

Lying to the FEC Catches Up with Former Missouri State Senator

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Last November, a former Missouri congressional candidate, along with several members of his campaign team, were sentenced for their roles in obstructing a multi-year investigation by the Federal Election Commission (FEC)-even though the FEC had already dismissed the matter.

The charges arose out of the August 2004 Democratic primary for the seat once held by long-time Missouri Congressman Dick Gephardt. According to FBI press releases, an individual affiliated with an organization known as Voters for Truth (VFT) approached members of then-candidate Jeff Smith's campaign team during the primary with a plan to produce and disseminate communications critical of one of Smith's opponents, Russ Carnahan. Although unidentified in court documents, press accounts named the individual as Milton Ohlsen, a Missouri resident with a checkered criminal past, including convictions for bank fraud and a firearms violation. At Smith's request, a close political ally, Steve Brown, worked to raise substantial funds for Ohlsen and the VFT from Smith's campaign donors. Then, shortly before the primary, nearly 25,000 postcards were mailed to voters without identifying who paid for them.

Responding to a complaint filed by the Carnahan campaign, the FEC opened an investigation into the mailers. As part of its investigation, the FEC subpoenaed Mr. Ohlsen to testify in Washington, DC. According to an FBI press release and various media accounts, Steve Brown met with Mr. Ohlsen before his FEC testimony and encouraged him to cover up Smith's and Brown's involvement in the matter. Moreover, Smith, Brown and one other campaign staffer had numerous telephone conferences where they jointly agreed to deny any involvement in the matter.

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The FEC dismissed the matter in late 2007. Acting on newly discovered information, however, the FBI opened its own investigation into the conspiracy. Ultimately, Brown turned on Smith and agreed to wear a wire for federal investigators in exchange for a lesser sentence. Smith was captured on tape admitting that he had not been entirely truthful in providing information to the FEC or federal investigators. For his role, Smith was sentenced in federal court to 12 months and one day in prison, and ordered to pay a \$50,000 fine. He also resigned his seat in the Missouri State Senate on August 5, 2009. Two others, including Brown, were fined and sentenced to two years of probation.