary to enable it to perform its functions.

ARTICLE 21

EXHAUSTION OF INTERNAL REMEDIES

Sec. 1. Every member of the Union and every employee represented by it shall be required to exhaust all internal remedies provided for in this Constitution before instituting or initiating any legal action or other legal proceedings. This requirement of exhaustion of internal remedies must be fulfilled by every member or individual, and it shall be the obligation of every member or individual to exhaust all internal remedies before initiating any proceeding of any kind in any forum against the Union, its subordinate bodies, or officers thereof.

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ARTICLE 22

AFFILIATION AND DISSOLUTION

Sec. 1.—Membership Approval Requirement

(a) This Union shall not affiliate or merge with any other Union, dissolve, dispose of its assets in connection therewith or take any other form of action which would affect or destroy its structure or identity without the approval of a majority of the Members voting thereon in referendum.

(b) A resolution calling for the affiliation merger or dissolution of this Union and the disposition of its assets may be adopted either by a majority vote of the Convention, a majority vote of the Executive Board or by initiative as provided for in Article 11 of this Constitution. Either type of resolution so adopted shall be submitted to the Membership for vote and a majority affirmative vote of the Membership voting thereon shall be required to carry and put the resolution into effect.

ARTICLE 23

AMENDMENTS

Sec. 1.—General

This Constitution may be amended either by:

- (a) The Convention, or
- (b) The Membership in referendum

Sec. 2.—Amendments by the Convention

This Constitution may be amended by a 2/3 vote of the Convention delegates voting, provided the sense of the proposed amendment and the Article, Section and Paragraph to be amended has been published in the monthly publication of the Union received

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**BYLAWS
AND
RULES
OF
LOCAL 13000**

**Communications Workers
of America
AFL-CIO**

formerly
**FEDERATION OF
TELEPHONE WORKERS
OF PENNSYLVANIA**



Adopted June 11, 1984
Effective August 1, 1984



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**Your membership in the CWA Local 13000
guarantees you certain rights, obligations and
responsibilities as provided in these Bylaws**

"The Communications Workers of America is a union which does not simply represent the wage and job interests of our growing membership. Rather, CWA is a union with an abiding commitment to the welfare of the total community."

GLENN E. WATTS

"This is your Union membership card. Carry it proudly on your job, in your community, and in your home"

LOUIS B. KNECHT

**Communications Workers
of America AFL-CIO**



Local No.

This certifies that

S A M P L E

Louis B. Knecht
Secretary-Treasurer

MEMBER'S SIGNATURE

Preamble to the CWA Constitution

"We, the Communications Workers of America, believing that as an integral part of society we are entitled to an equitable share in the products of our labor and realizing that our welfare can be best protected and advanced through the united efforts of all workers, do, through this Constitution, under God, seek to form a more perfect means of securing for ourselves and labor generally full enjoyment of the inherent rights and dignities which our institutions were ordained to preserve."

James Fuller

SIGNATURE

LOCAL SECRETARY

CWA...Leading The Way

INDEX

	Page
PREAMBLE.....	4
ARTICLE 1—NAME AND PURPOSE.....	5
Sec. 1—Name.....	5
Sec. 2—Purpose.....	5
ARTICLE 2—STRUCTURE.....	6
Sec. 1—Organization.....	6
Sec. 2—Definitions.....	6
Sec. 3—Established Structure.....	8
Sec. 4—Changing the Structure.....	8
ARTICLE 3—MEMBERSHIP.....	9
Sec. 1—CWA Constitution.....	9
Sec. 2—Local Union Procedures.....	9
Sec. 3—Duties of Members.....	9
Sec. 4—Assignment and Transfer of Members.....	10
Sec. 5—Resignations.....	10
ARTICLE 4—BRANCHES, BRANCH REPRESENTA- TIVES AND JOB STEWARDS.....	10
Sec. 1—Election and Duties of Branch Representatives.....	10
Sec. 2—Promotion of Branch Representative.....	11
Sec. 3—Temporary Out of Town Transfer.....	12
Sec. 4—Absence of Representative Because of Vacation.....	12
ARTICLE 5—UNITS.....	12
Sec. 1—Unit Offices.....	12
Sec. 2—Unit Councils.....	12
Sec. 3—Unit Council Officers.....	14
ARTICLE 6—REGIONS.....	16
Sec. 1—Regional Vice Presidents.....	16
Sec. 2—Non-Bell Regional Coordinator.....	16
Sec. 3—Unit President.....	16
Sec. 4—Non-Bell Unit President.....	16
Sec. 5—Designation by Vice President or Coordinator.....	16
Sec. 6—Requirement Waiver (1984).....	17
ARTICLE 7—THE EXECUTIVE BOARD AND EXECUTIVE OFFICERS.....	17
Sec. 1—Officers.....	17
Sec. 2—Election.....	17
Sec. 3—Authority, Duties and Obligations.....	17

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employees reporting directly to a particular Supervisor.

(r) The terms Branch Representative and Steward are synonymous and can be used interchangeably.

(s) Job Steward shall mean a member who is appointed to assist a branch representative in the performance of his duties. A Job Steward may be appointed for each first line supervisor's group.

(t) BOC means Bell Operating Company or the Bell Telephone Company of Pennsylvania.

(u) AT&T means the American Telephone and Telegraph Company and any of its subsidiaries.

(v) Full time work for the local union shall mean off the job either on a leave of absence for union business or off the job on excused union time.

(w) Executive Board shall mean the Executive Board of the Local Union. When reference is made to the Executive Board of the National Union, that body will be designated the National Union Executive Board.

Sec. 3—Established Structure

The structure of this Local Union, established as of the date of the adoption of these Bylaws and Rules, is set forth in Appendix A hereof.

Sec. 4—Changing the Structure

The structure of the Local Union may be altered or changed only by amendment to the Bylaws and Rules as herein set forth, provided that the Executive Board may establish new Branches, Units or Regions where existing Branches, Units, or Regions are inappropriate, or where new or other departments are organized.

ARTICLE 3 MEMBERSHIP

Sec. 1—CWA Constitution

Rules for membership eligibility, application for membership, transfers, termination of membership, and retired members' clubs are set forth in Article V of the CWA Constitution.

Sec. 2—Local Union Procedures

Application for membership shall be made on a standard Local Union application form and submitted to the Unit Secretary. Each Unit Council will sit as a membership committee to pass upon the applications for membership, or for reinstatement of membership in the Unit having jurisdiction. Such application must also be approved by the Unit of which the applicant was formerly a member, if any, and must finally be approved by the Executive Board. Reinstatements from expulsions by a local trial court can only be approved by the Local Convention, the Executive Board of the National Union, or the National Union Convention.

Sec. 3—Duties of Members

(a) It shall be a duty of each member to notify the Representative of the Branch in which the member is located, of any violation of the Agreements by either the company supervisors or employees at the time said violation occurs.

(b) It shall be the duty of each member to attend all membership meetings of the Branch, Unit or Region in which he is located, either permanently or temporarily, at the time of such meeting.

(c) Each member in attendance at Union Membership meetings shall be entitled to a voice and vote in matters pertaining to the Branch, Unit or Region of which he is a member.

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(d) It shall be the responsibility of the individual member to keep the union informed as to his residence address and company work location.

(e) It shall be the duty of each member of the union to picket during an authorized strike unless otherwise excused by the Strike Director.

(f) It shall be the duty of each member to obey authoritative orders of a particular council of the union having jurisdiction over him.

Sec. 4—Assignment and Transfer of Members

(a) Unit Councils shall assign new members to the appropriate Branch within the Units in their jurisdiction.

(b) Members who are transferred, vocationally or geographically, by company action, shall come under the jurisdiction of the Branch, Unit and Region into whose area such transfer is made. Where such transfer is intended to be for a period of six months or less, no change in jurisdiction shall be made, provided, however, that such members shall be required to comply with all rules and regulations and directions of the Branch, Unit and Region of the temporary location.

Sec. 5—Resignations

Members who continue to be represented by this Local Union may resign only upon written notice to the Local Secretary-Treasurer. Resignations will become effective 30 days after the receipt of the notice.

ARTICLE 4

BRANCHES, BRANCH REPRESENTATIVES AND JOB STEWARDS

Sec. 1—Election and Duties of Branch Representatives

(a) Each Branch shall elect from among its

membership one Branch Representative who shall be a member of the Unit Council of the Unit of which it is a part. Eligibility, nomination and election procedures are under Article 10.

(b) A Branch Representative shall not, during the period of his term of office, accept any "In Charge" assignment from the company employing him.

(c) Each Branch Representative shall:

(1) Represent the interest of the Union membership in his Branch and subject to the approval of the Unit Council, may appoint a Job Steward for each Supervisor's group to assist him.

(2) Conduct at least four meetings of the Branch Membership each year, except as modified under Article 5, Sec. 2., para. C-8.

(3) Unless otherwise excused, attend all meetings of his Branch, Unit, Region or Local when his attendance is required. Failure to attend three consecutive meetings which require his attendance will result in the office being declared vacant by the Unit Council or the Executive Board.

Sec. 2—Promotion of Branch Representative

(a) Within three days of the receipt of notice that the company employing a Branch Representative desires to promote or transfer said Branch Representative, the Local President shall notify the President of the Unit having jurisdiction.

(b) Approval of or objection to a proposed promotion or transfer shall be transmitted to the Local President within eight days of the receipt of a notice by a Unit President. In the event a majority of the Council of which the

**ARTICLE 6
REGIONS**

Sec. 1—Regional Vice Presidents

(a) The membership of each region, except the Non-Bell Region, shall elect from within such Region a Regional Vice President who shall work full time for the Local Union.

(b) An incumbent Regional Vice President shall be considered as a member of that region for election purposes.

Sec. 2—Non-Bell Regional Coordinator

The Non-Bell region shall elect from among the Unit Presidents within its region, by majority vote, a regional coordinator, who shall not work full time for the local union. The Non-Bell regional coordinator shall perform such duties as are assigned to him by the Non-Bell Unit Presidents and the Executive Board.

Sec. 3—Unit President

The Regional Vice President may designate a Unit President to act for him in his absence. If the Regional Vice President is unable to designate, or fails to designate someone to act for him in his absence, the Local President may do so.

Sec. 4—Non-Bell Unit President

The Non-Bell Coordinator may designate a Unit President to act for him in his absence. If the Regional Coordinator is unable to designate, or fails to designate someone to act for him in his absence, the Local President may do so.

Sec. 5—Designation by Vice President or Coordinator

The Regional Vice President, and the Non-Bell Regional Coordinator, may designate a Unit President to take the minutes of meetings of a region.

Sec. 6—Requirement Waiver (1984)

The requirement that the Regional Vice President be elected from among the members of the particular region shall be waived for the elections to be held in 1984.

**ARTICLE 7
THE EXECUTIVE BOARD AND
EXECUTIVE OFFICERS**

Sec. 1—Executive Board Officers

(a) The Executive Board shall consist of the Local President, the Local Vice President, the Local Secretary-Treasurer and the three Regional Vice Presidents. All Executive Board members shall have a vote on all matters before the Board.

(b) Each member of the Executive Board shall be employed full time by the Local and shall receive salaries, expense accounts and pensions as recommended by the Local's Salary and Pension Committee and approved by the Convention.

Sec. 2—Election

The Local President, Local Vice President, and Local Secretary-Treasurer shall be elected by a vote of the Local membership. Each Regional Vice President shall be elected by a vote of the membership of the Region which he shall serve.

Sec. 3—Authority, Duties and Obligations of the Executive Board

The Executive Board shall:

- (1) Take whatever actions are necessary to ensure that the Local Union meets the requirements for Locals specified in Article XIII of the CWA Constitution.
- (2) Hold at least four regular meetings each year, and as many special meetings as is necessary for the proper trans-

each Convention Delegate and Unit Secretary in writing on the convening of the Convention no later than 30 days in advance of the opening date of the Annual Convention and shall give as much advance notice as possible before a Special Convention.

(b) The Convention shall consist of the Convention Delegates and the Executive Board members. The Local Secretary-Treasurer shall preserve for one year the credentials of the delegates and all minutes and other records of the Convention pertaining to the election of officers.

(c) Each Convention Delegate shall have one vote, except when per capita voting is in order.

(d) The Convention Delegates shall be one or more of the officers of the Unit. The order of eligibility being: (1) Unit President; (2) Unit Vice President; and (3) Unit Secretary.

If additional delegates are required, they shall be elected by the Unit membership as set forth in Article 10. Eligibility and nomination and election procedures are under Article 10.

Sec. 3—Powers of Convention

The Convention shall:

(a) Establish the policies to be followed by the Local Union, within the limitations set forth in these Bylaws and Rules, and the CWA Constitution.

(b) Pass upon the credentials of delegates to the Convention and have authority to permit voting by proxy.

(c) Do all things necessary for the proper disposition of any matter which may properly come before the Convention for consideration.

Sec. 4—Order of Business

The order of business at the Convention shall be as follows:

1. Call to Order

2. Roll Call and Report on Credentials
3. Report of Executive Board Members and Committees
4. Report of the District Vice President
5. Membership Report
6. Financial Report
7. Unfinished Business
8. New Business
9. Adjournment

Sec. 5—Special Conventions

(a) A Special Convention may be called by a majority vote of the Executive Board or upon receipt of a petition signed by a majority of the Convention Delegates.

(b) Only such matters as are contained in the notice of the Special Convention shall be placed before the Convention.

Sec. 6—Voting

A quorum at a Convention of this Local Union, whether regular or special, shall consist of a majority of the number of accredited delegates. Except with respect to amendments to these Bylaws and Rules and any other matter otherwise provided for, the affirmative vote of a majority of those voting shall be sufficient to carry any proposition brought before the Convention.

Sec. 7—Parliamentary Rules

All questions of a Parliamentary nature shall be decided by the provisions of "Roberts Rules of Order Revised" unless contrary to provisions of these Bylaws and Rules or the CWA Constitution.

Sec. 8—Convention Rules Committee

(a) The Local President shall not later than six months prior to the Convention appoint with Executive Board approval a Convention Rules Committee composed of one voting

the election; right to be present at the ballot preparation and count; right to have proper materials disseminated; and right to be notified of membership meetings to hear candidates if such meetings are held. (Note: All costs related to the above are to be at the candidates' expense.)

(13) Notice of election results shall be distributed for posting on Union bulletin boards.

(14) Tellers shall sign all election counts and certify the elected candidate.

(c) In the case of elections conducted by units or regions, a teller of election shall be appointed. The teller shall prepare the ballots, distribute and collect them, count the ballots, announce the results, keep the ballots for one year, and allow any interested party to inspect them.

Sec. 3—Terms of Office

(a) All officers shall serve a term of 3 years and shall serve until their successors have been elected.

Sec. 4—Recall of Officers

(a) Recall proceedings against Local Officers, Unit Officers and Branch Representatives will follow the procedures in CWA Constitution, Article XXI, Section 2.

Sec. 5—Vacancies Due to Resignation, Recall or Other Causes

(a) Resignation shall be tendered in writing to the Local Secretary-Treasurer. If the Local Secretary-Treasurer resigns he will tender his resignation to the Local President.

(b) Vacancies for Representatives, Unit Vice-Presidents, Unit Secretary, and Additional Delegate to the Local Convention shall be filled

within 30 days by appointment or special election, whichever is deemed prudent by the Unit Council.

(c) Vacancies for Executive Board members and Unit Presidents will be filled by membership vote within 90 days. Until elections are held, the Local Vice President will fill the vacancy for Local President, and the Unit Vice President will fill the vacancy for Unit President. In the absence of the Local Vice President, the Local Secretary-Treasurer will fill the vacancy. Until elections are held, a vacancy for Regional Vice President will be filled by an appointment by the Executive Board.

(d) A vacancy for Delegate at Large to the National Convention from the Non-Bell Region shall be filled by a membership vote within 90 days. Until election is held a vacancy may be filled by appointment by the Non-Bell Coordinator.

Sec. 6—Roll Call and Per Capita Voting

(a) At Local Conventions, or Unit Council meetings a roll call or a per capita vote shall be taken at the request of a Delegate or Member of a Council, and upon approval of one third of the Delegates or Council Members. When a per capita vote is taken on a Unit Council, unit officers who are not Branch Representatives shall not vote.

ARTICLE 11 INITIATIVE

Any Branch may initiate any measure or policy, not inconsistent with these Bylaws and Rules, the CWA Constitution, or Union Policy, deemed for the best interest of the Union, by filing with the Unit Secretary a petition, signed by at least one-half of the Members of such

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Branch. The Unit Council shall refer the petition to its entire Membership within sixty days of the receipt of the petition and a majority vote of the Membership voting thereon, shall decide the issue. If the particular issue, after approval by the Unit Membership, applies to the Region, then and in that event, the Executive Board shall refer the measure or policy so approved to the entire Membership of the Region within 120 days and the majority vote of the Membership voting thereon shall decide the issue. If the particular issue after approval by the Region Membership applies to the Local Union then and in that event, the Executive Board shall refer the measure or policy so approved to the entire Membership of the Local Union within 120 days, and the majority vote of the Membership voting thereon shall decide the issue.

ARTICLE 12

DUES, ASSESSMENTS, AND INITIATION FEES

Sec. 1—Initiation Fees

If a member has been expelled and is permitted to rejoin, or if an employee has been a non-member or an agency dues payor and applies to become a member, the initiation fee shall be \$50.00, plus any applicable fines and back dues.

Sec. 2—Dues

(a) The dues amount is an amount set by vote of the membership upon the recommendation of the Executive Board. The amount shall be uniform throughout the Local Union. The amount shall not be less than the minimum dues set by the National Convention.

(b) Any change in the rate of dues can be made only upon the recommendation of the Executive Board and the approval of the membership consistent with paragraph (a) above.

Sec. 3—Distribution of Dues

The Local's share of the dues shall be turned over to the Local Secretary-Treasurer.

Sec. 4—Dues Arrears

Any member in arrears for dues, fines or assessments as levied in accord with these Bylaws and Rules, and/or the CWA Constitution, shall be notified of the arrearage by two written notices at 10 day intervals, the last of which shall be by certified mail.

Any member in default, without good cause, for 60 days from the date the dues, fines or assessment came due, and after the written notices required above, shall be suspended from membership. Any member who continues in default after 90 days shall be expelled.

Sec. 5—Assessments

Special assessments on the membership can be made only upon the approval of the membership, only on a uniform basis, and only in compliance with the CWA Constitution.

Sec. 6—Emergency Fund

The Local Union shall maintain an Emergency Fund with regular payments as determined by the Executive Board and approved by the Local Convention.

ARTICLE 13

FUNDS AND EXPENSES

Sec. 1—Bonding of Officers

(a) The Local President, Local Vice President and the Local Secretary-Treasurer shall be bonded in an amount deemed sufficient by the auditing firm.

Sec. 2—Checks and Vouchers

All checks and vouchers shall be signed by two of the three following officers: Local President, Local Secretary-Treasurer, Local Vice

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President, subject to the approval of the Executive Board.

Sec. 3—Accounting

An adequate uniform system of accounting shall be established and maintained.

Sec. 4—Auditing

An outside accredited auditing firm shall make a financial audit at least annually, and that audit shall be made available to the membership.

Sec. 5—Membership Auditing Committee

A Membership Auditing Committee shall make an annual financial audit and that audit shall be made available to the membership.

Sec. 6—Surplus Funds

Surplus funds shall be invested prudently with at least 50 percent of such funds in insured investments.

Sec. 7—Expenses

(a) Members and Officers shall be reimbursed for all approved expenses and lost wages while engaged in the legitimate business of the Union.

(b) Per diems, salaries except for full time officers, and approved expenses shall be uniform, and shall be set by the Executive Board.

(c) All payments for any reason shall be made only upon submission of a voucher to the Local Secretary-Treasurer, and approval of the Executive Board.

(d) An annual budget for the Local Union shall be proposed by the Local President and approved by the Executive Board and made known to the Annual Convention. This budget shall include the salaries, per diems and expenses for all Units and Regions of the Local, all committees and the Executive Board.

ARTICLE 14

CHARGES, TRIALS, APPEALS, PENALTIES

Sec. 1—Charges Against Members

Members of this Local Union, including its officers, may be charged in a manner and for the reasons described in Article XX, Sections 1 and 2 of the CWA Constitution.

Section 1—Persons Subject to Trial

(a) Members of the Union, including Officers of Locals, shall be tried for any of the offenses listed in Article XIX as provided herein;

(b) Officer of a Local may be removed or suspended from office pursuant to Article IX, Section 4, Paragraph (b) as herein provided, excepting that the Executive Board of the Union may conduct such trials after notice to the Locals involved, on its own initiative in the event of inaction by the Local. The procedure for such trial shall be in conformity with the standards set forth in Sections 2, 3 and 4 of this Article.

Section 2—Charges

(a) Charges made against a member of the Union or an officer of the Local shall be in writing, signed and sworn to by the accuser. Charges of offenses described in Article XIX, Section 1, shall be filed with the recording officer of the Local of which the accused is a member. In the event the accused is such recording officer, the charges shall be filed with the President of the Local. Should both the recording officer and the Local President be involved as a charging party or as a party charged, the charges shall be filed with the Secretary-Treasurer of the Union. All charges of offenses described in Article XIX, Section 2, shall be filed with the Secretary-Treasurer of the Union. In the event the accused is such Secretary-Treasurer, the charges shall be filed with the Presi-

dent of the Union. Trial procedures for all charges filed with the Secretary-Treasurer or the President of the Union shall be in conformance with Section 3 (b) of this Article.

(b) Charges must be submitted within sixty (60) days of the time the accuser becomes aware of the alleged offense;

(c) Charges shall contain an allegation of the facts constituting the offense with which the accused is charged and the approximate date or dates said offense is alleged to have occurred.

Sec. 2—Trials

(a) Trials shall be held in accordance with Article XX, section 3, paragraphs 1 to 8 of the CWA Constitution.

Section 3—Trials

(a) The Bylaws or Rules of a Local shall specify the manner in which an accused person shall be tried and must conform with the following minimum standards:

- (1) A court, composed of not less than three or more than seven persons, who shall be members of the Local, not parties to the proceeding, shall be selected by the governing body of the Local. The court shall be bound to render a decision and impose a penalty, if the accused be found guilty, without bias or prejudice, based on all the evidence presented;
- (2) A prosecutor, who is a member of the Local, but not an accuser, shall be appointed by the governing body of the Local to assist the accuser in the trial and presentation of evidence. If, after investigation, the prosecutor is of the opinion that there is not probable

cause to believe that a violation punishable under this Article has been committed, the prosecutor shall report the findings in writing to the governing body of the Local with a recommendation that the charge not be prosecuted. Copies of the findings and recommendation shall be delivered to the accuser and the accused. The recommendation shall become final unless appealed by the accuser within thirty (30) days after receipt using the procedures established pursuant to Article IX, Section 7, of this Constitution;

- (3) If the prosecutor determines that probable cause does exist, the trial shall be held speedily with due notice to the accused;
- (4) The accused shall have the right to select a member of the Local as counsel, the right to produce witnesses and present documentary evidence and to be heard on the accused's own behalf. The accused shall have the opportunity to cross-examine witnesses;
- (5) All witnesses shall testify under oath;
- (6) Notice of the decision and penalty, if any, shall be given to the person charged within five (5) days after the close of the trial;
- (7) A faithful and accurate record of the proceedings shall be made;
- (8) The Local may suspend the accused pending the final decision on an appeal.

(b) Trials conducted by courts selected by the Executive Board of the Union must conform with the following minimum standards:

- (1) A court composed of three persons,

who shall be members of the Union not employed by the National Union as Staff personnel and not parties to the proceeding, shall be selected by the Executive Board from a Trial Panel composed of one elected member from each of the geographical Districts by secret ballot, after nominations from the floor at the meeting of the delegates from the District in conjunction with the Union Convention. Beginning with the elections held in 1971, members of the Trial Panel shall serve for three years or until their successors are elected and qualified. The court shall be bound to render a decision and impose a penalty, if the accused be found guilty, without bias or prejudice, based on all of the evidence presented. In the case of trials based on offenses specified in Article XIX, Section 2, a report shall be placed in the Union's official publication with the name of the accused and decision of the court and the names of the Trial Panel;

- (2) A prosecutor, who is a member of the Union, but not an accuser, shall be appointed by the Executive Board of the Union to assist the accuser in the trial and presentation of evidence, and such prosecutor shall have the same authority and discretion granted to Local prosecutors under Section 3 (a) (2) of this Article;
- (3) The trial shall be held speedily, with due notice to the accused, at a time and place determined by the trial

court to be fair and reasonable to the accused;

- (4) The accused shall have the right to select a member of the Union as counsel, the right to produce witnesses and present documentary evidence and to be heard on the accused's own behalf. The accused shall have the opportunity to cross-examine witnesses;
- (5) All witnesses shall testify under oath;
- (6) Notice of the decision and penalty, if any, shall be given to the person charged within five (5) days after the close of the trial;
- (7) A faithful and accurate record of the proceedings shall be made;
- (8) The Executive Board of the Union may suspend the accused pending the final decision on an appeal.

(b) A Trial Court Chairman shall be responsible for maintaining order and seeing that the rights of all parties at the hearing are preserved. The Trial Court Chairman shall take part in the trial court's deliberations but shall not vote. The Local President, or another member of the Executive Board appointed by him, shall serve as the Trial Court Chairman.

(c) If the members being charged are from a single Unit, the trial court shall consist of 3 non-involved members of the Unit chosen by lot.

(d) If members from more than one Unit are to be tried at the same hearing, the trial court may have more than 3 members. There must be at least one member from each Unit having a member tried.

(e) If Unit officers are to be tried, the trial court shall consist of Unit officers from other Units who are uninvolved and chosen by lot.

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(f) If Executive Board members are to be tried, the trial court shall consist of 3 uninvolved Executive Board members chosen by lot.

Sec. 3—Appeals

(a) The accused, if found guilty, may appeal to the Local Executive Board.

(b) If the appeal to the Executive Board is unsuccessful, he may appeal to the Local Convention.

(c) Appeals under (a) and (b) above must be made within 30 days of the notice of the verdict, and/or 30 days from the denial of the appeal.

(d) After a denial from the Local Convention, he may appeal to the National Executive Board and the National Convention as described in Article XX, sec. 4, paragraphs 2, 3 and 4 of the CWA Constitution.

(2) *Have the right to appeal from the final decision of the Local to the Executive Board of the Union within thirty (30) days after such final decision of the Local;*

(3) *The appeal to the Executive Board of the Union shall be directed, in writing, to the Secretary-Treasurer of the Union, who shall obtain the record of the case. The Executive Board shall review the case and affirm or reverse the decision or reduce the penalty or return the case for a new trial;*

(4) *Have the right to appeal from the decision of the Executive Board of the Union to the next Convention by giving a notice of appeal in writing within thirty (30) days after the decision to the Secretary-Treasurer of the Union. If the Executive Board has failed to render a decision within thirty (30) days preceding the Con-*

vention, the accused may appeal directly to the Convention which may affirm or reverse the decision or reduce the penalty.

**ARTICLE 15
STRIKES**

Sec. 1—Secret Ballot

Strike action will be taken only after a secret ballot vote of the bargaining unit or units involved. Balloting will be by U.S. Mail when and if possible; otherwise at a membership meeting or meetings.

Sec. 2—Trials

Before going on strike, the bargaining unit must have the approval of the Local Executive Board and the National Executive Board.

Sec. 3—Appeals

Strike action may be terminated or suspended by the National Executive Board, the National Convention, the Local Executive Board, or a vote of the membership of the affected bargaining unit.

**ARTICLE 16
OBSERVANCE OF OTHER UNIONS' PICKET LINES**

(a) The Executive Board shall formulate the Local Union policy with respect to picket lines established by other Unions or other groups of employees at locations where members of this Union are required to report for work. Such determination shall be made in the light of the facts relating thereto, the state of the law at the time and the nature of this Union's contractual obligations in effect with respect thereto.

(b) Members of this Union shall not cross bona fide picket lines established by other

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Unions or other groups of employees. The Executive Board will recommend the adoption of economic action to protect its members against discrimination for such acts.

ARTICLE 17
EXHAUSTION OF INTERNAL REMEDIES

Every member of the Local Union and every employee represented by it shall be required to exhaust all internal remedies provided for in these Bylaws and Rules and the CWA Constitution before instituting or initiating any legal action or other legal proceedings. This requirement of exhaustion of internal remedies must be fulfilled by every member or individual, and it shall be the obligation of every member or individual to exhaust all internal remedies before initiating any proceeding of any kind in any forum against the Local Union, its subordinate bodies, or officers thereof.

ARTICLE 18
AMENDMENTS

Sec. 1—General

These Bylaws and Rules may be amended either by:

- (a) The Local Convention, or
- (b) The Membership in referendum.

Sec. 2—Amendments by the Convention

These Bylaws and Rules may be amended by a 2/3 vote of the Convention delegates voting, provided the sense of the proposed amendment and the Article, Section and Paragraph to be amended has been published in the monthly publication of the Union received by the Membership at least 30 days in advance of the Convention call to order. No such amendments

by Convention shall remove from the Membership the right to elect, recall, ratify, move or reject by referendum, initiative or ballot any matter so established. In addition, provisions for roll call voting, the procedure for Bylaws and Rules amendment by the Membership as outlined in the Article and the dues structure of this Union shall not be amended except by Membership referendum.

Sec. 3—Amendment by Membership Referendum

Amendments to these Bylaws and Rules may be proposed by:

(a) Members of a Local.

- (1) One-fifth of the Membership of a Unit may by petition addressed to the Unit Council, propose amendments to these Bylaws and Rules.
- (2) Such proposed amendment shall be submitted to the Membership of the particular Unit to be voted on within 60 days following receipt by the Unit Council. If such proposed amendment does not receive a majority vote of the Unit, it shall be considered dead. If it does receive such a majority vote, it shall be forwarded to the Executive Board for a vote of the remainder of the Region within 120 days. If such proposed amendment shall receive a majority vote of approval within the particular Region, it shall be forwarded to the Executive Board for a vote of the membership of the other Regions to be voted on within 120 days following its receipt by the Executive Board. If such proposed amendment shall fail to receive a majority vote of approval of the

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Local Union, it shall be considered dead.

(b) The Executive Board.

(1) Amendments proposed by the Executive Board may be submitted to a vote of the Union Membership.

ARTICLE 19 OATH OF OFFICE

Every officer in Local 13000, CWA, AFL-CIO will make and subscribe to the following oath of office:

I, _____
accept the office of _____
and do hereby pledge to uphold the Constitution of the COMMUNICATIONS WORKERS OF AMERICA and the Bylaws and Rules of Local 13000. I further pledge to use my office to work for the benefit and the improvement of the members in this Local and Union. I further promise to conduct myself at all times in accordance with the best traditions of the American labor movement.

APPENDIX A

LOCAL CONVENTION
One Delegate for the first 100 members, and an additional delegate for each additional 100 or major fraction thereof, for each unit.

Policy Making Body

Regional Vice Presidents elected by vote of the membership in each Region



Local President, Local Vice President, Local Secretary-Treasurer, elected by vote of the local membership

EXECUTIVE BOARD

All Executive Board Members also serve as delegates to the National Convention

BOX EAST (Consists of all represented members employed by Bell of Pennsylvania or Bell Atlantic and any of their subsidiaries in the 215 Area)

BOX WEST (Consists of all represented members employed by Bell of Pennsylvania or Bell Atlantic and any of their subsidiaries in the 814, 717 and 412 Areas)

AT&T (Consists of all represented members employed by AT&T Company or any AT&T subsidiary)

Non-Bell (Consists of all represented members employed by any Company or Agency other than Bell of Pennsylvania, Bell Atlantic, AT&T or any of their subsidiaries. The Non-Bell Region shall have a "coordinator" to perform some of the duties of a Regional Vice President. The interests of the Non-Bell Region on the Executive Board will be represented by the Local President. The Non-Bell Region shall elect from its membership a delegate at large to the National Convention)

CWA
CONSTITUTION
AS AMENDED JUNE 1964

.....
PERMANENT RULES GOVERNING CONDUCT OF CWA CONVENTIONS
AND INTERNAL APPEALS PROCEDURES

EXHIBIT 3

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Preamble

We, the Communications Workers of America, believing that as an integral part of society we are entitled to an equitable share in the products of our labor and realizing that our welfare can best be protected and advanced through the united effort of all workers, do, through this Constitution, under God, seek to form a more perfect means of securing for ourselves and labor generally full enjoyment of the inherent rights and dignities which our institutions were ordained to preserve.

CONSTITUTION

Article I

Name

This organization, hereinafter referred to as the Union, shall be known as the Communications Workers of America and shall be identified by the initials CWA.

Article II

Jurisdiction

The Union shall have jurisdiction of all communications work and of the persons engaged therein. The Union shall also include those workers who wish to become part of the Union regardless of their field of endeavor. There shall be no geographical limitation on the jurisdiction of the Union.

Article III

Objects

The objects of the Union shall be:

- (a) To unite the workers within its jurisdiction in a single cohesive labor union for the purpose of collective effort;
- (b) To improve the conditions of the workers with respect to wages, hours, working conditions and other conditions of employment;
- (c) To disseminate information among the workers respecting economic, social, political and other matters affecting their lives and welfare;

.....

(d) To advance the interests of the workers by advocating the enactment of laws beneficial to them and the defeat or repeal of laws detrimental to them;

(e) To do all things which may be necessary or proper to secure for the workers the enjoyment of their natural rights.

Article IV

Organizational Structure

The structure of the organization shall consist of the following, all hereinafter described:

1. The Convention;
2. The Executive Board;
3. Districts;
4. Chartered Locals.

Article V

Membership

Section 1—Eligibility

(a) All persons engaged in the communications field and other fields of endeavor, excepting those excluded by law, shall be eligible for membership in the Union.

(b) All persons who are officers of labor organizations representing workers within the jurisdiction of the Union shall be eligible for membership in the Union.

.....

(c) Members of the Union who are on leaves of absence from their employment or who are employed on a full-time or part-time basis by the Union or a Local or who are or may be retired by reason of age or disability may continue to be active members.

(d) No person, otherwise eligible for membership, shall be denied membership in the Union because of sex, race, color, creed or nationality.

(e) No person, otherwise eligible for membership in this Union, shall be admitted to membership if the person has been fined, suspended or expelled by a Local in this Union, until the person has complied with the terms of such fine, suspension or expulsion.

Section 2—Applications

(a) Membership in the Union shall be obtained and maintained through membership in a chartered Local of the Union.

(b) Each application for membership shall be accompanied by the initiation fee established by the Local which shall not be less than two dollars (\$2.00) nor more than five dollars (\$5.00), without approval of the Executive Board.

(c) The Union's portion of an initiation fee shall be one dollar (\$1.00). Each Local shall

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pay the Union its portion of initiation fees in such manner as required by the Convention or the Executive Board.

(d) The Executive Board may waive the Union's portion of the initiation fee. A Local may waive its portion of the initiation fee with the approval of the Executive Board.

(e) In the event an application for membership is denied, the initiation fee shall be refunded to the applicant.

(f) Each Local shall establish a membership committee or membership committees which shall act upon applications for membership. Membership committees shall accept or reject such applications subject to the right of the Local to overrule the committee.

(g) A Local shall not establish qualifications for membership which contravene qualifications set forth in this Constitution.

Section 3—Transfers

(a) The Executive Board shall establish rules and procedures for the transfer of the membership of a member of the Union who changes employment from the jurisdiction of one Local to another.

(b) The transferred member shall not be

.....
required to pay an initiation fee if the transfer is initiated not later than thirty (30) days after the effective date of the change in employment.

(c) The member shall be granted such transfer of membership if the member is in good standing.

(d) All Locals shall be supplied with certificate of transfer forms by the Union.

(e) Members of a Local who are or may be retired by reasons of age or disability or who are, or who may be on leaves of absence, may elect to continue to be active members or to assume the status of associate members. In the event any such person elects to become an associate member, the person shall lose voting privileges but shall not be required to pay dues.

Section 4—Termination

(a) Membership in the Union shall be terminated when any member shall accept a position which would render the person ineligible for membership, except that a member who temporarily assumes such a position may retain membership for a period not to exceed thirty (30) days, provided during such period such member shall not hold any office within the Union.

.....
 (b) Membership may be terminated by expulsion as provided in this Constitution.

(c) A withdrawal card shall be issued by the Local upon application of a member in good standing leaving the jurisdiction of the Union. Should the holder of a withdrawal card later return to the jurisdiction of the Union, that person shall not be required to pay an initiation fee if such card is presented to the Secretary of the Local having jurisdiction of the member within thirty (30) days of that person returning to the Union's jurisdiction. Failure to present the card within the time limit specified herein shall void the rights and privileges granted by such withdrawal card.

Section 5—Retired Members' Clubs

All associate members of the Union who are or may be retired by reasons of age or disability shall be members of the Retired Members' Clubs, with such rights and prerogatives as may be granted by the Convention or Executive Board. Such members may attend the Convention, will be issued appropriate credentials, be seated in space reserved for such members and may have a member address the Convention for a predetermined time when considered appropriate by the Convention.

Article VI

Dues, Fines and Assessments

Section 1—Membership Dues

(a) Each member of the Union shall pay the membership dues established by the member's Local. Membership dues shall be collected in the manner as determined by the Convention or the Executive Board.

(b) Locals shall establish membership dues.

(c) The Convention may establish minimum membership dues.

Section 2—Per Capita Dues to Union

(a) The Convention shall establish per capita dues to the Union. Locals shall be required to pay the per capita dues to the Union within the time and in the manner set forth by the Convention or the Executive Board.

Section 3—Local Special Assessments

(a) Locals may levy a special assessment in cases of emergency or when income from dues and initiation fees is inadequate to finance necessary expense of the Local.

(b) Before a Local may levy a special assessment it shall:

.....

(1) Give the reason for the assessment to the members subject thereto;

(2) Obtain approval by majority vote by secret ballot of the members in good standing voting at a general or special membership meeting, after reasonable notice of the intention to vote upon such question, or by majority vote of the members in good standing voting in a membership referendum conducted by secret ballot.

Section 4—Union Special Assessments

(a) A special assessment may be levied by the Convention. A special assessment may be initiated by the Executive Board, and submitted to referendum in accordance with Article XXII.

(b) The sums collected by assessments under this Section shall be used only for the purposes of the assessments, except that any unexpended surplus of such assessment shall be allocated to the contingency fund of the Union and may be re-allocated by the Convention.

(c) A complete record of all monies collected by assessments under this Section shall be kept by the Secretary-Treasurer of the Union, and shall be available for inspection by duly authorized representatives of any Local.

Section 5—Non-Payment of Dues

A member in default, without good cause, in the payment of any installment of dues for sixty (60) days from the date such amount becomes due, shall be automatically suspended from the rights of membership and, if the default continues without good cause for an additional thirty (30) days, after notice in writing by the Local Secretary, shall be automatically expelled from the Union. "Good Cause" shall be that which the governing body of the Local determines to be good cause.

Article VII Governing Authority

Section 1

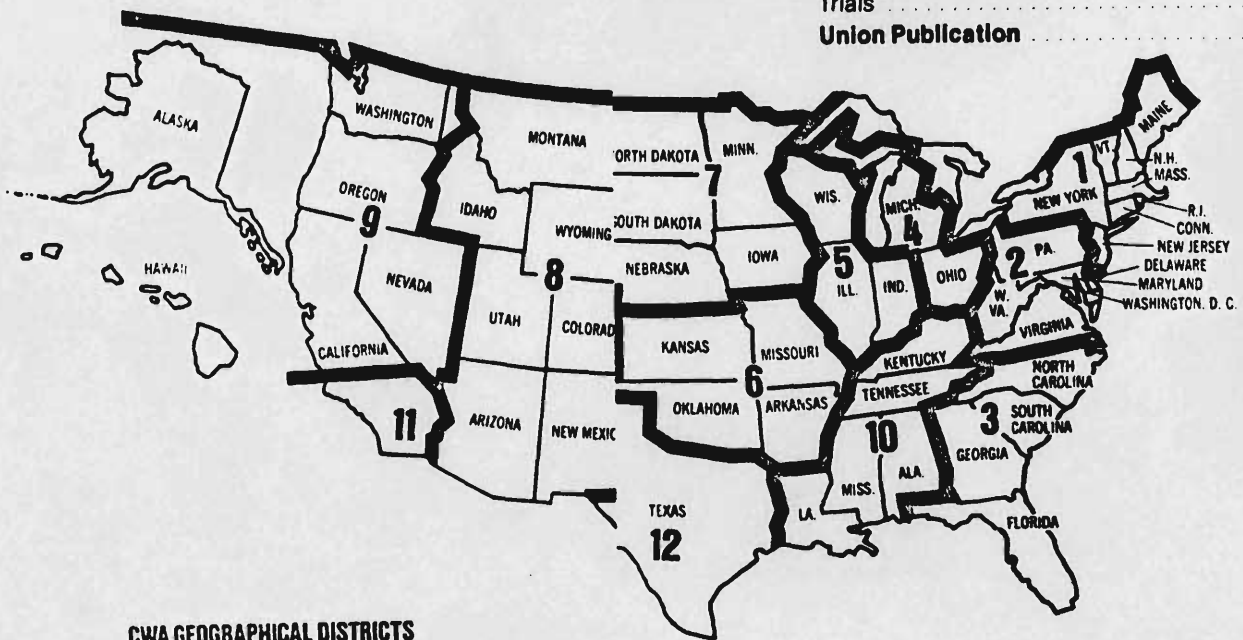
The affairs of the Union shall be governed by its membership in the following manner:

(a) By the Convention as the highest governing authority of the Union, subject to the right of referendum of the membership;

(b) By the Executive Board exercising the authority of the Convention between Conventions, in accordance with the Constitution and the mandates of the Convention, subject to the right of appeal to the Convention, the referendum and the recall. Except as provided in Article XIII, Section 6, the decisions of the Executive Board

Notification	58
Penalties for Unauthorized Strikes	59
Procedure for Local Strike Vote	59
Termination of Local Strikes within a District	60

Trials and Appeals— General Membership and Officers of Locals	64
Appeals	69
Determination of Appeal	71
Internal Appeals Procedures	96
Persons Subject to Trial	64
Charges	65
Trials	66
Union Publication	80



CWA GEOGRAPHICAL DISTRICTS

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CWA
CONSTITUTION
.....
AS AMENDED AUGUST 1984
.....

.....
PERMANENT RULES GOVERNING CONDUCT OF CWA CONVENTIONS
AND INTERNAL APPEALS PROCEDURES

EXHIBIT 4

Notification	57
Penalties for Unauthorized Strikes	58
Procedure for Local Strike Vote	58
Termination of Local Strikes within a District	59

Trials and Appeals— General Membership and Officers of Locals	63
Appeals	68
Determination of Appeal	70
Internal Appeals Procedures	94
Persons Subject to Trial	63
Charges	64
Trials	65
Union Publication	78



CWA GEOGRAPHICAL DISTRICTS

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HENRY WEISS
ROBERT S. SAVELSON

February 14, 1986

36 FEB 19 49:49
OFFICE OF THE
GENERAL COUNSEL

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2134

Dear Mr. Steele:

This office is counsel to the Committee on Letter Carriers Political Education ("COLCPE"), a separate segregated fund established by the National Association of Letter Carriers, AFL-CIO. We also represent COLCPE's affiliate, the Iowa State Association of Letter Carriers Political Action Committee ("ISALC/PAC"). This letter constitutes COLCPE's and ISALC/PAC's response to your letter dated January 31, 1986 transmitting a copy of the complaint in the above matter. These letters were received by COLCPE on February 4 and by ISALC/PAC on February 13, 1986. Duly executed statements by COLCPE and ISALC/PAC, designating us as counsel in this matter, are being sent to you under separate cover.

The complaint alleges that COLCPE and ISALC/PAC made contributions to candidate Thomas R. Harkin, Citizens for Harkin Committee ("Harkin Committee") and its treasurer in connection with the 1984 federal primary election, which totalled \$5,120 thereby exceeding by \$120 the monetary ceiling for such contributions provided by the Federal Election Campaign Act, 2 U.S.C. §441a(a)(2)(A).

Charles N. Steele, Esq.
February 14, 1986
Page 2

Our preliminary investigation of the facts indicates that the following took place. COLCPE made three contributions to the Harkin Committee in connection with the 1984 primary election: a \$500 contribution on or about June 29, 1983; a \$2,000 contribution on or about December 20, 1983; and a \$2,500 contribution on or about March 15, 1984. These contributions totalled \$5,000, thus meeting, but not exceeding, the statutory ceiling for contributions in connection with a primary election.

In January, 1984, ISALC/PAC made two purchases, amounting to \$60 each, of tickets to two separate Harkin fund raising events in Iowa City and Des Moines. Apparently, the fund raising events were not designated for either the primary or general elections. COLCPE did not receive any record of the two \$60 purchases.

After the primary, COLCPE made a \$2,000.00 contribution to the Harkin Committee in connection with the general election on or about June 21, 1984. Thereafter, COLCPE determined to make an additional \$3,000.00 contribution to the Harkin Committee which would cause COLCPE's total contribution to reach but not exceed the statutory maximum of \$5,000. In late July, 1984, before any further contributions were made, Frederick Nesbitt, a member of COLCPE's staff, had a telephone conversation with a representative of the Harkin Committee. The Harkin Committee representative informed Mr. Nesbitt, for the first time, that it had received two \$60 checks from ISALC/PAC and that these funds were being credited by the Harkin Committee to the general election. Therefore, the maximum that COLCPE could contribute to the Harkin Committee for the general election would be \$4,880. Accordingly, COLCPE on or about July 26, 1984 contributed \$2,880 to the Harkin Committee instead of the \$3,000 that would otherwise have been contributed.

For your information, a letter was sent by COLCPE National Director Mark Roth to the Commission dated February 2, 1986. That letter states, inter alia, that:

"The contributions to Citizens for Harkin on 1/19/84 in the amount of \$60 and 1/24/84 in the amount of \$60 from the Iowa State Association of Letter Carriers Political Action Committee should be designated for 'general election 1984.'"

Based on the foregoing, COLCPE and ISALC/PAC respectfully request that the Commission take no action against them. If the Commission decides to proceed further, COLCPE and ISALC/PAC request the opportunity to enter into voluntary conciliation.

COHEN, WEISS AND SIMON

Charles N. Steele, Esq.
February 14, 1986
Page 3

Finally, please be advised that Richard O'Connell, to whom your letter to COLCPE was addressed, is the Secretary-Treasurer of NALC, but is not an officer of COLCPE. The Treasurer of COLCPE is Florence Johnson, whose address is National Association of Letter Carriers, COLCPE, 1124 West Chapman, Orange, California 92668.

Please feel free to contact me if we can be of any further assistance.

Sincerely yours,

Keith E. Secular

Keith E. Secular

KES/mf

86030605004

APWU

CCC# 9759

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86 FEB 18 P 1:00

American Postal Workers Union, AFL-CIO

817 14th Street, N.W., Washington, D.C. 20005

February 13, 1986

Douglas C. Holbrook
Secretary-Treasurer
(202) 842-4215

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D. C. 20463

Dear Mr. Gross:

I have your letter, dated January 31, 1986, addressed to me as "Treasurer, American Postal Workers Union Political Fund Committee" concerning a complaint alleging possible violations of the Federal Election Campaign Act of 1971. Your letter and complaint, identified as MUR NO: 2134, are entirely incorrect and faulted in all respects.

First, I am not the treasurer of the fund you incorrectly identified. I am the Secretary-Treasurer of the Union, not the political fund.

Mr. Patrick J. Nilan, our Union's Legislative Director, is the Secretary-Treasurer of the Committee.

Second, the correct name of the fund is the Committee on Political Action of the American Postal Workers Union.

The correct name of the Committee and the Secretary-Treasurer should be identified within your FEC records and related computer system as Mr. Nilan has been the Secretary-Treasurer of the Committee prior to 1971 and has continued to serve in that capacity as of this date.

Also, the name of the Committee has remained unchanged prior to 1971 and since that date. Again, this information should be a matter of record at the Federal Election Commission.

However, as a courtesy and to completely rebut the ill-advised and false complaint by Jeffrey W. Ryan of Annandale, Virginia who we understand is an officer, employee or representative of The Center on National Labor Policy, Inc., Mr. Patrick J. Nilan, Secretary-Treasurer of our Committee on Political Action, is responding to Mr. Ryan's allegations with the enclosed letter.

National Executive Board

- 1 Moe Biller, President
- William Burnus
Executive Vice President
- Douglas C. Holbrook
Secretary-Treasurer
- 5 Thomas A. Neill
Industrial Relations Director
- Kenneth D. Wilson
Director, Clerk Division
- Richard I. Wewodau
Director, Maintenance Division
- Donald A. Ross
Director, MVS Division
- Samuel Anderson
Director, SDM Division
- Ken Leiner
Director, Mail Handler Division

Regional Coordinators

- Raydell R. Moore
Western Region
- James P. Williams
Central Region
- Philip C. Flemming, Jr.
Eastern Region
- Neal Vaccaro
Northeastern Region
- Archie Salisbury
Southern Region

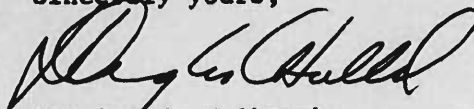
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OFFICE OF THE
GENERAL COUNSEL

Mr. Kenneth A. Gross
February 13, 1986
Page 2

It is our hope that my letter and Mr. Nilan's response will clear up any and all misunderstandings concerning the Union's Committee on Political Action and Mr. Ryan's unfounded allegations. I suggest you advise Mr. Nilan concerning settlement of the complaint and also contact him, if necessary, in this regard.

Sincerely yours,



Douglas C. Holbrook
Secretary-Treasurer

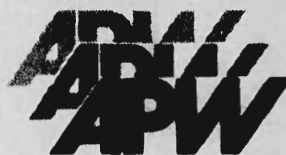
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opeiu #2
afl-cio

Enclosure

CC: Patrick Nilan

Sent Certified Mail - Return Receipt Requested

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COMMITTEE
ON
POLITICAL
ACTION

American Postal Workers
Union, AFL-CIO

817 14TH STREET, NORTHWEST
WASHINGTON, D.C. 20005
PHONE: (202) 842-4210

PATRICK J. NILAN
Secretary-Treasurer

February 13, 1986

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Dear Mr. Gross:

As Secretary-Treasurer of the APWU Committee On Political Action, I am responding to the complaint by Jeffrey W. Ryan concerning contributions made to the Thomas R. Harkin Citizens For Harkin Committee during the 1984-85 primary and general elections for the United States Senate in the State of Iowa.

I understand Mr. Ryan is the complainant and has some sort of relationship with The Center on National Labor Policy, Inc. of North Springfield, Virginia.

The letter of January 31, 1986 was incorrectly addressed to Douglas Holbrook, Treasurer, American Postal Workers Union Political Fund Committee and the name of the Committee is also incorrect.

For the record I am the Secretary-Treasurer of the Committee On Political Action of the American Postal Workers Union. I request that you correct your records and the complaint accordingly.

In response to the unfounded allegations by Mr. Ryan, I am providing you with the following information from our disbursement records for Senator Tom Harkin's successful campaign for the United States Senate in the primary 1985 election in Iowa.

Our reports filed with the Federal Election Commission should substantiate these financial contributions and the dates made by our Committee On Political Action:

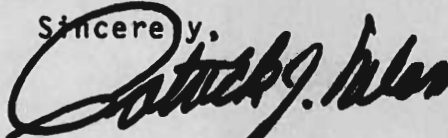
7-12-83:	\$250	for primary election
12-30-83:	\$500	for primary election
4-9-84:	\$250	for primary election
5-16-84:	\$500	for primary election
5-18-84:	\$1,000	for primary election
6-5-84:	\$2,500	for primary election
	\$5,000	maximum contribution

Mr. Kenneth A. Gross
Associate General Counsel
February 13, 1986
Page 2

As you can see this totals \$5,000, which is the maximum contribution allowable for a primary election.

I will appreciate an acknowledgement of this response and being advised that the complaint by Jeffrey A. Ryan is without merit and no violation has occurred as he alleges. If there is any need for further consideration of this matter, please contact me at the address in the letterhead or by phone at 842-4210.

Sincerely,



Patrick J. Milan
Secretary-Treasurer, COPA

PJN/wwp
opefu#2
afl-cio

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LAW OFFICES

SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P. C.

1125 FIFTEENTH STREET, N. W.

SUITE 801

WASHINGTON, D. C. 20005

LOUIS SHERMAN (RET.)
THOMAS X. DUNN (RET.)
LAURENCE J. COHEN
ELIHU I. LEIFER
JOHN R. COUNTS
TERRY R. YELLIG
RICHARD M. RESNICK
ROBERT D. KURNICK

VICTORIA L. BOR
MARY E. VOGEL
DAVID H. POTTS-DUPRE

AREA CODE 202
785-9300

February 11, 1986

Mr. Charles Steele, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: FEC MUR 2134

Dear Mr. Steele:

This letter constitutes the response of the International Brotherhood of Electrical Workers Committee on Political Education (IBEW COPE) and IBEW COPE Treasurer Jack F. Moore^{1/} to your letter of January 31, 1986 stating that the Commission has received a complaint alleging that IBEW COPE and its treasurer may have violated the Federal Election Campaign Act of 1971 (the Act). The complaint, which the Commission has designated MUR 2134, alleges that various organizations made contributions to Citizens for Harkin which in the aggregate exceeded five thousand dollars for the primary or the general election.

The complaint received by the Commission does not in fact allege that IBEW COPE or its treasurer violated the Act. Paragraph 2 of the complaint lists IBEW COPE and its treasurer as respondents, but the complaint does not include any allegations whatsoever about IBEW COPE or its treasurer. It is not alleged that IBEW COPE violated the Act in any way and, IBEW COPE is not listed as a respondent in the caption of the complaint. Thus it appears that the inclusion of IBEW COPE and its treasurer was a clerical error on the part of the complainant. Since the

^{1/} The complaint lists Ralph A. Leigon as treasurer of IBEW COPE. Mr. Leigon, however, has retired, and Jack F. Moore is the current treasurer of IBEW COPE.

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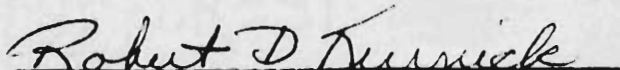
Charles Steele
February 11, 1986
Page - 2 -

complaint does not allege that IBEW COPE or its treasurer violated the Act, clearly no action should be against either.

Moreover, IBEW COPE's contributions records show that no violation was committed. Those records show that IBEW made the following contributions to Citizens for Harkin for the primary election: \$1,000.00 on 10/21/83, \$1,000.00 on 11/30/83, \$200.00 on 12/13/83, \$1,500.00 on 3/28/84 and \$1,300.00 on 4/12/84. IBEW COPE also contributed \$5,000.00 to Citizens for Harkin for the general election on 4/12/84. Thus, neither the contributions for the primary election nor the contributions for the general election exceeded five thousand dollars.

Since the complaint does not allege a violation of the Act by IBEW COPE or its treasurer and since no such violation occurred, the Commission should take no action against IBEW COPE or its treasurer in this matter.

Sincerely,


Robert D. Kurnick

Counsel for International
Brotherhood of Electrical Workers
Committee on Political Education
and Jack F. Moore

cc: Jack F. Moore

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2134

NAME OF COUNSEL: Robert D. Kurnick

ADDRESS: SHERMAN, DUNN, COHEN, LEIFER & COUNTS, P.C.

1125 Fifteenth Street, N.W., Suite 801

Washington, D.C. 20005

TELEPHONE: (202) 785-9300

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

February 10, 1986
Date

Jack F. Moore
Signature

RESPONDENT'S NAME: International Brotherhood of Electrical Workers - COPE
Jack F. Moore, Treasurer

ADDRESS: 1125 Fifteenth Street, N.W.

Washington, D.C. 20005

HOME PHONE: _____

BUSINESS PHONE: (202) 728-6200

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COMMISSION SECRETARY

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

SENSITIVE

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RECEIVED
GENERAL COUNSEL

Jeffrey W. Ryan
4757 Parkman Court
Annandale, Virginia 22003,
Complainant,

v.

MUR No. 2134

Thomas R. Harkin, Citizens for
Harkin Committee, COPE, National
Association of Letter Carriers -
Committee on Letter Carriers
Political Education, Iowa State
Association of Letter Carriers PAC
National Rural Letter Carriers
Association PAC, American Postal
Workers Union Political Fund
Committee, Communications Workers
of America COPE-PCC, Local 13000
CWA, AFL-CIO, and all the
Committees' treasurers,
Respondents.

INTRODUCTION

1. Pursuant to 2 U.S.C. § 437g(a)(1), Jeffrey W. Ryan brings this complaint against candidate for federal public office, Thomas R. Harkin, Citizens for Harkin Committee, National Association of Letter Carriers - Committee on Letter Carriers Political Education, Iowa State Association of Letter Carriers PAC, National Rural Letter Carriers Association PAC, American Postal Workers Union Political Fund Committee, Communications Workers of America COPE-PCC, Local 13000 CWA, AFL-CIO, and all the Committees' treasurers individually and in their capacities

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as treasurers, for the making and receiving of excessive contributions in violation of 2 U.S.C. § 441a(f) and 2 U.S.C. § 441a(a)(2)(A) during the 1984 general or the 1984 primary election cycles.

II. PARTIES

2. Complainant is Jeffrey W. Ryan who resides at 4757 Parkman Court, Annandale, Virginia 22003. He is a citizen of the United States, over the age of 18 years and a registered voter of the State of Virginia.

Respondents are:

- a. Thomas R. Harkin
SH-705
The Capitol
Washington, D.C. 20510
- b. Citizens for Harkin
P.O. Box 75221
Washington, D.C. 20013
- c. International Brotherhood of Electrical Workers - COPE
1125 15th Street, N.W.
Washington, D.C. 20005
- d. Ralph A. Leigon, individually and in his capacity as
treasurer of International Brotherhood of Electrical
Workers-COPE
1125 15th Street, N.W.
Washington, D.C. 20005
- e. Communications Workers of America COPE-PCC
1925 K Street, N.W.
Washington, D.C. 20006
- f. Fred G. Hassen and Ron Krouse, individually and in
their capacities as treasurers of Communications
Workers of America COPE-PCC
1925 K Street, N.W.
Washington, D.C. 20006

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- g. Local 13000 CWA, AFL-CIO (formerly known as Federation of Telephone Workers of Pennsylvania PAC)
1410 Chestnut Street
Second Floor
Philadelphia, PA 19102
- h. Edwin J. Maher, individually and in his capacity as treasurer of Local 13000 CWA, AFL-CIO (formerly known as Federation of Telephone Workers of Pennsylvania PAC)
1410 Chestnut Street
Second Floor
Philadelphia, PA 19102
- i. Iowa State Association of Letter Carriers PAC
P.O. Box 6161
Des Moines, Iowa 50309
- j. Cecil A. Johnson, individually and in his capacity as treasurer of Iowa State Association of Letter Carriers PAC
P.O. Box 6161
Des Moines, Iowa 50309
- k. National Rural Letter Carriers' Association PAC
1750 Pennsylvania Ave., N.W.
Suite 1204
Washington, D.C. 20006
- l. Frank Newham, individually and in his capacity as treasurer of National Rural Letter Carriers' Association PAC
1750 Pennsylvania Ave., N.W.
Suite 1204
Washington, D.C. 20006
- m. National Association of Letter Carriers, Committee on Letter Carriers Political Education Committee
100 Indiana Avenue
Washington, D.C. 20001

- 8 6 0 3 0 5 0 1 5
- n. Richard O'Connell, individually and in his capacity as treasurer of National Association of Letter Carriers, Committee on Letter Carriers Political Education Committee
100 Indiana Avenue
Washington, D.C. 20001
 - o. American Postal Workers Union Political Fund Committee
817 14th Street, N.W.
Washington, D.C. 20005
 - p. Douglas Holbrook, individually and in his capacity as treasurer of American Postal Workers Union Political Fund Committee
817 14th Street, N.W.
Washington, D.C. 20005

III. LIABILITY

3. Liability may be imposed upon the candidate, Thomas R. Harkin, Citizens for Harkin Committee, National Association of Letter Carriers - Committee on Letter Carriers Political Education, Iowa State Association of Letter Carriers PAC, National Rural Letter Carriers Association PAC, American Postal Workers Union Political Fund Committee, Communications Workers COPE-PCC, Local 13000 CWA, AFL-CIO, pursuant to 2 U.S.C. § 441a(a)(2)(A) which establishes the \$5,000.00 (FIVE THOUSAND DOLLARS) maximum contribution ceiling and 2 U.S.C. § 441a(f) which proscribes a candidate or political committee from accepting any contributions in excess of \$5,000.00 (FIVE THOUSAND DOLLARS).

4. Liability may be imposed on the treasurers, personally and

in their capacities as treasurers, pursuant to 11 C.F.R. § 104.14(d).

5. For purposes of this complaint, contributions made by Communications Workers of America COPE-PCC and its affiliated SSF, Local 13000 CWA, AFL-CIO¹, and National Association of Letter Carriers Association PAC and its affiliated SSF, Iowa State Association of Letter Carriers PAC, are treated as contributions made from a single committee in accordance with 2 U.S.C. § 441a(a)(5), as implemented through 11 C.F.R. § 100.5(g)(2)(1)(B).

IV. OVERVIEW

6. Based on Complainant's information and belief, Respondents have contributed or received an aggregate in excess of \$5,000.00 (FIVE THOUSAND DOLLARS) for the 1984 federal primary election or an excess of \$5,000.00 (FIVE THOUSAND DOLLARS) for the 1984 federal general election in which Thomas R. Harkin was a candidate for public office. Complainant bases his belief on a review of the Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" which Thomas R. Harkin, Citizens for Harkin Committee, and its treasurer; National Association of Letter Carriers - Committee on Letter Carriers Political Education

¹Local 13000 CWA AFL-CIO was formerly known as Federation of Telephone Workers of Pennsylvania Political Action Committee. Under both names, the committee reports the same F.E.C. Identification Number: C-00-109-595.

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("NALC-CPE"), Iowa State Association of Letter Carriers PAC ("ISALC PAC"), National Rural Letter Carriers Association PAC ("NLRCA-PAC"), American Postal Workers Union Political Fund Committee ("APWU-PFC"), Communications Workers COPE-PCC("CWA-COPE"), and Local 13000 CWA, AFL-CIO, filed for the 1984 federal primary and general elections.

7. These unlawful contributions constitute violations of the Federal Election Campaign Act, 2 U.S.C. § 441a(a)(2)(A), which provides that a multicandidate political committee may not contribute more than \$5,000.00 (FIVE THOUSAND DOLLARS) to any candidate and his authorized political committee with respect to any election for federal office, § 441a(f) which prohibits a candidate from receiving illegal contributions, and 11 C.F.R. § 103.3(b) which requires that excessive contributions be refunded.

V. VIOLATIONS OF THE F.E.C.A.
BY
CITIZENS FOR HARKIN COMMITTEE
IN THE
1984 FEDERAL PRIMARY AND GENERAL ELECTIONS

8. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public

office, Thomas R. Harkin, Citizens for Harkin, and its treasurer, in violation of 2 U.S.C. § 441a(f), knowingly accepted contributions for the 1984 federal general election from APWU-PAC in the amount of \$8,500.00 (EIGHT THOUSAND FIVE HUNDRED DOLLARS).

9. Candidate Thomas R. Harkin, Citizens for Harkin Committee and its treasurer, for the 1984 federal general election, accepted contributions from APWU-PFC in the following amounts:

<u>Date Contributed</u>	<u>Date Received</u>	<u>Amount</u>	<u>FEC Microfilm Location</u>
12/12/83	12/30/83	\$ 500.00	8402-005-2855
03/27/84	04/09/84	\$ 250.00	8402-011-1404
06/06/84	06/05/84	\$2,500.00	8402-013-2310
06/14/84	06/18/84	\$2,500.00	8402-013-2317
07/01/83	07/12/83	\$ 250.00	8402-005-2855
09/11/84	09/19/84	<u>\$2,500.00</u>	8402-021-0552
	TOTAL	\$8,500.00	

10. A running total of the amount of contributions received from APWU-PFC, would have put on notice Thomas R. Harkin, Citizens for Harkin Committee and its treasurer that they had received \$3,250.00 (THREE THOUSAND TWO HUNDRED FIFTY DOLLARS) on June 5, 1984. On that date, Thomas R. Harkin, Citizens for Harkin Committee and its treasurer were only permitted to accept an additional contribution of \$2,750.00 (TWO THOUSAND SEVEN HUNDRED FIFTY DOLLARS) towards the general election. In violation of 2 U.S.C. § 441a(f), they accepted additional contributions and thereby exceeded the maximum \$5,000.00 (FIVE THOUSAND DOLLARS) the statute permits them to accept.

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11. The Iowa primary election was held on June 5, 1984.

12. Thomas R. Harkin, Citizens for Harkin Committee and its treasurer failed to accurately report: 1) the \$500.00 (FIVE HUNDRED DOLLAR) contribution of December 12, 1983 noted above which was designated by APWU-PFC as a contribution for the general election (See F.E.C. Microfilm #8403-295-3312); 2) the \$250.00 (TWO HUNDRED FIFTY DOLLAR) contribution of March 27, 1984 received on April 9, 1984 as for the primary election when it was designated by APWU-PFC for the general election (see Microfilm #8403-309-4059); 3) the \$2,500 (TWO THOUSAND FIVE HUNDRED DOLLAR) contribution of June 6, 1984 for the primary election when it was undesignated by APWU-PFC (see Microfilm #8403-321-2485) and must be allocated to the general election pursuant to 11 C.F.R. § 110.1(a)(2)(ii)(B); 4) the \$250.00 contribution of July 1, 1983 for the primary election when it was designated by APWU-PFC for the general election (see Microfilm #8403-295-3312). In violation of 11 C.F.R. § 104.14(d), Thomas R. Harkin, Citizens for Harkin Committee and its treasurer misreported these contributions. (See F.E.C. Microfilm locations above.) F.E.C. regulation 11 C.F.R. § 104.14(d) provides that a treasurer "shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained therein." Thomas R. Harkin, Citizens for Harkin Committee and its treasurer knowingly misreported these contributions in order to accept contributions in excess of the statutory limit.

13. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office Thomas R. Harkin, Citizens for Harkin Committee and its treasurer, in violation of 2 U.S.C. § 441a(f), knowingly accepted contributions for the 1984 federal primary election from NALC-CPE and its affiliated SSF, Iowa State Association of Letter Carriers ("ISALC PAC") in the amount of \$5,120.00 (FIVE THOUSAND ONE HUNDRED TWENTY DOLLARS).

14. Candidate Thomas R. Harkin, Citizens for Harkin Committee and its treasurer, for the 1984 federal primary election, accepted contributions from NALC-CPE and its affiliated SSF, ISALC/PAC, in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>Contributor</u>	<u>F.E.C. Microfilm Location #</u>
07/06/83	\$ 500.00	NALC-CPE	8402-005-2855
12/27/83	\$2,000.00	NALC-CPE	8402-005-2855
01/09/84	\$ 60.00	ISALC/PAC	8402-007-2627
01/24/84	\$ 60.00	ISALC/PAC	8402-007-2627
03/26/84	<u>\$2,500.00</u>	NALC-CPE	8402-007-2629
Total = \$5,120.00			

15. A running total of the amount of contributions received from NALC-CPE and its affiliated SSF, ISALC/PAC, would have put on notice Thomas R. Harkin, Citizens for Harkin Committee and its treasurer that they had received \$2,620.00 (TWO THOUSAND SIX

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HUNDRED TWENTY DOLLARS) on January 24, 1984. On that date, Thomas R. Harkin, Citizens for Harkin Committee and its treasurer could lawfully accept only \$2,380.00 in contributions from NALC-CPE. In violation of 2 U.S.C. § 441a(f), Thomas R. Harkin, Citizens for Harkin Committee and its treasurer accepted contributions from NALC-CPE in the amount of \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS). This amount exceeded the statutory monetary ceiling by \$120.00 (ONE HUNDRED TWENTY DOLLARS).

16. Based on a review of periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office Thomas R. Harkin, Citizens for Harkin Committee and its treasurer, in violation of 2 U.S.C. § 441a(f), knowingly accepted contributions for the 1984 federal general election from NRLCA - PAC, in the amount of \$8,000.00 (EIGHT THOUSAND DOLLARS).

17. Candidate Thomas R. Harkin, Citizens for Harkin Committee and its treasurer, for the 1984 federal general election, accepted contributions from NRLCA - PAC in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>Contributor</u>	<u>F.E.C. Microfilm Location #</u>
06/30/83	\$1,000.00	NRLCA-PAC	8402-005-0247
12/19/83	\$2,000.00	NRLCA-PAC	8402-005-2862
08/08/84	\$1,000.00	NRLCA-PAC	8402-021-0548
09/19/84	\$2,000.00	NRLCA-PAC	8402-021-0552
10/11/84	<u>\$2,000.00</u>	NRLCA-PAC	8402-024-0863

Total = \$8,000.00

18. A running total of the amount of contributions received from NRLCA-PAC, would have put on notice Thomas R. Harkin, Citizens for Harkin Committee and its treasurer that they had received \$5,000.00 (FIVE THOUSAND DOLLARS) on August 8, 1984. On that date, Thomas R. Harkin, Citizens for Harkin Committee and its treasurer could lawfully accept no more. In violation of 2 U.S.C. § 441a(f), they accepted additional contributions and thereby exceeded the maximum \$5,000.00 (FIVE THOUSAND DOLLARS) the statute permits them to accept.

19. In violation of 11 C.F.R. § 104.14(d), Thomas R. Harkin, Citizens for Harkin Committee and its treasurer designated the \$1,000.00 (ONE THOUSAND DOLLARS) contribution of June 30, 1983 and the \$2,000.00 (TWO THOUSAND DOLLAR) December 19, 1983 contribution for the primary election. (See F.E.C. Microfilm above.) Both contributions which were made by NRLCA-PAC on June 28, 1983 and December 15, 1983 respectively, were designated for the general election. (See F.E.C. Microfilm #8403-277-1795 and 8403-293-4710). F.E.C. regulation 11 C.F.R. § 104.14(d), provides that a treasurer "shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained therein." Thomas R. Harkin, Citizens for Harkin Committee and its treasurer by the actions described above, knowingly misreported the

NRLCA-PAC contributions in order to accept contributions from NRLCA-PAC in excess of the statutory limit.

20. Based on a review of periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office Thomas R. Harkin, Citizens for Harkin Committee and its treasurer, in violation of 2 U.S.C. § 441a(f), knowingly accepted contributions for the 1984 federal general election from CWA COPE-PCC and its affiliated SSF, Local 13000 CWA-PAC, AFL-CIO, in the amount of \$10,000.00 (TEN THOUSAND DOLLARS).

21. Candidate Thomas R. Harkin, Citizens for Harkin Committee and its treasurer, for the 1984 federal general election, accepted contributions from CWA COPE-PAC and Local 13000 CWA PAC in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>Contributor</u>	<u>F.E.C. Microfilm Location #</u>
07/27/84	\$5,000.00	CWA-COPE	8402-327-1461
07/31/84	\$5,000.00	Federation of Telephone Workers of Pennsylvania Political Action Committee	8402-336-4113
Total = \$10,000.00			

22. A running total of the amount of contributions received from CWA-COPE, would have put on notice Thomas R. Harkin, Citizens for Harkin Committee and its treasurer that they had

received \$5,000.00 (FIVE THOUSAND DOLLARS) on July 27, 1984 for the general election. On that date, Thomas R. Harkin, Citizens for Harkin Committee and its treasurer were not permitted to accept additional contributions. In violation of 2 U.S.C. § 441a(f), they accepted additional contributions and thereby exceeded the maximum \$5,000.00 (FIVE THOUSAND DOLLARS) the statute permits them to accept.

**VI. VIOLATIONS OF THE F.E.C.A.
BY
APWU-PFC
IN THE
1984 FEDERAL GENERAL ELECTION**

25. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that APWU-PFC, for the 1984 federal general election designated and therefore contributed to candidate Thomas R. Harkin, Citizens for Harkin Committee and its treasurer a total of \$8,500.00 (EIGHT THOUSAND FIVE HUNDRED DOLLARS).

26. APWU-PFC contributed the following amounts:

a. On July 1, 1983, it contributed \$250.00 (TWO HUNDRED FIFTY DOLLARS) designated for the general election. (See F.E.C. Microfilm #8403-295-3312).

b. On December 12, 1983, it contributed \$500.00 (FIVE

HUNDRED DOLLARS) designated for the general election. (See F.E.C. Microfilm #8403-295-3312).

c. On March 27, 1984, it contributed \$250.00 (TWO HUNDRED FIFTY DOLLARS) designated for the general election. (See F.E.C. Microfilm #8403-309-4059).

d. On June 6, 1984, it contributed \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS) which was undesignated. (See F.E.C. Microfilm #8403-321-2485).

e. On June 14, 1984, it contributed \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS) which was undesignated. (See F.E.C. Microfilm #8403-321-2485).

f. On September 11, 1984, it contributed \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS) which was undesignated. (See F.E.C. Microfilm #8403-338-3231).

27. The Iowa primary was held on June 5, 1984. Pursuant to 11 C.F.R. § 110.1(a)(2)(ii)(B), the undesignated contributions noted in paragraph 26(e) and (f), supra, are allocated to the general election cycle.

28. A running total of the amount contributed to Thomas R. Harkin, Citizens for Harkin Committee and its treasurer by APWU-PFC, would have put them on notice that as of June 6, 1984, they had contributed \$3,500.00 (THREE THOUSAND FIVE HUNDRED DOLLARS). In violation of 2 U.S.C. § 441a(a)(2)(A), ATU-COPE made two \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLAR) contributions on June 14, 1984 and September 11, 1984 which exceeded the \$5,000.00 (FIVE THOUSAND DOLLARS) ceiling by

\$3,500.00 (THREE THOUSAND FIVE HUNDRED DOLLARS).

**VII. VIOLATIONS OF THE F.E.C.A.
BY
NATIONAL ASSOCIATION OF LETTER CARRIERS AND
IOWA STATE ASSOCIATION OF LETTER CARRIERS
IN THE
1984 FEDERAL PRIMARY ELECTION**

29. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that NALC and its affiliated SSF, ISALC/PAC, for the 1984 federal primary election designated and therefore contributed to candidate Thomas R. Harkin, Citizens for Harkin Committee, and its treasurer a total of \$5,120.00 (FIVE THOUSAND ONE HUNDRED TWENTY DOLLARS).

30. NALC and its affiliated SSF, ISALC/PAC, contributed the following amounts:

a. On June 29, 1983, NALC contributed \$500.00 (FIVE HUNDRED DOLLARS) which was undesignated. (See F.E.C. Microfilm #6303-287-0454). Pursuant to 11 C.F.R. § 110.1(a)(2)(ii)(B), this contribution is allocated to the primary election.

b. On December 20, 1983, NALC, contributed \$2,000.00 (TWO THOUSAND DOLLARS) designated for the primary election. (See F.E.C. Microfilm #8403-292-5409).

c. On March 15, 1984, NALC, contributed \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS) designated for the primary

election. (See F.E.C. Microfilm #8403-314-1758).

d. On January 10, 1984, ISALC/PAC contributed \$120.00 (ONE HUNDRED TWENTY DOLLARS) designated for the primary deficit. (See F.E.C. Microfilm #8403-310-5403).

31. A running total of the amounts contributed to Thomas R. Harkin, Citizens for Harkin Committee and its treasurer by NALC, would have put on notice NALC and its affiliated SSF, ISALC PAC, that as of March 15, 1984, it had contributed \$5,000.00 (FIVE THOUSAND DOLLARS) and that it could contribute no more if it wished to meet the mandates of the law. In violation of 2 U.S.C. § 441a(a)(2)(A), a contribution of \$120.00 (ONE HUNDRED TWENTY DOLLARS) was made to Thomas R. Harkin, Citizens for Harkin Committee and its treasurer by ISALC PAC. The amount exceeded the statutory monetary ceiling by \$120.00 (ONE HUNDRED TWENTY DOLLARS).

VIII. VIOLATIONS OF THE F.E.C.A.
BY
NRLCA-PAC
IN THE
1984 FEDERAL GENERAL ELECTION

32. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that NRLCA-PAC for the 1984 Federal general election designated and therefore contributed to candidate Thomas R. Harkin, Citizens for Harkin Committee, and

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its treasurer a total of \$8,000.00 (EIGHT THOUSAND DOLLARS).

33. NRLCA-PAC contributed the following amounts designated for the 1984 federal general election:

a. On June 28, 1983, it contributed \$1,000.00 (ONE THOUSAND DOLLARS). (See F.E.C. Microfilm #8303-277-1795).

b. On December 15, 1983, it contributed \$2,000.00 (TWO THOUSAND DOLLARS). (See F.E.C. Microfilm #8403-293-4710).

c. On August 1, 1984, it contributed \$1,000.00 (ONE THOUSAND DOLLARS). (See F.E.C. Microfilm #8403-338-4835).

d. On September 12, 1984, it contributed \$2,000.00 (TWO THOUSAND DOLLARS). (See F.E.C. Microfilm #8403-338-4843).

e. On October 4, 1984 it contributed \$2,000.00 (TWO THOUSAND DOLLARS). (See F.E.C. Microfilm #8403-346-0892).

34. A running total of the amounts contributed to Thomas R. Harkin, Citizens for Harkin Committee and its treasurer would have put on notice NRLCA-PAC that as of August 1, 1984, it had contributed \$3,000.00 (THREE THOUSAND DOLLARS) to the general election campaign and that it could contribute only \$2,000.00 (TWO THOUSAND DOLLARS) more if it wished to meet the mandates of the law. In violation of 2 U.S.C. § 441a(a)(2)(A), two contributions of \$2,000.00 (TWO THOUSAND DOLLARS) and one contribution of \$1,000.00 (ONE THOUSAND DOLLARS) were made to Thomas R. Harkin, Citizens for Harkin Committee and its treasurer by NRLCA-PAC. The amounts exceeded the statutory monetary

ceiling for the federal general election by \$3,000.00 (THREE THOUSAND DOLLARS).

**VIII. VIOLATIONS OF THE F.E.C.A.
BY
CWA-COPE AND LOCAL 13000 CWA, AFL-CIO
IN THE
1984 FEDERAL GENERAL ELECTION**

35. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that CWA-COPE PCC and its affiliated SSF, Local 13000 CWA, AFL-CIO, for the 1984 Federal general election designated and therefore contributed to candidate Thomas R. Harkin, Citizens for Harkin Committee, and its treasurer a total of \$10,000.00 (TEN THOUSAND DOLLARS).

36. CWA-COPE PCC and Local 13000 CWA AFL-CIO are connected organizations within the meaning of 2 U.S.C. § 431(b) and are considered affiliated under 2 U.S.C. § 441a(5) as of February 1984 when the Federation of Telephone Workers of Pennsylvania PAC ("FTWP"), now Local 13000 CWA, AFL-CIO, voted to merge with the CWA. Thereupon, the FTWP was transformed into a CWA affiliate subject only to formal ratification by the CWA convention later that year. See attached news copy. Its pre-affiliation and post-affiliation contributions must be aggregated together. Advisory Opinion 1985-27.

37. CWA-COPE PCC and its affiliated SSF, Local 13000 CWA, AFL-CIO, contributed and designated the following amounts for the federal general election:

a. On July 27, 1984, CWA-COPE PCC contributed \$5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm #8403-327-1461.)

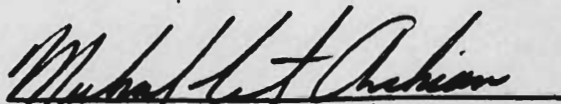
b. On July 31, 1984, Federation of Telephone Workers of Pennsylvania Political Action Committee contributed \$5,000.00 (FIVE THOUSAND HUNDRED DOLLARS). (See F.E.C. Microfilm #8403-336-4113).

38. A running total of the amounts contributed to Thomas R. Harkin, Citizens for Harkin Committee and its treasurer would have put on notice CWA-COPE PCC that as of July 27, 1984, it had contributed \$5,000.00 (FIVE THOUSAND DOLLARS) and that it could contribute no more if it wished to meet the mandates of the law. In violation of 2 U.S.C. § 441a(a)(2)(A), a contribution of \$5,000.00 (FIVE THOUSAND DOLLARS), was permitted to be made to Thomas R. Harkin, Citizens for Harkin Committee and its treasurer by Local 13000 CWA, AFL-CIO ("FTWP"). This amount exceeded the statutory monetary ceiling by \$5,000.00 (FIVE THOUSAND DOLLARS).

CONCLUSION

39. As documented above, Respondents have violated the spirit and letter of the Federal Election Campaign Act.

40. Complainant requests that an investigation into this complaint be undertaken, that Respondents Thomas R. Harkin, Citizens for Harkin Committee and its treasurer be ordered to return the accepted excess contributions pursuant to 11 C.F.R. § 103.3(b) and that civil sanctions and fines be imposed on all the Respondents.


Michael Ernest Avakian
Center on National Labor Policy
5211 Port Royal Road, Suite 400
North Springfield, VA 22151
(703) 321-9180

Attorney for Complainant

January 28, 1986

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BNA's Daily Reporter System

DAILY LABOR REPORT

CURRENT
DEVELOPMENTS
SECTIONINDEPENDENT TELEPHONE UNION IN PENNSYLVANIA
SETS VOTE ON MERGER WITH COMMUNICATIONS WORKERS

Members of the Federation of Telephone Workers of Pennsylvania will vote early next year on affiliation with the Communications Workers of America. At the FTWP convention in Atlantic City last week, delegates representing the union's 12,500 members voted 103 to 27 to recommend the change.

Ballots will be sent to members on Feb. 1, and the vote will take about two weeks. Because there is "a lot of anti-CWA feelings within our jurisdiction," the three-month delay in election is needed to conduct an "education process" to convince members that affiliation with CWA is essential, according to FTWP Vice President Vincent J. Maisano.

The leadership of the independent union unanimously supports affiliation, according to Maisano, because of the changes divestiture of the American Telephone & Telegraph Company will bring. All but about 700 of the union's members work for Bell of Pennsylvania. FTWP members "will be scattered" by changes in Bell's operations, and the union could face extinction through unit clarification elections, he commented.

FTWP members have been hostile to merger proposals throughout the union's 40-year history. Plans to merge with CWA, the Teamsters, the International Brotherhood of Electrical Workers, and the United Auto Workers all were rejected in referendum votes. In 1976 members agreed to join the Telecommunications International Union, an alliance of several independent unions, but FTWP pulled out in 1981 because of dissatisfaction with TIU.

Under the affiliation proposal, CWA would create a new geographic district for Pennsylvania and Delaware, and FTWP would comprise about 75 to 80 percent of its membership, according to Maisano. Former FTWP members would become members of CWA Local 13000, which would be second in size only to a CWA local in New York City. The local would retain representation rights for all present FTWP members and those it might organize in the future. Under current plans, FTWP President William E. Wallace would seek election as a CWA vice president and director of the new region, while Maisano would run for president of the local.

Union dues also would rise under the merger, from the current 0.8 percent of base pay to 1.3 percent of pay, according to Maisano, who added that a dues increase was needed regardless of the merger proposal.

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SINGLE FORUM AND STANDARD URGED
IN FAIR REPRESENTATION COMPLAINTS

NEW YORK (By a BNA Special Correspondent) — The confusion in the courts on what constitutes a breach of a union's duty of fair representation prompts a call for labor law changes to establish a single forum in which to bring complaints and to set a standard for violation of the duty.

Speaking at the second conference last week of Cornell University's New York State School of Industrial and Labor Relations on the duty of fair representation, Professor James E. Jones of the University of Wisconsin said there is a "multiplicity" of forums for complaints, and there has been a proliferation of standards of what is a violation of the fair representation duty. "Congress needs to provide statutory guidance," he said.

Fair representation questions most often arises in connection with administration of a contract and representation of an employee who has a grievance that was not satisfied. In some

PENNSYLVANIA UNION DECIDES TO JOIN CWA; BELL SYSTEM CHANGES CITED AS KEY REASON

An independent telephone union in Pennsylvania votes overwhelmingly to join the Communications Workers of America. A vote among members of the Federation of Telephone Workers of Pennsylvania produced 7,624 ballots in favor of the merger and only 951 opposed.

The merger, which will be completed officially at the CWA annual convention in August, will add 12,250 members to CWA's current membership of about 650,000.

CWA President Glenn E. Watts called it "a great day for both unions," recalling that the two had been united in the old National Federation of Telephone Workers prior to 1947.

Under the merger agreement, the former FTWP members will become members of a new CWA local, Local 13000, which will be one of the largest in the union. CWA also will create a new district, District 13, consisting of members in Pennsylvania and Delaware. Former FTWP members will make up about 75 to 80 percent of this district.

FTWP Secretary Frank S. Wentzel told BNA that FTWP will hold a special convention in June to make necessary changes in bylaws and dues arrangements to prepare for transformation into a CWA local. Elections for local officers and delegates to the CWA convention then will be held.

FTWP President William E. Wallace plans to run for director of District 13, which would make him a CWA vice president, and FTWP Vice President Vincent J. Maisano plans to run for president of Local 13000.

The decision to affiliate with CWA was approved at the FTWP convention in Atlantic City last fall (1983 DLR 206: A-1). Convinced that the merger was a necessity, the union leadership campaigned for three months for approval among the rank and file. FTWP members had been hostile to merger suggestions in the past, spurning proposed ties with CWA, the Teamsters, the International Brotherhood of Electrical Workers, and the United Auto Workers.

Affiliation with the Telecommunications International Union, an alliance of several independent unions with about 50,000 members, was approved in 1976, but FTWP members withdrew in 1981 because of dissatisfaction with TIU. TIU currently is embroiled in a dispute over possible merger with the American Federation of State, County and Municipal Employees (1984 DLR 32: A-1).

FTWP leaders told their members that merger was necessary because the Bell System divestiture threatened the union's survival. Writing in the current issue of *FTWP News*, union president Wallace noted that Bell of Pennsylvania is now part of Bell Atlantic and that half of the new company's employees are in CWA.

While successorship agreements protect FTWP through its first contract with Bell Atlantic, "the company says that if multiple unions and multiple contracts become burdensome, they will ask the unions to straighten that out," Wallace wrote. "If the unions do not, the company promised to petition the NLRB for a unit clarification."

Furthermore, Wallace continued, FTWP would face an even greater danger from competing unions which might have gone to NLRB for a unit clarification or with an election petition. Because FTWP is an independent, it would not be protected by AFL-CIO no-raiding policies. The situation would be especially critical in AT&T Information Systems where FTWP's 3,000 members would be "a small minority in a nationwide company," he said.

Wallace defended the merger agreement, pointing out that FTWP would have one of the 13 vice president seats on the CWA executive board and that it would wield considerable influence as a large local. Wallace also commented that he had been part of the CWA bargaining team last summer and was satisfied with the results.

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Attachment - Page Two

**COMMUNICATIONS WORKERS DELEGATES
WEIGH PROPOSED REORGANIZATION PLAN**

PHILADELPHIA (By a BNA Staff Correspondent) — Confronted with the break-up of the industry's largest employer and a projected decline in union membership, delegates to the Communications Workers of America annual convention consider plans for restructuring the union and for persuading consumers to use only unionized long-distance telephone service.

The leadership plan for restructuring the executive board encountered immediate opposition from delegates, however, necessitating a roll-call vote for the first time in the last six conventions. After brief debate among the 1,030 delegates, the entire first afternoon of the three-day convention was consumed by a roll-call vote over whether to create two new vice presidential positions.

A new vice president for AT&T Communications would replace the national director for AT&T Long Lines, while a new vice president for AT&T Technologies would assume duties formerly performed by three national directors for various segments of Western Electric Co.

The proposal is part of a two-year plan formulated by the CWA leadership. Next year national directors for public workers and independent telephone companies would become union vice presidents, and the union's 13 geographic districts would be merged into eight.

The union opened its forty-sixth annual convention on the first anniversary of its three-week national strike against the Bell System. Since that time, American Telephone and Telegraph Co. divested itself of the Bell operating companies. The CWA restructuring plan is an attempt to tailor the union to the structure of the new AT&T and the seven regional operating companies. Opponents argued that the changes were hastily planned and would enlarge an "overstaffed bureaucracy."

Seven of the proposed eight geographic regions would conform to the boundaries of the seven Bell operating companies; the eighth region would cover Pennsylvania. Some 12,000 new members from Pennsylvania joined CWA last week when the Federal Telephone Workers of Pennsylvania officially completed its merger into CWA. Former FTWP President William E. Wallace was sworn in as a new CWA vice president.

Despite the FTWP affiliation and the affiliation of several smaller independents in recent months, the union's membership has been declining steadily in recent months. A budget report from the union's finance committee projects for 1984 a membership of 507,000, down 23,000 from the previous year.

Union officials are convinced that the decline is a temporary one, attributable to divestiture, and that losses will be made up over the short-term by organizing successes in on-going campaigns among new AT&T subsidiaries and among public employees.

The leadership's immediate answer to the threats posed by nonunion long distance firms is a massive \$2 million public relations campaign to persuade consumers that union-represented AT&T, with its emphasis on operator assistance, offers better service than new, heavily computerized nonunion companies. A campaign in the Philadelphia area, which follows Charleston, W. Va., as the next community where "equal access" to long distance service will be introduced, is to be unveiled during the second day of the convention.

CWA President Glenn E. Watts in his keynote address quoted an estimate that for every one percent of market share lost by AT&T, approximately 1,000 union jobs could be lost. He called upon each CWA member to pledge a \$2 contribution to the campaign. That \$1 million would be matched by another \$1 million from the national treasury, he said.

The quest for new members finds CWA embroiled in disputes with other unions. The 45,000-member Telecommunications International Union has been seeking to merge with the American Federation of State, County and Municipal Employees, but CWA has been successful in legally blocking a vote all year and hopes eventually to persuade TIU members to reject

their leaders' preference for AFSCME. CWA and AFSCME also are rivals in Ohio where a new public employee bargaining law was enacted last year.

A highlight of the convention for many delegates will be an appearance by Democratic presidential candidate Walter F. Mondale. Mondale, who appeared at the two previous CWA conventions, has been strongly supported by the union.

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DISTRICT 1199 OVERWHELMINGLY REJECTS LATEST OFFER BY NEW YORK HOSPITALS

Members of District 1199 of the Retail, Wholesale and Department Store Union overwhelmingly reject the latest two-year contract offer by the League of Voluntary Hospitals and Homes of New York by a vote of 21,769 to 1,242, according to union president Doris Turner. The vote was taken at a series of four meetings over the course of two days last week (1984 DLR 150: A-1).

"There is a very simple reason why our members turned down this proposal," Turner said. "It was almost a carbon copy of the first proposal that was rejected on July 13, the day this strike began."

The size of the rejection vote "means that they're determined to continue" the strike, Turner said of her members.

Meanwhile, District 1199 members ratified contracts over the weekend with four non-League hospitals after the institutions agreed to grant the workers every other weekend off — a major issue in the dispute — and the best terms of the settlement eventually negotiated with the League, Turner said. Almost 2,000 employees are covered by the agreements. The employees will be back at work by August 7, she added.

Three of the four hospitals are municipal institutions that use 1199 workers from certain League institutions, Turner said. The three are Bird S. Coler Memorial Hospital, Lincoln Medical and Mental Health Center, and Metropolitan Hospital Center. The fourth, Hempstead General Hospital, is a proprietary hospital.

In another development, although it had appeared that the union had "purged itself" of a civil contempt citation, the parties are scheduled to go back to court Aug. 7 on a motion by NLRB Regional Director Samuel M. Kaynard to renew his order to show cause why the union should not be held in contempt.

On Aug. 1 Judge Israel Leo Glasser found the union in civil contempt because nurse members, engaged in a sympathy strike, have continually refused to follow a court order to return to work. Judge Glasser set out a number of ways that the union could purge itself of the contempt including sending letters, calling the strikers, and holding a meeting of all involved nurses telling them that the union insisted that they return to work and if they don't it will begin internal proceedings. On Aug. 3 Judge Glasser found that although the nurses had not returned to work the union was complying with his order. The union was ordered to meet with Judge Glasser again Aug. 6 to ascertain what developments, if any, had occurred over the weekend. At that time Kaynard renewed his order.

Union spokesman Bob Carroll told reporters 1199 is complying with the court order, adding that "We have complied with everything" in the order. However, Carroll said, the nurses have not gone back to work despite the union's attempts to get them back. The firing of eight coworkers has contributed to the nurses' resistance, he said.

Union leaders also met with clergy to ask their help in the strike. At the close of the meeting, Rev. Wendell Foster, who is also a city councilman, said the assembled clergy had agreed to discourage members of their parishes or synagoges from filling in for the 1199 workers.

VERIFICATION OF CITIZEN COMPLAINANT

County of Fairfax)
Commonwealth of Virginia)

ss.

Pursuant to 2 U.S.C. § 437g(a)(1), I, Jeffrey W. Ryan, being first duly sworn, say that I have read the foregoing complaint and know the contents thereof, and that the same is true on information and belief. This complaint was not filed at the request or suggestion of any candidate. I am a citizen of the United States, over the age of 18 years and a registered voter of the State of Virginia.

Jeff W. Ryan

Subscribed and sworn to before me this 27th day of January
_____ 1986.

Barbara A. McMillin
Notary Public

My Commission expires:

My Commission Expires November 18, 1993

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DESIGNATION OF COUNSEL

I, Jeffrey W. Ryan, a complainant to the attached complaint designate the attorney identified below as complainant's attorney of record. The Federal Election Commission shall direct all written and oral communications in connection with this matter to my designated counsel.

JANUARY 27, 1986
Date

Jeff W Ryan
Complainant

DESIGNATED COUNSEL

Michael Ernest Avakian
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 31, 1986

Jeffrey W. Ryan
4757 Parkman Court
Annandale, VA 22003

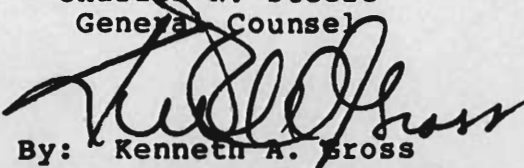
Dear Mr. Ryan:

This letter will acknowledge receipt of a complaint filed by you which we received on January 28, 1986, which alleges a possible violation of the Federal Election Campaign Act of 1971, as amended, the ("Act"), by The Hon. Thomas R. Harkin, Randy Duncan, Fred H. Hassen, Ron Krouse, Edwin J. Maher, Cecil A. Johnson, Frank Newham, Richard O'Connell, and Douglas Holbrook, treasurer. The respondents will be notified as soon as the Commission takes action on your submission.

You will be notified as soon as the Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedures for handling complaints. We have numbered this matter under review MUR 2134. Please refer to this number in all future correspondence. If you have any questions, please contact Lorraine F. Ramos at (202) 376-3110.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosure

860305038



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 31, 1986

Douglas Holbrook, Treasurer
American Postal Workers Union
Political Fund Committee
817 14th Street, N.W.
Washington, D.C. 20005

Re: MUR 2134

Dear Mr. Holbrook:

This letter is to notify you that the Federal Election Commission received a complaint which alleges that the American Postal Workers Union Political Fund Committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2134. 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 you in 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 completing the enclosed form 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.

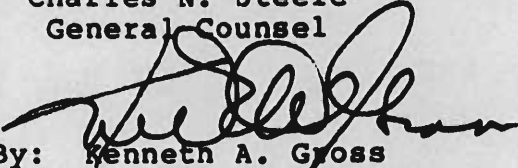
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If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at (202)376-8200. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By: Kenneth A. Gross
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

86030605040



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 31, 1986

Randy Duncan, Treasurer
Citizens for Harkin
P.O. Box 75221
Washington, D.C. 20013

Re: MUR 2134

Dear Mr. Duncan:

This letter is to notify you that the Federal Election Commission received a complaint which alleges that the Citizens for Harkin Committee and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2134. 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 you in 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.

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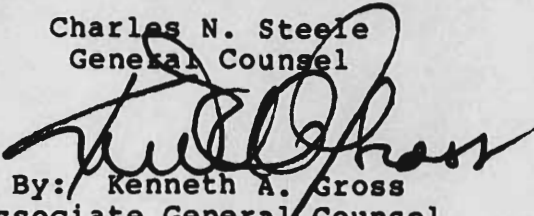
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If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at (202)376-8200. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

86030605042



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 31, 1986

Hon. Thomas R. Harkin
Senate House 705
The Capitol
Washington, D.C. 20510

Re: MUR 2134

Dear Mr. Harkin:

This letter is to notify you that the Federal Election Commission received a complaint which alleges that you, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2134. 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 you in 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 completing the enclosed form 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.

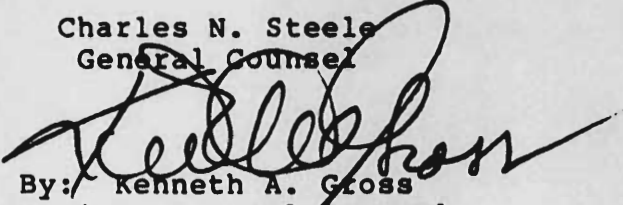
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If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at (202)376-8200. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

86030605044



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 31, 1986

Ralph A. Leigon, Treasurer
International Brotherhood of
Electrical Workers - COPE
1125 15th Street, N.W.
Washington, D.C. 20005

Re: MUR 2134

Dear Mr. Leigon:

This letter is to notify you that the Federal Election Commission received a complaint which alleges that the International Brotherhood of Electrical Workers - COPE and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2134. 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 you in 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.

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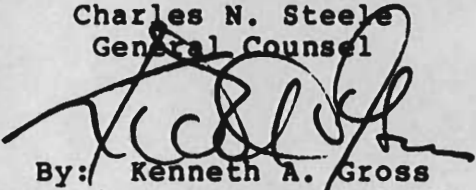
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If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at (202)376-8200. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

860305046



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 31, 1986

Edwin J. Maher, Treasurer
Local 13,000 CWA, AFL-CIO
1410 Chestnut Street
Second Floor
Philadelphia, Pennsylvania 19102

Re: MUR 2134

Dear Mr. Maher:

This letter is to notify you that the Federal Election Commission received a complaint which alleges that the Local 13,000 CWA, AFL-CIO and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2134. 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 you in 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.

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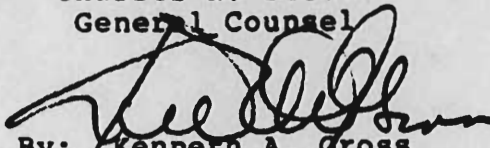
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If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at (202)376-8200. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

860305048



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 31, 1986

Fred H. Hassen and Ron Krouse, Treasurers
Communications Workers of America, COPE-PCC
1925 K Street, N.W.
Washington, D.C. 20006

Re: MUR 2134

Dear Messrs. Hassen and Krouse:

This letter is to notify you that the Federal Election Commission received a complaint which alleges that the Communication Workers of America, COPE-PCC and you, as treasurers, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2134. 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 you in 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.

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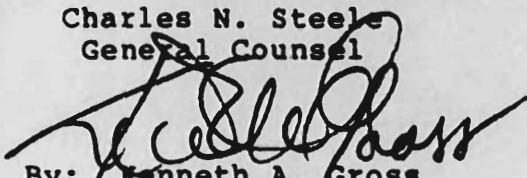
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If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at (202)376-8200. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

860305050



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 31, 1986

Cecil A. Johnson, Treasurer
Iowa State Association of Letter Carriers PAC
P.O. Box 6161
Des Moines, Iowa 50309

Re: MUR 2134

Dear Mr. Johnson:

This letter is to notify you that the Federal Election Commission received a complaint which alleges that the Iowa State Association of Letter Carriers PAC and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2134. 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 you in 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.

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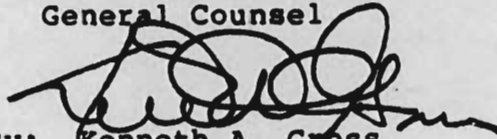
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If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at (202)376-8200. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By: Kenneth A. Gross
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

86030605052



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 31, 1986

Frank Newham, Treasurer
National Rural Letter Carriers' Association PAC
1750 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Re: MUR 2134

Dear Mr. Newham:

This letter is to notify you that the Federal Election Commission received a complaint which alleges that the National Rural Letter Carriers' Association PAC and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2134. Please refer to this number in all future correspondence.

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If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter at (202)376-8200. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

860305054



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 31, 1986

Richard O'Connell, Treasurer
National Association of Letter Carriers,
Committee on Letter Carriers Political Education
100 Indiana Avenue
Washington, D.C. 20001

Re: MUR 2134

Dear Mr. O'Connell:

This letter is to notify you that the Federal Election Commission received a complaint which alleges that the National Association of Letter Carriers, Committee on Letter Carriers Political Education and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2134. 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 you in 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.

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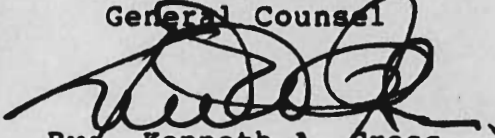
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Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 2134

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