

# AFSCME®

**American Federation of State, County and Municipal Employees, AFL-CIO**

Gerald W. McEntee  
President

William Lacy  
Secretary-Treasurer

John C. Dempsey  
Larry P. Weinberg  
General Counsel

Robert D. Leonard  
Neil S. Dinkels  
Margaret A. McCann  
Gloria P. Clement  
Associate General Counsel

General Counsel's Office  
1101 Fth Street, N.W. Suite 1210  
Washington, D.C. 20036-5667  
Telephone: (202) 773-5900  
Fax: (202) 452-6556

November 17, 1998

Lawrence M. Noble  
General Counsel  
Federal Election Commission  
999 E Street, N.W. - Room 657  
Washington, D.C. 20463

Re: MUR 4830

Dear Mr. Noble:

I have been designated as counsel for the American Federation of State, County and Municipal Employees, AFL-CIO and its affiliated political committee, Public Employees Organized to Promote Legislative Equality (hereinafter referred to as "AFSCME" and "AFSCME PEOPLE" respectively), for the purpose of responding to the Commission's letter of October 30, 1998, advising AFSCME that a complaint had been filed with the Commission which alleged acts which could be a violation of federal election law. A copy of the designation of the undersigned as counsel for AFSCME in this matter is enclosed. Our formal response follows.

The Republican Party of New Mexico's sole allegation as to AFSCME is that AFSCME PEOPLE made an excessive contribution to the Udall for Us All committee. AFSCME PEOPLE is not alone: the complaint alleges that any individual or political committee which made a contribution to pay off the Udall For Us All committee's primary debt violated the Federal Election Campaign Act of 1971, as amended, because - they allege - the Udall campaign did not have any primary debt.

AFSCME PEOPLE did make two \$5,000 contribution to the Udall for Us All committee on July 28, 1998. The first contribution was to retire the committee's primary debt and the second was for use in the general election. The purpose of each contribution was designated on the check and in a letter which accompanied the contributions. Copies of these documents are enclosed.

Political committees are permitted to make contributions to a candidate after an election has passed if the contribution is to retire the candidate's debt. 11 C.F.R. 110.2(a)(3). Neither the FECA nor its accompanying regulations set forth any particular duty on the part of a donor to ascertain what if any debt a candidate committee may actually have. What the FEC's regulations do state is that if the

Mr. Lawrence M. Noble  
November 17, 1996  
Page 2

candidate committee receives a contribution that exceeds existing debt, the committee is to return that contribution to the donor. *Id.*

At the time AFSCME PEOPLE contributed to retire the Udall for Us All committee's primary debt, it had good reason to believe that the committee did have a primary debt. AFSCME PEOPLE had received a debt retirement solicitation letter from the Udall For Us All committee on June 3, 1998. A copy of that letter is attached. In late July of 1998, an AFSCME staff person spoke with Tom Udall and asked if his committee still had primary debt and was told that it did. Thus, after receiving written and oral statements from the Udall For Us All committee as to the existence of primary debt, AFSCME PEOPLE made a contribution to retire that debt.

Whether the Udall For Us All committee in fact had \$5,000 in primary debt on the date AFSCME PEOPLE made its contribution is beyond the knowledge of AFSCME or AFSCME PEOPLE. AFSCME PEOPLE acted as an innocent donor and well exceeded its responsibilities under the law in having both written and oral statements as to the existence of a debt prior to making a contribution. AFSCME and AFSCME PEOPLE acted in good faith and in full compliance with the law, and at least as to AFSCME and AFSCME PEOPLE, the complaint is without merit.

For all of these reasons, AFSCME and AFSCME PEOPLE respectfully request that the complaint be dismissed at this time as to AFSCME.

Sincerely,



Robert D. Lenhard

BEFORE THE FEDERAL ELECTION COMMISSION

In Re:

Udall For Us All Committee

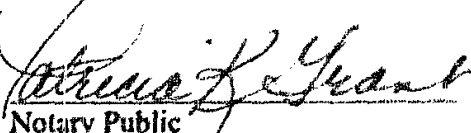
MUR # 4830

AFFIDAVIT OF LINDA CANAN STEPHENS

1. I am the Assistant Director of the Political Action Department of AFSCME and have been employed by AFSCME in that capacity throughout 1998.
2. As such, I have personal knowledge of the facts herein.
3. AFSCME PEOPLE received a solicitation from the Udall For Us All committee in early June of 1998, requesting a contribution to retire the committee's primary election debt.
4. In late July of 1998, I had a conversation with a representative of Udall For Us All in which I asked if they still had outstanding debt from the primary election. I was told that they did. My recollection is that the individual I spoke with was Tom Udall. It was only after this conversation that AFSCME PEOPLE decided to make a primary debt retirement contribution to the Udall for Us All committee.
5. AFSCME PEOPLE forwarded a \$5,000 contribution to help retire the Udall For Us All committee's primary debt on or about July 28, 1998.



Subscribed and sworn to before me this 17<sup>th</sup> day of November, 1998.

  
Notary Public

My Commission Expires: 6/14/99



**AFSCME**  
in the public service



Sealed - Please Do Not Open - Official Seal of the Committee

July 29, 1998

Udall for Us All  
P.O. Box 208  
Santa Fe, New Mexico 87504

Dear Attorney General Udall:

On behalf of the American Federation of State, County and Municipal Employees, we are pleased to enclose a \$ 5,000 contribution to Udall for Us All for the 1998 general election. AFSCME PEOPLE is a multicandidate political action committee.

We extend AFSCME's best wishes to you for a successful campaign and look forward to working with you on AFSCME's legislative priorities.

Sincerely,

William Lucy  
International Secretary-Treasurer

Gerald W. McEntee  
International President

GWMcE/WL:vt

Enclosure

cc: Luis Arellano, International Union Area Director  
Evelina Marquez, International Union Area Director

bcc: Faye Cole, International Vice President

1625 STREET NW WASHINGTON, D.C. 20036-0001



**AFSCME**  
in the public service



1000 ... ..

July 29, 1998


Udall for Us All  
P.O. Box 208  
Santa Fe, New Mexico 87504

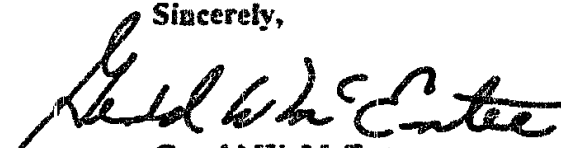
Dear Attorney General Udall:

On behalf of the American Federation of State, County and Municipal Employees, we are pleased to enclose a \$ 5,000 contribution to Udall for Us All for the 1998 primary debt election. AFSCME PEOPLE is a multicandidate political action committee.

We extend AFSCME's best wishes to you for a successful campaign and look forward to working with you on AFSCME's legislative priorities.

Sincerely,

  
William Lucy  
International Secretary-Treasurer

  
Gerald W. McEntee  
International President

GWMcE/WL:vt

Enclosure

cc: Luis Arellano, International Union Area Director  
Evelina Marquez, International Union Area Director

bcc: Faye Cole, International Vice President



AMERICAN FEDERATION OF STATE, COUNTY AND  
MUNICIPAL EMPLOYEES-AFSCME  
1625 L STREET, N.W., WASHINGTON, D.C. 20036  
PUBLIC EMPLOYEES ORGANIZED TO PROMOTE  
LEGISLATIVE EQUALITY

THE FIRST NATIONAL BANK  
OF WASHINGTON, DC  
LINCOLN OFFICE  
WASHINGTON, DC 20004-6758  
16-3540-12

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7/28/98

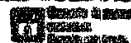
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\$5,000.00

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Udall for US All

DOLLARS



MO D/NM/03 Cand.1998 Primary Debt Contrib.

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AMERICAN FEDERATION OF STATE, COUNTY AND  
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Udall for US All

DOLLARS



MO D/NM/03 Cand.1998 General Contrib.

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# Tom Udall CONGRESS

June 3, 1998

Larry Scanlon  
PAC Director, AFSCME  
1625 L Street NW  
Washington DC 20036

Dear Larry:

Last night the hard work of the past several months paid off - we won! Now the real work begins.

Bill Redmond won in 1997 with 43% of the vote in a low-turnout special election (24% Democrat, 53% Republican). The remainder of the vote was split - 40% for the Democratic candidate Eric Serna, and 17% for the 3<sup>rd</sup> party Green candidate.

With around 60% of voters registered as Democrats, New Mexico's 3<sup>rd</sup> congressional district is one of the most democratic districts in the country. In my last statewide election for Attorney General, I received more votes than any other candidate - either Democrat or Republican - in a contested race.

I have the broad support of the Hispanic, Native American and Anglo voters necessary to win this district. In addition, I have the active support of many members of the Green Party.

This race is winnable!

To date we have raised over \$450,000 - over 90% from individuals. But fending off seven Democratic primary opponents has been expensive. We have spent almost \$500,000, leaving us with a primary debt of approximately \$45,000.

We have proven that we have the support and the ability to raise money in the district, but to compete with the Republican money machine we need your help. Please do as much as you can, as soon as you can, so we can begin TODAY to defeat Bill Redmond and to ensure a Democratic majority in the fall.

We will be in touch in the next few days. In the mean time if you have any questions or would like any additional information please call either my Fundraising Director Peggy Egan or myself at (505) 982-7078.

Best personal regards,



Tom Udall

P.S. Please note on your calendars... We will be having a fundraiser at the home of Stewart Mott in Washington, DC on July 7<sup>th</sup>. An invitation will be sent to you soon.

Ph: (505) 982-7078 • Fax: (505) 982-6185 • P.O. Box 208, Santa Fe, NM 87504

Paid For By Udall For Us All, Tim Garcia, Treasurer

♻️ Printed on recycled paper by Autumn Press ♻️

# STATEMENT OF DESIGNATION OF COUNSEL

MUR 4830

NAME OF COUNSEL: Robert D. Lenhard

FIRM: AFSCME Office of the General Counsel

ADDRESS: 1101 - 17th Street, NW

Suite 1210

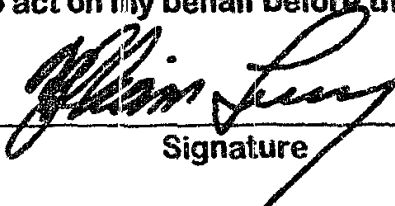
Washington, DC 20036

TELEPHONE: (202 ) 775-5900

FAX: (202 ) 452-0556

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.

11/17/97  
Date

  
Signature

RESPONDENT'S NAME: AFSCME

ADDRESS: 1625 L Street, NW

Washington, DC 20036

TELEPHONE: HOME 

BUSINESS( 202 ) 429-1000