



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

AUG 24 2004

Christopher J. Ward, Treasurer
National Republican Congressional Committee
320 First Street, S.E.
Washington, D.C. 20003

RE: MUR 5380
National Republican Congressional
Committee and Christopher J. Ward,
as treasurer

Dear Mr. Ward:

On August 17, 2004, the Federal Election Commission ("the Commission") found that there is reason to believe the National Republican Congressional Committee and you, as treasurer, violated 2 U.S.C. § 441d(a), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). This finding was based on information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). The Factual and Legal Analysis, which more fully explains the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be

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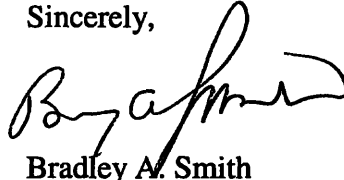
demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

If you have any questions, please contact Ana Peña-Wallace, the attorney assigned to this matter, or in her absence, Assistant General Counsel Sidney Rocke at (202) 694-1650.

Sincerely,



Bradley A. Smith
Chairman

Enclosures:

Factual and Legal Analysis
Procedures
Designation of Counsel Statement

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1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3
4 **RESPONDENT:** National Republican Congressional
5 Committee and Christopher J. Ward,
6 as treasurer
7

MUR: 5380

8
9 **I. INTRODUCTION**

10 As it pertains to these respondents, this matter was generated based on information
11
12 ascertained by the Federal Election Commission ("the Commission") in the normal course of
13 carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2). It concerns the National
14 Republican Congressional Committee's ("NRCC") solicitation of political contributions through
15 programs known as the "Business Advisory Council" and the "Physicians' Advisory Board."
16 Review of publicly available information revealed that the NRCC administered fundraising
17 programs targeting business owners and physicians. Through those programs, the NRCC
18 contacted individuals by telephone to announce that they were winners of a particular award.
19 During that communication, however, the committee solicited monetary contributions from the
20 award winners. It appears that during many, if not most, of those telephone communications, the
21 caller never identified either the sponsor of the communication or whether any candidates
22 authorized the communication. For the reasons set out below, the Commission finds reason to
23 believe the NRCC and Christopher J. Ward, as treasurer, violated 2 U.S.C. § 441d(a).

24 **II. FACTUAL AND LEGAL ANALYSIS**

25 **A. Background**

26 Information gathered by the Commission indicates that the NRCC made telephone calls
27 to various individuals concerning an award for business professionals and physicians and about

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1 an invitation to sit on a Congressional advisory committee.¹ For example, the Commission has
2 in its possession a statement from Mr. Edward M. Brennan of Pottsville, Pennsylvania. In this
3 statement, Mr. Brennan avers that in 2003, he received a number of telephone calls from
4 "Congressman DeLay's office" concerning an award he was being given as a local businessman
5 and about an invitation for him to sit on a Congressional advisory committee. According to Mr.
6 Brennan, "at some point" in a conversation stemming from one of these calls, representatives
7 who claimed to be from Congressman DeLay's office asked him to pay for newspaper
8 advertisements supporting various positions of the advisory committee. In response, Mr.
9 Brennan inquired whether "this was a political contribution" and the caller indicated that it was
10 not. However, when Mr. Brennan asked whether the call was from an actual Congressional
11 committee the caller avoided responding directly and stated instead "that this was a call from
12 Congressman Delay [sic] asking that [Mr. Brennan] participate in his committee." Mr. Brennan
13 also requested written materials for more information about the program, but never received
14 anything.

15 Information from the public record indicates that the NRCC was the source of the
16 telephone calls. News articles indicate the NRCC called doctors about the Physicians' Advisory

¹ In 2001, the Commission disposed of three matters under review against the NRCC, among others, concerning the Business Advisory Council. MURs 5194, 5206 and 5250. The complaint alleged that business professionals were being offered access to high ranking political officials in exchange for campaign contributions, which in turn resulted in FECA reporting violations. The complainant argued there were reporting violations because the meetings with the political officials constituted contribution offsets that should have been reported as disbursements. The Commission rejected that theory and found no reason to believe that any of the respondents violated the Act. The complainant in those matters also filed a complaint with the Department of Justice ("DOJ") regarding the same activities. DOJ declined to prosecute the matter in July 2001, indicating that the actions alleged did not violate federal bribery statutes.

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1 Board between the years 2000 and 2003.² Amy Snow Landa, *GOP fund-raising strategy targets*
2 *physicians*, American Medical News, Jul. 30, 2001, available at [http://www.ama-assn.org/](http://www.ama-assn.org/amednews/)
3 [amednews/](http://www.ama-assn.org/amednews/); O'Keefe, *supra* note 2. Further, since 1998 the NRCC has been calling business
4 owners regarding the Business Advisory Council. Jeffrey McMenemy, *Attorney honored for*
5 *leadership unsure of reasons*, The Herald (Rock Hill, SC), Oct. 23, 1998, at 1B; Jonathan
6 Weisman, *House GOP Fundraisers Put Price on Honors*, Washington Post, Feb. 22, 2003, at
7 A01.

8 A review of news accounts and other public information indicates that individuals
9 throughout the country received similar telephone calls, purportedly from a Congressman's
10 office, regarding the same award; it appears that most of the calls were ostensibly made on behalf
11 of Congressmen Tom Davis, Tom DeLay and Tom Reynolds. These calls were apparently
12 similar in nature and resulted in solicitations for monetary contributions. *See infra* pp. 3-5. As
13 discussed below, the information available at this time indicates that the calls were made on
14 behalf of the NRCC, but that the NRCC was not identified as the sponsor of the telephone
15 communications during many of the calls.

16 Although the entire contents of the phone calls are not known, through publicly available
17 information the Commission was able to learn the details of certain parts of those
18 communications. One business owner posted on his website audio files of what he claimed were
19 actual recorded phone messages left on his answering machine regarding the "National

² The number of calls from the Physicians' Advisory Board appeared to decline after doctors complained about them and the American Medical Association criticized the fundraising program. Ed O'Keefe, *GOP Tactic: Tell Them What They've Won! Questions Raised Over House GOP Fund-Raising Pitch*, ABC News, May 2, 2003, available at <http://www.abcnews.go.com>. A search of publicly available information revealed fewer news reports and press releases about the Physicians' Advisory Board after 2003. The group, however, continues to operate. <http://www.physiciansadvisoryboard.org/>.

Leadership Award.” http://www.jim-frizzell.com/national_leadership_award.htm. He received four messages on behalf of three different Congressmen (i.e., Davis, DeLay and Reynolds) in December 2001, April 2002, August 2002 and February 2004. *Id.* Only the most recent message actually identified the NRCC as the source of the telephone call. Those that did not identify the NRCC proceeded as follows:

Hi Mr. James Frizzell, my name is Loretta Lewis with Congressman Tom DeLay in Washington. We wanted to recognize you with our business award and I need to speak to you about a press release. Again, my name is Loretta Lewis. My number is 1-800-650-8375. I would appreciate it if you’d call me as soon as you get this message. Thank you.

Id.

It seems that similar phone messages were left for other award recipients. Mr. Frizzell’s website contains copies of more than fifty e-mail messages from individuals recounting their own experiences with similar NRCC solicitations.³ At least thirty of those messages were posted after November 2002. Based on a review of those e-mails and of numerous news reports, it appears that most of the telephone communications the NRCC initiated contain the same language. *See* Alex Adwan, *Curses, Foiled Again*, Tulsa World (OK), Aug. 24, 2003, at G6; Steve Duin, *GOP Teaches Telemarketers a Few Tricks*, The Oregonian, Sept. 11, 2003, at D01; O’Keefe, *supra* note 2; Weisman, *supra* at A01; *Profile: House Majority Leader Tom DeLay Using Controversial Telemarketing Tactics to Raise Money for Republican Party* (NBC News: Nightly News television broadcast, Nov. 10, 2003), *available at* 2003 WL 5437880 [hereinafter “*Profile*”].

³ Mr. Frizzell also posted on his website a copy of a fax he received from the NRCC. Unlike the telephone calls, that communication does identify the NRCC. http://www.jim-frizzell.com/national_republican_congressional.htm.

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1 Individuals whom the NRCC reached directly, as well as those who called the committee
2 in response to a phone message, were asked to listen to a message recorded by a member of
3 Congress (i.e., by Davis, DeLay or Reynolds). O’Keefe, *supra* note 2; Weisman, *supra* at A01.
4 During that message, the Representative congratulated the listener for being a leading business
5 owner/physician and invited the listener to become an Honorary Chair of either the Business
6 Advisory Council (“BAC”) or the Physicians’ Advisory Board (“PAB”).⁴ Adwan, *supra* at G6;
7 O’Keefe, *supra* note 2. At the end of the recording, a telemarketer came on the line to provide
8 further details and to ask for a monetary contribution. O’Keefe, *supra* note 2. During that
9 conversation, award recipients were told that as Honorary Chairs they would meet with top
10 members of Congress and would be invited to state and national meetings. Landa, *supra*;
11 O’Keefe, *supra* note 2. Some award recipients were promised autographed pictures of the
12 President and that they would be able to give their input on “major issues before the Congress.”
13 O’Keefe, *supra* note 2. It appears that individuals who accepted the award invitation were
14 promptly asked for a \$300 to \$500 contribution to pay for a Wall Street Journal advertisement
15 that was to list the names of the award winners. Adwan, *supra* at G6; Duin, *supra* at D01;
16 O’Keefe, *supra* note 2; *Profile*, *supra*. Only those individuals who made contributions were
17 listed in the advertisement. Duin, *supra* at D01.

18 The evidence gathered suggests that the NRCC may not have identified itself in many of
19 its telephone solicitations relating to the BAC or PAB. News reports indicate that many doctors

⁴ The BAC and the PAB are both projects of the NRCC that confer awards on leading business professionals and physicians, and invite those award winners to become Honorary Chairs of the respective group. See <http://www.businessadvisorycouncil.org>; <http://www.physiciansadvisoryboard.org>. On its website, BAC describes itself as “a small prestigious group of conservative businessmen and women” whose members are “selected after an exhaustive search of key business leaders throughout the country.” <http://www.businessadvisorycouncil.org>. PAB runs a similar program aimed at doctors. Landa, *supra*.

1 and business owners were not told that the call was from or on behalf of the NRCC or was
2 connected to the Republican Party in any way. *See* John Bresnahan, *Doctors Angered by*
3 *Fundraising Calls Offering Award in Swap for Donation*, Roll Call, Jun. 12, 2000; Landa, *supra*;
4 O’Keefe, *supra* note 2. *See also* John Williams, “*The Hammer*” *Now Taps Doctors*, Houston
5 Chronicle, Aug. 27, 2001, at A15 (describing NRCC calls received by physicians where there
6 was no initial mention of fundraising). A number of award recipients reported that some callers
7 refused to say or avoided saying who actually sponsored the program. Libby Quaid, *GOP*
8 *Targets Doctors for Donations*, Associated Press, Jun. 9, 2000. Others who did learn who paid
9 for the program only ascertained that information after asking questions themselves. Duin, *supra*
10 at D01.

11 Prior to November 6, 2002, it was unclear whether 2 U.S.C. § 441(d) required disclaimers
12 on telemarketing calls, whether containing solicitations or express advocacy, placed on behalf of
13 political committees. However the Bipartisan Campaign Reform Act (“BCRA”) and the
14 regulations thereunder removed any ambiguity by specifying that public communications through
15 telephone banks were included in the types of “general public political advertising” subject to the
16 disclaimer requirement. *See infra* pp. 10-11. In addition to the information discussed above,
17 *supra* pp. 2-5, there is other evidence that indicates that NRCC fundraising programs such as the
18 BAC continue to operate since BCRA became effective without identifying the NRCC as the
19 sponsor in telephone solicitations. Award winners interviewed for an ABC News story in 2003
20 indicated that during the telephone calls they received about their awards, neither the sponsor of
21 the calls nor “any connect[ion] to the Republican party’s efforts” were identified. O’Keefe, *supra*
22 note 2. Thus, it appears the NRCC may have continued to utilize the same approach it had used
23 in the past in the telephone solicitations it conducted after November 2002. The extent to which,

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1 and the consistency with which, NRCC telephone solicitations contained disclaimers after
2 November 2002 remains to be determined. Other post-BCRA news reports document portions of
3 actual NRCC telephone solicitations, but they are unclear as to whether disclaimers were
4 included.⁵

5 Information gathered about the BAC and PAB indicates that their primary purpose is to
6 raise funds for the NRCC. While some award recipients interviewed for news articles recalled
7 completing one or more surveys for the groups, no one at the NRCC explained on the public
8 record how such input actually reaches Congressional leaders.⁶ Landa, *supra*. Rather, most
9 award winners report that after accepting an invitation to become Honorary Chairs, they were
10 periodically invited to various functions that required substantial attendance fees. Weisman,
11 *supra* at A01. Award winners were charged a fee to attend a dinner to receive their own awards,
12 while others never received the award certificate that was promised to them during the NRCC

⁵ It appears, from those reports, that the contents of the solicitations were similar to those discussed above. For instance, in 2003 NBC Nightly News recorded the conversation an Air Force Chaplain had with a telemarketer regarding the BAC's National Leadership Award. See Lisa Myers, *Tom DeLay: Politician or Telemarketer? Majority Leader Uses Offer of Honor in Pitch for Funds*, NBC News, Nov. 10, 2003, available at <http://msnbc.msn.com/id/3476031>; *Profile, supra*. Based on the excerpts provided in the story, there is no question that a solicitation for a monetary contribution took place during the telephone call. However, it is unclear whether the NRCC was ever identified as having paid for the communication. Other individuals have discussed their recent experiences with the same types of solicitations, and as with the instance discussed above, it remained unclear whether sponsorship information was ever communicated to them. See e.g. Adwan, *supra* at G6 (describing one journalist's phone conversation with telemarketers regarding his National Leadership Award in 2003); Barbara Solow, *Dubious honor for local doctors*, Independent Weekly (Durham, NC), Dec. 25, 2002, available at <http://www.indyweek.com/durham/2002-12-25/porch2.html> (recounting one physician's experience with calls from "DeLay's" office regarding the PAB in 2002); Weisman, *supra* at A01 (reporting on the NRCC's telephone solicitations in early 2003 and describing the general script followed during the calls).

⁶ The awards conferred through the BAC and PAB include the "National Leadership Award," "Businessman/Businesswoman of the Year" and "Physician of the Year." It is unknown whether the NRCC uses any criteria for selecting winners. All award winners are asked to become Honorary Chairs of the BAC or PAB, which results in thousands of Honorary Chairs in any given year. For instance, in February 2003 one Wall Street Journal advertisement listed over 1,900 people as businessmen and women of the year for 2003. Weisman, *supra* at A01. Honorary Chairs in both programs can participate in the groups by allowing their names to be used in advertising, attending strategy sessions and policy briefings, completing surveys, and making financial contributions. See <http://www.businessadvisorycouncil.org>; <http://www.physiciansadvisoryboard.org>.

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1 telephone calls.⁷ *Id.*

2 The NRCC itself appears to treat the BAC and the PAB as fundraising programs. On its
3 website, the NRCC lists both groups as “Individual contribution opportunities.” [http://teamnrcc.](http://teamnrcc.org/nrccdocs/quicklinks/)
4 [org/nrccdocs/quicklinks/](http://teamnrcc.org/nrccdocs/quicklinks/). It has described the PAB as a “partial fund-raising group” and
5 explained that the PAB was one of their “most successful programs,” acknowledging that
6 “[t]here is a fund-raising component” to the PAB. Landa, *supra*; Quaid, *supra*; Matt Smith,
7 *GOP to pot doctor: Good job!*, San Francisco Weekly, Jul. 18, 2001. In 2003, an NRCC
8 spokesman acknowledged that the BAC was “more or less a marketing tool” and that “[t]he
9 honorary chairmen are all periodically asked for donations.” David Lazarus, *A Call From Tom*
10 *DeLay*, San Francisco Chronicle, Sept. 28, 2003, at I.1. The spokesman also explained that the
11 BAC was important because “with campaign finance reform we have to look for new avenues of
12 fund-raising.” *Id.* However, in response to questions surrounding the details of the programs,
13 one spokesman stated “[i]n regard to fundraising tactics, we’re just like KFC: The colonel
14 doesn’t reveal the recipe.” Pete Yost, *GOP Calls Offer Access to Top Bush Officials; DeLay*
15 *Seeks Money from Business Owners*, The Record (Bergen Cty., NJ), Apr. 4, 2001, at A18.
16 Finally, the NRCC has not explained on the public record how money raised through the BAC
17 and PAB could be used, other than for funding Republican Congressional campaigns. According

⁷ One Physician of the Year award recipient who wanted to attend her award dinner was told that she would have to pay \$5,000 to attend. After refusing to pay, she was offered a lower rate of \$1,250. After still refusing to pay, the physician was told that she could not attend the event but could keep her faxed copy of the award certificate. It was not until a reporter intervened that the physician was permitted to attend the event without paying. Weisman, *supra* at A01.

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1 to one NRCC spokesperson, "it would probably just go into the [committee's] general
2 fund."⁸ Landa, *supra*.

3 Further, the NRCC pays telemarketing vendors to make telephone calls on its behalf for
4 fundraising programs such as the PAB and BAC. A review of FEC disclosure reports reveals
5 that post-BCRA the NRCC made disbursements to InfoCision Management Corporation
6 ("InfoCision") as well as to three other vendors for "Phone Banks."⁹ However, the
7 disbursements made to InfoCision were larger and news accounts have established a specific
8 connection between InfoCision and the BAC and PAB programs. Jim Drinkard, *With New Law,*
9 *GOP Routs Democrats in Fundraising*, USA TODAY, Aug. 21, 2003, at 1A; Jim VandeHei and
10 Juliet Eilpern, *For GOP, A High-Priced Pitch; Firm Gets \$16 Million Over Four Months for*
11 *Fundraising Work*, Washington Post, Jun. 16, 2003, at A04. The NRCC has been working with
12 InfoCision since 1993 and under a recent arrangement with them, the NRCC is guaranteed to
13 receive at least a dollar in contributions for every dollar that it pays the firm.¹⁰ Cillizza, *supra*
14 note 10; VandeHei, *supra* at A04. According to news reports, from January 1 through March 31,

⁸ In one news account, the NRCC claimed that through programs like the BAC, it is "merely recognizing business leaders and inviting them to periodic conferences and banquets. No money need to be given to accept the honor, although there is a fee for the gatherings." Weisman, *supra* at A01. However, some recipients were told that a donation was required to become an Honorary Chair. See, e.g., Bresnahan, *supra*; O'Keefe, *supra* note 2; Quaid, *supra*. Moreover, even if "no money . . . need be given," it is unknown whether award recipients are ever told that they would have to pay fees to attend any of the events.

⁹ According to FEC records, the NRCC made disbursements for the purpose of "Phone Banks" to a number of different vendors. In 2003, it paid Conquest Communications \$166,206.19, Larson & Synhorst \$281,788.78, and Strategic Telecommunications \$71,789.50. So far in 2004, the NRCC has paid Strategic Telecommunication \$907,625.18. Over the years the NRCC has made its largest disbursements for the purpose of "Phone Banks" to InfoCision. See, e.g., Attachment 1, *Sample NRCC Disclosure Reports*. In 2003 it paid InfoCision \$35,527,815.42 and has paid InfoCision \$8,761,120.41 so far in 2004. Further, InfoCision was the only firm the NRCC used for phone banks in November and December 2002.

¹⁰ InfoCision, founded in 1982, is a telemarketing service based out of Akron, Ohio that works only for conservative groups such as the NRCC and the National Rifle Association. Chris Cillizza, *Calls Fuel NRCC*, Roll Call, Apr. 2, 2003; VandeHei, *supra* at A04. Its fundraising department is composed of five divisions: political, non-profit, Christian, commercial, and volunteer recruitment. <http://www.infocision.com>. In 2003, it employed over 2,600 workers, including 1,600 telemarketers, at over twenty call centers throughout the country. Cillizza, *supra*.

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2003, the telemarketing firm made about two million fundraising calls on behalf of the NRCC and added about 100,000 new donors to the NRCC's contributor list, with contributions averaging \$100 per person. Cillizza, *supra* note 10. Rodney Smith, a telemarketing expert, created the phone pitches used by InfoCision for the NRCC's fundraising programs. VandeHei, *supra* at A04. It appears that NRCC Chairman Tom Reynolds approves Smith's scripts before they are sent to InfoCision. *Id.* When asked about the NRCC's large payments to InfoCision, NRCC Chairman Tom Reynolds stated that "[w]e're in a whole new world of fundraising . . . we need to experiment." VandeHei, *supra* at A04.

B. Analysis

Under the Federal Election Campaign Act of 1971, as amended ("the Act"), the NRCC is required to provide a disclaimer during certain political communications. In 2002, BCRA expanded the Act's disclaimer provisions to apply to telephone banks.¹¹ *See* 2 U.S.C. §§ 441d(a), 431(22), 431(24); 11 C.F.R. §§ 110.11, 100.26. Although the disclaimer statute does not make specific reference to them, BCRA added the term "public communication" which includes "telephone banks" as part of its definition. *See* 2 U.S.C. § 431(22); 11 C.F.R. § 100.26. The Commission has also explained that "each form of communication specifically listed in the definition of 'public communication,' as well as each form of communication listed with reference to a 'communication' in 2 U.S.C. § 441d(a), must be a form of 'general public political advertising'." Explanation and Justification, *Disclaimers, Fraudulent Solicitations, Civil Penalties, and Personal Use of Campaign Funds*, 67 Fed. Reg. 76962, 76963 (Dec. 13, 2002).

¹¹ As discussed earlier, *supra* p. 6, until BCRA it was unclear whether the disclaimer provisions of the Act applied to telephone banks. Thus, this analysis focuses on potential violations that occurred after November 6, 2002, the effective date of BCRA.

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Specifically, the Act requires disclaimers “whenever any person . . . solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising advertising [sic] facility, mailing, or *any other type of general public political advertising.*” 2 U.S.C. § 441d(a) [emphasis added]. As a form of general public political advertising, telephone banks are defined as “more than 500 telephone calls of an identical or substantially similar nature within any 30 day period.” 2 U.S.C. § 431(24). Telephone calls are substantially similar when they “include substantially the same template or language, but vary in non-material respects such as communications customized by the recipient’s name, occupation, or geographic location.” 11 C.F.R. § 100.28.

The telephone calls at issue here may have required disclaimers. They apparently solicited contributions to the NRCC, and based on the number of press accounts in the public record there is sufficient evidence to investigate whether the number of calls made surpassed the five hundred phone calls within the 30-day period the statute requires. In addition, publicly available information indicates that those telephone calls were substantially similar in nature: the calls seemed to follow a script where the caller informed the recipient that they had been selected for an award, played a recorded message for the award winner and proceeded to ask for a contribution. *See, e.g.,* Adwan, *supra* at G6; Duin, *supra* at D01; O’Keefe, *supra* note 2; Weisman, *supra* at A01; *Profile, supra*. As a committee that is not authorized by any candidate, when the NRCC makes a public communication it must clearly state the name, address, telephone number or website address of who paid for the communication and state that the communication was not authorized by any candidate. 2 U.S.C. § 441d(a)(3). *See, e.g.,* <http://www.nrcc.org> (providing the proper disclaimer on its website). Because there is evidence

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1 that even after BCRA's effective date many NRCC phone solicitations did not contain the proper
2 disclaimer, the Commission finds there is reason to believe the NRCC and Christopher J. Ward,
3 as treasurer, violated 2 U.S.C. § 441d(a).¹²

4 **III. CONCLUSION**

5
6 Accordingly, there is reason to believe that the National Republican Congressional
7 Committee and Christopher J. Ward, as treasurer, violated 2 U.S.C. § 441d(a).

¹² There is nothing to indicate that there was any fraudulent misrepresentation of authority in the NRCC's calls to award recipients that would establish a violation of 2 U.S.C. § 441h(b). While the callers indicated they were calling on behalf of particular Congressmen, the NRCC appeared to have the authority to use those Representatives' names: the Congressmen had tape-recorded messages for the NRCC to use in its telephone communications. *See supra* pp. 3-4.

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