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CONFIDENTIAL
COMMUNICATION

VIA E-MAIL TO CELA@FEC.GOV

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

Re: Matter Under Review 7553

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 Matter Under Review.

Very truly yours,

/s/ E. Stewart Crosland

E. Stewart Crosland

Enclosure

cc: Megan Sowards Newton

BEFORE THE FEDERAL ELECTION COMMISSION

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) **MUR 7553**
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**RESPONSE OF DONALD J. TRUMP FOR PRESIDENT, INC.
 AND TREASURER BRADLEY T. CRATE TO THE COMPLAINT**

Donald J. Trump for President, Inc. and Treasurer Bradley T. Crate (collectively, “the Campaign”) hereby submit this response to the Complaint in the above-captioned Matter Under Review. As the Complaint itself recognizes, there is no basis on which to find reason to believe that the Campaign has violated the Federal Election Campaign Act or FEC regulations. The Commission thus should dismiss this matter as to the Campaign immediately.

The Complaint fails to allege that the Campaign has violated the law. It merely speculates that during the 2016 election cycle, a media placement vendor to the Campaign (American Media & Advocacy Group) may have used non-public, strategic information derived from its work for the Campaign in placing ads on behalf of two outside groups through another entity (Red Eagle Media Group).¹ Regardless of the merits of these allegations concerning the conduct of private organizations, the Commission repeatedly has made clear that a campaign’s use of a common vendor is not a *per se* violation of the coordination regulations, nor does it create a presumption of coordination. *Coordinated and Independent Expenditures*, 68 Fed. Reg. 421, 436 (2003). There must also be a showing that the campaign engaged in conduct described under 11 C.F.R. §§ 109.21(d)(1)–(3). *See* 11 C.F.R. § 109.21(b)(2). The Complaint, however, makes no such showing. To the contrary, the complainants openly acknowledge that there is no

¹ The Complaint ignores that in both of its purported examples of supposed coordination, the outside groups made their buys several days *before* the Campaign, *see* Compl. ¶¶ 31–32, 39–40, and the information on such buys is required by law to be made publicly available by the broadcast stations. *See, e.g.*, 71 Fed Reg. 33,190, 33,205 (June 8, 2006) (no coordination when information in television station’s public inspection file). In fact, many of the exhibits that the complainants use to bolster their spurious allegations were taken from various stations’ public files.

reason to believe the Campaign engaged in prohibited coordination, *see* Compl. ¶ 50 n.95 (citing 11 C.F.R. § 109.21(b)(2)) – as further demonstrated by their decision not to list the Campaign among the respondents on the Complaint’s caption.

Accordingly, the Commission must dismiss this matter and close the file as to the Campaign. *See* 11 C.F.R. § 111.4(d)(3) (requiring that, to be viable, complaints contain a “clear and concise recitation of the facts which describe a violation of statute or regulation over which the Commission has jurisdiction”).