

JONES DAY

Digitally signed
by Kathryn Ross
Date: 2019.06.26
07:51:35 -04'00'

51 LOUISIANA AVENUE, N.W. • WASHINGTON, D.C. 20001.2113
TELEPHONE: +1.202.879.3939 • FACSIMILE: +1.202.626.1700

June 21, 2019

CONFIDENTIAL
COMMUNICATION

VIA E-MAIL TO CELA@FEC.GOV

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

Re: Matter Under Review 7609

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,

/s/ E. Stewart Crosland

E. Stewart Crosland

Enclosure

BEFORE THE FEDERAL ELECTION COMMISSION

)
) **MUR 7609**
)

**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”) respectfully request that the Commission dismiss the Complaint in the above-captioned Matter Under Review. The Complaint asserts that the Campaign either “solicited” (as defined under 11 C.F.R. § 300.2(m)) or “directed” (as defined under 11 C.F.R. § 300.2(n)) non-federal funds when it simply identified an independent outside group, America First Action, as a known and trusted organization in a public statement rebuking deceptive fundraising activities.¹ The Complaint fails on both counts. Under no reasonable construction did the Campaign’s statement seek to elicit donations,² and the Commission has stated expressly that “merely providing the identity of an appropriate recipient, without any attempt to motivate another person to contribute or donate funds,” constitutes neither soliciting nor directing a donation. Explanation & Justification, *Definitions of “Solicit” and “Direct”*, 71 Fed. Reg. 13,926, 13,933 (March 20, 2006). The Complaint thus fails to “describe a violation of statute or regulation over which the Commission has jurisdiction” as the law requires, and the Commission must dismiss this matter and close the file immediately. 11 C.F.R. § 111.4(d)(3).

¹ The fact that America First Action supports President Trump and his agenda is a well-known matter of public record, including disclosures on FEC reports. President Trump and others in the administration also often appear as special guests at America First Action events, as permitted by law. See 11 C.F.R § 300.64.

² “A solicitation is [a] communication that, construed as reasonably understood in the context in which it is made, contains a clear message asking, requesting, or recommending that another person make a” donation.” 11 C.F.R. § 300.2(m). Furthermore, to “direct” a donation to a recipient, there must be “a person [who] has already expressed an intent to make a contribution or donation, but lacks the identity of an appropriate” recipient. Explanation & Justification, 71 Fed. Reg. at 13,932; see also 11 C.F.R. § 300.2(n). A statement issued to the general public, therefore, cannot “direct” donations.