

January 13, 2020

Mr. Omar Ashmawy
Chief Counsel and Staff Director
Office of Congressional Ethics
U.S. House of Representatives
P.O. Box 895
Washington, D.C. 20515

Re: Request for Investigation into NRCC and its Chairman, Representative Tom Emmer (MN-06)

Dear Mr. Ashmawy,

I respectfully request that the Office of Congressional Ethics (“OCE”) initiates an investigation into the National Republican Congressional Committee (“NRCC” or “the Committee”)—the political arm of Republicans in the House of Representatives—and NRCC Chairman Representative Tom Emmer of Minnesota’s sixth congressional district for their apparent egregious misuse of official House resources for political purposes. The House Ethics Manual clearly and unequivocally states that House buildings and offices constitute official resources and must not be used for campaign or political activities. But that is *exactly* what Representative Emmer, through NRCC, appears to have done here. During the past couple of months, NRCC and its own staffers or others acting on its behalf seem to have taken videos of Democratic Members in House buildings and hallways as someone badgered them with questions and posted them on NRCC’s Twitter accounts to tout the Committee’s political messaging.

It is undisputed that a Member cannot film a campaign advertisement in a House building or hallway. It is equally undisputed that Members cannot circumvent this well-established ethics principle simply by filming a campaign advertisement for a Member’s political party arm instead of their own re-election campaign, or by hiring others to do it for them. House ethics rules exist to maintain decorum and order in the House of Representatives. Members are supposed to be legislating and serving their constituents—not following political opponents around House buildings and filming them for partisan gain. Representative Emmer’s conduct, through NRCC, appears to be an egregious violation of federal law and House ethics rules. These actions deeply undermine the dignity of, and reflect discreditably upon, the House of Representatives. Thus, OCE should investigate and hold Representative Emmer and NRCC accountable immediately.

Factual Background

NRCC is a national political party committee and the political arm of Republican Members of the House of Representatives, organized under Section 527 of the U.S. Internal Revenue Code and registered with the Federal Election Commission.¹ In its own words, NRCC is “devoted to increasing the number of Republicans in the U.S. House of Representatives.”² Representative Tom Emmer currently represents Minnesota’s sixth congressional district in the U.S. House of

¹ NRCC, FEC Form 1, *Statement of Organization* (Oct. 22, 2019), available at <https://docquery.fec.gov/cgi-bin/forms/C00075820/1360684/>.

² NRCC, *About*, <https://www.nrcc.org/about/> (last visited Oct. 30, 2019).

Representatives, serving since January 2015. In November 2018, NRCC named Representative Emmer as its chairperson.³ NRCC operates a Twitter account using the handle @NRCC, which describes its purpose as “defeating Democrats and taking back the House in 2020” and includes a link to the Committee’s website.⁴

On December 18, 2019, the U.S. House of Representatives impeached President Donald J. Trump on charges of abuse of power and obstruction of Congress.⁵ Throughout December 18 and 19, as Members of the House prepared to vote to approve the articles of impeachment, NRCC seems to have dispatched employees and/or agents or others acting on its behalf to House office buildings to film Democratic Members, ask them questions about impeachment, and make unrelated political allegations against them.

NRCC then posted dozens of these videos on its respective Twitter accounts.⁶ In one video posted by NRCC regional press secretary Camille Gallo, a person can be heard asking a Member, “Are you frustrated with Nancy Pelosi for having you vote for impeachment and not lose [sic] your seat?”⁷ The video is accompanied with a caption that reads in part, “VOTE HER OUT!”⁸ In another video posted by NRCC regional press secretary Torunn Sinclair, a person can be heard asking a Member, “Do you plan on spending another \$9 million to try and win your seat in 2020?”⁹ Later, the Chairwoman of the Republican National Committee (“RNC”) used some of the videos posted by NRCC and its employees in an advertisement for the RNC and posted it on her Twitter account; NRCC then retweeted this post, thereby further attempting to amplify the videos that its apparent staff and/or agents filmed.¹⁰

As of the date of this Complaint, NRCC continues to post on its Twitter account videos of Democratic Members filmed in House office buildings and hallways by apparent NRCC staff and/or agents acting on NRCC’s behalf. For example, on January 9, 2020 alone, NRCC posted 10

³ See Ryan Faircloth, *Minnesota Congressman Tom Emmer to lead House GOP campaign wing*, St. Paul Pioneer Press (Nov. 15, 2018 12:48 PM), <https://www.twincities.com/2018/11/15/minnesota-congressman-tom-emmer-to-lead-house-gop-campaign-wing/>.

⁴ See NRCC (@NRCC), Twitter, <https://perma.cc/ZC2N-S3EH> (last visited Dec. 20, 2019).

⁵ See Nicholas Fandos & Michael D. Shear, *Trump Impeached for Abuse of Power and Obstruction of Congress*, N.Y. Times (Dec. 19, 2019, 10:45 AM), <https://www.nytimes.com/2019/12/18/us/politics/trump-impeached.html>.

⁶ See, e.g., Carly Atchison (@CarlyAtch), Twitter (Dec. 19, 2019 1:55 PM), <https://perma.cc/9KVU-PDNW>; Torunn Sinclair (@TorunnSinclair), Twitter (Dec. 19, 2019 1:20 PM), <https://perma.cc/E693-V6A2>; Bob Salera (@BobSalera), Twitter (Dec. 19, 2019 1:00 PM), <https://perma.cc/WF4G-N99D>; Camille M. Gallo (@camillegallo), Twitter (Dec. 19, 2019 12:51 PM), <https://perma.cc/9JHZ-XLU9>; NRCC (@NRCC), Twitter (Dec. 19, 2019 10:33 AM), <https://perma.cc/4NLA-N8SP>; Torunn Sinclair (@TorunnSinclair), Twitter (Dec. 19, 2019 8:01 AM), <https://perma.cc/Z8X8-LBJL>; Carly Atchison (@CarlyAtch), Twitter (Dec. 19, 2019 8:45 AM), <https://perma.cc/HD7V-WNBZ>; Carly Atchison (@CarlyAtch), Twitter (Dec. 19, 2019 8:50 AM), <https://perma.cc/SML2-WQUE>; Michael McAdams (@M_McAdams), Twitter (Dec. 19, 2019 8:03 AM), <https://perma.cc/C4N4-S2ME>; NRCC (@NRCC), Twitter (Dec. 18, 2019 6:10 PM), <https://perma.cc/2R86-ZTUQ>; NRCC (@NRCC), Twitter (Dec. 18, 2019 8:09 AM), <https://perma.cc/LR2Z-6WD9>.

⁷ Camille M. Gallo (@camillegallo), Twitter (Dec. 19, 2019 1:16 PM), <https://perma.cc/4ZST-2BBL>.

⁸ *Id.*

⁹ Torunn Sinclair (@TorunnSinclair), Twitter (Dec. 19, 2019 10:29 AM), <https://perma.cc/7ZYG-WTFF>.

¹⁰ Ronna McDaniel (@GOPChairwoman), Twitter (Dec. 19, 2019 1:28 PM), <https://perma.cc/BYE3-968G>.

videos of Democratic Members being followed by what appear to be either employees and/or agents of NRCC inside House buildings.¹¹

Legal Analysis

Under federal law, “[a]ppropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.”¹² The House Ethics Manual explains that “official resources of the House must . . . be used for the performance of official business of the House, and hence . . . may not be used for campaign or political purposes.”¹³ The term “official resources” refers to any good or service paid for using federally-appropriated funds, including staff time and materials created by official staff on official time.¹⁴ “Official resources” also includes “[t]he House buildings, and House rooms and offices—including district offices,” which “are supported with official funds and hence are considered official resources.”¹⁵ As a result, House buildings, rooms, and offices “may not be used for the conduct of campaign or political activities.”¹⁶ For instance, no Member or employee thereof may film a campaign commercial or take campaign photos in a congressional office.¹⁷ It makes no difference if the campaign commercial or photos are for the Member’s own re-election, another Member’s re-election, or a political party committee.

Thus, Representative Emmer, as Chair of NRCC, may not allow NRCC staff and/or agents to engage in political activities in House buildings.

And yet, the facts suggest that is exactly what happened here. NRCC employees and/or agents or others acting on its behalf filmed themselves chasing Democratic Members in House buildings, badgering them with political questions, and then posted that footage on NRCC’s Twitter accounts for political purposes.

Nobody would argue that a Member may legally follow around and film a political opponent in a House building and use the footage in a campaign advertisement. Members cannot dodge these well-established rules by doing it through a political party committee like NRCC, which they control, or by having agents do the filming for them.

House ethics rules prohibiting the use of official resources for political purposes exist in large part to establish and maintain decorum and order in the House of Representatives. These rules ensure that Members prioritize serving their constituents, making laws, and upholding and defending the

¹¹ NRCC (@NRCC), Twitter (Jan. 9, 2020 12:26 PM), <https://perma.cc/DW3G-NJXF>; NRCC (@NRCC), Twitter (Jan. 9, 2020 11:58 AM), <https://perma.cc/6ZK4-5E5T>; NRCC (@NRCC), Twitter (Jan. 9, 2020 11:43 AM), <https://perma.cc/6QL7-XX6U>; Michael McAdams (@M_McAdams), Twitter (Jan. 9, 2020 11:32 AM), <https://perma.cc/E6KJ-3V5G>; NRCC (@NRCC), Twitter (Jan. 9, 2020 11:32 AM), <https://perma.cc/K4BB-CGK6>; NRCC (@NRCC), Twitter (Jan. 9, 2020 11:18 AM), <https://perma.cc/8D3U-GS3T>; NRCC (@NRCC), Twitter (Jan. 9, 2020 10:30 AM), <https://perma.cc/3GPK-7LLH>; NRCC (@NRCC), Twitter (Jan. 9, 2020 8:45 AM), <https://perma.cc/34PS-X6FR>; NRCC (@NRCC), Twitter (Jan. 9, 2020 8:08 AM), <https://perma.cc/3PC2-34NM>; NRCC (@NRCC), Twitter (Jan. 9, 2020 7:58 AM), <https://perma.cc/XK8Z-F2KK>.

¹² 31 U.S.C. § 1301(a).

¹³ House Comm. on Standards of Official Conduct, House Ethics Manual 123 (2008).

¹⁴ *Id.*

¹⁵ *Id.* at 127.

¹⁶ *Id.*

¹⁷ *See id.*

Constitution above electoral politics and partisan cheap shots. But NRCC staff and/or agents appear to have violated these well-established rules. Their conduct reflects a complete and total disregard for this decorum. Unless Representative Emmer and NRCC are held accountable, the People's House will simply become another tool of campaigns to malign political opponents and win elections.

The House Ethics Manual makes clear that “[t]he misuse of the funds and other resources that the House of Representatives entrusts to Members for the conduct of official House business is a very serious matter.”¹⁸ The blatant and egregious conduct here reflects discreditably upon the House of Representatives¹⁹ and turns House buildings into a battlefield for partisan warfare. Therefore, I strongly urge OCE to immediately initiate an investigation into this matter and hold Representative Emmer and NRCC accountable.

In accordance with 18 U.S.C. § 1001, I affirm that, to the best of my knowledge and ability, all evidence submitted was not obtained in violation of any law, rule, or regulation.

Sincerely,



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¹⁸ *Id.* at 124.

¹⁹ *See* House Rule XXIII, cl. 1 (“A Member, Delegate, Resident Commissioner, officer, or employee of the House shall behave at all times in a manner that shall reflect creditably on the House.”).