



FEDERAL ELECTION COMMISSION
Washington, DC

May 4, 2022

MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson
Acting General Counsel

BY: Charles Kitcher *CK/by JK*
Associate General Counsel for Enforcement

Jin Lee *JK*
Deputy Associate General Counsel for Enforcement

Mark Allen *MA*
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SUBJECT: MUR 7738 (Americans for Progressive Action USA, *et al.*)

RE: Circulation of Discovery Documents – Subpoenas

Attached, for the Commission’s approval, are subpoenas to produce documents and orders to submit written answers directed to Twitter, Inc., Namecheap, Inc., and Apple Inc. On March 22, 2022, the Commission found reason to believe that Americans for Progressive Action USA and Evan Jones in his official capacity as treasurer (the “Committee”), Evan Jones in his personal capacity, and Unknown Respondent violated 52 U.S.C. § 30104(b) by filing false disclosure reports.¹ The Commission also approved the use of compulsory process.²

As discussed at the March 22, 2022 Executive Session, subpoenas are necessary in order to identify the true identity of the person who filed the false disclosure reports with the

¹ See Certification (“Cert.”) ¶¶ 1-3 (Mar. 23, 2022)

² *Id.* ¶ 5.

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Commission. The Office of General Counsel completed steps one and two of the investigative plan sent via email to the Commission on March 25, 2022.³ We received responses from three persons at addresses used by the Committee, confirming that names and/or addresses on the disclosure reports filed with the Commission appear to be fictitious.⁴ However, we have not received a response from the Committee or Evan Jones.⁵

We have identified three entities which may have personal identifying information for the person who filed the false disclosure reports: Twitter, Inc., Namecheap, Inc., and Apple Inc. The entities we recommend subpoenaing will only provide the information the Commission seeks via subpoena.⁶ The goal of these subpoenas is to obtain information that will enable us to identify the individual who filed the false disclosure reports with the Commission. The attached subpoenas are similar to, but narrower, than subpoenas previously approved by the Commission in MUR 7194 (Unknown Respondent).⁷

Twitter, Inc.

There are several Twitter accounts which appear to be run by or affiliated with the Committee.⁸ We recommend the Commission approve subpoenas requesting the account subscriber information for: @AFPA_USA; @ProgressiveFor; @basslp2, @Christo27267724, and @chrisullivan210. @AFPA_USA's account page indicates that it is the official Twitter page

³ See Email from Richard Weiss to the Commission (Mar. 25, 2022, 4:10 PM EST).

⁴ Dykema Gossett PLLC responded that Dykema does not represent, and has never represented, Americans for Progress USA or Evan Jones, and that consequently it is not authorized to accept service of process on behalf of the Committee or Evan Jones. Dykema further stated that after a diligent review, it did not find any relationship between Dykema and either the Committee or Evan Jones. See Letter from Jeffrey Fine, Assistant General Counsel, Dykema Gossett PLLC, to Richard Weiss, Attorney, FEC (Apr. 6, 2022). Susan Wise responded through counsel that she is not familiar with Evan Jones, Christopher Sullivan, or the Committee, and that her address would not be the correct address for the Committee. See Email from Charles Hornberger, Attorney for Susan Wise, to Richard Weiss, Attorney, FEC (Apr. 12, 2022 9:51 AM EST). Michael Humphries responded that he has "received over seventy-five pieces of mail addressed to my home address in the last three years but sent to a fictitious person using a range of false names – Christopher Richardson, Christopher S. Richardson, Christopher Sullivan Richardson, Henry Richardson . . . It is clear to me that someone is using the various fictitious names at my home address to perpetrate some sort of fraud." See Email from Michael Humphries to Richard Weiss, Attorney, FEC (Apr. 14, 2022 4:20 PM).

⁵ The RTB letter sent to the Committee and Jones on March 31, 2022, asked for a response to the enclosed questions and requests for documents within 30 days but asked them to contact us within 10 days. See RTB Notif. Letter at 1 (Mar. 31, 2022).

⁶ See *e.g. Guidelines for Law Enforcement*, Twitter, Inc., <https://help.twitter.com/en/rules-and-policies/twitter-law-enforcement-support>; *Legal Request FAQs*, Twitter, Inc., <https://help.twitter.com/en/rules-and-policies/twitter-legal-faqs>.

⁷ See Cert. (Aug. 1, 2018) & Cert. (Aug. 20, 2019), MUR 7194 (Unknown Respondent) (approving subpoenas to Namecheap, Inc. and Twitter, Inc. respectively) ; see also Memorandum to the Commission: Circulation of Discovery Documents – Subpoenas to Namecheap, Inc. and WhoIsGuard, Inc., c/o Namecheap, Inc., (July 26, 2018), MUR 7194 (Unknown Respondent); Memorandum to the Commission: Circulation of Discovery Documents – Subpoena to Twitter, Inc. (Aug. 15, 2019), MUR 7194 (Unknown Respondent).

⁸ See First Gen. Counsel's Rpt. at 2, n.14.

of the Committee. The @ProgressiveFor account lists progressiveactionusa.org as the domain name associated with the account. Progressiveactionusa.org is the same domain name that Evan Jones used for his email address and contact information on the disclosure reports filed with the Commission. The profile of @ProgressiveFor states that it was founded by Christopher M. Bass and Chris Sullivan, which are two names that also appear on the disclosure reports filed with the Commission. @Christo27267724 and @chrisullivan210 appear to be the personal Twitter handles for the Chris Sullivan listed on the disclosure reports and listed on the @ProgressiveFor Twitter page. @basslp2 is an associated Twitter page with links and retweets to the @ProgressiveFor page. @basslp2 appears to be the Twitter page for Bass Energy, Inc. — a company that shares the name of one of the contributors to AFPUSA on its disclosure reports.

Namecheap, Inc.

The person that filed the disclosure reports with the Commission under the name Evan Jones used three email address. Two of the email addresses are at the same domain progressusa.org: ejones@progressusa.org and info@progressusa.org. The progressusa.org domain name is registered to an entity named Namecheap, Inc. and the registration information is withheld by a third-party service provider named Withheld for Privacy based in Iceland. Namecheap will only provide the registration information under subpoena.⁹

Apple Inc.

The other email address used by the person that filed the disclosure reports with the Commission under the name Evan Jones were apple icloud account email addresses:

[REDACTED] and [REDACTED]
[REDACTED] Apple will similarly not share information without a subpoena.¹⁰

Accordingly, we request that the Commission approve the attached subpoenas.

[REDACTED]

⁹ See *Court Order & Subpoena Policy*, NAMECHEAP, <https://www.namecheap.com/legal/general/court-order-and-subpoena-policy.aspx> (last visited Apr. 14, 2022).

¹⁰ See *Legal Process Guidelines*, APPLE, <https://www.apple.com/legal/privacy/law-enforcement-guidelines-us.pdf> (last visited Apr. 14, 2022).