

COLLERAN, O'HARA & MILLS
1225 FRANKLIN AVENUE, SUITE 450

GARDEN CITY, NEW YORK 11530

516 248-5757
212 614-9119

WALTER M. COLLERAN (RETIRED)
RICHARD L. O'HARA
JOHN F. MILLS
EDWARD J. GROARKE
CHRISTOPHER P. O'HARA
CAROL L. O'ROURKE

SCOTT P. SHELKIN
JENNIFER MILLS BERLINGIERI
DENIS A. ENGEL
MICHAEL D. JEW
DEBRA SHANNON

April 7, 1999

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TERESA SUAREZ (PARALEGAL)
MICHAEL A. YOUNG (PARALEGAL)
ANN M. CAROLAN (PARALEGAL)
LAURA A. HARRINGTON (PARALEGAL)
JACK GROARKE (PARALEGAL)
KATHLEEN A. ELDER (PARALEGAL)

OF COUNSEL
GLENN A. KREBS
ELIZABETH POLLINA DONLON

Eugene H. Bull, Esq.
Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

CLOSED

Re: MUR 4686

Dear Mr. Bull:

This firm represents the NYS AFL-CIO. We recently received the Commission's determination in the above-referenced matter. We herewith enclose a reply to the determination for inclusion in the public record.

Please contact our office should you have any questions.

Very truly yours,

COLLERAN, O'HARA & MILLS

By: Debra Shannon

DEBRA SHANNON

Enc.

001-100-100

April 2, 1999

BEFORE THE FEDERAL ELECTION COMMISSION

National Republican Congressional Committee,

Complainant,

MUR 4686

New York State AFL-CIO,

Respondent.

The New York State AFL-CIO ("NYS AFL-CIO"), by and through its attorneys, Colleran, O'Hara & Mills, wishes to reply to the Commission's findings concerning the above referenced complaint so that its reply may be included and made part of the public record. The NYS AFL-CIO is located at 100 South Swan Street, Albany, NY 12210 and at 48 East 21st Street - 12th Floor, New York, NY 10010.

REPLY

Concerning the Commission's finding of reason to believe that the NYS AFL-CIO violated 2 U.S.C. § 441b of the Federal Election Campaign Act of 1971 (the "Act") with regard to the NYS AFL-CIO's web site:

It is understood by the NYS AFL-CIO that express endorsements of a political candidate by a labor organization must be limited to its restricted class. However, the NYS AFL-CIO would like to reiterate and highlight the facts surrounding its endorsement of Vitaliano on its site.

As stated in the initial response, the NYS AFL-CIO has contracted with an outside agency to create and maintain its web site. Monthly issues of the NYS AFL-CIO's newsletter, Unity, are routinely "loaded" on to the site. The newsletter,

however, does not routinely contain endorsements of political candidates and the inclusion of the Vitaliano endorsement was simply an oversight.

Use of the Internet is a fairly new concept for most, companies and organizations alike. The NYS AFL-CIO is aware of the care it must take to ensure, in the future, that express endorsements placed on its web site are limited to its restricted class. As evidenced by its decision to take no further action and close the file, the Commission has illustrated that it has considered the factual circumstances surrounding the endorsements on the site; nevertheless, the NYS AFL-CIO herein submits its reply for inclusion in the public record.

Finally, NYS AFL-CIO wishes to emphasize that the issue of Unity in question was put on to the web site as part of a monthly routine; access to the general public was not, in any way, intentional. As stressed in its first response to the complaint, the NYS AFL-CIO removed the issue from the site the very same day it found out there was a potential violation of the Act (only one week after it was first "loaded"); it was not seeking to communicate its endorsement of Vitaliano to the general public.

Respectfully Submitted,
Attorneys for the NYS AFL-CIO

By: Edward J. Groarke
EDWARD J. GROARKE, ESQ.
COLLERAN, O'HARA & MILLS