



April 3, 2014

Federal Election Commission
Attn: FOIA Requester Service Center
Room 408
999 E Street, NW
Washington, D.C. 20463

RE: Freedom of Information Act (FOIA) Request

Dear Sir or Madam:

This is a request for records under the Freedom of Information Act. Specifically, I write to request an unredacted copy of the First General Counsel's Report, dated June 22, 2011, in the matter of Crossroads Grassroots Policy Strategies (MUR 6396).

Pursuant to the Commission's own regulations, it "will make the fullest possible disclosure of records to the public." 11 C.F.R. § 4.2 (2014). Indeed, the regulations specifically state that "General Counsel's Reports...shall be placed on the public record of the Agency." 11 C.F.R. § 5.4(a)(4); *see also AFL-CIO v. FEC*, 333 F.3d 168, 171 (D.C. Cir. 2003).

The Commission's regulations further state that "[n]o requests under 5 U.S.C. 552 shall be denied release" unless the document is exempt. 11 C.F.R. § 4.5. None of the listed exemptions appear to apply to the requested document.

These regulations complement the Commission's 2009 announcement that "[u]ntil such time as all previously undisclosed First General Counsel's Reports have been placed on the public record, the Commission intends to approve any FOIA request seeking a First General Counsel's Report...that has not yet been placed on the public record." 74 Fed. Reg. 66132, 66133 (Dec. 14, 2009).


Given that the requested report was "first prepared and styled as a First General Counsel's Report...it was clearly prepared with an expectation that it would be reviewed by Commissioners and the general public, per Commission policy and practice." SUPPLEMENTAL STATEMENT OF REASONS OF CHAIRMAN LEE E. GOODMAN AND COMMISSIONERS CAROLINE C. HUNTER AND MATTHEW S. PETERSON, IN THE MATTER OF CROSSROADS GRASSROOTS POLICY STRATEGIES (MUR 6396), (March 25, 2014) at 3.

Lastly, as the Supplemental Statement of Reasons written by three Commissioners has indicated, the First General Counsel's Report apparently contained significant insights into the General Counsel's preferred legal test for determining major purpose. Organizations in the regulated community would only benefit from its release. "The contents of the redacted pages are important as they could serve as a roadmap for political lawyers for how the FEC made its decision and help them provide guidance to political groups for how to avoid future sanctions." Shane Goldmacher, Republican FEC Commissioners Go Public with Complaints about Mystery Redaction, NATIONAL JOURNAL (March 26, 2014), available at: <http://www.nationaljournal.com/politics/republican-fec-commissioners-go-public-with-complaints-about-mystery-redaction-20140326>. Thus, the release of this information is strongly in the public interest.

The Center for Competitive Politics, is an educational nonprofit organization which regularly represents members of the regulated community in campaign finance litigation and routinely provides comments on Commission rulemakings. The Center is willing to pay reasonable fees for this request.

If you have any questions regarding this request, I can be reached by telephone at (703) 894-6800 or by email at adickerson@campaignfreedom.org.

Very truly yours,



Allen Dickerson
Legal Director