



CITIZENS FOR  
RESPONSIBILITY &  
ETHICS IN WASHINGTON

Commissioner James E. “Trey” Trainor III  
Federal Election Commission  
1050 First Street NE  
Washington, DC 20463

July 26, 2024

Dear Commissioner Trainor,

We write to you today respectfully requesting your recusal from the Federal Election Commission’s (FEC) consideration of America First Legal’s (AFL) recent complaint (Complaint) filed against Manhattan District Attorney (DA) Alvin Bragg and Biden for President (now, Harris for President)<sup>1</sup>, alleging that DA Bragg’s prosecution constituted an excessive contribution in the form of a coordinated expenditure in violation of federal election law.<sup>2</sup> Your demonstrated and continuing partiality against the respondents, and support for the candidacy of Donald Trump, the Republican nominee in the 2024 presidential election, suggests that you lack the requisite “integrity, impartiality, and good judgment” necessary, per FEC rules, to ensure that the respondents will be afforded due process when the Commission takes the complaint under consideration and votes on this matter and other matters involving Mr. Trump’s campaign.<sup>3</sup>

In May 2024, Mr. Trump, in a jury trial overseen by Judge Juan Merchan, was found guilty of 34 counts of falsifying business records under New York State law.<sup>4</sup> The case,

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<sup>1</sup> See Federal Election Commission, Statement of Organization FEC Form 1, Harris for President (July 21, 2024), available at

<https://docquery.fec.gov/pdf/297/202407219665705297/202407219665705297.pdf>.

<sup>2</sup> See *America First Legal Files Complaint with the Federal Election Commission Against Manhattan District Attorney Alvin Bragg and the Biden Campaign for Violations of the Federal Election Campaign Act*, America First Legal (June 12, 2024),

<https://aflegal.org/america-first-legal-files-complaint-with-the-federal-election-commission-against-manhattan-district-attorney-alvin-bragg-and-the-biden-campaign-for-violations-of-the-federal-election-campaign-act/>.

<sup>3</sup> 52 U.S.C. § 30106(a)(3). On July 21, 2024, Biden for President was renamed Harris for President. Your bias in favor of Mr. Trump is relevant and disqualifying in any FEC matters related to the Trump campaign. In particular, here, your bias in favor of Mr. Trump and against respondents remains relevant regardless of recent announcements that President Joe Biden is no longer seeking the presidency, and that Vice President Kamala Harris, the Vice Presidential candidate from Biden for President will campaign for the presidency.

<sup>4</sup> Verdict Sheet, *New York v. Trump*, No. 71543-23 (N.Y. Sup. Ct. May 29, 2024), available at <https://www.justsecurity.org/wp-content/uploads/2024/06/JustSecurityNY2016ElectionInterferenceCaseClearinghouse-Verdict-sheet-May-30-2024.pdf>; Michael R. Sisak, Jennifer Peltz, Eric Tucker, Michelle L. Price & Jill Colvin, *Guilty: Trump becomes first former US president convicted of felony crimes*, Associated Press, <https://apnews.com/article/trump-trial-deliberations-jury-testimony-verdict-85558c6d08efb434d05b694364470aa0> (last updated May 31, 2024, 4:40 AM EDT).

brought by Manhattan District Attorney Alvin Bragg, alleged and then proved that Mr. Trump “repeatedly and fraudulently falsified New York business records to conceal crimes that hid damaging information from the voting public during the 2016 presidential election.”<sup>5</sup> Since Mr. Trump’s indictment and subsequent conviction, he and his allies have repeatedly attacked the credibility of DA Bragg and Judge Merchan–Bragg for purportedly bringing politically-motivated charges and Merchan for alleged bias.<sup>6</sup>

In response to Mr. Trump’s conviction, AFL, on June 11, 2024, filed the Complaint arguing that DA Bragg’s prosecution of Mr. Trump was a “coordinated expenditure” with Biden for President, which should have been reported as an in-kind contribution by Biden for President and exceeds the federal, individual contribution limit to the campaign.<sup>7</sup> AFL is a “Trump-aligned” organization, led by former Trump advisor Stephen Miller, that works to “oppose the radical left’s anti-jobs, anti-freedom, anti-faith, anti-borders, anti-police, and anti-American crusade.”<sup>8</sup> In the Complaint, AFL asserts that DA Bragg “acted in cooperation, consultation, or concert with, or at the request or suggestion of [President Joe] Biden.”<sup>9</sup> AFL claims that part of this alleged coordination is evidenced by Matthew Colangelo’s move from a senior position in the Department of Justice to DA Bragg’s office prior to Mr. Trump’s indictment.<sup>10</sup>

### ***Evidence of Bias and Prejudice***

For more than a year, you appear to have demonstrated consistent bias in favor of Mr. Trump’s campaign and against his opponent, the Biden-Harris campaign. Undergirding your apparent bias surrounding Mr. Trump’s campaign and prosecution is activity on your social media account, @TXElectionLaw, on X (formerly known as Twitter) that you appear to

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<sup>5</sup> Press Release, N.Y. Cnty. Dist. Att’y, District Attorney Bragg Announces 34-Count Felony Indictment of Former President Donald J. Trump (Apr. 4, 2023), <https://manhattanda.org/district-attorney-bragg-announces-34-count-felony-indictment-of-former-president-donald-j-trump/>.

<sup>6</sup> See, e.g., Marianne LeVine, *Trump insults prosecutor at Jersey Shore rally filled with vulgar jabs*, Washington Post (May 11, 2024), <https://www.washingtonpost.com/politics/2024/05/11/trump-bragg-trial-insults-rally-vulgar/> (discussing how Trump, in a campaign speech, called Merchan “highly conflicted,” labeled “fat Alvin” Bragg as “doing the bidding” of Joe Biden, and declared that he, Mr. Trump, was indicted on “bulls—”); Donald J. Trump (@realDonaldTrump), Truth Social (May 26, 2024, 11:45 PM), <https://truthsocial.com/@realDonaldTrump/posts/112510993586032200> (calling DA Bragg “[c]orrupt” and the entire trial “an Election Interfering Witch Hunt”); Press Release, Rep. Elise Stefanik, *Stefanik Statement Demanding Democrat Manhattan Judge Juan Merchan Recuse Himself From President Trump’s Trial For Blatant Judicial Bias* (Apr. 3, 2024), <https://stefanik.house.gov/2024/4/stefanik-statement-demanding-democrat-manhattan-judge-juan-merchan-recuse-himself-from-president-trump-s-trial-for-blatant-judicial-bias> (discussing Merchan’s “clear judicial bias”).

<sup>7</sup> Complaint at 17-19, (June 11, 2024), <https://media.aflegal.org/wp-content/uploads/2024/06/12090740/AFL-v-Bragg-Biden.pdf>.

<sup>8</sup> The Mission, America First Legal, <https://aflegal.org/about/> (last visited July 15, 2024); see Robert Draper, *America First Legal, a Trump-Aligned Group, Is Spoiling for a Fight*, New York Times (Mar. 21, 2024), <https://www.nytimes.com/2024/03/21/us/politics/stephen-miller-america-first-legal.html>.

<sup>9</sup> Complaint at 12.

<sup>10</sup> *Id.* at 12.

use for both personal opinion and official professional purposes.<sup>11</sup> You have long used social media to promote the FEC's work, but also to show your support for Mr. Trump, and disapproval of his political opponents, including the respondents in this matter.<sup>12</sup> For example:

- You liked a November 28, 2021 post that stated “Let’s go Brandon”, a commonly known derogatory code for Mr. Biden, that contained a photo of Mr. Biden.<sup>13</sup>
- You reposted a November 8, 2023 video from a Trump campaign official that included the hashtag “#Trump2024.”<sup>14</sup>
- You reposted a September 8, 2023 message calling legal action against Mr. Trump a “baseless witch hunt” and acknowledging “Donald Trump’s return to The White House in 2024.”<sup>15</sup>
- You liked a January 15, 2024 message from a Trump campaign official celebrating Mr. Trump’s victory in the Iowa Republican caucus.<sup>16</sup>
- You liked a January 14, 2024 video featuring the Trump campaign logo.<sup>17</sup>
- You liked a May 7, 2024 post touting a surge in fundraising to Trump’s campaign.<sup>18</sup>
- You liked a May 15, 2024 post featuring a Trump campaign “hype” video for the Trump v. Biden debate, which highlighted the enthusiastic crowds at Trump campaign events.<sup>19</sup>
- You reposted a May 23, 2024 video of a campaign speech from a Trump campaign official that included an explicit fundraising request and the hashtag “#TRUMP2024.”<sup>20</sup>

Though many examples of your social media activity demonstrating bias in favor of Mr. Trump or against the Biden-Harris campaign are no longer publicly available due to changes by X making all “likes” private, the attached screenshots provide ample evidence of your pro-Trump bias.<sup>21</sup>

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<sup>11</sup> Trey Trainor (@TXElectionLaw), X, <https://x.com/TXElectionLaw> (last visited July 11, 2024).

<sup>12</sup> Trey Trainor (@TXElectionLaw), X (May 21, 2024, 12:25 AM), <https://x.com/TXElectionLaw/status/1792773572894622129> (defending Mr. Trump’s candidacy from intraparty threats).

<sup>13</sup> Exhibit T.

<sup>14</sup> Exhibit C.

<sup>15</sup> Exhibit B.

<sup>16</sup> Exhibit L.

<sup>17</sup> Exhibit M.

<sup>18</sup> Exhibit J.

<sup>19</sup> Exhibit H.

<sup>20</sup> Exhibit A; *see also* Exhibit K (liking a February 10, 2024 video of a Trump campaign event and accompanying text with the “#TRUMP2024” hashtag).

<sup>21</sup> *See infra* Exhibits. In addition to your social media posts, in 2023, you were investigated by the FEC’s Inspector General over your appearance at a local Republican party event at which you were identified, apparently inadvertently, as part of the “Trump Elections team.” Investigative Summary I22INV00033, FEC Off. of the Inspector Gen. (Aug. 7, 2023), <https://www.fec.gov/resources/cms-content/documents/Investigative-Summary-I22INV00033.pdf>. You refused to participate in the investigation—in violation of agency rules—and the Inspector General was “unable to obtain all relevant facts and circumstances” and could not offer a recommendation to the Commission. *Id.* at 2-4. Furthermore, you have consistently voted to dismiss complaints brought against Donald Trump. *see, e.g.*, Certification, MUR Nos. 7698, 7969 (Oct. 6, 2023),

In addition to your demonstrated bias against the Biden-Harris campaign and in favor of Mr. Trump's, your actions and statements also evidenced clear prejudice against Mr. Bragg, his prosecution of Mr. Trump, and the presiding New York Supreme Court Judge, Juan Merchan. Your recent comments in, and surrounding, your testimony before the House Judiciary Committee on June 13, 2024, however, are especially salient. During your congressional appearance, you demonstrated bias by making misleading statements to Congress about the history of the FEC's proceedings, the DOJ's communications with the FEC, and the relation between the Federal Election Campaign Act (FECA) and the charges against Mr. Trump. Specifically, in your sworn testimony to the House Judiciary Committee, you stated that once the DOJ completed its own investigation and permitted the FEC to continue its processes, the DOJ informed the FEC that it "found no illegal activity by anyone other than [Mr.] Cohen" and that the FEC's "statute of limitations ha[d] run" so the FEC "c[ould]n't investigate either."<sup>22</sup> Your testimony, however, appears to be misleading at best. You identify as support for these representations certain FEC documents you had unredacted,<sup>23</sup> but those documents, to the extent that they refer to any representations of the DOJ, only identify an already public letter by the DOJ to the Southern District of New York, stating that the DOJ had "effectively concluded its investigations" of the matter.<sup>24</sup> That letter makes no representations about any findings regarding Mr. Trump's culpability nor does it address the FEC's statute of limitations. Further, notwithstanding your assertion

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[https://www.fec.gov/files/legal/murs/7969/7969\\_12.pdf](https://www.fec.gov/files/legal/murs/7969/7969_12.pdf); Certification, MUR No. 7705 (July 31, 2022), [https://www.fec.gov/files/legal/murs/7705/7705\\_08.pdf](https://www.fec.gov/files/legal/murs/7705/7705_08.pdf).

<sup>22</sup> *Hearing on the Manhattan District Attorney's Office*, Written Testimony of James E. "Trey" Trainor, III, at 3 (June 13, 2024) (hereinafter Trainor Judiciary Testimony),

<https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/Trainor%20Testimony.pdf>; House Committee on the Judiciary, *Hearing on the Manhattan District Attorney's Office*, YouTube, at 3:28:25 (June 13, 2024),

<https://www.youtube.com/watch?v=jY6liKk1-eU>; see also *id.* at 1:40:00 (testifying that the DOJ "found no criminal acts committed by former President Trump"); *id.* at 2:50:55 (agreeing with Rep. Jordan's representation that the DOJ "determined there was nothing there to prosecute other than Michael Cohen"); *id.* at 3:28:09 (testifying DOJ submitted allegations against Mr. Trump "to a grand jury" and "got nothing back from it"); *id.* at 2:51:15 (testifying that "when [the DOJ] sent it back to us, we had no more authority to investigate, because they sent it back to us, and we were barred by the statute of limitations from even investigating").

<sup>23</sup> Trainor Judiciary Testimony, at 2 (testifying that "the inability of the DOJ, after a year-long investigation, to find any criminal acts committed by President Trump came to light" on "May 31st" due to newly "unredacted FEC documents" disclosed "at [your] request").

<sup>24</sup> First General Counsel's Report 1, n. 2, MUR No. 7313 (Dec. 7, 2020),

[https://www.fec.gov/files/legal/murs/7313/7313\\_19.pdf](https://www.fec.gov/files/legal/murs/7313/7313_19.pdf) (quoting Letter from Audrey Strauss, Deputy U.S. Attorney, S.D.N.Y., to Hon. William H. Pauley III, U.S. District Judge, S.D.N.Y. (July 15, 2019), [https://storage.courtlistener.com/recap/gov.uscourts.nysd.499666/gov.uscourts.nysd.499666.48.9\\_1.pdf](https://storage.courtlistener.com/recap/gov.uscourts.nysd.499666/gov.uscourts.nysd.499666.48.9_1.pdf)) (cited by Trainor Judiciary Testimony, at 2, n.7 (June 13, 2024); Statement of Reasons of Commissioners Sean J. Cooksey and James E. "Trey" Trainor III 3, n.8, MUR No. 7313 (Apr. 26, 2021), [https://www.fec.gov/files/legal/murs/7313/7313\\_27.pdf](https://www.fec.gov/files/legal/murs/7313/7313_27.pdf)

(discussing request for abeyance and termination of abatement period, but not discussing any representations of DOJ about possible criminal actions by Mr. Trump) (cited by Trainor Judiciary Testimony, at 2, n.7).



about any statute of limitations bar on the FEC at the time of the DOJ's 2019 declination, the statute of limitations did not run for another two years.<sup>25</sup>

In contrast to your congressional testimony, at the time you voted to terminate FEC's proceedings, seven months before the statute of limitations would run, you did not refer to any representations from the DOJ regarding Mr. Trump's culpability, but rather explained your decision was based in the "vindication" of interests attendant in the DOJ's prosecution of Mr. Cohen and your desire to husband the FEC's "resources."<sup>26</sup> Accordingly, it appears your assertions about representations of DOJ findings with respect to Mr. Trump and the ability of the FEC to conduct its own proceedings may have been false.

Your choice to deliver possibly erroneous testimony to Congress to attempt to discredit the Manhattan District Attorney's prosecution of Mr. Trump is compelling evidence of potential bias. Your inflammatory public statements following your congressional testimony raise additional bias concerns. For example, in a June 14, 2024 appearance on *Lou Dobbs Tonight* shortly after your appearance before the House Judiciary Committee, you nodded your head in agreement with Mr. Dobbs when he stated that "Alvin Bragg knows what he's doing -- he's doing the bidding of George Soros and the other Marxists who want to destroy this country."<sup>27</sup> You then charged DA Bragg with focusing on finding a crime with which to charge Mr. Trump rather than following the law.<sup>28</sup>

You have also voiced conspiracy theories that the DOJ colluded with the Manhattan District Attorney's office to prosecute Mr. Trump. You have insinuated, without providing any evidence, that Matthew B. Colangelo, a lead attorney in the New York prosecution against Mr. Trump, used information gained while he was at the DOJ to help the DA's office charge Mr. Trump with falsification of business records, stating that "when they figured out that they couldn't prosecute him on the federal level, they manufactured a way to try to prosecute him on the state level."<sup>29</sup> Not only did you offer no evidence to support your assertions, but you also misrepresented basic facts about Mr. Colangelo's work history in support of your claims, incorrectly describing him as the "number three person" at DOJ "at the time" the FEC provided the Department with materials relating to complaints filed with the Commission related Mr. Trump and his former lawyer, Michael Cohen.<sup>30</sup> Mr. Colangelo did not start

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<sup>25</sup> First General Counsel's Report 1, MUR No. 7313 (Dec. 7, 2020), [https://www.fec.gov/files/legal/murs/7313/7313\\_19.pdf](https://www.fec.gov/files/legal/murs/7313/7313_19.pdf) (stating statute of limitations would run in December 2021). Although the FEC lacked a quorum from September 1, 2019 to June 5, 2020, and again from July 3, 2020 to December 15, 2020, the FEC had sufficient time to lift its hold after the DOJ's declination in July 2019 to permit the FEC's General Counsel to prepare its report and for the FEC to authorize proceedings. Instead, the Commission, without your noted opposition, did not even consider this matter until March 2021. See Certification, MUR No. 7313 (Mar. 31, 2021), [https://www.fec.gov/files/legal/murs/7313/7313\\_21.pdf](https://www.fec.gov/files/legal/murs/7313/7313_21.pdf).

<sup>26</sup> Statement of Reasons of Commissioners Sean J. Cooksey and James E. "Trey" Trainor III 2, MUR No. 7313 (Apr. 26, 2021), [https://www.fec.gov/files/legal/murs/7313/7313\\_27.pdf](https://www.fec.gov/files/legal/murs/7313/7313_27.pdf).

<sup>27</sup> Lou Dobbs Tonight, *The Political Persecution Of President Trump!*, Frankspeech.com, at 38:11 (June 16, 2024), <https://frankspeech.com/Video/the-political-persecution-of-president-trump>.

<sup>28</sup> *Id.* at 32:25 ("I think it's purely a focus on the man and not on the law. They're completely ignoring the law.").

<sup>29</sup> *Id.* at 33:58.

<sup>30</sup> *Id.*

working at DOJ until January 2021, nearly three years after the FEC provided materials to DOJ, according to the timeline in your own testimony to the House Judiciary Committee.<sup>31</sup>

Finally, your attacks on Judge Merchan belie your bias against the prosecution of Mr. Trump, but also demonstrate a continued effort to discredit those who pursue legal remedies to hold Mr. Trump accountable.<sup>32</sup> In your appearance on Lou Dobbs' show, you stated that "Judge Merchan suffers from having not been born in the United States and growing up with a civics education to understand the strength of constitutional rights and how important they are."<sup>33</sup> You expressed similar sentiments in writing, and stated that "Merchan's background and perceived unfamiliarity with the intrinsic values of the U.S. Constitution might explain" lapses in his adjudication of the law.<sup>34</sup> Judge Merchan moved from Colombia, his birth country, to the United States when he was six years old.<sup>35</sup> It is wholly inappropriate to without basis call into question the education and knowledge of a state district court judge, and it is certainly outside of your responsibilities as an FEC Commissioner tasked with the administration and enforcement of federal campaign finance law.

### ***Obligation to Recuse***

As evidenced by the multitude of statements of bias against the respondents and in favor of Mr. Trump, recounted above, you have engaged in a pattern of conduct that exhibits a lack of independence, impartiality and good judgment and that disqualifies you as a member of the Commission from participation in the Commission's consideration of this matter. Even though the FEC has not articulated its own standards for recusal, general principles of law and the Standards of Ethical Conduct for Employees of the Executive Branch nonetheless require you to recuse yourself from this matter.

Commensurate with the sensitivity and import of their duties, FECA requires Commissioners to exercise "integrity, impartiality, and good judgment."<sup>36</sup> The facts above including your repeated and public advocacy against the respondents and vocal support for

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<sup>31</sup> Former Acting Associate Attorney General Matthew Colangelo, Dept. of Justice, <https://www.justice.gov/archives/asg/staff-profile/former-acting-associate-attorney-general-matthew-colangelo> (last updated Apr. 22, 2021); Trainor Judiciary Testimony, at 2.

<sup>32</sup> See *supra* notes 10-21 and accompanying text (showing Commissioner Trainor's support for Mr. Trump).

<sup>33</sup> Lou Dobbs Tonight, *The Political Persecution Of President Trump!*, Frankspeech.com, at 38:45 (June 16, 2024), <https://frankspeech.com/Video/the-political-persecution-of-president-trump>.

<sup>34</sup> Trey Trainor & Jim Ellis, *The Silver Lining From Trump's Conviction*, The Daily Caller (June 10, 2024), <https://dailycaller.com/2024/06/10/opinion-the-silver-lining-from-trumps-conviction-trey-trainor-and-jim-ellis/>.

<sup>35</sup> Debra Cassens Weiss, *Meet Judge Juan Merchan, a Colombian immigrant who's presiding in Trump's arraignment; not guilty plea is entered*, ABA Journal (Apr. 4, 2023), <https://www.abajournal.com/news/article/meet-judge-juan-merchan-a-colombian-immigrant-who-is-presiding-in-trumps-arraignment>.

<sup>36</sup> 52 U.S.C. § 30106(a)(3); see also 11 C.F.R. § 71(b)(3), incorporating by reference 5 C.F.R. § 2635.101(b)(8) ("Employees shall act impartially and not give preferential treatment to any private organization or individual."), 5 C.F.R. § 2635.101(b)(14) ("Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part.") and 5 C.F.R. § 2635.502(a) (employees should recuse where "circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter").

Mr. Trump's campaign would lead a reasonable person to question your impartiality in a complaint involving DA Bragg's prosecution and the Biden-Harris campaign, or that could benefit Mr. Trump's campaign.<sup>37</sup> As the federal regulations regarding the impartiality of government employees performing their official duties makes clear, employees should recuse where "circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter" unless they have consulted with and received from an agency ethics official.<sup>38</sup> The parties to this matter are also entitled to due process in the form of "an impartial and disinterested tribunal" to hear this claim, and your participation will deprive them of the fairness to which they are entitled.<sup>39</sup> Your public commentary regarding DA Bragg, Judge Merchan, Mr. Trump, and President Biden has not occurred in a vacuum. You have appeared in various media outlets and before the House Judiciary Committee within six months of a presidential election involving one of the parties, and your attacks on Mr. Biden serve to harm the success of his campaign. These are not dated comments unmoored to the forthcoming election.

Although the Commission is a six-member body that requires four-votes before proceeding with an investigation, the prevalence of 3-3 deadlocks often makes the choice of a single commissioner decisive. Moreover, even apart from the votes on proceeding, your participation could impact other activities of the Commission that require only a majority vote.<sup>40</sup> Even if you were to vote against proceeding, your participation would permit you to serve as a "controlling commissioner" who may craft the Commission's statement of reasons. More fundamentally, the Commission's status as a multi-member body does not immunize the bias of any individual commissioner, as "[l]itigants are entitled to an impartial tribunal whether it consists of one man or twenty . . ."<sup>41</sup> "The test for disqualification has been succinctly stated as being whether 'a disinterested observer may conclude that (the agency) has in some measure adjudged the facts as well as the law of a particular case in advance of hearing it.'"<sup>42</sup> Your conduct gives ample reason for a disinterested observer to infer your bias against DA Bragg and the Biden-Harris campaign as well as your bias in favor of the candidate Trump.<sup>43</sup>

Based on your commentary on television, social media, and before Congress, an objective, disinterested observer would be unable to view you as unbiased in adjudicating the merits of America First Legal's complaint against DA Bragg and the Biden-Harris campaign. You have repeatedly and publicly attacked and discredited DA Bragg and Judge Merchan, including by apparently misconstruing the facts and the law of the case, seemingly to prevent Mr. Trump from being held accountable. You have repeatedly and publicly expressed support and defense for Mr. Trump and his campaign. Accordingly, your bias has

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<sup>37</sup> See 5 C.F.R. § 2635.101(b)(8).

<sup>38</sup> See 5 C.F.R. § 2635.502(a).

<sup>39</sup> *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980); see also *Cinderella Career & Finishing Schs., Inc. v. FTC*, 425 F.2d 583, 591 (D.C. Cir. 1970) ("[A]n administrative hearing 'must be attended, not only with every element of fairness but with the very appearance of complete fairness.'").

<sup>40</sup> See 52 U.S.C. § 30106(c).

<sup>41</sup> *Cinderella Career & Finishing Schs., Inc.*, 425 F.2d at 592.

<sup>42</sup> *Id.* at 591.

<sup>43</sup> Your apparent consistent pro-Trump bias raises broader questions about your capacity to participate in Commission matters, including enforcement votes, related to Mr. Trump and your continued voicing of support for Mr. Trump and his campaign only strengthens the case for your recusal in such matters.

disqualified you from participating in this matter, and we respectfully request that you recuse from it.

Sincerely,

A handwritten signature in blue ink, appearing to read "Noah Bookbinder". The signature is stylized with a large, looped "N" and a cursive "B".

Noah Bookbinder  
President & Chief Executive Officer

## Exhibits

### Exhibit A



**Trey Trainor**  
1,490 Likes

Following



**Dan Scavino Jr.**    @DanScavino · 14h ...

FULL TRUMP SPEECH FROM THE BRONX! [#TRUMP2024](#)



 307  3.2K  7.8K  183K  

Original source: <https://x.com/DanScavino/status/1793805093281628471>



## Exhibit B



**Jesse R. Binnall** ✓  
@jbinnall

...

Today's report reveals even more corruption by a politically-motivated prosecutor with one goal: to take down President Trump, his associates, and interfere in the 2024 election.

This baseless witch hunt isn't based on the facts, or the law, or reality.

It's all just fruit of the same poisonous tree that we've seen time and time again- and is designed to destroy the country and undermine the values that make this nation great.

Sadly, this is the threat we face and what's at stake in 2024.

General Michael Flynn will continue to fight for the truth, for America First principles, **and for Donald Trump's return to The White House in 2024.**

@GenFlynn

12:55 PM · Sep 8, 2023 · 113K Views

↻ **Trey Trainor reposted**



**Jesse R. Binnall** ✓ @jbinnall · Sep 8, 2023

...

Today's report reveals even more corruption by a politically-motivated prosecutor with one goal: to take down President Trump, his associates, and interfere in the 2024 election.

This baseless witch hunt isn't based on the facts, or the law, or reality.

It's all just fruit of...

[Show more](#)

💬 55

↻ 197

❤️ 470

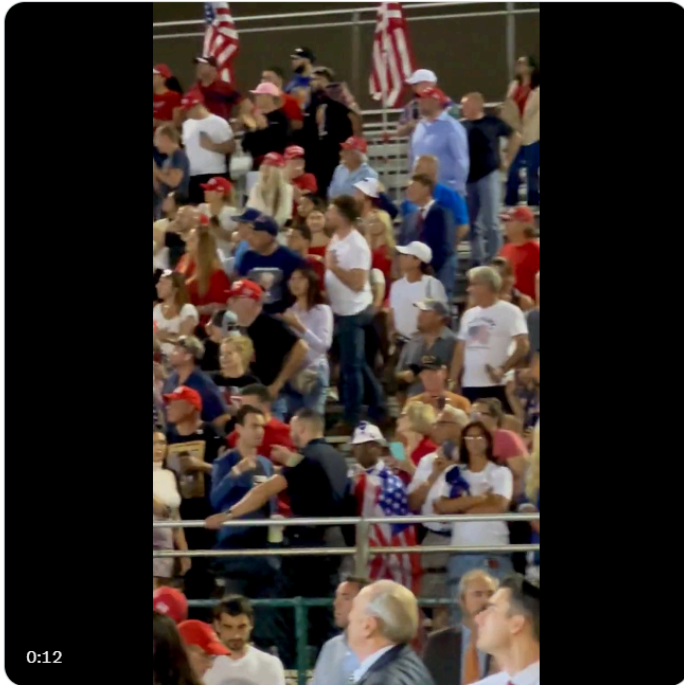
📊 113K

🔖 ⬆

Original source: <https://twitter.com/jbinnall/status/1700191205475139604>

## Exhibit C

Trey Trainor reposted  
**Dan Scavino Jr.** 🇺🇸 🇺🇸 🇺🇸 @DanScavino · Nov 8, 2023  
USA—USA—USA 🇺🇸 🇺🇸 🇺🇸  
#TrumpRally #Trump2024



422 3.8K 13K 1M

Original source: <https://x.com/DanScavino/status/1722450969890279524>

**Exhibit D**



Charles V Payne (@cvpayne) and Breaking911 (@Breaking911) appear to have deleted their respective posts.

## Exhibit E



Original source:: <https://x.com/TuckerCarlson/status/1485806317457584134>

## Exhibit F



Original source: <https://x.com/MQSullivan/status/1485784605005430786>.

## Exhibit G



Original source: <https://x.com/CPAC/status/1366168185045716995>

## Exhibit H



Original source: [https://x.com/Travis\\_4\\_Trump/status/1790825591844839502](https://x.com/Travis_4_Trump/status/1790825591844839502)

## Exhibit I



Original source: <https://x.com/simonateba/status/1789447775509238156>

## Exhibit J





Original source: <https://x.com/FoxNews/status/1787693953891942403>

**Exhibit K**



Original source: <https://x.com/DanScavino/status/1756392067985469890/video/1>

#### Exhibit L



Original source: <https://x.com/DanScavino/status/1747072758163402875>

#### Exhibit M



Original source: <https://x.com/DanScavino/status/1746748343437447576/video/1>

## Exhibit N



Original source: <https://x.com/JackPosobiec/status/1720454244694716505>

## Exhibit O



**Dan Scavino Jr.** 🇺🇸 🗳️ @DanScavino · Oct 23, 2023  
10/23/23—Derry, New Hampshire...

...

“The Great Silent Majority is rising like never before, and under our leadership, the Forgotten Man and Woman Will Be Forgotten No Longer!

With your help, your love, and your vote, we will put AMERICA FIRST, and WE WILL MAKE AMERICA GREAT AGAIN!...

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## Exhibit P



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## Exhibit Q





Original source: <https://x.com/realDonaldTrump/status/1694886846050771321>

## Exhibit R



Original source: <https://x.com/ByronDonalds/status/1656514884517896193>

## Exhibit S



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## Exhibit T

twitter.com/txelectionlaw/likes

← **Trey Trainor**  
1,177 Likes

Following

 **Michael Quinn Sullivan**  @MQSullivan · Nov 28, 2021  
Let's go Brandon.



4 5 38

Michael Quinn Sullivan (@MQSullivan) appears to have deleted this post.