

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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WENDY E. WAGNER,)	
LAWRENCE M.E. BROWN, and)	
JAN W. MILLER,)	
	Plaintiffs,)	
	v.)	
)	Civil Action No. 11-cv-1841-JEB
)	
FEDERAL ELECTION COMMISSION,)	
	Defendant.)	ANSWER
)	
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**DEFENDANT FEDERAL ELECTION COMMISSION’S ANSWER
TO PLAINTIFFS’ COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Defendant Federal Election Commission (“FEC” or “Commission”) submits this answer to the Complaint for Declaratory and Injunctive Relief of plaintiffs Wendy E. Wagner, Lawrence M.E. Brown, and Jan W. Miller. Any allegation not specifically responded to below is DENIED.

The Commission responds as follows to the numbered paragraphs of the Complaint:

1. This paragraph contains plaintiffs’ characterization of the Complaint, which speaks for itself, and therefore no response is necessary.
2. This paragraph contains plaintiffs’ characterizations of 2 U.S.C § 441c, 2 U.S.C. § 437g(d)(1)(A), 11 C.F.R. § 115.2(a), and the Commission’s interpretation of 2 U.S.C § 441c, which speak for themselves, and therefore no response is necessary. Insofar as this paragraph also contains conclusions of law, no response is necessary.
3. This paragraph contains plaintiffs’ characterization of the legislative history of 2 U.S.C. § 441c, which speaks for itself, and therefore no response is necessary.

4. The Commission is without knowledge or information sufficient to admit or deny the factual allegations in the first sentence of this paragraph. To the extent the paragraph contains plaintiffs' characterization of the Federal Election Campaign Act, 2 U.S.C §§ 431-57, it speaks for itself, and therefore no response is necessary. Answering further, the Commission ADMITS that this Court has jurisdiction under 28 U.S.C. § 1331, and DENIES that the matter should be immediately certified to the United States Court of Appeals for the District of Columbia Circuit for consideration en banc pursuant to 2 U.S.C. § 437h.
5. The Commission is without knowledge or information sufficient to admit or deny the factual allegations in this paragraph. The last sentence of this paragraph contains a conclusion of law, to which no response is necessary.
6. The Commission is without knowledge or information sufficient to admit or deny the factual allegations in this paragraph.
7. The Commission is without knowledge or information sufficient to admit or deny the factual allegations in the first two sentences of this paragraph. The Commission ADMITS that plaintiff Brown requested and received an advisory opinion from the Commission in 2008. The remainder of the paragraph contains plaintiffs' description of Advisory Opinion 2008-11, which speaks for itself, and therefore no response is necessary.
8. The Commission is without knowledge or information sufficient to admit or deny the factual allegations in this paragraph. To the extent that the fifth sentence of this paragraph contains a legal conclusion regarding the scope of 2 U.S.C. § 441c, no

- response is necessary. The last sentence of this paragraph contains a conclusion of law, to which no response is necessary.
9. This paragraph contains conclusions of law, to which no response is necessary. Insofar as this paragraph alleges that 2 U.S.C. § 441c treats plaintiffs differently from others who are similarly situated, the Commission DENIES this paragraph.
10. This paragraph contains plaintiffs' characterization of 18 U.S.C § 603, which speaks for itself, and therefore no response is necessary.
11. The Commission is without knowledge or information sufficient to admit or deny the factual allegations in this paragraph. The second sentence of this paragraph contains plaintiffs' characterizations of 2 U.S.C. § 441c and 18 U.S.C. § 603, which speak for themselves, and therefore no response is necessary. Insofar as this paragraph alleges that 2 U.S.C. § 441c treats plaintiffs differently from others who are similarly situated, the Commission DENIES this paragraph.
12. This paragraph contains plaintiffs' characterization of 2 U.S.C. § 441c, which speaks for itself, and therefore no response is necessary. Insofar as this paragraph also contains conclusions of law, no response is necessary.
13. This paragraph contains plaintiffs' characterizations of 2 U.S.C. § 441c and 11 C.F.R. § 115.6, which speak for themselves, and therefore no response is necessary. Insofar as this paragraph also contains conclusions of law, no response is necessary.
14. The first sentence of this paragraph contains conclusions of law; to the extent that the second sentence characterizes 48 C.F.R. § 1.601(a), it speaks for itself, and therefore no response is necessary. The Commission is without sufficient information to admit or deny the factual allegations in the second and third sentences of this paragraph.

15. This paragraph contains plaintiffs' characterizations of the Fifth Amendment and the Supreme Court's interpretation of that Amendment, which speak for themselves, and therefore no response is necessary.
16. DENY.
17. The Commission is without sufficient information to admit or deny the factual allegations in the second and third sentences of this paragraph. The Commission DENIES the remainder of this paragraph.
18. The Commission DENIES the first sentence of this paragraph. The Commission is without sufficient information to admit or deny the factual allegations in the remainder of this paragraph. The third and fourth sentences of this paragraph contain conclusions of law and plaintiffs' characterization of 2 U.S.C. § 441c, which speaks for itself, and therefore no response is necessary.
19. DENY.

PRAYER FOR RELIEF

Plaintiffs are not entitled to the relief requested, or to any other relief.

AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

Respectfully submitted,

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