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Federal Election Commission
1050 First Street NE Washington, DC 20463

VIA E-MAIL: cela@fec.gov

Re: MUR 7889: Response for Gun Owners Action Fund

We write on behalf of Gun Owners Action Fund and Nancy H. Watkins, in her official capacity as Treasurer (collectively “GOAF”) in response to a complaint alleging that Sig Sauer, Inc. (“SSI”), a set of companies involved in the design and manufacture of firearms, made a prohibited contribution to GOAF, an independent expenditure-only political committee. Specifically, the Complaint alleges that SSI is a federal government contractor, and therefore was prohibited from making a contribution to GOAF.

This matter, as to GOAF, should be dismissed immediately. The Complainant, who has a business model built upon the constant filing of frivolous, far-fetched, and speculative FEC complaints, does not even allege that GOAF violated the Federal Election Campaign Act of 1971, as amended (“FECA”) or Commission regulations. In fact, the Complainant did not even file a complaint against GOAF—which should be a *clear* indication to the Commission that Complainant does not believe GOAF violated FECA or Commission regulations. The fact that our client has to file this Response, when there is consensus among the parties that GOAF did not do anything wrong, is nothing more than a waste of everyone’s time and resources.¹

¹ The reason why GOAF have been forced to pay attorneys to write this Response is because the Commission’s Office of General Counsel (OGC) unilaterally decided to make Gun Owners Action Fund a Respondent. This practice by OGC is unfortunately common, and has been previously been discussed by Commissioners. *See generally* Statement of Reasons of Vice Chair Caroline C. Hunter and Commissioner Lee E. Goodman, MUR 6920 (American Conservative Union, *et al.*); Statement of Lee E. Goodman, MUR 7073 (Melusky, *et al.*). While Commissioners have proposed policies to make all individuals or entities even tangentially referenced in a complaint named as respondents in enforcement matters, these items have not been approved by the Commission. *See* Agency procedure for Notice to Potential Respondents in Enforcement Matters, Draft Circulated by Steven T. Walther (July 15, 2009), *available at* <https://www.fec.gov/resources/updates/agendas/2009/mtgdoc0947.pdf/>. We hope that the Commission will review and change this practice.

The Complainant's deliberate choice to exclude GOAF from this matter was for good reason. It is well established that FECA and Commission regulations only prohibit political committees, such as GOAF, from *knowingly* soliciting federal contractor contributions,² and the Commission has never found a violation of FECA by the receiving committee when the receiving committee had no knowledge of the donor's government contractor status.³ Here, there is zero evidence to show GOAF had knowledge that SSI was a government contractor, and the Complaint does not make any such allegation. In addition, and to be abundantly clear, GOAF did not have knowledge of SSI's federal contractor status until after this Complaint was filed, and then in an abundance of caution promptly refunded SSI's contribution upon receiving such information.

Without even an accusation—much less evidence—that a knowing solicitation occurred, there are no grounds to find that GOAF violated FECA or Commission regulations. It is unfortunate that the Commission's Office of General Counsel ignored the Complainant, as well as the Commission's long-standing precedent of not finding violations of the law by receiving committees in identical circumstances, when it decided to add GOAF as a respondent in this matter. However, this matter is easy for the Commission to resolve. Based on the information presented in this Response, coupled with the Commission precedent, the Commission should find no reason to believe against GOAF and should close the file.

Respectfully submitted,



Charlie Spies
Katie Reynolds
Counsel to Gun Owners Action Fund

² 52 U.S.C. § 30119(a)(2); 11 C.F.R §§ 115.1 and 115.2.

³ *See, e.g.*, MUR 7099 (Suffolk Construction) (finding no reason to believe against Priorities USA, an independent expenditure only political committee, knowingly solicited a contribution from a government contractor); MUR 7451 (Ring Power) (finding no reason to believe against New Republican PAC for knowingly soliciting funds); MUR 7568 (Alpha Marine Services) (finding no reason to believe that Congressional Leadership Fund knowingly solicited a contribution from a federal government contractor).