

**BEFORE THE
FEDERAL ELECTION COMMISSION**

Brad Woodhouse
American Democracy Legal Fund
455 Massachusetts Avenue, NW
Washington, DC 20001

Complainant,

v.

National Rifle Association of America
11250 Waples Mill Road
Fairfax, VA 22030

National Rifle Association Institute for Legislative Action
11250 Waples Mill Road
Fairfax, VA 22030

Respondents.

MUR # 7314

OFFICE OF
GENERAL COUNSEL
2018 JUN 22 PM 2:06

SUPPLEMENTAL COMPLAINT

Complainant files this Supplemental Complaint with the Federal Election Commission (the "FEC" or "Commission") under 52 U.S.C. § 30109(a)(1) against the National Rifle Association of America ("NRA") and the National Rifle Association Institute for Legislative Action ("NRA-ILA") (collectively, "Respondents") for violating the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations, as described below. We file this Supplemental Complaint to highlight and expand upon allegations made in a previous complaint filed against Respondents in January 2018 (the "January Complaint"). Additional facts have surfaced, lending further support to claims made in the January Complaint. Given the severity of these allegations, we again urge the Commission to promptly investigate these claims, in addition to those included in the January Complaint, and to take swift and appropriate remedial action against Respondents for any violation of federal law.

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A. FACTUAL BACKGROUND

As the January Complaint explains, the Federal Bureau of Investigations (“FBI”) is reportedly investigating whether Respondents received illegal contributions from foreign nationals in connection with the 2016 presidential election, specifically “whether a top Russian banker with ties to the Kremlin [named Alexander Torshin] illegally funneled money to the National Rifle Association to help Donald Trump win the presidency.”¹ Since the filing of the January Complaint, additional facts have surfaced that bolster claims made in the January Complaint against Respondents.

i. Reports of Additional Contacts between Respondents, “[I]nfluential Russians”

While the January Complaint focused on the connection between the NRA, Alexander Torshin, and Maria Butina, news sources now report that the “Justice Department investigation... has uncovered *a web of contacts* between the gun group and allies of Vladimir Putin.”² Specifically, the “[o]ther influential Russians who met with NRA representatives during the [2016] campaign include Dmitry Rogozin, who until last month served as a deputy prime minister overseeing Russia’s defense industry, and Sergei Rudov, head of one of Russia’s largest philanthropies, the St. Basil the Great Charitable Foundation.”³ Both Mr. Rogozin and Mr. Rudov reportedly “talked and dined with NRA representatives, mainly in Moscow, as U.S. presidential candidates vied for the White House.”⁴ Even an “ex-National Rifle Association board member who had done legal work for the group [reportedly told news sources he] had concerns about its ties to

¹ Peter Stone & Greg Gordon, *FBI Investigating Whether Russian Money Went to NRA to Help Trump*, McClatchy (Jan. 18, 2018), available at <http://www.mcclatchydc.com/news/nation-world/national/article195231139.html>; Lois Beckett, *FBI Investigates Whether Russia Banker Used NRA to Fund Trump Campaign - Report*, The Guardian (Jan. 18, 2018), available at <https://www.theguardian.com/us-news/2018/jan/18/trump-nra-fbi-alexander-torshin-russia-investigation>.

² Allegra Kirkland, *NRA Still Not Talking Amid New Reports of Contacts with Putin Allies*, Talking Points Memo (Jun. 11, 2018), available at <https://talkingpointsmemo.com/muckraker/mcclatchy-nra-executives-met-rogozin-rudov-2016-election> (emphasis added).

³ Peter Stone & Greg Gordon, *Web of Elite Russians Met with NRA Execs During 2016 Campaign*, McClatchy (Jun. 11, 2018), available at <https://www.mcclatchydc.com/latest-news/article212756749.html>.

⁴ *Id.*

Russia and its possible involvement in channeling Russian funds into the 2016 elections to help Donald Trump.”⁵

ii. Development of Respondents' Relationship with Alexander Torshin

Additionally, news sources have recently uncovered the scope of Alexander Torshin's relationship with the NRA, and even a connection to Donald Trump. According to *NPR*, Mr. Torshin “methodically cultivated ties with leaders of the National Rifle Association and documented efforts in real time over six years to leverage those connections and gain deeper access into American politics.”⁶ In fact, “Alexander Torshin said his ties to the NRA provided him access to Donald Trump.”⁷ He used Twitter to “talk[] about how he knew Trump through the NRA, citing a connection at the group's 2015 convention” in Nashville, Tennessee.⁸

“Among his tens of thousands of tweets, Torshin also documented his attendance at every NRA convention between 2012 and 2016, only some of which [had] been previously reported...Torshin has [also] used his repeated trips to NRA conventions to cultivate relationships with top NRA officials. And his Twitter account documents that he has personally met with every person who has been president of the NRA since 2012.”⁹ Torshin even “came to the United States in 2012 as an international election observer and watched as ballots were cast during the Obama-Romney presidential contest in Tennessee” — an opportunity he attributes entirely to “his NRA links.”¹⁰

⁵ Peter Stone & Greg Gordon, *Lawyer Who Worked for NRA Said to Have Had Concerns about Group's Russia Ties*, McClatchy (Mar. 15, 2018), available at <http://www.mcclatchydc.com/news/politics-government/congress/article205412394.html>.

⁶ Tim Mak, *Depth of Russian Politician's Cultivation Of NRA Ties Revealed*, *NPR* (Mar. 1, 2018), available at https://www.npr.org/2018/03/01/590076949/depth-of-russian-politicians-cultivation-of-nra-ties-revealed?sc=17&f=590076949&utm_source=iosnewsapp&utm_medium=Email&utm_campaign=a pp.

⁷ *Id.*

⁸ *Id.*; A.P. Torshin (@torshin_ru), Twitter (Nov. 7, 2015), https://twitter.com/torshin_ru/status/663256047205904385 (translated by *NPR* to say “A comedian should make people laugh! Right? So he is trying! I know D. Trump (through NRA). A decent person.”).

⁹ Mak, *supra* note 6.

¹⁰ *Id.*

iii. *Scrutiny from U.S. Senate; U.S. Government*

According to news sources, the Senate Intelligence Committee, Senate Judiciary Committee and Senate Committee on Finance have all examined potential Russian connections to the NRA in connection with the 2016 election.¹¹ In one investigation, the Senate Judiciary Committee “reached a preliminary conclusion that ‘the Kremlin may also have used the NRA to secretly fund Mr. Trump’s campaign.’”¹² To quote the Senate Judiciary Committee directly, the Committee “obtained a number of documents that suggest the Kremlin used the National Rifle Association as a means of accessing and assisting Mr. Trump and his campaign” concluding that “[t]he extent of Russia’s use of the NRA as an avenue for connecting with and potentially supporting the Trump campaign needs examination.”¹³

Additionally, when the U.S. Treasury Department imposed sanctions on a number of Russian officials “in an effort to punish Moscow for its interference in the 2016 presidential election and its aggression on the international stage” Mr. Torshin was on the list of sanctioned individuals.¹⁴ In fact, Senator Ron Wyden “called the sanction against Torshin ‘hard evidence of his deep involvement in Vladimir Putin’s regime’” which “increases the urgency” surrounding the investigations into Torshin.¹⁵ The FBI has also “requested and received transcripts of wiretapped conversations between Torshin and Alexander Romanov, a former Russian banker with connections

¹¹ Stone & Gordon, *supra* note 3; Mak, *supra* note 6.

¹² Stone & Gordon, *supra* note 3; see also Preliminary Findings About Trump Campaign’s Effort to Obtain Incriminating Information on Secretary Clinton from Russia at Trump Tower Meeting, Senate Judiciary Committee, available at <https://www.feinstein.senate.gov/public/cache/files/b/3/b3e29bc4-8afd-4145-85d9-618dcad4a133/D069EF11DC3784A6D073B097E720572E:2018:05.15-transcript-release-findings-9-aim.pdf> [hereinafter Preliminary Findings of Senate Judiciary Committee].

¹³ Preliminary Findings of Senate Judiciary Committee, at 21.

¹⁴ Cristina Maza, *Trump Sanctions Russian Oligarchs, Including Men Linked to Russia Investigation*, Newsweek (Apr. 4, 2018), available at <http://www.newsweek.com/trump-administration-sanctions-russian-oligarchs-including-men-linked-russia-875125>; see also Ukraine-/Russia-related Designations and Identification Update, U.S. Department of the Treasury (Apr. 6, 2018), available at <https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20180406.aspx> (last accessed Jun. 13, 2018).

¹⁵ Greg Gordon, Kevin G. Hall, Anita Kumar & Peter Stone, *Sanctioned Russians Include Dossier Figure and Banker Linked to NRA*, McClatchy (Apr. 6, 2018), available at <http://www.mcclatchydc.com/news/national-world/national/article208180169.html>.

to the mob who has been convicted of money laundering” in connection with its own investigation into Mr. Torshin and the 2016 election.¹⁶

iv. Contributions to NRA from Russian Sources

Finally, new information has surfaced regarding contributions accepted by Respondents in the leadup to the 2016 election. First, on March 28, 2018, the NRA’s outside counsel told *ABC News* that the NRA “received a single contribution from a Russian individual of less than \$1,000 during the 2012-2018 election cycle.”¹⁷ That contribution was characterized as a “‘life membership payment’ made by Alexander Torshin...to the NRA’s non-profit parent organization which is not required by law to disclose the donation.”¹⁸

However, in a letter to the Senate Committee on Finance dated April 10, 2018, the NRA reported a much higher number of Russian-linked donors and contributions from the same time period.¹⁹ According to that letter, between “2015 and the present...the NRA received a total of approximately \$2512.85 from people associated with Russian addresses...Of this total, about \$525 was from two individuals who made contributions to the NRA. The rest constituted routine payments from about 23 individuals for membership dues and additional magazine subscriptions.”²⁰ The April 10 letter further confirmed that “Alexander Torshin, who has been a non-voting life member of the NRA since 2012...has paid membership dues, but has not made any contributions.”²¹ Given that the NRA initially reported receiving only a single Russia-linked

¹⁶ Sonam Sheth, *The FBI Has Obtained Wiretaps of a Putin Ally tied to the NRA Who Met with Trump Jr. During the Campaign*, *Business Insider* (May 26, 2018), available at <http://www.businessinsider.com/fbi-obtains-alexander-torshin-wiretaps-from-spanish-police-2018-5>.

¹⁷ Trish Turner & Matthew Mosk, *NRA Says it Received One Contribution of Less than \$1000 from a Russian*, *ABC News* (Mar. 28, 2018), available at <https://abcnews.go.com/Politics/nra-received-contribution-1000-russian/story?id=54080082>.

¹⁸ *Id.*

¹⁹ NRA Response to Senator Wyden, Senate Committee on Finance (Apr. 10, 2018), available at <https://www.finance.senate.gov/imo/media/doc/Response%20to%20Wyden%203-27-18%20tr2%20SIGNED.pdf>.

²⁰ *Id.*

²¹ *Id.*

contribution from Mr. Torshin himself, the “acknowledgement that it received payments from 23 individuals signals a sharp increase from the group’s previous disclosures.”²²

B. LEGAL ANALYSIS

Federal law prohibits foreign nationals from making any contribution or expenditure in connection with an election to public office.²³ Organizations like the NRA are prohibited from (i) knowingly soliciting, accepting, or receiving a contribution or donation from a foreign national and (ii) “knowingly provid[ing] substantial assistance in the solicitation, making, acceptance, or receipt” of a contribution from a foreign national.²⁴ For these purposes, “substantial assistance” means “active involvement in the solicitation, making, receipt or acceptance of a foreign national contribution...with an intent to facilitate successful completion of the transaction,”²⁵ including “persons who act as conduits or intermediaries for foreign national contributions.”²⁶ Additionally, a foreign national may not direct, dictate, control, or directly or indirectly participate in the decision-making process of any corporation or political organization with regard to that entity’s election-related activities.²⁷

As a 501(c)(4) organization, Respondents can generally accept contributions from foreign nationals to support its non-electoral activities, but may not (i) provide substantial assistance to facilitate the spending of foreign money to influence an election, (ii) act as a conduit for an otherwise illegal foreign political contributions, or (iii) allow for a foreign national to participate in decisions regarding the organization’s election-related activities.²⁸ These same restrictions apply to

²² Max Greenwood, *NRA Accepted Donations from 20 Russian-linked Contributors*, The Hill (Apr. 11, 2018), available at <http://thehill.com/homenews/news/382691-nra-accepted-donations-from-20-russian-linked-contributors>.

²³ 11 C.F.R. § 110.20(b); 52 U.S.C. § 30121(b). A foreign national is defined as an “individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence.” 11 C.F.R. § 110.20(a)(3)(ii).

²⁴ 11 C.F.R. § 110.20(g), (h); 52 U.S.C. § 30121(a)(2).

²⁵ 11 C.F.R. § 110.20(g), (h).

²⁶ 67 Fed. Reg. at 69,945-46.

²⁷ 11 C.F.R. § 110.20(i).

²⁸ *Id.* § 110.20(g), (h), (i). NRA-PVF is further prohibited from soliciting, accepting, or receiving a contribution or donation from any foreign national. *Id.* §§ 104.3(a)(2), 110.20(b).

Respondents' political committee, the National Rifle Association of America Political Victory Fund ("NRA-PVF").

Together, the NRA, NRA-ILA, and NRA-PVF spent nearly \$55 million dollars in connection with federal elections in 2016; the sources of \$33 million of that were never disclosed to the public.²⁹ Now that additional facts have surfaced regarding the complex "web of contacts between the gun group and allies of Vladimir Putin" in the lead up to the 2016 election,³⁰ it is even more imperative that the Commission immediately launch an investigation into these claims.

Based on an extensive review of Mr. Torshin's own Tweets, we now understand the full scope of his relationship with the NRA: he "methodically cultivated ties" with NRA leadership to "gain deeper access into American politics" which is how he reportedly met Donald Trump in 2015, right before Mr. Trump announced his candidacy for President.³¹ In the years leading up to the 2016 election, Mr. Torshin attended *every* NRA convention, met with *every* president of the NRA, and even served as an election observer in Tennessee in 2012 through his NRA connections.³² Mr. Torshin's intentions are clear: he was deliberately if not exclusively interested in the electoral activities of the NRA and its role in American politics, and he "used his repeated trips to NRA conventions to cultivate relationships with top NRA officials" and even to meet Donald Trump before he launched his presidential campaign.³³ Mr. Torshin was even sanctioned by the Treasury Department as part of an "effort to punish Moscow for its interference in the 2016 presidential election."³⁴

²⁹ Stone & Gordon, *supra* note 1; see also NRA Outside Spending Summary 2016, OpenSecrets.org, available at <https://www.opensecrets.org/outsidespending/detail.php?cmt=National%20Rifle%20Assn&cycle=2016> (last accessed Jun. 15, 2018).

³⁰ Kirkland, *supra* note 2.

³¹ *Id.*; see also A.P. Torshin (@torshin_ru), Twitter (Nov. 7, 2015), https://twitter.com/torshin_ru/status/663256047205904385.

³² Mak, *supra* note 6.

³³ *Id.*

³⁴ Maza, *supra* note 14.

Additional facts have also surfaced to suggest a connection between the NRA and Russia that is broader than just Alexander Torshin and Maria Butina. News sources have identified *additional* contacts between the NRA and “influential Russians” during the 2016 election: two “allies of Vladimir Putin”—Mr. Rogozin and Mr. Rudov— “talked and dined with NRA representatives” in Moscow in the midst of the 2016 campaign.³⁵ And the Senate Judiciary Committee has “obtained a number of documents” that suggest the “Krelmin used the National Rifle Association as a means of accessing and assisting Mr. Trump and his campaign.”³⁶ And an “ex-National Rifle Association board member who had done legal work for the group [even told sources he] had concerns about its ties to Russia and its possible involvement in channeling Russian funds into the 2016 elections to help Donald Trump.”³⁷

Finally, and perhaps most significantly, the NRA not only admitted to accepting Russian-linked contributions between 2015 and the present, the organization reported inconsistent numbers of donors and foreign contributions received during that period.³⁸ In March of this year, the NRA’s outside counsel reported that between 2012 and 2018, the organization received only “a single contribution from a Russian individual of less than \$1,000.”³⁹ Two weeks later, the NRA’s general counsel told the Senate Committee on Finance that, between 2015 and the present, “the NRA received a total of approximately \$2512.85 from people associated with Russian addresses” — \$525 of which “was from two individuals who made contributions to the NRA” and the rest of which “constituted routine payments from about 23 individuals for membership dues and additional magazine subscriptions.”⁴⁰ The April 10 letter also stated that Mr. Torshin “has paid membership

³⁵ Stone & Gordon, *supra* note 3.

³⁶ Preliminary Findings of Senate Judiciary Committee, at 21.

³⁷ Stone & Gordon, *supra* note 5.

³⁸ NRA Response to Senator Wyden, *supra* note 19; Turner & Mosk, *supra* note 17.

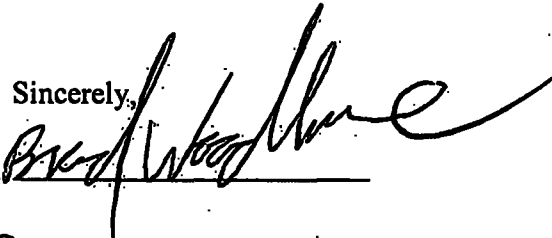
³⁹ Turner & Mosk, *supra* note 17.

⁴⁰ NRA Response to Senator Wyden, *supra* note 19.

dues, but has not made any contributions” to the NRA,⁴¹ which directly contradicts statement made by the NRA’s outside counsel, that the NRA *had* received a contribution from Mr. Torshin of less than \$1,000.⁴²

REQUESTED ACTION

Based on the significant facts described above, we reiterate our original request for the Commission to promptly investigate these claims, the claims set forth in the January Complaint, and any additional coordination between Respondents and foreign nationals in connection with the 2016 presidential election. We again ask the Commission to enjoin Respondents from any further violations of the Act, and ask the Commission to assign the maximum fines permitted by law should the investigation lead to evidence of illegal foreign contributions or the facilitation thereof.

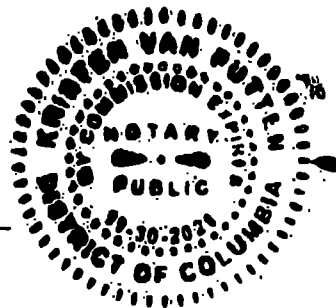
Sincerely,


SUBSCRIBED AND SWORN to before me this 19 day of June, 2018.


Notary Public

My Commission Expires:

11-30-2021



⁴¹ *Id.*

⁴² Turner & Mosk, *supra* note 17.

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