

CREW | citizens for responsibility
and ethics in washington

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November 18, 2015

Federal Election Commission
Office of Complaints Examination
and Legal Administration
Attn: Kim Collins, Paralegal
999 E Street, N.W.
Washington, D.C. 20463

*Received
Federal Election Commission
Office of General Counsel
2015 NOV 18 PM 2:07*

Re: MUR 6661/Amended Complaint

Dear Ms. Collins:

Please find under cover of this letter an amended complaint in MUR 6661. We file this amended complaint to supplement the complainants provided in CREW's original complaint, filed on October 9, 2012 and supplemented on September 16, 2014. In the three years during which CREW's complaint has been pending, CREW has experienced staff changes necessitating an update to the parties to the complaint. CREW submits this amended complaint to substitute me, CREW's current executive director, as a complainant for CREW's previous executive director, Melanie Sloan. Accordingly, the amended complaint includes new allegations specific to me (*see* Am. Compl. ¶ 1, 5, and conclusion), removes allegations specific to Ms. Sloan, and clarifies that the relief sought includes an order that respondents file with the FEC and make public appropriate disclosure reports. The exhibits to the amended complaint are identical to the exhibits to the original complaint and supplement and are incorporated therein, but, in the interest of not duplicating copies in the administrative record, CREW does not resubmit the exhibits.

Please further note that our address has changed. Please direct all future correspondence to the address below.

Sincerely,



Noah Bookbinder
Executive Director
Citizens for Responsibility and Ethics
in Washington
455 Massachusetts Ave., N.W.
Sixth Floor
Washington, D.C. 20001
(202) 408-5565 (phone)
(202) 588-5020 (fax)
nbookbinder@citizensforethics.org

Encl.

FEDERAL ELECTION COMMISSION

2015 NOV 18 PM 2:07

In the matter of: Robert E. Murray, individually and
in his capacity as Chairman, President
and Chief Executive Officer of Murray Energy Corporation MUR No. 6661
Murray Energy Corporation
Murray Energy Corporation Political
Action Committee

AMENDED COMPLAINT

1. Citizens for Responsibility and Ethics in Washington ("CREW") and Noah Bookbinder bring this complaint before the Federal Election Commission ("FEC") seeking an immediate investigation and enforcement action against Robert E. Murray, personally and in his capacity as Chairman, President and Chief Executive Officer of Murray Energy Corporation, and Murray Energy Corporation, for direct and serious violations of the Federal Election Campaign Act ("FECA").

Complainants

1. Complainant CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the right of citizens to be informed about the activities of government officials and to ensuring the integrity of government officials. CREW is dedicated to empowering citizens to have an influential voice in government decisions and in the governmental decision-making process. CREW uses a combination of research, litigation, and advocacy to advance its mission.

2. In furtherance of its mission, CREW seeks to expose unethical and illegal conduct of those involved in government. One way CREW does this is by educating citizens regarding the integrity of the electoral process and our system of government. Toward this end, CREW monitors the campaign finance activities of those who run for federal office and

publicizes those who violate federal campaign finance laws. Through its website, press releases and other methods of distribution, CREW also files complaints with the FEC when it discovers violations of the FECA. Publicizing campaign finance violators and filing complaints with the FEC serves CREW's mission of keeping the public informed about individuals and entities that violate campaign finance laws and deterring future violations of campaign finance law.

3. In order to assess whether an individual, candidate, political committee or other regulated entity is complying with federal campaign finance law, CREW needs the information contained in receipts and disbursements reports that political committees must file pursuant to the FECA, 2 U.S.C. § 434(a)(2); 11 C.F.R. § 104.1. CREW is hindered in its programmatic activity when an individual, candidate, political committee or other regulated entity fails to disclose campaign finance information in reports of receipts and disbursements required by the FECA.

4. CREW relies on the FEC's proper administration of the FECA's reporting requirements because the FECA-mandated reports of receipts and disbursements are the only source of information CREW can use to determine if a candidate, political committee or other regulated entity is complying with the FECA. The proper administration of the FECA's reporting requirements includes mandating that all reports of receipts and disbursements required by the FECA are properly and timely filed with the FEC. CREW is hindered in its programmatic activity when the FEC fails to properly administer the FECA's reporting requirements.

5. Complainant Noah Bookbinder is the executive director of Citizens for Responsibility and Ethics in Washington. At all times relevant to the complaint, he has been

and remains a citizen of the United States and a registered voter and resident of Maryland. As a registered voter, Mr. Bookbinder is entitled to receive information contained in reports of receipts and disbursements required by the FECA, 2 U.S.C. § 434(a)(2); 11 C.F.R. § 104.1. Mr. Bookbinder is harmed when a candidate, political committee or other regulated entity fails to report campaign finance activity as required by the FECA. *See FEC v. Akins*, 524 U.S. 11, 19 (1998), *quoting Buckley v. Valeo*, 424 U.S. 1, 66-67 (1976) (political committees must disclose contributors and disbursements to help voters understand who provides which candidates with financial support). Mr. Bookbinder is further harmed when the FEC fails to properly administer the FECA's reporting requirements, limiting his ability to review campaign finance information.

Respondents

6. Robert E. Murray is the Chairman, President and Chief Executive Officer of Murray Energy Corporation.
7. Murray Energy Corporation is a coal mining company with its principal place of business in Ohio.
8. Murray Energy Corporation Political Action Committee is the separate segregated fund of the Murray Energy Corporation.

Factual Allegations

9. Based on interviews with multiple sources who have held managerial positions at Murray Energy Corporation and a review of internal company documents, *The New Republic* recently reported that for years Murray Energy Corporation and Robert E. Murray, individually and in his capacity as Chairman, President and Chief Executive Officer of Murray Energy Corporation, coerced company employees to make contributions to the

Murray Energy Corporation Political Action Committee by threatening employees with financial reprisals, including the loss of their jobs, if they failed to contribute to the Murray Energy Corporation Political Action Committee. See Alec MacGillis, Coal Miners Donor: A Mitt Romney Benefactor And His Surprisingly Generous Employees, *The New Republic*, October 4, 2012 (attached Exhibit A).

10. Two separate sources told *The New Republic* that employees of Murray Energy Corporation were under constant pressure to make contributions or lose their jobs: "There's a lot of coercion," said one source. "I just wanted to work, but you feel this constant pressure that, if you don't contribute, your job's at stake. You're compelled to do this whether you want to or not." The second explained: "They will give you a call if you're not giving. . . . It's expected you give Mr. Murray what he asks for." See Exhibit A at 1-2.

11. Mr. Murray, as the Chairman, President and Chief Executive Officer of Murray Energy Corporation, personally threatened employees of Murray Energy Corporation with the loss of their jobs if they failed to contribute to the Murray Energy Corporation Political Action Committee. In a September 15, 2012 personal letter that was hand-delivered to recalcitrant employees, Mr. Murray complained about the response to a recent request for additional contributions to the PAC and said, "We have only a little over a month left to go in this election fight. If we do not win it, the coal industry will be eliminated and so will your job, if you want to remain in this industry. Please positively respond to our request." Letter from Robert E. Murray to Unknown Recipients (September 15, 2012) (attached as Exhibit B).

12. In addition, the Murray Energy Corporation and Mr. Murray reimbursed employees for their contributions to the PAC by giving bonuses Mr. Murray personally

approved. *The New Republic* reported: "The pressure to give begins as soon as employees enter the company, the Murray sources say. At the time of hiring, supervisors tell employees that they are expected to contribute to the PAC by automatic payroll deduction- typically 1 percent of their salary 'In the interview . . . I was told that I would be expected to make political contributions – that [Murray] just expected that,' says the first source. 'But I was told not to worry about it because my bonuses would more than make up what I would be asked to contribute.'" See Exhibit A at 3.

13. Murray Energy Corporation General Counsel Mike McKown confirmed to *The New Republic* that Mr. Murray personally decided how much each employee received in bonuses per month: "It's Mr. Murray's view of what the employee's contribution was to the company that month." See Exhibit A at 4.

COUNT I

14. FECA and FEC regulations specifically prohibit a separate segregated fund from making a contribution or expenditure by utilizing money "secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; . . . or other moneys required . . . as a condition of employment." 2 U.S.C. § 441b(b)(3)(a); 11 C.F.R. § 114.5(a)(1).

15. By coercing employees of Murray Energy Corporation to make contributions to the Murray Energy Corporation Political Action Committee through threats of financial reprisal, including the loss of their jobs, Robert E. Murray, individually and as Chairman, President and Chief Executive Officer of Murray Energy Corporation, Murray Energy Corporation and the Murray Energy Corporation Political Action Committee all violated 2 U.S.C. § 441b(b)(3)(a) and 11 C.F.R. § 114.5(a)(1).

COUNT II

16. FECA and FEC regulations prohibit a person from making a contribution in the name of another person and prohibit a person from knowingly accepting a contribution made by one person in the name of another person. 2 U.S.C. § 441f; 11 C.F.R. § 110.4(b)(1).

17. By reimbursing employees of Murray Energy Corporation for contributions to the Murray Energy Corporation Political Action Committee with monthly bonuses, Robert E. Murray, individually and as Chairman, President and Chief Executive Officer of Murray Energy Corporation, Murray Energy Corporation and the Murray Energy Corporation Political Action Committee all violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b)(1).

COUNT III

18. FECA and FEC regulations prohibit corporations from using corporate funds to make contributions in connection with a federal election. 2 U.S.C. § 441b(a); 11 C.F.R. § 114.2(a).

19. By using corporate funds to reimburse employees of Murray Energy Corporation for contributions to the Murray Energy Corporation Political Action Committee, Robert E. Murray, individually and as Chairman, President and Chief Executive Officer of Murray Energy Corporation, Murray Energy Corporation and the Murray Energy Corporation Political Action Committee all violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(a).

CONCLUSION

WHEREFORE, Citizens for Responsibility and Ethics in Washington and Noah Bookbinder request that the Federal Election Commission conduct an investigation into these allegations, declare the respondents to have violated the Federal Election Campaign Act and applicable FEC regulations, and order respondents to correct these violations by, among other things, amending Murray Energy Corporation Political Action Committee's disclosure forms to reflect that Murray Energy Corporation was the true source of contributions to the PAC. In addition, the complainants request that the FEC impose sanctions appropriate to these violations and take such further action as may be appropriate, including, but not limited to, referring this matter to the Department of Justice for a criminal investigation.



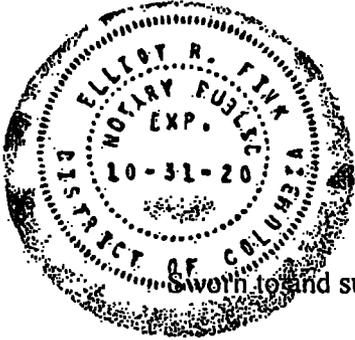
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VERIFICATION

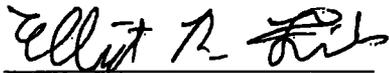
Citizens for Responsibility and Ethics in Washington and Noah Bookbinder verify that the statements made in the attached Complaint are, upon information and belief, true. Sworn pursuant to 18 U.S.C. § 1001.



Noah Bookbinder



Sworn to and subscribed before me this 18th day of November 2015.



Notary Public