



Laurence Levy
Tel 212.801.6796
Fax 212.801.9369
levyl@gtlaw.com

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by Kathryn
Ross
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February 17, 2017

VIA EMAIL

Federal Elections Commission
Office of Complaints Examination and Legal Administration
Attn: Kathryn Ross, Paralegal
999 E Street, NW
Washington, DC 20463

Re: MUR 7147 and 7193

Dear Ms. Ross:

We submit this response to the complaints filed and designated as MUR 7147 & 7193 on behalf of our clients, Make America Number 1, Jacquelyn James, treasurer, and Stephen K. Bannon as to MUR 7193. We combine these complaints because the allegations contained in MUR 7193 are simply a subset of the allegations contained in MUR 7147. The complaints, in essence, allege violations of the Federal Election Campaign Act ("FECA") predicated primarily on news articles, conjecture, and vague claims of improper coordination without substantial direct evidence. Rather, the complaint seeks to take circumstantial information that is fully rebutted and/or explained below, to imply a far reaching conspiracy to violate FECA. Because the vague, second-hand allegations cannot stand up to the light of day, this matter should be dismissed without any further action.

Factual Background:

Make America Number 1 PAC (the PAC) is an independent expenditure committee, duly registered with the FEC, established as Keep the Promise I in April, 2015. Initially, the PAC

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supported the presidential candidacy of Senator Ted Cruz; after his defeat in the Republican primary, the PAC reformed under its current name to support the Trump candidacy on June 22, 2016. Throughout both the primary and general elections, the PAC produced independent communications in support of, or opposition to, a given candidate.

At approximately the same time that the PAC transitioned to support President Trump, there were numerous changes in the management of the PAC. Kellyanne Conway, who had served as the chair of the PAC, resigned by a letter dated June 22, 2016. On July 1, 2016—over a week after formally severing all ties with the PAC—Ms. Conway was retained by the Trump campaign to work as an advisor. At no point since then has Ms. Conway had any involvement with the PAC.¹

Ms. Conway also maintained an ownership interest in the Polling Company/Women Trend (TPC), a nationally-recognized provider of polling services regularly utilized by political organizations, corporations, and political candidates; among TPC's clients are Major League Baseball, the Department of Justice, and the Boys and Girls Club of America.²

Over the course of the general election campaign, the PAC continued to engage in producing communications that opposed the election of Hillary Clinton. Specifically, it planned to “bypass Director Comey and his reasonable prosecutors” and “prosecute [Clinton] for her myriad of scandals directly in the court of public opinion with American voters serving as the jury” by creating “strategic, targeted messaging delivered to voters” to “educate them on why electing [Clinton] would be a disaster for America.”³

¹ Affidavit of Kellyanne Conway (the “Conway Aff.”), annexed hereto as Exhibit 1 at 9.

² Affidavit of Brett Loyd (the “Loyd Aff.”), annexed hereto as Exhibit 2; Affidavit of Kevin Manning (the “Manning Aff.”), annexed hereto as Exhibit 3.

³ “Strategy”, *DefeatCrookedHillary.com* (last accessed Feb. 10, 2016) <https://www.defeatcrookedhillary.com/strategy>.

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To achieve this goal, the PAC published web and television advertisements highlighting Clinton's ethical failings. The theme of these advertisements, which began airing on July 26, 2016, emphasized the ties Secretary Clinton maintained with political and financial establishment during and after her tenure at the State Department, including the theme of "follow[ing] the money" to understand these ethical failings; additionally the ads described collusion between Secretary Clinton and the Democratic National Committee undertaken to defeat Senator Bernie Sanders in the 2016 Democratic Primary.⁴ From the outset of the primary campaign, the PAC contracted with Glittering Steel, LLC (GS), a Los Angeles based production firm that specializes in conservative political productions.⁵ As attested to in the affidavit of Dan Fleurette, GS created a "silo" of publicly available video footage that could be deployed strategically based on themes arising during the campaign; for instance, the PAC produced an ad on August 9, 2016 that included video footage of FBI Director Comey's congressional testimony, contradicting statements made by Secretary Clinton during a July 31 interview on Fox News. Between July 26, 2016 and November 8, 2016, the PAC produced fifty-one videos in this format.

Although GS is associated with Steven Bannon, any relationship and all communication related to the election terminated prior to the time Mr. Bannon joined the Trump campaign. Mr. Bannon stopped working for GS and stopped receiving any compensation from GS prior to joining the Trump campaign.⁶

⁴ Affidavit of Daniel Fleurette (the "Fleurette Aff."), annexed hereto as Exhibit 4, at page 1.

⁵ Make America Number 1, MID-YEAR 2015 REPORT; Make America Number 1, END-OF-YEAR 2015 REPORT.

⁶ Affidavit of Stephen K. Bannon (the "Bannon Aff."), annexed hereto as Exhibit 5, at page 1; Fleurette Aff. at 5.

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In addition, the PAC contracted with outside vendors to assist with polling and surveying. In June through July 7th, 2016, the PAC engaged TPC to conduct “Polling”; this consisted of the PAC’s only utilization of the services of TPC during the 2016 general election; at no time did TPC create any content for, produce, or distribute any communications on behalf of the PAC.⁷

The PAC also contracted with Cambridge Analytica (CA) to provide “campaign management and consulting services.” CA was founded in 2013 to apply big data profiling and polling for political candidates and private sector corporations in the United States. Beginning with the 2014 election, where they were involved with over 40 political races, CA became heavily involved in providing services to numerous campaigns and private sector clients simultaneously; as such, they created a substantial ethics firewall to prevent any conflicts or coordination between CA’s clientele.⁸ CA was initially hired by Keep the Promise I in late 2015 to assist with its activities, and subsequently remained with the PAC after it changed over to its current format.⁹ Prior to hiring CA or discussing any information with the vendor, the PAC received confirmation of the presence of a substantial ethics or firewall policy in place at the organization, as well as confirmation that no information would be shared between different teams at the organization. To the knowledge of the PAC, Mr. Bannon, though a member of the board of CA, was outside of the PAC firewall and therefore as regards the CA/PAC engagement, he had no interaction with the operation, election campaign messaging, or management of CA.¹⁰

⁷ Make America Number 1, MID-YEAR 2015 REPORT; Make America Number 1, END-OF-YEAR 2015 REPORT.

⁸ Affidavit of Julian Wheatland (the “Wheatland Aff.”), annexed hereto as Exhibit 6, at 5,6.

⁹ *Id.*

¹⁰ *See also* Bannon Aff. at 6 (“I was not permitted to access any information covered by the committee firewall.”); Wheatland Aff. at 3 (“Mr. Bannon was never involved with the delivery of data analytic services and was outside of the ethics firewalls we create for candidates and committees.”)

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Rebekah Mercer was on the boards of the PAC and CA.¹¹ At no time did she share non-public proprietary information regarding messaging, needs, plans, or financing of the PAC with any agent or official of the Trump campaign.¹² During the election season, Ms. Mercer did not receive any non-public proprietary information regarding the Trump campaign's messaging, needs, plans or financing.¹³ Moreover, at no time did Ms. Mercer cause payments to be made to Ms. Conway or Mr. Bannon for their services to the Trump campaign.¹⁴

Argument:

I - TPC, GS and CA did not provide illegal in kind contributions because all payments were for services rendered.

Complainants' allegation that the PAC's payments to TPC, GS, and CA constituted impermissible in-kind contributions is entirely without merit. Under FECA regulations, illegal in kind contributions are defined to include "the payment by any person for the personal services of another person if those services are rendered without charge to a political committee for any purpose."¹⁵ Key to this definition is that the compensation be for services *rendered to the committee*, rather than for services rendered to the payor. Moreover, the Commission has repeatedly found that unfounded allegations contradicted by sworn statements from Respondents are not a sufficient basis for initiating an investigation, or a finding of a violation of FECA.¹⁶

¹¹ Affidavit of Rebekah Mercer (the "Mercer Aff."), annexed hereto as Exhibit 7, at 1, 9.

¹² Mercer Aff. at 11.

¹³ Mercer Aff. at 11.

¹⁴ Mercer Aff. at 12.

¹⁵ 11 C.F.R. 100.54

¹⁶ See, e.g. MUR 5999 (Freedom's Watch and NRCC), Notification with Factual and Legal Analysis to Freedom's Watch at 7 (Dec. 15, 2008) *available at* <http://eqs.fec.gov/eqsdocsMUR/29044223107.pdf> ("Given that there is no probative information of coordination, and [Respondent] has provided specific sworn denials of the existence of coordination, there is no basis to open an investigation in this matter."); MUR 5774 (MoveOn.org Voter Fund) Factual and Legal Analysis Regarding Alleged Coordination of Expenditures at 4 (Dec. 12, 2006), *available at* <http://eqs.fec.gov/eqsdocsMUR/000058F5.pdf> (Finding no reason to believe Respondent violated the act in the form of coordinated expenditures because "[i]n contrast to the rather vague allegations contained in the complaint,

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“Unwarranted legal conclusions from asserted facts, or mere speculation, will not be accepted as true, and such speculative charges, especially when accompanied by direct refutation, do not form an adequate basis to find reason to believe that a violation of FECA has occurred.”¹⁷

In their allegations, Complainants assert that payments made during the month of August, September, and October to each of the three vendors in question were sham transactions meant to compensate campaign staffers on behalf of the campaign. This rests on the untenable assumption that the vendors in question are merely alter egos of Ms. Conway and Mr. Bannon, premised on the idea that a payment to the entities in question was merely a payment to the individual for services rendered to the Trump campaign; this idea, however, lacks any basis in fact. Such an assertion is countered by the sworn affidavits from the responsible parties outlining the many services rendered to the PAC by these vendors throughout the election season, as well as the demonstrated pattern of services rendered at market rate for the payments in question. TPC was retained by Keep the Promise I PAC in April 2015, “to assist with polling and media strategy services and “continued to provide general services to Keep the Promise on a regular basis through April, 2016.”¹⁸ GS produced substantial content for the PAC, including “communications in support of the candidacy of Senator Cruz, as well as communications in opposition to Senator Marco Rubio, Donald J. Trump, and Secretary Hillary Rodham Clinton . . . until March, 2016.”¹⁹ Likewise, Cambridge Analytica provided “data analytic services to the PAC”

[Respondent’s] response 2 includes declarations specifically denying each of the elements that would satisfy the ‘conduct’ 3 standards”); MUR 5609 (Club for Growth) First General Counsel’s Report (Aug. 8, 2005), *available at* (<http://eqs.fec.gov/eqsdocsMUR/00004846.pdf> (Allegations of coordination that were contradicted by sworn statement that no coordination occurred insufficient basis for investigation).

¹⁷ MUR 6077 (U.S. Chamber of Commerce) Notification with Factual and Legal Analysis to the Chamber of Commerce (May 19, 2009), *available at* <http://eqs.fec.gov/eqsdocsMUR/29044243637.pdf>; *accord* MUR 4960 (Hillary Rodham Clinton for U.S. Senate Exploratory Committee) Statement of Reasons (Dec. 21, 2000).

¹⁸ Loyd Aff. at 7.

¹⁹ Fleurette Aff. at 3.

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as well as “additional management services to ensure that strategy and messaging was successful.”²⁰

Simply put, the allegations lack even a scintilla of evidence to support them; rather claimants simply looked at the schedule of payments—accurately and timely publicly reported by the PAC to the Commission—and alleged they were secret illegal payments. Moreover, TPC, GS and CA were all vendors to the PAC earlier in the primary season, providing services at market rates when neither MS. Conway nor Ms. Bannon had any association with the Trump campaign; these services were then simply continued during the general election.²¹

a. Cambridge Analytica

Cambridge Analytica provided substantial services to the PAC throughout both the primary and general election campaigns. Throughout the primary campaign—when the PAC supported Senator Ted Cruz—the PAC regularly utilized Cambridge to provide data analytics and media services in support of Senator Cruz or in opposition to his opponents. In its 2015 year-end report, the PAC reported making over 47 independent expenditures to Cambridge for “Media Services,” for a total of \$245,781.00.²² They also reported another miscellaneous disbursement of \$118,208 to Cambridge for “prepaid media.” The PAC continued to utilize CA for independent expenditures during the early months of 2016, reporting expenditures for “media” of \$91,780 in January²³ and \$27,251 in February.²⁴

²⁰ Wheatland Aff. at 8.

²¹ Loyd Aff. at 7; Fleurette Aff. at 3; Wheatland Aff. at 8; Make America Number 1, PRE-GENERAL ELECTION REPORT; Make America Number 1, POST-GENERAL ELECTION REPORT; Make America Number 1, FEBRUARY MONTHLY REPORT, Make America Number 1, MARCH MONTHLY REPORT

²² Make America Number 1, END OF YEAR 2015 REPORT

²³ Make America Number 1, FEBRUARY MONTHLY REPORT,

²⁴ Make America Number 1, MARCH MONTHLY REPORT

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As attested to in the affidavit of Julian Wheatland, the PAC resumed utilizing CA as a vendor in early June, expending \$92,495 for "Survey Research" on June 3, 2016.²⁵ They continued purchasing media through Cambridge, expending \$256,157 in July²⁶, \$110,000 in August²⁷, \$587,500 in September²⁸, \$2,112,072 in October²⁹ and \$900,000 in November³⁰. In each instance, the PAC paid quantum meruit for the value of the media services, with a significant portion going to pay for the media buy at standard market rates. Furthermore, Bannon received absolutely no compensation from Cambridge after August 17, let alone any compensation in connection with its work for the PAC.³¹ As attested to by Mr. Wheatland after joining the campaign, Mr. Bannon "ceased engaging with board decision making and began the process of divesting his interest in Cambridge; he has also received no compensation for his position on the board or for consulting services since that time."³² As Cambridge made no payments to Mr. Bannon since he began working for the campaign, and Bannon received no payments from Cambridge after he joined the Trump campaign, coupled with the fact that every PAC payment was properly and timely reported to the FEC, clearly demonstrates that it defies logic and is patently untrue to claim that there was some surreptitious plot to pay Mr. Bannon for his campaign work through Cambridge.³³ One could boil this down to an elementary school math equation: from the time Bannon joined the Trump campaign Cambridge paid Bannon zero,

²⁵ Make America Number 1, JULY MONTHLY REPORT

²⁶ Make America Number 1, AUGUST MONTHLY REPORT

²⁷ Make America Number 1, SEPTEMBER MONTHLY REPORT

²⁸ Make America Number 1, OCTOBER MONTHLY REPORT

²⁹ Make America Number 1, PRE-GENERAL ELECTION REPORT; Make America Number 1, POST-GENERAL ELECTION REPORT.

³⁰ Make America Number 1, POST-GENERAL ELECTION REPORT.

³¹ Bannon Aff. at 4; Wheatland Aff. at 3.

³² Wheatland Aff. at 3.

³³ Wheatland Aff. at 3; Bannon Aff. at 4.

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and Bannon received zero funds; therefore, zero plus zero equals zero illegal payments and zero violations of FECA.

b. Glittering Steel

Like Cambridge, Glittering Steel provided substantial services to the PAC throughout both the primary and general elections. As described in the affidavit of Daniel Fleurette, GS produced numerous video advertisements on behalf of the PAC and established a media silo that could be regularly utilized to produce rapid response videos.³⁴ Furthermore, the 24/48 Hour Reports filed by the PAC during the primary campaign, payments to GS were for the production of communications that either supported Senator Cruz or opposed the candidacy of Senator Marco Rubio, or other candidates to a lesser extent.³⁵ Likewise, GS continued producing videos and print media on behalf of the PAC during the general election, assisting with the production of over fifty published communications and countless “rough cut” ads between July and November. As attested to in the Fleurette affidavit and confirmed by the PAC 24/48 hour reports, GS billed the PAC at standard market rates on a per-video basis.³⁶ Furthermore, after Mr. Bannon joined the Trump campaign, Glittering Steel “ceased providing any financial remuneration to him; this included any compensation as a board member, a consultant providing strategic business guidance, or as a writer or producer for movies such as Clinton Cash.”³⁷ We also note that GS never provided any services to the Trump campaign, thus could not be classified as a common

³⁴ Fleurette Affidavit at 3.

³⁵ See, e.g. Make America Number 1, 48 Hour Report of Independent Expenditures (Aug. 5, 2015) Image No. 201508059000802154 (Ad produced in support of Rafael “Ted” Cruz); Make America Number 1, 24 Hour Report of Independent Expenditures (Mar. 3, 2016) Image No. 201603079009662071 (Video production in opposition to Marco Rubio).

³⁶ See, e.g. Make America Number 1, 48 Hour Report of Independent Expenditures (Sept. 22, 2016) Image No. 201609229032101607 (Ad produced in opposition to Hillary Rodham Clinton); Fleurette Affidavit at 12 (“All payments for the work we performed was invoiced at standard market rates.”).

³⁷ Fleurette Affidavit at 5.

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vendor. Once again, a clear pattern of paying quantum meruit for professional services rendered—and timely reporting the same—is used by the Complainants to allege secret and illegal payments to support employees of the Trump campaign. Such baseless hyperbole must not be countenanced. Again, Bannon confirmed receiving no payments from GS after he joined the Trump campaign, while GS confirmed making no such payments; the publicly reported payments were simply for work performed at market rates, rather than the grand conspiracy the Complainants would want you to believe.³⁸

c. The Polling Company

The PAC regularly utilized the services of the Polling Company, who provided “survey research” and “political consulting” services throughout the primary campaign. In 2015, the PAC reported disbursements of \$472,469 for these services.³⁹ During the first two months of 2016, the PAC reported additional disbursements to TPC for polling, disbursing \$20,000 in January and \$131,669 February.⁴⁰ This work was performed at standard market rates. After the PAC transitioned to support President Trump, it retained TPC to provide polling services, around the time Ms. Conway left active management of TPC to assume a role working for the Trump campaign in the area of media strategy.⁴¹ The one payment made to TPC by the PAC in August

³⁸ Bannon Aff. at 4; Fleurette Aff. at 5, 12; Make America Number 1, 48 Hour Report of Independent Expenditures (Aug. 5, 2015) Image No. 201508059000802154 (Ad produced in support of Rafael “Ted” Cruz); Make America Number 1, 24 Hour Report of Independent Expenditures (Mar. 3, 2016) Image No. 201603079009662071 (Video production in opposition to Marco Rubio).

³⁹ Make America Number 1, MID YEAR 2015 REPORT (\$20,000 in disbursements to TPC for “Survey Research”); Make America Number 1, END OF YEAR 2015 REPORT (\$452,469 in disbursements to TPC for “Survey Research” and “Political Consulting”).

⁴⁰ Make America Number 1, FEBRUARY MONTHLY REPORT; Make America Number 1, MARCH MONTHLY REPORT.

⁴¹ Conway Aff. at 6.

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represented a series of state baseline surveys to begin the general election season.⁴² As attested to in the affidavit of Kevin Manning, this polling occurred during the last week in June through July 7th, with payment rendered on August 23, 2016.⁴³ Moreover, as belied by Complainants' other allegations, the Trump campaign separately retained Ms. Conway for her consulting services, which activity she billed through the company she owned.⁴⁴

For the third time we find the Complainants' bad faith attempt to construct an illegal conspiracy by suggesting timely publicly reported payments to an established and well regarded vendor for valuable services, rendered at market rates, were illegal payments to Ms. Conway and an illegal contribution to the Trump campaign, in a blatant attempt to do them harm. Contrary to Complainants' highly circumstantial and spurious allegations, it is evident from the prior activity of the PAC, the concrete services provided by each vendor, and the sworn affidavits contesting those allegations that these payments were not provided as payment for professional services rendered to the campaign by Mr. Bannon and Ms. Conway.⁴⁵

⁴² See Redacted Invoices from The Polling Company to Make America Number 1/Keep the Promise 1, attached hereto as Exhibit 8.

⁴³ Manning Aff. at 3.

⁴⁴ Conway Aff. at 7; Donald J. Trump for President, Inc., SEPTEMBER MONTHLY REPORT (Reporting Disbursement of 128,496 to The Polling Company). Please note that it appears that the Trump campaign lumped numerous services together under the heading of "Polling".

⁴⁵ Bannon Aff. at 4; Fleurette Aff. at 5, 12; Wheatland Aff. at 3; Loyd Aff. at 10, 15; Conway Aff. at 10; Make America Number 1, 48 Hour Report of Independent Expenditures (Aug. 5, 2015) Image No. 201508059000802154 (Ad produced in support of Rafael "Ted" Cruz); Make America Number 1, 24 Hour Report of Independent Expenditures (Mar. 3, 2016) Image No. 201603079009662071 (Video production in opposition to Marco Rubio). Make America Number 1, MID YEAR 2015 REPORT (\$20,000 in disbursements to TPC for "Survey Research"); Make America Number 1, END OF YEAR 2015 REPORT (\$452,469 in disbursements to TPC for "Survey Research" and "Political Consulting"); Make America Number 1, FEBRUARY MONTHLY REPORT; Make America Number 1, MARCH MONTHLY REPORT; Make America Number 1, JULY MONTHLY REPORT; Make America Number 1, AUGUST MONTHLY REPORT; Make America Number 1, SEPTEMBER MONTHLY REPORT; Make America Number 1, OCTOBER MONTHLY REPORT; Make America Number 1, PRE-GENERAL ELECTION REPORT; Make America Number 1, POST-GENERAL ELECTION REPORT.

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II - The PAC did not coordinate with the campaign, as their vendors all maintained substantial firewalls to prevent any coordination

Under FEC regulations, there is a three prong test to determine if a communication has been coordinated. First, the communication must be paid for by a person other than a candidate. Second, the communication must satisfy the “content” prong by expressly advocating for or against a clearly identifiable candidate or referring to a political party within a certain timeframe surrounding the election. Finally, the communication must meet the “conduct” prong, requiring some interaction between the person paying for the communication and the candidate. Possible conduct that would satisfy this standard includes: requests or suggestions from the campaign, material involvement by the campaign in the production of the communication, the communication resulted from “substantial discussions” between the campaign and the PAC, employment of a common vendor that fails to properly segregate data and functions, or employment of former campaign employees or contractors.

Here, any communications produced by the PAC clearly satisfy the first two prongs of the test; the PAC, not the campaign, paid for the communications and those communications advocate for the defeat of Secretary Clinton. Moreover, the complaint contains no allegations concerning requests or suggestions from the campaign, material involvement by the campaign in the production of the communication, or even that the communications resulted from “substantial discussions” between the campaign and the PAC. Instead, they assert that the PAC received information about the plans or needs of the candidate through two common vendors, TPC and CA. This allegation, however, has entirely no merit. In the alternative, the complaint alleges that Mr. Bannon or Ms. Conway might have provided campaign plans to the PAC because of personal relationships they maintained, without offering even a scintilla of evidence that any

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such communication ever occurred. In essence, the Complainant would have us believe that if people working on a campaign know people working for a PAC, the Commission must investigate to determine if they engaged in illegal coordination.

Such an assertion is not only directly contrary to past Commission precedent, but would also lead to a dramatic expansion of the Commission's work, a virtual opening of the floodgates, requiring Commission investigations of every election where vendors, donors, candidates, campaign workers, political parties, or PACs can be accused of coordination predicated on wholly innocent business or social relationships. The Commission has repeatedly found that unfounded allegations like those here, when contradicted by sworn evidence, are not a sufficient basis for investigation. In MUR 5774 (MoveOn.org Voter Fund), the Commission found no basis to investigate the "rather vague allegations contained in the complaint" when Respondent's response "include[d] declarations specifically denying each of the elements that would satisfy the 'conduct' standards."⁴⁶ In MUR 5999, the complaint alleged coordination on the basis of metadata; the Commission found that because there was a reasonable explanation for the existence of the metadata and "[Respondent] ha[d] provided specific sworn denials of the existence of coordination; there [was] no basis to open an investigation."⁴⁷ Following Complainant's approach, the FEC would be required to investigate virtually every campaign, political party, and PAC, as people of similar views engaged in similar activities tend to know each other. For example, the majority of attorneys experienced in federal election work, especially those focused on working for one Party, know each other through a variety of means,

⁴⁶ MUR 5774 (MoveOn.org Voter Fund) Factual and Legal Analysis Regarding Alleged Coordination of Expenditures at 4 (Dec. 12, 2006), available at <http://eqs.fec.gov/eqsdocsMUR/000058F5.pdf>

⁴⁷ MUR 5999 (Freedom's Watch and NRCC), Notification with Factual and Legal Analysis to Freedom's Watch at 7 (Dec. 15, 2008) available at <http://eqs.fec.gov/eqsdocsMUR/29044223107.pdf>

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including common membership in a bar association, use of common vendors, and attendance at subject matter continuing education programs.

Utilizing the same vendor does not automatically satisfy the conduct prong; the Commission itself recognizes that “even those vendors who provide [communication specific] services are not in any way prohibited from providing services to both candidates or political party committees and third-party spenders.”⁴⁸ This determination rests on a three prong test. First, the person paying for the communication must employ a commercial vendor to create, produce, or distribute the communication. Second, the vendor must have provided services to the candidate in the 120 days preceding the independent expenditure. Finally, the information from the campaign must be material to the creation, production, or distribution of the communication.⁴⁹ In the current complaints there is no evidence, merely supposition and assertions based on vague news reports that non-public proprietary information might have been shared between the vendors and the Pac. Actually, the news reports merely note the relationship among the various parties, which the Complainants than assert equate to improper coordination.

Even if the use of a common vendor would otherwise satisfy the conduct standard, it is still possible for the vendor to qualify for a safe harbor for the establishment and use of a firewall. Under 11 CFR 109.21(h), the conduct standard is not met if the vendor in question maintains a firewall that is: “(i) designed and implemented to prohibit the flow of information between employees or consultants providing services for the person paying for the communication and those employees or consultants currently or previously providing services to

⁴⁸ 68 FR 436.

⁴⁹ 40 CFR 109.21(d) (4).

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the candidate, and (ii) described in a written policy that is distributed to all relevant employees, consultants, and clients affected by the policy.”⁵⁰ The Commission has maintained that

“[t]he safe harbor provision does not dictate specific procedures . . . because a firewall is more effective if established and implemented by each organization in light of its specific organization, clients, and personnel. For example, **firewall measures effective for a large organization may be inadequate for a small organization with few employees.** Similarly, an organization whose employees each perform numerous tasks must take measures different from those suitable for organizations whose employees perform specialized tasks. ‘Any approach that designates a single fact or occurrence as always determinative of an inherently fact-specific finding ... must necessarily be overinclusive or underinclusive.’”⁵¹

Additionally, The Commission has previously found that the presence of a firewall policy was sufficient to preclude investigation when evidence of its existence—in the form of an affidavit or exhibit—was included.⁵²

Complainants, on the other hand, misrepresent the factual basis for the MURs they use to support their untenable assertion that meeting two of the three prongs for conduct requires a full investigation; in each case they site, the existence of a firewall was either alluded to in

⁵⁰ 11 CFR 109.21(h)

⁵¹ Initial Brief for the Federal Elections Commission at 31, *Shays v. FEC*, 528 F.3d 914 (D.C. Cir. 2008) (Nos. 07-5360, 07-5361), 2008 WL 838371 (emphasis added).

⁵² MUR 7029 (McGinty for Senate) Notification with Factual and Legal Analysis to Women Vote! (Nov. 22, 2016), available at <http://eqs.fec.gov/eqsdocsMUR/16044404030.pdf>. (Commission found no reason to believe that an independent committee—which maintained a strict firewall policy that was included as an exhibit to their response—satisfied the conduct prong by having other members of their team outside of the firewall communicate with candidates.); see also MUR 5999 (Freedom’s Watch and NRCC), Notification with Factual and Legal Analysis to Freedom’s Watch at 7 (Dec. 15, 2008) available at <http://eqs.fec.gov/eqsdocsMUR/29044223107.pdf> (“Given that there is no probative information of coordination, and [Respondent] has provided specific sworn denials of the existence of coordination, there is no basis to open an investigation in this matter.”); MUR 5774 (MoveOn.org Voter Fund) Factual and Legal Analysis Regarding Alleged Coordination of Expenditures at 4 (Dec. 12, 2006), available at <http://eqs.fec.gov/eqsdocsMUR/000058F5.pdf> (Finding no reason to believe Respondent violated the act in the form of coordinated expenditures because “[i]n contrast to the rather vague allegations contained in the complaint, [Respondent’s] response 2 includes declarations specifically denying each of the elements that would satisfy the ‘conduct’ 3 standards”); MUR 5609 (Club for Growth) First General Counsel’s Report (Aug. 8, 2005), available at (<http://eqs.fec.gov/eqsdocsMUR/00004846.pdf> (Allegations of coordination that were contradicted by sworn statement that no coordination occurred insufficient basis for investigation); MUR 5506 (Castor for Senate) First General Counsel’s Report (Aug. 9, 2005), available at <http://eqs.fec.gov/eqsdocsMUR/0000483A.pdf> (Dismissing unfounded complaint when rebutted by sworn statements acknowledging firewall policy); accord. MUR 6505 (Boswell for Congress) Notification with Factual and Legal Analysis to Independent Voices (Feb. 17, 2009), available at <http://eqs.fec.gov/eqsdocsMUR/29044224881.pdf>.

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Respondent's filings without supporting evidence or completely ignored. In MUR 5546 (Progress for America Voter Fund), the Complainants did not address any of the factual allegations directly and provided no evidence of the existence of the firewall; as a result, the Commission found a basis to investigate, but ultimately took no further action with respect to PFAVF.⁵³ In making this determination, the Second General Counsel's Report indicated that: i) resignation of a key official who still received financial remuneration for prior work ("Although Mr. Synhorst was paid as an employee . . . he ceased participating in any client matters"); (ii) The individual in question had no involvement with production of the communication in question due to a firewall; and (iii) no evidence that there was intermingling.^{54/55}

a. There is no evidence that the advertisements relied on any proprietary, non-public campaign information

Here, there is absolutely no evidence presented in the complaint to support the allegation that any information was derived from the Trump campaign or was provided by the common vendors that was material in the production or distribution of the advertisements in question. As demonstrated in the affidavit of Dan Fleurette, the advertisements in question did not rely on any

⁵³ MUR 5546 (Progress for America Voter Fund), Notification with Factual and Legal Analysis (Jul. 5, 2005), available at <http://eqs.fec.gov/eqsdocsMUR/0005ABC.pdf>.

⁵⁴ MUR 5546 (Progress for America Voter Fund) Second General Counsel's Report (Dec. 22, 2006), available at <http://eqs.fec.gov/eqsdocsMUR/00005AC1.pdf>

⁵⁵ Likewise, in MUR 5502 (Martinez for Senate), Senator Martinez did not include any evidence of the existence of the firewall; moreover, there were conflicting facts on the ground such that "Committee's claim that an ethical wall between Stevens-Schriefer and Red October was in place appears to be at odds with the facts known to us at this time." MUR 5502 (Martinez for Senate.) Notification with Factual and Legal Analysis at 9 (May 18, 2005), available at <http://eqs.fec.gov/eqsdocsMUR/00057D4.pdf>. Ultimately, the Commission took no further action with respect to the Martinez campaign when it was determined that neither common vendor provided non-public information to them. MUR 5502 (Martinez for Senate) Second General Counsel's Report (Aug. 23, 2006) available at <http://eqs.fec.gov/eqsdocsMUR/000057D8.pdf>.

In MUR 5403 and MUR 5466 (America Coming Together), ACT's response did not address the complaint's coordination claim and therefore did not address the existence of a firewall. MUR 5403/5466 (America Coming Together) Response of Americans Coming Together (Jul. 30, 2004), available at <http://eqs.fec.gov/eqsdocsMUR/0000617C.pdf>.

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proprietary information from the campaign or from vendors, but rather utilized publicly available video footage and publically available information.⁵⁶ Matthew Taylor, the Glittering Steel employee who actually produced the advertisements, provided similar services to the Mitt Romney campaign in 2012 and was therefore well aware of the compromising video of President Obama from the 2008 Democratic Primary.⁵⁷ Moreover, the underlying message of the communications—that Secretary Clinton is corrupt—followed from well-established public accusations concerning Secretary Clinton’s connections to national and international elites. Furthermore, as described in the affidavit of Dan Fleurette, this theme of “follow the money” was the central premise of the film *Clinton Cash*, which Glittering Steel produced in early 2016; indeed, both he and Mr. Taylor were instrumental in the film’s production and clearly were aware of this information.⁵⁸ Clearly, nothing within the communications cited indicates that PAC leadership relied on messaging or strategy improperly provided by vendors to the campaign. Rather, the affidavits and the public record demonstrates the ads followed a consistent pattern as enunciated on its special project website in June, titled “Defeat Crooked Hillary”, that it would “prosecute [Clinton] for her myriad scandals directly in the court of public opinion...”, and as noted in the Fleurette affidavit a central theme of that prosecution was the need to “follow the money” to understand Clinton’s ethical failures.⁵⁹

⁵⁶ Fleurette Aff. at 8.

⁵⁷ Fleurette Aff. at 9.

⁵⁸ Fleurette Aff. at 10.

⁵⁹ *Strategy*, Defeat Crooked Hillary, www.defeatcrookedhillary.com/strategy (last accessed Feb. 13, 2017); Fleurette Aff. at 10.

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b. Cambridge Analytica, though providing services to both the campaign and committee, maintained a strict firewall policy that satisfies the requirements.

As a major provider of services to both political candidates and corporations, CA maintains a substantial firewall system that is utilized to prevent any intermingling of client data.⁶⁰ This written policy, a copy of which is attached as an exhibit to the affidavit of Julian Wheatland, requires the delineation of staff working for each individual client and prohibits the sharing of information between teams. Staff and employees bound by this policy were unable to access materials on the other side of the firewall and were not privy to any information regarding strategy on the other side.⁶¹ A copy of this policy has been sent to each employee affected by the policy as well as to clients that requested same.⁶²

As described in the affidavit of Julian Wheatland, CA followed these firewall procedures in relation to its work for the PAC and the Trump campaign. The firewall policy was transmitted to the PAC and applied in all interactions with CA.⁶³ CA delineated which team members were assigned to perform PAC work and those individuals were subsequently prevented from accessing any information from or data used for the Trump campaign. In fact, there were numerous times when CA would purchase the same data set separately for both clients in order to maintain the integrity of the data segregation required by the firewall.⁶⁴

The presence of a firewall system that is actively followed has been found to be sufficient to indicate that no information flowed between the two groups.⁶⁵ As the affidavits of Mr.

⁶⁰ Wheatland Aff. at

⁶¹ Wheatland Aff. at Attachment.

⁶² Wheatland Aff. 6.

⁶³ Wheatland Aff. at 11.

⁶⁴ Wheatland Aff. at 12.

⁶⁵ MUR 7029 (McGinty for Senate) Notification with Factual and Legal Analysis to Women Vote! (Nov. 22, 2016), available at <http://eqs.fec.gov/eqsdocsMUR/16044404030.pdf>; MUR 5546 (Progress for America Voter Fund) Second General Counsel's Report (Dec. 22, 2006), available at <http://eqs.fec.gov/eqsdocsMUR/00005AC1.pdf>

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Bannon, Ms. Mercer, and Mr. Wheatland indicate, CA followed their firewall policy in all interactions with the campaign and PAC, and all attest to the fact that no non-public proprietary campaign information was received by the PAC, nor was any such non-public proprietary information provided to the trump campaign.⁶⁶ Moreover, as indicated by Mr. Wheatland, not only did Cambridge require data segregation, the employees working for the campaign operated out of offices in San Antonio, Texas, while the PAC team operated out of offices in Washington, D.C.⁶⁷ As the complaint lacks any evidence to contradict these assertions, the Commission should find that the PAC did not coordinate with the campaign through CA as a common vendor.⁶⁸

c. The Polling Company's firewall policy prevented intermingling between their polling and strategy work.

TPC also maintained a robust firewall that prevented any comingling. As they are a smaller company, this policy primarily operated by maintaining strict data segregation between their employees working for candidates and those working for PACs. As described in the affidavit of Brett Loyd, all work for political clients or others who require their data to be segregated is maintained on the computers of the individual employees working on a given project.⁶⁹ TPC also ensures that no employees who work on campaigns subject to having such work placed in a silo do not work on matters for other clients from whom such data must be segregated.⁷⁰ TPC ensured that all clients were aware of this approach prior to their engagement.

⁶⁶ Wheatland Aff. at 12; Bannon Aff. at 4; Mercer at 9.

⁶⁷ Wheatland Aff. at 11.

⁶⁸ MUR 5999 (Freedom's Watch and NRCC), Notification with Factual and Legal Analysis to Freedom's Watch at 7 (Dec. 15, 2008); MUR 5774 (MoveOn.org Voter Fund) Factual and Legal Analysis Regarding Alleged Coordination of Expenditures at 4 (Dec. 12, 2006); MUR 5609 (Club for Growth) First General Counsel's Report (Aug. 8, 2005).

⁶⁹ Loyd Aff. at 6.

⁷⁰ *Id.*

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As described in the affidavits of Mr. Loyd and Kevin Manning, this policy was followed in connection with the work TPC performed for the PAC and the Trump campaign. Mr. Loyd handled the polling work for the campaign, while Mr. Manning and his associate Katie LaPotin performed polling work for the PAC.⁷¹ At no time did Mr. Manning have access to Trump campaign information, as it was all maintained on Mr. Loyd's computer.⁷² Both Mr. Manning and Mr. Loyd attest to the fact that they did not share any information and that they followed the firewall policy at all times.⁷³ They also attest to the fact that Ms. Conway, who provided consulting services to the campaign that were invoiced through TPC, likewise had no access to the information related to the PAC.⁷⁴ This fact was further confirmed by Ms. Conway.⁷⁵ To the knowledge of the PAC, this firewall was maintained in all subsequent interactions with TPC.

While Ms. Conway's personal consulting services for the Trump campaign did overlap, she provided that services separate and apart from TPC and did not use the resources or personnel of the company in performing those services. She billed for her services through TPC because she maintained her ownership of the company and it was convenient and prudent to run the billing through her company's process.⁷⁶ As indicated in her affidavit and those of Mr. Loyd and Mr. Manning, Ms. Conway never provided any information regarding the strategy, messaging, needs, or plans of the Trump campaign to staff of the polling company working within the firewall for the PAC, nor did she receive any information from them regarding the

⁷¹ Loyd Aff. at 10, 14; Manning Aff. at 2.

⁷² Loyd Aff. at 13.

⁷³ Loyd Aff. at 13; Manning Aff. at 4.

⁷⁴ Loyd Aff. at 16; Manning Aff. at 5, 6.

⁷⁵ Conway Aff. at 7.

⁷⁶ Conway Aff. at 6; Loyd Aff. at 12.

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plans, needs, messaging, or strategy of the PAC.⁷⁷ The Commission should therefore find no reason to believe that the PAC coordinated conduct through the use of TPC as a common vendor.

III – Complainants’ Further Allegations Regarding Rebekah Mercer Have No Merit

Finally, Complainants’ additional inchoate allegations concerning the activities of Rebekah Mercer have no legal basis. Relying on conjecture, innuendo, and grandiose editorializing, Complainants attempt to repurpose news articles concerning two meetings between Ms. Mercer and Trump-related individuals to allege coordination: First, Ms. Mercer attended a lunch at Trump Tower with Ivanka Trump and Jared Kushner in May, and a Fundraiser where Ms. Mercer spoke with President Trump in August.

While it is true that Ms. Mercer did attend both meetings, such activity is common among donors to political campaigns, and there is no basis for concluding that they discussed communications strategy for either the PAC or the campaign; rather as indicated in the affidavits of Ms. Mercer, Ms. Conway and Mr. Bannon, no such prohibited information sharing ever occurred.⁷⁸ Instead, Complainants ask the Commission to infer that because Ms. Mercer had contacts and access to the Trump campaign, some degree of quid pro quo existed. However, this inference runs directly contrary to Supreme Court precedent indicating that “[t]he fact that speakers may have influence over or access to elected officials does not mean that these officials are corrupt.”⁷⁹ Absent a more specific factual showing, quid pro quo will not be assumed simply because an individual or corporation makes independent expenditures in support of a given

⁷⁷ Conway Aff. at 7; Loyd Aff. at 11, 12; Manning Aff. at 5.

⁷⁸ Mercer Aff. at 11; Conway Aff. at 9; Bannon Aff. at 8.

⁷⁹ *Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 359 (2010).

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candidate.⁸⁰ Ms. Mercer's general advocacy activities in this realm mirror those of liberal activists who are applauded in the liberal press for their activity. Mr. George Soros is certainly one individual who has spent millions supporting liberal causes, and has not been found to have violated campaign finance law despite numerous reviews of his activity, most finding the First Amendment protects such activities.⁸¹

Additionally, though Ms. Mercer did recommend the hiring of Ms. Conway and Mr. Bannon, such a simple job reference does not form the basis for a claim of coordination between the Trump campaign and a PAC with which Ms. Mercer is associated. She, as merely a donor to the campaign of publicly disclosed contributions within the FECA contribution limits, friend of the Trump family, and a respected civic leader, provided a reference for two individuals with whom she has worked extensively. As attested to in her affidavit and the affidavit of Ms. Conway, the Trump campaign indicated to Ms. Mercer that it was interested in hiring Ms. Conway, and Ms. Mercer, who holds Ms. Conway "in the highest regard for her intellect, her work ethic, and her knowledge of political messaging," provided a reference.⁸² Ms. Conway was contacted in June by the Trump Campaign, weeks after this reference was given.⁸³ Similarly, Ms. Mercer acknowledges that she provided a reference for hiring Mr. Bannon, an individual Mr. Trump had expressed admiration for.⁸⁴ While she provided these references, no evidence indicates that she had any actual authority to direct any activity of the Trump campaign let alone

⁸⁰ *Buckley v. Valeo*, 424 U.S. 1, 45 (1976) (Rejecting the appearance of quid pro quo as a rational basis for blanket restrictions on independent expenditures).

⁸¹ MUR 5642 (George Soros) Notification to George Soros (Dec. 15, 2008) (No further action with respect to Mr. Soros.); MUR 5440 (The Media Fund) Notification to George Soros (Dismissed action with respect to Mr. Soros); MUR 232 (Tides Foundation) Recommendation to Close File (June 7, 2005) (Dismissed action with respect to Mr. Soros.)

⁸² Mercer Aff. at 5; Conway Aff. at 5.

⁸³ Conway Aff. at 5.

⁸⁴ Mercer Aff. at 7.

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the executive level authority to direct hiring decisions of the campaign, such that she could “select[ing] personnel, contractors or subcontractors” as required by the regulations.⁸⁵ As held by the Supreme Court, independent expenditure, even if providing access, do not lead to an assumption of quid pro quo because “[i]ngratiation and access, in any event, are not corruption.”⁸⁶ Moreover, such an assumption would require the type of “veil-piercing” described by the court in *FEC v. Christian Coalition*.⁸⁷ There, an individual who was employed by the Christian Coalition and coordinated the mailing of communications materials was alleged to have “coordinated with himself” by volunteering with a candidate’s campaign. The court ultimately concluded that while “[a] veil-piercing approach to coordination may be appropriate if an individual had **more complete decision making authority for both a corporation and a campaign**” absent this showing “coordination cannot be inferred merely from the fact that the Coalition’s voter guide distributor wore two caps.” *Id.* at 96-97 (emphasis added). Here, as there, the Complainants incompletely allege that Ms. Mercer “coordinated with herself” because they allege both the campaign and the PAC were under the effective control of Ms. Mercer; however, nothing in the factual record indicates that her position as a donor afforded her any direct control over the decision making of the campaign outside of providing some references for potential employees of the campaign.

As confirmed by the affidavits of Ms. Mercer, Ms. Conway, and Mr. Bannon, Ms. Mercer never received any proprietary, non-public information concerning the Trump campaign during the general election; likewise, she never provided anyone associated with the Trump

⁸⁵ 11 C.F.R. 109.21(d)(4)(ii)(H).

⁸⁶ *Citizens United v. Fed. Election Comm’n*, 558 U.S. at 361.

⁸⁷ 52 F. Supp.2d 45 (D.D.C. 1999).

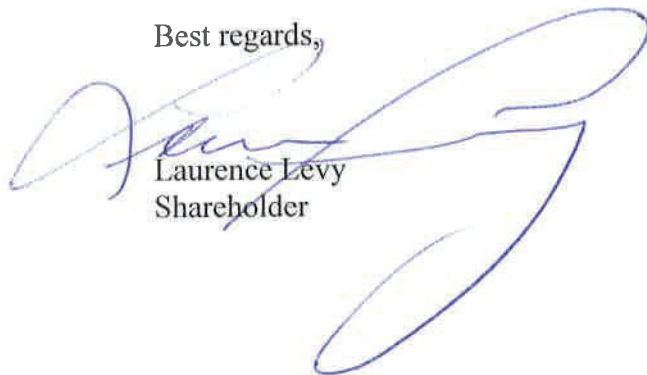
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campaign with proprietary, non-public information concerning the PAC.⁸⁸ As a result, the Commission should find no reason to believe that Ms. Mercer violated FECA.

CONCLUSION

For each of the foregoing reasons, the Commission should dismiss the complaint in MUR 7147 as to Respondent Make America Number 1 PAC and Jacquelyn James, treasurer, and the complaints in MUR 7193 as to Respondents Make America Number 1 PAC, Jacquelyn James, treasurer, and Stephen K. Bannon.

Best regards,

A large, stylized handwritten signature in blue ink, appearing to read 'Laurence Levy', is written over the typed name and title.

Laurence Levy
Shareholder

LL:ep
Enclosures

⁸⁸ Mercer Aff. at 11; Conway Aff. at 9; Bannon Aff. at 8.

Exhibit 1
Affidavit of Kellyanne Conway

BEFORE THE FEDERAL ELECTION COMMISSION**MUR 7147 & MUR 7193**

I, Kellyanne Conway, in accordance with the provisions of 28 U.S.C. 1746, make the following statement in support of the response of Make American Number 1 PAC to MUR 7147 and MUR 7193; it is provided to the best of my recollection.

1. I currently serve as Counselor to President Donald J. Trump. During the 2016 general election, I also served as a senior advisor and campaign manager for the Donald J. Trump for President Campaign.
2. Prior to joining the Trump campaign, I served as the chair of Keep the Promise I, a PAC that supported the candidacy of Senator Ted Cruz.
3. I was also formerly the president of the Polling Company/Women Trend, a nationally-regarded primary research and consulting firm based in Washington, D.C that I established in 1995. TPC has an extensive track record with a broad base of clients that have sought research and counsel on a variety of projects, by offering a wide range of primary and secondary, quantitative and qualitative consumer-centric research services, including polls, focus groups, media management, and alternative, cutting-edge research technologies.
4. Throughout the primary campaign, TPC provided substantial services to Keep the Promise I. TPC conducted polling, assisted with development of media strategy, and identifying potential donors. To my knowledge, the PAC stopped retaining TPC for additional polling work around the time it stopped supporting Senator Cruz.
5. In early June of 2016, over a month after Senator Cruz suspended his presidential campaign, I was contacted by the Trump campaign, who expressed a desire for me to assist the campaign with media strategy. From that point forward, I stopped performing any work for the PAC and stopped receiving information regarding the PAC's plans, strategy, or needs. I

subsequently resigned from my position with Make America Number 1 on June 22, 2016, prior to joining the Trump campaign on July 1, 2016 as a senior advisor and pollster.

6. When I began working for the campaign, I also ceased involvement with the operations of TPC. I did not have any access to TPC files related to its work with the PAC. Rather, pursuant to TPC's standard firewall policy, the staff working on PAC work did so on their own computers and didn't put information on the shared drive.

7. During my work with the campaign, I was operating as an independent contractor and was paid through TPC; however, I was the only individual related to TPC involved with the consulting. At no point did I provide any campaign information to TPC staff, except for the TPC staff subsequently retained to provide polling for the campaign.

8. On August 17, 2016, I was named as campaign manager for the remainder of the general election campaign.

9. From June 22 forward, I did not receive or obtain any non-public, proprietary information from the PAC or TPC regarding the PAC's needs, messaging, plans, or projects; nor did I provide any such non-public, proprietary information from the campaign to the PAC or the staff of TPC working on PAC matters.

10. At no point did the PAC provide compensation for my work for the campaign.

Dated: February 13th, 2017

Kellyanne Conway

Kellyanne Conway

Subscribed and sworn to before me this 13th day of February, 2017

David E. Kalbaugh

Notary Public

(Seal)



June 22, 2016

Jacquelyn James, Treasurer
Keep the Promise I
2 Roosevelt Avenue
Port Jefferson Station, NY 11776

Dear Jacqui:

Please accept this letter of resignation from my position as President of Keep the Promise I PAC effectively immediately.

Please do not hesitate to call me if I may answer any additional questions or help in the PAC's dissolution or reformation. My office number is 202-2667-6557 and my mobile phone number is .

It has been a pleasure to work with you and our colleagues. I wish you the best.

Sincerely,

Kellyanne E. Conway

Kellyanne Conway

cc: Ms. Rebekah Mercer
Larry Levy, Esq.

Exhibit 2
Affidavit of Brett Loyd

BEFORE THE FEDERAL ELECTION COMMISSION**MUR 7147& MUR 7193**

I, Brett Loyd, declare under penalty of perjury that the following statements are true and correct, to the best of my knowledge and belief:

1. I am the President and CEO of the polling company, inc. /Women Trend (TPC). I have held this position since January 20, 2017, when then-CEO Kellyanne Conway left our firm to join the administration of President Donald J. Trump. Prior to that date, I was the Director of Political Services at TPC.
2. TPC is a nationally-regarded primary research and consulting firm based in Washington, D.C. Established by Ms. Conway in 1995, TPC has a track record with a broad base of clients that have sought research and counsel on a variety of projects, by offering a wide range of primary and secondary, quantitative and qualitative consumer-centric research services, including polls, focus groups, media management, and alternative, cutting-edge research technologies.
3. One of the key divisions of TPC is Women Trend, which focuses on providing corporations with better insight into the American female consumer. By tracking and interpreting the social, cultural, financial, professional and health trends influencing—and being influenced by—women, Women Trend has provided services to numerous Fortune 500 companies, including Coca-Cola, Procter & Gamble, Unilever, Kraft, AMC Networks, Gannett, Mars, Marriott, Allstate, Liz Claiborne, General Motors, Avon, Estee Lauder, Lifetime Television, and Pfizer among others.

4. TPC is also a recognized leader in providing polling, media management, and strategy for political clients, including campaigns, committees, and other interested individuals. Quantitatively, we engage in numerous forms of surveying, including traditional polling, email and postal questionnaires, and in-person intercept surveys. We also analyze qualitative trends and opinions to gain a deeper understanding of the issues important to the electorate.

5. Because TPC provides services to numerous corporate clients, political campaigns, and others, we maintain a strict system of checks to limit the intermingling of proprietary client information. In particular, we take seriously the restrictions imposed by the FEC in relation to the sharing private candidate information.

6. Our central mechanism of ensuring that candidate information is not shared with our other teams is strict informational segregation. TPC does maintain a central server; however, for political clients that require segregation or placement in a silo, all such client files are retained on individual employees' computers. TPC also ensures that there is no overlap between the employees working on campaigns maintained in a silo and those working for other clients.

7. In April, 2015, we were retained by Keep the Promise I PAC, a pro-Cruz Super PAC, to assist with polling and media strategy services. We continued to provide general services to Keep the Promise on a regular basis through April, 2016.

8. After Senator Cruz dropped out of the primary, we were contacted by the PAC to provide additional political consulting services for the newly rechristened Make American Number 1 PAC. The PAC, at that time, also requested that we conduct some additional polling.

9. We conducted polling for the PAC in late June through July 7th, and provided our analysis to the PAC. We prepared an invoice for this polling later in July, which was paid on August 23, 2016.

10. Kevin Manning, Kevin Quinley, and Katie LaPotin conducted the polling for the PAC; their work was maintained on their computers and neither the data, or any information about the polling was shared with me or anyone else at TPC, except for the purposes of subsequently sending invoices for payment of the work performed.

11. Around the same time, Kellyanne personally began providing consulting services to the campaign; TPC/WT was not involved with the consulting services she provided and received no information regarding campaign strategy.

12. It is my understanding Kellyanne invoiced the Trump campaign for her initial services through the polling company, which she owned and regularly billed her individual consulting services through, without sharing information about the specific services with other employees of TPC.

13. Additionally, the Trump campaign requested that TPC provide them with polling services. We conducted quantitative field work on July 10th. I was personally overseeing the services and retained all client data and accounts on my individual computer, to which only I had access.

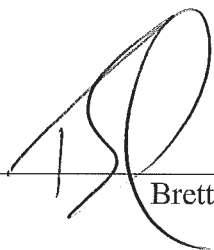
14. I provided regular polling services to the campaign through the general election, including an election night tracking poll. At all times, TPC provided the campaign with itemized invoices for the services we provided. We charged the campaign our standard rate for polling and consulting services.

15. At no point were the payments we received from the PAC in compensation for work performed by Ms. Conway for the campaign.


16. Ms. Conway's services as a consultant to the Trump campaign were billed through TPC, but at all times her work was separate and apart from any other work performed by TPC and no

information regarding the presidential campaign was shared, except for the polling work I was subsequently contracted to perform beginning on July 10, 2016.

Dated: February 13, 2017


Brett Loyd

Subscribed and sworn to before me this 13th day of February, 2017


Notary Public

(Seal)



Exhibit 3
Affidavit of Kevin Manning

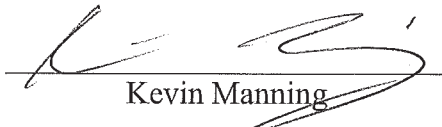
BEFORE THE FEDERAL ELECTION COMMISSION

MUR 7147& MUR 7193

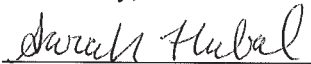
I, Kevin Manning, declare under penalty of perjury that the following statements are true and correct, to the best of my knowledge and belief:

1. I am a Senior Research Analyst at the Polling Company/Women Trend (TPC). I have held this position since March, 2016.
2. In June of 2016, TPC was hired by Make America Number 1 PAC to perform polling services. My associates Kevin Qinley, Katie LaPotin and I were the only TPC employees involved with conducting polling work on behalf of the PAC.
3. The polls which were conducted on behalf of Make America Number 1 by The Polling Company were fielded in the following states on the noted dates; Virginia from July 5-7, Nevada from July 5-6, Pennsylvania from June 29-30, Florida from June 29-30, Ohio from June 26-28, Iowa from June 26-28, New Hampshire from June 26-28, Colorado from June 26-28.
4. To ensure that we complied with necessary data segregation requirements, Kevin, Katie, and I performed all of our work for the PAC on our individual computers. No other employees or individuals related to TPC had access to these files. Outside of billing and invoicing, we shared no information with other TPC employees related to the PAC.
5. At no point did we receive any information from Kellyanne Conway or others relating to the strategy of the Trump Campaign.

Dated: February 13, 2017


 Kevin Manning

Subscribed and sworn to before me this 13th day of February, 2017


 Notary Public

(Seal)

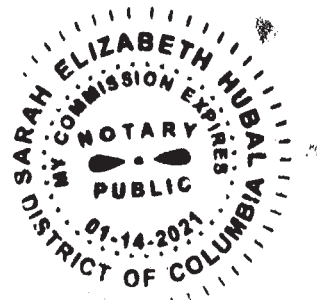


Exhibit 4
Affidavit of Daniel Fleurette

BEFORE THE FEDERAL ELECTION COMMISSION**MUR 7147**

I, Daniel Fleurette, in accordance with the provisions of 28 U.S.C. 1746, make the following statement in support of the response of Make American Number 1 PAC to MUR 7147; it is provided to the best of my recollection.

1. I am the Chief Operating Officer of Glittering Steel, LLC. I co-founded Glittering Steel in April, 2015 with Stephen K. Bannon.
2. Glittering Steel is one of the leading producers of conservative television and film content. In addition to producing and distributing a highly-successful full-length feature film, Glittering Steel produces short-form video advertisements, documentaries, graphic novels, and other communications for political campaigns, commercial clients, advocacy organizations, and independent expenditure committees.
3. In April, 2015, we were retained by Keep the Promise I, a political action committee that supported Senator Ted Cruz's bid for the Republican nomination for President. In connection with our work during the primary, we produced numerous web-based and broadcast communications in support of the candidacy of Senator Cruz, as well as communications in opposition to Senator Marco Rubio, Donald J. Trump, and Secretary Hillary Rodham Clinton. We continued producing web videos and broadcast material in support of Senator Cruz until March, 2016.
4. In July, 2016, we continued our work with the PAC, which had been renamed as Make American Number 1, to produce videos and content in opposition to the candidacy of Hillary

Clinton. Between July and the general election, we produced approximately fifty-one published videos alongside countless rough cuts that did not make it into circulation.

5. On August 17, 2016, Mr. Bannon joined the Trump campaign as CEO. From that point onward, we ceased providing any financial remuneration to him; this included any compensation as a board member, a consultant providing strategic business guidance, or as a writer or producer for movies such as Clinton Cash. Mr. Bannon still maintains an ownership stake in Glittering Steel, but we have negotiated to buy back his shares, pending approval of the terms by the Government Ethics Office.

6. The overall theme of the videos we produced for the PAC during the general election campaign attempted to reduce enthusiasm for Secretary Clinton by emphasizing her various policy and ethical failings. The videos raised questions concerning Clinton's hypocrisy on equal pay, dishonesty in relation to her private email server, corruption associated with the Clinton Foundation, and cronyism in relation to the Democratic primary.

7. Among the most effective of these videos were ones that consisted of repurposing of prior publicly available video footage of prominent figures critiquing Secretary Clinton. Central among these were videos of President Barack Obama and First Lady Michelle Obama, prominent Clinton surrogates, criticizing her on numerous fronts during the 2008 Democratic primary.

8. To ensure that our ads were completed within tight time frames to correspond with events beyond our control—news events, PAC fund raising needs, or changes in messaging—to maximize their impact, we created a “media silo” of video clips, speeches, and in some cases, rough cut ads that could be deployed based on the current issues in the news. For example, shortly after Secretary Clinton stated that the FBI concluded she did not lie, we released a video we had prepared with video of Director Comey offering public testimony indicating that she had.

9. The chief creative officer was Matthew Taylor. He is a veteran of many prior campaigns, including having made hundreds of ads for the Mitt Romney campaign for President in 2012. As such he was acutely aware of negative footage made by the Obama's during the 2008 presidential primary.

10. Moreover, both Mr. Taylor and I were involved with the production of the 2016 film *Clinton Cash*, based on a 2015 best-selling book that outlined how Secretary Clinton profited from her government and foundation positions. In fact, the central thesis of the movie, as presented by author Peter Schweitzer, is that to expose the Clintons' corruption, you must "follow the money."

11. On September 29, 2016, the PAC released a number of videos featuring President and First Lady Obama. Three videos featured President Obama discussing, respectively, Secretary Clinton's use of character attacks against him, financial connections to lobbyists, and her approach to politics in DC. One video was released featuring Mrs. Obama alluding to President Bill Clinton's infidelity. The videos were prepared well in advance of their release, which occurred shortly after the first Presidential debate.

12. All payments for the work we performed was invoiced at standard market rates. Initially, invoicing and payment processing was performed by our accountant, Steves Rodriguez at Freemark Financial, through their office at 8383 Wilshire Boulevard, Suite 1000, Beverly Hills, California. After they indicated discomfort with the publicity they received in connection with representing conservative political clients, we changed our address.

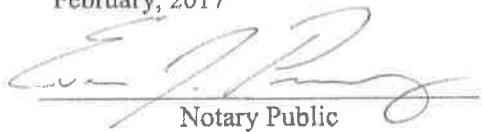
13. From the time he joined the campaign on August 17, 2016, Mr. Bannon was not involved with the management of Glittering Steel, nor did he have any input with regard to the advertisements we helped create for the PAC.

14. At no time was I nor anyone working with Glittering Steel provided with any non-public information regarding messaging by the Trump campaign. Rather, we constantly prepared scripts, and rough cut videos—and accumulated additional video footage as explained above—in order to be able to quickly push out relevant messages when the combination of opportune timing and financial ability permitted.

Dated: February 13, 2017


Daniel Fleurette

Subscribed and sworn to before me this 13th day of February, 2017


Notary Public

(Seal)

NOTARY PUBLIC, STATE OF NEW YORK
EVAN J. PREMINGER
NO. 02PR6335025
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES 12/28/2019

Exhibit 5
Affidavit of Stephen K. Bannon

BEFORE THE FEDERAL ELECTION COMMISSION**MUR 7147 & MUR 7193**

I, Stephen K. Bannon, in accordance with the provisions of 28 U.S.C. 1746, make the following statement in support of the response of Make American Number 1 PAC to MUR 7147 and MUR 7193, as well as my own response to MUR 7193; it is provided to the best of my recollection.

1. I currently serve as a Chief Strategist to President Donald J. Trump. Prior to assuming this role, I was the Chief Executive Officer of Donald J. Trump for President, Inc. Before that, I was the executive chairman of Breitbart News Network.

2. I also maintained an ownership interest Glittering Steel, LLC, a television and film production company I co-founded in April, 2015. Glittering Steel has produced feature films and numerous political advertising videos. While I maintained an ownership interest in Glittering Steel, I have not been involved in the regular operations since August 17, 2016; in particular, I had no discussions or involvement regarding the production or planning for messaging or advertisements made by Glittering Steel for the Make America Number 1 Pac. I also did not provide Glittering Steel with any non-public, proprietary Campaign information. Moreover, I have negotiated a buyout of my ownership interests, which is pending, awaiting approval by the Office of Government Ethics.

3. My accountant and business manager, Steves Rodriguez, and his firm, Freemark Financial, handled the finances of numerous ventures, including Glittering Steel and Cambridge Analytica, LLC. They provided assistance with invoicing and payment processing for the various entities through their Beverly Hills Office.

4. In addition, I was invited to join the board of directors of Cambridge Analytica, LLC, due to my experience with business development, politics, and messaging. Though serving on the board, I was never involved with the operations of Cambridge vis a vis Make America Number 1. I have an ownership interest in Cambridge Analytica through stock ownership, which is being bought out by Cambridge Analytica, pending approval of the terms by the Office of Government Ethics. I took a leave from my position on the board at the time I joined the Trump campaign, and have not engaged in any work with Cambridge Analytica since August 17, 2016.

5. For the duration of the campaign, I received no payments from Glittering Steel, Breitbart News Network, or Cambridge Analytica.

6. While at Cambridge, I was made aware of the existence of an ethics firewall that segregated client information. I was not permitted to access any information covered by the committee firewall. As such, I did not provide nor receive any non-public, proprietary information regarding the messaging, plans, projects, activities, or needs of its PAC clients, nor did I provide the PAC team at Cambridge any such information regarding the Trump campaign.

7. On August 17, 2016, I joined the Trump campaign as CEO. I subsequently worked for the campaign as a volunteer. At no time did I receive compensation for my work for the campaign from any person or entity. I did receive reimbursement from the Trump campaign for travelling expenses incurred for the Trump campaign of approximately \$7,577.

8. At no time after joining the Trump campaign did I discuss any non-public, proprietary information regarding the Trump campaign's plans, projects, activities, or

needs with anyone associated with the Making America Number 1 PAC. Further, during my work with the Trump campaign, I did not receive any non-public, proprietary information regarding the PAC's plans, projects, activities, or needs from any person associated with the PAC.



Stephen K. Bannon

Dated: February 13, 2017

Subscribed and sworn to before me this 13th day of February, 2017



Notary Public

(Seal)

GAYNELL FAY GUNN
NOTARY PUBLIC
District of Columbia
My Commission Expires
December 14, 2018



Exhibit 6
Affidavit of Julian Wheatland

BEFORE THE FEDERAL ELECTION COMMISSION**MUR 7147 and MUR 7193**

I, Julian Wheatland, in accordance with the provisions of 28 U.S.C. 1746, make the following statement in support of the response of Make American Number 1 PAC to MUR 7147 and 7193, and in response of Stephen Bannon to MUR 7193; it is provided to the best of my recollection:

1. I am a Chief Operating Officer of Cambridge Analytica, LLC.
2. Cambridge Analytica is the market leader in the provision of data analytics and behavior communications for political campaigns. We use data modeling and psychographic profiling to grow audiences, identify key influencers, and connect with people in ways that move them to action. Our unique data sets and unparalleled modeling techniques help organizations across America build better relationships with their target audience across all media platforms.
3. Beginning with Cambridge's expansion into the United States in 2013, we have focused on developing a clientele within the political realm. To further this goal, we asked Stephen K. Bannon, the then- executive chairman of Brietbart News Network, to join our board of directors. Mr. Bannon provided us with substantial assistance—as a board member and consultant—with expanding our client base and establishing contacts within the conservative movement, as well as assisting in strategic planning and initiating other services. Mr. Bannon was never involved with the delivery of data analytic services and was outside of the ethics firewalls we create for candidates and committees. After Mr. Bannon joined the Trump campaign, he ceased engaging with board decision making and began the process of divesting his interest in Cambridge; he has also received no compensation for his position on the board or for consulting services since that time. We have negotiated terms to buy out Mr. Bannon's stock interest in CA, which is pending final approval by the Board and by the Office of Government Ethics.

4. Rebekah Mercer is also a member of our board. She continues to be involved with higher level decision making at the Company, and was within the fire wall in terms of her leadership of the PAC, Make America Number 1.
5. In the 2016 Election, Cambridge provided services to numerous candidates, campaigns, and independent committees. Cambridge's success in political campaigns—including Senator Cruz's shocking victory in Iowa and President Trump's election in November—is in part due to our successful use of data analytics in messaging and fund raising, including our proprietary five-factor OCEAN profile for most adults of voting age in the United States.
6. Annexed is a sample of the firewall we established, which separates staff and limits both physical and electronic access to data, depending on which side of a firewall an employee or board member sits. Prior to engaging any client, we inform them of the existence of the firewall and how it will affect our handling of their data.
7. Cambridge was first retained by the PAC in its former incarnation as Keep the Promise I. Cambridge provided data analytic services to assist the PAC with targeting of communications.
8. When the PAC transitioned to support President Trump, we continued to provide data analytic services to the PAC. Additionally, we began providing additional management services to ensure that strategy and messaging was successful. Each service provided for the PAC was properly invoiced and itemized; the costs we charged were commensurate with standard market payment.
9. Cambridge first began providing data management services to the Trump campaign on August 18, 2016. Prior to that time, we had performed no work for the Trump campaign.
10. The contract with the Trump campaign, like the contract with the PAC, was negotiated at arms-length and represented reasonable market rate compensation for the services provided.

11. Upon receiving the request from the Trump campaign, we informed them of the existence of the firewall policy and worked to ensure that it was properly implemented. We separated the PAC team from the campaign team, ensured that no communications concerning the matters between the two occurred, and did not permit mutual access to campaign files. The campaign team worked out of offices in San Antonio, Texas, while the PAC team, worked from offices in Washington, D.C.

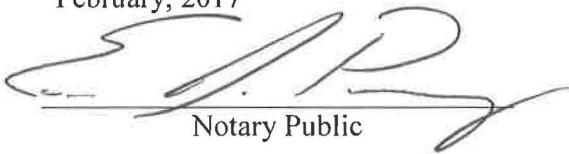
12. At no point did we provide services jointly to the campaign and the PAC. We did not permit the sharing of any private campaign strategy or information with the PAC. Indeed, on a number of occasions we purchased the same data twice in order to keep the analytical work performed pristine and separate in accordance with the firewall policy.

13. I note that while the supplemental complaint alleges that Cambridge is doing work for the Trump administration and for a Trump family businesses, no such contracts have been executed, nor are there any current negotiations to enter into such arrangements. Like much of the complaint, this is pure conjecture with no basis in fact.

Dated: February 27, 2017


Julian Wheatland

Subscribed and sworn to before me this 27th day of February, 2017


Notary Public

(Seal)



Memorandum

To: Cambridge Analytica, LLC
From: Chief Executive Officer
Date: 1 July 2016
Re: Anti-Coordination Firewall Policy

In accordance with Federal Election Commission (“FEC”) regulations (11 C.F.R. § 109.21(h)), **CAMBRIDGE ANALYTICA, LLC** (“Cambridge”) has adopted the following internal Firewall Policy applicable to all employee or consultant communications internally and with clients operating in the world of federal campaigns, politics, and issue advocacy. Each employee, independent contractor, consultant, agent or other representative of Cambridge (“Cambridge personnel”) shall be governed by this Firewall Policy and must agree to be bound by its restrictions as a term of employment or continued retention. This Firewall Policy is intended to supplement the requirements regarding client confidentiality and professionalism to which all Cambridge employees already adhere.

This Firewall Policy accords with federal rules restricting certain communications between federal candidates, political parties and outside entities through retained “common vendors,” and its purpose is to prevent the improper disclosure (either intentional or inadvertent) of material information regarding the strategies, plans, projects, activities, or needs of federal candidates and/or political parties (national, state, and local) to other clients who might make use of that information to develop or distribute their own communications.

This policy applies to all Cambridge personnel because you are in a position to possess information that may potentially be used to facilitate “coordination” between and among Cambridge clients. In addition to having information about a client’s general political or issue advocacy strategies, plans, projects, activities, or needs, you may also have specific knowledge about a client’s proprietary media strategy, including information regarding:

- The content of a communication;
- The intended audience for a communication;
- The means or mode of a communication;
- The specific media outlets used for a communication;
- The timing of a communication;
- The frequency of a communication; and
- The length of time an advertisement will be distributed.

Conveying these types of information from one client to another client could subject clients, Cambridge, and you individually to legal liability.

For these reasons, Cambridge has adopted the following internal policies and procedures, applicable from the date of this memorandum through the end of the current federal election cycle. Cambridge clients will be divided into three categories: federal candidates; political parties; and outside entities.

- An “outside entity” is any person or organization that is *not* a federal candidate, a federal candidate’s committee, or a political party committee. An “outside entity” could be a traditional political action committee or an independent expenditure committee, a Section 527 organization that is registered only with the IRS, a Section 501(c)(3) or (c)(4) organization, a labor union, a trade association, any other non-profit or for-profit organization, or even an individual that wishes to engage in political or issue advocacy.

As a general matter, Cambridge management will designate staffing assignments. For specific guidance about the implementation of this policy or questions about its applicability to particular facts or circumstances, please consult with Brendan Johns who will be responsible for answering questions or consulting legal counsel as necessary.

(1) Cambridge Personnel Working For a Federal Candidate Client

Cambridge personnel working on behalf of Cambridge for a federal candidate client are strictly prohibited from discussing with, or otherwise conveying information about that client to, any person (within or without Cambridge) who performs work and services for, or who is otherwise associated with, a political party or any outside entity that pays for, or is considering paying for, the production or dissemination of public communications mentioning or referring to the same federal candidate, or an opponent of that federal candidate.

This prohibition includes the sharing, discussing, or conveying of any and all information relating to the strategies, plans, projects, activities, or needs of a federal candidate or political party client that might be of value to an outside entity interested in sponsoring communications mentioning or referring to that same federal candidate, the federal candidate’s opponent, or any political party.

Cambridge personnel working on behalf of Cambridge for a federal candidate client shall not simultaneously provide work or services to any political party or outside entity that has, will, or may reasonably be expected to, distribute public communications referencing that same federal candidate, or the federal candidate’s opponent.

One must be careful not to communicate anything about your work for a federal candidate with a committee operating in the same jurisdiction as the candidate, including national, state, and local committees.

Employees who work exclusively as technicians, such as camera operators; telephone operators, including those making calls to conduct surveys, polls, or get out the vote; and clerical personnel are not privy to the strategic plans of a client’s campaign and therefore not subject to the strict prohibitions in this policy. As such, they may work on multiple

campaigns, but must still adhere to Cambridge's policies regarding client confidentiality. Such employees should not discuss work performed for a federal candidate with other Cambridge personnel, other than her, or his immediate supervisor.

(2) Cambridge Personnel Working For a Political Party Client

Cambridge Personnel working on behalf of Cambridge for a political party client are strictly prohibited from discussing with, or otherwise conveying information about that client to, any person (within or without Cambridge) who performs work and services for, or who is otherwise associated with, any outside entity that pays for, or is considering paying for, the production or dissemination of public communications mentioning or referring to the political party or candidates of the political party. This prohibition includes the sharing, discussing, or conveying of any and all information relating to the strategies, plans, projects, activities, or needs of a political party client that might be of value to an outside entity interested in sponsoring communications mentioning or referring to the political party candidates of the political party.

In addition, Cambridge personnel working on behalf of Cambridge for a political party client are strictly prohibited from discussing with, or otherwise conveying information about that political party client to, any person (within or without Cambridge) who performs work and services for, any federal candidate client who is (or could be) the subject of public communications or get-out-the-vote efforts sponsored by the political party client. This prohibition includes the sharing, discussing, or conveying of any and all information relating to the strategies, plans, projects, activities, or needs of a political party client that might be of value to a federal candidate client who is (or could be) the subject of public communications or get-out-the-vote efforts sponsored by the political party client.

Cambridge personnel working on behalf of Cambridge for a political party client shall not simultaneously provide work or services to any (i) outside entity client that pays for, or is considering paying for, the production or dissemination of public communications mentioning or referring to the political party or candidates of the political party; or (ii) federal candidate who is (or could be) the subject of public communications or get-out-the-vote efforts sponsored by the political party client.

Employees who work exclusively as technicians, such as camera operators; telephone operators, including those making calls to conduct surveys, polls, or get out the vote; and clerical personnel are not privy to the strategic plans of a client's campaign and therefore not subject to the strict prohibitions in this policy. As such, they may work on multiple campaigns, but must still adhere to Cambridge's policies regarding client confidentiality. Such employees should not discuss work performed for a political party with other Cambridge personnel, other than her, or his immediate supervisor.

(3) **Cambridge Personnel Working For An Outside Entity Client That Sponsors Political or Issue Advocacy Advertising**

Cambridge personnel working on behalf of Cambridge for an outside entity client that distributes public communications mentioning a federal candidate or political party are strictly prohibited from discussing, or otherwise conveying information about that outside entity client, with any person (within or without Cambridge) who performs work and services for, or who is otherwise associated with, that federal candidate or political party.

Cambridge personnel working on behalf of Cambridge for an outside entity client that distributes public communications that in any way mention or reference a federal candidate for office, or a political committee, shall not simultaneously provide work or services for the federal candidate or political committee mentioned or referenced.

Employees who work exclusively as technicians, such as camera operators; telephone operators, including those making calls to conduct surveys, polls, or get out the vote; and clerical personnel are not privy to the strategic plans of a client's campaign and therefore not subject to the strict prohibitions in this policy. As such, they may work on multiple campaigns, but must still adhere to Cambridge's policies regarding client confidentiality. Such employees should not discuss work performed for an outside entity client with other Cambridge personnel, other than her, or his immediate supervisor.

(4) **General Matters**

On a case-by-case basis, and in consultation with legal counsel, Cambridge may determine that a specific client does not present any possibility of conflict. For example, in situations where the interests of one client do not overlap with the interests of any other client in a way that could result in a "coordinated communication," the firewall policy contained herein may not be necessary within Cambridge, however, the restrictions regarding communication of information with outside persons or entities would still apply. In such cases, the restrictions set forth above may be inapplicable. Cambridge personnel will be advised if any exceptions to this policy are made. A record will be maintained that contains fact specific information regarding why the exception was made.

Situations may arise in which Cambridge determines that it may best protect the interests of one or more clients by requiring that an employee, consultant, vendor, or independent contractor that has previously performed work or services for one client not perform work and services for another certain client until a federally-mandated period of 120 days has passed. Such determinations will be made on a case-by-case basis in consultation with legal counsel and affected clients.

Cambridge will take steps to ensure that internal documents relating to federal candidate clients and political party clients are segregated from internal documents relating to outside entity clients.

Cambridge currently employs or retains persons who perform functions that do not involve the formulation of strategy or creative content. Such Cambridge personnel may provide such services to all Cambridge clients. However, such Cambridge personnel shall not convey any strategic or creative information pertaining to any clients to any Cambridge personnel that are subject to the firewall policy restrictions set forth above. Other Cambridge personnel are expected to respect this policy and not request information in contravention of this policy.

Cambridge will consult regularly with legal counsel regarding the continued maintenance of this firewall policy. This policy is subject to revision due to changed circumstances, or changed legal guidelines.

This policy will be distributed to all of Cambridge's current and future employees, independent contractors, consultants, clients, and agents.

Every current employee, consultant, agent, or independent contractor is required to read and return a signed copy of this policy to Brendan Johns. New employees, consultants, agents or independent contractors will be required to read and return a signed copy of this policy to Brendan Johns as a condition of being hired or retained.

If you have any questions about this policy, please contact Brendan Johns.

This policy was adopted on October 7, 2014 by Cambridge.

For CAMBRIDGE ANALYTICA, LLC

Alexander Nix, Chief Executive Officer 1 July 2016

I have received a copy of this policy, read and understand its terms, and agree to abide by its restrictions and requirements. If I have any questions about this policy, or how to apply it to my work, I understand that I should contact Brendan Johns, prior to sharing any information learned from my work with a Cambridge client.

Name, Printed

Signature

Date

Name	Surname	Full Name	Team	Job Title	Signed Policy	Forwarded (Y/N)	Bucket	Bucket Type	Current Bucket Entry Date	Bucket Exit Date	Coddown Period	Forward Expiration Date
All	Azizi	All Azizi	IT		Y	N						
Matias	Aznova	Matias Aznova	Projects USA		Y	N		None	N/A			
Matthew	Atkinson	Matthew Atkinson	Digital USA		Y	Y		PAC	4/8/2016			
James	Barnett	James Barnett	Data Engineering		Y	N		None				
Juan Carlos	Bellan	Juan Carlos Bellan	Sci. Esports		Y	N		None				
Leifur	Beltran	Leifur Beltran	Projects USA		Y	N		None	05/09/2016			
David	Corbis	David Corbis	Operations		Y	N		None				
Emily	Corneil	Emily Corneil	Operations		Y	N		None				
Andreas	Corno	Andreas Corno	Digital USA		Y	N		None				
Sarah	Deaton	Sarah Deaton	Operations		Y	N		None				
Ed	Deutsch	Ed Deutsch	Data Science USA		Y	N		None				
Joseph	Doelch	Joseph Doelch	Projects USA		Y	Y		DJT	01/09/2016			
Giovanni	Doni	Giovanni Doni	Data Science		Y	N		None	20/6/2016			
Therese	Epa	Therese Epa	Projects UK		Y	N		None	20/6/2016			
Hannah	Evans	Hannah Evans	Projects UK		Y	N		None	13/8/16			
Filipe	Ferreira	Filipe Ferreira	Web Development		Y	N		None				
Charles	Finn	Charles Finn	Data Science		Y	N		None				
Eric	Grawen	Eric Grawen	Data Science		Y	N		None				
Al	Han	Al Han	Operations		Y	N		None	20/6/2016			
Jack	Hanson	Jack Hanson	Operations		Y	N		None	4/7/16			
Laura	Higer	Laura Higer	Projects UK		Y	N		None				
James	Hilber	James Hilber	Operations		Y	N		None	9/9/16			
Matthew	Hunter	Matthew Hunter	Behavioural Science		Y	N		None				
Bianca	Independent	Bianca Independent	Data		Y	N		None				
Richard	Jackson	Richard Jackson	Operations		Y	N		None				
Brendan	Johns	Brendan Johns	Digital USA		Y	N		None				
Bjorn	Johnson	Bjorn Johnson	Operations		Y	N		None				
Robert	Judith	Robert Judith	Data Science USA		Y	N		None	20/6/2016			
Brittany	Kaiser	Brittany Kaiser	Operations	Business Development - Commercial	Y	N		None				
Kenneth	Kato	Kenneth Kato	Operations		Y	N		None				
Eyal	Kazan	Eyal Kazan	Data Science		Y	N		None				
Philippa	Kennedy	Philippa Kennedy	Projects UK		Y	N		None				
Oleg	Kim	Oleg Kim	Data Science		Y	N		None				
Kyriakos	Kissidis	Kyriakos Kissidis	Projects UK		Y	N		None	22/8/16			
Livia	Krasanova	Livia Krasanova	Management Team		Y	N		None				
Amanpreet	Lemberger	Amanpreet Lemberger	Data Science		Y	N		None				
Louis	Mam	Louis Mam	Admin USA		Y	N		None				
Jessica	Mccann	Jessica Mccann	Creative		Y	N		None	06/09/2016			
Rebecca	Mecier	Rebecca Mecier	Board		Y	N		None	20/06/2016			
Farina	Murphy	Farina Murphy	Digital USA		Y	N		None				
Shariel	Najaj	Shariel Najaj	Human Resources		Y	N		None				Y
Yael	Nazarah	Yael Nazarah	IT		Y	N		None				
Alexander	Nik	Alexander Nik	Management Team		Y	N		None				
Federica	Novara	Federica Novara	Data Science		Y	N		None	13/8/16			
Katharine	O'Hara	Katharine O'Hara	Creative		Y	N		None				
Matthew	Ockowski	Matthew Ockowski	Operations		Y	N		None	4/8/16			
Duke	Percival	Duke Percival	Management Team		Y	N		None				
Hudson	Phillips	Hudson Phillips	TBC		Y	N		None	1/7/2016			
Avind	Rajulu	Avind Rajulu	Data Science		Y	N		None				
Sabitha	Raju	Sabitha Raju	SQL Elections		Y	N		None				
Gill	Rutler	Gill Rutler	Projects USA		Y	N		None				
Kelly	Ranzdram	Kelly Ranzdram	Operations		Y	N		None	8/9/16			
Molly	Schwanckert	Molly Schwanckert	Digital USA		Y	N		None	12/09/2016			
Kyle	Smith	Kyle Smith	Projects USA		Y	N		None	13/7/16			
Robin	Stephens	Robin Stephens	Operations		Y	N		None	25/7/16			
Benjamin	Stewart	Benjamin Stewart	Data Engineering		Y	N		None	1/7/2016			
Alexander	Taylor	Alexander Taylor	Management Team		Y	N		None				
Kyle	Thomas	Kyle Thomas	Digital USA		Y	N		None	13/8/16			
Gabriele	Theerl	Gabriele Theerl	Data Science		Y	N		None				
Mark	Tunbull	Mark Tunbull	Management Team		Y	N		None	20/6/2016			
Kieran	Ward	Kieran Ward	Management Team		Y	N		None				
Julian	Wheatland	Julian Wheatland	Management Team		Y	N		None				
Alexandra	Wicksell	Alexandra Wicksell	Projects UK		Y	N		None	13/8/16			
David	Wilkinson	David Wilkinson	Data Science		Y	N		None	20/6/2016			
Peregrine	Widdoway-Strom	Peregrine Widdoway-Strom	Projects UK		Y	N		None				
Kyryna	Zelner	Kyryna Zelner	Web Finance		Y	N		None				
Jordanna	Zelner	Jordanna Zelner	Operations		Y	N		None	20/6/2016			

Exhibit 7
Affidavit of Rebekah Mercer

BEFORE THE FEDERAL ELECTION COMMISSION

MUR 7147 & MUR 7193

I, Rebekah Mercer, declare under penalty of perjury that the following statements are true and correct to the best of my knowledge and belief:

1. I am the chairwoman of Make America Number 1 PAC. The PAC, which operated primarily under its special project name "Defeat Crooked Hillary", produced numerous communications that opposed the candidacy of Secretary Hillary Clinton. My family has been principle funders of the PAC since its inception.
2. On or about September 7, 2016, I began managing the day-to-day operations of the PAC.
3. In addition to my work with the PAC, I assist with and direct my family's political spending. In recent years, we have striven to advance numerous conservative policy causes. We have exercised our First Amendment rights to speak out individually and to support financially organizations that advance policy goals we believe are important.
4. Because of my broad experience within the conservative movement, I frequently communicated with advocacy groups, candidates, and their campaigns with regard to policy and administration and with regard to requests for financial support.
5. On, or about May 10, 2016, I attended a lunch at Trump Tower with Ivanka Trump and others, including for part of the time Jared Kushner and Kellyanne Conway. At this lunch, Ms. Trump and Mr. Kushner, with whom I have developed a friendship, asked my advice regarding future staffing decisions. In particular they and President (then Candidate) Trump were considering hiring Kellyanne Conway for the Trump campaign. Ms. Conway and I are friends and

I hold her in the highest regard for her intellect, her work ethic, and her knowledge of political messaging. I gave Ms. Conway my unqualified endorsement as a great asset to any political organization.

6. During this conversation, we did not discuss any non-public proprietary information regarding the Trump for President Campaign's communication plans, projects, activities, or needs; we also did not discuss anything related to the PAC's future messaging plans, needs, or communication strategy.

7. On or about August 13, 2016, I attended a fundraiser for President (then Candidate) Trump in the Hamptons. While there, I had the opportunity to speak with President (then Candidate) Trump, at which time I recommended that he hire Stephen K. Bannon to run his campaign, a person whom Mr. Trump acknowledged knowing and respecting. We did not discuss the PAC or his campaign in terms of either entities' plans, projects, messaging, fundraising, or communications strategy.

8. In late June, Ms. Conway called me to inform me that she would be leaving the PAC to assume a position in the Trump presidential campaign. We did not discuss messaging, needs, or communication strategy for the Trump campaign or for the PAC at that time, nor did we have any such discussions of that nature until after the presidential election was over in November. To avoid even the appearance of coordination, I rarely spoke with Ms. Conway on any topic after she joined the campaign.

9. I am, and was, on the Board of Cambridge Analytica, a contractor to the PAC. While I conferred with Cambridge employees working as a vendor to the PAC in order to determine the PAC's communication strategy, we never discussed any work Cambridge was performing for the

Trump campaign. I was aware of the firewall policy at Cambridge, and I was inside the PAC firewall and completely walled off from any non-public information regarding the Trump campaign's strategies, plans, needs, or projects.

10. From the time Ms. Conway and Mr. Bannon joined the Trump campaign through the end of the campaign, I was advised to ensure that no funds were to be paid to either while they were working on the Trump campaign. As such, neither the PAC, nor Cambridge Analytica, nor Glittering Steel, nor my family provided any funding to either person with the exception of payments that were due and owing for work performed prior to Ms. Conway or Mr. Bannon joining the Trump campaign.

11. In addition, at no time did I receive or convey any non-public information regarding the plans, strategies, messaging, or operation of the Trump campaign, nor did I provide to any person associated with the Trump campaign any such information regarding the PAC.

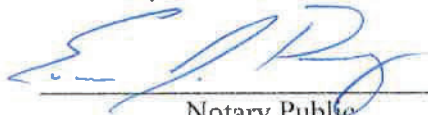
12. All services rendered to the PAC by Cambridge Analytica were billed at market rates for services actually provided; at no time were funds paid to Cambridge Analytica, to The Polling Company or to any other vendor as a disguised payment to Mr. Bannon or Ms. Conway.

13. I have always cherished and exercised my First Amendment rights to speak out and to associate with people and organizations of my choosing, without fear or favor. I resent accusations that because I have personal relationships with people associated with the Trump family, the Trump campaign, and President Trump's administration, that I must have engaged in illegal and conspiratorial conduct.

Dated: February 10, 2017


Rebekah Mercer

Subscribed and sworn to before me this 10th day of
February, 2017



Notary Public

(Seal)



Exhibit 8
Invoices (Redacted)
To
Keep the Promise I/Make America Number 1
from
the polling company/Women Trend

the polling companyTM
 400 North Capitol Street NW
 Suite 790
 Washington, DC 20001

Invoice

Date	Invoice #
1/29/2016	

Bill To
Keep the Promise, Inc. Jacquelyn James 2 Roosevelt Avenue Port Jefferson Station New York, NY 11776

		Rep	Terms
Qty	Description	Rate	Amount
	One-Half of Project Fees for Online Community Board among SC GOP Primary Likely Voters; 1/22-27/2016	4,000.00	4,000.00
	One-Half of Participant Incentives (Sixteen Participants, \$100 per participants)	800.00	800.00
We accept Check, Visa, MasterCard or Wire Transfer		Total	\$4,800.00
		Payments/Credits	\$0.00
		Balance Due	\$4,800.00

the polling company™
 400 North Capitol Street NW
 Suite 790
 Washington, DC 20001

Invoice

Date	Invoice #
1/29/2016	

Bill To
Keep the Promise, Inc. Jacquelyn James 2 Roosevelt Avenue Port Jefferson Station New York, NY 11776

		Rep	Terms
Qty	Description	Rate	Amount
	Statewide Dual-Frame Caucus Voters (Tracking Survey among Likely IA GOP)	42,026.00	42,026.00
We accept Check, Visa, MasterCard or Wire Transfer		Total	\$42,026.00
		Payments/Credits	\$0.00
		Balance Due	\$42,026.00

the polling company™
 400 North Capitol Street NW
 Suite 790
 Washington, DC 20001

Invoice

Date	Invoice #
1/29/2016	

Bill To
Keep the Promise, Inc. Jacquelyn James 2 Roosevelt Avenue Port Jefferson Station New York, NY 11776

		Rep	Terms
Qty	Description	Rate	Amount
	One-half of Project Fee among Wide Dual-Frame (30% Cell) Survey (1/19-21/2016)	17,943.50	17,943.50
We accept Check, Visa, MasterCard or Wire Transfer		Total	\$17,943.50
		Payments/Credits	\$0.00
		Balance Due	\$17,943.50

the polling company™
 400 North Capitol Street NW
 Suite 790
 Washington, DC 20001

Invoice

Date	Invoice #
2/10/2016	

Bill To
Keep the Promise, Inc. Jacquelyn James 2 Roosevelt Avenue Port Jefferson Station New York, NY 11776

		Rep	Terms
Qty	Description	Rate	Amount
	Statewide Dual-Frame Voters in SC; 2/5-6/2016	Survey among 27,176.00	27,176.00

We accept Check, Visa, MasterCard or Wire Transfer

Total	\$27,176.00
Payments/Credits	\$0.00
Balance Due	\$27,176.00

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Date	Invoice #
2/17/2016	

Bill To
Keep the Promise, Inc. Jacquelyn James 2 Roosevelt Avenue Port Jefferson Station New York, NY 11776

		Rep	Terms
Qty	Description	Rate	Amount
	Statewide Dual-Frame Caucus Voters (2/16-17/2016)	Survey among NV GOP	19,724.00
		19,724.00	19,724.00
We accept Check, Visa, MasterCard or Wire Transfer		Total	\$19,724.00
		Payments/Credits	\$0.00
		Balance Due	\$19,724.00

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Date	Invoice #
7/5/2016	

Bill To
Make America Number 1 1004 Pennsylvania Ave, SE Washington, DC 20003

		Rep	Terms
Qty	Description	Rate	Amount
	Statewide Dual-Frame Iowa (6/26-28/2016)	Survey among Voter's in	26,780.51
			26,780.51
We accept Check, Visa, MasterCard or Wire Transfer		Total	\$26,780.51
		Payments/Credits	\$0.00
		Balance Due	\$26,780.51

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Date	Invoice #
7/19/2016	

Bill To
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		Rep	Terms
Qty	Description	Rate	Amount
	Statewide Dual-Frame Survey among Voter's in New Hampshire (6/26-28/2016)	20,528.15	20,528.15
We accept Check, Visa, MasterCard or Wire Transfer		Total	\$20,528.15
		Payments/Credits	\$0.00
		Balance Due	\$20,528.15

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Invoice

Date	Invoice #
7/19/2016	

Bill To
Make America Number 1 1004 Pennsylvania Ave, SE Washington, DC 20003

		Rep	Terms
Qty	Description	Rate	Amount
	Statewide Dual-Frame Survey among Voter's in Colorado (6/26-28/2016)	33,279.75	33,279.75
We accept Check, Visa, MasterCard or Wire Transfer		Total	\$33,279.75
		Payments/Credits	\$0.00
		Balance Due	\$33,279.75

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Washington, DC 20001

Invoice

Date	Invoice #
7/19/2016	

Bill To
Make America Number 1 1004 Pennsylvania Ave, SE Washington, DC 20003

		Rep	Terms
Qty	Description	Rate	Amount
	Statewide Dual-Frame Survey among Voter's in Ohio (6/26-28/2016)	33,279.75	33,279.75
We accept Check, Visa, MasterCard or Wire Transfer		Total	\$33,279.75
		Payments/Credits	\$0.00
		Balance Due	\$33,279.75

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Date	Invoice #
7/19/2016	

Bill To
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		Rep	Terms
Qty	Description	Rate	Amount
	Statewide Dual-Frame Florida (6/29-30/2016) Survey among Voter's in	33,279.75	33,279.75
We accept Check, Visa, MasterCard or Wire Transfer		Total	\$33,279.75
		Payments/Credits	\$0.00
		Balance Due	\$33,279.75

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Date	Invoice #
7/19/2016	

Bill To
Make America Number 1 1004 Pennsylvania Ave, SE Washington, DC 20003

		Rep	Terms
Qty	Description	Rate	Amount
	Statewide Dual-Frame Survey among Voter's in Pennsylvania (6/29-30/2016)	33,279.75	33,279.75
We accept Check, Visa, MasterCard or Wire Transfer		Total	\$33,279.75
		Payments/Credits	\$0.00
		Balance Due	\$33,279.75

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Invoice

Date	Invoice #
7/19/2016	

Bill To
Make America Number 1 1004 Pennsylvania Ave, SE Washington, DC 20003

		Rep	Terms
Qty	Description	Rate	Amount
	Statewide Dual-Frame Survey among Voter's in Virginia (7/5-7/2016)	33,279.75	33,279.75
We accept Check, Visa, MasterCard or Wire Transfer		Total	\$33,279.75
		Payments/Credits	\$0.00
		Balance Due	\$33,279.75

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Invoice

Date	Invoice #
7/19/2016	

Bill To
Make America Number 1 1004 Pennsylvania Ave, SE Washington, DC 20003

Qty	Description	Rep	Terms	Rate	Amount
	Statewide Dual-Frame Nevada (7/5-6/2016)	Survey among	Voter's in	33,279.75	33,279.75
We accept Check, Visa, MasterCard or Wire Transfer		Total \$33,279.75			
		Payments/Credits \$0.00			
		Balance Due \$33,279.75			