



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 4, 2019

David Mitrani  
Sandler Reiff Lamb Rosenstein & Birkenstock, P.C.  
1090 Vermont Avenue, NW, Suite 750  
Washington, DC 20005

RE: MUR 7639  
Ilhan Omar  
Ilhan for Congress and Kate Wittenstein, Treasurer

Dear Mr. Mitrani:

This letter serves as a follow-up to your discussion with Charles Kitcher, Acting Associate General Counsel for Enforcement, on October 24, 2019, concerning your request to file an attachment to a response, under seal, on behalf of Ilhan Omar and Ilhan for Congress in connection with the above-referenced matter. As explained by Mr. Kitcher, the Commission appreciates the seriousness of your request, but it is not in a position at this time to agree to keep any particular documents off of the public record at the conclusion of the matter.

While a Commission enforcement matter is open, the Commission treats all information in the matter as confidential, absent written consent of a respondent to the contrary, pursuant to 52 U.S.C. § 30109(a)(12). However, the Commission's policy, *Disclosure of Certain Documents in Enforcement and Other Matters*, 81 Fed. Reg. 5072 (August 2, 2016) (available at [https://transition.fec.gov/law/cfr/ej\\_compilation/2016/notice2016-06.pdf](https://transition.fec.gov/law/cfr/ej_compilation/2016/notice2016-06.pdf)) provides for disclosure of “[a]ttachments to complaints and attachments to responses to complaints” after the matter is closed. *Id.* Moreover, the policy also provides for disclosure of certain documents created by the Commission in the course of the matter, such as General Counsel's Reports and Briefs, and Factual and Legal Analyses, that might or might not contain information from the response or attachments thereto.

All documents that are to be released at the close of the file subject to the disclosure policy are carefully reviewed and appropriately redacted prior to public release. You may be sure that process will be followed at the appropriate time, and that the Office of General Counsel's Administrative Law Team, which conducts the review, will be made aware of your concerns. However, the appropriate time for consideration of those redactions is, under the Commission's process, at the close of the matter, not the beginning.

Please note that, in addition to disclosure in connection with the closure of a case, information not placed on the public record when a case is closed may still be disclosed pursuant to requests made to the agency under the Freedom of Information Act ("FOIA"). It is, however, OGC's practice to notify relevant parties if materials they submitted in the course of a MUR are sought pursuant to a FOIA request.

Please feel free to contact me with any further questions you may have regarding this matter.

Sincerely,  
  
Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination and  
Legal Administration