



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

May 17, 2021

**VIA OVERNIGHT MAIL**

Harold Russell Taub

Providence, RI 02906

RE: MUR 7207

Dear Mr. Taub:

The Federal Election Commission (the “Commission”) is the regulatory agency that administers and enforces the Federal Election Campaign Act of 1971, as amended (the “Act”). Based on a complaint filed by Free Speech for People, Campaign for Accountability, Allen J. Epstein, and Rose Clara White, on April 22, 2021, the Commission found reason to believe that an Unknown Congressional Candidate violated 52 U.S.C. § 30121(a) of the Act and 11 C.F.R. § 110.20(g) of the Commission’s regulations, by knowingly soliciting, accepting, or receiving, a prohibited in-kind foreign national contribution.<sup>1</sup> The Commission’s reason to believe finding was premised on information obtained during the investigation of the Special Counsel for the Department of Justice.

On May 17, 2017, the Deputy Attorney General appointed Robert S. Mueller III as Special Counsel to investigate the Russian Federation’s “efforts to interfere in the 2016 presidential election” and “links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump.”<sup>2</sup> The Special Counsel determined, *inter alia*, that the Russian Federation’s Main Intelligence Directorate of the General Staff (GRU) hacked the computers and email accounts of various organizations relating to the 2016 election, including the Democratic Congressional Campaign Committee (DCCC) and the Democratic National Committee (DNC), and disseminated stolen materials through fictitious online personas, including “Guccifer 2.0”<sup>3</sup>

<sup>1</sup> A “reason to believe” finding is not a finding that any person violated the Act; rather, it means only that the Commission believes a violation may have occurred. See 52 U.S.C. § 30109(a)(2).

<sup>2</sup> See Office of Deputy Att’y Gen., Order No. 3915-2017: *Appointment of Special Counsel to Investigate Russian Interference with the 2016 Presidential Election and Related Matters* (May 17, 2017); see also SPECIAL COUNSEL ROBERT S. MUELLER, III, U.S. DEP’T OF JUSTICE, REPORT ON THE INVESTIGATION INTO RUSSIAN INTERFERENCE IN THE 2016 PRESIDENTIAL ELECTION at 1, 4 (Mar. 22, 2019) (redactions partially removed on June 19 and November 2, 2020) (“Special Counsel’s Report”) (citations reference Vol. 1); Indictment, *United States v. Netyksho, et al.*, 1:18-cr-00215 (D.D.C. July 13, 2018) (“*Netyksho* Indictment”) (charging GRU officers with conspiracy to commit an offense against the United States).

<sup>3</sup> Special Counsel’s Report at 36.

The Special Counsel’s Report states that “on August 15, 2016, the Guccifer 2.0 persona sent a candidate for the U.S. Congress documents related to the candidate’s opponent.”<sup>4</sup> More details on that interaction between Guccifer 2.0 and a candidate for U.S. Congress can be found in the indictment in *United States v. Netyksho*, which states: “On or about August 15, 2016, the Conspirators, posing as Guccifer 2.0, received a request for stolen documents from a candidate for the U.S. Congress. The Conspirators responded using the Guccifer 2.0 persona and sent the candidate stolen documents related to the candidate’s opponent.”<sup>5</sup>

The Commission is in possession of information indicating that you may be the Unknown Congressional Candidate. Specifically, the Commission obtained records of a Twitter message exchange, that occurred on August 15, 2016, apparently between an account controlled by you and an account operating as Guccifer 2.0, in which you ask for “a list of Republican donors” in order to “defeat Cicilline,” explaining that “if I had the resources I can win.” Guccifer 2.0 stated “it seems i have a dossier on Cicilline. I can send u a dossier via email.” You then provided your email address, “info@russforcongress2016.com.” The Commission also obtained an email sent to you at that same address, on August 17, 2016, from Guccifer2 <guccifer2@protonmail.com> with ten attachments, all relating to your general election opponent, David Cicilline. Among those documents were professionally-produced reports on Cicilline, including a 206-page report compiled by Walsworth Landset Research and a 45-page “vulnerability report” prepared by 3rd Coast Research. There was also some polling data.

The Act and Commission regulations prohibit any “foreign national” from directly or indirectly making a contribution or donation of money or other thing of value in connection with a federal, state, or local election.<sup>6</sup> Moreover, the Act and Commission regulations prohibit any person from knowingly soliciting, accepting, or receiving any such contribution or donation from a foreign national.<sup>7</sup> A “contribution” includes “any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.”<sup>8</sup> Under Commission regulations, “anything of value” includes all in-kind

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<sup>4</sup> *Id.* at 43.

<sup>5</sup> *Netyksho* Indictment ¶ 43(a).

<sup>6</sup> 52 U.S.C. § 30121(a)(1)(A); 11 C.F.R. § 110.20(b); *see also* 52 U.S.C. § 30121(b) (defining “foreign national” to include an individual who is not a citizen or national of the United States and who is not lawfully admitted for permanent residence, as well as a “foreign principal” as defined at 22 U.S.C. § 611(b), which, in turn, includes “a government of a foreign country”).

<sup>7</sup> 52 U.S.C. § 30121(a)(2). The Commission’s implementing regulation provides that no person “knowingly solicit, accept, or receive from a foreign national.” 11 C.F.R. § 110.20(a)(4), (g) (defining “knowingly” to include that a person must “Have actual knowledge that the source of the funds solicited, accepted or received is a foreign national”; “Be aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the source of the funds solicited, accepted or received is a foreign national”; or “Be aware of facts that would lead a reasonable person to inquire whether the source of the funds solicited, accepted or received is a foreign national, but the person failed to conduct a reasonable inquiry.”).

<sup>8</sup> 52 U.S.C. § 30101(8)(A).

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contributions, which include “the provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods or services.”<sup>9</sup>

The stolen documents Guccifer 2.0 apparently provided to you, at your request, appear to have been things of value under the Act and Commission regulations, and thus qualify as an in-kind contribution because they were provided without charge. Therefore, it appears that you may have violated 52 U.S.C. § 30121(a) and 11 C.F.R. § 110.20(g) by knowingly soliciting, accepting, or receiving, a prohibited in-kind foreign national contribution.

Your submission, if you choose to make one, must be submitted within 15 days of receipt of this letter. You should address any response to the Office of General Counsel, and the response should reference MUR 7207. After 15 days, we will prepare recommendations to the Commission, taking into account any response you submit in making our recommendations. For your information, enforcement procedures and options are discussed in the Commission’s “Guidebook for Complainants and Respondents on the FEC Enforcement Process,” which is enclosed in this letter and also available on the Commission’s website at [http://www.fec.gov/em/respondent\\_guide.pdf](http://www.fec.gov/em/respondent_guide.pdf).

This matter will remain confidential in accordance with 52 U.S.C. §§ 30109(a)(4)(B) and 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.<sup>10</sup> 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.

If you have any questions, please contact Amanda Andrade, the attorney handling this matter, at (202) 694-1643 or [aaandrade@fec.gov](mailto:aaandrade@fec.gov). Information is also available on the Commission’s website at [www.fec.gov](http://www.fec.gov).

Sincerely,

*Charles Kitcher*

Charles Kitcher  
Acting Associate General Counsel for Enforcement

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<sup>9</sup> 11 C.F.R. § 100.52(d).

<sup>10</sup> The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).

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