

## **ADDENDUM L**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

CITIZENS FOR RESPONSIBILITY AND  
ETHICS IN WASHINGTON, *et al.*,

Plaintiffs,

v.

FEDERAL ELECTION COMMISSION,

Defendant,

CROSSROADS GRASSROOTS POLICY  
STRATEGIES,

Intervenor-Defendant.

Civil Action No. 1:16-cv-00259-BAH

**AFFIDAVIT OF STEVEN LAW**

Steven Law, having been duly sworn under oath, states as follows:

1. Since its founding in 2010, I have been the President of Crossroads Grassroots Policy Strategies (“Crossroads GPS”), a nonprofit corporation that has been determined by the Internal Revenue Service (“IRS”) to be a tax-exempt social welfare organization operating under 26 U.S.C. § 501(c)(4).
2. Since its founding, Crossroads GPS has operated in furtherance of its mission of educating, equipping, and engaging American citizens to take action on important economic and legislative issues.
3. Consistent with its mission, and as permitted for a 501(c)(4) entity, Crossroads GPS has made “independent expenditures,” as defined under 52 U.S.C. § 30101(17) and 11 C.F.R. § 100.16, advocating for or against candidates for federal office, although its major or primary purpose is not to influence the outcome of elections.
4. Consistent with longstanding federal tax and campaign finance laws; Supreme Court and lower court rulings recognizing the Constitutional right to associational privacy for donors to non-profit advocacy organizations; and Federal Election Commission (“FEC”) regulations, guidance materials, and precedents, Crossroads GPS has not been required to and does not publicly identify its donors.
5. Crossroads GPS’s effective advocacy of center-right policies and legislation make the organization a target for opposition and retaliation by powerful elected officials and

liberal interest groups whose aims have been hindered or blocked by Crossroads GPS's mobilization of public opinion and grassroots advocacy.

6. Crossroads GPS's donors believe deeply in the organization's mission and activities. However, most give to the organization with an implicit understanding that they will not be publicly identified, which could make them targets of the same kind of retaliation and public attacks from powerful elected officials and liberal interest groups that Crossroads GPS and other center-right advocacy groups have experienced from those who oppose Crossroads GPS's policies and advocacy work.
7. Crossroads GPS and other similarly-situated center-right advocacy organizations could experience a significant loss of financial support if the consequence of contributing to the policy advocacy work of organizations like ours was public identification and exposure to the intimidation tactics that have been inflicted by powerful government officials on such groups and benefactors in the recent past.
8. Such a significant loss of financial support would dramatically impair Crossroads GPS's ability to continue advocating on legislative and policy issues, informing the public, and holding powerful government officials accountable to their constituents on such issues.
9. Since its inception, Crossroads GPS has relied on and fully complied with the invalidated and vacated FEC regulation, 11 C.F.R. § 109.10(e)(1)(vi), and wishes to continue doing so.
10. Crossroads GPS would like to maintain the ability to continue making independent expenditures. However, it is presently unable to determine what information it must report to the FEC under the Court's August 3, 2018 opinion and order. Specifically:
  - Crossroads GPS is unable to determine with any precision which of its donors must be identified on FEC reports under 52 U.S.C. § 30104(c)(1) as the Court's opinion has interpreted it. Even with the counsel of experienced campaign finance attorneys who have been advising and interpreting the Federal Election Campaign Act and relevant court authorities for several decades, Crossroads GPS is unable to determine with any precision what funds "earmarked for political purposes" means for the purposes of 52 U.S.C. § 30104(c)(1).
  - Crossroads GPS is unable to determine with certainty which of its donors must be identified on FEC reports as having given "for the purpose of furthering an independent expenditure" under 52 U.S.C. § 30104(c)(2)(C), as the Court's opinion has interpreted it. Crossroads GPS believes portions of the opinion (e.g., at 57 and 83) addressing this particular point are in tension and conflict with each other.
  - Crossroads GPS is unable to determine whether it may continue to rely on the vacated regulation, 11 C.F.R. § 109.10(e)(1)(vi), during the Court's 45-day stay of its vacatur because the Court did not similarly stay the portion of its order that

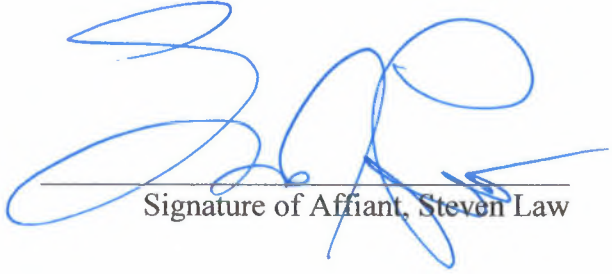
“declared [the regulation] to be invalid and otherwise not in accordance with law.” Crossroads GPS’s experienced campaign finance attorneys have been unable to resolve this uncertainty, and Crossroads GPS is aware of varying interpretations by the campaign finance bar on this issue.

As a result of these serious and unresolved questions, and the Court’s invalidation and vacatur of the FEC regulation, Crossroads GPS is at present deterred and constrained from sponsoring any independent expenditures for the remainder of this election cycle – a right that it has previously exercised in full compliance with applicable federal election and tax laws.


11. Crossroads GPS is further inhibited from sponsoring any independent expenditures for the remainder of this election cycle because the Plaintiff in this case has announced its intention to use the Court’s opinion and order as a legal bludgeon, publicly threatening to file further complaints against groups that make additional independent expenditures and do not report their donors in a manner consistent with its own preferred interpretation of this Court’s opinion and order. See Press Release, *CREW Scores Major Court Victory Against Dark Money*, CREW (Aug. 4, 2018), <https://www.citizensforethics.org/press-release/crew-scores-major-court-victory-against-dark-money/>.
12. Crossroads GPS experienced similar jeopardy to its First Amendment rights in 2012, when a sister court in this district issued an initial decision invalidating the FEC’s donor reporting regulation pertaining to “electioneering communications” (a decision known as *Van Hollen I*). Although that decision was ultimately reversed on appeal by the D.C. Circuit, Crossroads GPS and other organizations nevertheless suffered violation of their First Amendment rights to speak out on important national issues – as the uncertainty and risk created by that lower court decision acted as a “gag order” on Crossroads GPS and other groups, which chose to suspend “electioneering communications” because of that decision.
13. I am aware of other organizations that also are deterred from sponsoring any additional independent expenditures as a result of the Court’s August 3, 2018 opinion and order.

FURTHER AFFIANT SAYETH NOT.

DATED this the 24<sup>th</sup> day of August, 2018

  
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Signature of Affiant, Steven Law

Subscribed and sworn to before me this  
24 day of August, 2018

  
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Notary Public  
Washington County, DC

My Commission Expires: 1/14/2020

