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March 7, 2024

**VIA E-MAIL**

Wanda D. Brown, Assistant General Counsel  
Attn: Kathryn Ross, Paralegal  
Federal Election Commission  
Office of Complaints Examination and Legal Administration  
1050 First Street, NE  
Washington, DC 20463  
Email: [CELA@fec.gov](mailto:CELA@fec.gov)

**Re: Matter Under Review 8197 (Congressman Adam Schiff, Schiff for Senate, and Jeremy Begun Treasurer)**

Dear Ms. Brown,

We write on behalf of Congressman Adam Schiff, Schiff for Senate, and Jeremy Begun, in his official capacity as Treasurer of Schiff for Senate (collectively, “**Respondents**”) in response to the complaint filed by Steven S. Lamb (“**Complainant**”) in Matter Under Review 8197 (the “**Complaint**”). The Complaint alleges that Respondents received an excessive contribution in violation of the Federal Election Campaign Act of 1971, as amended (the “**Act**”) and Federal Election Commission (the “**Commission**” or “**FEC**”) regulations through an appearance by Congressman Schiff on a float in the Rose Parade during the Pasadena Tournament of Roses. Congressman Schiff appeared in the parade with Pasadena Mayor Victor Gordo in his official capacity as a Member of Congress for California’s 30th Congressional District, which includes parts of Los Angeles, Glendale, and Pasadena. The Complaint presents no facts, even if taken as true, which demonstrate that the appearance involved any campaign activity whatsoever. Accordingly, there is no reason to believe Respondents have violated the Act or Commission regulations and the Commission should dismiss the Complaint.

## **I. Factual Background**

Schiff for Senate is the authorized campaign committee of Congressman Adam Schiff.<sup>1</sup> Congressman Schiff first filed as a candidate for U.S. House of Representatives in California in 1999.<sup>2</sup> Congressman Schiff was elected to the U.S. House of Representatives in 2000,<sup>3</sup> and has

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<sup>1</sup> FEC, Form 1 – Statement of Organization, Schiff for Senate (Jan. 31, 2024), <https://docquery.fec.gov/pdf/752/202401319600879752/202401319600879752.pdf>.

<sup>2</sup> FEC, Form 2 – Statement of Candidacy, Adam Schiff (Apr. 19, 1999), <https://docquery.fec.gov/pdf/944/99034462944/99034462944.pdf>.

been subsequently re-elected since.<sup>4</sup> Congressman Schiff represents California's 30th Congressional District,<sup>5</sup> which includes, in part, sections of Los Angeles, Pasadena, Glendale, and Burbank.<sup>6</sup> Congressman Schiff is also a candidate for the U.S. Senate.<sup>7</sup>

The Tournament of Roses Association annually holds the Rose Parade on January 1st in Pasadena.<sup>8</sup> Parts of Pasadena, and the Rose Bowl Stadium itself, are in the 30th Congressional District.<sup>9</sup> The Rose Parade features floral-decorated floats from corporations, non-profit organizations, and municipalities.<sup>10</sup> The Mayor of Pasadena also rides in the Rose Parade in a car provided by the Tournament of Roses Association.<sup>11</sup> The Mayor's car includes a small sign, identifying the "Mayor of Pasadena," but does not identify other individuals riding in the Mayor's car.<sup>12</sup>

Congressman Schiff attended the Rose Parade in his official capacity. Pasadena Mayor Victor Gordo invited Congressman Schiff to the Rose Parade. The Congressman's official office similarly received an invitation for the Congressman's attendance. On January 1, 2024, Congressman Schiff and his wife joined Pasadena Mayor Gordo in a car with numerous other guests at the Rose Parade.<sup>13</sup> Additionally, Congressman Schiff's official Chief of Staff joined the Congressman at the Rose Parade. Congressman Schiff posted a photograph from the Rose Parade on his official House of Representatives account on "X" (formerly known as Twitter) account.<sup>14</sup>

Respondents did not organize any collateral campaign events as part of Congressman Schiff's appearance at the Rose Parade. Congressman Schiff did not make any speeches during the Rose Parade. He also did not make any fundraising solicitations nor were there any communications advocating for his election during the Rose Parade. According to a reporter, the Rose Parade announcer did not announce Congressman Schiff's name during the Rose Parade broadcast.<sup>15</sup>

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<sup>3</sup> Patrick McGreevy and James Rainey, *Schiff Claims Victory; Rogan Doesn't Concede*, L.A. TIMES (Nov. 8, 2000), <https://www.latimes.com/archives/la-xpm-2000-nov-08-mn-48886-story.html>.

<sup>4</sup> Adam Schiff, About Adam, United States House of Representatives (last accessed Feb. 27, 2024), <https://schiff.house.gov/about/biography>.

<sup>5</sup> *Id.*

<sup>6</sup> Adam Schiff, 30th District, United States House of Representatives (last accessed Feb. 27, 2024), <https://schiff.house.gov/30th-district>.

<sup>7</sup> FEC, Form 1 – Statement of Organization, Schiff for Senate (Jan. 31, 2024), <https://docquery.fec.gov/pdf/752/202401319600879752/202401319600879752.pdf>.

<sup>8</sup> History of the Tournament of Roses Association, Pasadena Tournament of Roses (last accessed Feb. 27, 2024), <https://tournamentofroses.com/history/>; America's New Year Celebration, Pasadena Tournament of Roses (last accessed Feb. 27, 2024), <https://tournamentofroses.com/about/about-rose-parade/#about>.

<sup>9</sup> See Google Maps (last accessed Feb. 27, 2024), <https://www.google.com/maps/place/California's+30th+Congressional+District,+CA/@34.1627452,-118.1709641,14.79z/data=!4m6!3m5!1s0x80c29e52096ecdfl:0x1496271c3bedbfea!8m2!3d34.2440876!4d-118.2760503!16zL20vMGR3ZDBY?entry=ttu>.

<sup>10</sup> America's New Year Celebration, Pasadena Tournament of Roses (last accessed Feb. 27, 2024), <https://tournamentofroses.com/about/about-rose-parade/#about>.

<sup>11</sup> *Id.*

<sup>12</sup> Robin Marshall, Shutterstock (Jan. 1, 2024), [https://www.rexfeatures.com/livefeed/2024/01/01/135th\\_rose\\_bowl\\_parade\\_pasadena?filter=E&](https://www.rexfeatures.com/livefeed/2024/01/01/135th_rose_bowl_parade_pasadena?filter=E&).

<sup>13</sup> @RepAdamSchiff, X (Jan. 1, 2024), <https://twitter.com/RepAdamSchiff/status/1741940340171432168?lang=en>.

<sup>14</sup> *Id.*

<sup>15</sup> See @kenbensinger, X (Jan 1, 2024), <https://twitter.com/kenbensinger/status/1741867181330354643>.

## II. Legal Analysis

Under the Act, a contribution includes “any gift, subscription, loan, advance, or deposit of money or anything of value made by any person *for the purpose of influencing any election for Federal office*.”<sup>16</sup> The Commission has made clear that while “anything an incumbent congressman does might have the potential to affect his reelection chances” the Act was not intended “to regulate appearances by incumbent congressmen in the role of office holder rather than candidate.”<sup>17</sup> Instead, an appearance by an incumbent officeholder who is also a candidate for election is only regulated by the Act if: (1) there are communications at the event that expressly advocate the election of the candidate or defeat of his opponent; or (2) contributions to the candidate’s campaign are solicited or accepted at the event.<sup>18</sup>

Congressman Schiff did not expressly advocate for his election or the defeat of his opponent at the Rose Parade, nor did he solicit or accept any contributions. Instead, he appeared at the Rose Parade in his official capacity as a Member of Congress representing Pasadena, where the parade took place. He was invited by the Mayor of Pasadena and also received an invitation to attend through his official-side office. The Congressman was staffed by an official-side employee at the Rose Parade since he was attending in his official capacity as a Member of Congress. No campaign resources were used as part of the Congressman’s appearance and the Complaint presents no contrary information. Respondents did not organize any collateral campaign events promoting Congressman Schiff’s appearance at the Rose Parade and the Complaint does not suggest otherwise. As noted, Congressman Schiff appeared in a car with the Mayor of Pasadena, his wife, and numerous other individuals and posted about the event on his official side account on “X”.

In short, the Complaint fails to allege any facts, even if taken as true, that provide reason to believe that Congressman Schiff appeared at the event in a campaign capacity. Rather, it does nothing more than suggest that because the Congressman is running for U.S. Senate, his candidacy and his campaign benefitted from his appearance and therefore, received an in-kind contribution. The Commission has expressly rejected this exact argument.<sup>19</sup>

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<sup>16</sup> 52 U.S.C. § 30101(8)(A)(i) (emphasis added); 11 C.F.R. § 100.52(a).

<sup>17</sup> Brief for Appellee FEC, *Orloski v. Fed. Election Comm’n* (D.C. Cir. 1986) at 10, [https://www.fec.gov/resources/legal-resources/litigation/orloski\\_ac\\_fec\\_brief.pdf](https://www.fec.gov/resources/legal-resources/litigation/orloski_ac_fec_brief.pdf).

<sup>18</sup> *Orloski v. Fed. Election Comm’n*, 795 F.2d 156 (D.C. Cir. 1986) (upholding the Commission’s two-part test for when an event appearance is subject to the Act); *see also* FEC Advisory Opinions 1994-15, 1992-6, 1988- 27.

<sup>19</sup> Brief for Appellee FEC, *Orloski v. Fed. Election Comm’n* (D.C. Cir. 1986) at 9-10, [https://www.fec.gov/resources/legal-resources/litigation/orloski\\_ac\\_fec\\_brief.pdf](https://www.fec.gov/resources/legal-resources/litigation/orloski_ac_fec_brief.pdf).

Again, here, there are no facts to suggest the Rose Parade event was campaign related.

The FEC may only find “reason to believe” if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the Act or Commission regulations.<sup>20</sup> As Complainant has set forth no such facts, the Complaint must be dismissed.

### III. Conclusion

Congressman Schiff’s appearance at the Rose Parade was official in nature and not subject to regulation under the Act. As such, the appearance did not result in the receipt of a contribution by Respondents.

For the reasons set forth above, there is no basis on which the Commission can find reason to believe that the Respondents violated the Act or Commission regulations.

Yours truly,



Jacquelyn Lopez

Emma Anspach

*Counsel to Schiff for Senate and Congressman Schiff*

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<sup>20</sup> FEC, MUR 4960 (Clinton for U.S. Exploratory Committee), Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas at 1 (Dec. 21, 2000). *See also* FEC, MURs 6789/6852 (Special Operations for America, et al.), Statement of Reasons of Vice Chairman Matthew S. Petersen and Commissioner Caroline C. Hunter at 4 (May 28, 2019) (“We do not authorize Commission investigations based on mere speculation”).