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September 10, 2021

Federal Election Commission
Office of Complaint Examination
& Legal Administration
Attn: Roy Q. Lockett
1050 First Street NE
Washington, DC 20463

VIA EMAIL: cela@fec.gov.

Re: MUR 7914 Response for National Rifle Association of America, National Rifle Association of America Political Victory Fund, National Rifle Association Institute for Legislative Action, and NRA Victory Fund, Inc.

We represent the National Rifle Association of America (“NRA”), National Rifle Association of America Political Victory Fund (“NRA-PVF”), National Rifle Association Institute for Legislative Action (“NRA-ILA”), NRA Victory Fund, Inc. (“NRA-VF”) (collectively “the Respondents”), and Robert Owens in his official capacity as Treasurer for NRA-PVF and NRA-VF in this matter. The legal complaint (“the Complaint”) in the above referenced matter is twelve pages of wild and fantastical allegations that the Respondents were, and still are, so-called “foreign assets.” As part of this kooky conspiracy theory, the Complaint alleges that the Respondents violated the Federal Election Campaign Act of 1971, as amended (“FECA”) and Commission regulations because, according to the Complainant, the Respondents may have accepted contributions from foreign corporations, including Beretta USA Corporation (“Beretta”), Glock, Inc. (“Glock”), Sig Sauer, Inc. (“Sig Sauer”), and Taurus Holdings, Inc. (“Taurus”) (collectively “the Companies”), and then possibly could have used those contributions to influence the 2020 election.

These claims are conclusory and unsupported by any specific allegations, let alone actual evidence. Despite lacking any concrete information, the Complainant nonetheless attempts to create the illusion that a violation occurred through speculation, hyperbole, a partisan Senate report, and vague statements from over a decade ago. Let us be clear: the Respondent’s acceptance of funds from the Companies did not violate any campaign finance law, as the money given was from, and derived from the revenue of, the Companies’ U.S. subsidiaries. On its face, the Complaint fails to establish the basic elements necessary to warrant an investigation, since it fails to provide “sufficient specific facts” to support its conclusion that the Respondents violated

FECA and/or Commission regulations.¹ It is not the Commission's job to fill in the gaps of a shoddy legal complaint, and therefore, we ask that the Commission see through this charade and find no reason to believe that the Respondents violated the law.

I. FACTUAL BACKGROUND

The NRA is a 501(c)(4) organization and America's foremost defender of Second Amendment rights.² The NRA-ILA also has 501(c)(4) status and is classified as the lobbying arm of the NRA.³ The NRA-PVF is a separate segregated fund of the NRA, and is registered with the Federal Election Commission (FEC).⁴ The NRA-VF is a Super PAC that is also registered with the FEC.⁵ The Respondents spent over \$29,000,000 during the 2020 election cycle.⁶ Out of that amount, approximately \$19,000,000 was spent by NRA-VF, \$9,000,000 by NRA-PVF, and \$900,000 by NRA-ILA.⁷

The Companies are foreign gun manufacturers with subsidiaries in the United States. Between 2016 and 2020, NRA and/or NRA-ILA received roughly \$270,000 in monetary and/or in-kind contributions from the United States subsidiaries of the Companies.⁸ The Companies made no contributions to NRA-PVF and NRA-VF, and did not earmark any of their contributions to the NRA or NRA-ILA for political activity.

II. LEGAL ANALYSIS

Based on some of the above information, combined with a convoluted web of speculation and conspiracy theories, the Complainant surmises that the Respondents acted as some sort of "foreign assets" in part of a concerted (yet secret!) effort to funneled foreign money from the Companies into the 2020 election. In fact, no foreign money was used for Respondents' electoral activities, and there is zero evidence to indicate that the Respondents solicited, accepted or otherwise acted as a conduit for foreign money in the 2020 election. Any claim otherwise is false and defamatory.

Of course, FECA and Commission regulations prohibit organizations within the Commission's jurisdiction from knowingly soliciting, accepting, or receiving contributions or

¹ MUR 4960 (Hillary Rodham Clinton For U.S. Senate Exploratory Committee, Inc.), Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas at 1 ("[t]he Commission may find 'reason to believe' only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the FECA.").

² A Brief History of the NRA, National Rifle Association, <https://home.nra.org/about-the-nra/>.

³ About the NRA Institute for Legislative Action, NRA Institute for Legislative Action, <https://www.nraila.org/about/>

⁴ FEC Form 1, National Rifle Association of America Political Victory Fund (last updated April 28, 2020), <https://docquery.fec.gov/pdf/876/202004289232329876/202004289232329876.pdf>.

⁵ FEC Form 1, NRA Victory Fund, Inc. (last updated Mar. 10, 2020), <https://docquery.fec.gov/pdf/433/202003109203798433/202003109203798433.pdf>.

⁶ Outside Spending Summary, National Rifle Association, <https://www.opensecrets.org/outsidespending/detail.php?cycle=2020&cmte=National+Rifle+Assn>.

⁷ *Id.*

⁸ Many of the contributions made were in-kind contributions for the fair market value of guns donated by the Organizations in connection with NRA-ILA's annual auction.

donations from foreign nationals.⁹ In this context, “knowingly” means that a person (1) has actual knowledge that the funds solicited, accepted, or received are from a foreign national; (2) is aware of facts that would lead a reasonable person to believe that the funds solicited, accepted, or received are likely to be from a foreign national; or (3) is aware of facts that would lead a reasonable person to inquire whether the source of the funds solicited, accepted, or received is a foreign national.¹⁰ It is also unlawful to knowingly provide “substantial assistance” to foreign nationals making contributions of donations in connection with any U.S. election.¹¹ “Substantial assistance” refers to active involvement in the solicitation, making, receipt or acceptance of a foreign national contribution or donation with the intent of facilitating the successful completion of the transaction.¹² This prohibition includes, but is not limited to individuals who act as conduits or intermediaries.

The Respondents did not violate any part of the foreign national contribution ban, as all of the Companies’ donations to the NRA derived from funds from and/or items purchased by the Companies’ U.S. subsidiaries. Even assuming *arguendo* that the Companies’ donations came from foreign funds, those funds are outside the scope of the Commission’s jurisdiction. None of the Companies made direct contributions to NRA-PVF and NRA-VF, the two political organizations registered with the FEC, and none of the Companies’ donations to the NRA or NRA-ILA were earmarked for political activity. Given that the Companies’ donations were not allocated and/or used for political activity, the Commission has no enforcement authority over how those donations were used.

Importantly, the Complainant provides *zero* evidentiary support for its claim that the Respondents violated campaign finance law. The only two pieces of information the Complainant has provided to support its legal conclusion that the Respondents funneled foreign money into the 2020 election cycle are: (1) the fact that the hyper-partisan Minority Staff of the Senate Finance Committee called the NRA a “foreign asset” in a committee report and; (2) a comment made by the former President and CEO of Beretta in 2008 that he was planning on pledging \$1 million to the NRA. This information is nothing but filler, as neither piece of information provides any evidentiary support that the Respondents knowingly solicited, received or accepted foreign contributions from the Companies. Further bolstering this point is that the Complaint essentially concedes to not possessing any real evidence by consistently stating that Respondents “*may have* knowingly solicited funds,” Respondents “*may have*...violated the Act by accepting contributions from foreign nationals,” and Respondents “*seem*[] to have doubled down on its foreign ties.”¹³ As the Commission has long-stated, “[t]he Commission may find ‘reason to believe’ only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the FECA.”¹⁴ Given that the Complainant provides zero specific facts to support its conclusory allegations, the Commission should not waste its limited resources investigating a conspiracy theory.

⁹ 52 U.S.C. § 30121(a)(2).

¹⁰ 11 C.F.R. § 110.20(a)(4).

¹¹ 11 C.F.R. § 110.20(h).

¹² *Id.*; see also Explanation and Justification for 11 CFR 110.20 at 67 FR 69945-46 (November 19, 2002).

¹³ See, e.g., Complaint, MUR 7914 at 9-11.

¹⁴ MUR 4960 (Hillary Rodham Clinton For U.S. Senate Exploratory Committee, Inc.), Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas at 1.

Before concluding, note that any prior enforcement matter before the Commission involving the Respondents should not be part of the basis for making any legal conclusions regarding the facts alleged in this MUR. As the Commission is well-aware, both of the enforcement matters referenced in the Complaint were dismissed by the Commission, demonstrating the lack of support for moving forward on an investigation. Complainant's reliance on these dismissed complaints to imply an ongoing violation of the foreign national ban by Respondents and now assert that Respondents "escaped all penalties from their unlawful actions" is not only inappropriate and defamatory, but contrary to the actual decisions of this Commission.

III. CONCLUSION

Plain and simple, the Complaint is a smear campaign masked as a legal complaint. The irony is not lost on us that the Complainant markets itself as "exposing those who have betrayed the public's trust to advance their own ends"¹⁵ when Complainant is literally wasting taxpayer dollars to pursue Complainant's personal vendetta against the Respondent. However, the bottom line is that the Complaint does not provide any facts necessary to meet the standard needed to warrant an investigation. We urge the Commission to uphold its longstanding precedent, and find no reason to believe the Respondents violated the law.

Sincerely,



Charlie Spies
Katie Reynolds
Counsel to Respondents

¹⁵ "Our Priorities," Campaign for Accountability (last accessed Aug. 31, 2021), <https://campaignforaccountability.org/our-priorities/>.