

**FEDERAL ELECTION COMMISSION
UNITED STATES OF AMERICA**

**Philip C. Wakeman, and the National Right to Work
Legal Defense and Education Foundation, Inc.,**

Complainants,

and

**Laborers' International Union, National Postal Mail
Handlers Union Division,**

Respondents.

MUR No.

COMPLAINT

Facts:

1. Complainant Philip Wakeman is a mail handler for the United States Postal Service (USPS) and works at the Nashua, New Hampshire USPS postal facility. He was previously a member of the National Postal Mail Handlers Union (NPMHU or "Union"), which on information and belief is a division of the Laborers' International Union.
2. Complainant National Right to Work Legal Defense and Education Foundation, Inc. provides free legal aid to employees who suffer an abuse of unionism. An abuse of compulsory unionism includes the use of monopoly power of exclusive representation to mislead and coerce employees into compromising their political autonomy.
3. Respondent Laborers' International Union and its NPMHU division are labor organizations as defined in 2 U.S.C. § 441b(b)(1). The NPMHU was the exclusive monopoly bargaining representative for Philip Wakeman while he was a member of the Union.

4. Respondent National Postal Mail Handlers Political Action Committee (NPMH PAC) is a political committee as defined in 2 U.S.C. § 431(4).

5. In June 2006, Mr. Wakeman, who was not a member of the Union, tendered a check to Michael Normandon, the treasurer of a local of the Union, in the amount of \$429.00 in payment of his union dues for one year. A copy of that check is attached to the Wakeman affidavit.

6. According to the District Treasurer of the Union, Tim Dwyer, the Union ultimately received Mr. Wakeman's check in October 2006 and assigned November 6, 2006 as the effective date of his Union membership.

7. In October of 2008, Mr. Wakeman learned from a stranger that she had found his telephone number on the Internet. She suggested to him that he should do a "Google" search of his name because of the interesting results. This suggestion aroused his interest and in October 2008, he did a Google search for his name on the Internet. That search revealed that on January 5, 2007, the NPMHU made a political contribution of Mr. Wakeman's \$429 dues check to the NPMH PAC in Mr. Wakeman's name. Mr. Wakeman never made this contribution or agreed to it. Mr. Wakeman first learned of this information as a result of his Google search. Attached to Mr. Wakeman's affidavit is a copy of the report of his contribution which he found on the internet.

Law:

COUNT I

8. As recited above, the NPMHU used Mr. Wakeman's annual dues, which were required for membership in the Union, as a political contribution to the NPMH PAC. Thus, the NPMHU violated 2 U.S.C. § 441b(a) which prohibits labor unions from making a "contribution

or expenditure in connection with any [federal] election.” Additionally, 2 U.S.C. § 441b(b)(3)(A) specifically prohibits contributions to the NPMH PAC being made from “dues, fees, or other moneys required as a condition of membership in a labor organization.”

COUNT II

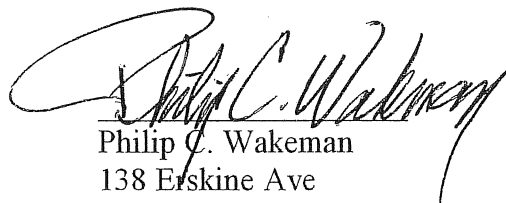
9. As recited above, the NPMHU made a contribution to the NPMHU PAC in the name of Philip C. Wakeman without his prior permission or knowledge. This violates 2 U.S.C. § 441(f) which specifically prohibits campaign contributions made in the name of another person.

COUNT III

10. As recited above, at the times which Mr. Wakeman wrote the check, tendered the check, or the Union received the check, he was not a member of the Union. To the extent which the Union intended to use his money as a contribution to the NPMH PAC, it violated § 441b(b)(4)(A)(ii) by soliciting a contribution from an individual who is not a member of the Union and it violated § 441b(b)(3)(B) by failing to inform Mr. Wakeman of the nature of the solicitation.

Remedy:


11. The complainants request that the Federal Election Commission investigate these allegations and take all available steps to enforce the law, prevent future violations of the law, and recover the money that Mr. Wakeman paid that was used for improper purposes.


Philip C. Wakeman
138 Erskine Ave
Manchester, NH 03103-5719

Before me, a Notary Public in and for the State of New Hampshire, personally appeared Philip C. Wakeman, who swore under penalties of perjury that based on his personal knowledge, as reflected in the attached affidavit, or upon information and belief, that the contents of this complaint are true and subscribed to the same on the line provided for his signature.



Notary Public

DEBORAH LYNNE CHABOT
Notary Public - New Hampshire
My Commission Expires March 5, 2013



Stefan H. Gleason
Vice-President
National Right to Work Legal Defense and Education
Foundation, Inc.
8001 Braddock Road
Springfield, Virginia 22160

Before me, a Notary Public in and for the Commonwealth of Virginia, personally appeared Stefan Gleason who swore under penalties of perjury that based on his reading of the attached affidavit, or upon information and belief, that the contents of this complaint are true and subscribed to the same on the line provided for his signature.

 285892
Notary Public My Commission Expires October
31, 2012

Respectfully submitted,



Bruce N. Cameron (D.C. Bar No. 380850)
*William Messenger (VA Bar No. 47179)
c/o National Right to Work Legal
Defense Foundation
8001 Braddock Road
Springfield, Virginia 22160
(703) 321-8510

*Attorneys for Philip C. Wakeman and National Right to
Work Legal Defense and Education Foundation, Inc.*

Dated: 23 July 2009

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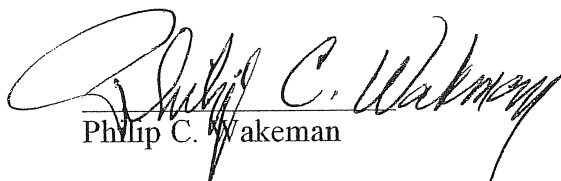
AFFIDAVIT OF PHILIP C. WAKEMAN

I, Philip C. Wakeman, am a resident of New Hampshire, am competent to testify under its laws, and have personal knowledge of the following facts:

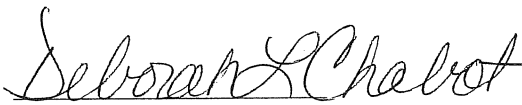
1. I am a mail handler for the United States Postal Service (USPS) and work at the Nashua, New Hampshire USPS postal facility. I was previously a member of the National Postal Mail Handlers Union (NPMHU or "Union") which I believe is a division of the Laborers' International Union.
2. In April of 2006, I made out a check to the Union in the amount of \$429.00 in payment of my annual dues, after having previously spoken with an NPMHU representative that month about joining the Union. A copy of that check is attached as "Exhibit A." I wrote on the face of the check "Union Dues." While it was my intention to give the check to the Union at that time, I was not then working in the bargaining unit. As a result, I delayed giving the check to a representative of the Union (Michael Normandon, a local treasurer) until July, 2006. At this point in time I was not a member of the Union.
3. In June of 2007, I contacted Tim Dwyer, the NPMHU district treasurer. Mr. Dwyer informed me that the Union had received my check in October of 2006 and that November 6, 2006 was the date

on which my union membership became effective. (I do not know why there was such a delay in the Union processing my check.)

4. In October of 2008, a stranger called me regarding an unrelated matter. She informed me that she learned of my telephone number through a Google search. She mentioned that I should "Google" my own name because of some interesting links to my name. That odd conversation roused my interest and I did as she suggested. The first three results of the search displayed that I, Philip C. Wakeman, had made a contribution in the amount of \$429 to the NPMH PAC on January 5, 2007. I never made or consented to any such contribution. I believe that the Union improperly made a political contribution to the NPMH PAC in my name, using my dues check of \$429, when in fact I never made any contribution. Attached to this affidavit as Exhibit B is a document I found on the Internet (FEC Form 3X for the National Postal Mail Handlers Union – Division of Laborers Int'l Union of North America) which reports the contribution made in my name (see last page).


Philip C. Wakeman

Before me, a Notary Public in and for the State of New Hampshire, personally appeared Philip C. Wakeman who swore under penalties of perjury that the contents of this Affidavit are true and subscribed to the same on the line provided for her signature.


Notary Public

Dated: *June 26, 2009*

DEBORAH LYNNE CHABOT
Notary Public - New Hampshire
My Commission Expires March 5, 2013