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Did Marco Rubio's Donors Fund a Book That Put \$800,000 Into Rubio's Pocket?

One way or the other, the campaign knows, but it won't say.

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Marco Rubio didn't intend to write a mystery when he sat down to pen his life's story, but that's what *An American Son* has turned into—or at least the tale of its writing has.

Here's what's known:

- 1) In 2012, Marco Rubio's "leadership PAC" paid \$20,000 to Mark Salter, Sen. John McCain's longtime coauthor. It says so in the group's filings with the Federal Election Commission.
- 2) Salter helped the Florida senator write his book. Rubio thanks him for this in the book's acknowledgements: "I am grateful to Mark Salter for helping me organize and revise the manuscript on a tight schedule."
- 3) Rubio in 2012 netted an \$800,000 advance for the book, which he reported as outside income on his Senate financial disclosure form for that year (http://pfds.opensecrets.org/N00030612_2012.pdf).

And here's what is not known, what the campaign has thus far declined to discuss, and what could land Rubio on the wrong side of Senate Ethics rules:

4) Was the \$20,000 from Rubio's Reclaim America PAC to Salter for his work on the book?

For his part, Salter says no. In emails to me last month, he said he was paid for his work on the book directly by the publisher, Penguin, through its Sentinel imprint. Salter said the \$20,000 from Rubio's PAC was for "projects unrelated to the book." He declined to specify what that work was, and suggested asking Rubio's campaign.

The *Tampa Bay Times*, though, says the answer is yes. In 2013, toward the end of a lengthy article about how Rubio built his brand (<http://www.tampabay.com/news/politics/stateroundup/building-the-marco-rubio-brand/1275513>), the paper wrote: "Rubio used his PAC to pay \$20,000 to Mark Salter, a strategist who helped run John McCain's 2008 presidential campaign, for help writing a memoir." Rubio's aides, who have a reputation of demanding corrections for even the smallest perceived errors, never complained to the paper.

And for its part, Rubio's presidential campaign has been unwilling to clear up the discrepancy. When I first asked Rubio's campaign about Salter and his payments on Nov. 3, spokesman Alex Conant replied: "I'll refer you to his book's acknowledgments." Six weeks and four follow-up queries later, Conant still has not answered what exactly that means.

Why does a \$20,000 ghostwriting fee from three years ago matter? Because if Rubio used leadership PAC money to help produce a book that put money in his own pocket, he may have violated Senate Ethics rules—not something a presidential candidate in the heat of primary season wants to be dealing with.

It appears unlikely that even if they were for the book, the leadership PAC's payments to Salter violated any laws. While it is illegal for a candidate to benefit personally from an actual campaign committee for a particular office, there appears to be no election-law prohibition against using "leadership PAC" money in ways that personally benefit candidates. The committees are lightly regulated, and are often used by would-be presidential candidates to travel the country, pay consultants, and otherwise lay the groundwork for a presidential run before formally starting a campaign. (For the 2016 election cycle, New Jersey

Gov. Chris Christie, Sen. Ted Cruz of Texas, former Florida Gov. Jeb Bush, Maryland Gov. Martin O'Malley, and even Sen. Bernie Sanders of Vermont, among others, had leadership PACs.)

Robert Maguire of the nonpartisan Center for Responsive Politics said that even if Rubio's payments to Salter were for his help with the book, they were probably legal from an election-law standpoint. "The rules of what you can and can't do for leadership PACs is pretty much wide open," he said. "This doesn't strike me as even the most egregious."

Rubio's problem is that he is a sitting senator, and that Senate Rule XXXVIII, paragraph 2, states: "No (political) contribution ... shall be converted to the personal use of any member or any former member."

The Campaign Legal Center's Paul Ryan (*not* the current House speaker—different Paul Ryan) said that Senate Ethics rule could well be interpreted as banning the use of leadership PAC money on a book that winds up personally profiting a member. "Then it becomes a question of, well, has Senate Ethics ever enforced this?" Ryan said.

Just seven weeks shy of the Iowa caucuses, Rubio worst-case scenario isn't what the Ethics Committee might do to him following a lengthy investigation, given that he's already made it clear he plans to leave the chamber next year either way. It's what his GOP rivals might do with this new tidbit in those seven weeks, given Rubio's already well-documented problems with money (<http://www.nationaljournal.com/s/125800/marco-rubio-is-just-like-average-american-except-all-really-big-paychecks?mref=landing-list-bottom>).

We will update this story if Rubio or his campaign does detail what that \$20,000 to Salter in 2012 was for.