



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

April 21, 2021

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Jesse Benton

Louisville, KY 40241

RE: MURs 7165 & 7196

Dear Mr. Benton:

On March 2, 2021, you were notified that the Federal Election Commission (the "Commission") found reason to believe that you knowingly and willfully violated 52 U.S.C. § 30121(a)(2), a provision of the Federal Election Campaign Act of 1971, as amended (the "Act"), and the Commission's regulation at 11 C.F.R. § 110.20(g). A copy of the Factual and Legal Analysis, which formed a basis for the Commission's finding, was provided at that time.

Pursuant to its investigation of this matter, the Commission has issued the attached subpoena and order requiring you to provide written answers and documents, which will assist the Commission in carrying out its statutory duty of supervising compliance with the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, *U.S. Code*.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena and order. If you intend to be represented by legal counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

It is required that you submit all answers to questions under oath, and provide the requested documents, within 15 days of your receipt of this subpoena and order. If you have any questions, please contact me at [sghosh@fec.gov](mailto:sghosh@fec.gov) or (202) 694-1643.

Sincerely,

*Saurav Ghosh*

Saurav Ghosh  
Attorney

Enclosures  
Subpoena and Order

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 Jesse Benton, *et al.* ) MURs 7165 and 7196  
 )

**SUBPOENA TO PRODUCE DOCUMENTS AND  
 ORDER TO SUBMIT WRITTEN ANSWERS**

TO: Jesse Benton

Pursuant to 52 U.S.C. § 30107(a)(1) and (3), and in furtherance of its investigation in the above-captioned matters, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 1050 First Street, N.E., Washington, D.C. 20463, along with the requested documents within 15 days of receipt of this Subpoena and Order.

WHEREFORE, the Chair of the Federal Election Commission has hereunto set her hand in Washington, D.C. on this 21st day of April, 2021.

On behalf of the Commission,

Shana M. Broussard  
 Chair

ATTEST:

Laura  
 Sinram

Digitally signed by  
 Laura Sinram  
 Date: 2021.04.21  
 12:10:35 -04'00'

Laura E. Sinram  
 Acting Secretary and Clerk of the Commission

Attachments  
 Instructions and Definitions  
 Questions and Document Requests

## INSTRUCTIONS

1. In answering these written questions and requests for production of documents, furnish all documents and other information, however obtained, including hearsay, that are in your possession, known by or otherwise available to you, including documents and information appearing in your records.
2. Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.
3. The response to each question propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those persons who provided informational, documentary or other input, and those who assisted in drafting the written response.
4. If you cannot answer the following questions in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.
5. Unless a specific definition is provided below, each term in the following questions and requests for production of documents should be understood by its ordinary and plain meaning. To the extent you believe any term in the following questions and requests for production of documents is vague, ambiguous, or overbroad, answer the question to the fullest extent possible, interpreting the term under its broadest reasonable meaning.
6. Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following questions and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests. To the extent you claim a privilege with respect to a portion of any documents, communications, or other items about which information is requested by any of the following questions and requests for production of documents, furnish all portions of the document, communication, or other item over which you do not claim privilege.
7. Mark each page with identification and consecutive document control numbers (*i.e.*, Bates numbers).
8. The following questions and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

9. All responses must be submitted under oath or affirmation under penalty of perjury, including any response that you have no responsive documents.

### DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

1. “Committee” shall be deemed to include both singular and plural and shall mean a political committee as defined at 52 U.S.C. § 30101(4), including but not limited to all officers, employees, staff, volunteers, surrogates, or agents thereof.
2. “Document” shall mean the original and all non-identical copies, including drafts, of all records in your possession, including but not limited to emails, text messages, messages sent via any messenger application (e.g., Whatsapp, Signal, Telegram), messages and posts on any social media platforms (e.g., Facebook, Instagram, Twitter), contracts, spreadsheets, marketing or business development materials, presentations (e.g., PowerPoint slide decks), notes (both hard copy and electronic), notes or records of telephone or in-person communications, checks, financial records (e.g., bank or credit card statements), calendar entries, appointment records, reports, memoranda, letters or other correspondence, audio and video recordings, and all other records from which pertinent information can be obtained.
3. “Foreign national” shall be deemed to include both singular and plural and shall mean any person who is not a citizen of the United States or a national of the United States and who is not lawfully admitted for permanent residence in the United States, or a foreign principal as defined at 22 U.S.C. § 611(b).
4. “GAP” shall mean Great America PAC and Dan Backer in his official capacity as treasurer as well as any officers, employees, agents, and other persons acting on behalf of Great America PAC.
5. “Identify” with respect to a person shall mean state the full name, the most recent business and residence addresses and the corresponding telephone numbers, e-mail addresses, the present occupation or position of such person, the occupation or position of such person during the relevant time period, and the nature of the connection or association that person has to any party in this proceeding.
6. “Person” shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization, group, or entity.
7. “Telegraph Journalists” shall mean the individuals that contacted GAP in October 2016, as described in an article published online by the *Telegraph UK* on October 24, 2016, which is cited in the complaints in MURs 7165 and 7196, see Investigative Team, *Exclusive Investigation: Donald Trump Faces Foreign Donor Fundraising Scandal*, TELEGRAPH UK (Oct. 24, 2016, 8:10 PM), <http://www.telegraph.co.uk/news/2016/10/24/exclusive->

investigation-donaldtrump-faces-foreign-donor-fundrai/, as well as any person acting on behalf of, in concert with, or as an agent of such individuals.

8. “You” and “Your” shall mean Jesse Benton and any employees, agents, and other individuals acting on his behalf in any capacity.
9. “And” as well as “or” shall be construed disjunctively or conjunctively as necessary to bring within the scope of these questions and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.
10. “Communication” shall be deemed to include both singular and plural, and to include written, oral, telephonic, and electronic communications.

## QUESTIONS AND DOCUMENT REQUESTS

1. List every position you held as an employee, officer, or agent of GAP, as well as the dates during which you held each position, and briefly describe your roles and responsibilities for each position. Provide the date and reason why your formal employment with GAP ended, and describe your relationship with GAP, including its co-chair Eric Beach, after that date. Provide documents that substantiate your answers.
  
2. Provide all documents and communications between you and the Telegraph journalists during the period from October 1, 2016, through December 31, 2016. For every communication of which there is no written record, such as a phone call or in-person meeting, provide the date and time of the communication, identify the persons involved, and describe what was discussed, detailing any representations or information the Telegraph journalists provided about their purported client, including the client's name, nationality, place of residence, occupation, and current address, as well as any plans or proposals you provided for the Telegraph journalists' client to make a contribution to GAP.
  
3. Provide all documents and communications between you and any employee(s), officer(s), or agent(s) of GAP, including Eric Beach, regarding the Telegraph journalists during the period from October 1, 2016, through December 31, 2016. For every communication of which there is no written record, such as a phone call or in-person meeting, provide the date and time of the communication, identify the persons involved, and describe what was discussed, detailing any representations or information pertaining to the Telegraph journalists, their purported client, the plan to make a contribution to GAP, and the logistics of that plan.
  
4. You were recorded on video making the following statements. For each, describe the date, time, and location of the statement; identify all persons present when you made the statement, and the person or persons speaking with you; and explain your understanding of the recorded discussion. Provide documents that substantiate your answers.
  - a. Voice: "So I'm just thinking also about logistics, how this would actually work. That is the 501(c)(4) that the money is going into – yeah?"  
 Jesse Benton: "Correct."  
 Voice: "Yeah. And that's through your company, yeah?"  
 Jesse Benton: "That's correct."
  
  - b. Jesse Benton: "I'll actually probably send, I'll send money from my company to both."
  
  - c. Voice: "How much do you think you can pass on to the super PAC because I think that's what I am going to get asked."  
 Jesse Benton: "All of it."  
 Voice: "All of it?"  
 [Benton continues nodding his head]

- d. Voice: "Can I report back that it's getting used for on-the-ground grassroots stuff or it's getting used for TV, or could be a mixture?"  
Jesse Benton: "It's a mixture."
- e. Jesse Benton: "It will definitely allow us to spend two million more dollars on digital and television advertising for Mr. Trump."  
Voice: "Right, and that'll be spent by the super PAC?"  
Jesse Benton: "Yes it will be."
- f. Jesse Benton: "You shouldn't put any of this on paper."
- g. Voice: "It's not like he's asking for anything directly but he just wants to know that he won't just be treated as 'A N Other' — what do you think?"  
Jesse Benton: "It'll do that, yeah."
- h. Jesse Benton: "And we can have that whispered into Mr. Trump's ear whenever your client feels it's appropriate."