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BEFORE THE FEDERAL ELECTION COMMISSION

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MUR 7401

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**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 Campaign”) respectfully request that the Commission dismiss the Complaint in the above-captioned MUR.

The Complaint describes nothing but grassroots political activities of grassroots political organizations and makes no showing of impermissible activity by the Campaign. Despite its many bare assertions and references based on unsubstantiated news articles and a vivid imagination, the Complaint offers nothing indicating that these groups’ activities were coordinated with or otherwise are attributable to the Campaign.¹ The Commission repeatedly has made clear that such speculative charges are insufficient and must be dismissed. *See, e.g.*, First General Counsel’s Report, MUR 5467 (Michael Moore), at 5; Statement of Reasons of Comm’rs Wold, Mason & Thomas, MUR 4850 (Deloitte & Touche, LLP), at 2 (“A mere conclusory allegation without any supporting evidence does not shift the burden of proof to the respondents.”).

Because “[t]he Complaint and other available information in the record do not provide information sufficient to establish” a violation of law by the Campaign, the Commission should dismiss the Complaint and close the file as to the Campaign immediately. Factual & Legal Analysis, MUR 6554 (Friends of Weiner), at 5.

¹ In reality, the Campaign, through counsel, sent Mr. George (“Guido”) Lombardi and groups affiliated with him multiple letters in 2016 disavowing any connection between those groups and the Campaign. *See, e.g.*, Attachment (June 16, 2016 Ltr. to Citizens for Trump).

Attachment

JONES DAY

51 LOUISIANA AVENUE, N.W. • WASHINGTON, D.C. 20001-2113
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June 16, 2016

BY ELECTRONIC MAIL (info@citizensfortrump.com)

Citizens for Trump
 c/o Tim Selaty Sr., Executive Operations Director
 Guido George Lombardi, National Liaison
 info@citizensfortrump.com

Re: Citizens for Trump

Dear Mr. Selaty Sr. and Mr. Lombardi:

We represent Donald J. Trump for President. On behalf of our client, this letter constitutes formal written notification that "Citizens for Trump" is not a sanctioned organization of Donald J. Trump for President or otherwise authorized to raise money on behalf of Donald J. Trump.

Based upon a review of your group and its website, www.citizensfortrump.com, we note you are using the name, image, and slogan of Donald J. Trump in connection with your fundraising activity in a way that is likely to cause confusion. In other words, potential supporters could be easily confused that when they make a contribution to your organization, they are supporting Donald J. Trump for President's campaign, or that your efforts have been sanctioned or otherwise authorized by him, whereas in reality they are supporting your unsanctioned effort. Therefore, we are providing this written notice that your organization is not authorized to use Mr. Trump's name and likeness in connection with its fundraising activities, and we are formally disavowing such activities. The Campaign has never received money from you, nor does the Campaign want any money, services, or goods from your organization.

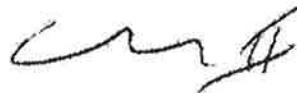
Additionally, your use of Mr. Trump's name in the organization's website is impermissible under Federal Election Commission regulations. See Federal Election Commission Advisory Opinion 2015-04 (Collective Actions PAC) (*citing* 52 U.S.C. § 30102(e)(4); 11 C.F.R. § 102.14(a)). While we certainly respect your rights guaranteed under the First Amendment to speak your mind regarding politics, candidates and issues of the day, our concern is the confusion that is likely caused by your efforts. Thus, given the invocation of Donald J. Trump in connection with your activities, we ask that you refund all funds received by you in connection with any fundraising undertaken to specifically support and/or done in the name of Donald J. Trump, Donald J. Trump for President or the like.

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To be clear, we certainly appreciate the enthusiasm and recognize the efforts of countless individuals across the country who wish to help Mr. Trump Make America Great Again. And while we respect your rights guaranteed under the First Amendment to speak your mind regarding politics, candidates, and issues of the day, our concern is the confusion that is likely caused by your efforts. We must ensure that our supporters are not led to believe that they are supporting Donald J. Trump for President when in fact they are supporting an unauthorized effort, which is subject to no oversight. It is our hope and expectation that you will direct everyone who is or may become associated with your group to the official Trump Campaign so that they may volunteer for the Campaign directly.

Thank you for your attention to this matter and anticipated cooperation. Please let me know if you have any additional questions.

Sincerely,



Donald F. McGahn II
Counsel, Donald J. Trump for President, Inc.

cc: Timothy Jost
Treasurer, Donald J. Trump for President, Inc.