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FEDERAL ELECTION
COMMISSION

Attention: FEDERAL ELECTION COMMISSION

Office of General Counsel, Federal Election Commission 2016 OCT 24 PM 3: 21
999 E Street, N.W., Washington, D.C. 20463.

ELECTION VIOLATION COMPLAINT
The original submitted with three copies.

OFFICE OF GENERAL
COUNSEL

Plaintiff filing complaint:

William Pflaum

PO Box 40

Stuyvesant Falls, NY 12174-0040

MUR # 7160

Respondents:

Jose H. Villarreal, treasurer

John Podesta, chairman

Robby Mook, campaign manager

Charlie Baker, Chief Administrative Officer

Hillary Clinton, candidate for president

Dennis Cheng, campaign national finance director 2016

HILLARY FOR AMERICA

FEC Committee ID: C00575795

1 Pierrepont Plaza

Brooklyn, New York 11201

P.O. BOX 5256, NEW YORK, NY 10185-5256

David Brock, chair

Elizabeth Cohen, treasurer

Correct the Record

FEC Committee ID: C00578997

455 Massachusetts Avenue NW

STE. 660

Washington, DC 20001

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Facts:

1. On the FEC website (<http://www.fec.gov/pages/brochures/complain.shtml>), the FEC says a complaint must "Differentiate between statements based on the complainant's (the person who files the complaint) personal knowledge and those based on information and belief. Statements not based on personal knowledge should identify the source of the information."
2. The website Wikileaks published emails from John Podesta in October 2016.
3. The emails have been tacitly acknowledged by the respondents here to be true and accurate correspondence as follows:
 - a. The official campaign Twitter feed noted on October 7, 2016 that Hillary did not call Bernie Sanders supporters a "bucket of losers" https://www.buzzfeed.com/craigsilverman/that-bucket-of-losers-clinton-speech-transcript-is-totally-f?utm_term=.vkaKXEO9#_yw9Dvx6K - However Wikileaks had already disavowed this fake news item previously. Thus, we know the campaign will disavow fake items when they find them, as will Wikileaks. By not disavowing any item below in this complaint, the campaign is acknowledging that the emails and attachments referred to in the instant case were in fact generated by Respondents.
 - b. In the presidential debate on October 8, 2016 Hillary Clinton verified that her comment as per Abraham Lincoln and her "public and private positions" was accurately reported in the Wikileaks. In these two instances, Respondents acknowledge the legitimacy of the Wikileaks information cited here.
4. Given that Respondents know and have acknowledged that the Wikileaks releases are accurate reflections of document they themselves have generated, Plaintiff also believes the emails and attachments posted to the Wikileaks site were generated by Respondents themselves.
5. Wikileaks has a perfect record of accuracy in the publication of documents. Wikileaks is the source of the emails and attached memos referenced in this complaint.
6. By mentioning the source, Wikileaks, I have complied with the requirements of the FEC complaint process. The underlying source for all documents in the instant matter is Wikileaks. Former FEC commissioner Karl Sandstrom said in a published interview, "It requires evidence with respect to communications and conversations that took place, and usually those are not documented." In this case, the conversations were documented and published.
7. The FEC complaint website also states: "Include any documentation supporting the allegations, if available." I have included URL links to documents in lieu of printed copies.
8. Respondent Correct the Record (CTR) is an Independent Expenditure-Only Political Committee.

CTR and _____ are referred to jointly as PACs in the complaint below.
9. Respondent 2016 Hillary Clinton for President (the "campaign") is a political committee that is directly established, financed, maintained or controlled by a candidate.
10. Respondents are required to comply with Federal Election Campaign Act and is required to comply with the federal campaign finance law, in particular sections of FEC Regulation 11 CFR 110.11(c)(3)(ii)(A) and (B), also 2 U.S.C. §§ 441a(a) and (f), 11 C.F.R. §§

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17.

18.

19. In email ID5332 (<https://wikileaks.org/podesta-emails/emailid/5332>) members of the campaign are asked to provide suggestions for a PAC board, "Please think of people who would be good and send me suggestions by Monday." This coordination violates laws prohibiting the coordination between PACs and the campaign.
20. Charles Baker, Chief Administrative Officer, wrote: "I explored with Marc what the limitations would be on HFA's use of Governor Granholm if she were paid by Correct the Record. As a threshold matter we could not call her a spokesman for the campaign or schedule her directly. We would be able to refer groups or media to her if they are looking for a non-campaign, third part surrogate, the same way we might refer them to the DNC Chair or Stephanie Schriock. For example this weekend she spoke at the Ohio State Party dinner. If she were at Correct the Record we could at least make sure her speaking and media opportunities met our needs/requests. Finally, as a person paid by CTR she could not solicit donations for the campaign. She could be at CTR for a period and move to some other vehicle (New York - or Michigan- state party, DNC, HFA) at any point (i.e. there is no waiting period)." This coordination violates laws prohibiting the coordination between PACs and the campaign. <https://wikileaks.org/podesta-emails/emailid/16024>
21. In Wikileaks ID 14580 (<https://wikileaks.org/podesta-emails/emailid/14580>) from campaign manager Robby Mook, the subject line reads, "F.E.C. Can't Curb 2016 Election Abuse, Commission Chief Says There is a stalemate among the agency's six commissioners, who are perpetually locked in 3-to-3 ties along party lines because of a fundamental disagreement over the commission's mandate."
22. In the email, Marc E. Elias Perkins Coie LLP 700 13th St, NW Washington, DC 20005, writing a legal opinion for Respondents, notes: "Per John's question below — there is one legal tool we could use that might slow them down. The law has a little noticed or used provision that says that if a complaint has been filed and it is either dismissed or not acted upon within 120 days the entity that filed the complaint can sue the FEC to force it to proceed with enforcement. If the FEC fails to move forward, then the complainant is permitted to bring their own lawsuit to enforce the law directly. IF it were announced that this was the path we intended to take, it would both make news and perhaps give pause to the groups. Is this something we want to push forward? If so, would we want the DNC to do

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it? The campaign? Or would we prefer it be done externally?

Let me know if you want to discuss any of these options."

Clearly, Respondents understand the law and simply wish to skirt FEC regulations.

23. Campaign chair refers to "best of hits for both Correct the Record and American Bridge on the Presidential..." In December 2015, a fundraiser for multiple pro-Clinton Super PACs emailed John Podesta, the campaign's chairman, with a suggested seating chart for an event with Super PAC donors. "John, Below is the seating chart for this evening and attached is a best of hits for both Correct the Record and American Bridge on the Presidential," Mary Pat Bonner, the fundraiser, wrote. Campaign finance records show four donors on Bonner's list have given \$725,000 to American Bridge 21st Century, which conducts opposition research against Republicans. One donor on the list has contributed \$125,000 to Correct the Record. Bonner included a document highlighting the work done by Correct the Record. The paper asserts the group may "coordinate directly and strategically with the Hillary campaign." This coordination is a clear of FEC regulations with the force of law. <https://wikileaks.org/podesta-emails/emailid/5636>
<https://www.documentcloud.org/documents/3131760-CTR-Update.html>

24. ID 2638 shows coordination between PACs and the campaign. <https://wikileaks.org/podesta-emails/emailid/2638> has the subject line "Organizations that can help with turnout."

25. Email 1293 includes a PowerPac list attachment. This shows coordination. <https://wikileaks.org/dnc-emails/emailid/1293>

26. Conclusion: Over many years, Respondent PACs and Respondent campaign have coordinated activities in violation of law. Respondents continue to willfully and intentionally violate the Federal Election Commission's regulations in complete disregard for the letter and spirit of the regulations.

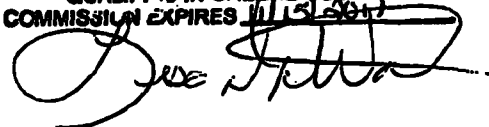
WHEREFORE, I, William Pflaum, request that the Federal Election Commission conduct an investigation into these allegations, declare the Respondent to have violated the federal campaign finance laws, impose sanctions appropriate to these violations. Signed, sworn, under penalty of perjury:



William Pflaum

10-19-16

LISA DIXON VATSON
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01DIB033358
QUALIFIED IN GREENE COUNTY
COMMISSION EXPIRES 11/15/2017



date: New York
city: Columbia

On the 19 day of October 2016, before me the undersigned notary public, personally appeared William Pflaum, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument