



ELECTIONS LLC

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June 18, 2024

Via email at cela@fec.gov

RECEIVED*By OGC/CELA at 4:04 pm, Jun 18, 2024*

Wanda Brown
Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
1050 First Street, NE
Washington, D.C. 20463

RE: MUR 8260 – Response of Make America Great Again PAC and Bradley T. Crate in
his official capacity as treasurer

Dear Ms. Brown,

We represent Make America Great Again PAC and Bradley T. Crate in his official capacity as treasurer (the “Committee”), and we write in response to your letter regarding the Complaint filed in the above-listed matter, which alleges that the Committee may have violated the Federal Election Campaign Act of 1971, as amended (the “Act”), for allegedly misreporting the purpose of committee disbursements. The Complaint’s speculative allegations about these payments have no merit, and the Commission should find no reason to believe and dismiss the matter.

The primary basis of the Complaint’s allegation is a declaration related to ongoing litigation stating that the declarant was once told that should she settle her claims against the Committee, the settlement payment would not be publicly reported on the Committee’s periodic reports, and instead could be routed through a law firm. The Complaint asserts that such a payment would violate Commission rules on reporting the purpose and recipient of committee funds. The Complaint does not, however, allege that such a payment actually took place, but instead suggests that the alleged statement itself is sufficient to warrant a Commission investigation. The Complaint then attempts to bolster its call for an investigation by bootstrapping the allegations in a separate complaint filed by a separate complainant, alleging that Committee payments to Red Curve for “legal fees” were misreported.

The Complaint’s baseless accusations are insufficient to find reason to believe a violation occurred. With respect to the allegations regarding payments to Red Curve, those allegations have already been addressed in the response filed in MUR 8251, and the Committee adopts and reasserts its response to MUR 8251 herein. With respect to the alleged statement about the

settlement payment, the Complaint does not allege that a payment was actually made, nor does it point to a specific disbursement that was misreported. The Complaint, instead, appears to suggest that the Commission can authorize an investigation if a complainant believes the innuendo and speculative claims by other complainants and online articles. The Complainant, however, is incorrect. “The standard, after all, is ‘reason to believe,’ not reason to question.”¹ “[M]ere ‘official curiosity’ will not suffice as the basis for FEC investigations.”² “The burden of proof does not shift to a respondent merely because a complaint is filed.”³

For these reasons, the Commission should find no reason to believe a violation occurred and dismiss the Complaint.

Sincerely,



Justin R. Clark

Counsel to Make America Great Again PAC
and Bradley Crate in his official capacity as treasurer

¹ Statement of Reasons of Vice Chair Allen Dickerson and Commissioners Sean J. Cooksey and James E. “Trey” Trainor III at fn. (Oct. 8, 2021), MUR 7753 (Everytown for Gun Safety Action Fund, *t al.*).

² *FEC v. Machinists on-Partisan Political League*, 655 F.2d 80, 388 (D.C. Cir. 981).

³ Statement of Reasons of Chairman Darryl R. Wold and Commissioners David M. Mason and Scott E. Thomas at (July 0, 2000), MUR 4850 (Deloitte & Touche, LLP, et al.).