RECEIVED
By OGC-CELA at 2:25 pm, Mar 12, 2021

BEFORE THE FEDERAL ELECTION COMMISSION

)
) **MUR 7784**
)

SUPPLEMENTAL RESPONSE OF MAKE AMERICA GREAT AGAIN PAC, TRUMP MAKE AMERICA GREAT AGAIN COMMITTEE, AND BRADLEY T. CRATE, AS TREASURER

By and through undersigned counsel, Make America Great Again PAC (formerly Donald J. Trump for President, Inc.) (the "Campaign");[1] Trump Make America Great Again Committee; and Bradley T. Crate, as Treasurer (collectively, "Respondents"), hereby respond to the supplemental complaint filed by the Campaign Legal Center ("CLC") in the above-captioned Matter Under Review.

Respondents already have explained why—as a matter of decades-old precedent—CLC's claims in this MUR lack merit. *See generally* Response of Donald J. Trump for President, Inc., Trump Make America Great Again Committee & Bradley T. Crate, as Treasurer [hereinafter "Resp."]. As discussed in Respondents' initial response, drawing on the practices of past presidential campaigns, Respondents contracted with American Made Media Consultants, LLC ("AMMC"), a private company organized under Delaware law,[2] as a primary vendor of media services. *See id.* at 5–6 (discussing AMMC).[3] Under its contracts with Respondents, AMMC has

---

[1] On February 27, 2021, Donald J. Trump for President, Inc. filed an amended Form 1 (Statement of Organization), changing its name to Make America Great Again Committee and converting to a multicandidate committee.

[2] As the initial response notes, Respondents understand AMMC to use its own counsel and that AMMC's officers conduct company business through AMMC's corporate email account. Resp. 5, 13.

[3] As previously explained, AMMC is just one of many vendors of media-related services to work with Respondents, *id.* at 5 n.12; however, working with AMMC has created efficiencies and

provided a variety of media services to Respondents, including making direct digital media buys. *Id.* at 6. Those contracts also expressly authorize AMMC to arrange "media sub-vendor planning and coordination services" for Respondents and to "manage all such sub-vendor relationships on [the clients'] behalf." *Id.* AMMC contracts directly with its sub-vendors, invoices Respondents for any costs charged by those subcontractors, and is responsible for remitting payments it owes to its subcontractors on its own account. *Id.*

For nearly forty years, the Federal Election Commission has been clear that the Federal Election Campaign Act ("FECA") and FEC regulations require authorized committees such as Respondents to report only their payments to contractors like AMMC, "without further itemization of other entities that receive payments from [those] [c]onsultants in connection with services under the[ir] Committee contract." Advisory Op. 1983-25 (Mondale for President) at 3; *see also* 52 U.S.C. § 30104(b)(5)(A); 11 C.F.R. § 104.3(b)(4)(i); Resp. 8–11 (citing MURs).[4] Authorized committees of presidential nominees from both major parties have followed this reporting guidance for five decades without complaint—including the 2020 Biden campaign, which in a year and half paid more than $427 million to its media vendor, Media Buying & Analytics, LLC.[5] *See* Resp. 4–5, n.11. Respondents simply have done the same.

---

afforded Respondents significant cost savings by avoiding the agency commissions charged by other media buyers, *id.* at 2, 6–7.

[4] As described in the initial response, the Commission has only required disclosure of ultimate payees in extreme factual circumstances not presented in this MUR. *See id.* at 11–14 (discussing MUR 6724 (Bachmann), MUR 4872 (Jenkins), and MUR 3847 (Stockman)).

[5] *See* Center for Responsive Politics, Joe Biden Expenditures Breakdown, 2020 cycle, OpenSecrets.org, https://www.opensecrets.org/2020-presidential-race/joe-biden/expenditures?id=N00001669 (last visited March 12, 2021).

Yet CLC's supplemental complaint, which is premised on some confused assertions from anonymous sources cited in a *Business Insider* article,[6] complains that individuals associated with the Campaign have operated AMMC. Respondents have always acknowledged that AMMC has been run by individuals known and trusted by the Campaign. *Id.* at 5–6. As discussed in Respondents' initial response, AMMC's President and Treasurer Sean Dollman, the company's designated representative under its contracts with Respondents, also holds a position on the Campaign.[7] *Id.* at 6. Respondents' contracts with AMMC, however, expressly account for the potential conflicts of interest arising from this relationship, providing that "in all matters relating to the performance of Services under th[e] Agreement, Mr. Dollman is considered to be acting in his capacity as representative of [AMMC], and not as an employee of [the Campaign]." *Id.*

In any event, individuals associated with authorized committees (and other federal political committees) routinely provide services to the committees through separate legal organizations, and it has never been the rule that the committees must itemize the contractors' ultimate payees. In fact, as detailed in the initial response, over the last five decades the campaigns of several presidential nominees on both sides of the aisle have worked with general consultants run by campaign officials and advisors. *See id.* at 2–4 (presenting examples of such vendor relationships during the era of the FEC). Reagan's campaign worked with its "in-house" media vendor the

---

6 Although ultimately immaterial to the outcome in this MUR, the Commission has been clear that it must not credit allegations based on assertions from anonymous sources. *See* MURs 5977 & 6005 (Am. Leadership Project), Statement of Reasons of Comm'rs Petersen, Hunter & McGahn at 6 n.20; MUR 5845 (Citizens for Truth), Factual & Legal Analysis at 6 (citing MUR 4960 (Hillary Rodham Clinton for U.S. Senate Exploratory Comm.), Statement of Reasons of Comm'rs Mason, Sandstrom, Smith, & Thomas at 1)).

7 The other two individuals referenced in CLC's supplemental complaint with ties to AMMC, Lara Trump and John Pence, were advisors to the Campaign. Jared Kushner, the third person mentioned in the supplement, had no affiliation with AMMC's operations.

Tuesday Team; George H.W. Bush's campaign worked with its similarly modeled November Company; Bill Clinton's campaign worked with the November 5 Group, Inc., a "consortium" of senior Clinton campaign advisors such as Dick Morris; George W. Bush's campaign worked with its "political consulting super-group" Maverick Media; Romney's campaign worked with its "umbrella" media vendor American Rambler Productions LLC; and Obama's campaign worked with senior campaign advisor Jim Margolis's GMMB Inc. (as did Hillary Clinton's). *Id.* Consistent with the Commission's reporting guidance, these committees disclosed only the expenditures they made to their contractors, not their contractors' subvendors or other ultimate payees. *See id.* at 4 (citing examples). Not once has the Commission questioned the propriety of such disclosures—not even in the course of public-financing audits under Title 26. *See id.* at 2 n.2, 4–5 (citing audits). There is no basis for doing so here.

*   *   *

In this MUR, CLC faults Respondents for doing exactly what the law demands: disclosing payments Respondents made to their contractors for contracted services. *See* 52 U.S.C. § 30104(b)(5)(A); 11 C.F.R. § 104.3(b)(4)(i). As previously mentioned, CLC knows this is the rule. *See* Resp. 5 (discussing Larry Noble quote regarding reporting of payments to "umbrella vendors"). If CLC does not like the Commission's longstanding interpretation of FECA, CLC may seek a rulemaking or legislative change.[8] But the Commission must summarily reject this misguided effort to use the FEC's enforcement process to establish new disclosure rules.

---

[8] As the initial response notes, the Commission has submitted legislative recommendations on this topic in the past—in fact, it did so repeatedly for over a decade—but Congress never changed the law. *See* Resp. 8–9 (citing 1997 FEC Legislative Recommendations at 16–17); *see also, e.g.*, 1985 FEC Legislative Recommendations at 13.

The public knows to whom and in what amounts Respondents made expenditures. *See* MUR 6894 (Russell for Congress), Factual & Legal Analysis at 2 ("[T]he alleged unreported disbursements were in fact reported to the Commission."). CLC does not (and cannot) allege that Respondents have failed to disclose the purpose of their vendor payments adequately. Therefore, CLC fails to "describe a violation of statue or regulation over which the Commission has jurisdiction," 11 C.F.R. § 111.4(d)(3), and the Commission must find that there is no reason to believe a violation has occurred, dismiss this matter, and close the file.

Respectfully submitted,

E. Stewart Crosland
JONES DAY
51 Louisiana Avenue, NW
Washington, DC 20001
(202) 879-3939

Counsel to Make America Great Again PAC and Trump Make America Great Again Committee and Bradley T. Crate, as Treasurer