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June 8, 2018

CONFIDENTIAL
COMMUNICATION

VIA E-MAIL TO CELA@FEC.GOV

Federal Election Commission
Office of Complaints Examination & Legal Administration
Attn: Kristina Portner
1050 First Street, N.E.
Washington, DC 20463

Re: Matter Under Review 7366

Dear Office of Complaints Examination & Legal Administration:

On behalf of Donald J. Trump for President, Inc. and Treasurer Bradley T. Crate,
enclosed is a response to the Complaint in the above-captioned MUR.

Very truly yours,

A handwritten signature in blue ink, appearing to read "E. Stewart Crosland", is written over a horizontal line.

E. Stewart Crosland

Enclosure

cc: Megan Sowards Newton

BEFORE THE FEDERAL ELECTION COMMISSION

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MUR 7366

**RESPONSE OF DONALD J. TRUMP FOR PRESIDENT, INC. AND
 BRADLEY T. CRATE, AS TREASURER, TO THE COMPLAINT**

By and through undersigned counsel, Donald J. Trump for President, Inc. and Treasurer Bradley T. Crate (collectively, “the Committee” or “Respondents”) respond to the Complaint in the above-captioned Matter Under Review.

The Complaint asserts the same allegations made in other (slightly more coherent) complaints already filed with the Commission. *See* Compls., MURs 7324, 7332 & 7364. The Committee refers the Commission to its responses submitted in those MURs, and respectfully requests that the Commission dismiss this matter – as well as the other matters – for the reasons explained in those submissions. *See* Resp. of Donald J. Trump for President, Inc. & Bradley T. Crate, as Treasurer, MUR 7364 (June 8, 2018); Resp. of Donald J. Trump for President, Inc. & Bradley T. Crate, as Treasurer, MURs 7324 & 7332 (Apr. 16, 2018). The allegations concern private transactions involving the business and editorial decisions of a news outlet, American Media, Inc. (“AMI”), which fall well beyond the reach of federal campaign finance regulation.

The campaign finance law does not treat all third party spending as a contribution just because it potentially might help a candidate’s electoral chances. *See, e.g.*, Statement of Reasons of Comm’rs McDonald, Mason, Sandstrom, Smith & Thomas, MUR 4944 (Hillary Rodham Clinton), at 2 n.2 (Aug. 28, 2001) [hereinafter “Clinton SOR”]. It does not wade into such speculative abstractions. *See, e.g., id.* at 2–3; *Orloski v. FEC*, 795 F.2d 156, 162 (D.C. Cir. 1986). Instead, “a finding of reason to believe that a . . . transaction resulted in a contribution to [a] campaign requires specific information [objectively] demonstrating a *nexus* between the

transaction[] and the campaign.” Factual & Legal Analysis, MUR 7025 (Friends of Mike Lee), at 6 (March 23, 2016) (emphasis added); *see also, e.g.*, Clinton SOR at 2–3.

The Complaint presents no information establishing such a nexus between the Committee and the alleged transactions involving AMI, through which AMI purportedly purchased the exclusive rights to stories it decided not to publish. The Committee did not control AMI, a national media outlet, and AMI did not to defray a campaign-related expense the Committee owed or otherwise would have had to pay. *See, e.g.*, Statement of Reasons of Comm’rs Petersen, Bauerly, Hunter, McGahn & Weintraub, MUR 6200 (Ensign), at 10 (dismissing complaint where there was no evidence a third-party payment fulfilled an obligation of the campaign); Clinton SOR at 2–3. AMI officials have stated that AMI entered into the transactions at issue in order to make money selling its magazines, but they decided not to publish the purchased stories because AMI could not corroborate them. *See, e.g.*, American Media, Inc. Responds To Attack On Its Editorial Decisions And The First Amendment (Apr. 12, 2018);¹ American Media, Inc. Responds To Comments Made By Attorney Peter Stris (Mar. 21, 2018);² American Media, Inc. Statement In Response To Complaint Filed By Karen McDougal (Mar. 20, 2018).³ To find a violation based on allegations of a news media outlet’s business and editorial decisions not to publish information it says it could not substantiate would far exceed the scope of the Commission’s authority. Accordingly, Respondents respectfully request that the Commission dismiss this matter and close the file.

¹ <https://www.prnewswire.com/news-releases/american-media-inc-responds-to-attack-on-its-editorial-decisions-and-the-first-amendment-300629074.html>.

² <https://www.prnewswire.com/news-releases/american-media-inc-responds-to-comments-made-by-attorney-peter-stris-300617875.html>.

³ <https://www.prnewswire.com/news-releases/american-media-inc-statement-in-response-to-complaint-filed-by-karen-mcdougal-300617127.html>.