

**BEFORE THE FEDERAL ELECTION COMMISSION**

**In the Matter of**

<b>Republican Main Street Partnership-PAC and</b>	)	<b>MUR 5887</b>
<b>Sarah Resnick, in her official capacity as treasurer</b>	)	
	)	
<b>Schwarz for Congress and Robert Schuler, in</b>	)	
<b>his official capacity as treasurer</b>	)	
	)	
<b>Joe Schwarz</b>	)	

**GENERAL COUNSEL'S REPORT #2**

**I. ACTIONS RECOMMENDED**

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Find no reason to believe that former Congressman Joe Schwarz violated 2 U.S.C. § 441a(f).

**II. BACKGROUND**

In 2006, the RSMP-PAC reported \$91,300 in independent expenditures for advertisements supporting Congressman Joe Schwarz's unsuccessful primary election in August 2006. Shortly thereafter, the Club for Growth filed a complaint alleging that coordination of the advertisements between RMSP-PAC and the Schwarz Committee could be inferred from Schwarz's position on the PAC's Advisory Board. In response, RMSP-PAC submitted affidavits from the members of its PAC Board at the relevant time, and from Sarah Chamberlain Resnick, treasurer of RMSP-PAC, and the Schwarz Committee submitted a response, all denying that Schwarz had any input into the PAC's expenditures and stating that the members of Congress listed on RMSP-PAC's website as the PAC

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1 Advisory Board have no decision-making authority but agree to allow their names to be  
2 listed as supporters of RMSP-PAC. While these responses did not completely foreclose the  
3 possibility of coordination between the Schwarz campaign and RSMP-PAC, we concluded  
4 they were sufficiently thorough to rebut the initial basis for the coordination allegation in  
5 the complaint. See First General Counsel's Report at 4 and 5.

6 After the responses were submitted and before we circulated our First General  
7 Counsel's Report, Club for Growth filed a supplement to the complaint providing excerpts  
8 from a 2007 book entitled *Freshman Orientation: House Style and Home Style*, to further  
9 support its coordination allegations. The book's author, Edward Sidlow, a professor at  
10 Eastern Michigan University, claimed that he interviewed Matt Marsden,<sup>1</sup> who worked on  
11 Schwarz's 2006 primary election campaign, after Schwarz lost the election, and quoted  
12 Mr. Marsden as stating during the interview that:

13 Main Street did not deliver as they promised they would. They promised to do  
14 television ads to counter Club for Growth's early ads, and I hounded them to get  
15 their pro-Schwarz stuff on the air, and they kept telling me, its on its way. Yeah,  
16 well, when it arrived, more than a month after they promised, it was too little too  
17 late....

18  
19 See Attachment to the Supplement to the Complaint (ellipses in the original).

20 The Schwarz Committee did not respond to the supplement to the complaint.  
21 RMSP-PAC responded that its previous response to the original complaint "covers the  
22 issues" addressed in the supplemental complaint. However, there was nothing in the  
23 RSMP-PAC and Schwarz Committee responses and affidavits that specifically rebutted

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<sup>1</sup> The complaint described Matt Marsden as the Campaign Manager for the Schwarz campaign. In its response to the reason to believe finding, the Schwarz Committee states that Mr. Marsden was not the campaign manager, but Congressman Schwarz's Chief of Staff. The Schwarz Committee's response also states that Mr. Marsden was an agent of the Schwarz Committee because he had some of the authority set forth in 11 C. F.R. § 109.3(b).

1 Mr. Marsden's reported statements, and neither committee specifically denied them after  
2 receiving the supplement to the complaint. Based on the alleged statements made by  
3 Mr. Marsden suggesting that there had been discussions between the PAC and the Schwarz  
4 Committee in which RMSP-PAC had promised to run ads on behalf of the Schwarz  
5 Committee to counter Club for Growth's early ads, and because the advertisements  
6 reported by RSMP-PAC as independent expenditures on behalf of the Schwarz campaign  
7 met the payment and content prongs of the coordinated communications regulations, *see*  
8 11 C.F.R. §§ 109.21(a) and (c)(3), the Commission found reason to believe that RMSP-  
9 PAC made, and that the Schwarz Committee accepted, and failed to disclose, an excessive  
10 contribution, and authorized an investigation to determine whether the conduct prong was  
11 satisfied.

12 We have now completed our investigation. Although hampered by a lack of  
13 documentation and faulty or missing recall, the evidence shows that RMSP-PAC and the  
14 Schwarz Committee, through Sarah Resnick and Matt Marsden, coordinated radio ads that  
15 aired in February 2006 and July 2006 that were paid for by RMSP-PAC on behalf of the  
16 Schwarz Committee.

17  
18 \_\_\_\_\_ At the  
19 reason to believe stage, the Commission made no findings as to former Congressman Joe  
20 Schwarz. As we did not uncover any information during our investigation that he  
21 personally participated in coordinating the communications, we recommend that the  
22 Commission find no reason to believe that former Congressman Joe Schwarz violated  
23 2 U.S.C. § 441a(f), and close the file as to him.

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1 **III. DISCUSSION**

2 In the 2004 election cycle, RMSP-PAC made independent expenditures supporting  
3 Congressman Schwarz during the primary, and Club for Growth made independent  
4 expenditures supporting Schwarz's primary opponent, Tim Walberg. In connection with  
5 Schwarz's 2006 reelection campaign, the evidence shows that there was an expectation by  
6 both RMSP-PAC and the Schwarz Committee that RMSP-PAC would again support  
7 Congressman Schwarz's reelection. Based on discussions between Matt Marsden and  
8 Sarah Resnick early in the primary season, Mr. Marsden believed that there was an  
9 understanding that the RMSP-PAC would run television and radio ads supporting Schwarz  
10 as soon as Club for Growth ran ads for his opponent, so that the Schwarz campaign could  
11 spend its money on mailings and other non-broadcast efforts. Ms. Resnick has less recall  
12 of events than Mr. Marsden, and does not believe she committed RMSP-PAC to follow the  
13 course of action outlined by him. Nevertheless, the evidence shows that while Mr.  
14 Marsden was ultimately disappointed that RMSP-PAC did not run television ads until the  
15 final two weeks of the primary, in two instances, based on documentary evidence and Mr.  
16 Marsden's statements, RMSP-PAC and the Schwarz Committee coordinated RMSP-PAC  
17 radio ads paid for by RMSP-PAC supporting former Congressman Schwarz's reelection.<sup>2</sup>

18 **A. Overview of Contacts**

19 In response to the Commission's reason to believe findings, RMSP-PAC submitted  
20 a second affidavit from its treasurer, Sarah Resnick. In this affidavit, Ms. Resnick states

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<sup>2</sup> RMSP-PAC also made independent expenditures on behalf of the Schwarz Committee for television ads, robo calls and printing. Neither Marsden nor Resnick recalled any conversations other than those described herein, and there was a lack of documentation that might have refreshed their memories. While our investigation did not discover evidence of coordination between RMSP-PAC and the Schwarz Committee on these other expenditures, with respect to the television ads, it appears that the Schwarz campaign was frustrated by the PAC's delay in releasing such ads, suggesting that if there was any understanding on their timing, RMSP-PAC did not comply with it.

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1 that she recalls a conversation with Matt Marsden that occurred approximately three or  
2 more months prior to the Schwarz primary election in which Mr. Marsden expressed  
3 concern that Joe Schwarz's primary challenge would be well-funded by Club for Growth,  
4 and hoped "Congressman Schwarz's supporters, including RMSP-PAC, would take an  
5 active role in defending him." Ms. Resnick avers that she "listened respectfully to  
6 Mr. Marsden, but it was already obvious to me that the PAC would be active in the  
7 primary." Ms. Resnick also states that she had another conversation with Mr. Marsden at  
8 a fundraising event for Joe Schwarz and other members of Congress in which Mr. Marsden  
9 approached her and said "You better hurry up and come in. We need you. I did not  
10 respond substantively or engage in a discussion with Mr. Marsden about his comment."

11 In its response to the reason to believe findings, the Schwarz Committee stated that  
12 Mr. Marsden met with Sarah Resnick sometime in January or February 2005.<sup>3</sup> At that  
13 time, Ms. Resnick reportedly asked whether RMSP-PAC's efforts were helpful to  
14 Congressman Schwarz during the 2004 election. Mr. Marsden answered that the Schwarz  
15 Committee appreciated RMSP-PAC's efforts on its behalf. According to the Schwarz  
16 Committee response, Ms. Resnick stated that RMSP-PAC would again provide assistance  
17 to Congressman Schwarz once Club for Growth selected a candidate to run against him in  
18 the 2006 election. Late in 2005, at a fundraiser, Ms. Resnick reportedly "volunteered [to  
19 Marsden] that right after Club for Growth started putting advertisements on the air for  
20 Walberg, the RMSP-PAC would put out advertisements to assist Congressman Schwarz."

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<sup>3</sup> The Schwarz Committee's narrative response to the complaint was signed by counsel, Timothy Knowlton, and attached a brief affidavit from Mr. Marsden stating that he had read Mr. Knowlton's letter and "the statements of fact that appear in" the letter "are true to the best of my personal knowledge and recollection." Thus, it appears that Mr. Marsden adopted the assertions in the response as his own.

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1           We contacted Edward Sidlow, the author of a book referenced in the supplemental  
2 complaint, and obtained a tape of his interview with Matt Marsden. The tape included  
3 statements by Mr. Marsden that indicated broader contacts between Mr. Marsden and  
4 Ms. Resnick than stated in the submissions to the Commission. For example, Mr. Marsden  
5 stated that "Um, we had spent the better part of the last year gearing up for the campaign.  
6 I had spent time with Sarah [Resnick] and Main Street and explained to her exactly how  
7 I saw things going down, which is exactly the way they went down," in terms of Club for  
8 Growth running early advertisements for Congressman Schwarz's primary opponent, Tim  
9 Walberg. Mr. Marsden also stated in his interview with Mr. Sidlow that "the plan between  
10 us and Main Street was that we would continue to do what we were doing using our mail  
11 and ground game, while they would come in and defend us, be a [sic] positive ad spots on  
12 Joe Schwarz, matching them dollar for dollar. No matter, when they came in, Main Street  
13 would be ready to go." Mr. Marsden complains in the interview that RMSP-PAC did not  
14 do its part because it ran television ads only in the last two weeks before the primary, and  
15 the Schwarz campaign had to make expenditures for advertisements late in the primary  
16 season that it had not planned to have to make. Speaking of Sarah Resnick, Mr. Marsden  
17 stated, "we had given to her the opposition research. She had everything she needed to go  
18 after Walberg. And do it in a way that was devastating. Uh, she chose not to."

19           When we interviewed Matt Marsden about his comments to Mr. Sidlow, he  
20 acknowledged that he and Deputy Campaign Manager, Louis Meizlish, met with  
21 Ms. Resnick in early 2005 to discuss the 2004 race, and he also interacted with her at  
22 fundraising events and on Capitol Hill. He denied that the meeting in early 2005 was a  
23 strategic meeting, describing it rather as a debriefing, discussing what they had done in the

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1 2004 election and "what worked and what didn't work." With regard to his comments  
2 concerning a "plan" between the Schwarz Committee and RMSP-PAC, he told us that there  
3 was an understanding that RMSP-PAC would echo the 2004 efforts in 2006. According to  
4 Mr. Marsden, "there was an assumption that they would do it again. This was my  
5 assumption, thinking that they would do TV and radio, and [the Schwarz Committee]  
6 money could be better used somewhere else." He said that no details were shared with  
7 Resnick, but there was an expectation of RMSP-PAC's support, because Congressman  
8 Schwarz had attended fundraisers and raised money for RMSP-PAC. Mr. Marsden  
9 confirmed that he had given opposition research to Ms. Resnick at the meeting in early  
10 2005, which he described as a file folder containing notes, maps and news clips, so "we  
11 knew she had the information from early 2005, polling data, opposition research, etc., to  
12 not use it would seem pretty stupid."

13 We also requested documents from both the PAC and the Schwartz Committee  
14 relating to communications between them in the period from January 1, 2005 to August 8,  
15 2006, the date of the primary election, and copies of ads created for or by RMSP-PAC  
16 relating to Congressman Schwarz's 2006 election campaign. In response to our request,  
17 the Schwarz Committee provided us with a single e-mail, and stated that it could not locate  
18 any of the computers that were used during Congressman Schwarz's 2006 re-election  
19 campaign. RMSP-PAC provided several 2006 e-mails from Matt Marsden to Sarah  
20 Resnick, a radio ad transcript, transcripts of a television ad, a video of a television ad and a  
21 newspaper article, and stated that these were the only documents that it could locate that  
22 were responsive to our request. Two of the 2006 e-mails from Matt Marsden to Sarah  
23 Resnick provided by the RMSP-PAC include suggestions by Marsden concerning the

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1 content and distribution of ads that RMSP-PAC could run on behalf of the Schwarz  
2 Committee, which RSMP-PAC apparently acted on. At the time the PAC submitted the  
3 documents, Sarah Resnick also retained separate counsel.

4 **B. The February 2006 Radio Ads**

5 In an e-mail dated January 23, 2006 from Matt Marsden to Ms. Resnick, Marsden  
6 stated, "Per our conversation on Friday, I have attached an idea for your consideration.  
7 I am sure you folks are far more creative but maybe it will get the ball rolling. We have  
8 confirmation T.W. [Tim Walberg, Congressman Schwarz's opponent] has purchased air  
9 time in March." Attachment 1. Ms. Resnick responded that "there was nothing attached –  
10 can you give me a call," and Mr. Marsden replied "I will drop you a line shortly." RMSP-  
11 PAC provided the e-mail and attachment to us. The attachment contains a proposed script  
12 for a radio ad which begins with "(ominous music) or (some sort of emergency broadcast  
13 sound)" and the statement "This is a Warning." The script states, among other things, "The  
14 challenger is a fringe candidate who lacks the experience or the record of Congressman Joe  
15 Schwarz . . . . Beware of Tim Walberg – he is bought and paid for by money from  
16 Washington special interests. This has been a warning of the Political Truth System." *Id.*  
17 In her third affidavit, submitted after the emails were provided, Ms. Resnick states that the  
18 January 23, 2006 e-mail references a conversation that took place on January 20 and an  
19 apparent idea of Mr. Marsden for an ad containing a "warning" by the "Political Truth  
20 System," but she "has no recollection of the conversation itself." She further states "to the  
21 best of my knowledge, the 'Political Truth System' was never developed or furthered in  
22 any way by anyone working on behalf of the PAC."

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1           We contacted radio stations broadcasting in Congressman Schwarz's district and  
2 learned that one week after this email, on February 1, 2006, RMSP-PAC paid \$1,005 to  
3 Clear Channel Communications and Friends Communications for radio ads. Clear Channel  
4 Communications (WBCK) provided us with documentation that it ran an RMSP-PAC ad  
5 between January 31, 2006 and February 3, 2006 for a cost of \$405 and with a transcript of  
6 the ad. It begins with patriotic music and then states "Congressman Joe Schwarz is a leader  
7 with experience . . . dedication to service . . . a strong Republican record [ellipses in the  
8 original]." It also states that some individuals, like Tim Walberg, are distorting  
9 Congressman Schwarz's record, and "his [Tim Walberg's] campaign is bankrolled by a  
10 group of Washington special interests." Attachment 2. Thus, while Ms. Resnick did not  
11 broadcast the exact script that Mr. Marsden suggested as a start to "get the ball rolling,"  
12 one week after Matt Marsden suggested to Ms. Resnick that RMSP-PAC run a radio ad  
13 attacking Walberg for being tied to Washington special interests, RMSP-PAC ran such an  
14 ad. In an interview with Matt Marsden, he acknowledged that his January 23, 2006 e-mail to  
15 Sarah Resnick was a suggestion to RMSP-PAC to run an ad. According to Mr. Marsden,  
16 John Truscott, the Schwarz Committee's media buyer, authored the proposed ad script and  
17 Marsden gave input for it. However, he stated that he had no other input on the actual ad  
18 that was run by RMSP-PAC.

19           Friends Communications (WABJ) provided documentation that an ad for RMSP-  
20 PAC also ran on its station between January 31, 2006 and February 3, 2006, at a cost of  
21 \$600. Friends Communications did not have a copy of the ad that ran, but stated that it  
22 arrived via e-mail (MP3) from RMSP-PAC. It appears that the ad that ran on WBCK is  
23 also the same ad that ran on WABJ because RMSP-PAC made payments to both of these

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1 radio stations on February 1, 2006. RMSP-PAC also made payments on February 1, 2006  
2 to Citadel Broadcasting Company and to Jackson Radio Works for radio ads, which  
3 apparently ran during this period on radio stations that they own.<sup>4</sup>

4 The radio ad run by RMSP-PAC in February 2006 was coordinated by the Schwarz  
5 Committee and RMSP-PAC within the meaning of the Act because it meets the three  
6 pronged test for coordination set forth in 11 C.F.R. § 109.21(a), (c) and (d). First, the  
7 payment prong is met because RMSP-PAC paid a total of \$1,005 to WBCK and WABJ  
8 radio stations. Second, the content prong is met because the radio ad contains expressly  
9 advocated the election of Joe Schwarz to the United States Congress. In the radio ad, Joe  
10 Schwarz is described as a leader with "a strong Republican record" as opposed to Tim  
11 Walberg, whose "campaign is bankrolled by a group of Washington special interests," and  
12 it urges listeners to "support Congressman Joe Schwarz, the Congressman with a real  
13 Republican record." See Attachment 2. Under the Commission's regulations, a  
14 communication contains express advocacy when it uses phrases such as "vote for the  
15 President," "re-elect your Congressman," "support the Democratic nominee," "cast your  
16 ballot for the Republican challenger U.S. Senate in Georgia, or "Smith for Congress."  
17 11 C.F.R. § 100.22(a). Since the ad asks listeners to "support Congressman Joe Schwarz,"  
18 it falls squarely within this portion of the regulation. The second part of the regulation  
19 encompasses a communication that, when taken as a whole or with limited reference to  
20 external events, "could only be interpreted by a reasonable person as containing advocacy

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<sup>4</sup> We contacted Citadel Broadcasting Company and Jackson Radio Works, but these companies were unable to locate documentation about ads that ran in February 2006. Moreover, in a meeting with RMSP-PAC's counsel where we requested documentation from RMSP-PAC detailing when each ad ran and how it was paid, RMSP-PAC, through counsel, stated that they have given us everything that they have and "the PAC does not even have records of when the ads were run, much less which ads were actually run."

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1 of the election or defeat of one or more clearly identified candidate(s) because" it contains  
2 an "electoral portion" that is "unmistakable, unambiguous, and suggestive of only one  
3 meaning" and "reasonable minds could not differ as to whether it encourages actions to  
4 elect or defeat one or more clearly identified candidate(s) or encourages some other kind of  
5 action." 11 C.F.R. § 100.22(b). The ad references by name the two opposing candidates in  
6 the upcoming Republican primary, and states that one of them has a "campaign" that "is  
7 bankrolled by a group of Washington special interests," and explicitly urges "support" of  
8 the other. Thus, the "electoral portion" is "unmistakable, unambiguous, and suggestive of  
9 only one meaning" --elect Schwarz, not Walberg-- and "reasonable minds could not differ  
10 as to whether it encourages actions to elect or defeat one or more clearly identified  
11 candidate(s) or encourages some other kind of action." Third, the conduct prong is  
12 satisfied because the radio ad was created and produced at the request or suggestion of the  
13 Schwarz Committee based on the e-mail and proposed script sent by Matt Marsden to  
14 Sarah Resnick on January 23, 2006. See 11 C.F.R. § 109.21(d)(1).

15 C. The July 2006 Ads

16 On June 15, 2006, Mr. Marsden sent another e-mail to Ms. Resnick, on the subject  
17 "Radio for Main Street." Attachment 3. In the e-mail, Mr. Marsden states "[h]ere are the  
18 stations and the areas. We do want to do WAAM in Ann Arbor and WWJ Lansing." *Id.*  
19 This e-mail also contains an e-mail trail (from most to least recent) from earlier on that  
20 same day from Louie Meizlish, Deputy Campaign Manager, to Matt Marsden, in which  
21 Mr. Meizlish writes "WJIM (Lansing), WBCK (Battle Creek), WLEN (Lenawee), WKHM  
22 (Jackson) and WTVB (Coldwater)," followed by "Do you want to hit WAAM Ann  
23 Arbor?;" another e-mail from John Truscott, the Schwarz Committee's media buyer, to

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1 Louie Meizlish in which Mr. Truscott says "Citadel [Broadcasting Co.], especially WJIM  
2 in Lansing is a musy [sic]. WBCK, WLEN – to tweak Wally in his back yard, the Jackson  
3 am station – drawing a blank on call ltrs. That's a good start;" and an e-mail from  
4 Mr. Meizlish to Mr. Truscott stating "Matt wanted me to touch base and see if you had a  
5 list of the radio stations on which RMSP should do ads." *Id.* Thus, the email from Marsden  
6 to Resnick provides RMSP-PAC with information on the radio stations on which the  
7 Schwarz Committee would like to see RMSP-PAC run ads. Moreover, when we  
8 questioned Mr. Marsden why he sent his June 15, 2006 e-mail to Ms. Resnick specifying a  
9 list of radio stations on which the PAC "should do ads," he said that "we were asked for  
10 radio stations by Main Street."

11 One month later, between July 17, 2006 and July 23, 2006, RMSP-PAC ran ads on  
12 radio stations WBCK, WKHM, Citadel Broadcasting Company's WJIM in Lansing, three  
13 of the stations referenced in the email, as well as on Citadel Broadcasting Company owned  
14 radio station WITL (also in Lansing), costing a total of \$5,878. RMSP-PAC's disclosure  
15 report also includes a payment on July 14, 2006 to Ventana Productions for \$1,000 for  
16 "radio ad production estimated cost" and lists Joe Schwarz as the candidate supported by  
17 this expenditure. In an affidavit submitted after the e-mails were produced, Mr. Marsden  
18 states that "[a]t the time of this e-mail, I would not have thought that simply providing a list  
19 of radio stations broadcasting within the District would have violated the prohibition  
20 against coordination. In retrospect, I acknowledge that" by sending the June 15, 2006  
21 email, "that I did in fact make a suggestion as to where ads would be run. At the same  
22 time, there were only a relatively small number of radio stations within the District where it  
23 would make sense for the RMSP-PAC to run ads." Of course, Mr. Marsden did not merely

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1 provide a list of radio stations broadcasting in the District—which Ms. Resnick could have  
2 researched independently—but, as he acknowledges, through his email and statements, he  
3 provided RMSP-PAC at its request with the specific stations on which, in the Schwarz  
4 Committee's views, RMSP-PAC "should do ads." In her third affidavit, Ms. Resnick states  
5 that she has "no recollection of any conversations relating to this suggestion" about the  
6 radio stations, but that during the time, she was involved in several campaigns and dealing  
7 with some personal family issues.

8       The July 2006 radio ads, see text in Attachment 4, were coordinated by RMSP-PAC  
9 and the Schwarz Committee within the meaning of the Act because they met all three  
10 prongs of the coordinated communications test. See 11 C.F.R. § 109.21(a), (c) and (d).  
11 First, they met the payment prong because RMSP-PAC paid a total of \$6,878 for them  
12 (including production costs). Second, they met the content prong because they were public  
13 communications that referred to Joe Schwarz, a clearly identified House candidate, and  
14 were publicly disseminated in July 2006 in Schwarz's jurisdiction within 90 days or fewer  
15 before the August 8, 2006 primary election. See 11 C.F.R. § 109.21(c)(4)(i). They also  
16 met the content standard because they contained express advocacy. A communication  
17 contains express advocacy when it uses phrases such as "vote for the President," "re-elect  
18 your Congressman," or "support the Democratic nominee." See 11 C.F.R. § 100.22(a).  
19 The ads state, after lauding Schwarz's accomplishments, "we know him, want him, back in  
20 Congress." The words "we . . . want him, back in Congress" are similar to the phrases  
21 cited in the regulation and they advocate that Mr. Schwarz should be elected. Moreover,  
22 those words, and the phrase "[t]his election is about jobs and the economy, and Joe  
23 Schwarz has delivered," when taken as a whole or with limited reference to external events,

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1 "could only be interpreted by a reasonable person" as advocating Mr. Schwarz's election  
2 because the "electoral portion" is "unmistakable, unambiguous and suggestive of only one  
3 meaning." See 11 C.F.R. § 100.22(b) and discussion *supra*. Finally, as discussed above,  
4 RMSP-PAC distributed the ads on particular radio stations at the request or suggestion of  
5 the Schwarz Committee, thus satisfying the conduct prong. See 11 C.F.R. § 109.21(d)(1).

6 A payment for a coordinated communication is made for the purpose of influencing  
7 a federal election, and is an in-kind contribution to the candidate's authorized committee  
8 that must be reported unless it meets certain exceptions not applicable here. See 11 C.F.R.  
9 § 109.21(b). Multicandidate political committees such as RSMP-PAC may not make  
10 contributions to a federal candidate and his or her authorized committee, which, in the  
11 aggregate, exceed \$5,000. 2 U.S.C. § 441a(a)(2). RMSP-PAC disclosed a \$1,000 direct  
12 contribution to the Schwarz Committee on June 13, 2005 and an in-kind contribution of  
13 \$865 on June 20, 2006 in connection with a fundraiser that RMSP-PAC held to benefit  
14 numerous candidates. The coordinated radio ads in February and July 2006 cost \$7,883.  
15 Therefore, RMSP-PAC made, and the Schwarz Committee accepted, contributions  
16 aggregating \$9,748, \$4,748 above the contribution limits, in violation of 2 U.S.C.  
17 § 441a(a)(2) and 441a(f), respectively, and did not disclose the contributions, in violation  
18 of 2 U.S.C. § 434(b). See 11 C.F.R. § 109.21(b).

19 Because the conduct between Matt Marsden and Sarah Resnick involved Mr.  
20 Marsden requesting or suggesting to Ms. Resnick the creation and distribution of ads to be  
21 run by RMSP-PAC on behalf of the Schwarz Committee, and Ms. Resnick requesting radio  
22 stations on which ads were to be run, we considered whether their actions were knowing  
23 and willful. However, it appears that Mr. Marsden and Ms. Resnick had limited knowledge

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1 and understanding of the statutory and regulatory provisions relating to coordinated  
2 communications, and, while their original responses were not complete, we have no  
3 evidence that the gaps were the product of concealment.

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**V. RECOMMENDATIONS**

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- 2.
- 3.
4. Find no reason to believe that former Congressman Joe Schwarz violated 2 U.S.C. § 441a(f).
5. Approve the appropriate letters.

Thomasenia P. Duncan  
General Counsel

12/9/08  
Date

BY:   
Ann Marie Terzagan  
Associate General Counsel  
for Enforcement

  
Susan L. Lebeaux  
Acting Deputy Associate General Counsel

  
Delbert K. Rigsby  
Attorney

**Attachments**

2. Transcript of RMSP-PAC Radio Ad that ran from January 31 to February 3, 2006
4. Transcript of RMSP-PAC Radio Ad that ran from July 17, 2006 to July 23, 2006



1/30 - 2/3/06  
cm 3698

**Republican Main Street Partnership PAC Radio  
AD to Run in Michigan - Jan.30 -Feb.3, 2006  
(From Ron Talley and Sarah Chamberlain Resnick)  
(202-682-3139 cell- 703-622-6722 [rontalley@aol.com](mailto:rontalley@aol.com))**

**(Music - UP BEAT-Patriotic- Political) :02 and  
under)  
(ANNOUNCER)**

**CONGRESSMAN JOE SCHWARZ IS A LEADER WITH EXPERIENCE  
... DEDICATION TO SERVICE ... A STRONG REPUBLICAN  
RECORD.**

**UNFORTUNATELY, THERE ARE SOME WHO WOULD RATHER  
DISTORT THE RECORD AND MISLEAD US.**

**PEOPLE LIKE TIM WALBERG ARE BEHIND THOSE  
DISTORTIONS. ITS NO WONDER -- HIS CAMPAIGN IS  
BANKROLLED BY A GROUP OF WASHINGTON SPECIAL  
INTERESTS... who even support Democrats !!!**

**IGNORE THE DISTORTED POLITICAL RENTORIC OF TIM  
WALBERG... AND SUPPORT  
CONGRESSMAN JOE SCHWARZ, THE CONGRESSMAN WITH A  
REAL REPUBLICAN RECORD.**

**(Music up and under, if time,:02**

**(ANNCR- DISCLAIMER)**

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# CITADEL BROADCASTING COMMERCIAL COPY

WPMK WITL WJIM-AM WJIM-FM WMMQ WVPN

Written by:  
Salesperson: Fast  
Length: 60  
Spot Name: Joe Schwarz 002

Client: Issue/Rep Mainstrt Prtnr Pact  
Co-op:  
Start Date: End Date:  
Copy Approval By Client (X)

IT'S MICHIGAN CONGRESSMAN FRED UPTON, I DON'T KNOW ABOUT YOU BUT I CAN'T STAND NEGATIVE CAMPAIGN ADS ESPECIALLY LIKE THE ONES AGAINST JOE SCHWARZ. I'VE KNOWN JOE SCHWARZ A LONG TIME AND I'VE SEEN JOE SCHWARZ IN ACTION. JOE SCHWARZ LEAD THE SUCCESSFUL EFFORT TO KEEP THE NATIONAL GUARD BASE OPEN IN BATTLE CREEK, SAVING THOUSANDS OF JOBS IN OUR OWN BACKYARD. WHETHER IT'S BRINGING BACK HOME MILLIONS OF DOLLARS TO WIDEN I-94, OR KEEPING CANADA'S TRASH OUT, JOE SCHWARZ HAS BEEN A LEADER. JOE SCHWARZ HAS BEEN WILLING TO STAND UP TO BIG OIL AND SUPPORT LEGISLATION PROMOTING ETHANOL WHICH HELPS OUR FARMERS AND LOWERS GAS PRICES. BUT DON'T JUST TAKE MY WORD FOR IT, BECAUSE OF HIS EFFECTIVE RECORD OF BRINING JOBS BACK HOME TO MICHIGAN, JOE'S BEEN ENDORSED BY THE CHAMBER, FARM BUREAU, THE TOP MICHIGAN REPUBLICAN LEADERS AND OUR PRESIDENT GEORGE BUSH. PRETTY GOOD MEASURING STICKS. DON'T LET OUT OF STATE INTERESTS TELL YOU ANY DIFFERENT, WE KNOW HIM, WANT HIM, BACK IN CONGRESS. PUT IT THIS WAY, WE ROOT FOR THE TIGERS, OUR HOME TOWN TEAM, NOT THE SOX OR THE YANKEES. THIS ELECTION IS ABOUT JOBS AND THE ECONOMY, AND JOE SCHWARZ HAS DELIVERED. PAID FOR BY MAINSTREAM PARTNERSHIP PACT. NOT AUTHORIZED BY ANY CANDIDATE COMMITTEE.

29044243913

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NOTARY

Jennifer M Chavez, Station Official

Station

ATTACHMENT 4  
Page 1 of 1