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June 10, 2015

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Federal Election Commission  
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VIA FACSIMILE: (202) 219-3923

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FEDERAL ELECTION  
COMMISSION  
OFFICE OF COMPLAINTS

**Re: MUR 6915; Response to Supplemental Complaint**

Dear Mr. Jordan:

We are writing this letter on behalf of Right to Rise PAC, Inc. (the “PAC”), James Robinson in his official capacity as Treasurer of the PAC, Right to Rise Super PAC, Inc. (the “Super PAC”), and Charles R. Spies, in his official capacity as Treasurer of the Super PAC, and Michael Ellis Murphy (collectively referred to as the “Respondents”) in response to the Supplemental Complaint (the “Supplement”) filed in the above-referenced matter by Hillary Clinton front-group, American Democracy Legal Fund (“ADLF” or “Complainant”). The Supplement offers nothing more than the same unsupported and hyperbolic allegations and innuendo that riddled ADLF’s initial complaint. It should be promptly dismissed.

It is remarkable that ADLF, which is run by Hillary Clinton loyalists, David Brock and Brad Woodhouse, continues to push its defective legal theories against Respondents when Brock and Woodhouse have freely admitted to their scheme to circumvent federal election law by using a new Super PAC to directly coordinate with Hillary Clinton’s campaign. Just last month, it was announced that Brock and Woodhouse would use “Correct the Record,” a federal Super PAC, to directly coordinate with Hillary Clinton’s campaign and act as her campaign’s “political research and communications war room.”<sup>1</sup> It strains credibility for Brock and Woodhouse to repeat the same bogus allegations against Respondents out of one side of their mouth, and freely admit to a scheme to circumvent the Commission’s coordination laws out of the other side. ADLF asserts that it is “a group established to hold candidates for office accountable for possible ethics and/or

<sup>1</sup> S.A. Miller, *Pro-Clinton super PAC hit with FEC complaint, allegations of illegal in-kind contributions*, WASH. TIMES, May 20, 2015, available at <http://www.washingtontimes.com/news/2015/may/20/pro-clinton-super-pac-hit-fec-complaint/#.VV0BnSdDlvI.twitter>.

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legal violations.”<sup>2</sup> Perhaps it should consider filing a complaint against Hillary Clinton and Correct the Record.

Like ADLF’s initial complaint, the Supplement is based entirely on ADLF’s selective reading of a handful of news articles. In fact, the bulk of ADLF’s argument centers on a single Associated Press article, in which AP reporter Tom Beaumont offers his own conjecture about what Respondents may or may not do in the future, while generously quoting self-interested individuals that work for organizations that lobby for restrictions on political activity. Of course, none of Beaumont’s article is based on actual interviews with Respondents. ADLF pays particular attention to the article’s speculation about political strategist Mike Murphy, and the role he could potentially play for Right to Rise Super PAC in the future.

As an initial matter, and as we made clear in our response to ADLF’s first complaint, Right to Rise PAC’s Honorary Chairman, Governor Jeb Bush was NOT a candidate for federal office at the time ADLF filed the Supplement. ADLF’s arguments, and in particular its argument concerning Murphy, are reliant on the false premise that Governor Bush was a candidate at the time, which is categorically false. All of ADLF’s allegations, including those contained in the Supplement, are both factually and legally deficient on their face because they are based on this false premise.

Despite this fact, ADLF seems to think that because the article describes Mike Murphy as Governor Bush’s “longtime political confidante,” that any role he might play for Right to Rise Super PAC would somehow result in Governor Bush “direct[ing] and control[ling]” that entity “when Mr. Bush declares his candidacy.” Such illogical assertions are not only legally flawed, but also factually inconsistent with ADLF’s underlying premise. First, in making these tenuous claims, ADLF asserts that Respondents violated 52 U.S.C. 30125(e)(1), the so-called “soft money” ban, a provision explicitly governing federal candidates. However, Governor Bush was not a federal candidate at the time ADLF filed the Supplement, so this argument fails at the outset. Second, by making the statement “[w]hen Mr. Bush declares his candidacy,” ADLF is admitting that Governor Bush was not a candidate at the time, effectively undermining the entire premise of their complaints.

ADLF also erroneously suggests that if Governor Bush decided to become a candidate, which he had not done at the time these allegations were made, any involvement by Mike Murphy with Right to Rise Super PAC would be as an “agent” of Governor Bush. As support for this proposition, ADLF cites only Beaumont’s article and his description of Murphy as Governor Bush’s “longtime political confidante.” Such logic is absurd on its face. Just because someone is described as a “political confidante” of an individual considering running for office, that person does not automatically become an agent of the individual if he or she decides to run for office. This is the case even if that person winds up doing work for an outside group or Super PAC that supports the individual’s candidacy. Under ADLF’s flawed logic, Guy Cecil, the head of Priorities USA Action, the Super PAC supporting Hillary Clinton, would be illegally acting as an

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<sup>2</sup> ADLF website.

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agent for Hillary Clinton by virtue of his former role as Clinton's political director and a "Clinton insider."<sup>3</sup> Of course, this is not the case because ADLF's rationale is not based on actual law.

ADLF's Supplemental Complaint only further demonstrates the group's partisan motives and lack of credibility. In our response to the initial complaint, we noted ADLF's disingenuousness in launching frivolous attacks against Respondents, when its favored candidate Hillary Clinton had just successfully defended similar activities before the Commission in MUR 6775. The Supplemental Complaint brings ADLF's hypocrisy to a new level—launching frivolous attacks against Respondents at the same time David Brock and Brad Woodhouse are engaged in a scheme to circumvent the Commission's coordination laws and soft money ban through their work with Correct the Record.

Once again, ADLF has failed to demonstrate that Respondents have violated any provision of the Act or the Commission's regulations. Like the initial complaint, the Supplemental Complaint is based on frivolous legal theories and malicious speculation. We therefore respectfully request that the Commission recognize the legal and factual insufficiency of both complaints on their face and immediately dismiss them.

Thank you for your consideration of this matter, and please do not hesitate to contact me directly at (202) 572-8663 with any questions.

Respectfully submitted,



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Charles R. Spies  
James E. Tyrrell III  
CLARK HILL PLC

*Counsel to Right to Rise PAC, Inc.,  
Right to Rise Super PAC, Inc., and  
Michael Ellis Murphy*

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<sup>3</sup> Annie Karni and Gabriel Debenedetti, *Guy Cecil poised to join pro-Hillary super PAC*, POLITICO, May 1, 2015, available at <http://www.politico.com/story/2015/05/guy-cecil-poised-to-join-pro-hillary-super-pac-117561.html>.