

BEFORE THE FEDERAL ELECTION COMMISSION

COOLIDGE REAGAN FOUNDATION,
1629 K Street NW, Suite 300
Washington, DC 20006,

Complainant,

v.

CHRISTOPHER STEELE,
9-11 Grosvenor Gardens
London SW1W 0BD, England

HILLARY FOR AMERICA,
FEC ID Number C00575795
P.O. Box 5256
New York, NY 10185-5256
Jose H. Villareal, Treasurer,

DNC SERVICES CORPORATION /
DEMOCRATIC NATIONAL COMMITTEE
FEC ID Number C00010603
430 South Capitol Street SE
Washington, D.C., 20003
William Q. Derrough, Treasurer,

PERKINS COIE, LLP
700 13th Street, N.W.
Suite 600
Washington, D.C. 20005

Respondents,

VERIFIED COMPLAINT

Introduction

For over a year, Democratic officials have accused the Trump Administration of collaborating with foreign interlopers to influence the outcome of the 2016 Presidential election. In reality, it was the Clinton-backed Democratic machine that conspired with foreigners in violation of both federal campaign finance law and basic decency to manipulate the election. The

Clinton campaign weaponized American intelligence and law enforcement communities—led by Democratic appointees of President Barack Obama—through false, malicious, wholly manufactured lies about the Republican nominee, now President, Donald J. Trump.

Using their law firm, Perkins Coie, LLP, as a front to shield their illegal machinations from public scrutiny, Hillary for America and the Democratic National Committee (“DNC”) worked with British national Christopher Steele to generate and disseminate the so-called “Steele Dossier”—a collection of lies and spurious allegations against the President compiled at great cost. The dossier was valuable due to the substantial and illegally unreported cost of generating it, its use in attempting to sway the outcome of the election, and the veneer of credibility it possessed as a result of the various sources of information from which it was derived and the obfuscation of its origin as a politically motivated campaign trick. Many of the dossier’s allegations against President Trump stem from current and former Russian government officials. *See* Howard Blum, *How Ex-Spy Christopher Steele Compiled His Explosive Trump-Russia Dossier*, VANITY FAIR (Mar. 30, 2017), <https://www.vanityfair.com/news/2017/03/how-the-explosive-russian-dossier-was-compiled-christopher-steele>; Jane Mayer, *Christopher Steele, the Man Behind the Trump Dossier*, NEW YORKER (Mar. 12, 2018), <https://www.newyorker.com/magazine/2018/03/12/christopher-steele-the-man-behind-the-trump-dossier>. Thus, the Clinton campaign, not Trump, collaborated with the Russians in a desperate, and ultimately failed, attempt to steal the election.

Though the American people ultimately rejected Clinton, both the Trump Administration and the nation as a whole still languish in the aftermath of her campaign’s impropriety. The interminable investigations into the President ultimately stem from the collection of fabrications covertly funded by the DNC and Clinton campaign. Their funding of the Steele dossier allowed foreign nationals to directly, substantially influence the 2016 election in favor of Clinton. Steele,

a foreign national acting without actual or apparent authority from the DNC or Clinton campaign, unilaterally decided to release the Steele dossier to the American media (as well as the FBI) in an attempt to swing the election in Clinton's favor. Compiled from lies, innuendo, and fabrications from foreign nationals, the dossier itself was a vehicle through which current and former agents of the Russian government were able to attempt to undermine Donald Trump's candidacy. This Commission should immediately investigate and pursue these violations to the full extent of the law.

PARTIES

1. Complainant COOLIDGE REAGAN FOUNDATION is a not-for-profit charitable organization whose mission is to defend, protect, and advance liberty, and particularly the principles of free speech enshrined in the First Amendment of the U.S. Constitution.

2. Respondent CHRISTOPHER STEELE is a British national.

3. Respondent HILLARY FOR AMERICA ("HFA") is a presidential candidate campaign committee registered with the FEC for 2016 Democratic nominee for President Hillary Rodham Clinton. Its Treasurer is Jose H. Villareal.

4. Respondent DNC SERVICES CORPORATION / DEMOCRATIC NATIONAL COMMITTEE ("DNC") is a national political party committee affiliated with the Democratic Party and registered with the FEC. Its Treasurer is William Q. Derrough.

5. Respondent PERKINS COIE LLP is a law firm organized as a limited liability partnership.

BACKGROUND

6. Respondent Hillary for America (“HFA”) hired Respondent Marc Elias, a partner in the Washington D.C. office of Respondent law firm Perkins Coie LLP, as its general counsel for the 2016 presidential election cycle.

7. HFA and Respondent Democratic National Committee (“DNC”) sought to discover or manufacture ways of mounting political attacks against Donald J. Trump. Rather than directly hiring outside research firms to perform potentially sensitive, controversial, or politically embarrassing investigations, HFA and the DNC hired them through HFA’s law firm, Perkins Coie.

8. Marc Elias of Perkins Coie hired Fusion GPS, a Washington D.C.-based firm, to perform opposition research on President Trump to uncover derogative information HFA and the DNC could use to attempt to undermine his candidacy. *See* Letter from Perkins Coie LLP General Counsel Matthew Gehringer to William W. Taylor, III, Zuckerman Spaeder LLP, “Fusion GPS” (Oct. 24, 2017), <https://www.documentcloud.org/documents/4116755-PerkinsCoie-Fusion-PrivelegeLetter-102417.html>; *see also* Kenneth P. Vogel, *Clinton Campaign and Democratic Party Helped Pay for Russia Trump Dossier*, N.Y. TIMES (Oct. 24, 2017), <https://www.nytimes.com/2017/10/24/us/politics/clinton-dnc-russia-dossier.html>. After the 2016 election, HFA and the DNC stopped paying for the dossier, but Fusion GPS and Steele continued developing it on their own. *See* Scott Shane, et al., *How a Sensational, Unverified Dossier Became a Crisis for Donald Trump*, N.Y. TIMES (Jan. 11, 2017), <https://www.nytimes.com/2017/01/11/us/politics/donald-trump-russia-intelligence.html>; *see also* Mythili Sampathkumar, *Trump-Russia Dossier Sources Revealed to the FBI by Christopher Steele*, INDEP. (Aug. 23, 2017), <https://www.independent.co.uk/news/trump-russia-dossier-sources-christopher-steele-fbi-senate-judiciary-robert-mueller-a7908946.html>.

9. Fusion GPS, according to its website, <http://www.fusiongps.com>, “provides premium research, strategic intelligence, and due diligence services to corporations, law firms, and investors worldwide.” It had conducted opposition research into several Republican presidential candidates, including Donald Trump, in advance of the Republican primaries.

10. The opposition research Fusion GPS performed into Donald Trump was for political purposes, to find damaging information concerning him that could be used against him in the campaign. Fusion GPS was not engaged to uncover information about Donald Trump for the purpose of assisting Perkins Coie in providing legal advice to HFA or the DNC, or in connection with any pending, imminent, or reasonably foreseeable litigation involving HFA or the DNC.

11. Because Fusion GPS’s work was to further HFA’s and the DNC’s political and campaign-related goals, rather than for the purpose of providing legal advice or assisting with impending or potential litigation, it was not covered by attorney-client, work-product, or any other privileges.

12. According to published press accounts, HFA and the DNC funneled over \$1 million through its firm Perkins Coie to Fusion GPS. *See, e.g.*, Mark Hosenball, *Ex-British Spy Paid \$168,000 for Trump Dossier, U.S. Firm Discloses*, REUTERS (Nov. 1, 2017, 5:05 P.M.), <https://www.reuters.com/article/us-usa-trump-russia-dossier/ex-british-spy-paid-168000-for-trump-dossier-u-s-firm-discloses-idUSKBN1D15XH>; Jeremy Herb, *Fusion GPS Co-Founder Strikes Agreement to Testify Before House Russia Investigators*, CNN (Nov. 8, 2017, 3:33 P.M. ET), <https://www.cnn.com/2017/11/08/politics/house-intelligence-committee-fusion-gps-strike-deal/index.html>. HFA’s campaign manager, Robby Mook, personally approved the payment to Perkins Coie, suggesting he approved the hiring and deployment of Steele. *See* Jane Mayer, *Christopher Steele, The Man Behind the Trump Dossier*, NEW YORKER (Mar. 12, 2018),

<https://www.newyorker.com/magazine/2018/03/12/christopher-steele-the-man-behind-the-trump-dossier>.

13. By intentionally obscuring their payments through Perkins Coie and failing to publicly disclose the true purpose of those payments, HFA and the DNC were able to avoid publicly reporting on their statutorily required FEC disclosure forms the fact that they were paying Fusion GPS to perform opposition research on Trump with the intent of influencing the outcome of the 2016 presidential election.

14. HFA reported all of its payments to Perkins Coie from January 2016 through December 2017 as being for the purpose of "LEGAL SERVICES". Fusion GPS's opposition research into Donald Trump is neither relevant to, nor performed in furtherance of, Perkins Coie's provision of "legal services."

15. The DNC reported its payments to Perkins Coie between January 2016 and December 2017 as being for the following purposes:

- "LEGAL AND COMPLIANCE CONSULTING,"
- "LEGAL AND COMPLIANCE SERVICES,"
- "OFFICE SUPPLIES/EXP,"
- "TRAVEL,"
- "PRINTING & COPYING,"
- "DATA SERVICES SUBSCRIPTION,"
- "POSTAGE AND SHIPPING,"
- "CATERING,FOOD & BEVERAGE" [sic],
- "INTERNET,"
- "CELLULAR/MOBILE,"

- “ADMINISTRATIVE FEES,”
 - “FED/STATE FEES & LICENSE,”
 - “RESEARCH CONSULTING” (a single entry on August 16, 2016, for \$66,500),
- and
- “DATA ANALYTICS.”

None of these entries accurately describe the DNC’s payments to Perkins Coie for Fusion GPS’s opposition research into Donald Trump. Fusion GPS’s opposition research is neither relevant to, nor performed in furtherance of, any of these purposes.

16. By using Perkins Coie as a straw man intermediary for this pervasively political, non-legal work, HFA and the DNC were able to mask their relationship to Fusion GPS from the public in the critical weeks before the 2016 presidential election, in direct violation of federal campaign finance law. This intentionally false reporting would allow HFA and the DNC to disavow any potentially embarrassing or controversial activities in which Fusion GPS engaged.

17. The DNC’s and HFA’s straw-man arrangement is remarkably similar to the one in *United States v. Benton*, No. 16-3861, 2018 U.S. App. LEXIS 12344 (8th Cir. May 11, 2018), in which the U.S. Court of Appeals for the Eighth Circuit upheld the defendants’ convictions for false reporting. The defendants in *Benton* had masked their payments to a third party by funneling them through an intermediary, and made false statements on their FEC disclosure forms concerning the purpose of those payments.

18. Fusion GPS hired Respondent Christopher Steele, a former British intelligence officer and director of a London-based firm called Orbis (also known as Orbis Business Intelligence Ltd.), to gather information about any connections between then-candidate Trump and

Russia. Orbis advertises itself as a “leading corporate intelligence consultancy” based in London. See <http://www.orbisbi.com/>.

19. According to published press accounts, Fusion GPS paid a total of approximately \$168,000 to Steele and/or Orbis. See Hosenball, *supra* ¶ 12; Mayer, *supra* ¶ 12.

20. Neither HFA nor Perkins Coie publicly reported any payments to Fusion GPS, Orbis, or Steele.

21. Steele solicited foreign nationals, including but not limited to Russian citizens—in particular, current and/or former members of the Russian government and intelligence service—for valuable information, evidence, files, documents, records, electronic storage media, or other things relating to Trump. Thus, a foreign citizen controlled the collection and dissemination of information, largely from foreign government agents and other foreign nationals, intended to influence a federal election.

22. Based primarily on the dubious, unverified, and largely unverifiable information Steele received from his confidential sources of questionable credibility, Steele compiled a so-called “dossier.” The dossier contained libelous false claims concerning President Trump, including allegations concerning salacious sexual activities, exorbitant bribes, ridiculous policy promises to the Russian government, and alleged criminal offenses. It cautioned that the Russian government possessed files and other evidence concerning these activities (terms “kompromat”) that it could use to blackmail Donald Trump into doing its bidding, should he become President.

23. The dossier derived value from the facts that, among other things, it cost a substantial amount of money to develop; it was purportedly drafted by Steele, a former member of an allied intelligence service; it was based on evidence derived from a global network of intelligence officers, Russian government officials, strategically placed sources, and others

claiming firsthand knowledge of the events related; and it could potentially affect the outcome of the presidential election.

24. Steele provided a copy of the dossier to Fusion GPS. Fusion GPS provided it to Perkins Coie, which in turn provided it to HFA and/or the DNC. The Obama Administration's Justice Department, with the permission of Democratic Attorney General Eric Holder, went on to use the dossier as its primary, if not exclusive, basis for seeking a warrant against the Trump campaign under the Foreign Intelligence Surveillance Act, without informing the Foreign Intelligence Surveillance Court that it was funded by, and developed at the behest of, HFA and/or the DNC. Thus, a collection of false materials paid for by Democrats was used by a Democratic Administration to engage in the most intrusive forms of surveillance known to law against their political opponents. Moreover, by manufacturing and providing the dossier through Fusion GPS and Perkins Coie to the DNC and HFA, Steele—a foreign national—indirectly participated in the DNC's and HFA's decisions concerning their expenditures relating to Donald Trump.

25. According to the August 22, 2017 testimony of Fusion GPS co-founder Glenn Simpson before the Senate Judiciary Committee, Steele provided a copy of the Steele dossier to the FBI and attempt to persuade his contacts there to initiate an investigation of connections between Donald Trump and Russia. Simpson testified Steele decided to provide the information to the FBI on his own, and not at the direction of the DNC, HFA, Fusion GPS, or any other American person or entity. Thus, the dossier funded by the DNC and Clinton campaign, was developed in substantial part based on information from current and former Russian government and intelligence officials, and was controlled and disseminated by Steele, a foreign national.

26. In or about October 2016, Steele also discussed his research into Donald Trump with David Corn, chief of the Washington bureau of *Mother Jones*, a political magazine, and

provided a copy of the dossier to him. Steele, a foreign national, made the decision to provide the Steele dossier, a thing of value, to Corn; he did not do so at the direction of the DNC or HFA. His intent in providing that material to Corn was to influence the outcome of the election by preventing Donald Trump from becoming President, either by sparking an investigation into Trump or by inducing voters to vote against him, due to concerns about his relationship to Russia.

27. As a result of Steele’s actions, Corn published an article entitled “A Veteran Spy Has Given the FBI Information Alleging a Russian Operation to Cultivate Donald Trump” in *Mother Jones* only a few days before the election. The article was posted to the magazine’s website on October 31, 2016, at 11:52 P.M., in an attempt to influence the outcome of the election with baseless allegations secretly funded by the DNC and Clinton campaign, provided by a foreign national, and originating from Russian government sources. See <https://www.motherjones.com/politics/2016/10/veteran-spy-gave-fbi-info-alleging-russian-operation-cultivate-donald-trump/>.

COUNTS

COUNT I – False Reporting: False Specification of Expenditure Purpose in violation of 52 U.S.C. § 30104(b)(5)(A), (b)(6)(B)(v) (against Respondents HFA and the DNC)

28. The preceding allegations are incorporated by reference, as if fully set forth herein.

29. 52 U.S.C. § 30104(b)(5)(A) (emphasis added) provides, “Each report under this section shall disclose . . . the name and address of each . . . person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, *and purpose* of such operating expenditure.”

30. 52 U.S.C. § 30104(b)(6)(B)(v) (emphasis added) provides that a committee other than an authorized candidate committee must report the “name and address of each . . . person who has received any disbursement not otherwise disclosed . . . in an aggregate amount or value in excess of \$200 within the calendar year . . . from the reporting committee within the reporting period, together with the date, amount, *and purpose* of any such disbursement.”

31. According to publicly available FEC records, HFA reported approximately 40 payments to Perkins Coie between January 2016 and December 2017 totaling \$5,281,161.49. HFA reported all of these payments, without exception, as being for the sole purpose of “LEGAL SERVICES.”

32. According to publicly available FEC records, the DNC reported approximately 454 payments to Perkins Coie between January 2016 and December 2017 totaling \$7,652,295.80. The DNC reported all of these payments as being for the purposes of “LEGAL AND COMPLIANCE CONSULTING,” “LEGAL AND COMPLIANCE SERVICES,” “OFFICE SUPPLIES/EXP,” “TRAVEL,” “PRINTING & COPYING,” “DATA SERVICES SUBSCRIPTION,” “POSTAGE AND SHIPPING,” “CATERING,FOOD & BEVERAGE” [sic], “INTERNET,” “CELLULAR/MOBILE,” “ADMINISTRATIVE FEES,” “FED/STATE FEES & LICENSE,” and “DATA ANALYTICS.” A single payment of \$66,500 dated August 16, 2016, was for “RESEARCH CONSULTING.”

33. None of the payments from either HFA or the DNC to Perkins Coie at any point in 2016 or 2017 included any payments for “opposition research,” “investigation into Donald Trump,” “payment to Fusion GPS,” or any other comparable purpose that would accurately reveal the nature of the investigative and opposition research work that HFA and the DNC, through Perkins Coie, hired Fusion GPS to perform.

34. HFA and the DNC failed to accurately report the purpose of the approximately \$1 million they funneled through Perkins Coie to Fusion GPS. Fusion GPA further channeled at least \$168,000 of those funds to Orbis and/or Christopher Steele to pay for the production and dissemination of the Steele dossier.

35. Perkins Coie acted as a straw-man intermediary to allow HFA and/or the DNC to hide their payments to Fusion GPS from public scrutiny. Fusion GPS's services were purely for political and campaign-related purposes, and unrelated to the provision of legal advice or the conduct of pending or future litigation.

36. Consequently, each payment HFA and/or the DNC made to Perkins Coie to disburse to Fusion GPS, or to reimburse Perkins Coie for its payments to Fusion GPS on behalf of HFA or the DNC, was improperly reported and therefore a knowing and willful violation of 52 U.S.C. § 30104(b)(5)(A) and/or (b)(6)(B)(v). If HFA and/or the DNC made multiple payments to Perkins Coie to convey to Fusion GPS, or to reimburse Perkins Coie for its payments to Fusion GPS on behalf of HFA or the DNC, each such reported payment is a separate violation of 52 U.S.C. § 30104(b)(5)(A) and/or (b)(6)(B)(v).

WHEREFORE, Respondents HFA and the DNC willfully violated 52 U.S.C. § 30104(b)(5)(A), and Respondent DNC violated 52 U.S.C. § 30104(b)(6)(B)(v), on at least one occasion.

**COUNT II – False Reporting: False Identification of Expenditure Recipient
in violation of 52 U.S.C. § 30104(b)(5)(A), (b)(6)(B)(v)
(against Respondents HFA and the DNC)**

37. The preceding allegations are incorporated by reference, as if fully set forth herein.

38. 52 U.S.C. § 30104(b)(5)(A) (emphasis added) provides, “Each report under this section shall disclose . . . *the name* and address of each . . . person to whom an expenditure in an

aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure.”

39. 52 U.S.C. § 30104(b)(6)(B)(v) (emphasis added) provides that a committee other than an authorized candidate committee must report the “name and address of each . . . person who has received any disbursement not otherwise disclosed . . . in an aggregate amount or value in excess of \$200 within the calendar year . . . from the reporting committee within the reporting period, together with the date, amount, *and purpose* of any such disbursement.”

40. HFA and the DNC did not hire Fusion GPS directly to perform opposition research on Donald Trump, but rather directed and/or authorized their law firm, Perkins Coie, to do so on their behalf.

41. Fusion GPS’s research into Donald Trump was for the primary, if not exclusive, purpose of generating derogatory, embarrassing, or adverse information to be used against him in the campaign, for the purpose of increasing Hillary Clinton’s chances of winning the election.

42. Fusion GPS’s investigation into Donald Trump was not performed for the purpose of assisting Perkins Coie in the provision of legal advice to HFA or the DNC. Nor was the information gathered in connection with pending litigation or in anticipation of future litigation. It was gathered for political, not legal, purposes.

43. By hiring Fusion GPS through Perkins Coie, HFA and the DNC avoided publicly reporting their relationship with Fusion GPS, just as the defendants in *United States v. Benton*, No. 16-3861, 2018 U.S. App. LEXIS 12344 (8th Cir. May 11, 2018), were convicted of using an intermediary to mask the true recipient of their expenditures. This made it more difficult to track the Steele dossier’s origins and funding back to the Clinton campaign and Democratic party, and

allowed HFA and the DNC to avoid responsibility for any questionable, illegal, embarrassing, or politically problematic activities in which Fusion GPS engaged in the course of its investigation.

44. Each time HFA or the DNC paid a payment to Perkins Coie to convey to Fusion GPS, or to reimburse Perkins Coie for its payments to Fusion GPS on behalf of HFA or the DNC, it violated 52 U.S.C. § 30104(b)(5)(A) and/or (b)(6)(B)(v) by reporting the recipient of those funds as Perkins Coie rather than Fusion GPS. If HFA and/or the DNC made multiple payments to Perkins Coie to convey to Fusion GPS, or to reimburse Perkins Coie for its payments to Fusion GPS on behalf of HFA or the DNC, each such reported payment is a separate violation of 52 U.S.C. § 30104(b)(5)(A) and/or (b)(6)(B)(v).

WHEREFORE, Respondents HFA and the DNC willfully violated 52 U.S.C. § 30104(b)(5)(A), and Respondent DNC violated 52 U.S.C. § 30104(b)(6)(B)(v), on at least one occasion.

**COUNT III – Aiding and Abetting False Reporting:
False Identification of Expenditures’ Purpose and Recipient
in violation of 52 U.S.C. § 30104(b)(5)(A), (b)(6)(B)(v)
(against Respondents Marc Elias and Perkins Coie)**

45. The preceding allegations are incorporated by reference, as if fully set forth herein.

46. Marc Elias, on behalf of his law firm Perkins Coie, hired and agreed to pay Fusion GPS to perform opposition research into Donald Trump.

47. The opposition research was for political purposes, to embarrass Trump, deter the public from voting for him, and aid Clinton in winning the presidential election. It was not related to either the provision of legal advice from Elias or Perkins Coie to HFA or the DNC, or potential or reasonably foreseeable future litigation involving HFA or the DNC.

48. The primary or sole purpose or effect of HFA’s and the DNC’s decision to hire Fusion GPS through Perkins Coie, rather than directly, was to avoid the need to disclose their

payment(s) to Fusion GPS on their reporting forms or the true purpose of those expenditures, as alleged above in Counts I and II.

49. On information and belief, Elias and Perkins Coie knew that HFA and/or the DNC were funneling money through Perkins Coie to pay Fusion GPS to avoid disclosing their payments on their reporting forms, and both agreed to and actively facilitated this arrangement.

50. Perkins Coie accepted one or more payments from HFA and/or the DNC to convey to Fusion GPS or to reimburse Perkins Coie for funds it had already paid to Fusion GPS. Elias knew of and authorized this arrangement, thereby assisting HFA and/or the DNC in violating 52 U.S.C. § 30104(a)(1), (b)(5)(A), (b)(6)(B)(v). *See United States v. Benton*, No. 16-3861, 2018 U.S. App. LEXIS 12344 (8th Cir. May 11, 2018).

51. On information and belief, Perkins Coie either prepared, performed a legal review of, or otherwise authorized or approved HFA's and the DNC's statutorily required filings with the FEC, which did not disclose any payments to Fusion GPS. To the contrary, HFA and/or the DNC reported Perkins Coie as the recipient of the funds that were ultimately paid to Fusion GPS.

52. Numerous courts have held that federal law prohibits individuals from aiding and abetting violations of the Federal Election Campaign Act and Bipartisan Campaign Reform Act. *See, e.g., United States v. Danielczyk*, 683 F.3d 611 (4th Cir. 2012) (upholding indictment for aiding and abetting violations of federal contribution limits); *United States v. Kanchanalak*, 192 F.3d 1037, 1042 (D.C. Cir. 1999) (upholding convictions for assisting illegally reported conduit contributions); *United States v. Sun-Diamond Growers*, 964 F. Supp. 486, 490 (D.D.C. 1997) (upholding conviction for aiding and abetting illegal campaign contributions); *see also* 18 U.S.C. § 2; *United States v. Hsai*, 176 F.3d 517 (D.C. Cir. 1999) (upholding indictment for aiding and abetting violations of 18 U.S.C. § 1001 by causing the filing of false FEC reports); *FEC v.*

Rodriguez, No. 86-687, Civ.T-10, 1988 U.S. Dist. LEXIS 19682 (M.D. Fla. Oct. 28, 1988). *But see FEC v. Swallow*, No. 2:15-CV-439-DB, 2018 U.S. Dist. LEXIS 59278 (D. Utah Apr. 6, 2018) (enjoining enforcement of 11 C.F.R. § 110.4(b)).

53. By knowingly acting as a straw-person conduit for the transfer of funds from HFA and/or the DNC to Fusion GPS Elias and Perkins Coie aided and abetted their violations of federal campaign finance law. *See supra* ¶ 52.

WHEREFORE, Respondents Perkins Coie and Marc Elias knowingly and intentionally aided and abetted HFA's and the DNC's willful violations of 52 U.S.C. § 30104(b)(5)(A), (b)(6)(B)(v) on at least one occasion.

**COUNT IV – Solicitation of Donations (or Contributions) from Foreign Nationals
in violation of 52 U.S.C. § 30121(a)(2) and 11 C.F.R. § 110.20(g)
(against Respondents Christopher Steele)**

54. The preceding allegations are incorporated by reference, as if fully set forth herein.

55. 52 U.S.C. § 30121(a)(1)(A) provides, “It shall be unlawful for a foreign national, directly or indirectly, to make a contribution or donation of money or other thing of value . . . in connection with a Federal . . . election.” *Accord* 11 C.F.R. § 110.20(b).

56. 52 U.S.C. § 30121(a)(2) provides, “It shall be unlawful for a person to solicit, accept, or receive a contribution or donation described by [§ 30121(a)(1)(A)].” *Accord* 11 C.F.R. § 110.20(g).

57. “Contribution” is defined, in relevant part, as “any gift . . . or deposit of money or *anything of value* made by any person for the purpose of influencing any election for Federal office.” 52 U.S.C. § 30101(8)(A)(i).

58. The term “donation” includes “anything of value given to a person, but does not include contributions.” 11 C.F.R. §§ 110.20(a)(2), 300.2(e).

59. Steele, a foreign national, solicited numerous other foreign nationals, including but not limited to Russian citizens and current and former members of the Russian government and Russian intelligence services, for things of value—including but not limited to files, records, information, recordings, videos, and other evidence concerning Donald Trump—in connection with the 2016 presidential election. At the time, was acting as a sub-agent of HFA; Perkins Coie, HFA’s law firm in connection with the election; and Fusion GPS, HFA’s outside investigative firm in connection with the election.

60. On each occasion Steele solicited foreign nationals to provide things of value in connection to the presidential election, Steele solicited illegal donations in violation of 52 U.S.C. § 30121(a)(2) and 11 C.F.R. § 110.20(g). In the alternative, he solicited illegal contributions in violation of those sections. On information and belief, it is reasonably possible that Steele paid for some of this information with funds he received through Perkins Coie from HFA and the DNC.

61. On many, if not all, occasions on which Steele solicited foreign nationals to provide things of value in connection to the president election, he did so as an agent of U.S.-based Fusion GPS, and a sub-agent of HFA and Perkins Coie.

62. To the extent Steele solicited contributions from foreign nationals, they may therefore be considered contributions to HFA, which HFA failed to properly report.

63. Even if Steele merely solicited donations (rather than contributions), and they may not be attributed to HFA, however, his conduct still violated federal law.

WHEREFORE, Respondent Christopher Steele knowingly and intentionally violated 52 U.S.C. § 30121(a)(2) and 11 C.F.R. § 110.20(g) on at least one occasion.

**COUNT V – Substantially Assisting Solicitation of Donations from Foreign Nationals
in violation of 11 C.F.R. § 110.20(h)(1)
(against Respondents Marc Elias and HFA)**

64. The preceding allegations are incorporated by reference, as if fully set forth herein.

65. FEC regulations provide, “No person shall knowingly provide substantial assistance in the solicitation, making, acceptance, or receipt of a contribution or donation prohibited by [11 C.F.R. § 110.20(g)].” 11 C.F.R. § 110.20(h)(1).

66. On information and belief, Marc Elias knew, authorized, and ensured the provision of funds to GPS Fusion to retain and direct Steele and/or Orbis to solicit foreign nationals for things of value in connection with the 2016 presidential election. Elias therefore substantially assisted Steele’s illegal solicitations of donations or contributions, as alleged above in Count IV.

67. At the time Elias aided and abetted Steele’s illegal conduct, he was—and was acting as—general counsel of HFA. HFA is therefore liable for substantially assisting Steele’s illegal solicitations, as alleged above in Count IV.

WHEREFORE, Respondents Marc Elias and HFA knowingly and willfully violated 11 C.F.R. § 110.20(h)(1).

**COUNT VI – Donation or Expenditure by a Foreign National
in violation of 52 U.S.C. § 30121(a)(1)(A) or (a)(1)(C)
(against Respondent Christopher Steele)**

68. The preceding allegations are incorporated by reference, as if fully set forth herein.

69. Federal law provides, “It shall be unlawful for a foreign national, directly or indirectly, to make a contribution or *donation* of money or *other thing of value* . . . in connection with a federal election.” 52 U.S.C. § 30121(a)(1)(A) (emphasis added); *accord* 11 C.F.R. § 110.20(b).

70. Federal law further provides, “It shall be unlawful for a foreign national, directly or indirectly, to make . . . an expenditure” 52 U.S.C. § 30121(a)(1)(C); *accord* 11 C.F.R. § 110.20(f).

71. The term “donation” includes “anything of value given to a person, but does not include contributions.” 11 C.F.R. §§ 110.20(a)(2), 300.2(e).

72. “Expenditure” is defined, in relevant part, as “any . . . gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office.” 52 U.S.C. § 30101(9)(A)(i); *accord* 11 C.F.R. § 100.111(a).

73. Steele provided the Steele dossier, which was funded by the DNC and Clinton campaign, to David Corn, chief of the Washington bureau of *Mother Jones*. Steele, a foreign national, provided the dossier to Corn in connection with the 2016 presidential election, with the intent to influence the election by facilitating the defeat of Donald Trump. In doing so, he was acting in his personal capacity and not as an agent or sub-agent, or at the direction of, the DNC or HFA. Rather, though a foreign national, he decided to take steps to influence the outcome of the presidential election. *Cf. Weller*, A.O. 2004-26 (Aug. 20, 2004) (explaining restrictions on foreign nationals’ participation in political campaigns); *Syntex*, A.O. 1982-10, at 2 (Mar. 29, 1982) (allowing corporation to contribute to, and make expenditures concerning, state and local campaigns so long as no “no director or corporate officer” who is a foreign national “will participate in any way in the decision-making process with regard to making the proposed contributions or expenditures”); *accord Revere Sugar*, A.O. 1980-100 (Sept. 19, 1980) (same).

74. The dossier derived value from the facts that, among other things, it cost a substantial amount of money to develop; it was purportedly drafted by Steele, a former member of an allied intelligence service; it was based on evidence derived from a global network of

intelligence officers, Russian government officials, strategically placed sources, and others claiming firsthand knowledge of the events related; and it could potentially affect the outcome of the presidential election.

75. Recognizing the perils of allowing foreign nations to interfere with American elections, the Commission has consistently vigorously opposed, and strictly construed federal law to prohibit, both contributions and expenditures by foreign nationals. *See* FEC, *Contributions and Expenditures; Prohibited Contributions*, 48,580, 48,581 (Nov. 24, 1989). The FEC carefully investigates and scrutinizes any conduct by foreign nationals intended to affect federal elections to ensure it does not violate federal law. *See, e.g.*, First General Counsel’s Report, *Hillary Clinton for President*, MUR 5995 (Jan. 27, 2009) (investigating circumstances of concern Sir Elton John provided for Hillary Clinton in support of her candidacy for the 2008 Democratic nomination for President).

76. Steele therefore made an illegal donation or expenditure by a foreign national. By releasing the dossier to Mother Jones, he ensured its baseless claims would be widely distributed before the campaign, alleviating the need for HFA or the DNC to pay for advertising to disseminate its contents themselves and preserving the secrecy shrouding that the DNC and HFA paid for it. WHEREFORE, Respondent Christopher Steele knowingly and willfully violated 52 U.S.C. § 30121(a)(1)(A) or (a)(1)(C), as well as 11 C.F.R. § 110.20(b) or (f).

**COUNT VII – Foreign National Participation in Political Committees’
Decisionmaking Processes Concerning Expenditures
in violation of 11 C.F.R. § 110.20(i)
(against Respondents Christopher Steele, the DNC, and HFA)**

77. The preceding allegations are incorporated by reference, as if fully set forth herein.

78. FEC regulations provide, in relevant part, “A foreign national shall not . . . indirectly participate in the decision-making process of any person, such as a . . . political

committee . . . with regard to such person's Federal . . . election-related activities, such as decisions concerning the making of . . . expenditures[] or disbursements in connection with elections for any Federal . . . office" 11 C.F.R. § 110.20(i).

79. Steele, a foreign national, compiled the Steele dossier based in substantial part from information obtained from former Russian government officials and other Russian nationals. The dossier contained scandalous, salacious, and inflammatory fabrications about then-candidate Donald Trump.

80. Steele passed the dossier through Fusion GPS and Perkins Coie to the DNC and HFA.

81. By providing the dossier with derogatory, defamatory, and inflamatoy allegations concerning Donald Trump to the DNC and HFA (which are both political committees), Steele indirectly participated in their decision-making processes concerning their expenditures. The DNC and HFA sought the dossier in substantial part to incorporate into their negative advertisements concerning Trump and other election-related communications. Regardless of whether the DNC or HFA actually used any of the contents of the Steele dossier in their expenditures, by providing the material to them, Steele indirectly participated in their decisionmaking process concerning those expenditures.

WHEREFORE, Respondents Christopher Steele, the DNC, and HFA knowingly and willfully violated 11 C.F.R. § 110.20(i).

CONCLUSION

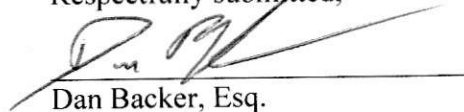
For these reasons, Complainant Coolidge Reagan Foundation respectfully requests the Federal Election Commission commence enforcement proceedings against Respondents.

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge.

Executed on August 1, 2018

Respectfully submitted,



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Counsel for Complainant
Coolidge Reagan Foundation

COMPLETED BY A NOTARY PUBLIC:

State of - Virginia

City of - Alexandria

County of

Subscribed and sworn to before me on this 1 day of August, 2018.

My commission expires on 3.31.2022

MEGAN MARIE HERGETT
NOTARY PUBLIC
REG. #7783266
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MARCH 31, 2022

