



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

**STATEMENT OF CHAIR CAROLINE C. HUNTER ON
ORDER TO SHOW CAUSE IN *CAMPAIGN LEGAL CENTER v. FEC*, NO. 20-CV-0588**

On February 27, 2020, Campaign Legal Center filed a complaint in the United States District Court for the District of Columbia alleging that the Commission unreasonably delayed acting on CLC’s administrative complaint. At the time, as CLC well knew, the Commission could not defend itself due to lack of a quorum. However, on May 14, 2020, Chief Judge Beryl A. Howell ordered the Commission to “SHOW CAUSE by May 28, 2020,” why CLC’s Motion for Default Judgement against the Commission should not be granted.

Ordinarily, this would have been a no-brainer: When a federal court orders you to show cause, you do it — or, at the very least, you explain to the court why you cannot comply. But last year my colleague Commissioner Ellen Weintraub indicated that she would ignore court orders unless they align with her personal policy preferences.¹ I strongly disagree with that course of conduct, and wish to make clear that I believe the Commission should comply with Chief Judge Howell’s order.² The Commission could comply in multiple ways. For example, the Commission could provide to the court a chronology of any actions taken, similar to what recently occurred in *Campaign Legal Center v. FEC*, Case No. 19-cv-2336 (JEB). Alternatively, the Commission could file a statement informing the court of the Commission’s voting requirements and the administrative history of the case, as occurred in *DNC v. FEC*, Case No. 08-cv-0639 (JDB).

As I said six years ago, it is in the best interest of the American public for Commissioners to respect the judicial-review process rather than frustrate it.³ I again urge Commissioner Weintraub to respect that process.

May 28, 2020

¹ See Nihal Krishan, *Elections Commission Chief Uses the “Nuclear Option” to Rescue the Agency From Gridlock*, MOTHER JONES, Feb. 20, 2019 (“[T]he agency’s new chair says she won’t allow FEC lawyers to defend the government when the FEC has been sued for not enforcing the law,” and “Weintraub says she might pursue a second nuclear option: refuse to comply with . . . court order[s]”).

² I have previously criticized my colleague’s efforts to block the agency from defending itself in lawsuits challenging agency actions merely because she disagrees with those actions. See, e.g., Statement of Chairman Lee E. Goodman and Commissioners Caroline C. Hunter and Matthew S. Petersen Regarding the Commission’s Vote to Authorize Defense of Suit in *Public Citizen, et al. v. FEC*, Case No. 14-cv-00148 (RJL).

³ *Id.* Of course, I have not always agreed with court decisions. Nevertheless, even decisions I disagree with should be followed in the context of that particular case. See Statement of Chair Caroline C. Hunter and Commissioner Matthew S. Petersen on *CREW v. FEC*, No. 16-cv-02255, https://www.fec.gov/resources/cms-content/documents/3117_001_v2.pdf (“all Commissioners should act to conform with [the court’s opinion]”).