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March 29, 2019

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 7558

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 7558

**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 MUR. The Complaint raises the same factual allegations as in MUR 7553, that a media placement vendor to the Campaign may have used non-public, strategic information derived from its work for the Campaign in placing television ads on behalf of an outside group, the National Rifle Association of America Political Victory Fund (the “NRA-PVF”), through another entity. As the Campaign previously explained, these allegations provide no basis on which to find reason to believe the Campaign has violated the Federal Election Campaign Act or FEC regulations, and the Commission must dismiss this matter (as well as MUR 7553) as to the Campaign.<sup>1</sup>

It is well established that a campaign’s use of a common vendor is not a *per se* violation of the FEC’s coordination regulations, nor does it raise a presumption of coordination by that campaign. *See Coordinated and Independent Expenditures*, 68 Fed. Reg. 421, 436 (Jan. 3, 2003). A campaign must be shown to have engaged in conduct described under the FEC’s conduct standards at 11 C.F.R. §§ 109.21(d)(1) through (d)(3), and thus to have requested, suggested, or otherwise actively and materially participated in the creation or dissemination of a communication paid for by a third party. *See* 11 C.F.R. § 109.21(b)(2). The Complaint does not – and cannot – offer any such evidence about the Campaign. Instead, the Complaint makes only

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<sup>1</sup> As noted in the Campaign’s response in MUR 7553, the Campaign is in no position to respond to allegations concerning the activities or conduct of other private organizations, including the media placement vendor.

speculative assertions about alleged vague similarities in themes and timing of ads run by the Campaign and the NRA-PVF in the lead up to the 2016 presidential election, including that ads run by both were (shockingly) “anti-Hillary Clinton,” “pro-Donald Trump,” or pro-Second Amendment. *See* Compl. at 6. The Commission has made clear that such allegations do not provide “reason to believe” coordination occurred. *See, e.g.*, Factual & Legal Analysis, MUR 6821 (Shaheen for Senate), at 8 (“[T]he alleged thematic similarities of the two communications at issue and their rough temporal proximity do not give rise to a reasonable inference that any of the conduct standards were satisfied . . . particularly where no other information suggests that the Respondents engaged in any of the activities outlined in the relevant conduct standard.”); Factual & Legal Analysis, MUR 6613 (Prosperity for Michigan), at 4 (dismissing coordination allegations based on thematic similarities and timing); *see also* Statement of Reasons of Comm’rs Goodman, Hunter & Petersen, MURs 6603, 6777, 6801, 6870 & 6902, at 2.

Furthermore, the Complaint ignores that with respect to its only purported example of coordination (*see* Compl. 3), the NRA-PVF made its ad buy five days *before* the Campaign, and that information on ad buys must be made publicly available by the broadcast stations. *See, e.g.*, *Coordinated Communications*, 71 Fed Reg. 33,190, 33,205 (June 8, 2006) (no coordination when information is within television station’s public inspection file). Indeed, complainants pulled the exhibits used to support their specious Complaint from stations’ public files.

\* \* \*

In short, the Complaint makes no showing of coordination involving the Campaign. The Commission thus should immediately dismiss this matter as to the Campaign. *See* 11 C.F.R. § 111.4(d)(3) (complaints must contain a “clear and concise recitation of the facts which describe a violation of statute or regulation over which the Commission has jurisdiction”).