

**United States Court of Appeals
for the District of Columbia Circuit**

No. 22-5339

CAMPAIGN LEGAL CENTER,

Plaintiff-Appellant,

v.

FEDERAL ELECTION COMMISSION,

Defendant-Appellee.

*On Appeal from the United States District Court for the District of Columbia
in No. 1:22-cv-01976-JEB, James E. Boasberg, U.S. District Judge*

**BRIEF OF *AMICUS CURIAE* CITIZENS FOR RESPONSIBILITY
AND ETHICS IN WASHINGTON IN SUPPORT OF
APPELLANT'S PETITION FOR REHEARING EN BANC**

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February 27, 2024

Dated: February 27, 2024

Respectfully submitted,

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ADDENDUM A

ADDENDUM A

Controlling Statement of Reasons’ Invocation of Prosecutorial Discretion to Justify Non-Majority’s Blocking Adoption of General Counsel’s Recommendation Otherwise Subject to De Novo Review¹

MUR #	Controlling Statement of Reasons	Language Invoking Discretion
6334	Statement of Reasons of Vice Chairman Matthew S. Petersen and Comm’r Caroline C. Hunter, MUR 6334 (Aristotle International, Inc.) (May 16, 2019), https://www.fec.gov/files/legal/murs/6334/6334_2.pdf	“... further pursuit of this matter would have been an unwise use of Commission resources.”
6596	Statement of Reasons of Vice Chairman Matthew S. Petersen and Comm’r Caroline C. Hunter, MUR 6596 (Crossroads GPS) (May 13, 2019), https://eqs.fec.gov/eqsdocsMUR/6596_2.pdf	“...it would also be a proper exercise of the Commission’s prosecutorial discretion to dismiss this matter so that Commission enforcement resources can be better allocated.”
6781	Statement of Reasons of Vice Chairman Matthew S. Petersen and Comm’r Caroline C. Hunter, MURs 6781, 6786, 6802 (NRCC, et al.) (May 22, 2019),	“... it would have been imprudent to pursue enforcement of a regulation that the D.C. Circuit held was substantially likely to be constitutionally flawed.”

¹ CREW initially identified 133 MURs using the FEC’s EQS database for which a statement of reasons issued after June 15, 2018, the date this Court issued its decision in *CREW v. FEC* (“CHGO”), 892 F.3d 434 (D.C. Cir. 2018), issued in matters in which half of the Commission rejected a recommendation of the General Counsel to move forward, either by finding reason to believe or probable cause to believe at least one violation. CREW then removed from that data set MURs where the controlling commissioners grounded their justification for dismissal in their assessment of the evidence, an analysis that could warrant highly deferential judicial review, *see Hagelin v. FEC*, 411 F.3d 237, 242 (D.C. Cir. 2005), providing a set of 94 matters. Of that, CREW identified 72, or about 77% of the 94, matters for which discretion was invoked to justify blocking enforcement.

	https://www.fec.gov/files/legal/murs/6786/6786_2.pdf	
6786	<i>See id.</i> (6781)	<i>See id.</i> (6781)
6802	<i>See id.</i> (6781)	<i>See id.</i> (6781)
6792	Statement of Reasons of Vice Chairman Matthew S. Petersen and Comm’r Caroline C. Hunter, MUR 6792 (Sean Eldridge, et al.) (Aug. 30, 2019), https://eqs.fec.gov/eqsdocsMUR/6792_1.pdf	“Under such circumstances, dismissal is appropriate so the Commission can focus resources on more significant matters.”
6940	Statement of Reasons of Vice Chairman Matthew S. Petersen and Comm’r Caroline C. Hunter, MURs 6940, 7097, 7146, 7160, 7193 (Correct the Record, et al.) (August 21, 2019), https://www.fec.gov/files/legal/murs/6940/6940_1.pdf	N/A ²
7097	<i>See id.</i> (6940)	N/A
7146	<i>See id.</i> (6940)	N/A
7160	<i>See id.</i> (6940)	“We therefore relied on our prosecutorial discretion to decline proceeding on the complaints in MURs 7160 and 7193...”
7193	<i>See id.</i> (6940)	<i>See id.</i> (7160)
6968	Statement of Reasons of Chair Caroline C. Hunter and Commissioner Matthew S. Petersen, MURs 6968, 6995, 7014,	“Proceeding in enforcement actions against respondents would be unfair to them, chill speech, and ultimately constitute

² CREW lists these statements to provide the Court with the full data set from which CREW calculated the proportion of matters in which the commissioners were invoking discretion. This matter, and others denoted with “N/A” in the column providing language invoking discretion, are those in which half of the Commission blocked proceedings and did not base their analysis in matters potentially subject to highly deferential review, but the commissioners did not invoke discretionary grounds for their actions.

	7017, 7019, 7090 (Tread Standard LLC, et al.) (July 2, 2018), https://eqs.fec.gov/eqsdocsMUR/6968_2.pdf	an ineffective use of Commission resources ...”
6995	<i>See id.</i> (6968)	<i>See id.</i> (6968)
7014	<i>See id.</i> (6968)	<i>See id.</i> (6968)
7017	<i>See id.</i> (6968)	<i>See id.</i> (6968)
7019	<i>See id.</i> (6968)	<i>See id.</i> (6968)
7090	<i>See id.</i> (6968)	<i>See id.</i> (6968)
6969	Statement of Reasons of Chair Caroline C. Hunter and Comm’r Matthew S. Petersen, MURs 6969, 7031, 7034 (MMWP12 LLC, et al.) (Sept. 13, 2018), https://eqs.fec.gov/eqsdocsMUR/7031_2.pdf	“Proceeding in enforcement actions against respondents would be unfair to them, chill speech, and ultimately constitute an ineffective use of Commission resources ...”
7031	<i>See id.</i> (6969)	<i>See id.</i> (6969)
7034	<i>See id.</i> (6969)	<i>See id.</i> (6969)
7094	N/A ³	N/A
7096	N/A	N/A
7098	N/A	N/A
7147	Statement of Reasons of Chairman Allen Dickerson and Comm’rs James E. “Trey” Trainor, III and Sean J. Cooksey, MUR 7147 (Make Am. Number 1, et al.) (April 11, 2022), https://www.fec.gov/files/legal/murs/7147/7147_54.pdf	“... we determined that our agency’s enforcement resources would be best spent addressing other matters where the Commission had a realistic chance of vindicating the interests of the United States in a timely fashion.”
7180	Statement of Reasons of Vice Chair Allen Dickerson and Comm’rs Sean J. Cooksey and	N/A

³ The commissioners blocking proceeding with the General Counsel’s recommendation failed to issue a statement of reasons in this matter, and in other matters designated with an “N/A” in the column for controlling statements. It is possible the commissioners would have invoked discretion had they issued a statement. If they invoked discretion, then the proportion of pertinent statements invoking discretion would increase to more than six-sevenths.

	James E. “Trey” Trainor III, MUR 7180 (GEO Corrections Holdings, Inc., et al.) (October 13, 2021), https://www.fec.gov/files/legal/murs/7180/7180_39.pdf	
7183	Statement of Reasons of Vice Chairman Matthew S. Petersen and Comm’r Caroline C. Hunter, MUR 7183 (The Thornton Law Firm, et al.) (May 22, 2019), https://www.fec.gov/files/legal/murs/7183/7183_1.pdf	“... we decided that sinking additional agency resources into this matter would not advance the interests of either the public or the Commission.”
7207	Statement of Reasons of Vice Chair Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MURs 7207, 7268, 7274, 7623 (Russian Federation, et al.) (November 22, 2021), https://eqs.fec.gov/eqsdocsMUR/7207_48.pdf	“The Commission has long taken the view that it is an imprudent use of resources to duplicate other agencies’ work ... In light of these considerations, the impending statute of limitations, and the press of other cases, we voted to dismiss these matters as an exercise of prosecutorial discretion.”
7268	<i>See id.</i> (7207)	<i>See id.</i> (7207)
7274	<i>See id.</i> (7207)	<i>See id.</i> (7207)
7623	<i>See id.</i> (7207)	<i>See id.</i> (7207)
7220	Statement of Reasons of Vice Chair Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MUR 7220 (Make America Great Again PAC, et al.) (September 21, 2021), https://eqs.fec.gov/eqsdocsMUR/7220_14.pdf	“In light of the Commission’s other enforcement priorities and limited resources, we voted to dismiss all the allegations as a matter of prosecutorial discretion.”
7243	Statement of Reasons of Vice Chair Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor III, MUR 7243 (CITGO Petroleum Corporation, et al.) (April 1, 2021),	N/A

	https://www.fec.gov/files/legal/murs/7243/7243_20.pdf	
7265	Statement of Reasons of Vice Chair Allen Dickerson and Comm'rs Sean J. Cooksey and James E. "Trey" Trainor, III, MURs 7265, 7266, (Donald J. Trump for President, Inc., et al.) (May 10, 2021), https://www.fec.gov/files/legal/murs/7265/7265_12.pdf	"... our agency's limited enforcement resources are better directed toward other investigations with better odds of success. ... Considering the foregoing, three Commissioners declined to pursue this quixotic enforcement effort and instead voted to dismiss the complaints as a matter of prosecutorial discretion under <i>Heckler v. Chaney</i> ."
7266	<i>See id.</i> (7265)	<i>See id.</i> (7265)
7273	Statement of Reasons of Chair Caroline C. Hunter and Comm'r Matthew S. Petersen, MUR 7273 (Robert J. Ritchie p/k/a Kid Rock, et al.) (November 20, 2018), https://www.fec.gov/files/legal/murs/7273/7273_1.pdf	"In light of the factual record of this matter, the considerations articulated in <i>Heckler</i> , and the First Amendment sensitivities at issue here, our votes constituted a proper exercise of the Commission's prosecutorial discretion."
7299	Statement of Reasons of Comm'rs Sean J. Cooksey and James E. "Trey" Trainor, III, MUR 7299 (Wexton for Congress, et al.) (April 14, 2022), https://www.fec.gov/files/legal/murs/7299/7299_20.pdf	N/A
7313	Statement of Reasons of Comm'rs Sean J. Cooksey and James E. "Trey" Trainor III, MURs 7313, 7319, 7379 (Michael Cohen, et al.) (April 26, 2021), https://www.fec.gov/files/legal/murs/7313/7313_27.pdf	"... the Commission was facing an extensive enforcement docket backlog resulting from a prolonged lack of a quorum, and these matters were already statute-of-limitations imperiled. These are precisely the prudential factors cited by the U.S. Supreme Court in <i>Heckler v. Chaney</i> , and why we voted to

		dismiss these matters as an exercise of our prosecutorial discretion.”
7319	<i>See id.</i> (7313)	<i>See id.</i> (7313)
7324	Statement of Reasons of Vice Chair Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MURs 7324, 7332, 7364, 7366 (Donald J. Trump for President, Inc., et al.) (June 28, 2021), https://www.fec.gov/files/legal/murs/7324/7324_33.pdf	“In choosing how to allocate the Commission’s limited enforcement resources, we opted against pursuing the long odds of a successful enforcement in these matters and, with a noted exception, instead voted to dismiss as an exercise of prosecutorial discretion.”
7332	<i>See id.</i> (7324)	<i>See id.</i> (7324)
7364	<i>See id.</i> (7324)	<i>See id.</i> (7324)
7366	<i>See id.</i> (7324)	<i>See id.</i> (7324)
7330	Statement of Reasons of Vice Chair Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MUR 7330 (Mia Love, et al.) (October 27, 2021), https://www.fec.gov/files/legal/murs/7330/7330_16.pdf	“... moving forward on this matter, especially in light of how much time has passed since the events at issue, would be unfair and not the best use of Commission resources. Accordingly, we voted to dismiss this matter pursuant to <i>Heckler v. Chaney</i> .”
7337	N/A	N/A
7339	N/A	N/A
7340	Statement of Reasons of Vice Chair Allen Dickerson and Comm’r Sean J. Cooksey, MURs 7340, 7609 (Great America Committee, et al.) (June 25, 2021), https://www.fec.gov/files/legal/murs/7340/7340_56.pdf	“We disagreed and voted to dismiss under <i>Heckler v. Chaney</i> the Commission’s scarce resources would be best spent elsewhere.”
7609	<i>See id.</i> (7340)	<i>See id.</i> (7340)
7350	N/A	N/A
7351	N/A	N/A
7357	N/A	N/A

7382	N/A	N/A
7370	Statement of Reasons of Vice Chair Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor III, MURs 7370, 7496 (New Republican PAC, et al.) (July 21, 2021), https://www.fec.gov/files/legal/murs/7370/7370_21.pdf	“... we were unable to justify the commitment of the Commission’s scarce enforcement resources to such a lengthy and cumbersome investigation on the basis of such a thin evidentiary reed. Accordingly, ... we invoked our prosecutorial discretion pursuant to <i>Heckler v. Chaney</i> .”
7496	<i>See id.</i> (7370)	<i>See id.</i> (7370)
7383	Statement of Reasons of Vice Chair Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MUR 7383 (Hughes for Congress, et al.) (September 21, 2021), https://www.fec.gov/files/legal/murs/7383/7383_14.pdf	“... we concluded that absent stronger evidence of a violation or a higher potential amount in violation, an investigation was not the best use of Commission resources.... Accordingly, we voted to dismiss this remaining allegation, and joined with two of our colleagues in voting to close the file.”
7422	Statement of Reasons of Chair James E. “Trey” Trainor III, MUR 7422 (Greitens for Missouri) (August 28, 2020), https://www.fec.gov/files/legal/murs/7422/7422_83.pdf ; Statement of Reasons of Chairman Allen J. Dickerson, MUR 7422 (Greitens for Missouri, et al.) (May 13, 2022), https://www.fec.gov/files/legal/murs/7422/7422_82.pdf	“I supported dismissing this matter on the grounds of prosecutorial discretion after weighing OGC’s recommendations for moving forward against factors such as the looming statute of limitations and the best use of Commission resources”; “... I agreed with Commissioner Trainor that it was appropriate to dismiss it as an exercise of prosecutorial discretion under <i>Heckler v. Chaney</i> .”
7425	Statement of Reasons of Chairman Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MUR 7425	“In that position, we determined that our agency’s enforcement resources would be best spent addressing other matters where

	(Donald J. Trump Foundation, et al.) (February 22, 2022), https://www.fec.gov/files/legal/murs/7425/7425_42.pdf	the Commission had a realistic chance of vindicating the interests of the United States in a timely fashion.... For the foregoing reasons, we voted to dismiss this Matter.”
7464	Statement of Reasons of Vice Chairman Sean J. Cooksey and Comm’rs Allen J. Dickerson and James E. “Trey” Trainor, III, MUR 7464 (LZP LLC, et al.) (July 7, 2023), https://www.fec.gov/files/legal/murs/7464/7464_90.pdf	“... we could not justify further pursuit of this Matter.... For the foregoing reasons, we declined to proceed with further enforcement consistent with our prosecutorial discretion.”
7465	Statement of Reasons of Chairman Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MUR 7465 (Freedom Vote, Inc.) (March 7, 2022), https://www.fec.gov/files/legal/murs/7465/7465_40.pdf	“Considering ... the Commission’s limited resources, we voted against finding probable cause and voted to close the file on this Matter.”
7486	Statement of Reasons of Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MUR 7486 (45Committee, Inc.) (August 30, 2022), https://www.fec.gov/files/legal/murs/7486/7486_16.pdf	“Our votes against proceeding were therefore based both on the merits and on the exercise of prosecutorial discretion. ... Opening a new investigation in December 2021 over conduct that concluded in 2016 would have no chance of legal success and thus be a waste of agency resources.”
7502	Statement of Reasons of Vice Chair Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MUR 7502 (Utah Love PAC, et al.) (October 29, 2021), https://www.fec.gov/files/legal/murs/7502/7502_12.pdf	“... we could not justify the investment of further Commission resources pursuing this Matter. Accordingly, we elected to dismiss under <i>Heckler v. Chaney</i> .”

7507	Statement of Reasons of Vice Chair Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MUR 7507 (Aftab Pureval, et al.) (August 27, 2021), https://www.fec.gov/files/legal/murs/7507/7507_29.pdf	“Finally, dismissal of these allegations was warranted as an exercise of prosecutorial discretion Considering the Commission’s other enforcement priorities and limited resources, a discretionary dismissal is equally appropriate to one based on lack of evidence.”
7516	Statement of Reasons of Chairman Allen J. Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MUR 7516 (Heritage Action for America) (May 13, 2022), https://www.fec.gov/files/legal/murs/7516/7516_15.pdf	“We voted to dismiss, as an exercise of prosecutorial discretion, ... [as] opening an investigation here would have only taken our attention, time, and resources away from resolving those matters.”
7528	Statement of Reasons of Vice Chair Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MUR 7528 (Yukon Kusko PAC, et al.) (November 1, 2021), https://www.fec.gov/files/legal/murs/7528/7528_23.pdf	“Finally, dismissal was called for in order to preserve agency resources and prioritize other enforcement cases. ... Assessing the facts available at this time, then, we voted to dismiss the allegations under <i>Heckler v. Chaney</i> .”
7530	Statement of Reasons of Vice Chair Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MURs 7530, 7627 (NRCC, et al.) (November 8, 2021), https://www.fec.gov/files/legal/murs/7530/7530_16.pdf	“In light of the Respondents’ reasonable reliance on the Commission’s past precedents on this issue, and because like cases should be treated alike, we voted to dismiss the Complaints in these matters pursuant to <i>Heckler v. Chaney</i> .”
7627	<i>See id.</i> (7530)	<i>See id.</i> (7530)
7575	Statement of Reasons of Chairman Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MURs 7575, 7580, 7592, 7626 (Brand New Congress, et al.) (March 22, 2022),	“Rather than committing the Commission’s limited resources to investigating allegations that lacked significant factual support and were imperiled by the statute

	https://www.fec.gov/files/legal/murs/7575/7575_18.pdf	of limitations, we voted to dismiss.”
7580	<i>See id.</i> (7575)	<i>See id.</i> (7575)
7592	<i>See id.</i> (7575)	<i>See id.</i> (7575)
7626	<i>See id.</i> (7575)	<i>See id.</i> (7575)
7645	Statement of Reasons of Chairman Allen J. Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MURs 7645, 7663, 7705 (Donald J. Trump, et al.) (August 31, 2022), https://www.fec.gov/files/legal/murs/7645/7645_21.pdf	N/A
7663	<i>See id.</i> (7645)	N/A
7705	<i>See id.</i> (7645)	N/A
7646	Statement of Reasons of Chairman Allen Dickerson and Comm’r James E. “Trey” Trainor, III, MUR 7646 (1820 PAC, et al.) (April 15, 2022), https://www.fec.gov/files/legal/murs/7646/7646_16.pdf	“... we voted to dismiss those allegations pursuant to the agency’s prosecutorial discretion under <i>Heckler v. Chaney</i> .”
7657	Statement of Reasons of Chairman Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MUR 7657 (IRL PAC, et al.) (March 22, 2022), https://www.fec.gov/files/legal/murs/7657/7657_16.pdf	N/A
7666	Statement of Reasons of Chairman Allen J. Dickerson and Comm’r James E. “Trey” Trainor, III, MURs 7666, 7675, 7681, 7715 (Peters for Michigan, et al.) (April 12, 2022), https://www.fec.gov/files/legal/murs/7666/7666_24.pdf	“... , we also voted to dismiss the allegations against these entities as an exercise of the Commission’s prosecutorial discretion pursuant to <i>Heckler v. Chaney</i> .”
7675	<i>See id.</i> (7666)	<i>See id.</i> (7666)

7681	<i>See id.</i> (7666)	<i>See id.</i> (7666)
7715	<i>See id.</i> (7666)	<i>See id.</i> (7666)
7672	Statement of Reasons of Chairman Allen J. Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MURs 7672, 7674, 7732 (Iowa Values Inc., et al.) (May 13, 2022), https://www.fec.gov/files/legal/murs/7672/7672_21.pdf	N/A
7674	<i>See id.</i> (7672)	N/A
7696	Statement of Reasons of Vice Chair Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor III, MUR 7696 (Texans for Senator John Cornyn et al.) (May 18, 2021), https://www.fec.gov/files/legal/murs/7696/7696_26.pdf	“... we voted to dismiss as an exercise of our prosecutorial discretion.”
7717	Statement of Reasons of Chairman Allen Dickerson and Comm’r James E. “Trey” Trainor, III, MUR 7717 (Theresa Greenfield for Iowa, et al.) (April 15, 2022), https://www.fec.gov/files/legal/murs/7717/7717_26.pdf	“Accordingly, as we have done elsewhere, we voted to dismiss the allegations against SMP pursuant to the Commission’s prosecutorial discretion.”
7726	Statement of Reasons of Chairman Allen J. Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MUR 7726 (David Brock, et al.) (May 13, 2022), https://www.fec.gov/files/legal/murs/7726/7726_19.pdf	N/A
7754	Statement of Reasons of Vice Chair Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MUR 7754 (Pacific Atlantic Action	“... this matter further warranted dismissal under <i>Heckler v. Chaney</i> to avoid wasting the Commission’s limited prosecutorial resources”

	Coalition, et al.) (December 1, 2021), https://www.fec.gov/files/legal/murs/7754/7754_38.pdf	
7759	Statement of Reasons of Chairman Allen J. Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MUR 7759 (William Figlesthler for Congress, et al.) (September 16, 2022), https://www.fec.gov/files/legal/murs/7759/7759_23.pdf	“... we did not believe that proceeding with enforcement in this matter would be likely to succeed, or, moreover, that an enforcement action would accord with the Commission’s overall priorities. Accordingly, we voted to dismiss the allegations as to the Committee as an exercise of prosecutorial discretion,”
7776	Statement of Reasons of Chairman Allen J. Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MUR 7776 (Unknown Respondent) (May 11, 2022), https://www.fec.gov/files/legal/murs/7776/7776_08.pdf	N/A
7781	Statement of Reasons of Chairman Allen J. Dickerson and Comm’r James E. “Trey” Trainor, III, MUR 7781 (Fight for the American Dream PAC, et al.) (April 11, 2022), https://www.fec.gov/files/legal/murs/7781/7781_12.pdf	Accordingly, we voted to dismiss ... pursuant to the Commission’s authority under <i>Heckler</i> .”
7784	Statement of Reasons of Chairman Allen J. Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MUR 7784 (Make America Great Again PAC, et al.) (June 9, 2022), https://www.fec.gov/files/legal/murs/7784/7784_42.pdf	“... we concluded that this matter did not warrant further use of the Commission’s limited resources. Accordingly, we declined to find reason to believe that either Committee violated the Act and, instead, elected to dismiss this matter as an exercise of

		prosecutorial discretion under <i>Heckler</i> .”
7882	Statement of Reasons of Chairman Allen Dickerson and Comm’rs Sean J. Cooksey and James E. “Trey” Trainor, III, MUR 7882 (Christy Smith for Congress, et al.) (May 17, 2022), https://www.fec.gov/files/legal/murs/7882/7882_09.pdf	“Because we concluded that civil enforcement would not be a wise use of Commission resources, we voted to invoke the agency’s prosecutorial discretion and dismiss.”
7901	Statement of Reasons of Vice Chairman Sean J. Cooksey and Comm’rs Allen J. Dickerson and James E. “Trey” Trainor, III, MUR 7901 (Ethan Owens, et al.) (January 18, 2023), https://www.fec.gov/files/legal/murs/7901/7901_29.pdf	“... we believed that the further use of Commission resources with respect to these allegations was unwarranted. Hence, pursuant to our prosecutorial discretion under <i>Heckler v. Chaney</i> , we voted to dismiss OGC’s recommendations.”
7912	Statement of Reasons of Vice Chairman Sean J. Cooksey and Comm’rs Allen J. Dickerson and James E. “Trey” Trainor, III, MUR 7912 (Senate Leadership Fund, et al.) (March 1, 2023), https://www.fec.gov/files/legal/murs/7912/7912_68.pdf	“Because we concluded that—even if the Commission’s affiliation rules do apply to IEOPCs in the first instance—there was no clear notice to these Respondents or the regulated community at large, we voted to dismiss the allegations as a matter of prosecutorial discretion.”
8038	Statement of Reasons of Comm’rs Allen J. Dickerson and James E. “Trey” Trainor, III, MUR 8038 (Angel Staffing, Inc., et al.) (July 3, 2023), https://www.fec.gov/files/legal/murs/8038/8038_15.pdf	“Accordingly, while we may decide differently under different facts, such as in an egregious or clear-cut case, we did not believe further pursuit of this matter to be a wise use of Commission resources and dismissed it pursuant to our prosecutorial discretion.”
8044	Statement of Reasons of Chairman Sean J. Cooksey and Comm’rs Allen J. Dickerson and James E.	“... pursuit of that relatively minor violation did not merit the use of Commission resources. ...

	<p>“Trey” Trainor, III, MUR 8044 (Taddeo for Congress, et al.) (January 17, 2024), https://www.fec.gov/files/legal/murs/8044/8044_16.pdf</p>	<p>we voted to dismiss that allegation in the exercise of prosecutorial discretion.”</p>
8062	<p>Statement of Reasons of Vice Chairman Sean J. Cooksey and Comm’rs Allen J. Dickerson and James E. “Trey” Trainor, III, MUR 8062 (Andrew Gabarino, et al.) (September 13, 2023), https://www.fec.gov/files/legal/murs/8062/8062_14.pdf</p>	<p>“This lack of clarity creates significant risk for inconsistent and arbitrary enforcement against respondents, like Representative Garbarino, who are entitled to due process and fair notice about the limits of permissible conduct prior to civil enforcement—not after.”</p>
6589R	<p>Statement of Reasons of Commissioner Ellen L. Weintraub, MUR 6589R, (American Action Network) (September 30, 2022), https://www.fec.gov/files/legal/murs/6589R/6589R_31.pdf</p>	<p>N/A</p>
7609R	<p>Statement of Reasons of Vice Chairman Sean J. Cooksey and Comm’r Allen Dickerson , MURs 7340, 7609R (Great America Committee) (November 1, 2023), https://www.fec.gov/files/legal/murs/7609R/7609R_17.pdf</p>	<p>“We disagreed and voted to dismiss under <i>Heckler v. Chaney</i>. ... we concluded the Commission’s scarce resources would be best spent elsewhere.”</p>