

INDUSTRIAL, TECHNICAL & PROFESSIONAL EMPLOYEES UNION (ITPE)

Affiliated with OPEIU-AFL-CIO as Local 4873

ITPEU (AFL-CIO)1325 Massachusetts Ave., NW • Washington DC 20005
202-628-5770

May 29, 2003

Maureen Benitz, Campaign Finance Analyst
Reports Analysis Division
999 E Street, N.W.
Federal Election Commission
Washington, D.C. 20463RECEIVED
FEDERAL ELECTION COMMISSION
2003 MAY 29 PM 2:17Re: Industrial Technical & Professional Employees Union Political Action
Committee d/b/a ITPE PAC, ID No. C00286419

Dear Ms. Benitz:

Pursuant to your telephone conversation this morning with ITPE Counsel Sidney H. Kalban, Esq., and the May 15, 2003, letter from Assistant Staff Director John D. Gibson, enclosed is an additional copy of the ITPE PAC's response to your April 23 request for additional information.

Mr. Kalban has informed me that he had sent you the ITPE PAC's response by telefax on May 14 and, in accordance with your advice to him later that day, then sent the letter by certified mail. Mr. Kalban further informs me that the post office has returned the envelope to him, twice, but that he was assured by the postal clerk last week that it has, once more, been accepted for mailing.

Since we do not know when that mail will actually reach you, the ITPE is taking the precaution of delivering an additional copy to you by hand. Please call Mr. Kalban at (212)868-5867 if you have any questions. Thank you for your consideration.

Very truly yours,


Elwood Hampton
Vice PresidentCc: John F. Conley, President
John Brenton III, Secretary-Treasurer
Sidney H. Kalban, Esq.

JOHN CONLEY, President

JOHN BRENTON, III, Secretary/Treasurer

ELWOOD HAMPTON, Vice President

T. (RUTHIE) JONES, Vice President

MARY WILLIAMS, Vice President



ITPEU (AFL-CIO)

ITPEU (AFL-CIO)

2222 Bull St., Suite 200, Savannah, GA 31401

P.O. Box 22699, Savannah, GA 31403

912-332-6181

Facsimile: 912-332-5982

360 West 31st Street, Suite 301

New York, New York 10001

(212) 868-5867

Fax # 212 868-5869

May 13, 2003

Via Telefax & Mail

Maureen Benitz, Campaign Finance Analyst
 Reports Analysis Division
 Federal Election Commission
 Washington, D.C. 20363

**Re: Industrial Technical & Professional Employees Union
 Political Action Committee d/b/a ITPE PAC
 ID No. C00286419**

Dear Ms. Benitz:

As I advised you during our telephone conversation last week, I am counsel to the Industrial Technical & Professional Employees Union Political Action Committee d/b/a ITPE PAC; and your letter of April 23, 2003, has been referred to me for response. The issue raised in your letter was whether certain contributions to the Abercrombie and LoBiondo campaign committees by ITPE PAC exceeded the statutory limit when combined with contributions to those campaigns by "affiliated" political action funds.

Pursuant to our discussion, I hereby confirm that the ITPE Union severed its relationship (affiliation) with District No. 1-MEBA effective July 1, 2001. Accordingly, it is beyond question that, effective July 1, 2001, ITPE PAC has no longer been an "affiliate" of District No. 1, MEBA - Political Action Fund, Professional Airways Systems Specialists (AFL-CIO) dba PASS PAC or District No. 4 - NNU/MEBA AFL-CIO Political & Legislative Organization on Watch dba NNU PLOW, the three other committees whose contributions were combined with those of ITPE PAC to determine whether overpayments were made. The contributions by ITPE PAC to the Abercrombie and LoBiondo campaigns on or after July 1, 2001, therefore, should not be combined with those of these other multi-candidate committees.

The only contribution by ITPE PAC (i.e., preceding July 1, 2001), about which there might remain any question was that for \$500 to Abercrombie for Congress on June 22, 2001. My research after our discussion, however, discloses that the PAC funds should not be considered "affiliates" even at that time. Enclosed is a letter from District No. 1-MEBA to one of your colleagues in December 1999. Point "4" of that letter discusses the relationship

John Cooley, President

John Exenton, III, Secretary/Treasurer

Elwood Hampton, Vice President

T.(Ruthie) Jones, Vice President

Mary Williams, Vice President

Page 2

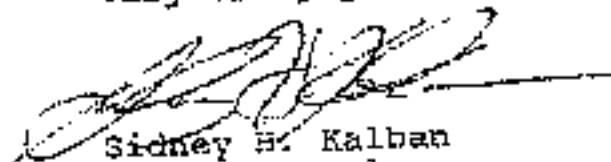
Re: ITPE PAC, ID No. C00286419

among the various unions in question and their PACs. As is explained in that letter, those relationships were of a nature that they do not fit within the definition of "affiliation" as used in the federal election statute. Also enclosed is a copy of the legal opinion of the Preston Gates law firm to which reference is made in the MEBA letter of December 1999. Please be advised that the language in the affiliation agreement between District No. 1-MEBA and ITPE paralleled that of the affiliation agreements of PASS and NMB which are discussed in the legal opinion.

MEBA and ITPE did not have any controlling interest in the other nor any authority or ability to affect the other's governance. Throughout this affiliation with District No. 1-MEBA, ITPE always maintained full autonomy over its staff and finances and elected its own officers; and had no in-put whatsoever with regard to MEBA's officers, staff and/or finances. Neither union was involved in the formation of the other nor provided any significant funds or goods to the other. (ITPE did pay a small amount of per capita to MEBA, which was then passed through to the AFL-CIO.) There was no overlapping or common membership. There was no coordination of contributions to candidates. There was far less of a relationship between MEBA and ITPE than there was among the unions involved in Federal Election Commission v. Sailors' Union of the Pacific Political Fund, 828 F.2d 502 (9th Cir. 1987), in which the Court held that two of the unions in question and their political action funds were not "local units" of their international and that their contributions therefore were not to be aggregated for purposes of the monetary caps on political contributions to any given campaign.

Please contact me at the above New York address and/or telephone number after you have reviewed these materials and advise if you still believe that ITPE PAC must request the Abercrombie campaign for any reimbursement. Thank you very much for your consideration.

Very truly yours,



Sidney H. Kalban
Union Counsel.

cc: John F. Conley, President
John Brenton III, Secretary-Treasurer

Federal Election Commission

ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS

The Commission has added this page to the end of this filing to indicate how it was received.

<input checked="" type="checkbox"/> Hand Delivered	Date of Receipt <i>5-28-03</i>
<input type="checkbox"/> First Class Mail	POSTMARKED
<input type="checkbox"/> Registered/Certified Mail	POSTMARKED (RC)
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> Received from the House office of Records and Registration	Date of Receipt
<input type="checkbox"/> Received from the Senate Office of Public Records	Date of Receipt
<input type="checkbox"/> Other (Specify):	Postmarked and/or Date of Receipt
<input type="checkbox"/> Electronic Filing	
<i>JM D</i> PREPARER	<i>5-28-03</i> DATE PREPARED

(6/2000)