



250 Massachusetts Ave NW, Suite 400 | Washington, DC 20001

October 18, 2023

VIA EMAIL

Federal Election Commission
Attn: Commission Secretary
1050 First Street, NE
Washington, DC 20463
LegalRequestProgram@fec.gov

**Re: Request for Consideration of Legal Question, Stop These Oppressive People:
Tyrants Racists Unqualifieds Misogynists Propagandists**

Dear Commissioners:

Pursuant to the Reports Analysis Division Legal Question Resolution Program, 92 Fed. Reg. 30,741 (May 12, 2023), Stop These Oppressive People: Tyrants Racists Unqualifieds Misogynists Propagandists (the “**Committee**”), seeks consideration from the Federal Election Commission (“**Commission**” or “**FEC**”) on whether the use of the acronym STOP TRUMP on its Statement of Organization violates 52 U.S.C. § 30102(e)(4) because it forms the name of a federal candidate.

Background

The Committee is a hybrid PAC that filed its Statement of Organization with the Commission on August 9, 2023.¹ On August 27, 2023, the Committee received a Request for Additional Information (“**RFAI**”) from the Reports Analysis Division (“**RAD**”) concerning the Committee’s Statement of Organization and whether the Committee was in violation of 52 U.S.C. §30102(e)(4). Under 52 U.S.C. § 30102(e)(4), a statement of organization filed by authorized committees must “include the name of the candidate who authorized such committee,” but in the case of unauthorized political committees, the statement “shall not include the name of any candidate in its name.”² The RFAI directed the Committee to “amend [its] Statement of Organization to change the name of [the Committee] so that it does not include the candidate’s name and/or provide further clarification regarding the nature of [the] [C]ommittee.”³

¹ Stop These Oppressive People: Tyrants Racists Unqualifieds Misogynists Propagandists (STOP TRUMP), Statement of Organization (Aug. 9, 2023),

<https://docquery.fec.gov/pdf/052/202308099596506052/202308099596506052.pdf>.

² 52 U.S.C. § 30102(e)(4).

³ Request For Further Information (Aug. 27, 2023),

<https://docquery.fec.gov/pdf/447/202308270300191447/202308270300191447.pdf>.

On October 2, 2023, the Committee responded to the RFAI by noting that it the Committee explained that it intended to use the acronym STOP TRUMP on its website, social media, and as the name of various programs and projects.⁴ The Committee explained that was well within its First Amendment rights to use the acronym STOP TRUMP online and in special projects,⁵ and that it included the acronym on line 1 of its Statement of Organization to provide transparency to members of the public. The Committee further responded that it was not an authorized committee of any federal candidate and that its name did not include the name of a federal candidate.⁶ In particular, the Committee asserted that the use of an acronym does not violate the Act's prohibition on an unauthorized committee's inclusion of a candidate's name in its name. The Committee also pointed out that committees registered with the FEC routinely use acronyms that spell out names of federal candidates.⁷

On October 4, 2023, a RAD analyst informed the Committee that its response to the RFAI was not sufficient because the majority of the examples cited in the response were either leadership PACs or cases where the reference to the candidate was ambiguous (*e.g.*, Ron Response PAC). Even though leadership PACs are unauthorized committees just like the Committee, the analyst claimed that leadership PACs were different because they have the candidate listed as a sponsor on the Statement of Organization. The analyst informed the Committee that it would be referred to the Alternative Dispute Resolution Office unless the Committee filed a Form 1 changing its name.

Analysis

The Legal Question Resolution Program permits committees to seek Commission consideration of a determination by "RAD that a person remains obligated to take corrective action to resolve an issue that has arisen during the report review" if there is a material dispute on a question of law on the recommended corrective action and the request is submitted within 15 days of RAD's determination.⁸ A question of law warrants Commission consideration if:

(1) the legal issue is novel, complex, or pertains to an unsettled question of law; (2) there has been intervening legislation, rulemaking, or litigation since the Commission last considered the issue; or (3) the request to take corrective action is contrary to or otherwise inconsistent with prior Commission matters dealing with the same issue.⁹

The Committee's request satisfies these standards. The response is timely filed because RAD informed the Committee on October 4, 2023, of its determination that the Committee remained obligated to take corrective action despite the Committee's thorough response to the

⁴ *Id.*

⁵ *Id.*

⁶ See Stop These Oppressive People: Tyrants Racists Unqualifieds Misogynists Propagandists (STOP TRUMP), Miscellaneous Text (FEC Form 99), <https://docquery.fec.gov/pdf/112/202310029597392112/202310029597392112.pdf> (Oct. 2, 2023).

⁷ *Id.*

⁸ RAD Legal Question Resolution Program, 92 Fed. Reg. 30,741, 30,741 (May 12, 2023).

⁹ *Id.*

RFAI. Further, there exists a material dispute on the question of whether the Committee must remove the acronym from its Statement of Organization to comply with 52 U.S.C. § 30102(e)(4). As explained below, the Committee’s position is that contrary to RAD’s determination, its name fully complies with 52 U.S.C. § 30102(e)(4).

First, as explained in its response to the RFAI, the Committee’s name does not use a federal candidate’s name. Rather, the Committee’s name—Stop These Oppressive People: Tyrants Racists Unqualifieds Misogynists Propagandists—forms an acronym, “STOP TRUMP,” which the Committee simply indicated on Line 1 of its Statement of Organization. Use of the STOP TRUMP acronym on the Form 1 cannot be reasonably viewed as the “name” of a federal candidate. To be sure, “acronym” is defined as an “abbreviation consisting of the first letters of *each word in the name of something, pronounced as a word*.”¹⁰ The ordinary textbook definition of “acronym” does not support RAD’s determination that it is somehow a “name” and thus the Committee is in violation of 52 U.S.C. § 30102(e)(4).

Second, while there has been at least one enforcement action involving a committee that used an acronym as part of its official name, the Commission did not definitively settle the question on whether the acronym violated 52 U.S.C. § 30102 (e)(4). MUR 6213 involved an unauthorized committee that included the following name on its Statement of Organization: “Decidedly Unhappy Mainstream Patriots Rejecting Evil-mongering Incompetent Democrats Political Action Committee (DUMPREID PAC).”¹¹ Although the Office of General Counsel took the position that the committee “has violated, and is still violating” the Act “by including Senator Reid’s last name in a parenthetical,”¹² the Commission did not adopt such a finding. Instead, the Commission simply noted that the Committee “*may* have violated” the Act and ultimately dismissed the matter.¹³ As a result, the Commission has not definitively settled the question of whether the use of an acronym that forms the name of a federal candidate on the Statement of Organization violates the Act. The Committee strongly urges the Commission to resolve this question now by firmly concluding that its use of an acronym does not constitute a “name” for purposes of 52 U.S.C. § 30102(e)(4).

Third, RAD’s determination that the examples included in the Committee’s response are either ambiguous or involve leadership PACs, rendering them different from the Committee, is clearly erroneous and requires reversal by the Commission. There is nothing ambiguous about Ron Response PAC; it actually includes the first name of a federal candidate, and the committee is organized to oppose that candidate’s presidential bid. To date, this committee has not been asked to change its name. Further, RAD’s conclusion that leadership PACs are somehow different because they are sponsored by federal candidates is a distinction without any meaning under 52 U.S.C. § 30102(e)(4). Just like the Committee, a leadership PAC “is *not* an authorized committee of the candidate or officeholder and is not affiliated with an authorized committee of a candidate

¹⁰ Cambridge Dictionary, <https://dictionary.cambridge.org/us/dictionary/english/acronym> (last visited Oct. 18, 2023) (emphasis added); see also Merriam Webster, <https://www.merriam-webster.com/dictionary/acronym> (last visited Oct. 18, 2023) (similar definition).

¹¹ See First General Counsel’s Report at 1, MUR 6213 (Decidedly Unhappy Mainstream Patriots Rejecting Evil-mongering Incompetent Democrats Political Action Committee (DUMPREID PAC)).

¹² *Id.* at 5.

¹³ Factual & Legal Analysis at 4-5, MUR 6213 (Decidedly Unhappy Mainstream Patriots Rejecting Evil-mongering Incompetent Democrats Political Action Committee (DUMPREID PAC)).

or officeholder.”¹⁴ Indeed, the Commission’s guidance states that leadership PACs “operate under the same rules as other nonconnected committees.”¹⁵ As noted in the Committee’s response to the RFAI, there are several examples of unauthorized committees whose names constitute acronyms that spell out the name of a federal candidate or include the actual candidate’s name.¹⁶ There is no legal reason for treating the Committee any differently from these committees.

Finally, there is no risk of public confusion with the Committee’s use of an acronym that spells out the name of a federal candidate. Using such acronyms is so common that news articles often write about them.¹⁷ With the name (and acronym), “Stop These Oppressive People: Tyrants Racists Unqualifieds Misogynists Propagandists (STOP TRUMP),” the public will not mistake the Committee as being affiliated with or authorized by candidates Donald Trump or Joe Biden. The Committee’s name unequivocally shows opposition to Donald Trump, and any ads it disseminates to the public will include the required disclaimer stating that the ad “is not authorized by any candidate or candidate’s committee.” Thus, the name and required disclaimer eliminate any risk of confusion about the Committee’s status vis-à-vis any federal candidates.

Conclusion

For the reasons outlined above, the Committee does not believe that including an acronym that forms the name of a federal candidate on a Statement of Organization violates 52 U.S.C. § 30102(e)(4).¹⁸ However, RAD has determined that the Committee is in violation of 52 U.S.C. § 30102(e)(4) and has advised the Committee to take corrective action by amending its Statement

¹⁴ FEC, Types of Nonconnected PACs, <https://www.fec.gov/help-candidates-and-committees/registering-pac/types-nonconnected-pacs/#:~:text=A%20leadership%20PAC%20is%20defined,an%20authorized%20committee%20of%20a> (last visited Oct. 18, 2023).

¹⁵ *Id.*

¹⁶ These include:

- “Conservative Opportunity Leadership and Enterprise PAC (COLE PAC),” which is currently operating as the leadership PAC of Representative Tom Cole;
- “Building Leadership & Inspiring New Enterprise PAC,” (BLAINE PAC) which is currently operating as the leadership PAC of Representative Blaine Luetkemeyer; and
- Support Taxfighters & Elect Effective Leaders PAC” (STEEL PAC), which is currently operating as the leadership PAC of Representative Michelle Steel.
- CAROLYN’s PAC is the leadership PAC of Representative Carolyn Maloney.

¹⁷ See, e.g., Herb Jackson, *Leadership PACs are often overlooked. These corny names can’t be ignored*, RollCall, (Apr. 20, 2021), <https://rollcall.com/2021/04/20/leadership-pacs-fundraising-names/> (last visited Oct. 18, 2023); Eliza Newlin Carney, *Roll Call’s Guide to the Most Clever Leadership PAC Names* (Feb. 20, 2015), <https://rollcall.com/2015/02/20/roll-calls-guide-to-the-most-clever-leadership-pac-names-2/>; Colin Campbell, *Tillis acronyms his first name, launches PAC*, The News & Observer (Jan. 7, 2015), <https://www.newsobserver.com/news/politics-government/politics-columns-blogs/under-the-dome/article10214774.html> (last visited Oct. 18, 2023).

¹⁸ There is no question that the Committee is permitted to use the acronym “STOP TRUMP” in projects. Commission regulations at one time prohibited the use of a candidate’s name by nonconnected committees in any “project name or other designation,” but that regulation was found to be unconstitutional in *Pursuing America’s Greatness v. FEC*, 363 F.Supp.3d 94 (D.D.C. 2019). Even when the regulation was in effect, it permitted the use of a candidate’s name in the title of a special project if the title “clearly and unambiguously shows opposition to the named candidate.” 11 CFR § 102.14(b)(3).

of Organization to remove the acronym on Line 1. Accordingly, the Committee respectfully requests Commission consideration of whether the use of the acronym STOP TRUMP on its Statement of Organization violates 52 U.S.C. § 30102(e)(4). Thank you in advance for your consideration of this question of law.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jon Berkon".

Jon Berkon
Ellie Poston
Jonathan Peterson

Counsel to Stop These Oppressive People: Tyrants Racists Unqualifieds
Misogynists Propagandists (STOP TRUMP)