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September 10, 2019

Federal Election Commission
Office of General Counsel
Office of Complaints Examination
& Legal Administration
attn: Kathryn Ross, Paralegal
1050 First Street, NE
Washington, DC 20002

Re: MUR 7637

Dear Ms. Ross:

This Response is submitted by the undersigned counsel on behalf of the National Rifle Association, National Rifle Association Institute for Legislative Action, and National Rifle Association Political Victory Fund (Robert G. Owens, Treasurer) in connection with MUR 7637. With respect to the Respondents, this matter raises the same issue that the Commission recently considered and dismissed in MUR 7314. The same result is warranted here.

The Complaint alleges that President Trump “also used money (\$30 million) that was funneled from Russia to the NRA and then to Mr. Trump’s campaign (as per Mueller report Book 1).” This one sentence is the Complaint’s only reference to the NRA and no further details about the allegation are presented. This allegation does not come from the Mueller Report, as, to the best of our knowledge, the Mueller Report does not mention the NRA. Rather, we presume that the Complainant refers to the claims made in the *McClatchy* article published in January 2018.¹ The *McClatchy* report does not suggest that the NRA contributed, transferred, or otherwise routed Russian-sourced funds to the Trump campaign, but to the extent the Complainant makes that allegation, there is no evidence to support the claim.

Assuming the Complainant’s intention was to reference the anonymously sourced, evidence-free allegations published by *McClatchy*, those allegations remain a ridiculous

¹ See Peter Stone and Greg Gordon, *FBI investigating whether Russian money went to NRA to help Trump*, *McClatchy* (Jan. 18, 2018), <https://www.mcclatchydc.com/news/nation-world/national/article195231139.html>.

conspiracy theory. Some realized at the outset that the *McClatchy* piece was another Glenn Simpson/Fusion GPS production.² Even a *New York Times* editorialist cautioned readers “not to get carried away” because “a scenario in which the Russian investigation ensnares the N.R.A. ... seems a bit too much like Resistance fan fiction.”³ Others, however, seem to wish the article’s claims were true and ignore that there was *never* any actual evidence of what was alleged. As the General Counsel’s Office noted in MUR 7314, the *McClatchy* article itself acknowledges that “[t]he extent to which the FBI has evidence of money flowing from Torshin to the NRA, or of the NRA’s participation in the transfer of funds, could not be learned.”⁴ (In other words, *McClatchy* knowingly published claims it could not verify.) Far from being credible and unrefuted, the *McClatchy* article rested on claims made by two anonymous sources, and according to a *Washington Times* reporter, in the year and a half since the *McClatchy* article was published, “[t]here has been no independent reporting that the [FBI] investigation exists.”⁵ The only reasonable conclusion to draw here is that *McClatchy*’s reporters participated in a baseless smear campaign.

The NRA responded to this allegation once before in MUR 7314. The Commission’s Office of General Counsel found, rather charitably, that the allegations were “premised on a vague news article” and that there was “insufficient information in the record before the Commission to support a reasonable inference that [respondents] may have violated the Act’s foreign national prohibition.”⁶ The Commission, however, divided and dismissed the matter.

² See, e.g., Kimberley A. Strassel, *Russia, the NRA and Fake News: Journalists propagate another wild tale from Fusion GPS’s Glenn Simpson*, Wall Street Journal (March 22, 2018), <https://www.wsj.com/articles/russia-the-nra-and-fake-news-1521761296>; see also Chuck Ross, *FEC Chief Supported Russian-NRA Campaign Finance Probe Based Solely on ‘Vague’ News Article*, Daily Caller (Aug. 17, 2019) (“Glenn Simpson, who hired Steele and investigated the Trump campaign on behalf of the DNC and Clinton campaign, is the first person known to have floated the claim that Torshin funneled millions to the NRA.”).

³ Michelle Goldberg, *Is This the Collusion We Were Waiting For?*, New York Times (Jan. 19, 2018), <https://www.nytimes.com/2018/01/19/opinion/nra-russia-investigation-trump.html>.

⁴ Peter Stone and Greg Gordon, *FBI investigating whether Russian money went to NRA to help Trump*, McClatchy (Jan. 18, 2018), <https://www.mcclatchydc.com/news/nation-world/national/article195231139.html>; MUR 7314, First General Counsel’s Report at 17 (“The article cites to unnamed sources and does not provide specific information, disclaiming that the ‘extent to which the FBI has evidence of money flowing from Torshin to the NRA, or of the NRA’s participation in the transfer of funds, could not be learned.’”).

⁵ Rowan Scarborough, *Fusion GPS allegations spur push for NRA-Russia probe*, Washington Times (Aug. 21, 2019), <https://www.washingtontimes.com/news/2019/aug/21/fusion-gps-allegations-spur-fec-push-nra-russia-pr/>.

⁶ MUR 7314, First General Counsel’s Report at 3.

The current Complaint adds nothing to the record that has not already been considered by the Commission. *McClatchy*'s report – based solely on anonymously sourced claims that could not be verified then and have not been verified since – has *never* been credible. There has *never* been any actual evidence that the NRA funded its 2016 election activities with Russian money.⁷ The Commission should again dismiss these allegations, as they are no different than the allegations that the Commission previously dismissed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Torchinsky', written over a light gray rectangular background.

Jason Torchinsky
Michael Bayes

⁷ See MUR 7314, First General Counsel's Report at 17 ("There is no specific information in the record before the Commission indicating that the Respondent foreign nationals provided the NRA with funds for the purpose of financing the NRA's independent expenditures or other election-related activities."); see *also id.* at 18 ("But none of the additional information provided by the Complaint, even when considered as a whole, is indicative or suggestive of a scheme to funnel foreign money to the NRA.").



FEDERAL ELECTION COMMISSION
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STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

EMAIL: cela@fec.gov FAX: 202-219-3923

MUR # 7637

Name of Counsel: Jason Torchinsky; Michael Bayes

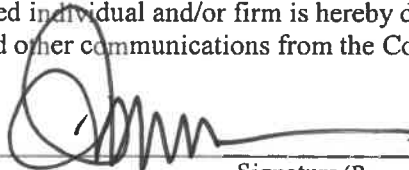
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The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

08/27/2019  Treasurer
Date Signature (Respondent/Agent) Title

National Rifle Association (incl. NRA Political Victory Fund and NRA Institute for Legislative Action), by Robert G. Owens (Treasurer)

RESPONDENT: _____
(Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: 11250 Waples Mill Road, Fairfax, VA 22030
(Please Print)

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This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.