

BEFORE THE FEDERAL ELECTION COMMISSION

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MUR 7147

**RESPONSE OF DONALD J. TRUMP FOR PRESIDENT, INC. AND TREASURER TO
THE SUPPLEMENTAL COMPLAINT**

Respondents Donald J. Trump for President, Inc. and Bradley T. Crate, as Treasurer (collectively, “Respondents” or “the Campaign”), by and through undersigned counsel, respond to Complainants’ Supplemental Complaint of April 12, 2017, in the above-captioned Matter Under Review. The Supplemental Complaint, just like the original Complaint, is legally and factually deficient, as it doubles down on Complainants’ wholly speculative allegations without offering any evidence that could support a reason-to-believe finding against Respondents. Accordingly, for the reasons set forth below and in Respondents’ initial Response, the Commission should dismiss this matter and close the file.

The Supplemental Complaint is innuendo upon innuendo in search of an actual fact upon which to base a valid violation. It claims to offer new information that supports Complainants’ erroneous allegations that Make America Number 1 (“MAN1”) made in-kind contributions to the Campaign – in the form of compensation for Stephen Bannon’s work for the Campaign – through payments it made to Glittering Steel, LLC and Cambridge Analytica, LLC after Mr. Bannon had joined the Campaign in August 2016. But just the opposite is true: Complainants’ only new evidence, Mr. Bannon’s Executive Branch Personnel Public Financial Disclosure Report (“PFD”), shows that Mr. Bannon left both companies’ boards the day before he joined the Campaign, and that he received no compensation from either entity after that time. *See* Supp. Compl. Ex A, at 2, 4 [hereinafter Bannon PFD] (reflecting that Mr. Bannon resigned on August 16, 2016); *see also* Response of MAN1, Ex. 5 ¶¶ 2, 4, 5 [hereinafter Bannon Affidavit]. Undaunted, Complainants now assert that simply because Mr. Bannon remained a passive investor in the two entities, a fact that has

been known and disclosed, MAN1's payments to them somehow must have been compensation for the services Mr. Bannon rendered to the Campaign, even though his PFD clearly shows that no funds were disbursed to him. *See* Bannon PFD at 4 (explaining that monthly consulting fees were received "until [Mr. Bannon's] resignation on August 16, 2016"); *see also* Bannon Affidavit ¶¶ 2, 4, 5 (acknowledging passive ownership interests in Glittering Steel and Cambridge Analytica; and receiving no payments from the two companies during the campaign). Yet the record in this matter overwhelmingly indicates that MAN1's payments to Glittering Steel and Cambridge Analytica were only for *bona fide* vendor services that the organizations performed on behalf of MAN1.

The Supplemental Complaint also purports to bring forth new information supporting Complainant's allegations that MAN1 coordinated with the Campaign through Cambridge Analytica, a common vendor. But, as in the original Complaint, Complainants offer no evidence that indicates Cambridge Analytica, contrary to its own firewall policy, used or shared any Campaign "plans, projects, activities or needs" – a necessary element of a coordination claim under 11 C.F.R. § 109.21(d)(4). *See* Response at 12; *see also* Bannon Affidavit ¶ 6 (noting that at Cambridge he "was made aware of the existence of an ethics firewall that segregated client information"). Furthermore, Mr. Bannon consistently has stated that he never provided any non-public, proprietary information concerning the messaging, plans, projects, activities, or needs of the Campaign to MAN1 through Cambridge Analytica, and Plaintiffs have presented nothing that undermines his sworn statements. *See* Response at 12.

Lastly, the Supplemental Complaint makes the specious suggestion – without any proof – that Respondents may have provided preferential treatment to certain MAN1 donors. Such an allegation of a *quid pro quo* lacks all merit. There is no evidence that MAN1 made any contribution to the Campaign that could constitute the "quid" in an alleged *quid pro quo*.

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For the foregoing reasons, as well as those in the initial Response, Respondents respectfully request that the Commission dismiss this matter and close the file.

Respectfully submitted,

/s/ Eric Snyder

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