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August 13, 2019

Ellen L. Weintraub  
Chair – Federal Election Commission  
999 E. Street N.W.  
Washington, D.C. 20463

MUR 7351

Dear Commissioner Weintraub,

I am in receipt of your letter and attachments dated August 1, 2019, File Number MUR 7351, which arrived here several days later.

Apparently, the issue raised is that my campaign for Oregon CD4 Congress during the 2014 election cycle might have violated a FEC rule which seems to specify that a congressional campaign may not receive advice directly from any individual who is not a U.S. citizen nor indirectly from a non-U.S. citizen even if passed through a U.S. citizen. This issue apparently arises from my campaign having hired the company Cambridge Analytica for the purpose of receiving their advice. There is also apparent concern that this company might have directed my campaign.

As to the latter, I personally made all decisions in the 2014 campaign (and my four other campaigns) and personally directed it in its entirety. As to the former, I did receive advice from people I understood to be employed by Cambridge Analytica. This is the purpose for which I hired this company, which I understood to be a U.S. corporation organized and functioning within U.S. laws and FEC rules.

Neither Cambridge Analytica nor any other entity directed my 2014 campaign. I personally did this in every respect.

In so far as I am now aware, neither I nor or my campaign violated U.S laws or FEC campaign rules.

Your having brought a specific rule to my attention, however, I have since read it, and it states: 11 C.F.R. 110.20(i) “....A foreign national shall not direct, dictate, control, or *directly or indirectly* participate in the decision-making process.....” (emphasis added).

A person who provides advice can be construed as contributing to a decision-making process. Since neither I nor my campaign verified or documented the citizenship of any of the many hundreds of people who gave advice to us, I do not know whether or not we received advice directly or indirectly from a non-U.S. citizen. No individual case of a possible violation by me is cited in your letter and enclosures. You apparently think that there might be a violation or you would not have written to me.

Please send me specific information concerning any such rule violation that you that think I or my campaign might have made.

I have run for CD4 Congress five times and have won the Republican nomination all five times. I also served as Chair of the Oregon State Republican Party for one term. Most Oregon Republican political campaigns, including mine, are grass roots efforts run by the candidates, who accept help and advice from literally any enthusiastic volunteer and, if finances permit, hire help as well. A Republican weakness in our state is that there is very little institutionalized memory of campaign practices. Unfortunately, most of our candidates and party officials learn by trial and error in the midst of their efforts.

In any case, throughout my nine years of experiences in Oregon politics, I do not recall a single instance wherein candidates or political campaigns legally verified the citizenship of the people who gave them advice. It is common knowledge that financial contributions must come only from U.S. citizens. This is carefully observed and documented.

Moreover, every political candidate I know carefully follows both national and world news, much of which arises from foreign sources. This is a ubiquitous form of such advice.

My decisions are influenced by hundreds of people I talk with during campaigns (many of whom I do not know) and articles I have read over the years, which may have been influenced or written by non-U.S. citizens. And, those people will surely have been influenced by others. This is true of every political candidate. Indirect influence covers practically everything, because somewhere a non-U.S. citizen may well have influenced someone who influences the candidate.

It is obvious, therefore, that this rule cannot be followed literally – unless a campaign either does almost nothing or unless all decisions are made by an individual who has rarely communicated with anyone.

It seems to me that the intent of this rule is to prevent a non-U.S. citizen from actually controlling a political candidate's campaign. Even though I was not aware of this rule, this definitively did not happen in my case.

Donor records have been kept for use in subsequent elections. These are already filed with the SEC.

I have not kept paper records from my campaigns, but, responsive to your request, I am now searching for any fragments that might remain from 2014.

Sincerely yours,

  
Art Robinson