



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

THIS IS THE END OF MUR # 2301

DATE FILMED 7/29/87 CAMERA NO. 2

CAMERAMAN AS

87040353399

PUBLIC RECORD INDEX - MUR 2301

1. Complaint, filed 15 Dec 86 by Jerome A. Diekemper.
2. Ltr, 29 Dec 86, Lois G. Lerner (Assoc. Gen. Coun., FEC), to R. Richard Davis (Pres, Congress of Independent Unions (CIU))
3. Ltr, 29 Dec 86, L.G. Lerner to Duane Hefner (Treas, Missourians for Kit Bond).
4. Ltr, 29 Dec 86, L.G. Lerner to J. A. Diekemper.
5. Ltr, 14 Jan 87, Roger F. Wilson (Counsel to CIU) to FEC, w/encls (affidavit of R.R. Davis), Designation of Counsel.
6. Ltr, 20 Jan 87, William Ray Price, Jr. (Counsel to Missourians for Kit Bond) to FEC.
7. Ltr, 29 Jan 87, W.R. Price to FEC, w/encls (affidavit of Warren K. Erdman (Campaign Mgr., Missourians for Kit Bond), Designation of Counsel)).
8. First General Counsel's Report, dtd 23 March 87.
9. Memo, 23 Mar 87, Office of General Counsel (OGC), to Office of the Commission Secretary (OCS), Subject: First General Counsel's Report.
10. Memo, 26 Mar 87, OCS to OGC, Subject: Objections to First General Counsel's Report.
11. Certification of Commission Action., dtd 1 Apr 87.
12. Ltr, 8 Apr 87, Scott Thomas (Chairman, FEC), to R.F. Wilson.
13. Ltr, 8 Apr 87, Lawrence M. Noble (Acting Gen. Counsel, FEC), to W.R. Price, Jr.
14. Ltr, dtd 20 Apr 87, Robert G. Raleigh (Counsel to CIU), to FEC.
15. General Counsel's Reports, dtd 1 May 87.
16. Memo, dtd 1 May 87, OGC to OCS, Subject: General Counsel's Report.
17. Memos, (2), dtd 6 May 87, M.W. Emmons to L.M. Noble, Subject: Objections to General Counsel's Report.
18. Certification of Commission action, dtd 12 May 87.

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19. Ltr, 14 May 87, L.M. Noble to R.G. Raleigh.
20. Ltr, 27 May 87, R.G. Raleigh to FEC w/encls (Conciliation agreement and civil penalty check).
21. General Counsel's Report, 15 Jun 87.
22. Memo, 15 June 87, OGC to OCS, Subject: General Counsel's Report, signed 15 June 87.
23. Certification of Commission Action, dtd 17 June 87.
24. Ltr, 24 June 87, L.M. Noble to J.A. Diehemper.
25. Ltr, dtd 24 June 87, L.M. Noble to R. G. Raleigh, w/atch (Executed Conciliation Agreement).

NOTE: In preparing its file for the public record, O.G.C. routinely removes those documents in which it perceives little or no public interest, and those documents, or portions thereof, which are exempt from disclosure under the Freedom of Information Act.

87040653401

GCC #2274
RECEIVED AT THE FEC.

86 DEC 15 P12:36

(314) 727-1015

DIEKEMPER, HAMMOND AND SHINNERS

ATTORNEYS AND COUNSELORS

SUITE 222

7750 CARONDELET AVENUE

ST. LOUIS (CLAYTON), MISSOURI 63105

JEROME A. DIEKEMPER
CARY HAMMOND
RICHARD SHINNERS
JOHN A. TURCOTTE, JR.
JOSEPH W. LARREW
JAN BOND
JANET E. YOUNG
GREG A. CAMPBELL


December 11, 1986

Mr. Charles N. Steele, General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Steele:

Enclosed please find my sworn complaint against the Congress of Independent Unions. If you need any additional information, please feel free to contact the undersigned.

Very truly yours,


JEROME A. DIEKEMPER

JAD/mjs
enclosure

3704056402

86 DEC 15 P3:15

RECEIVED
GENERAL COUNSEL

STATE OF MISSOURI)
) SS.
COUNTY OF ST. LOUIS)

SWORN COMPLAINT

Comes now Jerome A. Diekemper, who being duly sworn, states:

1. My name is Jerome A. Diekemper. My business address is 7730 Carondelet Avenue, St. Louis, Missouri 63105. The information contained herein is based on personal knowledge, except as otherwise indicated.


2. This Complaint is being filed against the Congress of Independent Unions. The Congress of Independent Unions is a "labor organization". The address of the Union is 303 Ridge, Alton, Illinois 62202. The President of the Union is Mr. R. Richard Davis. On information and belief, after checking with the Federal Election Commission, the Congress of Independent Unions does not sponsor a "separate segregated fund" for the purpose of making expenditures or contributions in support of the election of candidates for federal office.

3. On Sunday, November 2, 1986, the Congress of Independent Unions paid for a paid political advertisement which appeared on page 7D of the St. Louis Post Dispatch, a paper of general circulation in the St. Louis, Missouri Metropolitan Area. A copy of the advertisement is attached hereto as Exhibit A.

4. On information and belief, this advertisement was paid for from treasury money of the Congress of Independent Unions. Such an expenditure by a labor organization would be a direct violation of 2 U.S.C. §441(b).


JEROME A. DIEKEMPER

Subscribed and sworn to before me this 12th day of December, 1986.


Notary Public

My commission expires:

MARJORIE J. SCHAEGLER
NOTARY PUBLIC, STATE OF MISSOURI
ST. LOUIS CO.
MY COMMISSION EXPIRES JUNE 21, 1988

Leon Uris To Speak At Book Festival

Novelist Leon Uris will give a talk titled "Being a Jewish Writer" to open the eighth annual Jewish Book Festival here Nov. 9.

His talk will be at 8 p.m. in the Carlyn H. Wohl building of the Jewish Community Centers Association, 2 Millstone Campus Drive, west St. Louis County.

The 11-day festival runs through Nov. 19 at the JCCA. All programs are open to the public and are free, except for Uris' keynote talk. Admission to that is \$4 for adults and \$2 for students and older adults.

The festival is held annually during National Jewish Book Month. The festival is sponsored by 36 Jewish community organizations. The purpose of the festival is to stimulate thought and discussion about Jewish issues, history, philosophy and literature.

Uris is best known for his novel on the birth of Israel, "Exodus," which was published in 1958. Other works include the novels "Mila 18," "QB VII," "Battle Cry," and "The Haj." He also wrote "Ireland, A Terrible Beauty," a personal account of strife-torn modern Ireland. His wife, Jill Uris, took the photographs for the book.

Among the 17 other writers scheduled to appear at the festival are Betty Friedan, author of "The Feminine Mystique," which is credited with starting the women's liberation movement 20 years ago; Gerald Posner, author of the newly published "Joseph Mengele: The Complete Story"; Gay Courter, author of "Code Ezra," a thriller about Israeli espionage; Jonathan Fast, author of "Golden Fire"; and Steve Stern, author of "Mickey and

the Golem."

Advance reservations are required for the luncheon and dinner talks by Courter on Nov. 10 and Fast and Stern on Nov. 12.

The festival will also feature two programs that have become traditional at the festival: Bookwalk, a walk-through experience for children 4 to 7 to relive the main character's journey in Uri Shulevitz' book "The Treasure"; and the Cantors' Concert, a program combining opera highlights and Hebrew, Yiddish and Broadway songs performed by cantors Ed Fogel of Temple Shaare Emeth and Leon Lissek of Congregation B'nai Amoona.

Art and photography by Ethiopian Jews will be on display along with books about this ancient people, known as Falasha.

Homeless Woman Hit By Car, Killed

A homeless woman was killed Saturday when she was struck by a car as she ran across Interstate 70 at Kingshighway, police reported.

The victim was identified as Barbara Keaton, 32, a resident of the New Life Evangelistic Center. Police said her last known address was in the

4400 block of Pershing Avenue in St. Louis.

Keaton was struck by an eastbound car as she ran toward the south side of the highway. The driver of the car, Walter Anthony, 43, of Pine Lawn, was not charged.

PAID POLITICAL ADVERTISEMENT CONGRESS OF INDEPENDENT UNIONS

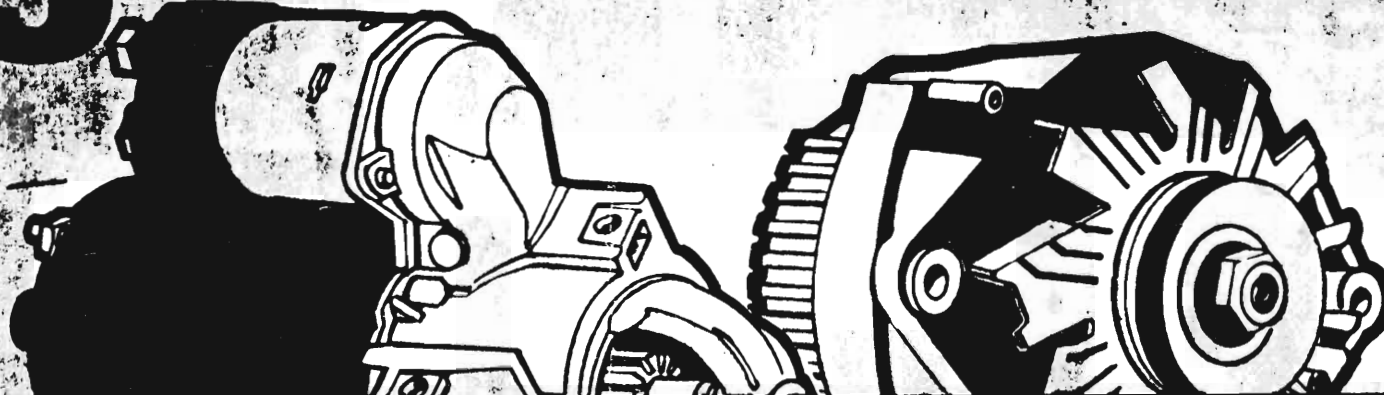


The Congress of Independent Unions, Alton, Illinois, is proud to announce its endorsement of the following candidate for election on November 4:

Christopher "Kit" Bond — Republican for U.S. Senate
We urge you to support this candidate for a productive Missouri.

Paid for by Congress of Independent Unions, Alton, IL. R. Richard Davis, Pres.

Western Auto "Tough Ones!" 5 YEAR WARRANTY



PREMIER RADIALS Special Purchase—Limited Quantities

**40,000 MILE Premier
All-Season Radial Tire**

2177
P155/80R13
Whitewall

Hurry!
Quantities
Limited.

Premier All-Season			
Tire Size	Price	Tire Size	Price
P155/80R13	21.77	P205/75R14	29.77
P165/80R13	23.77	P215/75R14	31.77
P185/80R13	25.77	P215/75R15	32.77
P185/75R14	26.77	P235/75R15	34.77



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 29, 1986

R. Richard Davis, President
Congress Of Independent Unions
303 Ridge
Alton, IL 62202

Re: MUR 2301

Dear Mr. Davis:

The Federal Election Commission received a complaint which alleges that the Congress Of Independent Unions may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2301. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Congress Of Independent Unions in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

9704053405

If you have any questions, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner (RLM)
By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

87040653406



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 29, 1986

Duane Hefner, Treasurer
Missourians For Kit Bond
2000 Commerce Tower
Kansas City, MO 64199

Re: MUR 2301

Dear Mr. Hefner:

The Federal Election Commission received a complaint which alleges that Missourians For Kit Bond and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2301. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you and Missourians For Kit Bond in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 29, 1986

Jerome A. Diekemper, Esquire
Diekemper, Hammond and Shinnars
7730 Carondelet Avenue
Suite 222
St. Louis, MO 63105

Dear Mr. Diekemper:

This letter will acknowledge receipt of your complaint which we received on December 15, 1986, alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by Missourians For Kit Bond and Mr. Duane Hefner as treasurer, and the Congress Of Independent Unions. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as the original complaint. For your information, we have attached a brief description of the Commission's procedures for handling complaints. We have numbered this matter MUR 2301. Please refer to this number in all future correspondence. If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Charles N. Steele
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosure

Karl K. Hoagland, Jr.
Robert B. Maucker
Elmer H. Bernard
James K. Almeter
William H. Hoagland
Donald L. Smith
Al J. Pranaitis
Stephen J. Maassen
Roger F. Wilson
Linda D. Maurer

Law Offices
Hoagland, Maucker, Bernard & Almeter
401 Alton Street
P. O. Box 130
Alton, Illinois 62002

CCC#2499
RECEIVED AT THE FEC
HAND DELIVERED
87 JAN 15 P1:16

Green and Hoagland (1939-1966)
Henry I. Green (1939-1954)
Urbana Champaign
Karl K. Hoagland, Sr. (1939-1960)

Alton, Illinois Telephone
618-465-7745

January 14, 1987

Federal Election Commission
General Counsel
999 E Street, N. W.
Washington, DC 20463

Attention: Mr. Charles Snyder

Re: MUR 2301

Dear Mr. Synder:

This is to acknowledge receipt by the Congress of Independent Unions of the above captioned Complaint and enclosures. The Union has designated our law firm as its attorney. Enclosed please find the Statement of Designation of Counsel.

Also please find enclosed the Affidavit of the Union's President, Richard Davis.

It is the Congress of Independent Unions' position that the expenditure of Union funds for the advertisement in question is not prohibited by 2 USC 441b as that section is construed by the Federal Courts. In a case very similar to the one at issue here, United States vs. Painter's Local Union No. 481, et al., 172 F. (2d Cir. 1949) The Court of Appeals held that a similar expenditure by a Union for costs of political advertisements in a daily newspaper of general circulation and on a commercial radio station advocating the rejection of a Senator for election to the Presidency did not violate the Act.

The Court emphasized that the prosecution involved "trifling" expenditures of Union funds. "It is hard to imagine that a greater number of people would be affected by the advertisement and broadcasting in the present case than by publication in the Union periodical dealt with in the CIO litigation." (Id. at 856; citing, United States vs. CIO, 335 U.S. 106, 68 S. Ct. 1349.)

The Court in the Painter' Local decision also discounted the argument that the Statute was designed to curb the effect of financial or group power exercised over elections through labor unions.

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OFFICE OF THE
GENERAL COUNSEL

JAN 16 A10:24

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Hoagland, Maucker, Bernard & Almeter

Federal Election Commission
Attention: Mr. Charles Snyder

January 14, 1987
Page -2-

"Even if the contention that the financial or group power exercised over elections through labor unions may be curbed, either by limiting the amount of their expenditures or by prohibiting them altogether, be thought reasonable, an interpretation of the Statute which would allow such expenditures in the case of a union publication and prohibit them when made by a union through the use of an independent newspaper or radio station seems without logical justification; nor is such a deferentiation suggested by the apparent purposes or by the terms of the Statute or by its legislative history."
(Id.)

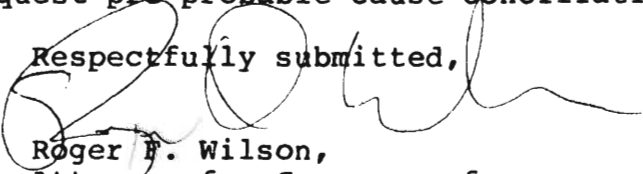
It seems clear from the legislative history of the Statute and from the case law construing it that a central concern of the policy behind the Statutes prohibitions is to prevent--or at least regulate--the potential undue influence on elections by the use of labor unions' or corporations' large financial resources to promote candidates favorable to the organizations' parochial interests. Indeed, the Statute in question and the rules promulgated by the Federal Election Commission do not completely prohibit advocating the election of specific candidates; the expenditures made in this regard are merely limited.

2 USC 431(9)(B)(iii) provides that the term "expenditure" does not include communications to members directly advocating election, if less than \$2,000.00. Similarly, 11 CFR Sec. 100.8(B)(iv) excluded from the definition of "expenditures" costs incurred in communications to members directly advocating the election of identifiable candidates, if those costs do not exceed \$2,000.00.

This case involving the Congress of Independent Unions involves only a small expenditure far below this \$2,000.00 limit. The small ad in question was run one time in a newspaper of general circulation. The Union submits that this is not the type of expenditure prohibited by the Statute.

In an effort to resolve this matter amicably, the Union has authorized me to request pre-probable cause conciliation.

Respectfully submitted,


Roger F. Wilson,
Attorney for Congress of
Independent Unions

RFW/sas
Enclosure

cc: Rick Davis

87740553410

5

AFFIDAVIT

STATE OF ILLINOIS)
) SS.
COUNTY OF MADISON)

IN RE: MUR 2301

I, R. RICHARD DAVIS, being duly sworn on oath, deposes and states as follows:

1. That I am the President of the Congress of Independent Unions and have personal knowledge of the facts contained herein.

2. That on November 2, 1986, the Congress of Independent Unions authorized the running of an advertisement in the St. Louis Post Dispatch endorsing Christopher "Kit" Bond for United States Senate.

3. That this advertisement, referred to in the Complaint filed herein, was run on only one occasion and cost \$496.25.

4. That the running of this advertisement was authorized by vote of the executive committee of the Congress of Independent Unions in the good faith belief that as long as said union made no direct contribution to the aforesaid candidate or campaign, that said union would be in compliance with 2 USC 441(b).

5. That it was the intent of running this advertisement to communicate to said union's members its endorsement of the aforesaid candidate and that the running of said advertisement was not intended to in any way circumvent any Federal election laws or unlawfully influence the outcome of the election in any way.

6. That it was not the belief of said union's executive committee that the use of general union funds, being far less than the \$2,000.00 limit provided for under Federal Election Commission Rules, was in any way a violation of 2 USC 441(b).

3704053411

7. Further, the Affiant sayeth naught.

R. Richard Davis

R. RICHARD DAVIS, President
Congress of Independent Unions

Subscribed and sworn to before me, a Notary Public, this

10th day of January, A.D., 1987.

Margaret A. Bennett
Notary Public

My Commission Expires:

12/22/87


87040353412

STATEMENT OF DESIGNATION OF COUNSEL

NR 2301
NAME OF COUNSEL: Roger F. Wilson
ADDRESS: 401 Alton Street
P.O. Box 130
Alton, IL 62002
TELEPHONE: (618) 465-7745

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.

January 14, 1987
Date


Signature

RESPONDENT'S NAME: Mr. Richard Davis, President
ADDRESS: Congress of Independent Unions
303 Ridge Street
Alton, IL 62002
SOME PHONE: _____
BUSINESS PHONE: (618) 462-2447

LATHROP KOONTZ & NORQUIST

2600 MUTUAL BENEFIT LIFE BUILDING
2345 GRAND AVENUE
KANSAS CITY, MISSOURI 64108
(816) 842-0820

KANSAS OFFICE
40 CORPORATE WOODS, SUITE 1050
9401 INDIAN CREEK PARKWAY
OVERLAND PARK, KANSAS 66210
(913) 451-0820

HOWARD A. CRAWFORD*
THOMAS J. WHEATLEY
JACK W. R. HEADLEY
ROBERT J. VIRDEN
WILLIAM M. STAPLETON
JAMES R. TIERNEY
W. HUBERT BATES
CARL A. HUMMEL
WILLIAM H. LEEDY
DANIEL M. DIBBLE
CHARLES FRISBIE
MAURICE J. O'SULLIVAN, JR.
JOHN C. CRAFT
JOHN H. CALVERT
WILLIAM K. WAUGH III*
HARLAN D. BURKHEAD*
IRWIN E. BLOND
GARY S. OYER
C. DAVID BARRIER*
R. B. MILLER III
JOHN L. VRATIL*
JACK D. ROWE
JAMES C. FITTER, JR.

STUART W. CONRAD
STEPHEN G. MITCHELL*
STEPHEN W. JACOBSON
RONALD E. MANKA*
H. STEVEN GRAHAM
KAREN M. IVERSON
JOHN W. SHAW
JOHN J. CONNOR
MICHAEL W. RHODES
KATHRYN H. VRATIL*
WILLIAM RAY PRICE, JR.
THOMAS S. STEWART
THOMAS PETER SCHULT
ALFRED R. HUPP, JR.
WILLIAM C. JOLLEY, JR.
GORDON E. WELLS, JR.*
TIMOTHY K. MCNAMARA
HARRY E. WIGNER, JR.*
JONATHAN R. HADEN
THOMAS J. MCMAHON
JOHN T. MAUGHMER
PAUL M. HOFFMANN
THOMAS A. RYAN

87 JAN 27 P2: 10
STUART W. CONRAD
STEPHEN G. MITCHELL*
STEPHEN W. JACOBSON
RONALD E. MANKA*
H. STEVEN GRAHAM
KAREN M. IVERSON
JOHN W. SHAW
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JOHN T. MAUGHMER
PAUL M. HOFFMANN
THOMAS A. RYAN
OF COUNSEL
TERRY J. SATTERLEE
PAUL G. KOONTZ
ELLIOT NORQUIST
RETIRED
GARDINER LATHROP
1880-1938
*ADMITTED IN MISSOURI AND KANSAS
*ADMITTED IN KANSAS
ALL OTHERS ADMITTED IN MISSOURI

January 20, 1987

Mr. Charles Schneider
Office of General Counsel
Federal Election Commission
Washington, DC 20463

Re: MUR2301

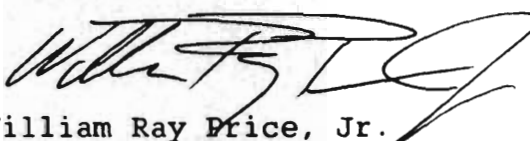
Dear Mr. Schneider:

On January 19, 1987, I received a copy of the Commission's letter dated December 29, 1986, informing Missourians for Kit Bond about the complaint filed by Jerome A. Diekemper against the Congress of Independent Unions. It is my understanding from our telephone conversation of this date that even though the complaint makes no allegations against Missourians for Kit Bond, the actions complained of relate to the campaign of Christopher Bond for the United States Senate and, therefore, you consider a response from Missourians for Kit Bond as being required.

While I have no information concerning the allegations made by Mr. Diekemper regarding the Congress of Independent Unions, I have investigated this matter regarding Missourians for Kit Bond and have found no evidence that the Committee, or anyone on its behalf, had any connection in any way with the placement of this ad. Accordingly, we deny any acts regarding this matter which may be alleged to be in violation of the Federal Election Laws.

As soon as possible, I will obtain an affidavit on behalf of the Committee to verify the above for your files.

Sincerely,


William Ray Price, Jr.

WRP/tt

JAN 28 AM 11:24

RECEIVED
GENERAL COUNSEL

CCC# 2803
RECEIVED AT THE FEC

87 MAR 2 A8:50

LATHROP KOONTZ & NORQUIST

2600 MUTUAL BENEFIT LIFE BUILDING
2345 GRAND AVENUE
KANSAS CITY, MISSOURI 64108
(816) 842-0820

KANSAS OFFICE
410 CORPORATE WOODS, SUITE 1050
9401 INDIAN CREEK PARKWAY
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(913) 451-0820

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PAUL M. HOFFMANN
THOMAS A. RYAN

WILLIAM B. BATES
SUE PHILLIPS
CURTIS A. KRIZEK
W. JOSEPH HATLEY
J. SHAWN CHALMERS
MARIBETH SLATTERY
DAVID V. CLARK
DOUGLAS R. DALGLEISH
SUE M. HONEGGER
PETER F. DANIEL
OF COUNSEL
TERRY J. SATTERLEE
PAUL G. KOONTZ
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GARDINER LATHROP
1850-1938
*ADMITTED IN MISSOURI AND KANSAS
*ADMITTED IN KANSAS
ALL OTHERS ADMITTED IN MISSOURI

January 29, 1987

87 MAR 2 A10:32

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Mr. Charles Schneider
Office of General Counsel
Federal Election Commission
Washington, DC 20463

Re: MUR 2301

Dear Mr. Schneider:

Enclosed please find an Affidavit executed by Warren K. Erdman setting forth his personal knowledge regarding those facts alleged in the Complaint filed by Jerome A. Diekemper against the Congress of Independent Unions. Inasmuch as the Complaint was not filed against Missourians for Kit Bond, Mr. Diekemper's sworn statements make no allegations regarding Missourians for Kit Bond and Mr. Erdman's Affidavit herein affirms that Missourians for Kit Bond had no involvement in the placement of the alleged advertisement, we ask that Missourians for Kit Bond be dismissed from any further proceeding in this matter.

Please let me know if any additional information is required.

Sincerely,


William Ray Price, Jr.

WRP/tt
Enclosure

8704053415

AFFIDAVIT

District
STATE OF Columbia)
COUNTY OF _____) SS.

I, Warren K. Erdman, being duly sworn state that:

1. This affidavit is made for consideration by the Federal Election Commission regarding a complaint filed by Jerome A. Diekemper against the Congress of Independent Unions, matter number MUR 2301.

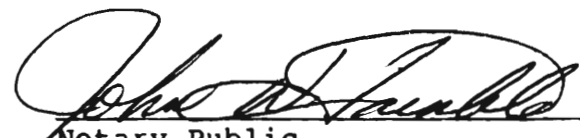
2. For all times relevant to the complaint under investigation, I served as campaign manager for Missourians for Kit Bond ("MKB"). As campaign manager, I was the highest ranking staff member of MKB and had general supervisory responsibility for the actions of MKB.

3. To the best of my knowledge and belief, no person or representative from MKB cooperated with, consulted with, requested, suggested or consented to the placement by the Congress of Independent Unions of the advertisement referred to in the complaint filed by Jerome A. Diekemper.

FURTHER AFFIANT SAITH NOT.


Warren K. Erdman

Sworn and subscribed to before me on this 25 day of February, 1987.


Notary Public

My Commission Expires:

JANUARY 31, 1989

NOTARY PUBLIC
DISTRICT OF COLUMBIA

STATEMENT OF DESIGNATION OF COUNSEL

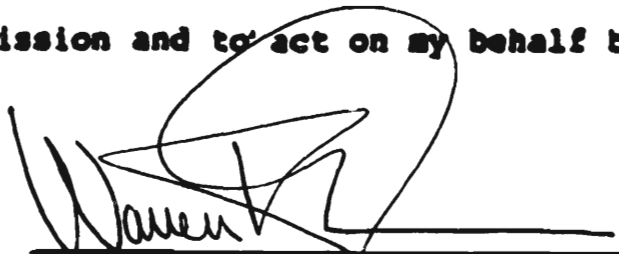
NR 2301

NAME OF COUNSEL: William Ray Price, Jr.

ADDRESS: Lathrop Koontz & Norquist
2600 Mutual Benefit Life Bldg.
2345 Grand Avenue
Kansas City, MO 64108
TELEPHONE: 816/842-0820

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.

2/18
Date


Signature

RESPONDENT'S NAME: Missourians for Kit Bond

ADDRESS: 811 Grand Avenue, Room 911
Kansas City, MO 64106

HOME PHONE: _____

BUSINESS PHONE: 816/374-2747

87040553417

SENSITIVE

**FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463**

FIRST GENERAL COUNSEL'S REPORT

**DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION:**

**MUR # 2301
DATE COMPLAINT RECEIVED
BY OGC 12-15-86
DATE OF NOTIFICATION TO
RESPONDENT 12-29-86
STAFF MEMBER: Snyder**

COMPLAINANT'S NAME: Jerome A. Diekemper

RESPONDENTS' NAMES: Congress of Independent Unions; Missourians
for Kit Bond and Duane Hefner, as treasurer

RELEVANT STATUTES: 2 U.S.C. §§ 441b(a) and 441d(a)

INTERNAL REPORTS

CHECKED: None

FEDERAL AGENCIES

CHECKED: None

SUMMARY OF ALLEGATIONS

Complainant Jerome A. Diekemper alleged that the Congress of Independent Unions ("CIU") made an expenditure in connection with a federal election in violation of the prohibitions of 2 U.S.C. § 441b. Mr. Diekemper attached to his complaint a copy of a paid advertisement, which appeared in the St. Louis Post Dispatch newspaper on November 2, 1986, wherein CIU, a labor organization, made its endorsement of Christopher "Kit" Bond for U.S. Senate. The ad stated: "We urge you to support this candidate for a productive Missouri," and included the following disclaimer: "Paid for by Congress of Independent Unions, Alton Il., R. Richard Davis, Pres."

Complainant alleges that CIU violated 2 U.S.C. § 441b by making an expenditure paid for with the treasury funds of a labor

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organization. It may also be alleged that CIU violated 2 U.S.C. § 441d by failing to include an adequate disclaimer. Finally, it should be considered whether the Missourians for Kit Bond committee and its treasurer violated 2 U.S.C. § 441b(a) by accepting a contribution prohibited by that section.

FACTUAL AND LEGAL ANALYSIS

Under the Federal Election Campaign Act ("the Act"),

(a) It is unlawful for any ... labor organization, to make a contribution or expenditure in connection with any [federal] election

2 U.S.C. § 441b. It appears, therefore, that there is reason to believe CIU violated 2 U.S.C. § 441b(a) when it made an expenditure to pay for the newspaper ad urging support for Kit Bond for U.S. Senate.

In response, CIU has relied on the case of United States v. Painters Local Union No. 481, 172 F.2d 854 (2d Cir. 1949), in which it was held that a union's expenditures for political advertisements in a newspaper and on radio did not violate Section 313 of the Federal Corrupt Practices Act (a criminal statute), which prohibited expenditures by labor organizations in connection with federal elections. The Second Circuit found the ads in question "very similar" to publications of endorsements of candidates in a union newspaper, which had been approved in United States v. CIO, 335 U.S. 106 (1947).

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In the view of this Office, respondents' reliance on Painters Local is not apposite. The holding in that case was implicitly overruled by the Supreme Court in United States v. International Union United Automobile Aircraft and Agricultural Implement Workers of America (UAW-CIO), 352 U.S. 567 (1957) (hereinafter "Auto Workers"). In that case, the Supreme Court held that a labor organization which used union dues to make expenditures for television broadcasts designed to influence the electorate to support certain candidates for Congress violated 18 U.S.C. § 610. The Court in Auto Workers expressly distinguished U.S. v. C.I.O., the case upon which Painters Local Union was based:

United States v. C.I.O., 335 U.S. 106, presented a different situation. The decision in that case rested on the Court's reading of an indictment that charged defendants with having distributed only to union members or purchasers an issue, Vol. 10, No. 28 of "The CIO News," a weekly newspaper owned and published by the C.I.O. That issue contained a statement by the C.I.O. president urging all members of the C.I.O. to vote for a certain candidate. Thus, unlike the union-sponsored political broadcast alleged in this case, the communication for which the defendants were indicted in C.I.O. was neither directed nor delivered to the public at large. The organization merely distributed its house organ to its own people. The evil at which Congress has struck in § 313 is the use of corporation or union funds to influence the public at large to vote for a particular candidate or a particular party.

8

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Auto Workers, 352 U.S. at 588-589. See also Federal Election Commission v. Massachusetts Citizens for Life, No. 85-701, slip op. at 7-11 (U.S., December 15, 1986). In the present case, respondent also used union funds to influence the public at large to vote for a particular candidate, by publishing its advertisement in a newspaper of general circulation. The Act provides that a union can make expenditures through a separate segregated fund containing only money voluntarily contributed for political purposes. 2 U.S.C. §§ 441b(b)(2)(C) and 441b(b)(5). Also, a labor organization can make unlimited partisan communications to its members, subject only to certain reporting requirements. 2 U.S.C. § 431(9)(B)(iii). But where, as in this case, a union uses its treasury funds to pay for a partisan communication to the public, there is reason to believe that the union violated 2 U.S.C. § 441b(a).

Turning to the remaining issues, the Act provides that:

(a) Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication-

(1) if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the

communication has been paid for by such authorized political committee, or

(2) if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee;

(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

2 U.S.C. § 441d. In this case, the ad in question included the following disclaimer: "Paid for by Congress of Independent Unions, Alton, Il., R. Richard Davis, Pres." The disclaimer failed to state whether Kit Bond, his authorized committee, or its agents had authorized the communication. Accordingly, there is reason to believe CIU violated 2 U.S.C. § 441d.

Finally, if the advertisement were placed in cooperation or consultation with Kit Bond, his committee, or agents, CIU would have made an in-kind contribution to Missourians for Kit Bond. See 2 U.S.C. § 431(17). Acceptance of such a labor union contribution would have resulted in a violation of 2 U.S.C. § 441b(a) by said committee and its treasurer. In response to the complaint, counsel for Missourians for Kit Bond denied that the committee "had any connection in any way with the placement of this ad." (See Attachment 3). This statement is supported by an affidavit from Warren K. Erdman, the campaign manager of

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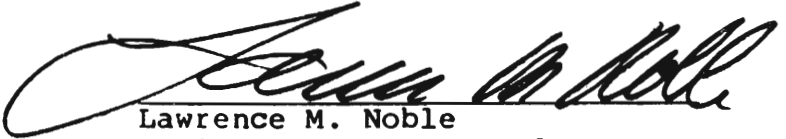
Missourians for Kit Bond. (Attachment 4). Because there is no evidence or allegation to the contrary, this Office would accept the statements made on behalf of respondents and recommends that the Commission find no reason to believe Missourians for Kit Bond and its treasurer violated 2 U.S.C. § 441b(a).

RECOMMENDATIONS

1. Find reason to believe the Congress of Independent Unions violated 2 U.S.C. §§ 441b(a) and 441d.
2. Find no reason to believe Missourians for Kit Bond and Duane Hefner, as treasurer, violated 2 U.S.C. § 441b(a).
3. Approve and send the attached letters.

Date

3/23/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. Complaint
2. CIU response
3. Letter from Ray Price
4. Affidavit of Warren K. Erdman and cover letter
5. Proposed letters to respondents

37040653423



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Cof*
DATE: March 23, 1987
SUBJECT: MUR 2301 - First General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote ☒ [X]
Sensitive ☒ [X]
Non-Sensitive ☐ []

24 Hour No Objection ☐ []
Sensitive ☐ []
Non-Sensitive ☐ []

Information ☐ []
Sensitive ☐ []
Non-Sensitive ☐ []

Other ☐ []

DISTRIBUTION

Compliance ☒ [X]
Audit Matters ☐ []

Litigation ☐ []
Closed MUR Letters ☐ []

Status Sheets ☐ []
Advisory Opinions ☐ []

Other (see distribution below) ☐ []



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/ JOSHUA MCFADDEN *Jm*

DATE: MARCH 26, 1987

SUBJECT: OBJECTION TO MUR 2301 - FIRST G.C. REPORT
SIGNED MARCH 23, 1987

The above-captioned document was circulated to the Commission on Tuesday, March 24, 1987 at 11:00 A.M.

Objections have been received from the Commissioners as indicated by the name(s) checked:

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Josefiak	_____
Commissioner McDonald	_____ X _____
Commissioner McGarry	_____
Commissioner Thomas	_____

This matter will be placed on the Executive Session agenda for March 31, 1987.

Please notify us who will represent your Division before the Commission on this matter.

37040353425

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Congress of Independent Unions) MUR 2301
Missourians for Kit Bond and)
Duane Hefner, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of March 31, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2301:

1. Find reason to believe the Congress of Independent Unions violated 2 U.S.C §§ 441b(a) and 441d.
2. Find no reason to believe Missourians for Kit Bond and Duane Hefner, as treasurer, violated 2 U.S.C. § 441b(a).
3. Approve and send the letters attached to the General Counsel's report dated March 23, 1987.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

4-1-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 8, 1987

Roger F. Wilson, Esquire
Hoagland, Maucker, Bernard & Almeter
401 Alton Street
P.O. Box 130
Alton, Illinois 62002

RE: MUR 2301
Congress of Independent
Unions

Dear Mr. Wilson:

The Federal Election Commission notified your clients on December 29, 1986, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated January 14, 1987.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on March 31, 1987, determined that there is reason to believe that the Congress of Independent Unions violated 2 U.S.C. §§ 441b(a) and 441d, provisions of the Act. The basis for the finding was that your client used union funds to pay for an advertisement expressly advocating the election of a candidate for federal office and did not include a disclaimer stating whether a federal candidate, his committee or agents, had authorized the advertisement. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please submit any such response within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. Under 11 C.F.R. § 111.18(d), if you are interested in pursuing pre-probable cause conciliation, you should so request in writing. Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be

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Plan

Roger F. Wilson, Esquire
Page 2

pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that your client wishes the matter to be made public.

If you have any questions, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Scott E. Thomas
Chairman

37040653428



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 8, 1987

William Ray Price, Jr., Esquire
Lathrop, Koontz & Norquist
2600 Mutual Benefit Life Building
2345 Grand Avenue
Kansas City, Missouri 64108


RE: MUR 2301
Missourians for Kit Bond
and Duane Hefner, as
treasurer

Dear Mr. Price:

On December 29, 1986, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on March 31, 1987, determined that on the basis of the information in the complaint, and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by Missourians for Kit Bond and Duane Hefner, as treasurer. Accordingly, the Commission closed its file in this matter as it pertains to your clients. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,


Lawrence M. Noble
Acting General Counsel

600#3174
RECEIVED AT THE FEC

Law Offices

Hoagland, Maucker, Bernard & Almeter

401 Alton Street

P. O. Box 130

Alton, Illinois 62002

April 20, 1987

Karl K. Hoagland, Jr.
Robert B. Maucker
Elmer H. Bernard
James K. Almeter
William H. Hoagland
Donald L. Smith
Al J. Pranaitis
Stephen J. Maassen
Roger F. Wilson
Linda D. Maurer
Robert G. Raleigh

87 APR 22 10: 05

Green and Hoagland (1939-1966)
Henry I. Green (1939-1954)
Urbana Champaign
Karl K. Hoagland, Sr. (1939-1960)

Alton, Illinois Telephone
618-465-7745

87 APR 22 P 3: 15

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Mr. Charles Snyder
Office of the General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 2301 Congress of Independent Unions

Dear Mr. Snyder:

I am in receipt of a letter dated April 8, 1987, from Mr. Scott E. Thomas, Chairman of the Federal Election Commission, in which Mr. Thomas indicated a desire of the commission to settle the above-referenced matter through conciliation. Please be advised that this offer is acceptable to my client and by this letter I am hereby making a request that this matter be settled through conciliation prior to a finding of probable cause.

Thank you for the opportunity to settle this matter in this fashion and I look forward to your reply. In the meantime, should you have any questions, please do not hesitate to contact me.

Very truly yours,


Robert G. Raleigh

RGR/mlb

3704053430

CONFIDENTIAL

MAY 1 4:55

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Congress of Independent Unions) MUR 2301

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On March 31, 1987, the Commission found reason to believe that the Congress of Independent Unions ("CIU") violated 2 U.S.C. §§ 441b(a) and 441d. The basis for these findings was that CIU, a labor organization, made an expenditure in connection with a federal election; and that that expenditure paid for an advertisement which expressly advocated the election of Christopher "Kit" Bond to the U.S. Senate, but did not state whether it was authorized by any candidate. Respondent has now requested pre-probable cause conciliation. (See Attachment 1).

II. ANALYSIS

As discussed in the First General Counsel's Report (signed March 23, 1987) in this matter, it is undisputed that respondent expended \$496.25 to pay for the advertisement in question. Furthermore, it is apparent that the advertisement expressly advocated the election of Mr. Bond to the U.S. Senate, and that it did not include a disclaimer stating whether it had been authorized by any candidate. Since there are no material issues of fact still unresolved in this case, this Office recommends that the Commission agree to respondent's request for pre-probable cause conciliation.

III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

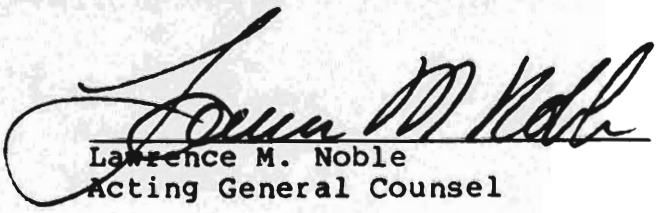
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IV. RECOMMENDATIONS

1. Enter into conciliation with the Congress of Independent Unions prior to a finding of probable cause to believe.
2. Approve and send the attached conciliation agreement.
3. Approve and send the attached letter.

Date

5/1/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. Request for pre-probable cause conciliation
2. Proposed conciliation agreement
3. Proposed letter

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Attachment(s) 1,2,3

to G.C. Report

have been removed from this
position in Public Record File.

See Index Item(s) 14 and 19

Draft Conciliation agreement
deleted pursuant to 24 USC 437g(a)(4)(B)(i)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *CJD*
DATE: May 1, 1987
SUBJECT: MUR 2301 - General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote	<input checked="" type="checkbox"/>
Sensitive	<input checked="" type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>
24 Hour No Objection	<input type="checkbox"/>
Sensitive	<input type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>
Information	<input type="checkbox"/>
Sensitive	<input type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>
Other	<input type="checkbox"/>

DISTRIBUTION

Compliance	<input checked="" type="checkbox"/>
Audit Matters	<input type="checkbox"/>
Litigation	<input type="checkbox"/>
Closed MUR Letters	<input type="checkbox"/>
Status Sheets	<input type="checkbox"/>
Advisory Opinions	<input type="checkbox"/>
Other (see distribution below)	<input type="checkbox"/>

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE.
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS / JOSHUA MCFADDEN *JM*

DATE: MAY 6, 1987

SUBJECT: OBJECTIONS TO MUR 2301 - GENERAL COUNSEL'S REPORT
SIGNED MAY 1, 1987

The above-captioned document was circulated to the
Commission on Monday May 4, 1987 at 11:00 A.M.

Objections have been received from the Commissioners
as indicated by the name(s) checked:

Commissioner Aikens	_____
Commissioner Elliott	_____ X _____
Commissioner Josefiak	_____
Commissioner McDonald	_____ X _____
Commissioner McGarry	_____
Commissioner Thomas	_____

This matter will be placed on the Executive Session
agenda for May 12, 1987.

Please notify us who will represent your Division
before the Commission on this matter.

87040653435



FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JOSHUA MCFADDEN *JM*

DATE: MAY 6, 1987

SUBJECT: COMMENTS TO MUR 2301 - General Counsel's Report
Signed May 1, 1987

Attached is a copy of Commissioner McDonald's
vote sheet with comments regarding the above-captioned matter.

Attachment:
copy of vote sheet

97040653436

BALLOT



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

DEFINITE

DATE & TIME TRANSMITTED: MONDAY, MAY 4, 1987 11:00

COMMISSIONER: AIKENS, ELLIOTT, JOSEPHAR, McDONALD, McGARRY, THOMAS

RETURN TO COMMISSION SECRETARY BY WEDNESDAY, MAY 6, 1987 11:00

SUBJECT: MUR 2301 - General Counsel's Report
Signed May 1, 1987

97 MAY 6 9:37

COMM. SECRETARY

- () I approve the recommendation
() I object to the recommendation

COMMENTS:

DATE: 5-6-87

SIGNATURE

Danny M. Donald

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN DATE AND TIME SHOWN ABOVE.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Congress of Independent Unions) MUR 2301

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of May 12, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2301:

1. Enter into conciliation with the Congress of Independent Unions prior to a finding of probable cause to believe.
2. Approve and send the conciliation agreement attached to the General Counsel's report dated May 1, 1987,
3. Direct the Office of General Counsel to send an appropriate letter.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

5-12-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 14, 1987

Robert G. Raleigh, Esquire
Hoagland, Maucker, Bernard & Almeter
401 Alton Street
P.O. Box 130
Alton, Illinois 62002

RE: MUR 2301
Congress of Independent
Unions

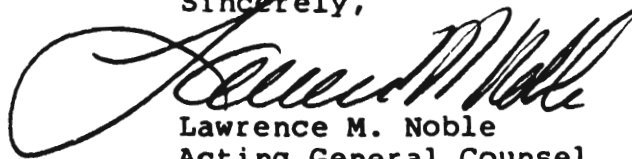
Dear Mr. Raleigh:

On March 31, 1987, the Federal Election Commission found reason to believe that the Congress of Independent Unions violated 2 U.S.C. §§ 441b(a) and 441d. At your request, on May 12, 1987, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your client agrees with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,


Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

87 JUN 1 8:41

Law Offices

Hoagland, Maucker, Bernard & Almeter

401 Alton Street

P.O. Box 130

Alton, Illinois 62002

May 27, 1987

Green and Hoagland (1939-1966)

Henry I. Green (1939-1954)

Urbana Champaign

Karl K. Hoagland, Sr. (1939-1960)

Alton, Illinois Telephone

618-465-7745

Karl K. Hoagland, Jr.
Robert B. Maucker
Elmer H. Bernard
James K. Almeter
William H. Hoagland
Donald L. Smith
Al J. Pranaitis
Stephen J. Maassen
Roger F. Wilson
Linda D. Maurer
Robert G. Raleigh

Mr. Charles Snyder, Esq.
Office of the General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 2301 Congress of Independent Unions

Dear Mr. Snyder:

Enclosed please find the conciliation agreement sent to me by Mr. Lawrence M. Noble, acting general counsel. You will note that my client has executed this document and I would ask that after Mr. Noble executes it that a copy of the same be returned to me for my files. Also enclosed, please find a check in the amount of \$325.00, representing the civil penalty proscribed by Section VI of the aforementioned agreement.

Thank you very much for your continuing assistance in this matter and for the Commission's willingness to enter into this conciliation agreement. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Robert G. Raleigh

RGR/mlb

Enc.

cc: Mr. Rick Davis

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Congress of Independent Unions

)
)
)
)

MUR 2301

CONFIDENTIAL

97 JUN 15 11:35

GENERAL COUNSEL'S REPORT

I. BACKGROUND

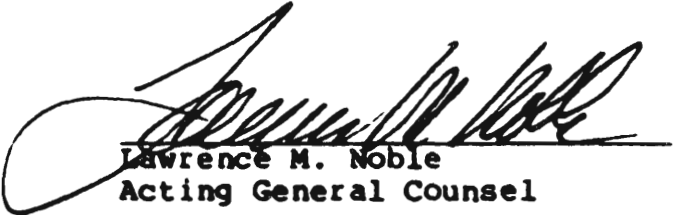
Attached is a conciliation agreement which has been signed by R. Richard Davis, President of respondent Congress of Independent Unions. A check for the civil penalty has been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement.
2. Approve the attached letters.
3. Close the file.

Date

6/15/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. Conciliation Agreement (1)
2. Photocopy of civil penalty check
3. Letter from Respondent
4. Letter to Respondent
5. Letter to Complainant

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Attachment(s) 1-5
to 6/15/87 GC. Rpt.
have been removed from this
position in Public Record File.
See Index Item(s) 25, 20, 24.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Rd*
DATE: June 15, 1987
SUBJECT: MUR 2301 - General Counsel's Rpt.

The attached is submitted as an Agenda document
for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote	[X]
Sensitive	[X]
Non-Sensitive	[]
24 Hour No Objection	[]
Sensitive	[]
Non-Sensitive	[]
Information	[]
Sensitive	[]
Non-Sensitive	[]
Other	[]

DISTRIBUTION

Compliance	[X]
Audit Matters	[]
Litigation	[]
Closed MUR Letters	[]
Status Sheets	[]
Advisory Opinions	[]
Other (see distribution below)	[]

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Congress of Independent Unions) MUR 2301

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 18, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2301:

1. Accept the conciliation agreement, as recommended in the General Counsel's Report signed June 15, 1987.
2. Approve the letters, as recommended in the General Counsel's Report signed June 15, 1987.
3. Close the file.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

6-18-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Mon., 6-15-87, 1:35
Circulated on 48 hour tally basis: Tues., 6-16-87, 11:00
Deadline for vote: Thurs., 6-18-87, 11:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 24, 1987

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jerome A. Diekemper, Esquire
Diekemper, Hammond and Shinnars
7730 Carondelet Avenue
Suite 222
St. Louis, MO 63105

RE: MUR 2301

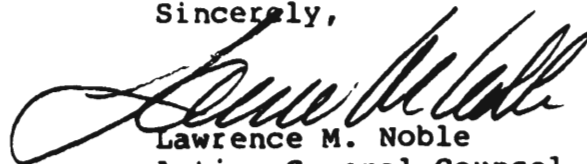
Dear Mr. Diekemper:

This is in reference to the complaint you filed with the Federal Election Commission on December 15, 1986, concerning the Congress of Independent Unions.

The Commission found that there was reason to believe the Congress of Independent Unions violated 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended, and conducted an investigation in this matter. On June 18, 1987, a conciliation agreement signed by the respondent was accepted by the Commission. Accordingly, the Commission closed the file in this matter on June 18, 1987. A copy of this agreement is enclosed for your information.

If you have any questions, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,


Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 24, 1987

Robert G. Raleigh, Esquire
Hoagland, Maucker, Bernard & Almeter
401 Alton Street
P.O. Box 130
Alton, Illinois 62002

RE: MUR 2301
Congress of Independent
Unions

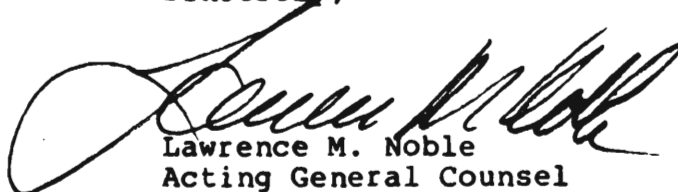
Dear Mr. Raleigh:

On June 18, 1987, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Charles Snyder, the attorney assigned to this matter at (202) 376-8200.

Sincerely,


Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Congress of Independent Unions) MUR 2301
)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Jerome A. Diekemper. The Federal Election Commission ("the Commission") found reason to believe that the Congress of Independent Unions ("Respondent") violated 2 U.S.C. §§ 441b(a) and 441d.

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent, Congress of Independent Unions, is a labor organization within the meaning of 2 U.S.C. § 441b(b)(1).

2. Respondent expended its union treasury funds to pay for the placement of an advertisement in a newspaper of general circulation expressly advocating the election of Christopher "Kit" Bond to the U.S. Senate.

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3. The advertisement did not include a statement of whether it had been authorized by any candidate for federal office.

V.1. Respondent's making an expenditure in connection with a federal election was in violation of 2 U.S.C. § 441b(a).

2. Respondent's making an expenditure for the purpose of financing a communication expressly advocating the election of a clearly identified candidate for federal office without including a statement of whether the communication was authorized by a candidate for federal office was in violation of 2 U.S.C. § 441d.

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of Three Hundred Twenty Five dollars (\$325.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

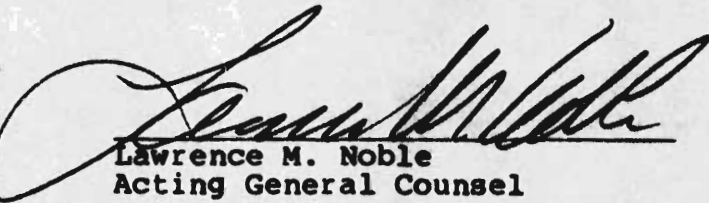
IX. Respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and

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implement the requirements contained in this agreement and to so notify the Commission.

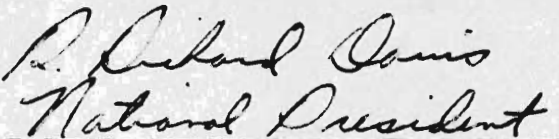
X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:


Lawrence M. Noble
Acting General Counsel

6/23/87
Date

FOR THE RESPONDENT:


National President
(Name)
(Position)

5-26-87
Date

8704053449



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2301
DATE FILMED 7/29/87 CAMERA NO. 2
CAMERAMAN AS

87040553450



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

9-21-87

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 2301

87040654212

GCC # 3510

4610



CONGRESS OF INDEPENDENT UNIONS

303 RIDGE STREET 618-462-2447
ALTON, IL 62002

70-0481/810

May 26 19 87

PAY
TO THE
ORDER OF

Federal Election Commission

\$ 325.00

Three-hundred and twenty-five and no cents

DOLLARS



CONGRESS OF INDEPENDENT UNIONS

[Signature]
R. Richard Davis

FOR

⑆004610⑆+⑆081004818⑆ 00097799⑆06

MEMORANDUM

TO: Debra A. ~~Reed~~ Trimiew

TO: Cecilia Lieber

FROM: Cecilia Lieber

FROM: Debra A. ~~Reed~~ Trimiew

87 JUN 1 P 3: 4

REC'D
GEN. MAIL

CHECK NO. 4610 (a copy of which is attached) RELATING

TO MUR 2901 (Snyder) AND NAME Congress of Independent Unions

WAS RECEIVED ON 6/1/87. PLEASE INDICATE THE ACCOUNT INTO WHICH IT SHOULD BE DEPOSITED:

☒ BUDGET CLEARING ACCOUNT (\$95F3875.16)

☐ CIVIL PENALTIES ACCOUNT (\$95-1099.160)

☐ OTHER

SIGNATURE Debra A. Trimiew

DATE 6/2/87

87 JUN 1 4:41

Law Offices

Hoagland, Maucker, Bernard & Almeter

Karl K. Hoagland, Jr.
Robert B. Maucker
Elmer H. Bernard
James K. Almeter
William H. Hoagland
Donald L. Smith
Al J. Pranaitis
Stephen J. Maassen
Roger F. Wilson
Linda D. Maurer
Robert G. Raleigh

401 Alton Street
P. O. Box 130
Alton, Illinois 62002

Green and Hoagland (1939-1968)
Henry I. Green (1939-1954)
Urbana Champaign
Karl K. Hoagland, Sr. (1939-1960)
Alton, Illinois Telephone
618-465-7745

May 27, 1987

Mr. Charles Snyder, Esq.
Office of the General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 2301 Congress of Independent Unions

Dear Mr. Snyder:

Enclosed please find the conciliation agreement sent me by Mr. Lawrence M. Noble, acting general counsel. You will note that my client has executed this document and I would ask that after Mr. Noble executes it that a copy of the same be returned to me for my files. Also enclosed, please find a check in the amount of \$325.00, representing the civil penalty proscribed by Section VI of the aforementioned agreement.

Thank you very much for your continuing assistance in this matter and for the Commission's willingness to enter into this conciliation agreement. Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Robert G. Raleigh

RGR/mlb
Enc.
cc: Mr. Rick Davis

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

87 JUN 1 1:33

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