



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

**STATEMENT OF COMMISSIONER SEAN J. COOKSEY
ON THE COMMISSION’S SETTLEMENT AND DISMISSAL OF
*JOSH HAWLEY FOR SENATE v. FEC***

In May 2022, Josh Hawley for Senate sued this agency for violating the Freedom of Information Act (“FOIA”).¹ The suit arose from the Commission’s decision to withhold records about how it had adjudicated administrative complaints in which the campaign was a respondent. After the lawsuit was filed, the Commission reconsidered the issue and made the files public. Now, the agency has agreed to settle this FOIA suit and to pay Josh Hawley for Senate \$23,500 in attorney’s fees.²

As I wrote when this case and two similar suits were filed, the plaintiff had a right to the requested documents under FOIA, and the Commission was wrong to try to withhold them.³ I regret that it took a federal lawsuit and subsequent Commission reconsideration to comply with the law and make the relevant records public.

It is also unfortunate that the Commission has squandered \$23,500 of taxpayer money—to say nothing of the fruitless staff work—to defend and then settle a lawsuit that the Commission should have avoided in the first place. It is our responsibility to prudently manage the agency’s budget, and wasting the Commission’s limited resources to litigate indefensible positions only impedes the Commission’s ability to fulfill its mission. I hope this is a lesson learned for future matters.

November 17, 2022

¹ Complaint, *Josh Hawley for Senate v. FEC*, 22-cv-1275 (EGS) (filed D.D.C. May 10, 2022).

² Stipulation of Settlement and Dismissal, *Josh Hawley for Senate v. FEC*, 22-cv-1275 (EGS) (filed D.D.C. November 16, 2022).

³ Statement of Chairman Dickerson and Commissioners Cooksey and Trainor Regarding Freedom of Information Act Litigation (June 28, 2022), available at <https://www.fec.gov/resources/cms-content/documents/Statement-re-FOIA-Litigation-6.28.2022-Dickerson-Cooksey-Trainor.pdf>.