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December 22, 2014

By Hand Delivery

Federal Election Commission
999 E Street, NW
Washington, District of Columbia 20463

Attn: Frankie D. Hampton,
Paralegal

Re: MUR 6888

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2014 DEC 22 PM 2:35
FEDERAL ELECTION
COMMISSION

**Response of The Honorable Bob Goodlatte and
Bob Goodlatte for Congress Committee, Kenneth L. Prickitt, Treasurer**

To Whom It May Concern:

On behalf of the Honorable Bob Goodlatte ("Rep. Goodlatte") and his principal authorized campaign committee, Bob Goodlatte for Congress Committee, Kenneth L. Prickitt, Treasurer (the "Goodlatte Committee"), I submit this response to the Supplemental Complaint filed in MUR 6888 by the American Democracy Legal Fund, Brad Woodhouse, Treasurer. Because Rep. Goodlatte was not the beneficiary of any independent expenditure by American Crossroads, Crossroads GPS or Americans for Prosperity in his election, we urge the Commission to dismiss the Complaint as unfounded in fact as to Rep. Goodlatte and the Goodlatte Committee.

Background

Rep. Goodlatte was a candidate for re-election to the House of Representatives from the Sixth Congressional District of Virginia in the General Election held on November 4, 2014 (the "Election").

On October 23, 2014, the American Democracy Legal Fund commenced this MUR by filing a Complaint alleging, *inter alia*, that the Republican National Committee was using a common vendor, GOP Data Trust, LLC (the "Data Trust"), to coordinate its activities with American Crossroads, Crossroads GPS and Americans for Prosperity, in violation of this Commission's regulations governing independent expenditures.

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On November 3, 2014, the Complainant filed a Supplemental Complaint. In it, the Complainant indiscriminately named as respondents each and every principal authorized campaign committee of a candidate that was disclosed on reports filed with this Commission as a customer of i360, LLC ("i360"), as well as the candidates themselves, personally—including the Goodlatte Committee and Rep. Goodlatte. The Supplemental Complaint alleged that American Crossroads, Crossroads GPS and Americans for Prosperity were making "excessive, prohibited contributions" to the respondent candidates by way of coordinated communications that had been and were being facilitated through the sharing of data with the candidates' committees through the Data Trust and i360.

Facts

As reports filed with this Commission disclose, in the 2014 election cycle, the Goodlatte Committee was a customer of i360. However, as the Commission's records also indicate, no other customer of either the Data Trust or i360—not American Crossroads, not Crossroads GPS, not Americans for Prosperity—made an independent expenditure in connection with Rep. Goodlatte's Election. In fact, according to the Commission's records, no one made an independent expenditure in the Election for United States Representative from Virginia's Sixth Congressional District. See Exhibit 1.

These records were available to the Complainant at the time it filed the Complaint and the Supplemental Complaint in this matter, from the very same website from which it obtained the information included as an attachment to the Supplemental Complaint. This fact calls into question the good faith, if not the veracity, of Complainant's sworn and notarized Complaint.

Argument and Analysis

A complaint filed with this Commission must allege facts and state a legal theory sufficient to constitute a violation of the Federal Election Campaign Act, 52 U.S.C. § 301 *et seq.* See 11 C.F.R. § 114.1(d); see also MUR 4960, Statement of Reasons of Commissioners Mason, Sandstrom, Smith and Thomas, at 1. Complaints that fail to meet this standard must be dismissed, and cannot be allowed to proceed through the enforcement and investigation process. See 11 C.F.R. 111.6; see also MUR 5878, Statement of Reasons of Commissioners McGahn, Hunter and Petersen, at 5-6.

In this matter, the factual record is devoid of any evidence that American Crossroads, Crossroads GPS, Americans for Prosperity, any other Data Trust or i360 customer, or any other person, committee or organization whatsoever made an independent expenditure in connection with Rep. Goodlatte's Election. Accordingly, Rep. Goodlatte could not have been the recipient of the type of excessive, prohibited contribution alleged in the Supplemental Complaint—an independent expenditure that was coordinated with a candidate, candidate's campaign committee or any agent thereof.



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Conclusion

For all of these reasons, we urge the Commission to dismiss the Complaint as unfounded and baseless as to Rep. Goodlatte and the Goodlatte Committee, and relieve them of the burden of any further involvement in this matter.

Respectfully submitted,

**The Honorable Bob Goodlatte and
Bob Goodlatte for Congress Committee,
Kenneth L. Prickitt, Treasurer**

A handwritten signature in black ink, appearing to read "Chris Ashby", with a long horizontal line extending to the right.

Chris Ashby,
Counsel

1-800-451-1200

EXHIBIT 1

Note: This file contains transactions from new reports and amendments.

Transactions from a new notice are not removed when that notice is amended. You will find duplicate transactions in this dataset.

This file contains "24-hour" and "48-hour" reports of independent expenditures filed during the current election cycle and for election cycles through 2010. The file contains detailed information about independent expenditures, including who was paid, the purpose of the disbursement, date and amount of the expenditure and ... [read more](#)

Election Cycle : 2014 . . . 2012 . . . 2010

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Customize Data

Spender Name	:	<input type="text"/>	Party	:	Select ▼
Candidate Name	:	<input type="text"/>	Office	:	House ▼
Support/Oppose	:	Select ▼	Amount (>=)	:	<input type="text"/>
Filing Date (mm/dd/yyyy) (>=)	:	<input type="text"/>	Expend Date (mm/dd/yyyy) (>=)	:	<input type="text"/>
Candidate Office State	:	VA	Candidate Office District	:	06

[Reset](#) [Submit](#)

Sorry, No "Expenditure" records containing your search terms were found.

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