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December 17, 2020

Graham M. Wilson  
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D. +1.202.434.1638  
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Assistant General Counsel  
Office of Complaints Examination & Legal Administration  
Federal Election Commission  
1050 First Street, N.W.  
Washington, D.C. 20463  
cela@fec.gov**Re: MUR 7839**

Dear Mr. Jordan:

We write as counsel to Jaime Harrison for US Senate and David Adams in his official capacity as treasurer (collectively, “**Respondents**”), in response to a complaint filed with the Federal Election Commission (“**Commission**”) by Steve Daines for Montana and the National Republican Senatorial Committee on October 27, 2020 and amended on October 28, 2020 (the “**Complaint**”) in the above-referenced matter. The Complaint concerns a mail piece without a disclaimer, but Respondents had absolutely nothing to do with the mail piece at issue. Because the Complaint fails to allege a violation of the Federal Election Campaign Act (the “**Act**”) by Respondents, the Commission must dismiss the Complaint as against Respondents.

The Complaint alleges that a printing company, Westerleigh Press, published mailers that expressly advocated against the election of Senator Lindsey Graham but did not contain a disclaimer as required by the Act (the “**Mailers**”). The Complaint speculates that the Mailers *may* have been paid for by or coordinated with Respondents, but does not directly allege or offer any evidence that this was the case. Indeed, the Complaint fails to plead any facts demonstrating that Respondents paid for or coordinated with another party on the Mailers. And for good reason. In fact, Respondents neither paid for nor coordinated with another party on the Mailers. Westerleigh Press, the company allegedly involved with the mailers, was not a vendor for Respondents.<sup>1</sup> Further, Respondents did not participate in any way in the production or dissemination of the Mailers.

A complaint must be dismissed unless it pleads “sufficient specific facts, which, if proven true,

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<sup>1</sup> FEC, Jaime Harrison for US Senate: Disbursements,  
<https://www.fec.gov/data/committee/C00696153/?cycle=2020&tab=spending>.

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would constitute a violation of the [Act].”<sup>2</sup> The Commission has made clear that “unwarranted legal conclusions from . . . mere speculation . . . will not be accepted as true.”<sup>3</sup> Moreover, “[c]omplaints not based upon personal knowledge must identify a source of information that reasonably gives rise to a belief in the truth of the allegations presented.”<sup>4</sup>

The Complaint, which is entirely speculative, does not plead a single fact establishing that Respondents paid for the Mailers or coordinated with any third party on the Mailer. In fact, the Mailers were neither paid for by nor coordinated with Respondents, and Respondents had no involvement at all with regard to the production or dissemination of the Mailers. Accordingly, the Complaint fails to plead sufficient specific facts, which, if proven true, would constitute a violation of the Act. Therefore, the Commission should find no reason to believe that Respondents violated the Act and dismiss this matter as against Respondents immediately.

Very truly yours,



Graham M. Wilson  
Aria C. Branch  
Sarah N. Mahmood  
Counsel to Respondents

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<sup>2</sup> Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas, Matter Under Review 4960 (Clinton for U.S. Exploratory Committee) (Dec. 21, 2000).

<sup>3</sup> *Id.*; Statement of Reasons of Chairman Darryl R. Wold and Commissioners David M. Mason and Scott E. Thomas, MUR 4850 (Fossella) (July 20, 2000).

<sup>4</sup> Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas, MUR 4960 (Clinton for U.S. Exploratory Committee) (Dec. 21, 2000).