

DCCC Files FEC Complaint Against Jim Oberweis (IL-14) and Oberweis Dairy

DCCC Press:

The DCCC filed a complaint today with the Federal Election Commission (FEC) against Jim Oberweis, the Republican Congressional candidate in IL-14, and Oberweis Dairy. Jim Oberweis illegally benefited from Oberweis Dairy resources when the Dairy filed and promoted a frivolous lawsuit against the DCCC for its ads hitting Oberweis on his hypocrisy of using polarizing rhetoric on illegal immigration while benefiting from illegal immigrants' labor.

"Jim Oberweis and Oberweis Dairy know that the ads about Oberweis' hypocrisy of using polarizing rhetoric on illegal immigration while benefiting from illegal immigrants' labor are completely true," said Jennifer Crider, Communications Director at the Democratic Congressional Campaign Committee. "We are filing this complaint to hold Jim Oberweis accountable for illegally using Oberweis Dairy resources to mislead voters about the fact illegal immigrants were found working at Oberweis Dairy stores. The Chicago Tribune editorial board said it best, Oberweis' 'campaign style has consistently been nasty ... and dishonest.'"

Jim Oberweis and Oberweis Dairy have a pattern of engaging in this illegal activity. The FEC had previously sanctioned Jim Oberweis and Oberweis Dairy and fined them \$21,000 for illegally using corporate resources for campaign purposes.

The text of the complaint follows.

March 7, 2008

Thomaseia Duncan, Esq.
General Counsel
Federal Election Commission
999 E Street, NW, 6th Floor
Washington, D.C. 20463

Re: MUR 5410 - Oberweis Dairy, Inc. & Jim Oberweis

Dear Ms. Duncan:

This complaint requests that the Federal Election Commission commence legal action to enforce the conciliation agreement entered into by the Commission and by Oberweis Dairy, Inc., in the above-referenced Matter Under Review, regarding corporate contributions made by Oberweis Dairy and in violation of 2 U.S.C. § 441b. The facts indicate that Oberweis Dairy has violated the agreement, and is once again making corporate expenditures to support Jim Oberweis's federal candidacy.

On February 5, 2007, Oberweis Dairy, Jim Oberweis, and the Commission entered into a conciliation agreement. The Commission found that Oberweis Dairy had aired an advertisement that prominently featured Jim Oberweis, the chairman of the company, who was running for the United States Senate from the state of Illinois. The advertisements were reviewed and edited by Mr. Oberweis, and aired just prior to the primary election - in violation of section 441b(a) and the coordinated communication regulations, 11 C.F.R. § 109.21. (See Exhibit A.)


The respondents, including Mr. Oberweis and Oberweis Dairy, chose not to contest the finding by the Commission that they violated federal law. They entered into a conciliation agreement that required them and the other respondents to "cease and desist from violating 2 U.S.C. § 441b" They also paid a fine of \$21,000 to the Commission.

The facts show that Jim Oberweis and Oberweis Dairy have once again violated the ban on corporate expenditures in connection with a federal election. Oberweis is yet again running for election, this time in a special election on March 8th for the United States House of Representatives from the 14th District in Illinois. And yet again, Oberweis Dairy is spending its treasury funds to intervene on his behalf in the days before that election.

On March 6th, the company issued a press release denouncing advertisements sponsored by the Democratic Congressional Campaign Committee ("DCCC"), and criticizing Jim Oberweis for hypocrisy on the issue of illegal immigration. While Oberweis made an issue of illegal immigration in his campaign, the public record demonstrated that he had benefited from services performed by illegal immigrants at Oberweis Dairy stores. (See Exhibit B.)

Using corporate resources, a private public relations consultant and a private law firm, Oberweis Dairy - two days before the election - intervened in Oberweis's favor, attacking the ads and purporting to file a frivolous lawsuit against the DCCC to stop them. The corporate press release accused the DCCC of "misleading the public." It also referred to Mr. Oberweis and the fact that he is "running for Congress." This press release is a public communication; it was disseminated within 90 days of an election; it references a federal candidate; and it was almost certainly produced in coordination with that candidate. Thus, it is a corporate "coordinated communication" in violation of 2 U.S.C. § 441b(a) and 11 C.F.R. § 109.21. (See Exhibit C.)

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Beyond any doubt, this press offensive and sham litigation represent illegal corporate expenditures. Even if one were to assume that the lawsuit has actually been filed, [1] and that it actually presented a meritorious claim, no press release was necessary to secure any rights of the corporation. Indeed, the sole purpose of a press release is to generate news stories. This particular release, issued in the eleventh hour before the election, was produced via corporate resources and issued only to shape the news coverage in connection with the special election. Thus, it is a blatant and clear violation of the ban against corporate political expenditures in federal elections.

The Commission should immediately investigate this violation of the conciliation agreement, and should institute a civil action for relief in the United States District Court for the District of Columbia against Jim Oberweis and Oberweis Dairy to enforce the conciliation agreement. It should stop, once and for all, Jim Oberweis's repeated and transparent attempts to convert Oberweis Dairy resources to the support of his failing campaigns.

Sincerely,

Brian Wolff
Executive Director
Democratic Congressional Campaign Committee

[1] At this writing, the DCCC has not been served with a complaint. The copy of the complaint publicized by Oberweis Dairy bore no indicia of filing.



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