



GOVERNMENT  
ACCOUNTABILITY  
INSTITUTE

# America the Vulnerable: *Are Foreign and Fraudulent Online Campaign Contributions Influencing U.S. Elections?*



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[www.g-a-i.org](http://www.g-a-i.org)

*I don't think American elections should be bankrolled by America's most powerful interests, and worse, by foreign entities.*

—President Obama

2010 State of the Union Address



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## EXECUTIVE SUMMARY

The Government Accountability Institute (GAI or “the Institute”) conducted an extensive eight-month investigation into the potential for foreign and fraudulent online campaign donations to influence House, Senate, and presidential elections. The findings are alarming. As FBI surveillance tapes have previously shown, foreign governments understand and are eager to exploit the weaknesses of American campaigns.<sup>1</sup> This, combined with the Internet’s ability to disintermediate campaign contributions on a mass scale, as well as outmoded and lax Federal Election Commission rules, make U.S. elections vulnerable to foreign influence.

The Government Accountability Institute’s September 26<sup>th</sup> report, *America the Vulnerable: Are Foreign and Fraudulent Online Contributions Influencing U.S. Elections?*, is the first extensive analysis of the Internet’s role in facilitating illegal fraudulent contributions and campaign donation solicitations to foreign nationals.

Key findings include:

- **Nearly Half of Congress Vulnerable to Fraudulent and Foreign Donations:** Of the 446 House and Senate members who have an online donation page, 47.3% do not require the three or four digit credit card security number (officially called the Card Verification Value, or the CVV) for Internet contributions. The CVV is an industry-standard anti-fraud credit card security feature used by over 90% of all e-commerce operations and nineteen of the twenty largest charities in the United States.<sup>2</sup> By not protecting themselves with industry-standard security, larger campaigns pay millions of dollars in extra card processing fees that could otherwise be avoided with the use of the CVV
  - The other industry-standard anti-fraud security feature is the software used to check a donor’s address against the address on file for the credit card. It is unknown whether federal campaigns protect

<sup>1</sup> David Rose, “An Inconvenient Patriot,” *Vanity Fair*, August 15, 2005, <http://www.vanityfair.com/politics/features/2005/09/edmonds200509>.

<sup>2</sup>“2012 Online Fraud Report – 13th Annual Edition.” *Cybersource Resource Center*: 3, [http://www.cybersource.com/cgi-bin/resource\\_center/resources.cgi](http://www.cybersource.com/cgi-bin/resource_center/resources.cgi)



themselves with this cross-referencing software (officially called the Address Verification System, or AVS). Unlike the CVV, it is difficult to tell if and to what degree a website uses the AVS

- Given the scope of the problem within Congress, the Institute created an interactive 50-state map to allow citizens and journalists to identify which members of Congress lack industry-standard anti-fraud credit card protection on their campaign donation websites. Go to: [www.CampaignFundingRisks.com](http://www.CampaignFundingRisks.com)  
(see page 42)

- **Third-Party Fundraising Organizations Lacking Industry-Standard Anti-Fraud Credit Card Security Funneling Millions to Federal Candidates:** Third-party political fundraising organizations, such as ActRight and ActBlue, distribute millions of dollars to federal candidates, but lack industry-standard anti-fraud credit card security features to block fraudulent and international donations. (see page 45)
- **Presence of Fake RNC and DNC Donation Websites:** The Institute uncovered and identified an individual who established websites posing as both the Republican and Democratic National Committees. The individual has operated the phony websites for years and has accepted thousands of dollars in “donations.” GAI’s findings were detailed by ABC News.<sup>3</sup> (see pages 37-38)
- **Donation Solicitations On Foreign Websites To Then-Candidate Marco Rubio’s 2010 Donation Page:** The Institute discovered multiple Spanish language, foreign websites featuring video links that included embedded advertising directing individuals to the donation solicitation page of then-U.S. Senate candidate Marco Rubio. In addition, Rubio lacked CVV protection, which was corrected in May of 2012. As of this report’s publication date, many of these links are still up and active.

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<sup>3</sup> Cindy Galli, Matthew Mostk, and Rhonda Schwartz, “GOP, Dem Donors Misled by Look-Alike Websites,” *ABC News*, September 21, 2012, <http://abcnews.go.com/Blotter/gop-dem-donors-misled-alike-websites/story?id=17228155#.UGHjhUufTQ>



This is a potential violation of the Federal Election Commission (FEC) solicitation laws. (see page 43)

- **Presidential Candidates Lack Transparency Of Small Donations:** Campaigns are not required to disclose donations from individuals who gave less than \$200 in a campaign cycle unless the campaign is audited. Furthermore, campaigns do not even need to keep records of those who gave less than \$50. Presidential candidates are raising large amounts of money that fall under the \$200 threshold and audits are rare unless a campaign accepts federal matching funds. To this date (September 26, 2012), the Romney campaign has raised \$58,456,968 and the Obama campaign has raised \$271,327,755 in contributions under \$200 for the 2012 campaign cycle. In the 2008 presidential elections, the Obama campaign raised \$335,139,233 in donations under \$200. Neither campaign has accepted federal matching funds nor have ever been audited. (see page 31)
- **Threat Of “Robo-Donations”:** The absence of industry-standard anti-fraud credit card security features render campaigns more vulnerable to so-called “robo-donations.” Robo-donations are large numbers of small, automated donations made through the Internet to evade FEC reporting requirements. (see page 39)
- **Given the state-of-the art digital sophistication of the President’s re-election campaign—including social media, micro-targeting and data-mining—its online donation system contains at least three major security vulnerabilities:**
  1. The absence of the industry-standard CVV and unknown use of AVS anti-fraud security for online credit card donations
  2. The presence of a branded, major third party-owned website (Obama.com) redirects its 68% foreign traffic to a campaign donation page



3. Active foreign solicitation using indiscriminate email solicitations and exposure to social media

Specifically:

- *Obama Campaign Lacks the Industry-Standard Level Of Credit Card Security For Donations, But Uses It For Merchandise Purchases:* To purchase Obama campaign merchandise, the campaign requires buyers to enter their credit card CVV security code, but does not require the credit card security code to be entered when making an online campaign donation (see page 61). By GAI's estimates, the Obama campaign's failure to utilize industry-standard protections potentially costs the campaign millions in extra processing fees. (see pages 36 and 60)
- *Obama.com Purchased By An Obama Bundler In Shanghai, China With Questionable Business Ties to State-Run Chinese Enterprises:* In 2008, Obama.com was purchased by an Obama fundraiser living in Shanghai, China, whose business is heavily dependent on relationships with Chinese state-run television and other state-owned entities. (see page 63)
- *68% Of Traffic To Anonymously Registered Obama.com Is Foreign:* According to industry leading web analytics site Markosweb, an anonymously registered redirect site (Obama.com) features 68 % foreign traffic. Starting in December 2011, the site was linked to a specific donation page on the official BarackObama.com campaign website for ten months. The page loaded a tracking number, 634930, into a space on the website labeled "who encouraged you to make this donation." That tracking number is embedded in the source code for Obama.com and is associated with the Obama Victory Fund. In early September 2012, the page began redirecting to the standard Obama Victory Fund donation page



Search engine optimization (SEO) efforts, using common spamming techniques, may have been undertaken by unknown third-parties, generating foreign traffic to Obama.com

### *Research Protocol*

The above findings are the result of an eight-month extensive investigation that utilized a variety of tools, including custom spidering software, to find thousands of foreign webpages with links going to the campaign donation pages. Researchers, under the legal guidance of a former U.S. Attorney, executed the research protocol.

Specifically, computer researchers examined:

- Current industry-standard anti-fraud security tools, specifically the Card Verification Value (CVV) and the Address Verification System (AVS)
- Whether federal elected office-holders who accept online credit card donations employ the CVV
- The campaign online fundraising operations of elected federal officials and candidates
- Internet traffic flow—volume, geographical origin, trends—going directly to campaign donation pages
- Possible search engine optimization efforts to direct foreign traffic to campaign websites
- Campaign e-mail solicitation efforts sent to individuals outside of the United States
- Campaign exposure and interaction with foreign social media
- The management of certain anonymously registered redirect websites
- The potential existence of “robo-donation” computer programs



- The hyperlinks from campaign email solicitations posted on foreign language websites

### *Recommendations*

Presently, campaigns solicit donations around the world. However, there are few requirements for confirming that incoming donations did not come from foreign nationals or governments. Surprisingly, little transparency is required. Instead, the current system entrusts political campaign consultants and officials, not FEC officials, with maintaining the integrity of the electoral process.

To correct this, several low-cost, easy-to-implement reforms should be put in place:

- Integrate safeguards to limit the solicitation of money from foreigners by requiring donors with foreign IP addresses to provide proof of U.S. citizenship before they can proceed to the donate page
- Immediately require campaigns to use industry-standard anti-fraud security technologies including, but not limited to, the Card Verification Value (CVV) and a rigorous Address Verification System (AVS)
- Immediately require all campaigns to retain and disclose identifying information on all online campaign contributions, including those falling under the \$200 nondisclosure threshold currently allowed under federal law
- The Federal Election Commission (FEC) should enforce existing law concerning the solicitation and acceptance of foreign contributions to U.S. federal campaigns

Protecting the legitimacy and legality of the U.S. election system is paramount. Currently, federal election law prohibits the solicitation of foreign nationals for campaign contributions, but this law is widely ignored. Moreover, the current system does little to encourage campaigns to aggressively police themselves and monitor incoming foreign donations. For these reasons, the U.S. Attorney overseeing this investigation recommends that copies of this report be submitted



to the Federal Bureau of Investigation, the Department of Justice, and several state attorney generals for immediate review.



PART I  
The History of Campaign Donor Fraud & Foreign  
Influence in U.S. Elections

America’s prominence over the past century has given foreign powers and entities an interest in influencing the American electoral process. Indeed, foreign powers and actors, friends and foes alike, have long sought to influence American elections through illicit campaign contributions.

Though restricting foreign contributions was not codified into the law until the 1960s, the idea is rooted in American history. The U.S. Constitution, for example, forbids federal officials from receiving gifts from a “King, Prince or foreign State.”<sup>4</sup> However, when it was revealed that Philippine sugar manufacturers were giving heavy campaign contributions to U.S. politicians in an attempt to shift policies related to sugar quotas, Congress took action.<sup>5</sup> An amendment to the Foreign Agents Registration Act was introduced in 1966, making it a felony for a candidate to knowingly receive or solicit foreign donations or for a “foreign principal” to “use an agent to contribute to domestic campaigns.”<sup>6</sup> According to Senator William Fulbright, the law was necessary to protect “the integrity of the decision-making process of our Government” and to guard from the realities of foreign entities using more than “diplomatic means to influence government policies.”<sup>7</sup> The bill received strong bipartisan support and easily passed into law.

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4 U.S. Const. art.I, § 9, cl. 8.

5 Lori Fislser Damrosch, “Politics Across Borders: Nonintervention and Nonforcible Influence over Domestic Affairs,” *The American Journal of International Law* 83 (1989): 1-50.

6 Jeffrey K. Powell, “Prohibitions on Campaign Contributions from Foreign Sources: Questioning their Justification in a Global Interdependent Economy,” *University of Pennsylvania Journal of International Economics and Law* 17 (2006): 960.

7 Bruce D. Brown, “Alien Donors: The Participation of Non-Citizens in the US Campaign Finance System,” *Yale Law and Policy Review* 15, no. 2 (1997): 509.



## Foreign Involvement

The 1966 law was not enough. By 1974 it became clear that foreign governments and individuals were still pouring large sums of money into American presidential campaigns. During the 1972 campaign, President Richard Nixon allegedly received \$1.5 million from the Shah of Iran, approximately \$10 million from Arab interests, and \$2 million from French businessman, Paul Louis Weller.<sup>8</sup> Other reports claimed that the military government in Greece had also provided funds for the Nixon campaign, along with contributions from Canada and Uruguay. A Greek industrialist was said to have given a \$25,000 contribution after he had received a \$4.7 million contract to supply fuel to the U.S. Navy.<sup>9</sup>

As a result of those charges and revelations, in 1976 Senator Lloyd Bentsen of Texas proposed an amendment to the Foreign Agents Registration Act that would bar all foreign nationals, aside from resident aliens, from contributing to domestic campaigns.<sup>10</sup> Bentsen declared that he did “not think foreign nations have any business in our political campaigns. They cannot vote in our elections, so why should we allow them to finance our elections? Their [foreign nations’] loyalties lie elsewhere; they lie with their own countries and their own governments.” The so-called Bentsen Amendment passed, giving the FEC the power of policing the issue.

The problem of foreign involvement in federal campaigns persisted despite the tightened laws. During the 1980 Presidential election, Philippine President Ferdinand Marcos installed a plan to funnel cash to both the campaigns of both President Jimmy Carter and his challenger, Ronald Reagan.<sup>11</sup>

U.S. government electronic intercepts reveal that, in 1991, the Chinese government pushed a California-based Chinese agent named Katrina Leung “to become a major contributor

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8 Powell, 961.

9 Kenneth P. Vogel, “Lawsuit revives fears of foreign cash,” *Politico*, May 12, 2011, [http://www.politico.com/news/stories/0511/54802\\_Page2.html](http://www.politico.com/news/stories/0511/54802_Page2.html).

10 Cong. Rec. 71st Cong., 2nd sess., 1930, 72, pt. 10:10828:30; Cong. Rec. 93 Cong., 8783 (1974).

11 Jeff Gerth, “Plan for Contributions to Reagan and Carter found in Marcos Files,” *New York Times*, March 19, 1986, 1. <http://www.nytimes.com/1986/03/19/world/plan-for-contributions-to-reagan-and-carter-found-in-marcos-files.html>.



to the Republican Party.”<sup>12</sup> President Jiang of China allegedly told Leung that the effort was important “because we don’t know if a new president would be as friendly as Bush.” As China’s spy chief Jiao Chunwang told her, “we take every opportunity to support people we like...It would be nice to have friends like you to be involved in U.S. politics. Every little thing adds up.” Leung went on to contribute \$27,000 to the GOP in the 1990s.<sup>13</sup>

China was not the only region from which foreign donations made their way into U.S. elections. Reports show that a powerful Indonesian family, the Riadys, funneled money to U.S. politicians through an international banking conglomerate called the Lippo Group.<sup>14</sup> Between 1991 and 1993, the Riadys reportedly transferred at least \$800,000 through shell companies to the Clinton campaign.<sup>15</sup> The *New York Times* later reported allegations that the White House had softened its policy regarding human rights in Indonesia because of the donations.<sup>16</sup>

Chinese efforts to influence American presidential campaigns continued in 1996. The *Washington Post* reported a link between campaign contributions and the government of the People’s Republic of China (PRC) in 1997: “A Justice Department investigation into improper political fundraising activities has uncovered evidence that the People’s Republic of China sought to direct contributions from foreign sources to the Democratic National Committee before the 1996 presidential campaign.”<sup>17</sup> Another report declared that “top” Chinese officials approved plans to “attempt to buy influence with American politicians” before and after the elections.<sup>18</sup> The *New York Times* further reported that conversations intercepted by U.S. intelligence between Chinese government officials revealed that front companies for the PRC might try to funnel cash to U.S. campaigns.<sup>19</sup>

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12 David Wise, *Tiger Trap: America’s Secret Spy War with China* (Boston: Houghton Mifflin, 2011) 110.

13 Wise, 251.

14 Associated Press, “Clinton Donor Pleads Guilty,” *CBS News*, February 11, 2001, <http://www.cbsnews.com/stories/2001/03/20/politics/main280178.shtml>.

15 Donald R. Liddick, “Campaign Fund-Raising Abuses and Money Laundering in Recent U.S. Elections: Criminal Networks in Action,” *Crime, Law and Social Change* 34, no. 2 (September 2000).

16 David E. Sanger, “Administration Moves to Defend Indonesia Policy After Criticism,” *New York Times*, October 17, 1996, [www.nytimes.com/1996/10/17/us/administration-moves-to-defend-indonesia-policy-after-criticism.html?pagewanted=all&src=pm](http://www.nytimes.com/1996/10/17/us/administration-moves-to-defend-indonesia-policy-after-criticism.html?pagewanted=all&src=pm).

17 Bob Woodward and Brian Duffy, “Chinese Embassy Role In Contributions Probed,” *Washington Post*, February 13, 1997, <http://www.washingtonpost.com/wp-srv/politics/special/campfin/stories/china1.htm>.

18 Bob Woodward, “FBI Links Top China Officials, U.S. Donations,” *LA Times*, April 5, 1997, [http://articles.latimes.com/1997-04-25/news/mn-52236\\_1\\_white-house-official](http://articles.latimes.com/1997-04-25/news/mn-52236_1_white-house-official).

19 Liddick, “Campaign Fund-Raising Abuses and Money Laundering in Recent U.S. Elections: Criminal Networks in Action,” 2.



The most famous example of Chinese officials funding U.S. elections is the case of Chinese Agent Johnny Chung. On May 15, 1998, *The New York Times* reported that a large part of the nearly \$100,000 Chung gave to political causes in the summer of 1996 came from Chinese military officials.<sup>20</sup> Chung captured the realities of political fundraising when he famously said, “I see the White House like a subway—you have to put in coins to open the gates.” He later recounted to a House committee that General Ji Shengde, head of military intelligence of the PLA, told him, “We really like your President...I will give you \$300,000 U.S. ... You can give it to your president and the Democrat Party.” Thirty-five thousand of those dollars found their way into Democratic National Committee coffers.

During the same time period, the FBI gave individual classified briefings to six members of Congress, warning the members that they had “been targeted by China to receive illegal campaign contributions funneled through foreign corporations.”<sup>21</sup> The briefings were based on so called “specific and credible” intelligence information.

Foreign governments clearly understand how to make large contributions while minimizing the risk of detection. In 2005, for example, a former FBI translator reported the contents of a FBI surveillance operation involving the Turkish consulate in Chicago in 2001 at 2002.<sup>22</sup> According to published accounts, Turkish government officials bragged about sending hundreds of thousands of dollars in “un-itemized contributions” to then Speaker of the House Dennis Hastert’s campaign between 1996 and 2000. These Turkish officials clearly recognized the need for making a large number of contributions under \$200 a piece to avoid detection via the campaign’s reporting requirements to the FEC. Though Hastert’s office denied the claim, stating that there were no contributions of “questionable origin or legality,” the FBI’s surveillance findings show that foreign nationals are keenly aware of the weaknesses of the FEC’s regulations.

More recently, the FBI revealed in court documents that the government of Pakistan, specifically its powerful spy agency Inter-Services Intelligence, has shuttled campaign donations

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20 David Johnston, “Committee Told of Beijing Cash for Democrats,” *New York Times*, May 12, 1999, <http://www.nytimes.com/1999/05/12/us/committee-told-of-beijing-cash-for-democrats.html>.

21 Brian Duffy and Bob Woodward, “FBI Warned 6 Lawmakers of China Donation Plan,” *Los Angeles Times*, March 9, 1997

22 David Rose, “An Inconvenient Patriot,” *Vanity Fair*, August 15, 2005, <http://www.vanityfair.com/politics/features/2005/09/edmonds200509>.



through intermediaries to presidential candidates and members of Congress who sat on the Foreign Affairs Committee, notably Congressman Dan Burton.<sup>23</sup> The Pakistanis also sequestered cash to the National Republican Senatorial Committee.

Foreign governments are not the only ones who have tried to influence American elections; foreign criminal gangs have as well. As one legal scholar put it, “because the American political system depends so heavily on private financing in electoral campaigns, it is vulnerable as a matter of course to criminal intrusions.”<sup>24</sup> Charlie Trie, an alleged member of the Four Seas Triad, an organized crime ring, settled in Little Rock, Arkansas and contributed more than \$200,000 towards the Clinton campaign’s political events and \$460,000 to President Clinton’s legal defence fund.<sup>25</sup> His contributions were apparently reimbursed from accounts in Taiwan and Cambodia with wire transfers administered by the state-owned Bank of China.

The present state of the federal election process is not immune to the problems of the past. Democratic Party election lawyer Joseph Sandler, who worked on internal Democratic Party reforms, worries that loopholes still exist today: “I think there’s a consensus that we don’t want foreign nationals influencing our elections. What I’d be worried about now is the same big money and failed vetting that we saw in the late ‘90s. All the warning signs are there.”<sup>26</sup>

The U.S. has banned foreign campaign contributions, as have other nations like Japan, Germany, and the United Kingdom, out of the belief that accepting them will threaten national sovereignty and that the U.S. should determine its own laws and elect its own officials free of outside interference.<sup>27</sup> In January 2012, the U.S. Supreme Court unanimously upheld these laws as constitutional in the case of *Bluman, et al. v. Federal Election Commission*.<sup>28</sup>

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23 Charlie Savage and Eric Schmitt, “Pakistan’s Military Plotted to Tilt U.S. Policy, FBI Says,” *New York Times*, July 19, 2011, [http://www.nytimes.com/2011/07/20/us/politics/20agent.html?\\_r=1&pagewanted=all](http://www.nytimes.com/2011/07/20/us/politics/20agent.html?_r=1&pagewanted=all).

24 In the 1990s, Russian émigrés living in the U.S. believed to have had links with organized crime made campaign contributions to both Republicans and Democrats. Robert J. Kelly, “The Political-Criminal Nexus in The United States,” *Trends in Organized Crime* 5, no. 2 (Winter 1999); Thomas Catan, “Russian Mafia Link to U.S. Campaign Funds,” *Social Contract Journal*, 10:2 (1999).

25 S. Rep. No. 105 -167.

26 Stephen Braun, “Foreign donations at risk in super PAC landscape,” *The Washington Times*, February 10, 2012, <http://www.washingtontimes.com/news/2012/feb/10/foreign-donations-risk-super-pac-landscape/?page=all>.

27 Specifically Article 22 of Japan’s Political Funds Control Law; see also Jun Hongo and Alex Martin, “Maehara Donation Trap easy to Fall Into, and Rectifiable,” *Japan Times Online*, March 9, 2011, <http://www.japantimes.co.jp/text/nn20110309a2.html>; Germany prohibits donations from aliens outside of the European Union if the donation exceeds €1,000 (US \$1,300). See also, Law Library of Congress, “Campaign Finance: Comparative Summary,” <http://www.loc.gov/law/help/campaign-finance/comparative-summary.php#speech>.

28 John Cushman Jr., “Supreme Court Retains Ban on Foreign Campaign Donations,” *New York Times*, January 9, 2012, <http://thecaucus.blogs.nytimes.com/2012/01/09/supreme-court-retains-ban-on-foreign-campaign-donations/>.



## The Internet Age

In the past, foreign governments have relied on middlemen to transfer illegal campaign contributions. With the explosion of Internet campaign fundraising, the prospect of foreign powers, criminal gangs, foreign individuals, or domestic fraudsters making direct campaign contributions to American elections becomes far more likely. Put simply, campaign fundraising crimes are now just a click away. Rather than risking detection or relying on a middleman, donations can be anonymously donated through campaign websites. The state of Internet security of many political campaigns' websites leaves American elections vulnerable to fraud or foreign influence.

In 1999 the Federal Election Commission approved the practice of campaigns accepting donations via the Internet.<sup>29</sup> To protect the integrity of the election process, the FEC requires every campaign to make its “best efforts” to collect identifying information on all contributors over \$50.<sup>30</sup> This identifying information must include the donor’s name, mailing address, date, and amount of contribution. For contributions over \$200, campaigns are asked to also collect the name of employer and occupation. Donations that are \$50 or less fall under the “Pass-the-Hat” rule. This rule allows a campaign to report all donations that are \$50 or under simply as a lump sum, and does not require the campaign to keep any identifying record of the donor. However, because campaigns are simply required to make their “best efforts” to collect identifying information, a campaign that requests the information but does not receive it has not violated campaign laws.

Given the frenetic pace of political elections as well as the limited staffing of most campaigns, candidates and their advisors often have little incentive to manually verify the identities of their donors. Even worse, some candidates choose to turn off industry-standard anti-fraud credit card technology that would prevent most fraudulent donations. Indeed, some

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<sup>29</sup> Federal Election Commission, AO 1999-17.

<sup>30</sup> § 104.7.2 U.S.C. 432(i).



candidates appear content with lax security, negligently inviting foreign or fraudulent cash into their campaign.

As former Federal Election Commission Chairman Scott Thomas has pointed out, the fact that campaigns do not need to even itemize donations of less than \$50 increases their vulnerability to “robot donations,” in which any number of small donations could be made with unique aliases, fictitious addresses, and other generated personal information.<sup>31</sup> Campaigns have every incentive to choose negligence over vigilance. “Yippy doo, let’s go, no need to check anything,” Thomas told the *National Journal*.<sup>32</sup>

The ability of individual donors to give to campaigns via the Internet has had a tremendously democratizing effect on politics. However, the potential ease with which illegal donations—whether foreign or domestic—can flood into campaign coffers with the click of a mouse raises serious questions about the integrity of campaign donations in federal elections.

## **2008 Election: Obama and McCain**

The Obama campaign is by far the most active and successful at raising funds on the Internet. Its experiences in 2008 offer evidence that the problem of fraudulent donations is real. For example, consider the case of Mary T. Biskup, a retired insurance manager from Manchester, Missouri. In 2008, then-candidate Barack Obama’s FEC reports lists Ms. Biskup’s \$174,800 donation to the Obama campaign.<sup>33</sup> This, of course, is far above the legal limit that any individual can give.<sup>34</sup> Yet Biskup says she did not contribute anything to the Obama campaign.<sup>35</sup> She was never billed for the “phantom” contributions; someone had taken her name and made

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31 A “robo-donor,” or robot donor, is a piece of software similar to what credit card fraudsters use when making false purchases online. See Neil Munro, “Online Giving Opens for Robo-Donors,” *National Journal*, December 11, 2008, Accessed on Democracy 21, [http://www.democracy21.org/index.asp?Type=B\\_PR&SEC=%7B4DBEBBF2-891B-4C40-B02B-888AAE13CED6%7D&DE=%7B64BFF559-221E-4364-982E-B7C70D867797%7D](http://www.democracy21.org/index.asp?Type=B_PR&SEC=%7B4DBEBBF2-891B-4C40-B02B-888AAE13CED6%7D&DE=%7B64BFF559-221E-4364-982E-B7C70D867797%7D).

32 Ibid.

33 Federal Election Commission, Transaction Query By Individual Contributor, accessed 8/10/2012, <http://www.fec.gov/finance/disclosure/norindsea.shtml>.

34 Current FEC laws state that each citizen may contribute a total of \$5,000 to a presidential candidate per election cycle.

35 Mathew Mosk, “Obama Accepting Untraceable Donations,” *The Washington Post*, October 29, 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/10/28/AR2008102803413.html>.



contributions with another card. Who gave the fraudulent donations? How did the person slip through the system? To whom did the campaign return the money? The answers remain unclear.

In another instance of blatant donor fraud, a donor named Doodad Pro made at least 791 contributions to the 2008 Obama campaign for a total of \$19,065.<sup>36</sup> All of these donations were small donations, 313 of which arrived on September 26<sup>th</sup> 2008 alone. Over a two-month period, the campaign also received 835 donations for a total of \$20,225 from a donor named “Good Will,” 92 of which were made on March 30, 2008.

The Obama campaign reported that it worked diligently to return inappropriate donations, screening donations where a single person used multiple credit cards, instances of suspicious addresses, strange words, or improper business affiliations.<sup>37</sup> Yet a *New York Times* analysis of 2008 contributions to the Obama campaign found nearly 3,000 donations from more than a dozen people listing fictitious donor information, with names such as “Test Person” from “Some Place, UT.” Contributors “gjtjtjtjtjr, AP” and “QWERTTYU” were also accepted. A brief *New York Times* study found more than \$40,000 in donations from people who didn’t exist.<sup>38</sup> The Obama campaign did return \$33,000 to two Palestinians who bought T-shirts on the campaign’s website.<sup>39</sup>

The McCain campaign, though far less successful at raising money online, also had problems with fraudulent donations. In August 2008, the McCain campaign reimbursed about \$50,000 in donations tied to Mustafa Abu Naba’a, a Jordanian businessman who was connected to a campaign fundraiser.<sup>40</sup> *The New York Times* discovered that 33% of the McCain campaign’s

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36 Michael Isikoff, “Obama’s ‘Good Will’ Hunting,” *Newsweek*, October 3, 2008, <http://www.thedailybeast.com/newsweek/2008/10/03/obama-s-good-will-hunting.html>.

37 Neil Munro, “Online Giving Opens Door for Robo-Donors,” [http://www.democracy21.org/index.asp?Type=B\\_PR&SEC=%7B4DBEBBF2-891B-4C40-B02B-888AAE13CED6%7D&DE=%7B64BFF559-221E-4364-982E-B7C70D867797%7D](http://www.democracy21.org/index.asp?Type=B_PR&SEC=%7B4DBEBBF2-891B-4C40-B02B-888AAE13CED6%7D&DE=%7B64BFF559-221E-4364-982E-B7C70D867797%7D)

38 Michael Luo and Griff Palmer, “Fictitious Donors Found in Obama Finance Records,” *New York Times*, October 10, 2008, <http://www.nytimes.com/2008/10/10/us/politics/10donate.html?pagewanted=all>.

39 Jim McElhatton and Jennifer Haberkorn, “Candidates Slow to Detail Foreign Funds; Lists Show Large Number of Questionable Sources,” *The Washington Times*, October 27, 2008, <http://www.washingtontimes.com/news/2008/oct/27/candidates-slow-to-detail-foreign-funds/?page=all>.

40 Matthew Mosk, “McCain Campaign Returning \$50,000 From Fla. Bundler,” *The Washington Post*, August 8, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2008/08/07/AR2008080702133.html>.



foreign donations did not include basic information such as the contributor's complete name and address.<sup>41</sup>

In another instance, Ala'a al-Ali, a foreign national living in California, was indicted by the FBI for orchestrating at least \$60,000 in illegal contributions to the McCain and other presidential campaigns.<sup>42</sup>

These are only *known cases* of fraudulent or mysterious donations, the ones that were caught. It is impossible to know how much bad money is actually flowing to political candidates. One contributing factor is that the FEC has no specific technical requirements when it comes to campaign's receiving online donations.<sup>43</sup> As FEC spokesman Robert Biersack put it to the *National Journal*, "The committees are responsible for providing accurate information about the identifying characteristics of their donors...The precise mechanisms of that are not necessarily written into the regulations."<sup>44</sup> The FEC says that it is alert to signs of foreign donations but acknowledges "the potential for circumventing the existing rules."<sup>45</sup>

Those existing rules are minimal, and political fundraisers often rest on the theory that the banks will receive complaints from credit card holders reporting fraudulent donations. Banks are "always going to be the fundamental check on fraud and illegal donations," says Jonathan Sucker, a co-founder of ActBlue, a progressive online political fundraising organization.<sup>46</sup> However, leaving the protection process to the banks assumes that stolen credit card numbers are being used and that victims will discover and report the crime. As banks focus on addressing *contested* transactions, the use of pre-paid credit cards or donations made under fictitious names by valid credit card holders would not be reported to the banks. Mary Biskup's credit card was never stolen, just her name.

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41 McElhatton and Haberkorn, "Candidates Slow to Detail Foreign Funds; Lists Show Large Number of Questionable Sources."

42 "Caribbean Man Indicted for Orchestrating Illegal Contributions to Presidential Campaigns," The Federal Bureau of Investigation, <http://www.fbi.gov/losangeles/press-releases/2009/la022509usa.htm>.

43 The closest thing to a technical requirement is FEC Advisory Opinion 2007-30 (4), handed down to the Chris Dodd campaign. The Advisory Opinion assured the Dodd campaign that online contributions confirmed through the CVV and AVS would be "matchable under the Matching Payment Act."

44 Neil Munro, "FEC Rules Leave Loopholes For Online Donation Data," *National Journal*, October 24, 2008, Updated January 10, 2011, [http://www.nationaljournal.com/njonline/no\\_20081024\\_9865.php](http://www.nationaljournal.com/njonline/no_20081024_9865.php).

45 Braun, "Foreign donations at risk in super PAC landscape."

46 Munro, "Online Giving Opens for Robo-Donors."



## Inadequate and Outdated Laws

As Lawrence Norton, a former Federal Election Commission general counsel, explained to the *Los Angeles Times*, many of the laws that govern election fundraising were written in the 1970s when “no one conceived that a candidate could raise millions” in small amounts. “It certainly is a case where the 1970s law is not in step with current campaign fundraising practices.” Norton is right. Because candidates are not required to disclose any donor who gives less than \$200, it is impossible to determine whether so-called “robot-donations” are being made. Only a federal audit could determine this, and the FEC rarely conducts audits.<sup>47</sup>

Interestingly, when the FEC recently approved campaign donations from cell phones via text messaging, it established restrictions to block contributions from pre-paid cell phones and from foreign numbers.<sup>48</sup> But those restrictions don’t apply to pre-paid credit cards and credit cards with foreign numbers. There is no equivalent “block” for online donations from overseas.

Existing laws are grossly insufficient, and to make matters worse, are barely enforced. People who donate to campaigns with fictitious names, for example, violate laws against making false statements.<sup>49</sup> But FEC officials do not recall anyone ever being prosecuted for the crime.

## Unwanted Foreign Attention in U.S. Elections

Internationally, enormous attention is paid to American elections, particularly presidential elections. Global newspapers provide detailed articles on campaigns, fundraising, poll numbers, etc.<sup>50</sup> Foreign websites, some with dubious lineage, are free to link foreign nationals to the contribution websites of campaigns. Indeed, these sites, some of which are

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47 Dan Morain and Doug Smith, “Obama’s fundraising prowess exposes flaws in law,” *The Los Angeles Times*, October 9, 2008, <http://articles.latimes.com/2008/oct/09/nation/na-money9>.

48 Holly Bailey, “Obama, Romney can now accept donations via text message,” ABCNews.com, June 12, 2012, <http://articles.latimes.com/2012/aug/23/news/la-pn-obama-text-message-donation-20120823>.

49 Dan Morain and Doug Smith, “Obama’s fundraising prowess exposes flaws in law.”

50 Rahul Sharma, “Taking the Cyberworld by Storm,” *Hindustan Times* (New Delhi, India), March 1, 2008.



registered anonymously, may even engage in Search Engine Optimization designed specifically to drive foreign web traffic to the donation pages of campaigns.

In the context of Internet security, this is troubling because, in addition to foreign governments and foreign corporations quietly funneling funds to candidates for political or economic favors, foreign nationals who simply like an American political candidate and their positions can raise funds for the candidate. In 2008, the chief executive of the Nigerian Stock Exchange, Ndi Okereke-Onyiuke, organized an August 2008 fundraiser for a group “Africans for Obama 2008.” Held in Nigeria, the event reportedly raised \$80,000 for the presidential campaign. Though the event was publicized, Nigerian government officials intervened and required that the donations be returned to avoid violating U.S. law.<sup>51</sup> But had a similar fundraising effort been conducted quietly, or if Mr. Okereke-Onyiuke had organized his fundraiser and donated to the Obama campaign through the Internet, those funds would likely have found their way into the Obama campaign coffers, given the campaign’s lack of security.

So wise are savvy foreign nationals to the way of American politics that they often joke about making donations and make light of the obvious importance of fundraising for U.S. presidential candidates. In 2008, for example, a South African newspaper joked about illegally providing “a hefty donation” to the American presidential campaign in 2008: “If your [campaign] systems can’t process a donation from outside the U.S., we’ll send you a cheque,” wrote the columnist.<sup>52</sup>

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51 “Nigeria: Anti-Graft Body Probes Obama Fundraiser,” *Agence France-Presse*, August 21, 2008.

52 Trevor Walker, “From the desk of Trevor Walker,” *Business Day* (South Africa), March 3, 2008.



## PART II

# The Federal Laws Governing Foreign Contributions to Campaigns For Political Office in the United States

### General Legal Setting

In a sense there are two sets of regulations governing campaign finances - the federal statutes and the FEC regulations implementing them. The federal statutes make it a crime for non-U.S. citizens to donate to U.S. political campaigns and for anyone to *knowingly* solicit or receive such contributions.<sup>53</sup> The FEC requires that a campaign fulfil various reporting requirements to insure that the federal statutes are adhered to. However, a campaign's fulfilment of the FEC's reporting requirements does not satisfy its overarching obligation to comply with the laws forbidding donations from foreign nationals.

For FEC reporting purposes campaigns are not required to report the names and addresses of those giving more than \$50 but less than \$200 and do not have to even *maintain* the names and addresses of contributors giving \$50 or less. However, campaigns remain responsible under the criminal code to not solicit, accept or receive contributions in *any amounts* from foreign nationals.<sup>54</sup> Notwithstanding the reporting requirements, campaigns have the independent duty to ensure compliance with the law. Indeed, they risk criminal prosecution for the conscious failure to do so. This means that whether or not the FEC requires it to be reported, campaigns have an independent duty under the law to discover and protect against criminal campaign contributions.<sup>55</sup>

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<sup>53</sup> For a detailed explanation of the legal precedence surrounding “knowingly” please refer to Appendix C.

<sup>54</sup> 2 U.S.C. 441e; 11 CFR 110.

<sup>55</sup> The requirement in 2 U.S.C. 432(i) and 11 CFR 104.7 that campaigns use their “best efforts” to insure accurate reports to the FEC has no bearing on the duty imposed by the criminal statute to not solicit, accept or receive contributions from foreign nationals. In other words, while showing “best efforts” may meet the standard imposed for compliance with reporting duties, it does not exonerate a campaign from its knowing solicitation or receipt of funds from foreign nationals in violation of 2 U.S.C. 441e. In determining whether any person has violated the criminal laws, authorities must apply well-established legal standards and evidentiary principles to the facts in any given case.



## Contributions From Foreign Nationals: Title 2 United States Code Section 441e

The federal statute dealing with contributions from foreign nationals is found in the Federal Election Campaign provisions of the U.S. Code.<sup>56</sup> The statute reads in pertinent part:

### 441e Contributions from Foreign Nationals

*It shall be unlawful for—*

#### *(a) Prohibition*

*(1) a foreign national, directly or indirectly, to make--*

*(A) a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election;*

*(B) a contribution or donation to a committee of a political party; or*

*(C) an expenditure, independent expenditure, or disbursement for an electioneering communication (within the meaning of section 434(f)(3) of this title); or*

*(2) a person to solicit, accept, or receive a contribution or donation described in subparagraph (A) or (B) of paragraph (1) from a foreign national.*

*(b) “Foreign national” defined*

*As used in this section, the term “foreign national” means--*

*(1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term “foreign national” shall not include any*

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<sup>56</sup> Title 2 United States Code Section 441e.



*individual who is a citizen of the United States; or*

*(2) an individual who is not a citizen of the United States or a national of the United States (as defined in section 1101(a)(22) of Title 8) and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8.<sup>57</sup>*

The statute outlaws not only the receipt of foreign contributions, but it makes it a crime to solicit them as well.

### **Prohibition of Soliciting Foreign Donations: The FEC and Regulations Implementing §441e**

The Federal Election Commission has promulgated regulations further delineating the obligations all campaigns have to abide by the statutes forbidding contributions from foreign nationals. These regulations make it clear that the law not only forbids the knowing solicitation or receipt of such contributions but makes it a crime to provide “substantial assistance in the solicitation, making, acceptance or receipt of” contributions from foreign nationals. Title 11 Code of Federal Regulations (CFR), section 101.20, provides in pertinent part:

*(g) Solicitation, acceptance, or receipt of contributions and donations from foreign nationals.* No person shall knowingly solicit, accept, or receive from a foreign national any contribution or donation prohibited by paragraphs (b) through (d) of this section.

*(h) Providing substantial assistance.* (1) No person shall knowingly provide substantial assistance in the solicitation, making, acceptance, or receipt of a contribution or donation prohibited by paragraphs (b) through (d), and (g) of this section.

(2) No person shall knowingly provide substantial assistance in the making of an expenditure, independent expenditure, or disbursement prohibited by paragraphs (e) and

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<sup>57</sup> 2 U.S.C. §441e (emphasis added).



(f) of this section.

(i) *Participation by foreign nationals in decisions involving election-related activities.* A foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision-making process of any person, such as a corporation, labor organization, political committee, or political organization with regard to such person's Federal or non-Federal election-related activities, such as decisions concerning the making of contributions, donations, expenditures, or disbursements in connection with elections for any Federal, State, or local office or decisions concerning the administration of a political committee.

(j) *Donations by foreign nationals to inaugural committees.* A foreign national shall not, directly or indirectly, make a donation to an inaugural committee, as defined in 11 CFR 104.21(a)(1). No person shall knowingly accept from a foreign national any donation to an inaugural committee.<sup>58</sup>

The Regulations go on to provide guidance on what constitutes a “knowing” violation of the prohibition on the solicitation or receipt of contributions from foreign nationals. Under section 110.20(a)(4):

(4) *Knowingly* means that a person must:

(i) Have actual knowledge that the source of the funds solicited, accepted or received is a foreign national;

(ii) Be aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the source of the funds solicited, accepted or received is a foreign national; or

(iii) Be aware of facts that would lead a reasonable person to inquire whether the source of the funds solicited, accepted or received is a foreign national, but the person failed to conduct a reasonable inquiry.

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<sup>58</sup> 11 CFR 110.20.



(5) For purposes of paragraph (a)(4) of this section, pertinent facts include, but are not limited to:

(i) The contributor or donor uses a foreign passport or passport number for identification purposes;

(ii) The contributor or donor provides a foreign address;

(iii) The contributor or donor makes a contribution or donation by means of a check or other written instrument drawn on a foreign bank or by a wire transfer from a foreign bank; or

(iv) The contributor or donor resides abroad.<sup>59</sup>

As explained more fully below, while no person can be held accountable under the law for violations he or she is powerless to prevent or for violations of which a person had no knowledge, the law recognizes that to permit meaningful enforcement a person cannot escape responsibility for a crime by deliberately ignoring facts and circumstances that would lead a reasonable person to conclude that a crime is most likely being committed.<sup>60</sup> Moreover, the FEC regulations make it clear that a campaign official cannot avoid criminal culpability by ignoring facts that would lead a reasonable person to inquire whether foreign nationals are contributing funds to the campaign.<sup>61</sup>

## The Penalties for Violating the Foreign Contributions Statute

The penalties for violating the law on foreign donations are set out in Title 2 U.S.C. §437g(d)(1)(A), which provides:

### *(d) Penalties; defenses; mitigation of offenses*

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<sup>59</sup> 11 CFR 110.20 (a) (4)&(5).

<sup>60</sup> 11 CFR 110.20(a)(4)(ii).

<sup>61</sup> 11 CFR 110.20(a)(5).



*(1)(A) Any person who knowingly and willfully commits a violation of any provision of this Act [the Federal Election Campaign Act] which involves the making, receiving, or reporting of any contribution, donation, or expenditure--*

*(i) aggregating \$25,000 or more during a calendar year shall be fined under Title 18, or imprisoned for not more than 5 years, or both; or*

*(ii) aggregating \$2,000 or more (but less than \$25,000) during a calendar year shall be fined under such title, or imprisoned for not more than 1 year, or both.<sup>62</sup>*

Because the solicitation or receipt of foreign contributions is prohibited under the Federal Election Campaign Act and *involves* the making, receiving or reporting of political contributions or donations, these crimes carry the maximum penalties prescribed in section 437g.<sup>63</sup> Accordingly, the solicitation or receipt of foreign contributions in an aggregate amount exceeding \$25,000 is a felony, subjecting the violator to federal imprisonment for up to five years.<sup>64</sup> Aggregate contribution amounts between \$2,000 and \$20,000 carry penalties of up to a year in federal prison.<sup>65</sup>

The statute was presumably designed to prevent our nation's political campaigns from being influenced by foreign interests and nationals who have no right or standing to participate in our internal election process. It would be hard to envision a more serious violation of the statute and threat to our sovereignty than one involving substantial contributions from foreign nationals.

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62 2 U.S.C. §437g.

63 Title 2 U.S.C. §437g(d)(1)(A)(i).

64 Title 2 U.S.C. §437g(d)(1)(A)(i).

65 Title 2 U.S.C. §437g(d)(1)(A)(ii).



## The Elements of a Criminal Offense Under §441e

Every criminal offense in the federal code has elements that must be proven to establish that the crime has been committed. The elements of an offense under 2 U.S.C. §441e are the:

- (1) knowing,
- (2) solicitation, acceptance or receipt,
- (3) from a foreign national as defined in 441e(b),
- (4) of a contribution or donation of money or other thing of value,
- (5) in connection with a Federal, State, or local election.

The last four elements above would normally be established by direct evidence, and would not be subject to meaningful challenge in proceedings under the statute. If a person solicits, accept or receives a contribution from a foreign national to a political campaign for elective office in the United States, those four elements are met.

The law does not make it a crime to unintentionally or unknowingly receive contributions from foreign nationals. With an increasingly global economy and the international reach of the world-wide-web, it would be difficult for any campaign to meet so stringent a standard. Congress has criminalized only the *knowing* receipt of such contributions.<sup>66</sup> But the law does not allow a person to cast a blind eye to the truth. In other words, no one can avoid responsibility for a crime by deliberately ignoring the obvious. Moreover, because knowledge and intent are states of mind, they are almost never susceptible of direct proof, and almost invariably must be shown by circumstantial evidence. For this reason, the courts have long recognized that knowledge and intent can be proved by showing that under all the circumstances a reasonable person would be on notice that a crime is being committed. Moreover, persons whose greater expertise and sophistication make them better able to discern the likely outcome of their actions or omissions

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<sup>66</sup> 2 U.S.C. 441(e) and 11 CFR 110.20.



are less able to convincingly disclaim such knowledge.<sup>67</sup>

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<sup>67</sup> See Appendix C for further explanation of the legal intricacies of “knowing.”



### PART III

## Federal Laws Governing Domestic Donations, Campaigns' Online Donation Tools, and Vulnerabilities

Federal law, in addition to banning foreign campaign contributions, also limits donations from U.S. citizens. (Table from the FEC website).<sup>68</sup>

|  | To each candidate or candidate committee per election | To national party committee per calendar year | To state, district & local party committee per calendar year | To any other political committee per calendar year <sup>[1]</sup> | Special Limits  |
|--|---|---|--|---|---|
| Individual may give                              | \$2,500*  | \$30,800*                                     | \$10,000 (combined limit)                                    | \$5,000   | \$117,000* overall biennial limit: <ul style="list-style-type: none"> <li>• \$46,200* to all candidates</li> <li>• \$70,800* to all PACs and parties<sup>[2]</sup></li> </ul> |
| National Party Committee may give                | \$5,000   | No limit                                      | No limit   | \$5,000   | \$43,100* to Senate candidate per campaign <sup>[3]</sup>   |
| State, District & Local Party Committee may give | \$5,000 (combined limit)                              | No limit                                      | No limit   | \$5,000 (combined limit)  | No limit  |
| PAC (multicandidate) <sup>[4]</sup> may give     | \$5,000   | \$15,000                                      | \$5,000 (combined limit)                                     | \$5,000   | No limit  |
| PAC (not multicandidate) may give                | \$2,500*  | \$30,800*                                     | \$10,000 (combined limit)                                    | \$5,000   | No limit  |
| Authorized Campaign Committee may give           | \$2,000 <sup>[5]</sup>                                | No limit                                      | No limit   | \$5,000   | No limit  |

68 "The Campaign Finance Law," Federal Election Commission, Contribution Limits 2011-12 Chart, Published February 2004 (Updated February 2011), [http://www.fec.gov/pages/brochures/fecfecsa.shtml#Contribution\\_Limits](http://www.fec.gov/pages/brochures/fecfecsa.shtml#Contribution_Limits).



## Reporting Burden on Campaigns

To ensure that the rule of law is being adhered to, federal statutes and FEC regulations impose reporting and record keeping requirements on federal campaigns and specify the level of reporting required for different contribution amounts. The law requires every federal campaign to keep account of *and* report the “identification” of any person who makes a contribution of more than \$200 or multiple contributions aggregating more than \$200 during any calendar year.<sup>69</sup> “Identification” is defined by statute to include the contributor’s name, mailing address, occupation and employer.<sup>70</sup> For contributions over \$50 but less than \$200, campaigns are required only to maintain a record of contributors’ names and addresses.<sup>71</sup> Contributions of \$50 or less fall under the “Pass-the-Hat rule.”<sup>72</sup> The FEC permits campaigns to report such donations as a lump sum figure and does not require campaigns to maintain any identifying information of the donor.

The Pass-the-Hat rule was created to handle in-person campaign events of the type where a campaign’s recording the amount of money each contributor gave would be overly burdensome (events such as a public barbeque). As previously explained, this rule gives campaigns the flexibility to report individual contributions under \$50 as a lump sum without identifying each individual donor. Of the lump sum, neither the number of donations nor the individuals making them need be reported. The FEC clearly states that such events are comparatively rare and that it is unduly burdensome for campaigns to track precisely who gave a small dollar donation, as when a hat was passed around the table for contributions in cash.<sup>73</sup> However, the Pass-the-Hat rule still exists in an age when small dollar donations may be given twenty-four hours a day, seven days a week online. Campaign finance treasurers are only expected to make their “best

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69 2 U.S.C. 43(c) and 434(b); 11CFR 102.9(a) and 104(3)(a)(4).

70 2 U.S.C. 431(13).

71 2 U.S.C. 432(c); 11 CFR 102.9.

72 2 U.S.C. (c)(2)&(3).

73 Agenda Document No. 12-39, AO 2012-17, Draft A, Federal Election Commission, Footnote 9, page 8, (2012), <http://saos.nictusa.com/aodocs/1209990.pdf>.



efforts” to ensure that these small donors do not violate the FEC donation caps discussed above (see footnote 51).

While the FEC reports a campaign’s total non-itemized contributions, it does not publish the raw data of such contributions (collected in something called an F3 form). To obtain the number of people making up that lump sum and the identity of those contributors, one must get them directly from the campaign. In a phone interview conducted by the Government Accountability Institute, the FEC stated that candidates rarely release the identities and number of contributors who fall under the Pass-the-Hat rule. Neither the Obama nor the Romney campaigns have ever released this information. Not even the FEC has this information.

The FEC has no specific requirements on card providers, third-party processors, or acquiring banks. Instead, *campaign treasurers* are tasked with ensuring that these parties and the campaign itself are operating within U.S. election laws.<sup>74</sup> The degree to which a campaign polices itself is extremely broad. As stated above, a campaign is only required to disclose the identifying information of a donation if the donor gives more than \$200 in a calendar year. Campaigns can and do solicit online contributions at just below the \$200 threshold, which conveniently avoids transparency. Though many donors, preferring to stay below that threshold to avoid solicitations from other campaigns, will only donate an amount below \$200, the situation creates the incentive and opportunity for campaigns to look the other way when questionable donations come their way. Below is an email solicitation sent out to prospective contributors from the Obama campaign requesting contributions of \$190:

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<sup>74</sup> 2 USC § 432.





Anthony –

In a few days, I'll be hitting the trail for my last campaign.

Everything we've accomplished in the past three years — and our chance to do so much more — is on the line.

What we do today will be a measure of whether or not we're ready to fight for it.

Donate \$190 or whatever you can before tonight's fundraising deadline.

By pitching in before midnight, you'll automatically be in the running to join me and George Clooney at his place on May 10th. It's not often I can get away from work, so I look forward to spending a fun evening in L.A. with a couple supporters like you.

In the meantime, let's close out this deadline strong:

<https://donate.barackobama.com/Midnight-Deadline>

Thanks,

Barack

A campaign's vulnerability to fraudulent foreign or domestic campaign contributions is not for a lack of available technology. Online businesses and credit card companies have developed a host of effective anti-fraud tools to detect and minimize Internet credit card fraud. But the FEC does not even require the least of the anti-fraud tools that are commonly used in online business. In fact, nearly half of Congress fails to use the simplest of these technologies for their online fundraising efforts.<sup>75</sup>

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<sup>75</sup> Please see Appendix A.



## Credit Card Fraud Prevention Tools & Techniques

To combat online credit card fraud, the merchants and credit card companies have devised a myriad of tools and techniques.<sup>76</sup> Industry experts recommend the use of the two industry-standard tools that are easy to install and even easier to maintain:

1) *The Card Verification Value (CVV)*, the CVV, also known as the Card Security Code (CSC), CVV2, or Card Verification Number (CVN), is a three or four digit number generally imprinted on the back of the card.<sup>77</sup> Its purpose is to verify that the person executing the purchase physically possesses the card. CVV is an automated system. If the automated system detects possible fraud, the vendor's system is notified of the anomaly, and the transactions are generally declined.

2) *The Address Verification System (AVS)*, the AVS compares the numerical data in the address provided by the cardholder against the information held by the processor. This allows the vendor (or a campaign) to ask for a billing address (street number, apartment number, PO Box number, and zip code) with the card information, and check any numerical data in the address against the numerical information on file with the card issuer.

Unlike the CVV, a website can be set to accept multiple degrees of error in the AVS. Thus, depending on the degree of error the Webmaster allows for the AVS, a transaction might not be flagged as potentially fraudulent if the purchaser mistyped the address associated with the card. While all major U.S. credit card issuers are AVS compliant, many foreign card issuers are not.

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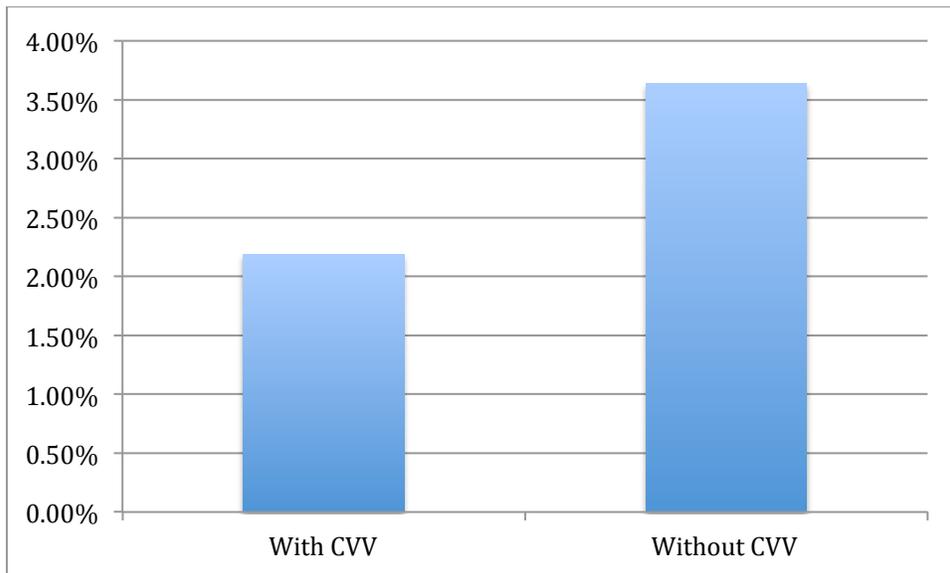
<sup>76</sup> E-commerce professionals speak in terms of preventing and suppressing online fraud – not eliminating it. Typically such professionals treat 2% -4% fraud rates as the cost of doing business given the current state of the art.

<sup>77</sup> Visa, Master Card, and Discover use three digits. American Express uses four digits. The terminology has changed, and is used differently by different card processors and card issuers, no matter the name, the function is the same.



## Consequences of Failing to Use Industry-Standard Anti-Fraud Online Security Tools

The consequences of a campaign choosing not to use either of these industry-standard anti-fraud tools are considerable, especially when weighed against the relative ease with which they are installed and maintained. In all credit card transactions, the merchant or campaign is charged a small percentage of the payment/donation. However, *merchants/campaigns that don't use the CVV and AVS are typically charged a much higher rate.* Cybersource typically charges a \$0.25 flat fee per transaction and 2.19% of the transaction amount for campaigns that use both the CVV and AVS.<sup>78</sup> Cybersource typically charges 3.64% of the donation amount for campaigns and other merchants that don't use either of the two tools.<sup>79</sup>



### Percent of Political Contribution Paid to Cybersource

<sup>78</sup> Visa's Cybersource is a major provider of card processing services for Presidential campaigns. Cybersource's rates are very similar to those of First Data and Bank of America.

<sup>79</sup> These numbers were quoted by a Cybersource representative.



On top of the transaction fees, any campaign that must return a disputed transaction, no matter how small, would typically pay a substantial “chargeback fee” for each returned contribution.<sup>80</sup> Considering the cost of not having both the CVV and AVS, why would a campaign not use both? Banks don’t charge for providing CVV and AVS technologies. Any campaign not using these industry-standard security tools is increasing its costs and unnecessarily increasing the risk of at least two types of potential fraud:

- The Fraudulent High Dollar Donor(s): –the fraudulent high dollar donor is politically motivated and is seeking to avoid detection by making numerous donations below the \$200 dollar threshold, over which their donation must be identified; they may seek to exceed campaign donation limits.
- The Unintentional Fraudster –a foreign national who is unaware of U.S. election laws but sympathetic to the campaign. Such an individual can easily end up on a campaign donation page. Given that a number of campaigns list the U.S. donation laws in an inconspicuous place on the “donate” page, it is easy to see how illegal donations can be made with no malicious intent.

To be sure, even with the discussed tools in place, the potential for fraud still exists. Nevertheless, campaigns that use these industry-standard anti-fraud credit card security features, especially the CVV, *significantly* increase the odds that FEC laws won’t be violated. In the case of the Unintentional fraudster, for example, use of the above tools would eliminate the vulnerability almost entirely. A geo-location system could be used to alert the unintentional fraudster of U.S. law in a language specific to the visitor’s region. In the case of the fraudulent high dollar donor, the CVV and AVS would make his or her task much more difficult to accomplish and easier to detect.<sup>81</sup>

During the course of the investigation, the Government Accountability Institute found that even sophisticated campaigns and federal authorities seem to be unaware of individuals who are misrepresenting themselves and soliciting funds while posing as political party organizations.

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<sup>80</sup> Chargeback fees vary from bank to bank. According to several industry experts, \$35 is a common chargeback fee.

<sup>81</sup> “2012 Online Fraud Report-13th Annual Edition,” 4.



Indeed, these frauds operate out in the open. Consider the websites [democraticnationalcommittee.org](http://democraticnationalcommittee.org) and [republicannationalcommittee.org](http://republicannationalcommittee.org). Both websites appear legitimate, use the logos of the named party, and accept donations. However, these websites are not owned by either of the political parties but instead are both owned by a man who lives in Massachusetts.



This flagrant misrepresentation is taking place in a clear and conspicuous fashion. In fact, the fraudulent democraticnationalcommittee.org website is feeding information into the official Democratic National Committee’s Google Analytics account, suggesting that the DNC isn’t aware that its security has been compromised.<sup>82</sup>

## **Robo-Donors**

The FEC currently has no technical security requirements for campaigns to solicit and receive contributions, creating vulnerabilities for all campaigns that fail to employ industry-standard anti-fraud credit cards security features. For example, in the absence of the CVV or AVS, a foreign donor wanting to influence a federal election could make \$100,000 in donations during the last month of a campaign from five credit card accounts by using a “robo-donor” that randomly selects U.S. names and addresses from a database and makes \$10, \$25, and \$40 contributions.

A “robo-donor,” or robot donor, is a piece of software that will “attack” a point of purchase (in this case a donation) with a list or database of credit card numbers that are either stolen, randomly produced using a random number generator, or obtained legitimately. A well-implemented robo-donor could make it possible for a single person or entity to unduly influence an election by making a large number of donations, each of which could evade the \$200 dollar reporting threshold or the Pass-the-Hat Rule. The use of card security features makes fraud via robo-donor more difficult.<sup>83</sup>

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82 The Google Analytics account number is UA-70251-1, and a simple Google search for that number will reveal that it is associated with the actual DNC websites. Google Analytics is a tracking software used by Webmasters to give them information about the sites that on which it is installed.

83 While the AVS tool would stop virtually all the fraudulent transactions attempted with credit card numbers created by a random number generator, a fraudster could still use those legitimate credit card numbers to which he knows the address. Such cards might have been stolen by any number of methods, or held legitimately 87.8% of the traffic flowing. However, the use of AVS could also reduce the likelihood of bypassing the reporting limits.



But since fraudulent donations translate into more campaign dollars raised, few incentives exist for campaigns to protect themselves against robo-donors and other frauds. The \$200 threshold for reporting donations makes it almost impossible for outside watchdog groups to detect fraudulent donations. Furthermore, those campaigns that don't accept federal matching funds are not required to submit to the mandatory audit that accepting federal matching funds brings, effectively shielding them against charges of foul play unless fraud is obvious.<sup>84</sup>

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<sup>84</sup> "Public Funding of Presidential Elections," Federal Elections Commission, <http://www.fec.gov/pages/brochures/pubfund.shtml>.



## PART IV

### Current Vulnerabilities to Federal Candidates' Online Security

The Government Accountability Institute has conducted an in-depth investigation into the state of the federal election online donation process. Questions that the investigation sought to answer were:

1. Do campaign websites use industry-standard online anti-fraud security tools?
2. Do campaigns purposely or accidentally solicit foreign nationals for donations?

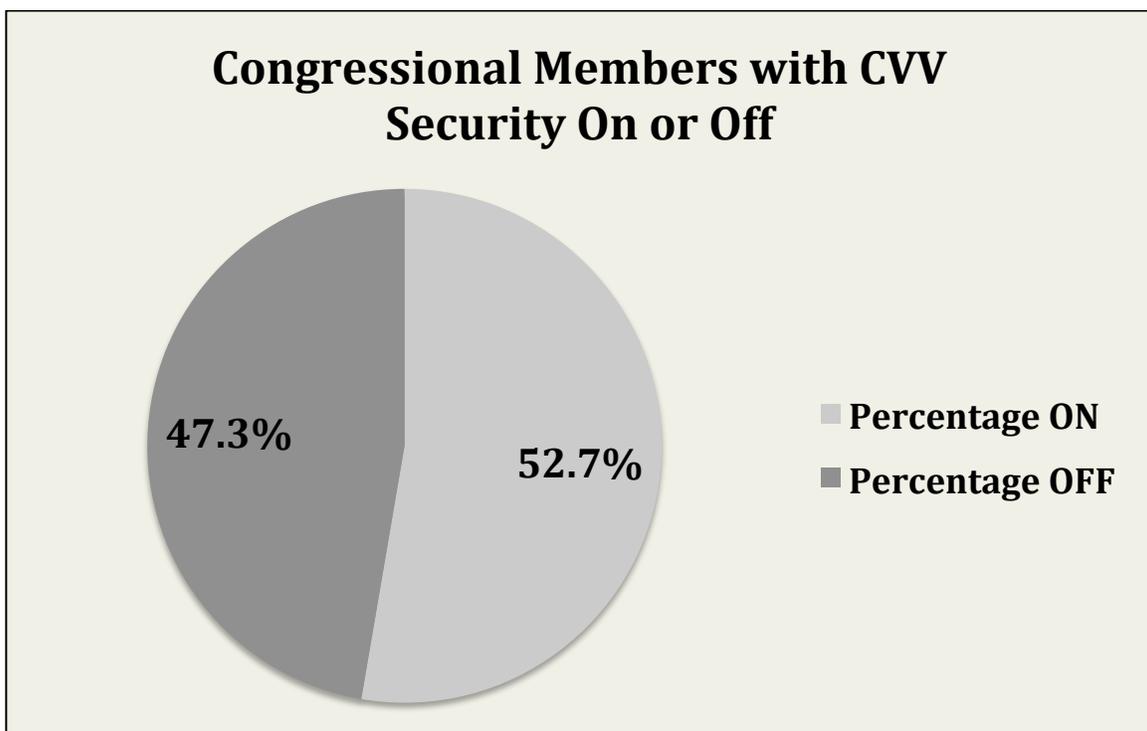
To answer these questions, the Government Accountability Institute looked at the security employed by all 535 members of Congress on their official campaign websites as well as the two leading presidential candidates. Given that presidential candidates historically have been the primary recipients of contributions by foreign governments and nationals, the presidential candidates were investigated more thoroughly than were the members of Congress.

The Government Accountability Institute gave an equal amount of attention to both presidential candidates at the onset of the investigation. Additional investigative attention was assigned to examine anomalies, regardless of which candidate's online donation platform presented the discrepancy.



## Congress's Use of Industry-Standard Anti-Fraud Credit Card Security Measures<sup>85</sup>

47.3% of Congressional Campaign Websites do not use  
CVV Anti-Fraud Security Protection



*Note: The data reflect CVV settings on congressional campaign websites as of August 14-15, 2012.*

History shows that foreign actors are interested in contributing to the campaigns of members of Congress. As we've seen, foreign nations, including Pakistan in recent years, China in the 1990s, and the Philippines in the 1960s, have all funneled campaign donations to

<sup>85</sup> See Appendix B for a list of which members of Congress do and do not use the CVV.



congressional candidates to curry favor and influence. These are, of course, the cases that were brought to light.

Foreign powers have funneled these contributions in order to influence policy. Members of congress who sit on powerful committees are especially vulnerable to such activities. Take Congresswoman Ilena Ros-Lehtinen, Chairman of the House International Affairs Committee. Prior to May 1, 2012, her campaign website did not require the CVV to contribute to her campaign. Though GAI found no evidence that illicit contributions were made to her campaign, her position and influence make her a likely candidate for such an operation. Her website Voteilena.com does not receive significant foreign Internet traffic nor does she have foreign websites linking to her page. Without the CVV, screening out foreign donations falsely labeled as domestic would be extremely difficult.

Another possible motivation for foreign influence could be ethnic solidarity. Republican Senator Marco Rubio of Florida is Cuban-American and appeals to the large Cuban diaspora living throughout Latin America. During his run for the Senate in 2010, Rubio did not require the CVV from his online contributors.<sup>86</sup> The Government Accountability Institute found considerable international interest in the Rubio campaign, including significant foreign traffic going to the website marcorubioforussenate.com. Links on foreign websites often took the form of videos that featured links to “donate” to the Rubio campaign.

Examples of foreign websites linking to the Rubio campaign’s webpage include:

1. An Argentinian website features a video of Senator Rubio with the caption “Stand with Marco today – donate now! Click the link in description below.” According to Markosweb, a

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<sup>86</sup> The Rubio campaign began requiring the CVV code on May 1st 2012. Members who use the same fundraising consultant as the Rubio campaign, Piryx of San Francisco, also started to require the CVV code on the same day.



leading web metrics firm, 93.3% of the traffic to the site is foreign. <sup>87</sup>



2. A Peruvian registered site features an ad for the Senator. The site gets 75% of its traffic from Latin America. <sup>88</sup>



87 Video, "Marco on Fox Business Network," [www.gorrapuestas.com.ar/v\\_GP\\_aReRoRMxwyA\\_GP\\_Marco-On-Fox-Business-Network.html](http://www.gorrapuestas.com.ar/v_GP_aReRoRMxwyA_GP_Marco-On-Fox-Business-Network.html).

88 "Trimen.Info" website, <http://trimen.info/ver-videos/QxCr7004Wrs/marco-rubio's-speech-on-israel-part-1/>.



## Third-Party Fundraising Organizations: Undermining Online Donation Security

Even if candidates do have the CVV on their official campaign websites, the candidates most likely accept money from an organization that doesn't. The most visible examples are the third-party fundraising organizations ActBlue and ActRight.<sup>89</sup> ActBlue raises large sums for Democrat and progressive candidates such as Elizabeth Warren, a Senate candidate in Massachusetts who has received more than \$5.7 million through ActBlue during the campaign cycle.<sup>90</sup> ActBlue asks a contributor to affirm that he or she is a U.S. citizen, is not using corporate funds, and is not a federal contractor. To confirm this information, ActBlue simply requires the check of a box. Once ActBlue receives the contributions, it disburses the funds to the campaign within the week and claims a 3.95% processing fee. According to ActBlue, this fee "pays for our access to the credit card network and the operation and ongoing development of our fundraising infrastructure."<sup>91</sup>

Republicans, historically less aggressive in online fundraising, are fast joining the trend. The recently established ActRight PAC raises money nationwide for Republican congressional and presidential candidates.<sup>92</sup> Though much smaller than ActBlue, it still raises a substantial amount of money for Republicans. As of late August 2012, it had raised \$173,000 for the Romney campaign.<sup>93</sup> But unlike the official Romney site, ActRight does not require the CVV on its donation page.<sup>94</sup>

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89 See Screenshots 1 and 2 in Appendix D.

90 ActBlue Directory, Accessed September 3, 2012, <https://secure.actblue.com/directory?utf8=✓&query=elizabeth+warren>.

91 While ActBlue will not discuss its internal processes, this information comes via a letter from Lora Haggard, Chief Financial Officer of the 2008 John Edwards Campaign, to FEC chairman Robert D. Lenhard explaining the ActBlue arrangement and seeking federal matching campaign dollars for contributions coming via ActBlue.

92 Astute observers will ask how we tabulated a congressperson or senator if their main page required CVV, but they had a direct link to ActBlue or ActRight prominently displayed. In such cases we gave them the benefit of the doubt and counted them as using CVV. An increasing number of campaigns, however, are using these third party sites as their donation pages, forwarding contributors to these sites from the official campaign sites. At least one senator changed to this arrangement during our research.

93 ActRight, <http://actright.com>.

94 ActRight, "Donation Page," <https://actright.com/donate.php/mitt>.



## Presidential Candidates

### *Mitt Romney*

The donation page on Mitt Romney's campaign website requires contributors to enter the CVV. Were the Romney campaign to turn off the CVV (current laws do not require it), the campaign would become more vulnerable. The Romney campaign also likely uses an AVS system on its donation page. However, it is difficult for independent accountability groups to verify that an AVS system is being used and impossible to determine how strong of a system, if any, is being used.

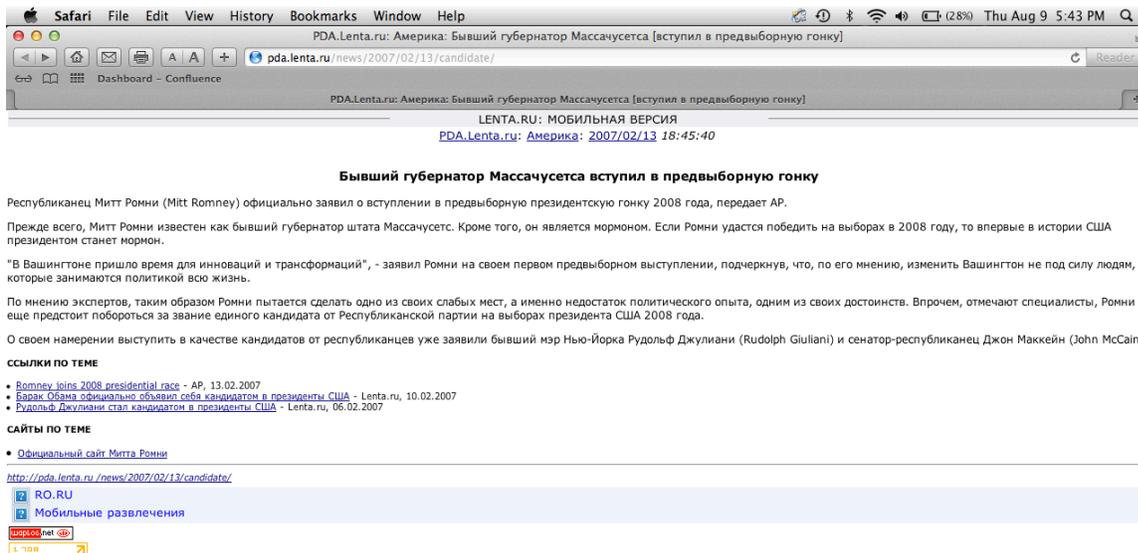
The screenshot shows a Safari browser window displaying the donation page for Mitt Romney for President. The page title is "Donate | Mitt Romney for President" and the URL is "https://www.mittromney.com/donate". The page content includes a "Donate" section with a "Select Amount" dropdown menu (options: \$15, \$25, \$100, \$250, \$1000, \$2500, \$5000, and \$ Other). Below the amount selection is a "Personal Information" section with fields for First Name, Last Name, Email Address, Phone, Address, City, State, and Zip. There is also a "Payment Information" section with fields for Card Number, CVV, and a "Make this a monthly recurring?" checkbox. The page also features a "Make a Difference" section with a small image of Mitt Romney and a "CONTRIBUTE" button. At the bottom, there are terms and conditions and a note about the federal limit on contributions.

About 11.9% of the Romney campaign's Internet traffic comes from foreign sources.<sup>95</sup> Examining over 100,000 backlinks on the Internet that link to the Romney campaign's webpage, approximately 12.8% of those are from foreign sources, including foreign language news sites and blogs. For example, the screen capture pictured below is from a Russian website which links

<sup>95</sup> Alexa: The Web Information Company, Alexa.com, accessed August 13, 2012, 3:47 pm.



to the Romney campaign’s webpage. Clicking on the link sends visitors to a page where they can sign up to receive emails and donate.<sup>96</sup>



During the 2012 campaign, the Romney team has received some criticism for its campaign fundraising as it relates to foreign connections. An email chain circling within the banking giant Credit Suisse soliciting donations for Mitt Romney began with U.S. citizens but was ultimately sent to foreign staffers, including those in the firm’s London office. Some bankers claimed that they felt the need to make the contributions because the executive who sent the email was the one who determined their bonuses.<sup>97</sup> Also, Romney has held private fundraising events overseas asking for funds from Americans living overseas. One such event was a dinner in London hosted by the British Bank Barclay’s and Chief Executive Bob Diamond, a U.S. citizen. Guests were told to bring a passport to prove their citizenship.<sup>98</sup>

<sup>96</sup> “Lenta.ru” website,” Pda.lenta.ru/news/2007/02/13/candidate/.

<sup>97</sup> Tom Bergin and Mark Hosenball, “Exclusive: Credit Suisse banker sought Romney donations,” *Reuters*, March 2, 2012.

<sup>98</sup> Tim Walker, “U.S. Election 2012: Mitt Romney to Attend London Fundraising Dinner Hosted by Barclays boss Bob Diamond,” *The Telegraph* (UK), June 28, 2012.



The Romney campaign has also been criticized for using bundlers, men and women who collect donations and “bundle” them together for the campaign, who are registered foreign agents.<sup>99</sup> Ignacio E. Sanchez, one of Romney’s bundlers, is a registered foreign agent for the United Arab Emirates and a presidential candidate for the Dominican Republic. Another registered foreign agent bundling for Romney is Tom Loeffler of Akin Gump, a former congressman turned lobbyist who has represented the government of Saudi Arabia and Hong Kong.<sup>100</sup> The full extent of Governor’s Romney’s use of bundlers is not known as the Romney campaign has never disclosed his bundlers despite the bipartisan call for his campaign to do so.<sup>101</sup>

### **Governor Romney and Foreign Nationals in Social Media**

By design, social media’s expansive and viral nature disseminates information, ideas, and causes. As a result, social media is difficult to control, and indeed should not be controlled. Campaigns need to be aware that the age of social media is an age where donation requests go viral, reaching the furthest corners of the world. Failure to employ industry standard security and transparent accountability is almost an invitation to foreign money to inject itself into federal campaigns. Though Governor Romney does not enjoy the international popularity of many U.S. political figures, his campaign’s literature is still circulated on foreign social media.

1. A Twitter account that appears to be from the Romney campaign tweets in Arabic, presumably to a foreign audience. The Twitter account links to the Romney campaign’s page.<sup>102</sup>

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99 A registered foreign agent is a lobbyist who works for a foreign government or foreign citizens.

100 Josh Israel, “Romney Bundler Foreign Agent for Hong Kong,” *Think Progress*. July 25, 2012, <http://thinkprogress.org/politics/2012/07/25/578531/romney-bundler-registered-foreign-agent-hong-kong/>.

101 Peter Schweizer, “Mitt’s Other Secret: Time to Disclose Romney’s Campaign Bundlers,” *The Daily Beast*, July 19, 2012, <http://www.thedailybeast.com/articles/2012/07/19/mitt-s-other-secret-time-to-disclose-romney-s-campaign-bundlers.html>

102

[http://translate.googleusercontent.com/translate\\_c?depth=1&hl=en&langpair=ar%7Cen&rurl=translate.google.com.pk&u=http://twitter.com/AraBRomney&usg=ALkJrhjwibtDS3MVSyEwrcgGyj9RrzvQ](http://translate.googleusercontent.com/translate_c?depth=1&hl=en&langpair=ar%7Cen&rurl=translate.google.com.pk&u=http://twitter.com/AraBRomney&usg=ALkJrhjwibtDS3MVSyEwrcgGyj9RrzvQ)



Firefox File Edit View History Bookmarks Tools Window Help

Mitt Romney (ArabRomney) on Twitter

Twitter, Inc. (US) https://twitter.com/ArabRomney

Search Have an account? Sign In



**Mitt Romney**  
 @ArabRomney  
 - الحاكم السابق لولاية ماساشوسيتس ومرشح الحزب الجمهوري لرئاسة الولايات المتحدة الأمريكية  
 Parody  
 ماساشوسيتس · <http://www.MittRomney.com>

Follow

104 TWEETS

90 FOLLOWING

60 FOLLOWERS

**Follow Mitt Romney**

Full name

Email

Password

Sign up

**Tweets**

- Following
- Followers
- Favorites
- Lists
- Recent images

**Tweets**

**Mitt Romney** @ArabRomney 8 May  
 وصلتني عن طريق برنامج الواتساب منذ أيام .. هل هذا مصدرك الموثوق??  
 @FrankomBlog  
 View conversation Reply Retweet Favorite

**Mitt Romney** @ArabRomney 8 May  
 أتذكر عندما رفع نائب الكونغرس الأمريكي بإعانة "أمريكا للأمريكان فقط" رمى  
 حاكم ولاية نيو مكسيكو حدائه "التومز" نحو النائب الأخر.  
 Expand

**Mitt Romney** @ArabRomney 6 May  
 اللهم ادم على اهل الكويت هذه النعمة - الزعابي يبيعون منه بالجمبعيات??  
 pic.twitter.com/u5fcDnv1  
 View photo

**Mitt Romney** @ArabRomney 6 May  
 اللهم ادم على اهل الكويت هذه النعمة - الزعابي يتخشمم??  
 pic.twitter.com/wJ8SXvGp  
 View photo

**Mitt Romney** @ArabRomney 5 May  
 اليوم أسمعتي اسناد اللغة العربية أبو النور اغنية لشطح للفتاة شمس - ذكرتني بالمغنية الامريكية



2. The Romney campaign's Facebook page is available on Arab Facebook (ar-ar.facebook.com).

103



### Barack Obama

No political candidate in American history can match the technological sophistication, reach, or capability of the Obama campaign.<sup>104</sup> Indeed, the Obama campaign is universally recognized as the gold standard of technological campaign sophistication. In 2008, the Obama campaign's online machine raised \$335 million, a little over half its total individual contributions, in donations under the \$200 threshold for full disclosure.<sup>105</sup>

103 [http://translate.googleusercontent.com/translate\\_c?anno=2&depth=1&hl=en&rurl=translate.google.com.pk&sl=ar&tl=en&u=http://ar-ar.facebook.com/PresidentMittRomney/posts/231675936951060%3Fcomment\\_id%3D806345%26offset%3D0%26total\\_comments%3D5&usg=ALkJrhjHDMWK7UietkoKE\\_KcyTXubqA2w](http://translate.googleusercontent.com/translate_c?anno=2&depth=1&hl=en&rurl=translate.google.com.pk&sl=ar&tl=en&u=http://ar-ar.facebook.com/PresidentMittRomney/posts/231675936951060%3Fcomment_id%3D806345%26offset%3D0%26total_comments%3D5&usg=ALkJrhjHDMWK7UietkoKE_KcyTXubqA2w)

104 Jeff Larson, "Explore Hundreds of Campaign Emails in the Message Machine," *Pro Publica*, July 17, 2012, <http://www.propublica.org/article/explore-hundreds-of-campaign-emails-in-the-message-machine>.

105 "2008 Presidential Campaign Finance," Federal Elections Commission, <http://www.fec.gov/disclosure/pnational.do>.



In 2008, the Obama technology team's strategy was based on aggressive grassroots activism and targeted marketing, raising a stunning \$500 million online. The Obama campaign's technology team gives every indication of surpassing its 2008 performance. According to a September article in the *Financial Times*, Jim Messina, the campaign manager for the Obama re-election, enlisted the help and advice of the top brass at Google, Apple, Facebook and DreamWorks.<sup>106</sup> Messina designed the team's strategy around the campaign's social media platform my.barackobama.com and "big data."<sup>107</sup> The campaign's my.barackobama.com boasts the handicraft of Chris Hughes, one of the founders of Facebook, and works on the same self-propagating model as the hugely successful social networking site (users create their own pages).<sup>108</sup> My.barackobama.com's visitors, both foreign and domestic, can enter their emails to receive campaign solicitation letters and send their friends invitations to do the same.

The Obama campaign couples its email presence with its sophisticated use of the data it has collected on individuals. The *Financial Times* reported that the Obama campaign uses a whole host of personal facts about each voter. Republican strategist Mike Murphy told the *Financial Times* that the Obama campaign knows "if you're a Catholic professional who owns a house and who's registered to vote, and doesn't vote in school board elections but tends to vote in other elections. And if you're married, have three kids and subscribe to a lot of magazines."<sup>109</sup> The Obama campaign makes use of this detailed data and has recently released a phone application that allows Obama supporters to see which of their neighbors are democrats, how old their neighbors are, whether or not the Obama campaign would like their neighbors to receive a door visit from other democrats, and other information. However, no one knows exactly how much the Obama campaign has on each American citizen because the campaign never discloses that information.<sup>110</sup>

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106 Richar McGregor, "Inside Obama's HQ," *Financial Times*, September 14, 2012, <http://www.ft.com/intl/cms/s/2/0df7cc4a-fd35-11e1-a4f2-00144feabdc0.html#axzz26Ypbf500>.

107 "Web 2.0 Case Study: Barack Obama's Use of Social Media," *The Global Human Capital Journal*, December 29, 2008, <http://globalhumancapital.org/web-20-case-study-barack-obamas-use-of-social-media/>.

108 Brian Stelter, "The Facebooker Who Friendened Obama," *The New York Times*, July 7, 2008, <http://www.nytimes.com/2008/07/07/technology/07hughes.html?pagewanted=all>.

109 McGregor

110 Ibid.,



## The Obama Campaign's Online Infrastructure

Despite the Obama campaign's level of technological sophistication, the campaign does not use the industry standard CVV feature on its donation pages. This creates a security risk that is compounded by the considerable foreign interest in President Obama's political history, personal story, and views.<sup>111</sup> The main campaign website BarackObama.com receives approximately 43% of its traffic from foreign IP addresses, according to Markosweb.com.<sup>112</sup> Though Americans living abroad no doubt generate some of this interest, the majority is likely from foreign nationals. Though there is nothing inherently wrong with the President's international attention, his donation pages' lack of CVV means that this interest creates significant vulnerabilities for the integrity of the campaign's donation process. The absence of these security protocols is incongruous with the acknowledged technological sophistication of the campaign.

As stated earlier, the Obama campaign relies on an aggressive email presence to solicit donations from people that the campaign has calculated (using its massive amount of data on individuals) to be likely donors. However, foreign citizens report that they regularly receive emails soliciting donations from the campaign, in potential violation of federal campaign law.<sup>113</sup> The FEC, in an advisory opinion, has stated that there is no proscribed method in soliciting federal campaign contributions.<sup>114</sup> The advisory opinion appears to conflict with the plain reading of *2USC-441-E; Subp-A*.

One-way foreign citizens receive solicitation letters from the Obama campaign is through my.barackobama.com, the social media platform created in part by Facebook's Chris Hughes. The website has no apparent safeguards to protect itself from foreign citizens participating. According to the Obama campaign, my.barackobama.com currently has produced at least 13.1

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111 Bruce Stoke, "Does the World Want Obama?" Pew Research Center, August 27, 2012, <http://www.pewglobal.org/2012/08/27/does-world-want-romney-or-obama/>.

112 SmartViper Web Mining Company: SmartViper Website Analytics, Markosweb.com; Because metric sites don't gather separate traffic levels for the donate.barackobama.com or contribute.barackobama.com subdomains, it is unclear how many foreign visitors actually wind up there.

113 *2USC-441-E; Subp-A*: "It shall be unlawful for...a person to *solicit*, accept, or receive a contribution or donation...from a foreign national" (emphasis added).

114 FEC Advisory Opinion 2011-13.



million email addresses for the campaign, each of which receives at least one email a week soliciting a donation.<sup>115</sup> By looking at a random sample of 65,000 links into my.barackobama.com, the Government Accountability Institute found that approximately 20% of the links originated from foreign locations.<sup>116</sup>

The primary purpose of my.barackobama.com is to create a highly personalized vehicle for individuals to “get involved” and to invite others to do the same. The campaign employs various techniques to gather email and other data on the friends and associations of my.barackobama.com’s members to further the campaign’s fundraising efforts.<sup>117</sup> However, at no point during the subscription process is a visitor asked whether he or she can legally donate to a U.S. election. Once a visitor signs up, he or she immediately begins receiving solicitations for donations. In fact, numerous foreign nationals report receiving solicitation letters and thank you emails from the campaign for their support. Some of these emails have been reposted on blog sites to encourage friends to click on the donate link or get their names on the email list.

## **Foreign Nationals and the Obama Campaign**

Using a collection of online research tools, the Government Accountability Institute analyzed a portion of the foreign links that lead to the Obama campaign website, my.barackobama.com. The Institute found a wide variety of instances in which apparent foreign nationals either received solicitation emails or posted links to my.barackobama.com. The following are but a sample.

1. In July and August, a Chinese blogger reposts letters he has received from the Obama campaign, each of which contains a solicitation for \$3 or \$5 (note that these smaller donations don’t require the campaign to keep any record of them).<sup>118</sup> Markosweb states that

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115 Blue State Digital, “Work: Obama for America,” <http://www.bluestatedigital.com/work/case-studies/barack-obama/>.

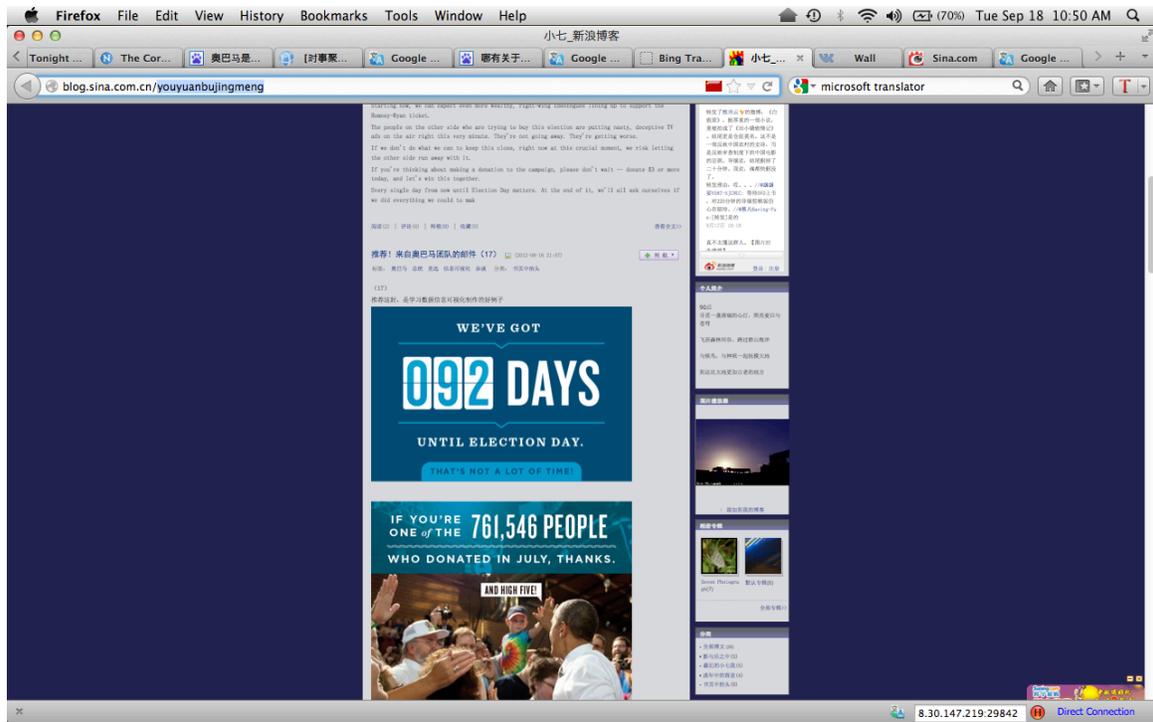
116 To guard against repeating the same sites in our sample we selected every 10th site in our database to examine more closely.

117 If one goes to the Obama campaign’s main website and asks to join my.barackobama.com, they are simply asked for a name, email, and zip code/postal code. A user can then send invitations to their friends and associates to visit that user’s own particular donation page.

118 <http://blog.sina.com.cn/youyuanbujingmeng>



87.8% of the traffic flowing to the site comes from China while only 4.5% is from the United States.<sup>119</sup> The website contains hyperlinks that lead to the campaign’s donation page. The website also contains graphics showing the disparity between Romney’s and the President’s fundraising and a countdown clock to the date of the election. Other than the campaign solicitation letters, the website is in Chinese characters.<sup>120</sup>



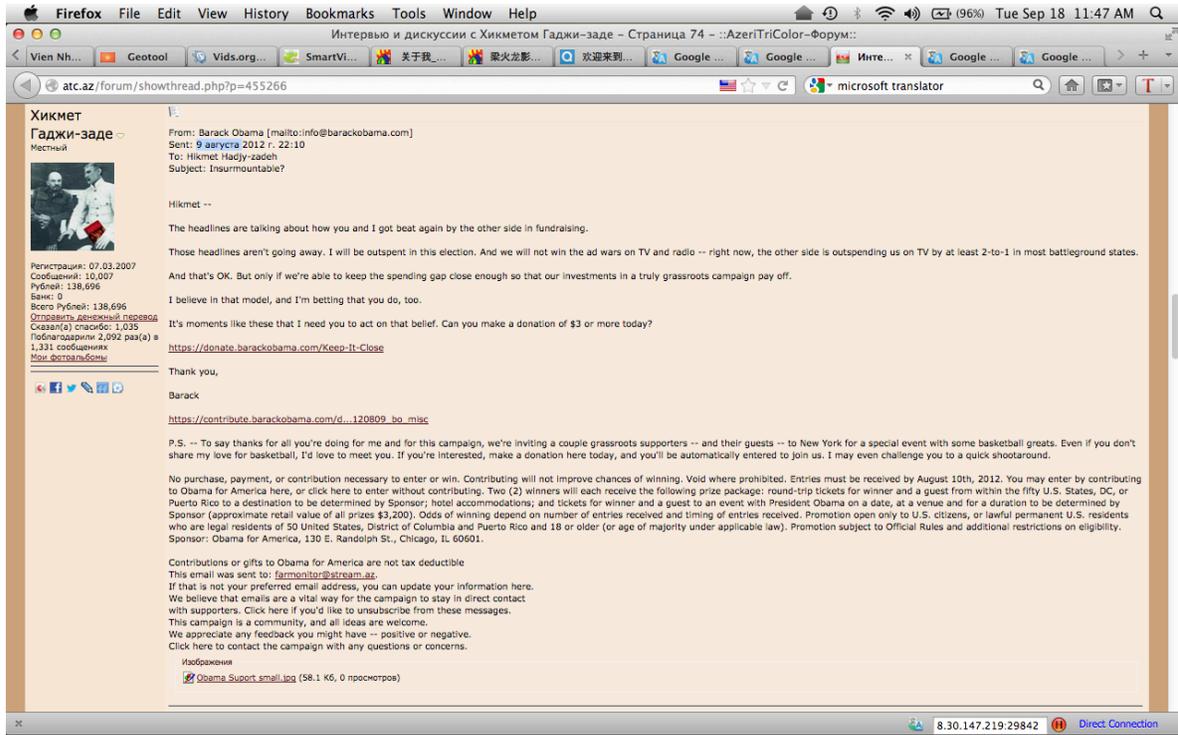
2. On August 9<sup>th</sup>, 2012 the Obama campaign sent a solicitation letter to “Hikemt Hadjy-Zadh,” an Azerbaijani citizen. His email address is on an Azerbaijani domain and he posts numerous

119 <http://www.markosweb.com/www/sina.com/>

120 This example is one of many of the instances where Chinese individuals repost campaign solicitation letters on their own websites. For more examples from mainland China and Hong Kong, please see . <http://tuzipei.blog.163.com/blog/static/139303005201132952320913/163.com>; [http://zh-tw.facebook.com/barackobama/posts/204381686306063?comment\\_id=1374238&offset=0&total\\_comments=4792](http://zh-tw.facebook.com/barackobama/posts/204381686306063?comment_id=1374238&offset=0&total_comments=4792); [http://home.ngocn.net/wap/space.php?m\\_sid=5674ab592318ecd6dffa1b5fde1dbc30&uid=2931&do=blog&id=19942](http://home.ngocn.net/wap/space.php?m_sid=5674ab592318ecd6dffa1b5fde1dbc30&uid=2931&do=blog&id=19942); [http://zh-hk.facebook.com/SteveWestly/posts/303944846297428?comment\\_id=4206428&offset=0&total\\_comments=1](http://zh-hk.facebook.com/SteveWestly/posts/303944846297428?comment_id=4206428&offset=0&total_comments=1); <http://tuzipei.blog.163.com/blog/static/139303005201132952320913/>; <http://www.tianya.cn/publicforum/content/stocks/1/540030.shtml>



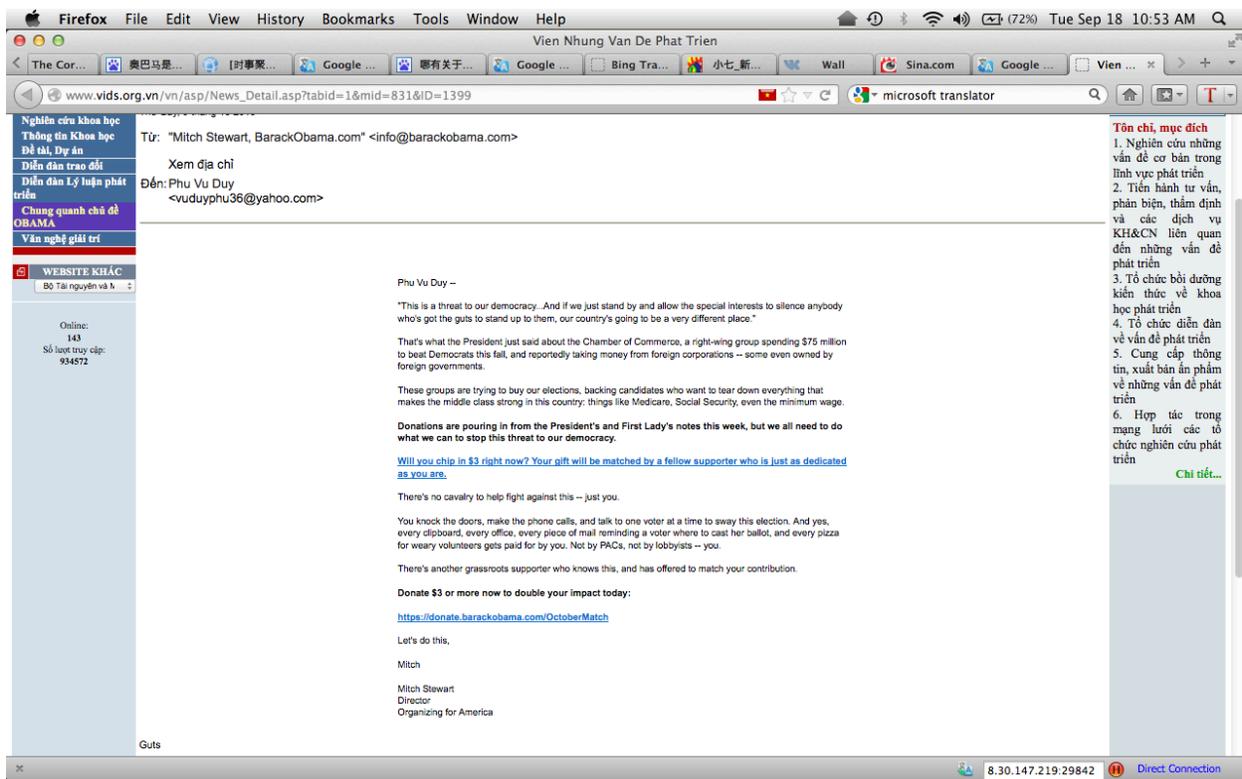
solicitation letters he has received from the Obama campaign. Mr. Hadjy-Zadh reposts the complete letters on a discussion forum, including numerous hyperlinks that go directly to the campaign’s donation page.



3. A writer in Vietnam writes on a website for the Vietnam Institute for Development Studies (a government-backed think tank) and posts emails he has received from my.barackobama.com with more than 24 total links to the campaign’s donate page embedded in the emails. The website is in the Vietnamese language, hosted on a Vietnamese server, and uses a Vietnamese domain address.<sup>121</sup> In one instance, a letter from Mitch Stewart, Director of the Obama campaign’s “Organizing for America,” asks for donations. Ironically, Stewart laments that the U.S. Chamber of Commerce is reportedly taking money from foreign sources. The reader is then prompted to give his name and email address and thereafter begins receiving solicitation letters for donations.

<sup>121</sup> Vietnam Institute of Development Studies, [http://www.vids.org.vn/vn/asp/News\\_Detail.asp?tabid=1&mid=831&ID=1172](http://www.vids.org.vn/vn/asp/News_Detail.asp?tabid=1&mid=831&ID=1172).





4. A Dutch blogger writing in Dutch on a Dutch website reprints an email from March 22, 2010 in which President Obama thanks his supporters for their help. “You’re welcome, Mr. President,” he writes back.<sup>122</sup>
5. The Dutch blog “His Dirk” received a donation request from the campaign. Aware of the U.S. law, the blogger decided not to contribute. The blogger observed, “I imagine many non-Americans have money transferred to the Obama campaign. It’s just too easy.”<sup>123</sup>
6. A member of the Italian Radical Socialist movement and an administrator of their website reposts solicitations from the Obama campaign which he reports receiving regularly for three

122 “You’re welcome Mister President,” [http://www.fritshuis.nl/index.php?option=com\\_content&view=article&id=167%3Ayoure-welcome-mister-president&catid=1%3Aalgemeen&Itemid=1](http://www.fritshuis.nl/index.php?option=com_content&view=article&id=167%3Ayoure-welcome-mister-president&catid=1%3Aalgemeen&Itemid=1); please see screenshot 3 in Appendix D.

123 Dirk Zijn, “Response to Your Message to Senator Obama,” *DirkZijn Blog*, December 3, 2007, <http://www.dirkzijn.nl/tag/donation/>; please see screenshot 4 in Appendix D.



years.<sup>124</sup> “And because we are three years in his mailing list...But frankly after 3 years his letters excite me much less...”

7. A Japanese blogger named Isogaya posts a link to the Obama campaign’s donation page.<sup>125</sup> When posting the link, Isogaya notes that an option in giving would be to give a gift card.
8. A Norwegian blogger posts a solicitation from the Obama campaign, including the link to the donate page. When another blogger opines that non-U.S. citizens cannot contribute because of American law, the blogger responds in Norwegian, “I have in practice given money to Obama, I had done it.”<sup>126</sup>
9. A blogger in Egypt who serves on the board of the Union of Arab Bloggers posts the solicitation letters he reports to regularly receive from the Obama campaign.<sup>127</sup> “We as Arabs and Muslims” support the “Democratic party, compared to the Republican Party,” but notes his objection to the President’s stand on gay marriage.

## **President Obama and Foreign Nationals in Social Media**

The Obama campaign makes extensive use of social media to further its message and to fuel its campaign. However, the fact that the Obama campaign never tempers its aggressive use of social media as a fundraising tool with a clear message that only American citizens can contribute creates enormous opportunities for foreign nationals to insert themselves into the electoral process.

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124 [http://www.radicalsocialismo.it/index.php?option=com\\_fireboard&func=view&catid=4&id=47348&Itemid=209](http://www.radicalsocialismo.it/index.php?option=com_fireboard&func=view&catid=4&id=47348&Itemid=209)

125 <http://q.hatena.ne.jp/1175726038>

126 <http://vgd.no/utdebattert/valg-2009/tema/1399676/tittel/e-post-fra-barack>

127 <http://sonbaty.blogspot.com/2012/09/fwd.html>



1. The Obama campaign regularly and aggressively posts solicitations for donations and campaign memorabilia on Facebook. The campaign does not make clear in these postings that only U.S. citizens or permanent residents are allowed to contribute. Given Facebook's operational architecture, this can only lead to obvious confusion. For example, here is a recent solicitation posting from the president himself that appear on Taiwanese Facebook (zh-tw.facebook.com).



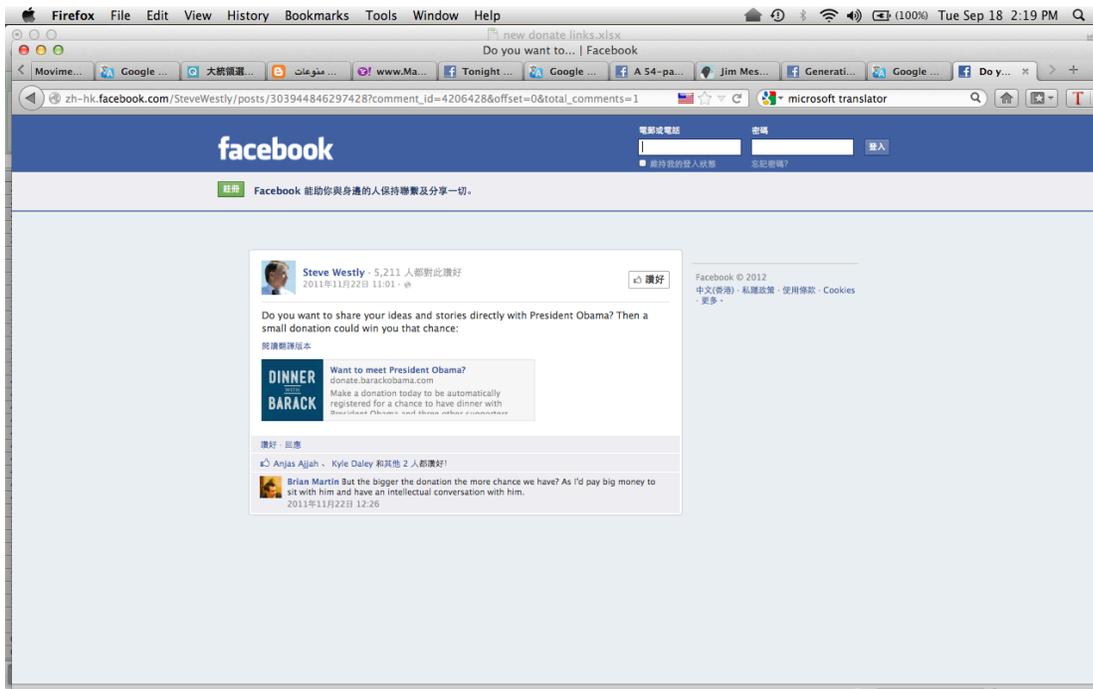
2. The Obama campaign's Gen44 project, a fundraising campaign targeting young professionals, is mirrored on Thai Facebook ([www.thai-facebook.com](http://www.thai-facebook.com)).<sup>128</sup>

<sup>128</sup> [http://th-th.facebook.com/Gen44/posts/222613071195215?comment\\_id=696008&offset=1&total\\_comments=8](http://th-th.facebook.com/Gen44/posts/222613071195215?comment_id=696008&offset=1&total_comments=8); GAI found Gen44 on other Facebook sub-domains as well. Italy: <http://it-it.facebook.com/events/155184724574112/?ref=nf>, Japan: <http://ja-jp.facebook.com/Gen44Maine/posts/305992352790025>.



3. Obama Campaign director Jim Messina tweets solicitations for Obama campaign events that appear on a South Korean twitter imitation site.<sup>129</sup>

4. Obama campaign bundler Steve Westly's online solicitations can easily be found on Hong Kong Facebook.<sup>130</sup>



129 <http://twtkr.olleh.com/Messina2012/status/137682871170244608>

130 [http://zh-hk.facebook.com/SteveWestly/posts/303944846297428?comment\\_id=4206428&offset=0&total\\_comments=1](http://zh-hk.facebook.com/SteveWestly/posts/303944846297428?comment_id=4206428&offset=0&total_comments=1)



5. A campaign solicitation letter is available on Arabic Facebook. <sup>131</sup>



## Obama Technology Team’s Use of Industry-Standard Anti-Fraud Credit Card Security Measures

The Obama campaign’s failure to use the CVV is quite possibly costing the campaign millions of dollars in additional fees. Recall that card processors charge *higher* transaction fees for campaigns that fail to use the CVV (see page 36). In 2008, the Obama campaign raised more than \$500 million online. Assuming the campaign paid industry standard rates, the campaign would have paid at least an additional \$7.25 million in fees to the banks that it could have avoided if it were to have used the CVV.<sup>132</sup>

131 [http://translate.googleusercontent.com/translate\\_c?anno=2&depth=1&hl=en&rurl=translate.google.com.pk&sl=ar&tl=en&u=http://ar-ar.facebook.com/Obama2012Germany/posts/364082173663446%3Fcomment\\_id%3D3137249%26offset%3D0%26total\\_comments%3D1&usg=ALkJrhfhka\\_xDAv8c7Emq4Z028yGZ0D3Ug](http://translate.googleusercontent.com/translate_c?anno=2&depth=1&hl=en&rurl=translate.google.com.pk&sl=ar&tl=en&u=http://ar-ar.facebook.com/Obama2012Germany/posts/364082173663446%3Fcomment_id%3D3137249%26offset%3D0%26total_comments%3D1&usg=ALkJrhfhka_xDAv8c7Emq4Z028yGZ0D3Ug)

132 The \$7.25 million estimation is based on the difference between industry standard rates for campaigns that use the CVV and AVS and campaigns that don’t use either systems. The \$7.25 million figures does not include potential chargeback fees or each transaction’s flat fee. GAI calculated this number by subtracting the amount that the campaign would have paid, based on Cybersource’s standard rates, if it had used both the CVV and AVS from the amount the campaign paid by not using the CVV  $[(.0362 - .0219) * \$500,000,000.00]$ ; Jose Antonio Vargas, “Obama Raised Half a Billion Online,” *The Washington Post*, <http://voices.washingtonpost.com/44/2008/11/obama-raised-half-a-billion-on.html>.



The campaign's decision to not use the CVV is rather curious – their technology experts use it in their other commercial and charitable endeavors. Michael Slaby, the chief integration and innovation officer for the Obama Campaign, sits on the board of Citizen Effect, a charitable organization that largely accepts its donations online.<sup>133</sup> Slaby's college roommate started the charity and Slaby sits on the board.<sup>134</sup> To make charitable donations online to Citizen Effect donors are required to use the CVV.

Harper Reed, the chief technology officer of the Obama campaign, was previously the chief technology officer for Threadless, a successful crowdsourcing T-shirt company.<sup>135</sup> It likewise requires the CVV for financial transactions.<sup>136</sup> This is clear evidence that the Obama campaign's technology experts understand the threat of fraud and the necessity of security for online transactions.

Even more curious is the fact that the Obama campaign sees the benefit of using the CVV in its merchandise shop. To buy official merchandise from the Obama campaign website—a T-

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133 Citizen Effect website, About Us, [http://www.citizeneffect.org/about\\_us](http://www.citizeneffect.org/about_us).; Andrew Romano, "Yes We Can (Can't We?)," *The Daily Beast*, January 2, 2012, <http://www.thedailybeast.com/newsweek/2012/01/01/inside-president-obama-s-reelection-machine.html>.

134 Evison Good website, "Interview with Dan Morrison, Founder of Citizen Effect: The Importance Of A Strong Advisory Board," <http://envisongood.com/part-ii-interview-with-dan-morrison-founder-of-citizen-effect-on-how-to-build-community-through-giving/2010/05>.

135 David Wolinsky, "Why Obama Hired Threadless' Harper Reed at CTO," *NBC Chicago*, <http://www.nbcchicago.com/blogs/inc-well/Why-Obama-Hired-Threadless-Harper-Reed-as-CTO-123095273.html>.

136 Threadless Tees website, "Your Cart," <https://www.threadless.com/cart/step/shipping-info/>.



shirt, hat, hoodie, etc., one is required to input the CVV.

STORE.BARACKOBAMA.COM

Checkout *with Free Shipping!* [Edit Your Cart / Continue Shopping](#)

**Billing Information** | [Edit](#) ✓

**Shipping Information** | [Edit](#) ✓

**Payment Information** ▼

VISA MasterCard AMERICAN EXPRESS DISCOVER

Credit Card Number \* Expiration Date \*

Month Year

Card Verification Number \*

What is this?

\* Required Fields

CONTINUE

[Additional Donation](#) >

[Order Review](#) >

The Obama campaign has claimed that it doesn't need the CVV because they are able to vet contributions on the back end using sophisticated techniques that it doesn't disclose.<sup>137</sup> This begs the question: why is it using different techniques when it comes to selling campaign merchandise?

The Obama campaign's vulnerabilities are not difficult to fix. In addition to the CVV and a strong AVS system, the campaign could make use of geo-location on the campaign websites so that if a visitor comes from a foreign IP address, he or she would be alerted of the relevant federal laws and asked for a passport number or military ID in order to proceed to the donation page.

137 Rick Hasse, "Obama Campaign Responds to Michael Barone on Credit Card Procedures for Fundraising," *Election Law Blog*, <http://electionlawblog.org/?p=33935>.



PART V  
The Curious Case of Obama.com

The security vulnerabilities of the Obama campaign are well-illustrated by the privately held Obama.com, a redirect website which sends its largely foreign visitors to a donation page on barackobama.com and loads a unique affiliate number (affiliate number 634930), allowing the campaign to identify the traffic that reaches it through Obama.com.<sup>138</sup>

**Additional Information**  
Who Encouraged You To Make This Contribution?

  
**SUBMIT**

**Contributions or gifts to Obama Victory Fund 2012 are not tax deductible.**  
The first \$5,000 of a contribution to OVF 2012 will be allocated to Obama for America (with the first \$2,500 designated for the primary election, and the next \$2,500 for the general). The next \$30,800 of a contribution will be allocated to the Democratic National Committee. A contributor may designate a contribution for a particular participant. This allocation formula may change if following it would result in an excessive contribution.

**OBAMA BIDEN**

© 2011 Obama for America, All Rights Reserved | Privacy Policy | Terms of Service | Contact Us | Jobs

PAID FOR BY OBAMA VICTORY FUND 2012, A JOINT FUNDRAISING COMMITTEE AUTHORIZED BY OBAMA FOR AMERICA AND THE DEMOCRATIC NATIONAL COMMITTEE.

The fact that Obama.com is not owned or managed by the Obama campaign is a mystery. Obama for America owns 392 different domain names bearing either the President’s name or the name of campaign initiatives.<sup>139</sup> It seems logical that Obama.com would be sought after by the campaign. In 2008 an Obama bundler with considerable business ties in China purchased the site. It is currently registered anonymously.

<sup>138</sup> An affiliate number is an identifier that is widely used for tracking web traffic.  
<sup>139</sup> Domaintools.com, Registration Required



## Obama.com Traffic

According to Markosweb, which uses data from Google Analytics, approximately 68% of Internet traffic going to Obama.com comes from foreign locations.<sup>140</sup> An examination of the backlinks going to Obama.com reveals that a strong majority is from foreign language or foreign-based websites. These websites do not appear to be catering to American expatriates.

During June and July of 2012, web traffic to the site increased, again with the majority of the traffic coming from overseas. An examination of the traffic generated indicates that most visitors are not coming to the website through search engines but are arriving there by typing in “Obama.com” or by clicking a link to Obama.com.<sup>141</sup>

## History of the Site

In the fall of 2000, Obama.com was a “parked” page owned by small company that sold domain names.<sup>142</sup> The site was in Japanese, most likely because “Obama” means “little beach” in Japanese, and there is also a small town named Obama in the Fukoka province of Japan.

Obama.com changed ownership among several users and was hosted with a major Japanese Internet company specializing in Search Engine Optimization (SEO) and affiliate marketing named Japan Global Media Online. The site remained parked in the Japanese language until the last two weeks of September 2008.<sup>143</sup>

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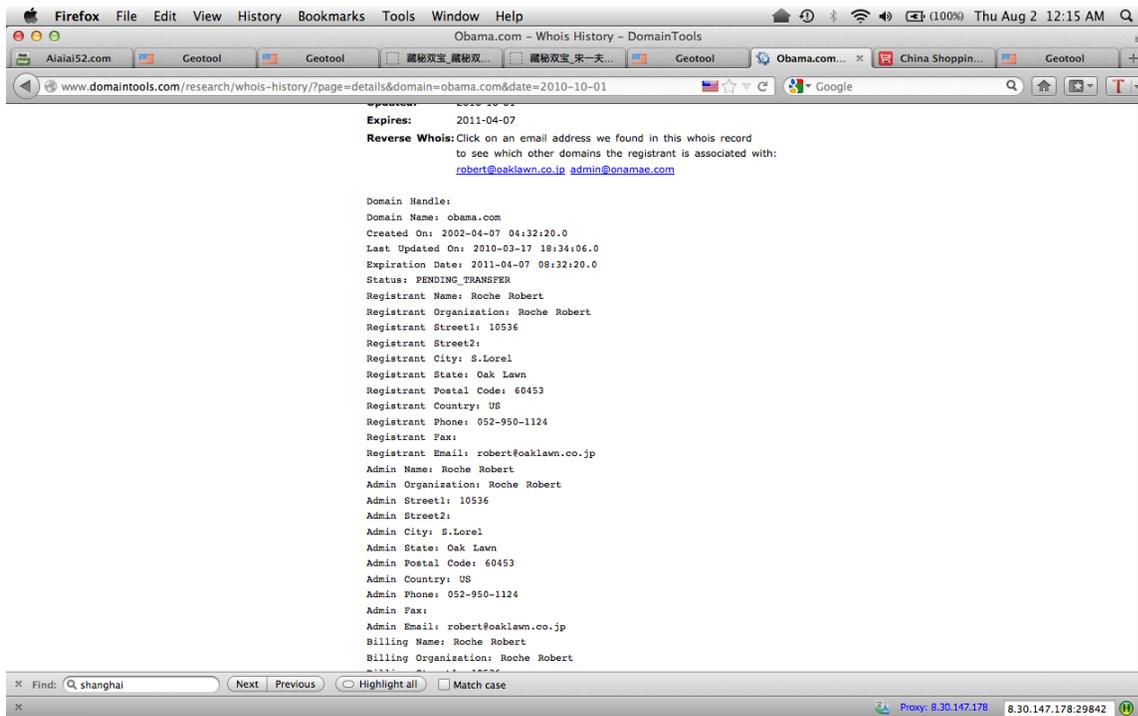
140 “Donate: You Power This Movement,” <http://markosweb.com/www/obama.com/>; last accessed September 4, 2012.

141 Alexa: The Web Information Company, <http://www.alexa.com/siteinfo/obama.com#>; click the “search analytics” tab to see data.

142 DomainTools, <http://www.domaintools.com/research/whois-history/?page=results&q=obama.com>, registration required.

143 **ibid.**





In the last week of September 2008, Obama.com was registered to “Roche, Robert.”<sup>144</sup> Roche is an American citizen (originally from Chicago) who has spent the bulk of his time since the late 1990s developing business interests in Shanghai. He has considerable business interests in Chinese state-run television and ties to several state-owned Chinese companies.

By October 2, 2008, Obama.com began redirecting all visitors to specific content on my.barackobama.com.<sup>145</sup> Upon arrival to my.barackobama.com, visitors were asked for their name, email, and zip code and presumably were sent solicitation letters, like every other visitor who provides that information to the campaign.

Following President Obama’s campaign victory in November 2008, Obama.com redirected visitors to a page selling inauguration merchandise and taking donations for the inauguration celebration.<sup>146</sup> Throughout 2009, the website redirected to pages on the campaign website advocating various presidential initiatives. Starting in late January 2010, Obama.com redirected to a page gathering email addresses and continued to do so through 2011. Sometime

144 See screenshot number 5 in Appendix D. On October 27, 2008, the administrative email was registered to robert@oaklawn.jp; Oaklawn Marketing is a Japanese infomercial company started by Robert Roche.

145 Internet Archive: Way Back Machine Beta, [http://wayback.archive.org/web/20090401000000\\*/http://obama.com](http://wayback.archive.org/web/20090401000000*/http://obama.com).

146 Ibid.; See Screenshot 6 in Appendix D.



during 2012, the webpage began sending visitors to a donation page on the Obama campaign's website. The campaign's donation page loads an affiliate number to track the traffic and donations coming via the website. It continues to do so today.

On October 4, 2010, Obama.com's site registration was changed from "Roche, Robert" to an anonymous registration with a company called Domains By Proxy, which is owned by GoDaddy.<sup>147</sup> Later, server hosting was changed from Japan Global Media Online to Hostmonster/Bluehost.com, a company based out of Utah.<sup>148</sup>

Administration of the page was taken over by a small company with only four employees listed on its website.<sup>149</sup> Wicked Global, of Waterville, Maine, registered to a 25-year-old former Harvard student named Derek Dorr.<sup>150</sup> Another Dorr, Gregory, is listed as "Lead Marketing" for Wicked Global and lists additional work for himself on LinkedIn: fundraising and program director for Peace Action Maine and as a "private consultant" with Maine Voices for Palestinian Rights.<sup>151</sup> Confirming Wicked Global's association with Obama.com is simple enough. First, the Google Analytics account registered to Obama.com is registered to Wicked Global as well.<sup>152</sup> Second, when someone forces an error on Obama.com they are prompted to contact Wicked Global.<sup>153</sup> Who arranged for Wicked Global to oversee Obama.com, and why that was done is unknown.

It remains unclear whether or not Roche himself continues to own Obama.com. Nevertheless, the site continues to aid the Obama campaign, regardless of ownership.

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147 Several consulting experts have mentioned separately that this is not necessarily indicative of an ownership change. A domain's registration can be changed to private at any time.

148 <http://www.domaintools.com/research/hosting-history/?q=obama.com>, Registration Required.

149 Wicked Global, <http://wickedglobal.com/about/team>, last accessed August 25, 2012.

150 Corporate filing with Maine Secretary of State, no. 20110462D.

151 Wicked Global, <http://wickedglobal.com/about/team>, last accessed August 25, 2012; Gregory Dorr on Linked In, <http://www.linkedin.com/pub/gregory-dorr/30/823/b3>; Maine Voices for Palestinian Rights is an "affiliate" of Peace Action Maine. See <http://www.mvprights.org/> last accessed on August 25.

152 This can be verified using free online search tools such as [reverseinternet.com](http://reverseinternet.com/); see for instance <http://reverseinternet.com/domain/obama.com>. As can be see Wicked Global operates other websites as well and uses the *same* Google Analytics account for several of them.

153 Anyone with an Internet connection can type in obama.com and a non-existent file name into their browser in this manner: [www.obama.com/tv](http://www.obama.com/tv). This will cause an error and the following message will appear: "Please contact the server administrator, [webmaster@obama.wickedglobal.com](mailto:webmaster@obama.wickedglobal.com) and inform them of the time the error occurred, and anything you might have done that may have caused the error."



## Robert Roche

In an effort to understand the evolution of Obama.com, the Government Accountability Institute researched Robert Roche's background. Mr. Roche was born in 1962 and grew up in the Chicago suburb of Oak Lawn, Illinois. Roche attended Illinois State University and graduated with a bachelor's degree in Economics and Japanese Studies.<sup>154</sup> He earned a J.D. at Denver University's Sturm College of Law and gave a \$3 million gift to the college in 2010 to establish the Roche Family International Business Transactions Program.<sup>155</sup> In 1983, he traveled to Japan as an exchange student and would return after college to do business.<sup>156</sup>

Roche met his Japanese wife during his time as an exchange student in Japan.<sup>157</sup> After graduation they moved to Japan where Roche taught English and worked in the importing business.<sup>158</sup> In 1993 Mr. Roche founded his first company, Oak Lawn Marketing.<sup>159</sup> Oak Lawn went on to great success, as an infomercial company selling everything from stain removers to vacuum cleaners.

In 1998, Roche cofounded Acorn International, a company registered in the People's Republic of China. The Shanghai based company primarily deals in infomercials, producing commercials selling cell phones, cosmetics, fitness equipment, breast-enhancement products, and other items on Chinese State television.<sup>160</sup> According to Acorn International's prospectus, issued when the company made its public offering of securities in May of 2007, the company had become "the largest TV direct sales operator in China," where it aired infomercials on "four nationwide China Central Television or CCTV, channels, 28 national [state controlled] TV channels, four international satellite channels operating in China and eight local channels."<sup>161</sup>

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154 "People: Acorn International Inc (ATV)," Robert Roche's biography, *Reuters*, <http://www.reuters.com/finance/stocks/companyOfficers?symbol=ATV> last accessed August 25, 2012.

155 Roche Bio; See the official press release from the Sturm College of Law, <http://www.law.du.edu/documents/news/roche-du-press-release-dec-9-2010.pdf>.

156 Michael A. Lev, "Japan's King of the Infomercial," *Chicago Tribune*, May 18, 1999. [http://articles.chicagotribune.com/1999-03-18/business/9903180374\\_1\\_infomercials-japanese-businessmen-chicago-cop](http://articles.chicagotribune.com/1999-03-18/business/9903180374_1_infomercials-japanese-businessmen-chicago-cop).

157 *Ibid.*,

158 Tom Dellner, "An Entrepreneur's Tale," *Electronic Retailer Magazine*, August 2009, 44.

159 "Company Overview of Oak Lawn Marketing," *Bloomberg Businessweek*, August 31, 2012, <http://investing.businessweek.com/research/stocks/private/snapshot.asp?privcapId=1542898>.

160 Acorn's chinadrtv.com.

161 Acorn Prospectus, May 2, 2007, Registration no. 333-141860, Securities and Exchange Commission, 1.



Though Roche remains a U.S. citizen, his operations in China are exclusive to that country. As a result, enforcing judgements or bringing actions in China based on U.S. laws against Acorn International or its officers would be difficult. As Acorn makes clear in company filings, “We conduct all of our operations in China and all of our assets are located in China. In addition, all of our directors and executive officers reside within China. . . . Moreover our PRC legal counsel, Haiwen and Partners, has advised us that the PRC does not have treaties with the United States or many other countries providing for the reciprocal recognition and enforcement of judgment of courts.”<sup>162</sup> To “comply with PRC laws imposing restrictions on foreign ownership in direct sales, wholesale distribution and advertising businesses,” Acorn’s ownership includes Roche and several Chinese citizens. Acorn has licensing agreements with two companies “currently owned by two PRC citizens, Don Dongjie Yang, our president and one of our directors, and David Chenghong He, one of our executive officers.” These men “hold the licenses required to operate our direct sales and wholesale distribution business.”<sup>163</sup> Acorn continues to use this organizational structure.<sup>164</sup>

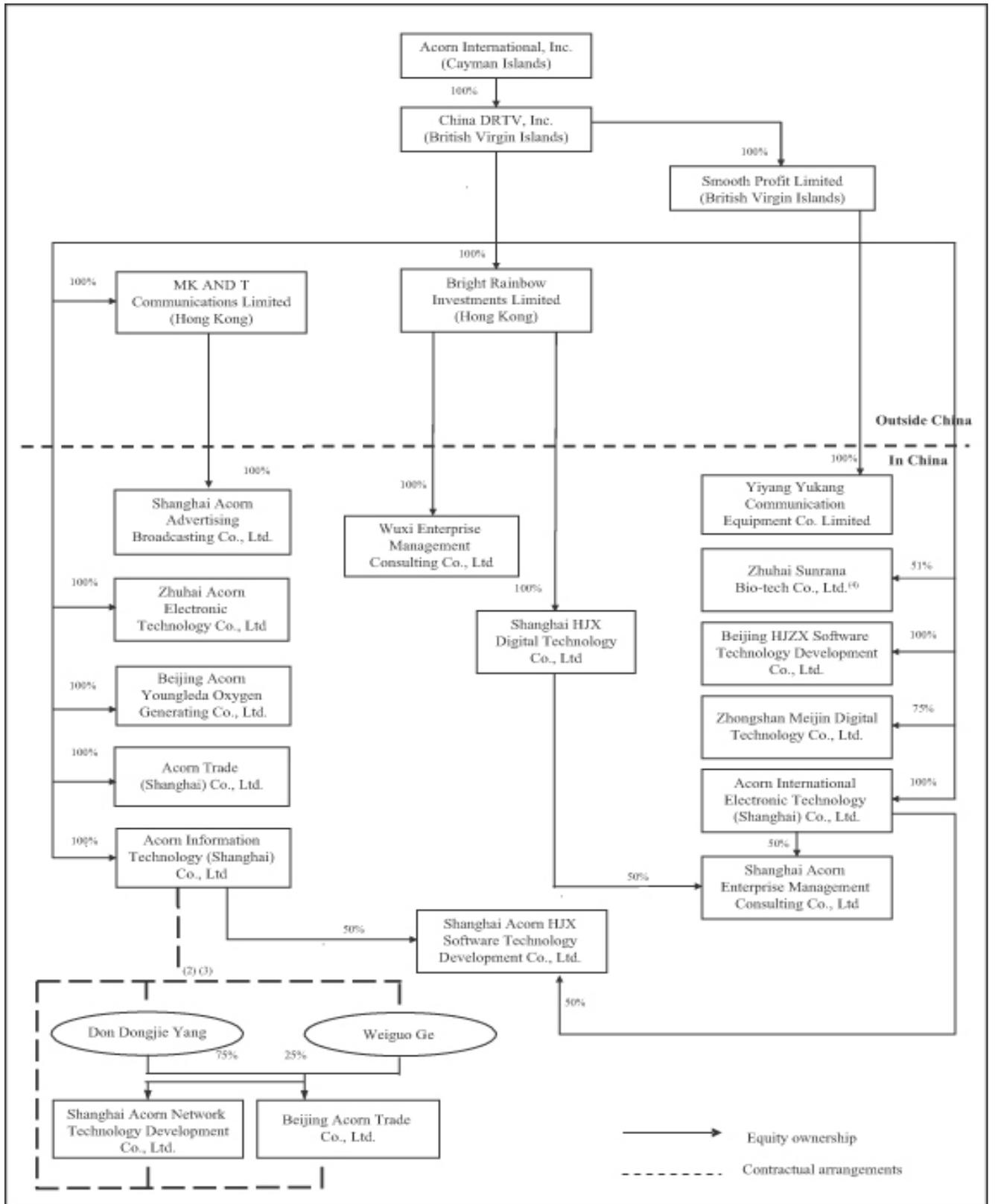
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<sup>162</sup> Prospectus, 37.

<sup>163</sup> Prospectus; The Chinese government requires investors to qualify through the Chinese government as a “qualified foreign institutional investor.” Naomi Rovnick, “Talks on to open up private equity funds; Beijing lobbied to allow foreign firms to invest,” *South China Morning Post*, September 22, 2009.

<sup>164</sup> See exhibit for SEC F20-F, <http://www.sec.gov/Archives/edgar/data/1365742/000119312512176144/g304412g85o89.jpg>; Relationship Chart taken from Acorn’s 2012 20-F SEC Filing, pg 63.





According to the company’s prospectus, it “operate[s] [its] direct sales and advertising businesses in China under a legal regime consisting of the State Council, which is the highest authority of the executive branch of the PRC central government, and several ministries and agencies under its authority...”<sup>165</sup> “Our business depends on our access to TV media time to market our products and services in China,” it reports.<sup>166</sup> The prospectus also says that several of the company’s Chinese subsidiaries receive tenuous, “preferential tax benefits” from the Chinese government that can be taken away. “PRC law is vague and is subject to discretionary interpretation and enforcement by PRC authorities...Loss of these preferential tax treatments and subsidies could have material and adverse effects on our results of operations and financial conditions.”<sup>167</sup> Given the nature of its product and the Chinese business climate, Acorn’s business model is wholly dependent on the company having an excellent relationship with the Chinese government.

Acorn’s prospectus states that “since commencing [its] operations in 1998, [the company has] formed close and strong relationships with various CCTV and national satellite channels...”<sup>168</sup> As evidence of this strong relationship, Roche’s company’s legal representation in Beijing is the powerful Haiwen and Partners legal firm, a politically connected Chinese firm started in 1992 that does business exclusively in China. Haiwen does underwriting and legal representation work for many of China’s largest state-owned companies, including the Industrial and Commercial Bank of China, China Coal Energy Company, China Construction Bank, China Life Insurance, China Air Limited, etc.<sup>169</sup>

Acorn has signed contractual agreements that allow it to sell the products of several large, state owned or affiliated companies.

- Through a 2006 agreement, Acorn began selling cell-phones and digital cellular services for the Chinese telecommunications giant Unicom.<sup>170</sup> Unicom is one of the largest

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<sup>165</sup> Prospectus, p 136.

<sup>166</sup> Ibid.,

<sup>167</sup> Prospectus, 34, 35.

<sup>168</sup> Prospectus, 18, 98.

<sup>169</sup> Prospectus, 145; Haiwen and Partners, <http://www.haiwen-law.com/Haiwen%20Brochure%202009E.pdf>.

<sup>170</sup> See Acorn's 12/31/11 Form 20-F filing with the SEC, <http://www.sec.gov/Archives/edgar/data/1365742/000119312512176144/d304412d20f.htm>.



telecommunications providers in China and, like any “strategic industry,” is controlled by the state.

- Acorn also sells the mobile phones of the Chinese state-owned telephone company CEC Telecom through a “joint sales agreement.”<sup>171</sup>
- In 2008, Acorn International purchased Yiyang Yukang, a cell phone manufacturing company incorporated in China.<sup>172</sup>
- In 2007, Acorn signed a marketing agreement with China Pacific Insurance, a state-owned insurance company, to sell insurance products to the Chinese public.<sup>173</sup>

It is important to keep in mind that even important industries that are listed on foreign stock exchanges remain under direct government control in China. *Financial Times* reporter Richard McGregor notes that for state-owned enterprises, Communist Party meetings are held before corporate board meetings and Party officials make management decisions.<sup>174</sup> He writes that Party “control over personnel appointments has been inviolate.”

Telecommunications isn’t the only politically sensitive industry in which Acorn does business in China. In the mid-2000s, Acorn began to flounder. According to the company’s own SEC filings, it began to open up a new line of business in “third party bank channels.” Acorn has ties with “four established domestic [state-controlled] banks through which we directly market products through specialized catalogues to credit card holders at these banks. As of March 31, 2009 we have established relationships with 13 domestic banks.”<sup>175</sup> This allowed Acorn to gain revenue through credit card transactions with Chinese banks. Between 2007 and 2010, the revenue stream from that line of business grew 180%.

Many of the current and former senior executives and board members that work with Roche at Acorn come from Chinese state television and other state-run enterprises.

- David Chenghong He, until recently vice-president of Acorn, owns the licenses that allow the

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171 Prospectus, 99, 102.

172 See Acorn’s 12/31/11 Form 20-F filing with the SEC, <http://www.sec.gov/Archives/edgar/data/1365742/000119312512176144/d304412d20f.htm>.

173 Prospectus, p 97.

174 Richard McGregor, “The Party: The Secret World of China’s Communist Rulers,” (New York: Harper Collins, 2010), 49.

175 See Exhibit 4.27 to Acorn’s 12/31/11 Form 20-F filing with the SEC, <http://www.sec.gov/Archives/edgar/data/1365742/000119312512176144/d304412d20f.htm>.



firm to operate. He was previously vice-president of finance at TVS, a state-owned television company.<sup>176</sup>

- Kevin Guohui Hu, vice-president of Acorn, was general manager of TVS.
- James Yujun Hu, Acorn's CEO and Chairman of the Board, was executive vice-president at TVS.
- Ella Man Lin, vice-president of Acorn, was a manager at TVS.

In 2007, Acorn International issued a public offering of its securities and was listed on the New York Stock Exchange (NYSE).<sup>177</sup> Despite its status as an NYSE company, very little trading of the stock is done. The vast majority of the company's ordinary shares are held by Mr. Roche, trusts controlled by Mr. Roche, and his Chinese partners. The firm has few outside investors, the largest owning one-tenth of 1%.<sup>178</sup>

In 2005 SAIF Partners, headed by Andrew Yan, invested \$43 million in Acorn International.<sup>179</sup> Yan sits on Acorn's board. Yan and his firm are partners with state-owned China Development Bank and China's National Social Security Fund, which are Chinese government institutions.<sup>180</sup> He also sits on the board of other state-owned firms like China Offshore Services Limited, and China Resources Land Ltd.<sup>181</sup> Yan previously worked for the Chinese State Commission for Economic Restructuring of the State Council of the PRC.<sup>182</sup>

Politically, Robert Roche is well-connected and actively contributes to the Democratic Party.<sup>183</sup> He is currently a co-chair of the Technology Initiative for the Obama campaign, an effort designed to raise money from and with the assistance of the Technology and Information industry.<sup>184</sup> He is a past president of the U.S. Chamber of Commerce in Shanghai. In 2008, he

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176 Prospectus, 118-120.

177 "China's Acorn International IPO priced at \$15.50/ADS," *Reuters*, May 3, 2007, <http://www.reuters.com/article/2007/05/03/acorn-shareoffering-idUSWNAS956420070503>.

178 Morningstar website, "Acorn International, Inc. ADR ATV," <http://investors.morningstar.com/ownership/shareholders-overview.html?t=ATV&region=USA&culture=en-US>.

179 Acorn website, "Milestones," <http://ir.chinadrtv.com/index.php?s=65>.

180 "SAIF Partners to launch RMB fund with CDB, NSSF," May 30, 2011, [Chinaknowledge.com](http://chinaknowledge.com).

181 Wing-Gar Cheng, "China Oilfield Considers Selling Shares in China (Update5), December 19, 2006, *Bloomberg*, <http://www.bloomberg.com/apps/news?pid=newsarchive&sid=aZfjWr4ywU9I&refer=asia> <http://www.businessweek.com/news/2012-08-02/china-developers-fall-on-property-curb-concern-shanghai-mover>.

182 <http://www.sbaif.com/people/andrew-y-yan>

183 Open Secrets, [Opensecrets.org](http://Opensecrets.org).

184 *Anupama Narayanswamy*, "Big donors to Democratic super PACs visited White House," <http://reporting.sunlightfoundation.com/2012/big-donors-democratic-super-pacs-visited-white-house/>.



bundled for Obama and has committed to bundle \$500,000 for the Obama campaign in 2012. As of August, Roche has bundled over \$384,000.<sup>185</sup> In the wake of 2008, Roche was appointed by President Obama to the U.S. Trade Advisory Board for China. He has contributed \$100,000 thus far to the pro-Obama “Super PAC” Priorities USA.

Roche has high-level access to the executive branch and visits the White House regularly. According to White House Visitors Log, Roche made nineteen visits since 2009, although he lives in China.<sup>186</sup> His visits have included:

1. 12/21/2009: Private visit with President Obama in the Oval Office.
2. 7/1/2009: Meeting with Catherine M Whitney, Executive Assistant to the Council of the President, in the West Wing.
3. 7/27/2010: Meeting with Kristen J Sheehey, Deputy Chief of Staff, in the West Wing
4. 9/27/2010: Meeting with John Holdren, Assistant to the President for Science, in the New Executive Office Building.
5. 9/20/2011: Meeting with Pete Rouse, Assistant to the President, in the West Wing.
6. 2/17/2011, 6/24/2011: Meetings with then White House Chief of Staff William Daley, in the West Wing.

The following page contains a diagram showing the most basic level of relationships between Mr. Roche, his Chinese business interests, and the Obama White House.<sup>187</sup>

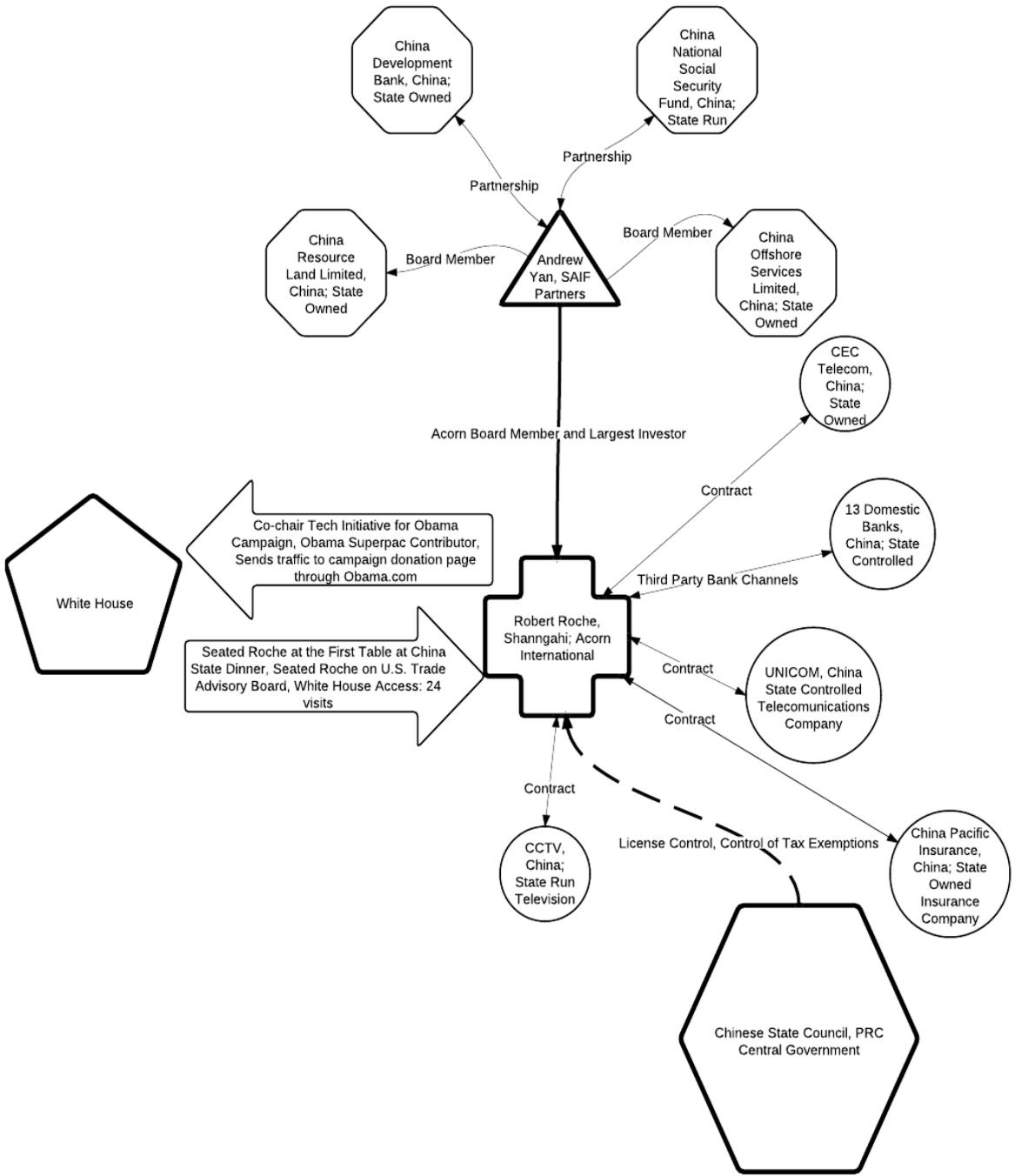
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185 “Obama’s Top Fund-Raisers,” The New York Times, September 13, 2012, <http://www.nytimes.com/interactive/2012/09/13/us/politics/obamas-top-fund-raisers.html>

186 “White House Visitors Database,” *WP Politics*, <http://apps.washingtonpost.com/svc/politics/white-house-visitors-log/searchResults?query=Robert%20Roche&ignoreTours=true>.

187 SEC’s Edgar, <http://www.sec.gov/search/search.htm>; White House Visitor Access Records, <http://www.whitehouse.gov/briefing-room/disclosures/visitor-records>





## A Seat of Power

Roche's pull and status in both Beijing and Washington is evident from the seating arrangements at the 2011 State Dinner for Chinese President Hu Jintao at the White House. In addition to President Obama and the First Lady, the head table where Roche was seated also included Secretary of State Hillary Clinton, former President Bill Clinton, Senate Foreign Relations Committee Chairman Senator John Kerry and his wife Teresa Heinz Kerry, former President Jimmy Carter and former First Lady Rosalynn Carter, and then White House Chief of Staff William Daley.<sup>188</sup> Obviously, any corporate executive would prize sitting at the table. The only corporate executives seated at the head table were General Electric's CEO Jeffrey Immelt, Coca-Cola Chairman and CEO Muhtar Kent, and Robert Roche.



Those in attendance who failed to get such a prestigious seat include Goldman Sachs CEO Lloyd Blankfein, Treasury Secretary Timothy Geithner, former Secretary of Commerce

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<sup>188</sup> "Hu comes to Washington (Jan. 18 to 21): Seating Arrangement at Chinese State Dinner," *Washington Post*, January 19, 2011, <http://www.washingtonpost.com/wp-dyn/content/article/2011/01/19/AR2011011906290.html>.



and current Ambassador to China Gary Locke, former Secretary of State Henry Kissinger, JP Morgan CEO Jamie Dimon, CEO of Disney Robert Iger, Microsoft CEO Steve Ballmer, Mr. W. Boeing CEO James McNerney, President and CEO of Intel Paul Otellini, etc.<sup>189</sup> How Roche, a businessman running infomercials on Chinese State Television, ended up at the table is puzzling.

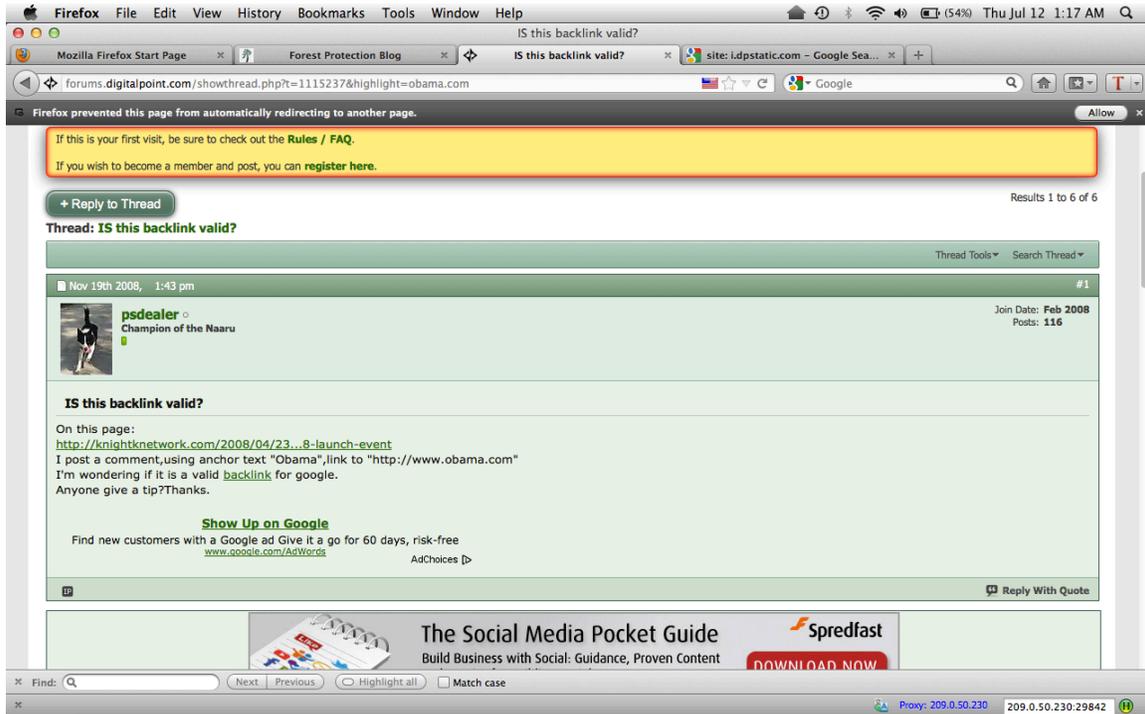
|                     |                    |
|---------------------|--------------------|
| PRES. CLINTON       |                    |
| WANG QI SHAN        | LING JIHUA         |
| HILLARY CLINTON     | MAYOR DALEY        |
| <b>ROBERT ROCHE</b> | ROBERTA WONG       |
| ANDREA IMMELT       | SEN. KERRY         |
| POTUS               | JEFF IMMELT        |
| PRES. HU JINTAO     | ROSLYN CARTER      |
| FLOTUS              | B.D. WONG          |
| MUHTAR KENT         | TERESA HEINZ KERRY |
| MAGGIE DALEY        | WANG HUNING        |
| PRES. CARTER        |                    |

<sup>189</sup> The Reliable Source, "Guest List for Chinese State Dinner," *The Washington Post*, January 19, 2011, [http://voices.washingtonpost.com/reliable-source/2011/01/expected\\_attendees\\_at\\_the\\_stat.html](http://voices.washingtonpost.com/reliable-source/2011/01/expected_attendees_at_the_stat.html).



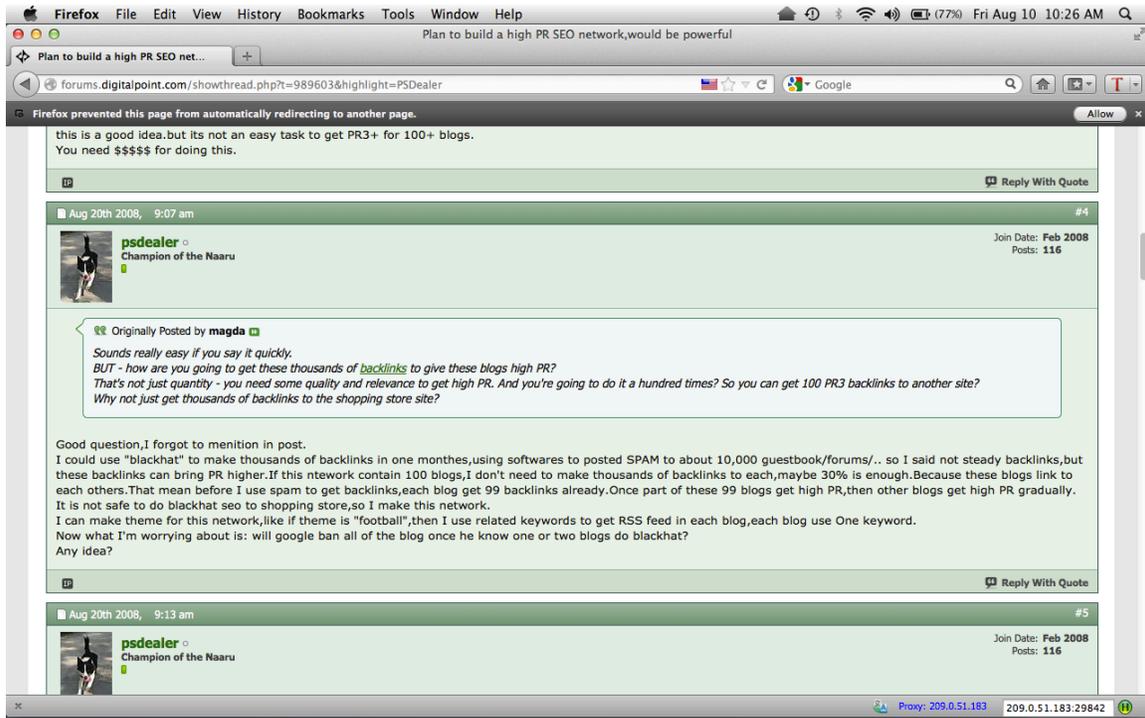
## Examples of Foreign Links to Obama.com

There are numerous links to Obama.com that have been placed on foreign websites. Some are probably mistakes; others might be efforts by foreign webmasters to capitalize on the Obama name and increase traffic to their own sites. But for other links, the motivation is unclear. These were the majority of the links uncovered by the investigation. Below is an example from a commentator, “Psdealer” writing about posting links to Obama.com. In separate threads, Psdealer goes on to describe his questionable strategy for increasing the search engine ranks of the websites to which he links.<sup>190</sup>



<sup>190</sup> See Screenshot 7 in Appendix section D.





The Government Accountability Institute found numerous links to Obama.com on foreign blog sites and forum boards. These links increase the probability that foreign nationals will try to donate to the Obama campaign, a campaign whose online security tools are lacking.

1. A Chinese gaming site features comments where an anonymous contributor has posted 860 comments and lists Obama.com as his profile homepage. Because it is listed as his homepage, anytime he posts a comment on the gaming site, it will create another link.<sup>191</sup> This poster was active on the forum from summer 2009 until at least November 15, 2011.
2. On a South African website in 2009, a commentator named Phillipa Lipinsky has her name hyperlinked to Obama.com.<sup>192</sup> This might be a mistake, but the same commentator with the

<sup>191</sup> See Screenshot 8 in Appendix D.

<sup>192</sup> Charlene Smith, "Every 26 seconds in SA a woman gets raped, it was my turn last Thursday night," *Thought Leader*, November 24, 2009, <http://www.thoughtleader.co.za/charlenesmith/2009/11/24/every-26-seconds-in-sa-a-woman-gets-raped-it-was-my-turn-last-thursday-night/>.



same hyperlink shows up at other times as well.<sup>193</sup> Indeed, there are more than fifty comments from “Phillipa Lipinsky” that hyperlink to Obama.com.

3. A comment poster named “Barack” makes numerous posts on a Brazilian site.<sup>194</sup> The hyperlink on his name leads traffic to Obama.com. Barack also appears in five posts in Portuguese on another Brazilian site.<sup>195</sup> Barack makes another appearance on a Spanish language site where his name continues to link to Obama.com. There are thirty-seven comments from him that day, and many appear to be automated.<sup>196</sup>
4. A Romanian website, covering Romanian military issues, includes commenters that link to Obama.com.<sup>197</sup> There are more than a dozen comments with links.
5. A Pakistani blog includes blog comments by an “Obama” which links to Obama.com.<sup>198</sup>
6. A commenter named Titus Jacob uses the link Obama.com as their identifying link. It appears on a Swedish server.<sup>199</sup> Many of his comments appear to be robo-comments, generated randomly without regard for the context of the webpage and similar to the SEO practices to which Psdealer referred.
7. Another Chinese website’s forum has user “- \_\_\_-” using his signature as a backlink to Obama.com. The same exact technique is used at another Chinese website as well.<sup>200</sup>

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193 The Sumo, “Dinner with Dandala,” *Thought Leader*, April 20, 2009, <http://www.thoughtleader.co.za/thesumo/2009/04/20/dinner-with-mvume-dandala/>; See Screenshot 9 in Appendix D; “public utility vehicle pasahero,” March 9, 2009, <http://puvpasahero.blogspot.com/>.

194 Chongas, <http://www.chongas.com.br/2009/01/quadrinho-pensamento-masculino/?replytocom=19416>; See Screenshot 10 in Appendix D.

195 Fred Burl no Cinema, <http://www.fredburlnocinema.com/2009/12/atividade-paranormal.html?showComment=125996616607>.

196 Blog Comment Poster: The Little Tool for Big Results, <http://www.post-comments.com/>, is an example of such software.

197 “InfoMondo Militar: You are in the army now!” <http://militar.infomondo.ro/opinii/umilirea-armatei-nationale-scrisoare-deschisa-catre-viitorul-presedinte-al-romaniei-adresata-de-generalul-maior-r-iordache-olaru.html/comment-page-1>; See Screenshot 11 in Appendix D.

198 “What is Mutta or Muttah by Shia,” *shia celebrates muttah or mutta on eid ghadeer or ghadir*, April 10, 2009, <http://shia-mutta-muttah.blogspot.com/2009/04/what-is-mutta-or-muttah-by-shia.html?showComment=1239366120000>; See Screenshot 12 in Appendix D.

199 “Sata tells conference climate change delegates that whiskey pollutes the environment,” *Zambian Watchdog*, June 21, 2012, <http://www.zambianwatchdog.com/2012/06/21/sata-tells-climate-change-conference-delegates-that-whiskey-pollutes-environment/comment-page-2>.

200 Q+ Web, <http://cdc.tencent.com/?p=4740>



## PART VI

### Recommendations and Conclusion

Federal law has lagged behind the technological advancements and realities of the Internet age. Current federal law prohibits soliciting foreign nationals for campaign contributions. But campaigns can, and often do, aggressively solicit donations around the world. This occurs while these same campaigns are not required by FEC regulation to meet any anti-fraud requirements for online donations. This allows for foreign contributions to American political campaigns. Indeed, the anonymity and global reach afforded by the Internet would make it simpler for foreign actors, a group which has historically been interested in influencing U.S. elections, to contribute to donate to U.S. campaigns.

Political campaigns have little incentive to police themselves. Indeed, campaigns have the potential motivation to look the other way from the less obvious fraudulent donations. The Government Accountability Institute calls on the FEC to mandate the following reforms of federal candidates. Until the FEC makes these reforms, political campaigns should voluntarily implement the following recommendations:

1. All campaigns must employ industry standard security tools on their websites to guard against fraudulent donations, specifically the CVV and AVS. AVS should be implemented to require address information be present and valid for all transactions. While not fool proof, these industry standard measures have proven to greatly reduce fraud.
2. All campaigns must employ the use of geo-location. Internet visitors with foreign IP addresses must be required to provide proof of eligibility before they can proceed to the donate page.
3. Greater transparency is essential. In an era when robo-donations present a real threat to the integrity of our campaign finance system, relics of the distant past, the “Pass-the-Hat”



Rule and the \$200 threshold for full disclosure, should be totally dissolved for online donations. This would not significantly increase the burden on the campaigns as they already collect the identifying information of their donors through the use of sophisticated technology.

4. All campaigns must retain the IP addresses for all their online donors and make those IP addresses, along with the pertinent donor information, available to the FEC for audit if fraud is suspected.

In conclusion, these reforms will provide a firm foundation upon which to strengthen the integrity of our elections, a common concern for all political parties and for all Americans. Transparency is central to good government and accountability, and transparency in campaign financing is an essential part of ensuring that the government is run by candidates who are funded and elected by those they are meant to serve: American citizens.



## APPENDIX A: *Basic Structure of a Credit Card Transaction*

The basic premise behind using credit cards online is that they make it unnecessary for the payer and payee to deal with each other face-to-face. This convenience depends on the payer's ability to adequately identify themselves and their credit card account to the bank that will receive the payment on behalf of the payee. The first six digits of the credit card number identify the issuing bank, which denotes the credit card network to which the number belongs.<sup>201</sup> By manually entering the card number, the name on the card, and the address on file for the card, the payer provides all the information necessary to complete the transaction.

As in any transaction, time is money and opportunities for fraud exist. Both parties are trying to balance due diligence and speed. This delicate balance has created a large network of service providers to perform online transactions. However, it is important to note that this infrastructure was devised to deal with transactions in which a purchaser receives a product or service in exchange for his or her money. *In campaign fraud, the donors have no desire to receive any tangible good or service in return.*

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<sup>201</sup> Jeremy M. Simon, "What are those numbers on my credit card? Those 16 digits all have meaning," September 6, 2006, <http://www.creditcards.com/credit-card-news/credit-card-appearance-1268.php>.



**APPENDIX B: Members of Congress With & Without CVV Anti-Fraud Credit Card Security Protection**

| <b>CVV Off - 211 (47.3%)</b> |                  |                   |           |
|------------------------------|------------------|-------------------|-----------|
| <b>OFFICE</b>                | <b>LAST NAME</b> | <b>FIRST NAME</b> | <b>ST</b> |
| Rep.                         | Alexander        | Rodney            | LA        |
| Rep.                         | Amodei           | Mark              | NV        |
| Rep.                         | Andrews          | Robert            | NJ        |
| Rep.                         | Austria          | Steve             | OH        |
| Senator                      | Ayotte           | Kelly             | NH        |
| Rep.                         | Baldwin          | Tammy             | WI        |
| Rep.                         | Barber           | Ron               | AZ        |
| Rep.                         | Barrow           | John              | GA        |
| Rep.                         | Bartlett         | Roscoe            | MD        |
| Rep.                         | Bass             | Karen             | CA        |
| Senator                      | Begich           | Mark              | AK        |
| Rep.                         | Benishek         | Dan               | MI        |
| Rep.                         | Berkley          | Shelley           | NV        |
| Rep.                         | Berman           | Howard            | CA        |

| <b>CVV On - 235 (52.7%)</b> |                  |                   |           |
|-----------------------------|------------------|-------------------|-----------|
| <b>OFFICE</b>               | <b>LAST NAME</b> | <b>FIRST NAME</b> | <b>ST</b> |
| Rep.                        | Adams            | Sandy             | FL        |
| Rep.                        | Akin             | Todd              | MO        |
| Rep.                        | Amash            | Justin            | MI        |
| Rep.                        | Baca             | Joe               | CA        |
| Rep.                        | Bachmann         | Michele           | MN        |
| Rep.                        | Bachus           | Spencer           | AL        |
| Rep.                        | Barletta         | Lou               | PA        |
| Rep.                        | Barton           | Joe               | TX        |
| Rep.                        | Bass             | Charles           | NH        |
| Rep.                        | Becerra          | Xavier            | CA        |
| Senator                     | Bennet           | Michael           | CO        |
| Rep.                        | Berg             | Rick              | ND        |
| Rep.                        | Biggert          | Judy              | IL        |
| Rep.                        | Bilirakis        | Gus               | FL        |



|         |             |           |    |
|---------|-------------|-----------|----|
| Rep.    | Bilbray     | Brian     | CA |
| Rep.    | Bishop      | Timothy   | NY |
| Rep.    | Bishop Jr.  | Sanford   | GA |
| Rep.    | Blumenauer  | Earl      | OR |
| Senator | Boozman     | John      | AR |
| Rep.    | Boswell     | Leonard   | IA |
| Rep.    | Brady       | Robert    | PA |
| Rep.    | Braley      | Bruce     | IA |
| Rep.    | Broun Jr.   | Paul      | GA |
| Rep.    | Brown       | Corrine   | FL |
| Rep.    | Buerkle     | Ann Marie | NY |
| Rep.    | Butterfield | G. K.     | NC |
| Rep.    | Camp        | Dave      | MI |
| Rep.    | Campbell    | John      | CA |
| Senator | Cantwell    | Maria     | WA |
| Rep.    | Capps       | Lois      | CA |
| Rep.    | Carnahan    | Russ      | MO |
| Senator | Carper      | Tom       | DE |
| Senator | Casey       | Bob       | PA |
| Rep.    | Chandler    | Ben       | KY |

|         |            |           |    |
|---------|------------|-----------|----|
| Rep.    | Bishop     | Rob       | UT |
| Rep.    | Black      | Diane     | TN |
| Rep.    | Blackburn  | Marsha    | TN |
| Senator | Blumenthal | Richard   | CT |
| Senator | Blunt      | Roy       | MO |
| Rep.    | Boehner    | John      | OH |
| Rep.    | Bonamici   | Suzanne   | OR |
| Rep.    | Bonner     | Jo        | AL |
| Rep.    | Bono Mack  | Mary      | CA |
| Senator | Boxer      | Barbara   | CA |
| Rep.    | Brady      | Kevin     | TX |
| Rep.    | Brooks     | Mo        | AL |
| Senator | Brown      | Scott     | MA |
| Senator | Brown      | Sherrod   | OH |
| Rep.    | Buchanan   | Vernon    | FL |
| Rep.    | Bucshon    | Larry     | IN |
| Rep.    | Burgess    | Michael   | TX |
| Senator | Burr       | Richard   | NC |
| Rep.    | Calvert    | Ken       | CA |
| Rep.    | Canseco    | Francisco | TX |



|         |             |         |    |
|---------|-------------|---------|----|
| Rep.    | Chu         | Judy    | CA |
| Rep.    | Cicilline   | David   | RI |
| Rep.    | Clarke      | Yvette  | NY |
| Rep.    | Clay Jr.    | William | MO |
| Rep.    | Cleaver     | Emanuel | MO |
| Rep.    | Clyburn     | James   | SC |
| Rep.    | Coble       | Howard  | NC |
| Rep.    | Cohen       | Steve   | TN |
| Rep.    | Connolly    | Gerald  | VA |
| Rep.    | Conyers Jr. | John    | MI |
| Senator | Coons       | Chris   | DE |
| Rep.    | Costa       | Jim     | CA |
| Rep.    | Courtney    | Joe     | CT |
| Rep.    | Crenshaw    | Ander   | FL |
| Rep.    | Critz       | Mark    | PA |
| Rep.    | Crowley     | Joseph  | NY |
| Rep.    | Cuellar     | Henry   | TX |
| Rep.    | Culberson   | John    | TX |
| Rep.    | Cummings    | Elijah  | MD |
| Rep.    | Davis       | Susan   | CA |

|         |          |         |    |
|---------|----------|---------|----|
| Rep.    | Cantor   | Eric    | VA |
| Rep.    | Capito   | Shelley | WV |
| Rep.    | Capuano  | Michael | MA |
| Senator | Cardin   | Ben     | MD |
| Rep.    | Carney   | John    | DE |
| Rep.    | Carson   | Andre   | IN |
| Rep.    | Carter   | John    | TX |
| Rep.    | Cassidy  | Bill    | LA |
| Rep.    | Castor   | Kathy   | FL |
| Rep.    | Chabot   | Steve   | OH |
| Rep.    | Chaffetz | Jason   | UT |
| Rep.    | Clarke   | Hansen  | MI |
| Senator | Coats    | Dan     | IN |
| Rep.    | Coffman  | Mike    | CO |
| Rep.    | Cole     | Tom     | OK |
| Rep.    | Conaway  | Mike    | TX |
| Rep.    | Cooper   | Jim     | TN |
| Senator | Corker   | Bob     | TN |
| Senator | Cornyn   | John    | TX |
| Senator | Crapo    | Mike    | ID |



|         |             |          |    |
|---------|-------------|----------|----|
| Rep.    | DeFazio     | Peter    | OR |
| Rep.    | Denham      | Jeff     | CA |
| Rep.    | DesJarlais  | Scott    | TN |
| Rep.    | Deutch      | Ted      | FL |
| Rep.    | Diaz-Balart | Mario    | FL |
| Rep.    | Dingell     | John     | MI |
| Rep.    | Doggett     | Lloyd    | TX |
| Rep.    | Donnelly    | Joe      | IN |
| Rep.    | Doyle       | Mike     | PA |
| Rep.    | Duncan      | Jeff     | SC |
| Senator | Durbin      | Dick     | IL |
| Rep.    | Edwards     | Donna    | MD |
| Rep.    | Ellison     | Keith    | MN |
| Rep.    | Emerson     | Jo Ann   | MO |
| Rep.    | Eshoo       | Anna     | CA |
| Rep.    | Fattah      | Chaka    | PA |
| Senator | Feinstein   | Dianne   | CA |
| Rep.    | Fleming     | John     | LA |
| Rep.    | Forbes      | J. Randy | VA |
| Rep.    | Fudge       | Marcia   | OH |

|         |               |          |    |
|---------|---------------|----------|----|
| Rep.    | Cravaack      | Chip     | MN |
| Rep.    | Crawford      | Rick     | AR |
| Rep.    | DeGette       | Diana    | CO |
| Rep.    | DeLauro       | Rosa     | CT |
| Senator | DeMint        | James    | SC |
| Rep.    | Dold          | Robert   | IL |
| Rep.    | Duffy         | Sean     | WI |
| Rep.    | Ellmers       | Renee    | NC |
| Rep.    | Farenthold    | Blake    | TX |
| Rep.    | Farr          | Sam      | CA |
| Rep.    | Fincher       | Steve    | TN |
| Rep.    | Fitzpatrick   | Michael  | PA |
| Rep.    | Flake         | Jeff     | AZ |
| Rep.    | Fleischmann   | Chuck    | TN |
| Rep.    | Flores        | Bill     | TX |
| Rep.    | Fortenberry   | Jeff     | NE |
| Rep.    | Foxx          | Virginia | NC |
| Senator | Franken       | Al       | MN |
| Rep.    | Franks        | Trent    | AZ |
| Rep.    | Frelinghuysen | Rodney   | NJ |



|         |           |          |    |
|---------|-----------|----------|----|
| Rep.    | Garamendi | John     | CA |
| Rep.    | Gardner   | Cory     | CO |
| Rep.    | Garrett   | Scott    | NJ |
| Rep.    | Granger   | Kay      | TX |
| Senator | Grassley  | Chuck    | IA |
| Rep.    | Graves    | Tom      | GA |
| Rep.    | Green     | Gene     | TX |
| Rep.    | Grijalva  | Raul     | AZ |
| Rep.    | Guinta    | Frank    | NH |
| Senator | Hagan     | Kay      | NC |
| Rep.    | Hahn      | Janice   | CA |
| Rep.    | Hanabusa  | Colleen  | HI |
| Senator | Harkin    | Tom      | IA |
| Rep.    | Heinrich  | Martin   | NM |
| Rep.    | Herger    | Wally    | CA |
| Rep.    | Himes     | Jim      | CT |
| Rep.    | Hinojosa  | Ruben    | TX |
| Rep.    | Hirono    | Mazie    | HI |
| Rep.    | Hochul    | Kathleen | NY |
| Rep.    | Holt      | Rush     | NJ |

|         |             |         |    |
|---------|-------------|---------|----|
| Rep.    | Gerlach     | Jim     | PA |
| Rep.    | Gibbs       | Bob     | OH |
| Rep.    | Gibson      | Chris   | NY |
| Senator | Gillibrand  | Kirsten | NY |
| Rep.    | Gingrey     | Phil    | GA |
| Rep.    | Gohmert Jr. | Louie   | TX |
| Rep.    | Goodlatte   | Bob     | VA |
| Rep.    | Gosar       | Paul    | AZ |
| Rep.    | Gowdy       | Trey    | SC |
| Senator | Graham      | Lindsey | SC |
| Rep.    | Graves      | Sam     | MO |
| Rep.    | Griffin     | Tim     | AR |
| Rep.    | Griffith    | Morgan  | VA |
| Rep.    | Grimm       | Michael | NY |
| Rep.    | Hall        | Ralph   | TX |
| Rep.    | Hanna       | Richard | NY |
| Rep.    | Harper      | Gregg   | MS |
| Rep.    | Harris      | Andy    | MD |
| Rep.    | Hartzler    | Vicky   | MO |
| Rep.    | Hastings    | Alcee   | FL |



|         |           |               |    |
|---------|-----------|---------------|----|
| Rep.    | Honda     | Mike          | CA |
| Rep.    | Hoyer     | Steny         | MD |
| Rep.    | Huelskamp | Tim           | KS |
| Rep.    | Huizenga  | Bill          | MI |
| Rep.    | Hunter    | Duncan        | CA |
| Senator | Inouye    | Daniel        | HI |
| Senator | Isakson   | Johnny        | GA |
| Rep.    | Israel    | Steve         | NY |
| Rep.    | Johnson   | Hank          | GA |
| Rep.    | Johnson   | Eddie Bernice | TX |
| Rep.    | Jones     | Walter        | NC |
| Rep.    | Kaptur    | Marcy         | OH |
| Senator | Kerry     | John          | MA |
| Rep.    | Kind      | Ron           | WI |
| Rep.    | King      | Pete          | NY |
| Rep.    | Kingston  | Jack          | GA |
| Rep.    | Kissell   | Larry         | NC |
| Rep.    | Labrador  | Raul          | ID |
| Rep.    | Lamborn   | Doug          | CO |

|         |             |         |    |
|---------|-------------|---------|----|
| Rep.    | Hastings    | Doc     | WA |
| Senator | Hatch       | Orrin   | UT |
| Rep.    | Hayworth    | Nan     | NY |
| Rep.    | Heck        | Joe     | NV |
| Senator | Heller      | Dean    | NV |
| Rep.    | Hensarling  | Jeb     | TX |
| Rep.    | Herrera     | Jaime   | WA |
| Rep.    | Beutler     | Jaime   | WA |
| Rep.    | Higgins     | Brian   | NY |
| Rep.    | Hultgren    | Randy   | IL |
| Rep.    | Hurt        | Robert  | VA |
| Senator | Inhofe      | James   | OK |
| Rep.    | Issa        | Darrell | CA |
| Rep.    | Jackson Jr. | Jesse   | IL |
| Rep.    | Jenkins     | Lynn    | KS |
| Rep.    | Johnson     | Bill    | OH |
| Rep.    | Johnson     | Sam     | TX |
| Senator | Johnson     | Ron     | WI |
| Rep.    | Jordan      | James   | OH |
| Rep.    | Keating     | Bill    | MA |



|         |            |         |    |
|---------|------------|---------|----|
| Rep.    | Langevin   | Jim     | RI |
| Rep.    | Larson     | John    | CT |
| Rep.    | LaTourette | Steven  | OH |
| Senator | Lautenberg | Frank   | NJ |
| Senator | Leahy      | Patrick | VT |
| Rep.    | Lee        | Barbara | CA |
| Rep.    | Levin      | Sander  | MI |
| Rep.    | Loeb sack  | David   | IA |
| Rep.    | Lujan      | Ben     | NM |
| Rep.    | Lummis     | Cynthia | WY |
| Rep.    | Lungren    | Dan     | CA |
| Rep.    | Lynch      | Stephen | MA |
| Senator | Manchin    | Joe     | WV |
| Rep.    | Marchant   | Kenny   | TX |
| Rep.    | Markey     | Edward  | MA |
| Rep.    | Matheson   | Jim     | UT |
| Rep.    | Matsui     | Doris   | CA |
| Rep.    | McCollum   | Betty   | MN |
| Rep.    | McGovern   | James   | MA |
| Rep.    | McIntyre   | Mike    | NC |

|         |             |           |    |
|---------|-------------|-----------|----|
| Rep.    | Kelly       | Mike      | PA |
| Rep.    | King        | Steven A. | IA |
| Rep.    | Kinzinger   | Adam      | IL |
| Rep.    | Kline       | John      | MN |
| Rep.    | Lance       | Leonard   | NJ |
| Rep.    | Landry      | Jeff      | LA |
| Rep.    | Lankford    | James     | OK |
| Rep.    | Larsen      | Rick      | WA |
| Rep.    | Latham      | Tom       | IA |
| Rep.    | Latta       | Robert    | OH |
| Senator | Lee         | Mike      | UT |
| Rep.    | Lewis       | John      | GA |
| Rep.    | Lipinski    | Daniel    | IL |
| Rep.    | LoBiondo    | Frank     | NJ |
| Rep.    | Long        | Billy     | MO |
| Rep.    | Lowey       | Nita      | NY |
| Rep.    | Lucas       | Frank     | OK |
| Rep.    | Luetkemeyer | Blaine    | MO |
| Rep.    | Mack        | Connie    | FL |
| Rep.    | Maloney     | Carolyn   | NY |



|         |              |             |    |
|---------|--------------|-------------|----|
| Rep.    | McNerney     | Jerry       | CA |
| Rep.    | Meeks        | Gregory     | NY |
| Senator | Merkley      | Jeff        | OR |
| Rep.    | Michaud      | Mike        | ME |
| Rep.    | Miller       | George      | CA |
| Rep.    | Moore        | Gwen        | WI |
| Rep.    | Moran        | Jim         | VA |
| Rep.    | Murphy       | Christopher | CT |
| Rep.    | Murphy       | Tim         | PA |
| Rep.    | Napolitano   | Grace       | CA |
| Rep.    | Nugent       | Richard     | FL |
| Rep.    | Nunes        | Devin       | CA |
| Rep.    | Owens        | Bill        | NY |
| Rep.    | Pallone Jr.  | Frank       | NJ |
| Rep.    | Pascrell Jr. | Bill        | NJ |
| Rep.    | Pearce       | Stevan      | NM |
| Rep.    | Pelosi       | Nancy       | CA |
| Rep.    | Perlmutter   | Edwin       | CO |
| Rep.    | Peters       | Gary        | MI |

|         |                     |         |    |
|---------|---------------------|---------|----|
| Rep.    | McCarthy            | Kevin   | CA |
| Rep.    | McCarthy            | Carolyn | NY |
| Senator | McCaskill           | Claire  | MO |
| Rep.    | McCaul              | Michael | TX |
| Rep.    | McClintock          | Tom     | CA |
| Senator | McConnell           | Mitch   | KY |
| Rep.    | McDermott           | Jim     | WA |
| Rep.    | McHenry             | Patrick | NC |
| Rep.    | McKeon              | Howard  | CA |
| Rep.    | McKinley            | David   | WV |
| Rep.    | McMorris<br>Rodgers | Cathy   | WA |
| Rep.    | Meehan              | Patrick | PA |
| Senator | Menendez            | Robert  | NJ |
| Rep.    | Mica                | John    | FL |
| Rep.    | Miller              | Gary    | CA |
| Rep.    | Miller              | Jeff    | FL |
| Senator | Moran               | Jerry   | KS |
| Rep.    | Mulvaney            | Mick    | SC |
| Senator | Murkowski           | Lisa    | AK |



|         |               |         |    |
|---------|---------------|---------|----|
| Rep.    | Peterson      | Collin  | MN |
| Rep.    | Pingree       | Chellie | ME |
| Rep.    | Pitts         | Joe     | PA |
| Rep.    | Poe           | Ted     | TX |
| Rep.    | Polis         | Jared   | CO |
| Rep.    | Price         | Tom     | GA |
| Rep.    | Quigley       | Mike    | IL |
| Rep.    | Rangel        | Charles | NY |
| Rep.    | Reed          | Tom     | NY |
| Senator | Reed          | Jack    | RI |
| Senator | Reid          | Harry   | NV |
| Rep.    | Richardson    | Laura   | CA |
| Rep.    | Richmond      | Cedric  | LA |
| Rep.    | Roby          | Martha  | AL |
| Rep.    | Roe           | David   | TN |
| Rep.    | Rokita        | Todd    | IN |
| Rep.    | Rothman       | Steven  | NJ |
| Rep.    | Roybal-Allard | Lucille | CA |
| Rep.    | Ruppersberger | Dutch   | MD |
| Rep.    | Ryan          | Tim     | OH |

|         |            |         |    |
|---------|------------|---------|----|
| Senator | Murray     | Patty   | WA |
| Rep.    | Nadler     | Jerrold | NY |
| Rep.    | Neal       | Richard | MA |
| Senator | Nelson     | Bill    | FL |
| Rep.    | Neugebauer | Randy   | TX |
| Rep.    | Noem       | Kristi  | SD |
| Rep.    | Nunnelee   | Alan    | MS |
| Rep.    | Olson      | Pete    | TX |
| Rep.    | Palazzo    | Steven  | MS |
| Rep.    | Pastor     | Ed      | AZ |
| Senator | Paul       | Rand    | KY |
| Rep.    | Paulsen    | Erik    | MN |
| Rep.    | Pence      | Mike    | IN |
| Rep.    | Petri      | Tom     | WI |
| Rep.    | Pompeo     | Mike    | KS |
| Senator | Portman    | Rob     | OH |
| Rep.    | Posey      | Bill    | FL |
| Rep.    | Price      | David   | NC |
| Rep.    | Quayle     | Ben     | AZ |
| Rep.    | Rahall     | Nick    | WV |



|         |          |           |    |
|---------|----------|-----------|----|
| Rep.    | Sanchez  | Loretta   | CA |
| Rep.    | Sánchez  | Linda     | CA |
| Senator | Sanders  | Bernie    | VT |
| Rep.    | Schiff   | Adam      | CA |
| Rep.    | Schrader | Kurt      | OR |
| Rep.    | Scott    | David     | GA |
| Rep.    | Scott    | Tim       | SC |
| Rep.    | Sewell   | Terri     | AL |
| Rep.    | Sherman  | Brad      | CA |
| Rep.    | Shimkus  | John      | IL |
| Rep.    | Simpson  | Mike      | ID |
| Rep.    | Smith    | Adrian    | NE |
| Rep.    | Smith    | Chris     | NJ |
| Rep.    | Speier   | Jackie    | CA |
| Rep.    | Stark    | Pete      | CA |
| Rep.    | Stivers  | Steve     | OH |
| Rep.    | Sutton   | Betty Sue | OH |
| Rep.    | Terry    | Lee       | NE |
| Senator | Tester   | Jon       | MT |
| Rep.    | Thompson | Mike      | CA |

|         |             |         |    |
|---------|-------------|---------|----|
| Rep.    | Rehberg     | Denny   | MT |
| Rep.    | Reichert    | Dave    | WA |
| Rep.    | Renacci     | Jim     | OH |
| Rep.    | Ribble      | Reid    | WI |
| Rep.    | Rigell      | Scott   | VA |
| Senator | Risch       | James   | ID |
| Rep.    | Rivera      | David   | FL |
| Senator | Roberts     | Pat     | KS |
| Rep.    | Rogers      | Mike D. | AL |
| Rep.    | Rogers      | Mike J. | MI |
| Rep.    | Rohrabacher | Dana    | CA |
| Rep.    | Rooney      | Tom     | FL |
| Rep.    | Roskam      | Peter   | IL |
| Rep.    | Ross        | Dennis  | FL |
| Rep.    | Royce       | Ed      | CA |
| Senator | Rubio       | Marco   | FL |
| Rep.    | Runyan      | Jon     | NJ |
| Rep.    | Ryan        | Paul    | WI |
| Rep.    | Sarbanes    | John    | MD |
| Rep.    | Scalise     | Steve   | LA |



|         |                      |           |    |
|---------|----------------------|-----------|----|
| Rep.    | Thompson             | Bennie    | MS |
| Rep.    | Tiberi               | Patrick   | OH |
| Rep.    | Tonko                | Paul      | NY |
| Rep.    | Tsongas              | Niki      | MA |
| Senator | Udall                | Mark      | CO |
| Rep.    | Velazquez            | Nydia     | NY |
| Rep.    | Visclosky            | Pete      | IN |
| Rep.    | Walz                 | Timothy   | MN |
| Senator | Warner               | Mark      | VA |
| Rep.    | Wasserman<br>Schultz | Debbie    | FL |
| Rep.    | Waters               | Maxine    | CA |
| Rep.    | Waxman               | Henry     | CA |
| Rep.    | Welch                | Peter     | VT |
| Rep.    | Westmoreland         | Lynn      | GA |
| Rep.    | Wilson               | Frederica | FL |
| Rep.    | Wittman              | Rob       | VA |
| Rep.    | Wolf                 | Frank     | VA |
| Rep.    | Woodall              | Rob       | GA |
| Rep.    | Yarmuth              | John      | KY |

|         |             |         |    |
|---------|-------------|---------|----|
| Rep.    | Schakowsky  | Jan     | IL |
| Rep.    | Schilling   | Bobby   | IL |
| Rep.    | Schock      | Aaron   | IL |
| Senator | Schumer     | Charles | NY |
| Rep.    | Schwartz    | Allyson | PA |
| Rep.    | Schweikert  | David   | AZ |
| Rep.    | Scott       | Austin  | GA |
| Rep.    | Scott       | Bobby   | VA |
| Senator | Sessions    | Jeff    | AL |
| Rep.    | Sessions    | Pete    | TX |
| Senator | Shaheen     | Jeanne  | NH |
| Rep.    | Shuster     | Bill    | PA |
| Rep.    | Sires       | Albio   | NJ |
| Rep.    | Slaughter   | Louise  | NY |
| Rep.    | Smith       | Lamar   | TX |
| Rep.    | Smith       | Adam    | WA |
| Rep.    | Southerland | Steve   | FL |
| Rep.    | Stearns     | Cliff   | FL |
| Rep.    | Stutzman    | Marlin  | IN |



|         |            |         |    |
|---------|------------|---------|----|
| Rep.    | Thompson   | Glenn   | PA |
| Rep.    | Thornberry | Mac     | TX |
| Senator | Thune      | John    | SD |
| Rep.    | Tierney    | John    | MA |
| Rep.    | Tipton     | Scott   | CO |
| Senator | Toomey     | Pat     | PA |
| Rep.    | Turner     | Robert  | NY |
| Rep.    | Turner     | Michael | OH |
| Rep.    | Upton      | Fred    | MI |
| Rep.    | Van Hollen | Chris   | MD |
| Senator | Vitter     | David   | LA |
| Rep.    | Walberg    | Tim     | MI |
| Rep.    | Walsh      | Joe     | IL |
| Rep.    | Watt       | Melvin  | NC |
| Rep.    | Webster    | Daniel  | FL |
| Rep.    | West       | Allen   | FL |
| Senator | Whitehouse | Sheldon | RI |
| Rep.    | Whitfield  | Ed      | KY |
| Rep.    | Wilson     | Joe     | SC |
| Rep.    | Womack     | Steve   | AR |



|         |       |           |    |
|---------|-------|-----------|----|
| Senator | Wyden | Ron       | OR |
| Rep.    | Yoder | Kevin     | KS |
| Rep.    | Young | C.W. Bill | FL |
| Rep.    | Young | Todd      | IN |

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## APPENDIX C: Legal Intricacies of “knowing”

As confirmed in the pattern jury instructions applicable in criminal trials in federal courts, “[t]he word ‘knowingly’ means that an act was done voluntarily and intentionally and not because of a mistake or by accident.”<sup>202</sup> Knowledge and intent are most often proved by circumstantial and not direct evidence. For example, to show that someone knowingly agreed to participate in a criminal conspiracy, the prosecution will not likely discover a signed agreement confirming the unlawful plan. Instead, the government will rely on the surrounding circumstances to show that the defendant formed the requisite intent to join the conspiracy. Juries are expressly told there is no legal difference in the weight they may give to either direct or circumstantial evidence.

In considering the evidence you may use reasoning and common sense to make deductions and reach conclusions. You shouldn’t be concerned about whether the evidence is direct or circumstantial. “Direct evidence” is the testimony of a person who asserts that he or she has actual knowledge of an act, such as an eyewitness. “Circumstantial evidence” is proof of a chain of facts and circumstances that tend to prove or disprove a fact. There’s no legal difference in the weight you may give to either direct or circumstantial evidence.<sup>203</sup>

As the courts have put it, “the test for evaluating circumstantial evidence is the same as in evaluating direct evidence.”<sup>204</sup>

The courts have long recognized “that intent, being a state of mind, is rarely if ever susceptible of direct proof.”<sup>205</sup> As the court in *Grant* explained, “almost inevitably, [intent] must be shown solely by circumstantial evidence.”<sup>206</sup> “Since intent necessarily involves the state of mind of the perpetrator, very often circumstantial evidence is the only evidence available to prove intent.”<sup>207</sup> Intent and knowledge “may be inferred from [the] surrounding circumstances.” The concept was well expressed in Devitt and Blackmar’s oft-cited treatise on federal practice and instructions:

Intent ordinarily may not be proved directly because there is no way of fathoming

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202 Instruction 9.1A, *Eleventh Circuit Pattern Jury Instructions in Criminal Cases* (2010).

203 Instruction 4, *Eleventh Circuit Pattern Jury Instructions, Criminal Cases* (2010).

204 *United States v. Barnette*, 800 F.2d 1558, 1566 (11th Cir. 1986).

205 *Grant v. State*, 13 So.3d 163, 166 (Fla. 1st DCA 2009).

206 *Id.* at 166, quoting *Grover v. State*, 581 So.2d 1379, 1380 (Fla. 4th DCA 1991); see also, *Szilagyi v. State*, 564 So.2d 644, 646 (Fla. 4th DCA 1990)

207 *State v. Norris*, 384 So.2d 298, 299 (Fla. 4th DCA 1980)



or scrutinizing the operations of the human mind. But you may infer the defendant's intent from the surrounding circumstances. You may consider any statement made (or done or omitted) by the defendant, and all other facts and circumstances that indicate his state of mind. You may consider it reasonable to draw the inference and find that a person intends the natural and probable consequences of acts knowingly done or knowingly omitted.<sup>208</sup>

The law also recognizes that a person's knowledge and intent to break the law can be inferred from a "wilful blindness" to facts that would lead a reasonable person to believe an offense is being committed.<sup>209</sup> As the court instructed the jury in *Ramirez-Carvajal*:

Intent and knowledge ordinarily may not be proved directly because there is no way of fathoming or scrutinizing the operation of the human mind. But you may infer a defendant's knowledge from all the surrounding circumstances. You may consider any act or statement made and done or omitted by the defendant, and all other facts and circumstances in evidence, which indicate his state of mind. *What a person does is frequently more indicative of his true state of mind than what he says. The element of knowledge may be satisfied by inferences drawn from proof that a defendant deliberately closed his eyes to what otherwise would have been obvious. You may infer knowledge if you find beyond a reasonable doubt that a defendant refused to be enlightened or refused to take notice. Stated another way, a defendant's knowledge may be inferred from a wilful blindness to the existence of the fact.* It is entirely up to you as to whether you find beyond a reasonable doubt any deliberate closing of the eyes and any inferences to be drawn from any such evidence. Evidence showing mere negligence or mistake is not enough to support a finding of wilfulness or knowledge.<sup>210</sup>

The Sixth Circuit expressed the same concept in emphasizing that "[n]o one can avoid responsibility for a crime by deliberately ignoring the obvious."<sup>211</sup>

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208 Instruction 14.13, Devitt Blackmar & Wolf, *Federal Jury Practice and Instructions* (4th Ed.).

209 See *United States v. Ramirez-Carvajal*, 902 F.2d 30 (4th Cir. 1990).

210 See 902 F.2d 30 at \*3.

211 Instruction 2.09 "Deliberate Ignorance" *Sixth Circuit Pattern Jury*



## APPENDIX D: Screen Shots

1.

The screenshot shows a web browser window displaying the ActBlue website. The browser's address bar shows the URL: [secure.actblue.com/contribute/page/supportactblue](http://secure.actblue.com/contribute/page/supportactblue). The page title is "Contribute now to I Support ActBlue".

The main content area features the ActBlue logo and navigation links (Directory, Help, Log In). Below the logo, there is a heading "Contribute now to I Support ActBlue" followed by three paragraphs of text:

- The \$200 million that's gone through ActBlue is your power, your new voice in American politics.** As Sen. Al Franken said, "thanks to ActBlue, you don't need a lot of money to make a difference. All you need is a computer."
- We've been your amplifier every step of the way,** without filtering your voice or playing favorites. To keep the volume up, we need your support. A \$15 recurring donation to ActBlue ensures that we'll be there for you the next time you need to be heard.
- This is a fight we can only win together.** Republicans and corporate interests have worked hard over the last two years to silence your voice, and every dollar that goes through ActBlue shows them it won't work. Together, we've put more zeros next to our name than they've got on their secret checks. Together, we're louder than their "grassroots."

Below the text is a blue thermometer graphic with the following data:

- we did it! **4,000**
- to date **4,856**
- 458,306**

Below the thermometer is another paragraph:

**This is real. This is powerful.** And if you think it's something worth fighting for, then please, support us at ActBlue.

The form is divided into two main sections:

- Your Contribution to ActBlue:** Includes radio buttons for \$25, \$100, and \$250. There are also radio buttons for \$1,000 and a custom amount field. Below this, there are options for "Make this contribution..." with "Once" selected and "Each month for the next" followed by a months input field.
- Payment Information:** Includes a lock icon and a question "Do you have an ActBlue Express account?". It features logos for VISA, MasterCard, AMEX, DISCOVER, and PayPal. The "Pay by" dropdown is set to VISA. Below are fields for Credit Card #, Exp. Date (08 - Aug 2012), Name (First Name, Last Name), Address (Number, Street, Apt., City, Zip, United States), E-mail, and Phone.

Three arrows point from the contribution section to the payment section, and three arrows point down from the bottom of the payment section.



2.

ACTRIGHT.com

### Contribute to ActRight Fund

**CONTRIBUTION AMOUNT**

| DONATIONS TOTALS |            |
|------------------|------------|
| One Time         | \$5        |
| ActRight Fund    | \$5        |
| <b>Total</b>     | <b>\$5</b> |

ActRight Fund Added one year ago

Options: \$50, \$250, \$2500, \$75, \$500, \$5000, \$100, \$1000, \$5

Frequency: Once, For next 0 Month

**CONTACT INFORMATION** \* Required

\* First Name

\* Last Name

\* Address

Address 2

\* Zip Code

\* State

\* City

\* E-mail

\* Confirm E-mail

Phone

**PAYMENT INFORMATION** \* Required

Card Number

Expiration

I have read, understand and comply with the statement below.

Allow my name to be displayed

3.

Safari File Edit View History Bookmarks Window Help

www.fritshuis.nl/index.php?option=com\_content&view=article&id=167%3Ayoure-welcome-mister-president&catid=1%3AAalgemeen&Itemid=1 - You

# Fritshuis.nl

Zoeken Res Feed Hits Tweets van Frits

Startpagina

Bericht aan Frits

### Inhoudsopgave

- Waar kleine geesten heersen
- Kikkerbil op het oerlogpad
- Oranje door de strot
- Van missie tot miskleun
- De tatoos van Toby
- De taal der liefde
- Nout liegt voor ons
- Cirque du Coupe Soleil
- Himmmlers hersens heten Heydrich
- Live vanuit het Catshuis (2)
- Klasgenootje voor het leven
- Live vanuit het Catshuis
- Hoe Youp NRC gijzelt
- Van Chopin tot Fahrenheit
- Hartje strandt in barrage
- De deur van Jorritsma
- Jaargetijdenjongen voor het Zeilneigje
- Hare Majesteit grijpt in

## You're welcome Mister President

maandag 22 maart 2010 14:52

Voor wie dacht dat mijn relatie met Barack Obama een grapje is, druk ik onderstaande e-mail af, die ik vandaag ontving. Ik zal de tekst niet vertalen, want dan ga ik blozen en ik ben er ook te bescheiden voor. Maar het doet me goed dat mijn vriend Barack, in zijn hoedanigheid van president van de Verenigde Staten, mijn rol in de totstandkoming van een historisch besluit prijst. Need I say more?

**Van:** Barack Obama [ info@barackobama.com ]  
**Verzonden:** maandag 22 maart 2010 6:19  
**Aan:** Frits Huis  
**Onderwerp:** Thank you, Frits

Frits --

**For the first time in our nation's history, Congress has passed comprehensive health care reform.** America waited a hundred years and fought for decades to reach this moment. Tonight, thanks to you, we are finally here.

Consider the staggering scope of what you have just accomplished:

**Because of you, every American will finally be guaranteed high quality, affordable health care coverage.**

Every American will be covered under the toughest patient protections in history. Arbitrary premium hikes, insurance cancellations, and discrimination against pre-existing conditions will now be gone forever.

And we'll finally start reducing the cost of care -- creating millions of jobs, preventing families and businesses from plunging into bankruptcy, and removing over a trillion dollars of debt from the backs of our children.



4.

The screenshot shows a Safari browser window with the address bar displaying 'www.dirkzijn.nl/tag/donation/'. The page content includes a navigation menu at the top, a main banner with the text 'DIRKZIJN NIET VOOR MENSEN IN EEN KEURSLIJF' and an image of a tent. Below the banner, there is a section titled 'Berichten met de tag: „donation“' which contains a news article titled 'Response to Your Message to Senator Obama'. To the right of the article are three sidebars: 'LAATSTE REACTIES' (Recent Reactions), 'LAATSTE ARTIKELN' (Recent Articles), and a 'CATEGORIEËN' (Categories) list. The browser's status bar at the bottom shows the date 'Fri Aug 10 9:29 AM' and a battery level of 57%.



5.

Firefox File Edit View History Bookmarks Tools Window Help  
Obama.com - Whois History - DomainTools  
www.domaintools.com/research/whois-history/?page=details&domain=obama.com&date=2008-10-28

Enter a domain name to get its history  
obama.com [Get History]

+ Previous [Next +]

**Domain:** obama.com - Whois History  
**Cache Date:** 2008-10-28  
**Registrar:** GMO INTERNET, INC. DBA ONAMAE.COM AND DISCOUNT-DOMAIN.COM  
**Servers:** whois.thc.com:rdomain.com  
**Created:** 2002-04-07  
**Updated:** 2008-10-27  
**Expires:** 2010-04-07

**Reverse Whois:** Click on an email address we found in this whois record to see which other domains the registrant is associated with:  
[robertfoaklaw.co.jp](mailto:robertfoaklaw.co.jp) [gadmin@onamae.com](mailto:gadmin@onamae.com)

**Domain Handle:**  
Domain Name: obama.com  
Created On: 2002-04-07 04:32:20.0  
Last Updated On: 2008-10-27 17:14:00.0  
Expiration Date: 2010-04-07 08:32:20.0  
Status: ACTIVE  
Registrant Name: Roche Robert  
Registrant Organization: Roche Robert  
Registrant Street1: 10536  
Registrant Street2:  
Registrant City: S.Lorel  
Registrant State: Oak Lawn  
Registrant Postal Code: 60453  
Registrant Country: US  
Registrant Phone: 052-950-1124  
Registrant Fax:  
Registrant Email: robertfoaklaw.co.jp  
Admin Name: Roche Robert  
Admin Organization: Roche Robert  
Admin Street1: 10536  
Admin Street2:  
Admin City: S.Lorel  
Admin State: Oak Lawn  
Admin Postal Code: 60453  
Admin Country: US  
Admin Phone: 052-950-1124  
Admin Fax:  
Admin Email: robertfoaklaw.co.jp  
Billing Name: Roche Robert  
Billing Organization: Roche Robert  
Billing Street1: 10536  
Billing Street2:  
Billing City: S.Lorel  
Billing State: Oak Lawn  
Billing Postal Code: 60453  
Billing Country: US  
Billing Phone: 052-950-1124  
Billing Fax:  
Billing Email: robertfoaklaw.co.jp

Direct Connection 209.0.50.230:29842

6.

Firefox File Edit View History Bookmarks Tools Window Help  
The Inauguration of President Barack Obama and Vice President Joe Biden  
web.archive.org/web/20090226025435/http://www.pic2009.org/

Internet Archive Wayback Machine  
http://www.pic2009.org/ Go 55 captures 5 Dec 08 - 21 Jul 11

Wednesday, February 25, 2009

HOME INAUGURAL INFO INAUGURAL NEWSROOM JOIN IN SERVICE INAUGURAL BLOG INAUGURAL UPDATES INAUGURAL STORE DONATE

JANUARY 20, 2009  
INAUGURATION OF BARACK OBAMA  
THE 44TH PRESIDENT OF THE UNITED STATES OF AMERICA

HIGHLIGHTS FROM THE INAUGURATION  
WATCH NOW

PRESIDENTIAL INAUGURAL COMMITTEE  
The Presidential Inaugural Committee, at the direction of President-elect Obama and Vice President-elect Biden, will organize an inclusive and accessible inauguration that reflects the new leadership that sets aside partisanship and unites the nation around our

RESOURCES  
Official Inauguration Photo Book  
Official Tourism Information for Washington, DC

web.archive.org/web/20090224003500/http://www.pic2009.org/ Direct Connection 209.0.50.32:29842



7.

The screenshot shows a Firefox browser window with the address bar containing the URL: `forums.digitalpoint.com/showthread.php?t=989603&highlight=PSDealer`. The page title is "Plan to build a high PR SEO network,would be powerful". A yellow banner at the top reads: "If you wish to become a member and post, you can register here." Below this is a "Reply to Thread" button and the text "Results 1 to 19 of 19". The thread title is "Thread: Plan to build a high PR SEO network,would be powerful". The post is dated "Aug 20th 2008, 8:48 am" and is the first post in the thread. The user profile for "psdealer" is shown, with the tagline "Champion of the Naaru", a join date of "Feb 2008", and 116 posts. The post content begins with "Plan to build a high PR SEO network,would be powerful" and "hello everyone, see the title,I plan to build numbers of blogs,those blogs link to each other with certain text,and will get high PR.So this network will be powerful for online marketing.Is it possible and reasonable? I can make each new [blog](#) to get thousands of backlinks(not steady) in short time to bring PR.In this way,in a short time,these blogs(may be 50,maybe 100) all get high PR,and link to each other.SO,this network will be a stead high PR one.Why don't I set this network?Because once I make this great resource,it will be very easy to make other online stores to get good ranking. You can image that if the networks size is 100 blogs,then if I make a new shopping store,this store can get 100 PR3+ permanent&related backlinks in one day!So this store may be go up to PR 3 in 1-3 months. All of this blog can be feeded by RSS related to certain keywords. I'm new in SEO,don't know how is the idea?You can share your opinion,input your suggestion here.Waiting for your input!!". At the bottom of the post, there is an advertisement for "Search Engine Optimization" with the text "Affordable & Effective SEO to Grow Your Company. Free Consultation." and the URL [www.howseped.com/SEO](http://www.howseped.com/SEO). The browser's status bar at the bottom shows "Proxy: 209.0.51.183" and "209.0.51.183:29842".





Firefox File Edit View History Bookmarks Tools Window Help

Plan to build a high PR SEO network,would be powerful

Plan to build a high PR SEO net...

forums.digitalpoint.com/showthread.php?t=989603&highlight=PSDealer

Firefox prevented this page from automatically redirecting to another page.

Aug 20th 2008, 9:13 am #5

 **psdealer** ◊  
Champion of the Naaru

Join Date: Feb 2008  
Posts: 116

Originally Posted by **salihpk** ◊

*this is a good idea,but its not an easy task to get PR3+ for 100+ blogs.  
You need \$\$\$\$\$\$ for doing this.*

I use Spam software,make blackhat seo method,it doesn't cost much money.  
Also I may need to buy a RSS content feeder which cost \$77.Since I use RSS to feed blog,it would be very easy to change blog theme by changing keyword.Keyword changes,then blog content change.Also RSS content alway updates continually and auto.It is good for ranking.

Reply With Quote

Aug 20th 2008, 9:45 am #6

 **psdealer** ◊  
Champion of the Naaru

Join Date: Feb 2008  
Posts: 116

**Is it a smart idea or foolish?**

Is it possible?

Reply With Quote

Aug 20th 2008, 4:53 pm #7

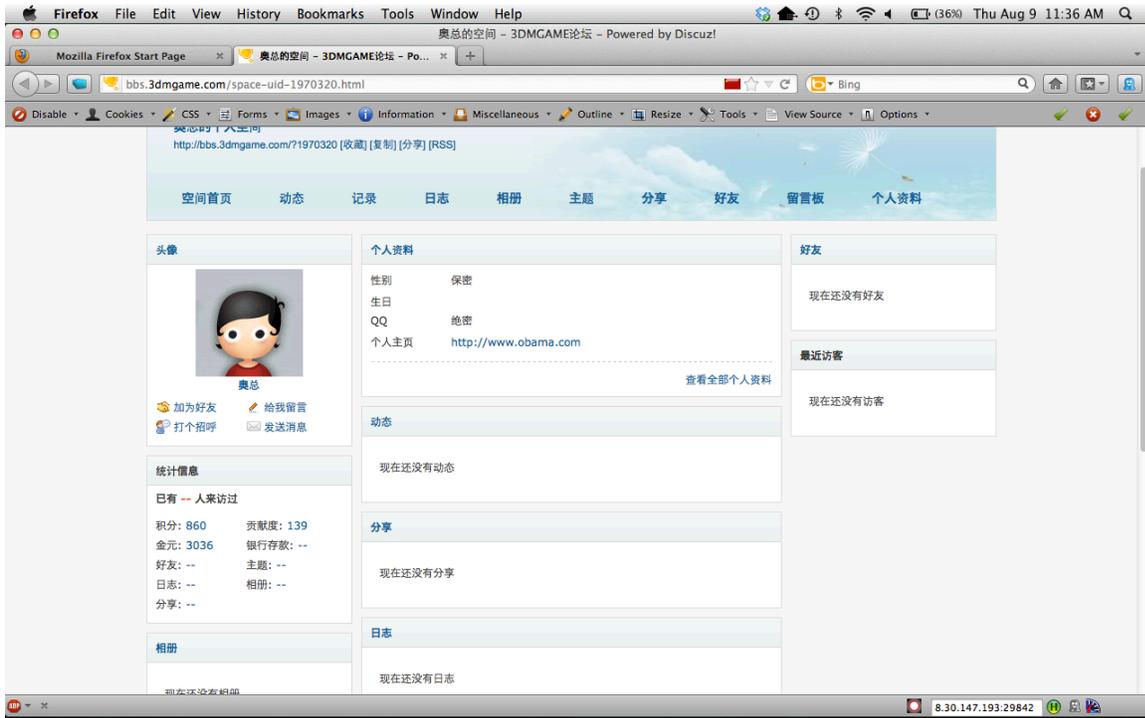
**freelistfool** ◊  
of the Nightfall

Join Date: Jan 2007  
Posts: 1,804

Proxy: 209.0.51.183 209.0.51.183:29842



8.



9.

www.thoughtleader.co.za / thesumo/2009/04/20/dinner-with-mvume-dandala/ — Dinner with Dandala | Thought Leader

**ntsbsp #**  
A very good article, you have brought to light the things that I missed while metaphorically reading 'The book about Cope'. I had skipped some pages! But still my crittising of the leader in the ANC stays and I state my fight against him. I would really do with articles like this, not biased or defaming but categorically true.  
April 20, 2009 at 7:48 pm

**rirhandzu #**  
After reading this article I am more encouraged to vote for COPE!!  
April 21, 2009 at 9:39 am

**Phillipa Lipinsky #**  
Yuo are mistaken about COPE. They are a non-racial party, not just a party for blacks, or more specifically, for Africans. However, admittedly, their biggest failure so far was to propose the scarping of AA; DESPITE KNOWING VERY WELL THAT BLACKS ARE THE POOREST IN THIS COUNTRY and that they are discriminated against on a daily basis.  
April 21, 2009 at 11:05 am

**Lunte23 #**  
It's been 19 days Sumo! Where are you dude? Write sumting...  
May 8, 2009 at 9:02 am

**LEAVE A REPLY**

Name (Required)





UMILIREA ARMATEI NAȚIONALE - Scrisoare deschisă către viitorul președinte al României adresată de Generalul-maior (r.) Iordache OLARU | InfoMondo Militar

http://militar.infomondo.ro/opinii/umilirea-armatei-naionale-scrisoare-deschisa-catre-viitorul-presedinte-al-romaniei-adresata-de-generalul-maior-r-iordache-olaru.html/comment-page-1

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Convoi al EULEX, escortat de jandarmi români atacat în Kosovo »

### UMILIREA ARMATEI NAȚIONALE - Scrisoare deschisă către viitorul președinte al României adresată de Generalul-maior (r.) Iordache OLARU

"Acum șase luni am luat decizia să trec în rezervă, după ce, la bilanțul Direcției Planificare Strategică - pe care îl conducem -, apoi la cel al Statului Major General/SMG, am făcut propuneri pentru reconsiderarea modului de a face "businessul militar".

Astfel, la bilanțul SMG am sensibilizat ministrul Apărării naționale în legătura cu :

1. Inexistența unui proiect politic privind organismul militar, dovadă fiind risicoasa proiecție bugetară de 1,5% din PIB, pentru apărare;
2. compromiterea obiectivelor asumate față de Alianță;
3. necunoașterea de către societatea civilă a eforturilor pe care militarii le-au făcut, în perioada postdecembrie, pentru a reforma armată și pentru integrare în NATO;
4. ignorarea spiritului de corp, în ultimii 20 de ani, de către civili numiți pe diferite posturi în ministere;
5. persiflarea valorilor instituției militare, de care militarii rămân atașați: onoare, demnitate, respectul sacru față de Tricolor, sacrificiul suprem.

Bugetul pe 2009 amendează și pe cei care mai credeau - eu nu mă

**Ultimele articole**  
ANCMR nu dorește o rescalare a pensilor Roșilor militari  
La multi ani aviației militare  
Implicarea rusă în criza din Siria determină susținerea rașilor rapoși de către NATO  
Schimbări la MAPN  
Încă un pas spre înzestrarea aviației cu F-16 second hand  
În Africa de Sud se va înființa un Centru de pregătire al piloților pentru Gripen  
Comandantul armatei nord-coreene - un eliberat din funcție de către Kim Jong-un  
Eveniment la Agenția de Cercetare pentru Tehnică și Tehnologii Militare și Academia Tehnică Militară  
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<http://militar.infomondo.ro/opinii/sa-radem-cu-armata-2.html/comment-page-1>



12.

POSTED BY MUSLIM SUNNI AT 3:53 AM 

LABELS: MUTAH, MUTTA, MUTTAH, SHIA, SHIA MUTAH, SHIA MUTTAH

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59 COMMENTS:



**obama** April 10, 2009 5:22 AM

Beghairat aur behayae k siwa kuch nahi. Maan behan ka he lihaz nahi baqi harketein tu door ke baat. Ghaleese qaum SHIA.

A

!

FUCK

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**Anonymous** February 5, 2012 4:46 AM

umer abu bakar usman i fuck u tmhare olado ko chodo randi randi umer randi

[Reply](#)



**Anonymous** April 20, 2009 5:46 AM

gadhey ke bachey hain yeh saaaley shia harami pan ke muttah ki piadawar

[Reply](#)

