

**IN AND BEFORE THE  
FEDERAL ELECTION COMMISSION**

In Re:

Freedom First PAC, formerly	)	
Meadows for Congress,	)	
Collin McMichael, in his official capacity	)	
As Treasurer, and	)	
	)	MUR 7850
Mark R. Meadows	)	
	)	
RESPONDENTS	)	
	)	

**RESPONDENTS' RESPONSE TO COMPLAINT**

Freedom First PAC, formerly Meadows for Congress (“the Committee”) and Collin McMichael, in his official capacity as Treasurer of the Committee (“Treasurer”), and Mark R. Meadows, an individual, (collectively hereafter “Respondents”), file this Response to the Complaint filed with the Federal Election Commission (“Commission” or “FEC”) by Citizens for Responsibility and Ethics in Washington (“CREW”).

The Complaint alleges that Respondents have committed a violation of the Federal Election Campaign Laws, Title 52 United States Code, Subtitle III, Chapter 301, Subchapter I (“the Act”) and the regulations promulgated thereunder by the Commission.

Respondents affirmatively state that none of them have committed any violation of the Act and the Complaint should be dismissed.

**FALSE ALLEGATIONS IN THE COMPLAINT**

CREW falsely alleges in its complaint that Respondents made disbursements from the Committee that constituted ‘personal use’ of committee funds, in violation of 52 U.S.C. § 30114(b)(1).

The allegations are baseless and CREW offers no facts in support of its bare allegations of violations. The complaint essentially asserts that all disbursements by the Committee since January 1, 2020 for food and beverages were for ‘personal’ use. See ¶3 of the Complaint.

Additionally, CREW alleges that the disbursement on March 30, 2020 to Ann Hand LLC was a ‘personal’ use disbursement (see ¶34) and that the Committee’s payment to its field / district coordinator Henry Mitchell for his mileage during the first quarter of 2020 and a lump

sum final payment for services rendered for which he was paid \$2300 in June 2020 was also impermissible. See ¶ 36a.

Each of the allegations is without factual or legal basis.

Food and Beverage Disbursements. Mr. Meadows was a member of Congress through March 30, 2020, and continued to use campaign funds to defray expenses of his congressional service through the first quarter 2020. Payment for food and beverage at meetings and/or events with colleagues and other officially related persons is a legal and legitimate use of campaign funds by a Member of Congress.

The few disbursements for food and beverage from and after Mr. Meadows' resignation from the Congress were solely related to meetings with government officials, past donors/supporters, and/or food/beverage for government staff working on weekends at the White House. There were *no* personal use disbursements at any time for food and beverage, contrary to the false accusations by CREW. See Affidavit of Mr. Meadows.

Campaign Staff. The Committee paid one staff member, Henry Mitchell, his mileage during the first quarter of 2020 when Mr. Meadows was still a member of Congress, as part of the winding down of the campaign, and made one \$2300 payment to Mr. Mitchell for his time and services during the early part of 2020. See Affidavit of Mr. Meadows.

Payment to Ann Hand LLC. Mr. Meadows, as former chairman of the House Freedom Caucus ("HFC"), asked Ann Hand LLC to design and produce an HFC lapel pin for his fellow HFC members, which were presented to them by Mr. Meadows before his resignation from the House. A photograph of the HFC pin is attached.

In short, none of the disbursements complained about by CREW were for the personal use of Mr. Meadows; none of the expenses would have existed irrespective of Mr. Meadows' official position as a member of the Congress and later as Chief of Staff at the White House, and each disbursement involved interacting with members of Congress, former and prospective supporters, and White House staff.

### **LEGAL AUTHORITIES**

CREW's complaint is grounded upon no facts as well as an incorrect application of the law governing the use of campaign funds by a retiring Member of Congress.

Campaign funds may be used to pay for campaign-related expenses and for ordinary and necessary expenses incurred in connection with an individual's duties as a federal officeholder. 52 U.S.C. § 30114(a); 11 CFR §113.2. Most of the Committee disbursements complained about by CREW occurred before March 30, 2020, when Mr. Meadows was still a member of Congress. Such disbursements from the campaign account were and are not a 'personal use' simply because Mr. Meadows had announced his intention not to seek reelection and to retire from the House at the end of the first quarter of 2020.

Payments to a campaign staff member for mileage and services rendered to the Committee during the transition from active status as a campaign committee were a permissible expenditure of campaign funds. The final payment to the campaign staff member was in June 2020, which was within the six-month winding down period. 11 CFR §113.2(a)(2). Commission Advisory Opinion 1993-06 authorized payment of staff salaries during the winding down period.

The purchase of pins for House Freedom Caucus members was a permissible use of campaign funds. Payment for gifts of nominal value to individuals who are not in the Member's family are permissible. 11 CFR §113.1(g)(4).

Payment of meal expenses<sup>1</sup> for supporters, donors, official functions, and government staff employees while working weekends – not mere family meals – are not 'personal use' disbursements because none of the expenses would exist irrespective of the Member's official duties. 11 C.F.R. §113.1(g). See also 11 C.F.R. § 113.2(a)(2)(e).

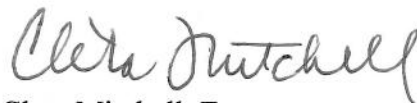
In summary, none of the expenses identified by CREW were for personal use purposes; each and every one was permissible and authorized under the Act and Commission regulations.

### CONCLUSION

The complaint is based on speculation and offers no factual support. The uncontroverted facts as stated in the verified affidavit attached to this response confirm that there was no personal or impermissible use of campaign funds by the Committee, its treasurer or Mr. Meadows. The application of the Act and Commission regulations to the facts of this matter confirm that no violation(s) occurred.

Accordingly, the Complaint must be dismissed.

Respectfully submitted,



Cleta Mitchell, Esq.  
FOLEY & LARDNER, LLP  
Counsel to Respondents  
Freedom First PAC  
f/k/a/Meadows for Congress  
and Mark Meadows

Submitted this 24<sup>th</sup> day of December 2020

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<sup>1</sup> A meal expense of \$393.10 on September 15, 2020 at the Trump Hotel was incorrectly reported as 'lodging'. In fact, the costs were for a dinner with donors / supporters.

## .IN AND BEFORE THE FEDERAL ELECTION COMMISSION

District of Columbia  
Washington, DC

MUR 7850

**Affidavit of Mark Meadows**

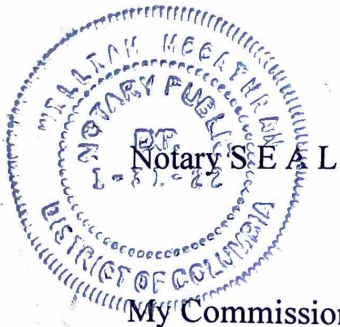
I, Mark Meadows, a resident of the State of North Carolina and being of lawful age, do hereby affirm and state:

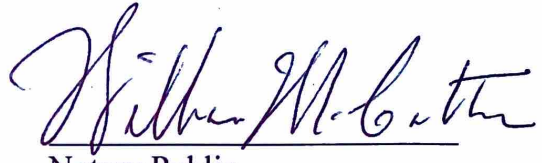
1. I served as a Member of Congress from 2013 until my resignation as of March 30, 2020.
2. During the first quarter of 2020, I continued to serve in Congress and all disbursements from my campaign committee, Meadows for Congress, were for the purpose of winding down the campaign and/or defraying the costs of my continued official duties, including meetings and dinners with other Members of Congress, among others.
3. During the first quarter of 2020, the campaign's coordinator Henry Mitchell continued to travel through the congressional district and was reimbursed his mileage expenses for his work in winding down the campaign apparatus. He was paid a final payment of \$2300 in June 2020 to cover his time spent on winding down the campaign during 2020.
4. On July 1, 2020, the campaign committee filed paperwork with the FEC to convert to a non-connected PAC, Freedom First PAC.
5. After my resignation from Congress on March 30, 2020, the only disbursements made from the funds of the campaign committee have been for purchases of food for official meetings, meetings with members of Congress, former and prospective donors, and for White House staff and security officers working on weekends.
6. The disbursement to Ann Hand LLC was to purchase pins for House Freedom Caucus ("HFC") members as my gift(s) to fellow House members upon ending my tenure as a member of Congress and as former Chairman of the HFC.
7. There have been no disbursements from Freedom First PAC, f/k/a Meadows for Congress ("the Committee"), for any personal expenses not attendant to my official duties as either a member of Congress and/or a White House official, or for purposes related specifically to the expenses of the Committee.
8. All disbursements from the Committee have been for costs that were specifically related to Committee business or would not exist irrespective of my official duties.

The above and foregoing is true and correct to the best of my knowledge and belief.

  
Mark Meadows

Before me appeared personally on this 21 day of December 2020, Mark Meadows, and did swear and affirm under penalty of perjury that the above and foregoing statements are true and correct to the best of his knowledge and belief.



  
Notary Public

My Commission Expires:



Hand

