

**NOTES**

PHILIP NUSSEL

DAILY MAIL BUSINESS EDITOR

Expect unexpected from UMW

A few months ago, I had a long, frank discussion with a Pittston executive who weathered the United Mine Workers' last do-or-die strike. He basically said the only mistake his company made during the 1989 labor war was underestimating the political power of the UMW.

When looking at the dropping percentage of union workers and production in the coal industry, it's easy to conclude the UMW's power has diminished along with its membership. But in the current political scene, the numbers are meaningless.

While the UMW has only about 60,000 active members, the union carries a lot of weight in U.S. labor circles and the Democratic Party, the White House and the Governor's Mansion.

Locally, the union's power is even stronger. Attorney General Darrell V. McGraw's ties to the union are longstanding and he even was driven around by the UMW's chief lobbyist during last year's campaign, not to mention getting a UMW-paid television advertisement during the primary.

McGraw's nephew, Randy, is legal counsel for UMW District 29 and happens to be a freshman state delegate. His claim to fame this year was sponsoring a pro-union resolution during the Peabody strike that almost passed. Several other state lawmakers are UMW members as well.

Overall, expect the UMW and other unions to take some emotional and unpredictable actions to get the bureaucrats and lawmakers in Washington, D.C., to change the status quo on labor fronts. There were a lot of angry union leaders at a recent rally in Pittsburgh. There was talk of some pretty unusual measures.

Hint: Look for the National Labor Relations Board to hear a real loud message sometime soon.

All this political clout, of course, can sometimes have liabilities. The UMW now has a sympathetic ear in the Clinton White House, which means it can no longer blame the president when things don't go as planned. The unions must also face the fact that Clinton may ask them to make sacrifices along with the rest of the population.

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MUR # 3541

ADDITIONAL DOCUMENTS WILL BE ADDED TO THIS FILE AS THEY
BECOME AVAILABLE. PLEASE CHECK FOR ADDITIONAL MICROFILM
LOCATIONS.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3561

DATE FILMED 10/28/93 CAMERA NO. 2

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

☒ Microfilm
☐ Public Records
☐ Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3561.

12/10/93

23043542979

THE READER IS REFERRED TO ADDITIONAL MICROFILM LOCATIONS
FOR THE FOLLOWING DOCUMENTS PERTINENT TO THIS CASE

1. Memo, General Counsel to the Commission, dated September 22, 1992, Subject: Priority System Report.
See Reel 354, pages 1590-94.
2. Memo, General Counsel to the Commission, dated April 14, 1993, Subject: Enforcement Priority System.
See Reel 354, pages 1595-1620.
3. Certification of Commission vote, dated April 28, 1993.
See Reel 354, pages 1621-22.
4. General Counsel's Report, In the Matter of Enforcement Priority, dated December 3, 1993.
See Reel 354, pages 1623-1740.
5. Certification of Commission vote, dated December 9, 1993.
See Reel 354, pages 1741-1746.

23043542980



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

Robert James Gould
Attorney and Counsellor at Law
Route 2 Box 78
Greenville, West Virginia 24945

RE: MUR 3561

Dear Mr. Gould:

On July 21, 1992, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against United Mine Workers of America and Coal Miners PAC and John Bonavic, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Phillip L. Wise

Phillip L. Wise
Attorney

Attachment
Narrative

Date the Commission voted to close the file: _____

DEC 09 1993

23043542981

MUR 3561

UNITED MINE WORKERS OF AMERICA COAL MINERS

This matter was initiated by a complaint filed with the Commission by Robert James Gould. In his complaint Gould asserts that COMPAC, the UMW's PAC, made expenditures for food, lodging and travel on behalf of McGraw, a candidate for state office. The complaint also asserts that COMPAC spent approximately \$20,275 for television time on behalf of McGraw. He argues that the question whether COMPAC's expenditures are independent is governed by federal law because COMPAC is a registered PAC, even though the campaign in question is for state office. Gould claims that the relationship between COMPAC and the McGraw committee put COMPAC in a position to have constructive knowledge of the plans, projects, and needs of the candidate, thereby preventing any expenditures by COMPAC on behalf of McGraw from being independent. COMPAC responded that this matter is not within the Commission's jurisdiction.

The events that are the subject of this case had little or no impact on the process. Further, there is no significant issue relative to the other issues pending before the Commission.

23043542982



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 10 1993

Paul Green, Esquire
Beins, Axelrod, Osborne & Mooney, P.C.
2033 K Street, N.W.
Suite 300
Washington, D.C. 20006-1002

RE: MUR 3561
United Mine Workers of America
Coal Miners PAC and John
Bonavic, as treasurer

Dear Mr. Green:

On July 27, 1992, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against United Mine Workers of America and Coal Miners PAC and John Bonavic, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Phillip L. Wise

Phillip L. Wise
Attorney

Attachment
Narrative

Date the Commission voted to close the file:

DEC 09 1993

23043542983

MUR 3561

UNITED MINE WORKERS OF AMERICA COAL MINERS

This matter was initiated by a complaint filed with the Commission by Robert James Gould. In his complaint Gould asserts that COMPAC, the UMW's PAC, made expenditures for food, lodging and travel on behalf of McGraw, a candidate for state office. The complaint also asserts that COMPAC spent approximately \$20,275 for television time on behalf of McGraw. He argues that the question whether COMPAC's expenditures are independent is governed by federal law because COMPAC is a registered PAC, even though the campaign in question is for state office. Gould claims that the relationship between COMPAC and the McGraw committee put COMPAC in a position to have constructive knowledge of the plans, projects, and needs of the candidate, thereby preventing any expenditures by COMPAC on behalf of McGraw from being independent. COMPAC responded that this matter is not within the Commission's jurisdiction.

The events that are the subject of this case had little or no impact on the process. Further, there is no significant issue relative to the other issues pending before the Commission.

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