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April 23, 2018

Federal Election Commission
Office of Complaints Examination
and Legal Administration
Attn: Hon. Kathryn Ross
1050 First Street NE
Washington, DC 20463

Re: MUR 7340 – Response of Respondent Great America Committee

SENT VIA EMAIL AND U.S. MAIL

Dear Commissioners and Staff:

Great America Committee (hereinafter “Respondent”) hereby responds to the Complaint filed by Common Cause and Paul S. Ryan in Matter Under Review 7340. For the reasons set forth herein, the Commission should find no reason to believe that Respondent has violated the Federal Election Campaign Act, as amended (the “Act”), and accordingly should dismiss the Complaint.

As to Respondent, the Complaint alleges at its outset that “Great America Committee and an agent acting on behalf of Vice President Michael R. Pence and Great America Committee, Marty Obst, have solicited, received, directed, transferred, or spent funds not subject to the limitations, prohibitions, and reporting requirements of FECA (*i.e.*, “soft money”) in connection with an election for Federal office[.]” Then, other than repeating this phrase in a heading later in the Complaint, the trail goes cold, with the Complaint failing to offer how Respondent allegedly solicited, received, directed, transferred, or spent nonfederal funds.

Insofar as the Complaint’s statement of facts addresses Respondent, Respondent admits that the Vice President is a federal officeholder and that Respondent is a leadership political committee established by the Vice President. Respondent also admits that it has made disbursements collectively in excess of \$220,000 (inclusive of reimbursements) to MO Strategies, Inc. (Mr. Obst’s company). However, Respondent denies that the Vice President “took the unprecedented step of establishing a leadership PAC,” as such precedent was set by then-Vice President George H.W. Bush in his establishment of a leadership PAC, The Fund for America’s Future, in the mid-1980s. Respondent also denies the immaterial but false allegation that Mr. Obst was Respondent’s “founder.”

In the 48-page Complaint, other than the afore-referenced conclusory preface and heading, that is the full extent of facts stated as to, and allegations made against, Respondent. The Complaint alleges that Respondent paid MO Strategies, Inc., for finance/political strategy consulting, but

states no reason why such disbursements constitute a violation of the Act. The Complaint is reminiscent of “Homeland” character Carrie Mathison’s “Wall of Crazy” on which she obsessively posts hundreds of photographs of individuals and connects them with strings in search of some master theory that explains it all, whatever “it” is. Whatever the Complaint’s theory is, it does not entail an allegation against Respondent.

Moreover, the Complaint misreads and misapplies Commission Advisory Opinion 2015-09, conflating an advisory opinion advising *particular requesters*, under a specific, limited set of facts (that are inapposite here), as to what they *may* do, with a rulemaking setting forth what all actors *may not* do. Even if the Complaint’s invocation of AO 2015-09 had merit and applicability, it would have no bearing on Respondent, against whom no allegation is made.¹

The Commission should dismiss the Complaint as to, and take no action against, Respondent.

Respectfully submitted,



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¹ In pertinent part, AO 2015-09 discusses agency principles in the context of solicitation, by agents of federal candidates, of contributions of nonfederal funds to Super PACs. However, the “agent of” prong of 52 U.S.C. § 30125(e)(1) applies to federal candidates and officeholders, not to “entit[ies] directly or indirectly established, financed, maintained or controlled by or acting on behalf of 1 or more candidates or [officeholders]” – that is, it does not disallow an agent of a leadership PAC from soliciting nonfederal contributions to other organizations. In order for a leadership PAC to violate this prohibition on soliciting, receiving, directing, transferring or spending nonfederal funds, the *leadership PAC* must actually do so.