



Brotherhood of Locomotive Engineers and Trainmen

A Division of the Rail Conference-International Brotherhood of Teamsters

NATIONAL DIVISION
1378 Ontario Street, Mazzetta • Cleveland, Ohio 44113-1702
Phone: (216) 241-2630 • Fax: (216) 241-6516 • www.blo-t.org

November 20, 2008

Hon. Thomasenia P. Duncan
General Counsel
Federal Election Commission
MAIL
999 E Street, N.W.
Washington, DC 20463

BY OVERNIGHT MAIL
(202) 694-1650

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Re: MUR 6119
Brotherhood of Locomotive Engineers & Trainmen

Dear Ms. Duncan:

The undersigned is Interim General Counsel for the Brotherhood of Locomotive Engineers and Trainmen, a Division of the Rail Conference, International Brotherhood of Teamsters. Enclosed herewith are designation of counsel forms authorizing me to act for BLET and BLET Division 662 (hereinafter collectively referred to as "BLET"). I may be reached by telephone at (216) 241-2630 () or at (). Please consider this letter as BLET's response to the complaint in matter MUR 6119.

It appears that the complaint alleges that BLET has violated the Federal Election Campaign Act ("FECA"), 2 U.S.C. §§ 431 *et seq.*, because the complainant, James E. Mather, a member of BLET and Division 662, and similarly situated BLET members received an e-mail written by Mr. T. L. Smith, chairman of the BLET California State Legislative Board, seeking member volunteers to communicate with other members in the 2008 presidential campaign. Smith's e-mail was received and forwarded by R.A. Borrego, local chairman of Division 662, to Mr. Mather. Due to the fact that Mr. Mather did not like the union's choice of a presidential candidate in light of his perception that the candidate's election would not lead to lower taxes and less government, his complaint charges BLET with an improper use of the union's funds relative to these intra-organizational communications.

However, it is perfectly clear under federal election law that a labor union, such as BLET or the International Brotherhood of Teamsters, is permitted to use its general treasury funds to defray the costs of communications with its members and families on any subject, including expressly advocating the election or defeat of federal candidates and officeholders. See 2 U.S.C. § 431 (9)(B)(iii) and 11 C.F.R. § 114.3(a). In this respect, both the FECA and the Commission's Regulations provide that "labor organizations may make communications on any subject, including communications containing express advocacy, to their restricted class [members] or any part of that class." Further, the permitted activities "may involve election-related coordination of activities and political committees." 11 C.F.R. 114.3(a)(1).

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As the accompanying declaration of W.C. Walpert, National Secretary-Treasurer of BLET, establishes, all communications involved and those subsequently communicated by recipient volunteers were member-to-member communications. In short, all communications relative to the federal campaign were within the restricted class.

Simply stated, there has been no violation, in fact or in law, of the FECA. Consequently, BLET respectfully submits that no action should be taken by the Commission in response to the complaint and that its file on this matter should be closed.

Very truly yours,



Harold A. Ross
Interim General Counsel

Encls

cc:	Edward W. Rodzwick, National President	w/encls
	W.C. Walpert, NST	"
	T.L. Smith, Chmn-CSLB	"
	Napoleon Roper, LR, Div. 662-BLET	"

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FEDERAL ELECTION COMMISSION

999 E Street, NW

Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Client
FAX (202) 219-3923

MUR # 6119

NAME OF COUNSEL: Harold A. Ross

FIRM: BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

ADDRESS: 1370 Ontario Street, Mezzanine

CLEVELAND, OH 44113-1702

TELEPHONE- OFFICE (216) 241-2630 (Ext.)

FAX (216) 241-4237

The above-named individual and/or firm 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.

Nov 19, 2008 Will C. [Signature] Will C. [Signature]
Date Respondent/ Client Signature Title

RESPONDENT/CLIENT BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN
(Please Print)

MAILING ADDRESS: 1370 Ontario Street, Mezzanine

CLEVELAND, OH 44113-1702

TELEPHONE- HOME () _____

BUSINESS (216) 241-2630 EXT _____

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation



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999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Client
FAX (202) 219-9923

MUR # 6119

NAME OF COUNSEL: HAROLD A. ROSS

FIRM: BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

ADDRESS: 1370 ONTARIO STREET, MEDANINE

CLEVELAND, OH 44113-1702

TELEPHONE- OFFICE (216) 241-2630 (EXT.)

FAX (216) 241-4237

The above-named individual and/or firm 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.

11/19/08
Date

Harold A. Ross
Respondent/ Client Signature

DIVISIONAL COUNSEL REP.
Title

RESPONDENT/CLIENT BLET Division 662
(Please Print)

MAILING
ADDRESS: P.O. Box 720958

PINON HILLS, CA 92372

TELEPHONE- HOME () _____

BUSINESS () _____

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