



FEDERAL
COMMISSION

Missouri State Democratic Committee

Oct 13 11 22 AM '98

P.O. Box 719 419 East High Street Jefferson City, Missouri 65102 P: 573.636.5241 F: 573.634.8176

October 9, 1998

Complaint

Federal Election Commission
999 E. Street N. W., 6th Floor
Washington, D.C. 20463

MUR 4819

Dear Commissioners:

This Complaint asserts that U.S. Senator Christopher "Kit" Bond, his campaign staff and Sheriff Dick Anderson of the Platte County Sheriff's Department violated the Federal Election Campaign Act (the "Act") 2 U.S.C. §§431 *et. seq.* And related regulations of the Federal Election Commission ("F.E.C." or the "Commission") and may have committed crimes pursuant to 18 §595, 601 - 603, 607.

On September 30, 1998 and October 7, 1998, *The Weston Chronicle* (Exhibit 1) reported, that on April 6, 1998, Senator Bond, his campaign staff and Sheriff Dick Anderson used 30 to 40 employees of the Platte County Sheriff's Department for a campaign commercial for Senator Bond. From the news report, most of the employees were on the county payroll during the filming. Sheriff Anderson stated "What I required was someone to be there from every area of responsibility" and "If they were off-duty, they did not get paid. If they were on, they did not get docked." Based on Sheriff Anderson's remarks, the employees did not make up or file for personal leave during the time they were making a political commercial and not on their regularly assigned duties. The news story further suggests Sheriff Anderson misled many deputies as to the nature of their attendance and then required them to sign a release upon arrival.

Pursuant to 11 C.F.R. §100.7(a)(3) the payment by any person of compensation for the personal services of another person if they render those services without charge to a political committee for any purpose . . . is a contribution. Based on the facts in the news article, it appears the Platte County Sheriff's Department made a contribution to Senator Bond's U.S. Senate campaign. Senator Bond's F.E.C. report for the period April 1, 1998 - June 30, 1998, does not report a contribution being made by the Platte County Sheriff's Department in violation of 11 C.F.R. §102.9.

The conduct engaged in by Senator Bond, his campaign staff and Sheriff Dick Anderson raises a number of possible criminal actions.

Joe Carmichael
Chairman

Janis Londe
Vice-Chair

Donna Knight
Treasurer

Pat Hughes
Secretary

Sean Gagen
Executive Director

Federal Election Commission Letter
October 9, 1998
Page 2

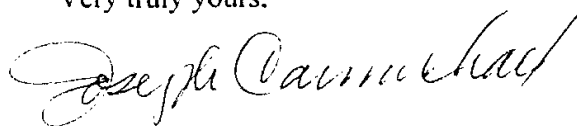
Possible coercion of county employees whose activities may be financed in whole or in part by grants or loans made by the United States or any department thereof to affect the election of a member of the U.S. Senate in violation of 18 C.F.R. §595.

The causing or attempting to cause any person to make a contribution or thing of value for the benefit of Senator Bond by means of the denial or deprivation, or the threat of denial or deprivation of any employment, position or work for any political subdivision of a State or any payment or benefit of a program of the United States in violation of 18 C.F.R. §601.

Senator Bond's solicitation of political contributions from a person receiving any salary or compensation for services from money derived from the Treasury of the United States in violation of 18 C.F.R. §602.

Because of the seriousness of the offense, I ask the commission to investigate this complaint promptly, and seek the highest civil penalty available under law. I ask the Commission to seek a permanent injunction against future use of the material produced as a result of this activity and against future violations of this nature. Also, I ask that upon completion of the investigation, if the Commission concludes that criminal violations may have occurred that your findings be referred to the appropriate authorities.

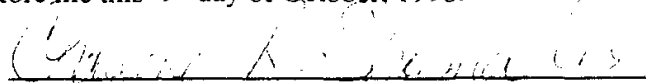
Very truly yours,


Joseph Carmichael

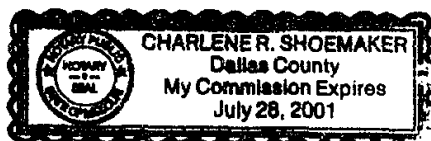
LJC/crs

State of Missouri)
)ss.
County of Greene)

SUBSCRIBED AND SWORN to before me this 9th day of October, 1998.


Notary Public

My Commission Expires:



The Weston Chronicle

When asked if this was an endorsement by the department, Sheriff Anderson said it was not. "It was an opportunity to have his car as long as we wanted it. We had his attention."

"We got something out of it, but the department does not endorse candidates or issues," he said.

"I as a Sheriff have the prerogative and sometimes responsibility to sometimes endorse a candidate or issues," he said. Does he endorse Senator Bond? "Yes."

Commercial or Educational Tape?

The event was one of several taped in Platte County Monday, April 6. Others were taken with a group of farmers. Clips from the tapes were shown in campaign commercials in the Kansas City area before the primary election in early and mid July.

"His office contacted me and suggested that if we could do a favor for him, he could do a favor for us," Sheriff Dick Anderson said. "It was a *quid pro quo* thing."

The favor was that Senator Bond would meet with the department so employees could express their concerns about law enforcement. In exchange, Senator Bond's production crew would be allowed to videotape the event.

Sheriff Anderson justified the event saying, "we got the undivided attention of Senator Bond. They got the opportunity to shoot footage."

He also said the purpose was not necessarily to film a campaign commercial. "Maybe he wouldn't have liked any of it," he said. "Once you own the film, you can do what you want to with it."

on the Appropriations Committee and who has influence over Law Enforcement issues, and who has involvement in Law Enforcement issues. For

Asked if it came down to a trade, county workers for tape, Sheriff Anderson said "No. They were not county workers. They were employees of the Sheriff's Department."

He added that county workers were not invited because the discussion was on law enforcement issues, and there was not enough room for others.

He did agree that employees of the Sheriff's Department are paid by the county.

Educational Film

Among the educational shots used in the commercial were scenes shot in the jail. In that one, a deputy showed how to slam a jail door shut.

Another educational scene showed Senator Bond walking and talking with deputies on the sidewalk that runs on the west side of the courthouse. Witnesses to that educational scene said taping took nearly an hour.

In another scene a deputy in protective gear demonstrated how to enter a drug house.

Finally, there were scenes of the Senator talking to deputies about the methamphetamine problem.

Sheriff Anderson said no one was pulled off the street in terms of patrolling that day.

Consent

While county employees were excluded from the proceedings, some Sheriff's Department employees were required to be there.

The Sheriff said he made it very clear employees had a choice to participate or not participate, or to be on

Another officer said he didn't know about the filming until he arrived and found the lights hanging from the ceiling and a professional camera set up. "I think we pretty much knew," he said, "because Senators don't just come talk to folks in an election year for nothing."

Some employees said they were asked if they wanted to be there, and they said they did. Others said they had no choice about being at the meeting, or what they wore. "We were told to be in uniform," one said.

"Nobody asked who you supported," he said. "They didn't care. They just wanted uniforms in the commercial. That's all they cared about."

Violations?

A spokesman for the Federal Election Commission said he could not comment on specific cases. "It's up to the commission to decide if there is a violation," Ian Stinson said. "Anyone can file a complaint."

In general, however, he said "if you're being paid to work on a campaign, whoever's paying you is making a contribution."

He said it may be a stretch to say that someone filmed at work was actually working for a campaign. "I see campaign commercials all the time with people working in them."

He said the real test was if they were filmed doing their jobs, or if it was set up as a campaign commercial.

Jane Henry, director of Administration for the Platte County Commission, said she knew of no county policies governing the use of either the county facilities or personnel for filming on the premises.

The Weston Chronicle

Vol. 127, Number 20 • September 30, 1998 • 50¢

(e-mail address) wcnews@suncom.com

Bond Commercial Used Deputies On County Time

Maybe you support Kit Bond for Senator, and maybe you don't. Either way, if you're a taxpayer in Platte County, you've contributed to his campaign.

Videotape taken in Platte County and then used as part of campaign commercials for the reelection of Senator Christopher Bond used 30 to 40 employees of the Sheriff's Department. Most of the employees were on the county payroll during the filming.

"Some did this on their off time," Sheriff Dick Anderson said. "If they were off-duty, they did not get paid. If they were on, they did not get docked."

It is not clear whether the actions were legal, and because it is being claimed as an "educational visit," it's probably not a campaign contribution Senator Bond should have claimed. Some employees questioned whether it passed the "small test."

Not An Endorsement

When asked if this was an endorsement by the department, Sheriff Anderson said it was not. "It was an opportunity to have his car as long as

"The meeting was for political filming," David Israelite, Senator Bond's campaign coordinator said Monday. "The tape will be used for political purposes."

Mr. Israelite went on to say the filming was perfectly legal and proper.

"The activity was all informational. We just happened to film something he (Sen. Bond) would have been doing anyway."

"He often visits with local law enforcement personnel."

However, no one with the Sheriff's Department could remember Senator Bond visiting with them before.

Sheriff Anderson said "I talked to a number of people, and the overwhelming, repetitious response was that it would be a good thing to do, so we did it," Sheriff Anderson said.

"We felt it would be good to have the opportunity to have the ear of the senior Senator from Missouri, who is on the Appropriations Committee and who has influence over Law Enforcement issues, and who has involvement in Law Enforcement issues."

Asked if it came down to a trade,

camera. He also said he took the extra step of getting consent from any employee who would be filmed. It was the fair thing to do," he said.

"What I required was someone to be there from each area of responsibility," Sheriff Anderson said. "I think everyone was pretty enthused to be there."

A different picture emerges from talks with deputies, all of whom asked not to have their names used.

Deputies interviewed said the session was billed as an opportunity to meet with Kit Bond and express their concerns about Law Enforcement. They said they didn't know it was for campaign purposes until they arrived and were asked to sign a release.

"It was presented as a meeting on what needs to be done to help police do their job," one officer said. "Ball—, it was come make a Kit Bond commercial."

Another officer said he didn't know about the filming until he arrived and found the lights hanging from the ceiling and a professional camera set up. "I think we pretty much knew,"