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By OGC-CELA at 9:28 am, Jan 08, 2021

# JONES DAY

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January 7, 2021

CONFIDENTIAL  
COMMUNICATION

**VIA E-MAIL TO CELA@FEC.GOV**

Federal Election Commission  
Office of Complaints Examination & Legal Administration  
Attn: Christal Dennis, Paralegal  
1050 First Street, N.E.  
Washington, DC 20463

Re: Matter Under Review 7867

Dear Office of Complaints Examination & Legal Administration:

Enclosed please find a response to the complaint in the above-captioned MUR.

Very truly yours,

/s/ E. Stewart Crosland

E. Stewart Crosland

Enclosure

**BEFORE THE FEDERAL ELECTION COMMISSION**

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 )     **MUR 7867**  
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**RESPONSE OF DONALD J. TRUMP FOR PRESIDENT, INC.  
AND BRADLEY T. CRATE, AS TREASURER**

Donald J. Trump for President, Inc. and Treasurer Bradley T. Crate (collectively, the “Campaign”) hereby respond to the complaint filed by the Campaign Legal Center (“CLC”) in the above-captioned Matter Under Review. CLC brings its complaint solely against an independent expenditure-only political committee called Our American Century, which CLC claims republished a digital advertisement that was originally created and distributed online by the Campaign. *See generally* Compl. CLC does not allege any wrongdoing by the Campaign whatsoever. The complaint thus asserts no factual allegations that “describe a violation” of law by the Campaign, and the Commission must find that there is no reason to believe a violation has occurred, dismiss the complaint, and close the file as to the Campaign. 11 C.F.R. § 111.4(d)(3).

As stated in CLC’s complaint against Our American Century, in the event there was prohibited republication in this matter, the Campaign “is not considered to have received an in-kind contribution and is not required to report an expenditure, unless the republication [was] a coordinated communication under 11 C.F.R. §§ 109.21 or 109.37.” Compl. ¶ 13 (citing 11 C.F.R. § 109.23(a)). CLC does not allege coordination involving the Campaign—nor could it. And while it is not the Campaign’s obligation to prove a negative when responding to an FEC complaint, the Campaign and its personnel understand and have been trained on the rules governing improper “coordination” with outside groups, and the Campaign takes its compliance with those requirements seriously. The Campaign thus respectfully requests that the Commission find “no reason to believe” and close the file as to the Campaign—just as the Commission has done in

similar prior matters. *See, e.g.*, MUR 6535 (Romney for President, Inc.), Factual & Legal Analysis 6 (“[T]here is nothing in the record showing that the communication at issue was coordinated with the Romney campaign. The Commission therefore finds no reason to believe that Romney for President violated 52 U.S.C. §§ 30116(f) or 30118(a) and closes the file as to Romney for President.”).