



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Donald J. Trump for President, Inc. and) MURs 7094, 7096, & 7098
Timothy Jost in his official capacity as)
treasurer; Donald J. Trump)

**STATEMENT OF REASONS
OF VICE CHAIR ELLEN L. WEINTRAUB**

Federal campaign finance law is clear: It is illegal to “solicit, accept, or receive a contribution” from a foreign national.¹ Regardless of whether any foreign money ever makes its way into a campaign’s coffers, any solicitation of a foreign national on its own violates the law. Donald J. Trump for President, Inc. (“Trump Committee”) appears to have solicited contributions from members of foreign parliaments on not one, not two, but at least four separate occasions.² Although this is a straightforward violation of law, my Republican colleagues decided that pursuing it was not worth the Commission’s resources.

According to the Complaint and multiple press sources, in June 2016 numerous foreign nationals received solicitation emails from the Trump Committee asking recipients to “DONATE NOW.”³ Members of parliament in Iceland, the United Kingdom, and Australia all reported receiving solicitation emails.⁴ Indeed, *every* member of the 54-person Scottish National Party reportedly received emails asking them to “please chip in today” and “donate right now.”⁵

The Trump Committee asserted that it could not have known that a small portion of its email list included foreign nationals, but there should have been no question that the addresses

¹ 52 U.S.C. § 30121(a)(2).

² See First Gen. Counsel’s Report (“FGCR”) at 3-4 in MURs 7094, 7096, & 7098 (Donald J. Trump for President, Inc., *et al.*); Compl. in MUR 7098 (Donald J. Trump for President, Inc., *et al.*) at 2 (July 6, 2016) (“Scottish members of Parliament (‘MPs’) reported that the Respondents sent at least four solicitation e-mails to their official public accounts, which are listed on the United Kingdom Parliament website.”).

³ See FGCR at 3.

⁴ *Id.*

⁵ *Id.*

belonged not just to foreign domains, but to foreign government officials, at domains including @parliament.uk and @parliament.scot, among others.⁶ And, even after the media began covering news that the campaign solicited foreign nationals in June 2016, the campaign *continued* to solicit foreign nationals as late as July 12, 2016.⁷ It defies reality to suggest campaign officials were not on notice of the foreign solicitations when all they had to do was open a newspaper. Yet they appear to have done nothing to correct the problem.

Given the evidence in the record, it is no surprise that the Commission’s Office of General Counsel (“OGC”) recommended finding reason to believe that the Trump Committee violated the law by knowingly soliciting contributions from foreign nationals.⁸ It’s a pretty open-and-shut case. I agreed with that recommendation, and moved to direct OGC to conduct an investigation.⁹ While the evidence was clear that the Trump Committee had illegally solicited foreign nationals, several important questions remained: the number of solicitations the campaign sent to foreign nationals, whether the campaign received any contributions from foreign nationals as a result of the solicitations, and how exactly the email addresses of members of foreign parliaments came to be on the campaign’s email lists. No political list broker would have had such addresses on its lists. An investigation would have allowed Commission attorneys to answer these important questions.

My Republican colleagues, however, rejected counsel’s recommendation. They instead moved to dismiss the allegations.¹⁰ At a time when American elections are under a serious threat of foreign influence, these colleagues believed it was not worth pursuing allegations that the Trump Committee illegally solicited contributions from foreign nationals. And unless the full D.C. Circuit overturns the recent decision by Judges Randolph and Kavanaugh eviscerating complainants’ right to seek judicial recourse,¹¹ the Republican Commissioners will be able to render their obstruction unreviewable by invoking the new magic words “prosecutorial discretion.”¹²

This is not an isolated matter. The Republican Commissioners do not appear inclined to pursue other apparent violations by the Trump Committee. The very same day they blocked the Commission from pursuing this matter, they also voted against counsel’s recommendation to investigate whether Paul Manafort, as an agent of the Trump Committee, illegally solicited

⁶ *See id.* at 4.

⁷ *Id.*

⁸ *Id.* at 10. “Reason to believe” is a threshold determination that does not itself establish that the law has been violated. On the contrary, the Commission has stated that it will find reason to believe “in cases where the available evidence in the matter is at least sufficient to warrant conducting an investigation, and where the seriousness of the alleged violation warrants either further investigation or immediate conciliation.” *See* 72 F.R. 12545, [Statement of Policy Regarding Commission Action in Matters at the Initial Stage in the Enforcement Process](#) (Mar. 16, 2007).

⁹ *See* Certification in MURs 7094, 7096, & 7098 (Donald J. Trump for President, Inc., *et al.*), dated July 31, 2018.

¹⁰ *Id.*

¹¹ *CREW v. FEC*, No. 17-5049, 2018 WL 2993249 (D.C. Cir. June 15, 2018).

¹² *See* [Statement of Vice Chair Ellen L. Weintraub on the D.C. Circuit’s Decision in *CREW v. FEC*](#), dated June 22, 2018.

contributions for a Super PAC supporting Trump.¹³ Both cases were placed on the same agenda by the Republican Chair. While the Commission has publicly committed to prioritizing complaints regarding foreign national contributions,¹⁴ the true priority of my Republican colleagues appears to be to dismiss any Trump-related matters. Earlier this summer, they refused to investigate whether President Trump converted campaign funds to personal use by using the campaign to promote his own financial interests.¹⁵ My colleagues appear to have little interest in pursuing alleged violations of the law by the Trump Committee, under any circumstances.

September 6, 2018

Date



Ellen L. Weintraub
Vice Chair

¹³ See Certification in MUR 7135 (Donald J. Trump for President, Inc., *et al.*), dated July 31, 2018; Statement of Reasons of Vice Chair Ellen L. Weintraub in the Matter of MUR 7135 (Donald J. Trump for President, Inc., *et al.*), dated September 6, 2018.

¹⁴ See [FEC Approves Two Notices of Availability to Seek Public Comment](#) (Sept. 15, 2016), FEDERAL ELECTION COMMISSION PRESS RELEASE.

¹⁵ See Certification in MUR 7100 (Donald J. Trump for President, Inc., *et al.*), dated May 10, 2018; [Statement of Reasons of Vice Chair Ellen L. Weintraub in the Matter of MUR 7100 \(Donald J. Trump for President, Inc., *et al.*\)](#), dated June 15, 2018.