



**FEDERAL ELECTION COMMISSION**

Washington, D.C. 20463

May 13, 2021

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Aras Jonikas  
Lemont Police Department

Lemont, IL 60439

RE: MUR 7757  
Unknown Respondent

Dear Mr. Jonikas:

This is in reference to the complaint you filed with the Federal Election Commission on July 8, 2020, alleging violations of the Federal Election Campaign of 1971, as amended. On April 22, 2021, the Commission voted to dismiss the allegation that Unknown Respondent violated 52 U.S.C. § 30103(b) and 11 C.F.R. § 102.2(a) by submitting a false Statement of Organization. Accordingly, the Commission closed its file in this matter. The Factual and Legal Analysis, which more fully explains the Commission's finding, is enclosed.

Documents related to the case will be placed on the public record within 30 days. *See Disclosure of Certain Documents in Enforcement and Other Matters*, 81 Fed. Reg. 50,702 (Aug. 2, 2016).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8).

If you have any questions, please contact me at (202) 694-1597 or by email at [cpavia@fec.gov](mailto:cpavia@fec.gov).

Sincerely,

Claudio J. Pavia  
Acting Assistant General Counsel

Enclosure  
Factual and Legal Analysis

## FEDERAL ELECTION COMMISSION

## FACTUAL AND LEGAL ANALYSIS

5 RESPONDENT: Unknown Respondent MUR 7757

## 6 I. INTRODUCTION

7 This matter was generated by a Complaint filed with the Federal Election Commission by  
8 Aras Jonikas, alleging that an unidentified person filed an FEC Form 1 (Statement of  
9 Organization) identifying Complainant as the treasurer of a political committee named Cops for  
10 Burning Down Every Trump Tower in America (“CBDETTA”) without his permission.  
11 Complainant, a local police detective in Illinois, alleges that the Statement of Organization  
12 contained racist language meant to be attributed to him, and it revealed his personal information,  
13 thus damaging his reputation and putting his and his family’s safety at risk. He requests that the  
14 filing be removed from the Commission’s website.

15 As discussed below, the record indicates that the information in the filing was false,  
16 fictitious, and submitted for the purpose of harassing and defaming Complainant. And, in fact,  
17 the Commission's Reports Analysis Division has already removed the Statement of Organization  
18 from the public record in the normal course of its verification process. However, because  
19 CBDETTA does not appear to satisfy the definition of "political committee," Unknown  
20 Respondent is not subject to the reporting requirements applicable to committee treasurers.

21 Accordingly, the Commission dismisses the allegation that Unknown Respondent  
22 violated 52 U.S.C. § 30103(b) of the Federal Election Campaign Act of 1971, as amended (the  
23 “Act”), and 11 C.F.R. § 102.2(a) of the Commission regulations by submitting a false Statement  
24 of Organization.

1      **II.     FACTUAL BACKGROUND**

2              On May 30, 2020, an unknown person filed an FEC Form 1 (Statement of Organization)  
3              through the Commission’s website to register a nonconnected political action committee named  
4              Cops for Burning Down Every Trump Tower in America.<sup>1</sup> The Statement of Organization listed  
5              Complainant as the treasurer and also used his name on the electronic signature line. The form  
6              also listed Complainant’s current and past addresses, an email address, and current and past  
7              phone numbers. The Statement of Organization listed copsforburningdowntrumptowewrs.com  
8              [sic] as the committee’s website, but it does not appear that any such website exists (without or  
9              without the typographical error).

10             In addition to exposing Complainant’s personal information, the Form 1 also included  
11             language that the Complaint describes as “blatant racism” and “hateful ideology.”<sup>2</sup> In Block 8,  
12             the form lists the committee’s designated agent as “jonikas, aras, white supremacist, [racial  
13             slur]hate,” and lists his title or position as “KKK Wizard.”<sup>3</sup> In Block 9, the form lists the name  
14             of the committee’s bank as “Bank for Whites Only.”<sup>4</sup>

15             Complainant explains that he became aware of the filing on July 6, 2020, when he was  
16             contacted by a reporter trying to confirm if he had filed the Form 1.<sup>5</sup> Complainant denies filing  
17             the Form 1 or having any association with the purported committee.<sup>6</sup> Complainant asserts that  
18             by associating his name and contact information with the “hateful ideology” on the Form 1,

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<sup>1</sup>              CBDETTA, Statement of Org. (filed May 30, 2020) (removed July 15, 2020); see also Compl. (July 8, 2020), Attach. (copy of CBDETTA Statement of Organization).

<sup>2</sup>              Compl. at 1.

<sup>3</sup>              CBDETTA, Statement of Org. at 4 (racial slur spelled out on form).

<sup>4</sup>              *Id.* at 9.

<sup>5</sup>              Compl. at 1.

<sup>6</sup>              *Id.*

1 Unknown Respondent damaged his personal and professional reputation and “[put] both [him]  
2 and [his] family at risk.”<sup>7</sup> He requests that the Form 1 be removed from the Commission’s  
3 publicly available records.<sup>8</sup>

4 Meanwhile, on June 2, 2020, the Commission’s Reports Analysis Division (“RAD”) sent  
5 a verification letter to the purported committee under the Commission’s policy regarding false  
6 and fictitious registrants.<sup>9</sup> After receiving no response, RAD removed the filing and the  
7 verification letter from the Commission’s website on July 15, 2020.

8 Although the Form 1 was removed from the Commission’s website, when the document  
9 was initially placed on the public record, it drew media coverage. It was covered by at least one  
10 national news media outlet, *Business Insider*.<sup>10</sup> The reporter posted a copy of RAD’s  
11 verification letter—addressed to Complainant at his current home address—to Twitter.<sup>11</sup> Both  
12 the article and the tweet remain publicly available.

### 13 III. LEGAL ANALYSIS

14 The Act and Commission regulations define “political committee” as “any committee,  
15 club, association or other group of persons which receives contributions aggregating in excess of  
16 \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> In 2015, the Commission implemented e-filing for FEC Form 1 (Statement of Organization) and Form 2 (Statement of Candidacy), which resulted in an increase in the frequency of false and fictitious registrations. In response, the Commission adopted additional verification procedures for filings containing possibly false or fictitious information. FEC Press Release, *FEC Adopts Interim Verification Procedure for Filings Containing Possibly False or Fictitious Information* (Aug. 18, 2016), <https://www.fec.gov/updates/fec-adopts-interim-verification-procedure-for-filings-containing-possibly-false-or-fictitious-information>.

<sup>10</sup> Dave Levinthal, *How Anyone with a Computer and 15 Free Minutes Can Create Their Very Own Weaponized Federal Document*, BUSINESS INSIDER (July 7, 2020), <https://www.businessinsider.com/super-pac-election-fec-racism-doxxing-government-trump-biden-2020-7>.

<sup>11</sup> Dave Levinthal (@davelevinthal), TWITTER (June 3, 2020), <https://twitter.com/davelevinthal/status/1268158672481517570>.

1 during a calendar year.”<sup>12</sup> In *Buckley v. Valeo*, the Supreme Court held that defining political  
2 committee status “only in terms of the annual amount of ‘contributions’ and ‘expenditures’”  
3 presents vagueness problems, since it could be interpreted to reach “groups engaged purely in  
4 issue discussion.”<sup>13</sup> To cure that infirmity, the Court concluded that the term “political  
5 committee” “need only encompass organizations that are under the control of a candidate or the  
6 *major purpose of which is the nomination or election of a candidate.*”<sup>14</sup> Accordingly, under the  
7 statute as thus construed, an organization not controlled by a candidate is a political committee if  
8 (1) it crosses the \$1,000 threshold and (2) it has as its “major purpose” the nomination or election  
9 of federal candidates.

10 The Act requires political committees to file a Statement of Organization within 10 days  
11 of becoming a political committee.<sup>15</sup> Statements of Organization must include, *inter alia*, the  
12 name, address, and type of committee; the name, address, and position of the custodian of books  
13 and accounts of the committee; the name and address of the treasurer; a listing of all banks or  
14 other depositories used by the committee; and the internet address of the committee’s official  
15 website, if such a website exists.<sup>16</sup>

16 Based on the available information, it appears that CBDETTA is a wholly fictitious  
17 entity, and we are aware of no information indicating that it has received any contributions or  
18 made any expenditures. More precisely, the record suggests that Unknown Respondent never  
19 intended for there to be any such group, but rather exploited the public nature of the filing

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<sup>12</sup> 52 U.S.C. § 30101(4)(A); 11 C.F.R. § 100.5(a).

<sup>13</sup> 424 U.S. 1, 79 (1976).

<sup>14</sup> *Id.* (emphasis added).

<sup>15</sup> 52 U.S.C. § 30103(a); 11 CFR § 102.1(d).

<sup>16</sup> 52 U.S.C. § 30103(b); 11 C.F.R. § 102.2(a).

1 process to attack Complainant. CBDETTA, therefore, does not appear to satisfy the statutory  
2 \$1,000 contribution or expenditure threshold and does not appear to satisfy the “major purpose”  
3 requirement. Therefore, although the filing was clearly inaccurate, because CBDETTA is not a  
4 political committee, it is not subject to the registration requirements applicable to political  
5 committees and, thus, Unknown Respondent who filed the Statement of Organization is not  
6 subject to the reporting requirements applicable to committee treasurers.<sup>17</sup> Accordingly, the  
7 Commission dismisses the allegations that Unknown Respondent violated the Act.

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<sup>17</sup> See Factual & Legal Analysis at 9-10, MUR 6578 (Doug LaMalfa Committee) (“F&LA”) (determining that an entity was not a political committee, and thus not subject to the Act’s registration provisions, where the available information did not show that it had raised more than \$1,000 in contributions or made more than \$1,000 in aggregate expenditures in connection with a congressional election); F&LA at 4, MUR 7216 (Concerned Constituents Action Group) (same).