

Elections, LLC

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April 6, 2022

Roy Q. Lockett
Acting Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
1050 First St, NE
Washington, DC 20463

VIA EMAIL: cela@fec.gov

RE: Response of Donald J. Trump, Save America, and Bradley Crate in his capacity as Treasurer of Save America in MUR 7968

Dear Mr. Lockett

This Response is submitted by the undersigned counsel on behalf of Donald J. Trump, Save America, and Bradley Crate, in his capacity as Treasurer of Save America (collectively, the “Respondents”) in response to the March 17, 2022, complaint from American Bridge 21st Century, or AB PAC, designated as Matter Under Review 7968 (the “Complaint”). For the reasons set forth below, the Commission should find no reason to believe Respondents violated the Federal Election Campaign Act of 1971, as amended (the “Act”) or any Commission regulations (“Regulations”). Accordingly, the Commission should find no reason to investigate and the Complaint should be dismissed as to all Respondents.

AB PAC is a well-known democrat organization whose stated mission includes keeping “Donald J. Trump and the Republican Party unpopular” and to inundate “Republicans with negative news stories – uncovering major scandals, keeping investigations into Trump at the top of mind for voters, and shining a harsh light on cronyism and incompetence in the Trump administration.”¹ This complaint is yet another example of AB PAC attempting to discredit Donald J. Trump and the movement he created in an attempt to knee-cap Save America’s goals of supporting America First candidates and committees.

To this end, the Complaint alleges Respondents violated the Act and Regulations by: (i) failing to register as a candidate as set forth in 11 CFR 101.1 and (ii) impermissibly raising and spending funds through a multicandidate leadership committee in furtherance of a 2024, presidential campaign by Donald J. Trump. The Complaint is based on a few out of context comments from interviews, press appearances, statements at a private club, and at a third-party event in which Complainant alleges President Trump teased he had made a decision on whether he would run

¹ See “About US”, <https://americanbridgepac.org/about-us/> (last visited April 6, 2022).

for President in 2024, and improperly concludes that he, and his leadership committee, are in violation of the Act. Respondents are in full compliance with the Act and FEC Regulations and the Commission should dismiss the Complaint.

Donald J. Trump has not triggered registration as a candidate for federal office for an upcoming election, including the 2024 election for President of the United States. Candidates for federal office have 15 days from the time they accept contributions or make expenditures in excess of \$5,000 for the purpose of supporting such candidate's election to federal office to register with the Commission.² Further, a principal campaign committee acting on behalf of a federal candidate must file a Statement of Organization with the Commission within 10 days of the candidate filing its Statement of Candidacy.³

Respondents have not accepted contributions or made expenditures in excess of \$5,000 for the purpose of supporting an alleged candidacy of Donald J. Trump. For example, neither Donald J. Trump nor any other Respondent has (a) made any statement referring to Donald J. Trump as a candidate; (b) used general public advertising to publicize his intent to campaign; (c) raised any money for testing the waters activities; (d) or taken any action to qualify for any ballot.

Donald J. Trump is a leading political figure with a history of engaging in political activism and frequently engages in activities, such as public speaking, for reasons other than a potential political campaign. Save America, as a prominent multicandidate leadership PAC, provides Donald J. Trump with a platform for his political activities and has expended significant amounts of money supporting candidates and committees who have been endorsed by or otherwise supported by Donald J. Trump. Each of these expenditures has been properly reported in full compliance with the Act and associated Regulations. In sum, Save America builds on the accomplishments of the Trump Administration, supporting the brave conservatives who will define the future of the America First Movement, the future of the Republican Party, and the future of the United States of America. Donald J. Trump is not prohibited from being associated with Save America organization, or even using Save America's platform to maintain a public image, support other candidates, or advance certain issues prior to becoming a candidate.

² 52 U.S.C. § 30102(e)(1); 11 C.F.R. § 101.1.

³ 52 U.S.C. § 30103.

Moreover, such activities cannot be considered to be testing the waters.⁴ Donald J. Trump's use of the Save America platform, and Save America allowing Donald J. Trump to use its platform, do not violate the Act or the Regulations. The Commission has historically found no reason to believe a violation of the Act or FEC Regulation occurred under similar circumstances and should do so again here.⁵

Respondents have not violated the Act or FEC Regulations and the Commission should find no reason to investigate and dismiss the Complaint. Donald J. Trump is not a candidate for public office and he has not accepted impermissible soft dollars from Save America for testing the waters activities. Donald J. Trump is a prominent political figure who has used the platform of Save America to assist the mission of Save America to build upon the accomplishments of the Trump administration and support other candidates who will define the future of the America First Movement, the Republican party, and the United States of America. Such actions are not impermissible under the Act of FEC Regulations. If and when Donald J. Trump decides to seek election to federal office, or otherwise qualifies as a candidate for the purposes of the Act and Regulations, Donald J. Trump will establish the appropriate committees. Accordingly, the Commission should find no reason to investigate and dismiss the complaint.

Respectfully submitted,



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Counsel to Donald J. Trump, Save America, and Bradley Crate, as Treasurer of Save America

⁴ See Statement of Reasons of Vice Chairman Matthew S. Peterson and Caroline Hunter, at 7-8, MUR 6928 (Richard John "Rick" Santorum, et al.) citing First General Counsel's Report at 26-29, MUR 5260 (Talent) (Jan. 6, 2003) (recommending that the Commission find no reason to believe an individual used an organization to test the waters even though the organization functioned as a platform for the individual to "keep up his public profile" while supporting "candidates and causes until he determined his political future."); Statement of Reasons of Chairman Matthew S. Petersen, Caroline C. Hunter, and Lee E. Goodman at 4, MURs 6470, 6482, 6484 (Romney, et al.) (Mar. 30, 2016) ("Accordingly, a political committee or other organization may provide an individual . . . with a platform to speak about issues, support other candidates, and maintain a public profile without the payments for such activities necessarily being considered contributions to the future candidate's campaign.").

⁵ See, for example, MUR 7381 (Rick Scott for Florida), MUR 6929 (Scott Walker, et al.), MUR 6928 (Rick Santorum, et al.), MUR 6750 (Carl DeMaio for Congress), MUR 6970 (Peter DiCianni, et al.).



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STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

E-MAIL: cela@fec.gov

AR/MUR/RR/P-MUR# 7968

Name of Counsel: Justin Clark

Firm: Elections LLC

Address: 1050 Connecticut Ave NW Suite 500

Washington, DC 20036

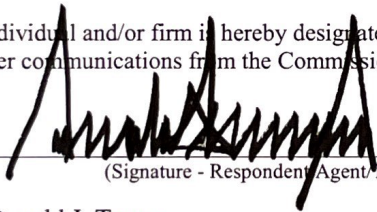
Office#: _____ Fax#: _____

Mobile#: _____

E-mail: justin.clark@electionlawllc.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

3/23/22
Date


(Signature - Respondent/Agent/Treasurer) Title

Donald J. Trump
(Name - Please Print)

Donald J. Trump

RESPONDENT:

(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: _____
(Please Print)

Palm Beach, FL 33480

Home#: _____ Mobile#: _____

Office#: _____ Fax#: _____

E-mail: _____

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.



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Name of Counsel: _____

Firm: _____

Address: _____

Office#: _____ Fax#: _____

Mobile#: _____

E-mail: _____

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

_____ *Boody I. Gato* _____
Date (Signature - Respondent/Agent/Treasurer) Title

(Name - Please Print)

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(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: _____
(Please Print)

Home#: _____ Mobile#: _____

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