

BEFORE THE FEDERAL ELECTION COMMISSION

Dr. John Cowan

Rome, GA, 30161

v.

MUR No. 7883

American Firearms Coalition  
6031 East Main Street  
Suite 311  
Columbus, OH 43213

**Complaint**

1. This complaint is filed pursuant to 52 U.S.C. § 30109(d)(1)(A)(i) for knowing and willful violations of the Federal Election Campaign Act (FECA) by American Firearms Coalition based on the content of a video distributed by the company in July 2020.
2. The video alleges that Dr. Cowan, who was then the primary opponent of Marjorie Taylor Greene, supports liberal politicians who “hate our guns” and urges the recipients to contact Dr. Cowan and ask him about his stance. The video is posted at this link:  
<https://www.facebook.com/realAmericanFirearmsCoalition/posts/412786966330183> As this video clearly identifies a federal candidate and has the effect of expressing for his defeat, these statements are governed by the FECA, Pub. L. 92-225, 52 U.S.C. § 30101 *et seq.*
3. “If the Commission, upon receiving a complaint . . . has reason to believe that a person has committed, or is about to commit, a violation of [FECA] . . . [t]he Commission *shall* make an investigation of such alleged violation . . .” 52 U.S.C. § 30109(a)(2) (emphasis added); *see also* 11 C.F.R. § 111.4(a).
4. The Complainant, Dr. John Cowan, was a candidate for Georgia’s Fourteenth Congressional district in the 2020 primary election.

### Facts

5. On information and belief, during the 2020 runoff election between Congresswoman Greene and Dr. Cowan, a video was distributed by American Firearms Coalition alleging—falsely—that Dr. Cowan supports liberal politicians who “hate our guns.”
6. The video urged recipients to call Dr. Cowan and ask him about his stance.
7. The video was apparently distributed on July 21, 2020—fewer than 21 days before the runoff election.
8. The video references Dr. Cowan and Congresswoman Greene, featuring their pictures and messaging, and only incidentally discussed gun rights.
9. Dr. Cowan has a long history of supporting gun rights and the Second Amendment.
10. The sole purpose of the communication was to influence the 2020 primary runoff election.
11. According to its determination letter, American Firearms Coalition is a 501(c)(4) organization

### Summary of the Law

12. The video distributed by American Firearms Coalition refers to a clearly identified federal candidate and has the effect of advocating for his defeat as a Congressional candidate. Therefore, the statements made by American Firearms Coalition are governed by the FECA, Pub. L. 92-225, 52 U.S.C. § 30101 *et seq.* Knowing and willful violations of FECA can result in fines or imprisonment for not more than five (5) years. 52 U.S.C. § 30109(d)(1)(A)(i)
13. Under FECA, “whenever any person makes a disbursement for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate”

that is not authorized by a candidate, that communication “shall clearly state the name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate’s committee.” 52 U.S.C. § 30120(a)(3).

14. The term “clearly identified” means that a “candidate’s name, nickname, photograph” makes the identity of the candidate apparent. 11 C.F.R. § 100.17.
15. A communication is “expressly advocating” for the election or defeat of a candidate when, given the proximity to an election, it “could only be interpreted by a reasonable person as containing advocacy” regarding the election because “[r]easonable minds could not differ as to whether or encourages actions to elect or defeat one or more clearly identified candidate.” 11 C.F.R. § 100.22(b)(2).
16. Per FECA, an “expenditure” includes “any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office.” 52 U.S.C. § 30101(9)(A)(i).
17. Moreover, after making an independent expenditure, organizations are required to register and report with the Federal Election Commission after crossing certain thresholds. 11 C.F.R. § 104.4.

#### **Causes of Action**

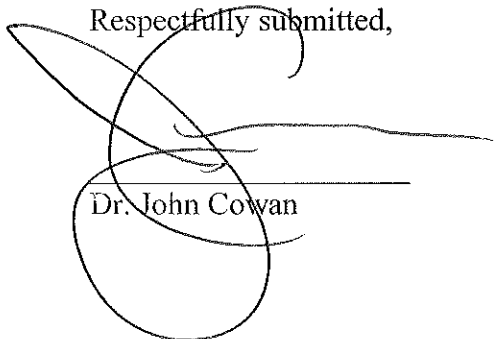
18. American Firearms Coalition committed knowing and willful violations of FECA when it clearly identified a federal candidate and advocated for his defeat without “clearly stat[ing] the name and permanent stress address, telephone number or World Wide Web address of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate’s committee.” 52 U.S.C. § 30120(a)(3).

19. The video was advocating for the defeat of a federal candidate in a federal election within 21 days of the runoff election. As a result, the failure to include a proper disclaimer subjects American Firearms Coalition to liability before the Federal Election Commission. 52 U.S.C. § 30120(a)(3).
20. On information and belief, American Firearms Coalition has not registered or reported these contributions as independent expenditures and has not disclosed the source of the donations financing the communication.

**Prayer for Relief**

21. Therefore, the Commission should seek appropriate sanctions for any and all violations, including civil penalties sufficient to deter future violations by American Firearms Coalition and other possible offenders. Additional remedies should be provided as necessary and appropriate to ensure compliance with the FECA and protect the integrity of elections in Georgia and throughout the country.

Respectfully submitted,



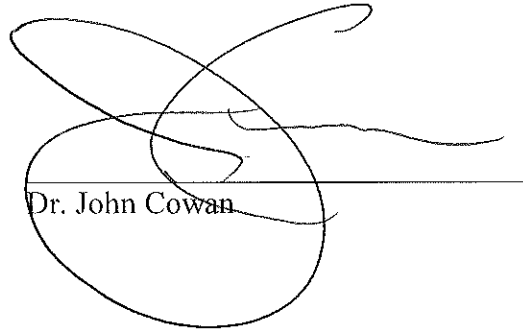
Dr. John Cowan

February 22, 2021.

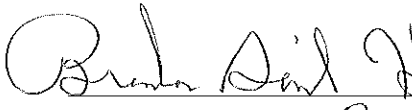
**VERIFICATION**

The complainant listed below hereby confirms that the statements made in the attached Complaint are, upon his/her knowledge and belief, true.

Sworn pursuant to 18 U.S.C. § 1001.

  
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Dr. John Cowan

Sworn to and subscribed before me on this 22 day of February, 2021.



Notary Public

