

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

STOP RECKLESS ECONOMIC	)	
INSTABILITY CAUSED BY	)	
DEMOCRATS, <i>et al.</i> ,	)	Civ. No. 1:14-397 (AJT-IDD)
	)	
Plaintiffs,	)	
	)	
and	)	
	)	
AMERICAN FUTURE PAC,	)	
	)	
Plaintiff-Intervenor,	)	
	)	RESPONSE TO SUPPLEMENTAL FILING
v.	)	
	)	
FEDERAL ELECTION COMMISSION,	)	
	)	
Defendant.	)	

**DEFENDANT FEDERAL ELECTION COMMISSION’S  
RESPONSE TO INTERVENOR-PLAINTIFF AMERICAN  
FUTURE PAC’S SUPPLEMENTAL PROPOSED  
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Pursuant to the Court’s October 31, 2014 Order (Doc. No. 67), defendant Federal Election Commission (“FEC” or “Commission”) hereby responds to plaintiff-intervenor American Future PAC’s (“AF PAC”) Supplemental Proposed Findings of Fact and Conclusions of Law (“AF PAC’s Supp. Facts”) (Doc. No. 69).

**RESPONSE TO AMERICAN FUTURE PAC’S PROPOSED FINDINGS OF FACT**

1. Admit that on August 5, 2014 AF PAC mailed its FEC Form 1 to register as a political committee, and that the FEC received the form on August 11, 2014.
2. Admit.
3. Admit that the cover letter referenced in this paragraph states that AF PAC wanted to contribute more than \$2,600 to Rep. Cotton’s campaign for U.S. Senate in the

November 4, 2014 general election and that the cover letter asserts that the six-month requirement of 52 U.S.C. § 30116(a)(4) is “unconstitutionally discriminatory,” but dispute that the six-month period is in fact unconstitutional or discriminatory.

4. Admit.

5. Admit.

6. Admit that the Federal Election Campaign Act (“FECA”) prohibited AF PAC from contributing in excess of \$2,600 to Rep. Cotton’s campaign for U.S. Senate in the November 4, 2014 general election, as AF PAC alleged it wanted to do, because AF PAC had yet to satisfy the six-month requirement of 52 U.S.C. § 30116(a)(4), but dispute that the provisions of FECA challenged in this case are unconstitutional.

7. Admit.

**RESPONSE TO AMERICAN FUTURE PAC’S CONCLUSIONS OF LAW**

The constitutional claims that AF PAC seeks to assert in this case (AF PAC’s Supp. Facts at 2) fail for the reasons explained in the Commission’s Supplemental Factual Submission and Briefing Pertaining to Intervenor American Future PAC in Support of the Commission’s Motion for Summary Judgment (Doc. No. 68). In particular, this Court lacks jurisdiction over AF PAC’s claims (*id.* at 10-11), and in any event, the FECA provisions that AF PAC seeks to challenge are constitutional (*id.* at 11-15). Accordingly, this Court should grant summary judgment to the Commission and deny summary judgment to AF PAC and the other plaintiffs.

Respectfully submitted,

Lisa J. Stevenson\*  
Deputy General Counsel – Law

Kevin Deeley\*  
Acting Associate General Counsel

Harry J. Summers\*  
Assistant General Counsel

Holly J. Baker\*  
Kevin P. Hancock\*

/s/ \_\_\_\_\_  
Esther D. Gyory (VA Bar #76826)  
Attorneys

COUNSEL FOR DEFENDANT  
FEDERAL ELECTION COMMISSION

\* *Admitted pro hac vice*

November 21, 2014

999 E Street NW  
Washington, DC 20463  
(202) 694-1650

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

STOP RECKLESS ECONOMIC	)	
INSTABILITY CAUSED BY	)	
DEMOCRATS, <i>et al.</i> ,	)	Civ. No. 1:14-397 (AJT-IDD)
	)	
Plaintiffs,	)	
	)	
and	)	
	)	
AMERICAN FUTURE PAC,	)	
	)	
Plaintiff-Intervenor,	)	
	)	
v.	)	
	)	
FEDERAL ELECTION COMMISSION,	)	
	)	
Defendant.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2014, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following counsel:

Dan Backer, Esq.  
DB Capitol Strategies PLLC  
717 King Street, Suite 300  
Alexandria, VA 22314  
DBacker@DBCapitolStrategies.com

Michael Thomas Morley, Esq.  
Coolidge-Reagan Foundation  
1629 K Street, Suite 300  
Washington, D.C. 20006  
morley@coolidgereagan.org

