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December 4, 2020

Federal Election Commission
Office of Complaints Examination and Legal Administration
Attn: Trace Keeys, Paralegal
1050 First Street, NE
Washington, D.C. 20463

Re: MUR 7816

To whom it may concern:

The undersigned serves as counsel to the New Politics Leadership Academy (“NPLA”), a 501(c)(3) charitable organization that recruits military veterans and national service alumni to run for public office.¹ This letter responds on behalf of NPLA to the Commission’s notification of a complaint from Representative Jim Hagerdorn (the “Complaint”) alleging that NPLA violated the Federal Election Campaign Act (the “Act”) and Federal Election Commission (the “Commission”) regulations.

While NPLA is not named by the Complainant as a respondent in this MUR, nor are any legitimate allegations of wrongdoing made against NPLA specifically, NPLA appreciates the opportunity to respond and clear its name in this matter.

As described below, the allegations made in the Complaint against NPLA are baseless and not supported by any facts whatsoever. The Complaint makes one core allegation – that NPLA “paid for” former Congressional candidate Dan Feehan to “run for Congress,” and that NPLA’s fellowship program somehow runs afoul of the Act.² These allegations ring false, as while NPLA did compensate Mr. Feehan for *bona fide* services performed, Mr. Feehan’s work for NPLA ***ceased before he began to run for Congress.***

¹ See New Politics Leadership Academy, “Our Programs”, available at <https://www.newpoliticsacademy.org/our-programs> (last accessed December 4, 2020).

² As Representative Hagerdorn does not state *how* NPLA’s fellowship even could be at issue with the provisions of the Act, only insinuating that there is wrongdoing, we will not address any claims that are not specifically related to Mr. Feehan.

Additionally, NPLA is prohibited under Internal Revenue Service (“IRS”) rules and guidance from engaging in any “partisan intervention” whatsoever – with dire consequences for the organization for infractions. NPLA takes this prohibition very seriously.

The Commission should find no reason to believe that NPLA committed any violation of the Act, and close the file in relation to the organization.

1. The IRS’ prohibition on “partisan intervention.”

As a 501(c)(3) charitable organization, NPLA is subject to numerous requirements (outside of the Act) that prohibit it from engaging in any “partisan intervention” whatsoever.³ While the IRS uses a “facts and circumstances” analysis, the consequences of a 501(c)(3) violating this prohibition are severe, and cause organizations like NPLA to remain *completely* non-partisan.

For example, if NPLA were to engage in prohibited partisan intervention, the IRS could revoke its status as a 501(c)(3) – so donors NPLA’s would not be able to take a tax-deduction – and could even treat the organization as a for-profit business subject to tax retroactively on all of its contribution income. The IRS can also impose a tax on the political expenditures, including on NPLA’s officers, directors, and managers, personally.

2. NPLA’s Fellowship Program

NPLA’s programs are structured with this prohibition in mind – providing training to former servicemembers to run for public office, regardless of political affiliation. The fellowship program referenced in the Complaint was also structured with this prohibition in mind. When NPLA launched its fellowship in 2018, it described the program in a public flyer as follows:

³ See, e.g.:

- Internal Revenue Service, Revenue Ruling 2007-41 (June 18, 2007), [at https://www.irs.gov/pub/irs-drop/rr-07-41.pdf](https://www.irs.gov/pub/irs-drop/rr-07-41.pdf)
- Internal Revenue Service, Revenue Ruling 2004-06 (January 26, 2004) [at https://www.irs.gov/irb/2004-04_IRB#RR-2004-6](https://www.irs.gov/irb/2004-04_IRB#RR-2004-6) (last accessed December 4, 2020).

fellowship program

We are launching a prestigious fellowship focused on advancing political leadership. Our Leadership Academy Fellows are proven servant leaders, selected through a highly competitive process. Fellows will focus on supporting New Politics' mission of revitalizing our democracy and transforming our politics through advocacy, research, and engagement.

The inaugural cohort of New Politics Leadership Academy Senior Fellows will be composed primarily of servant leaders who recently ran and led campaigns across the country, talented military and national service veterans who chose to enter the political arena in pursuit of continuing their service and transforming our politics. They will have the opportunity to reflect on lessons learned during their campaigns, and share their learnings with our growing community. Senior Fellows will be thought leaders who inspire and enable the continued growth of our mission; they will publish, speak, advocate, and conduct policy research. They will help recruit more servant leaders to participate in the political process. They will continue to serve as the voices and faces of the new generation of political leaders who are committed to putting country over party.

The opportunity to become a NPLA Fellow was extended to former candidates, regardless of political party, who had previously served the country through National Service organizations, the national security and intelligence community, or in the military. The Fellows were expected to – outside of the above – work on initiatives related to NPLA's leadership development and educational mission, including projects that provided NPLA with quantitative research about the rural-urban divide and insight into how issues that are typically understood as domestic or state-level challenges may ultimately affect national security.

We have included the welcome letter that was provided to all 2018 NPLA Fellows as *Attachment A* for reference, and to provide information about the nature and structure of the program.

3. Mr. Feehan performed services for the organization as a part of the Senior Fellows Program.

Mr. Feehan was one such fellow between December 2018 and October 2019, and was compensated \$64,500 (\$8,500 in 2018 and \$55,500 in 2019) for his services. Mr. Feehan was

paid at the same rates as fellows providing similar services. Mr. Feehan performed the following services for NPLA:

- Researched the effects of the “urban-rural” divide using his experience as a candidate for Congress in 2018, along with sophisticated regression analysis;
- Led trainings and provided feedback on curriculum for NPLA’s “Foundations” program, which provides leadership training and support for military veterans, AmeriCorps alumni, and Peace Corps alumni considering running for public office in the future;⁴ and
- Participated in weekly leadership development sessions.

The above services were actually performed for NPLA by Mr. Feehan. Mr. Feehan’s services ceased before he began to run for Congress – his last day with NPLA was September 30, 2019. Mr. Feehan *was not at any time a candidate under the Act when he provided services to NPLA*.⁵ From this, the FEC’s compensation rules could not apply to his activities prior to becoming a candidate for office.

As a 501(c)(3) charitable organization, NPLA does not intend to support or subsidize *any* candidate’s run for office. As a military veteran who had run for office previously, Mr. Feehan was uniquely qualified to comment on the issues that NPLA works through on a daily basis – most importantly how more former servicemembers can run for public office in the future.

4. The Commission should dismiss the Complaint and close the file.

Mr. Feehan performed *bona fide* services to NPLA. As such, Representative Hagerdom’s claims that NPLA has somehow subsidized Mr. Feehan’s run for office are false and wholly unsubstantiated.

A complaint is required to allege facts that give rise to a violation of the Act or Commission regulations.⁶ As the Complaint does not do so – and only speculates and assumes

⁴ See New Politics Leadership Academy, “Foundations” at <https://www.newpoliticsacademy.org/foundations> (last accessed December 4, 2020).

⁵ See 11 C.F.R. § 113.1(g)(6)(iii).

⁶ See FEC MUR 7135 (Donald J. Trump for President, et. al.), Statement of Reasons of Commissions Hunter and Petersen at fn 31 (September 6, 2018, spacing for clarity), citing MURs 6296, 6056, 5467 (“We have on multiple occasions shown that the reason to believe standard found at 52 U.S.C. § 30109(a)(2) means more than merely a reason to suspect.

See, e.g., MUR 6296 (Buck for Colorado), Statement of Reasons of Vice-Chair Caroline C. Hunter and Commissioners Donald F. McGahn and Matthew S. Petersen at 7 (“[T]he Act’s

wrongdoing on the part of NPLA – we request that the Commission determine that there is no reason to believe that NPLA committed any violation alleged in the Complaint, and close the file in relation to the organization.

Sincerely,



Neil Reiff



David Mitrani

Counsel for New Politics Leadership Academy

complaint requirements and limits on Commission investigative authority serve no purpose if the Commission proceeds anytime it can imagine a scenario under which a violation may have occurred."). . .

MUR 5467 (Michael Moore), First Gen. Counsel's Rpt. at 5 ("Purely speculative charges, especially when accompanied by a direct refutation, do not form an adequate basis to find reason to believe that a violation of the [Act] has occurred."); see also FEC v. Machinists Non-Partisan Political League, 655 F.2d 380,388 (D.C. Cir. 1981) ("[M]ere 'official curiosity' will not suffice as the basis for FEC investigations"); id. at 387 (distinguishing the Commission from other administrative agencies that are "vested with broad duties to gather and compile information and to conduct periodic investigations concerning business practices the FEC has no such roving statutory functions"), available at https://eqs.fec.gov/eqsdocsMUR/7135_2.pdf (last accessed December 4, 2020).

Dear Senior Fellow,

Congratulations! We are so excited to have you join us as part of the inaugural cohort of New Politics Senior Fellows. Our Fellows are proven servant leaders selected through a highly competitive process. We are confident you will advance political leadership and bolster our vital mission to revitalize our democracy and transform our politics through your fellowship project.

Dr. Max Klau will be your New Politics staff lead for the fellowship. You will meet with Max five times (in red below) throughout the fellowship to check in about your project progress.

Max Klau is a leadership development scholar and practitioner living in Boston. He is our Chief Program Officer at the New Politics Leadership Academy. Before stepping into this role, he was the Vice President of Leadership Development at City Year, Inc., the national service program headquartered in Boston, Massachusetts. Max received his doctorate of education (Ed.D.) from the Harvard Graduate School of Education in 2005; his studies focused on civic leadership education. Max is also a certified Integral Associate Coach, trained in the integral coaching model developed by Integral Coaching Canada.

You will also be required to join monthly cohort calls throughout the fellowship (in blue below). These calls will be a chance for you and your cohort to share progress, best practices, and lessons learned.

At the end of your fellowship, you will join us in Boston to present your findings to a room of political thought leaders. In addition to this conference, we will work with you individually to think about how to best position your work so that it can have far reaching impact in our politics.

Below, please find our schedule of programming for the duration of your fellowship.

Monday, January 28th

2019 New Politics Fellowship Kick-off Call

1:00 PM - 2:30 PM | (617) 752-3946

This is a mandatory call to kick-off our four month fellowship. Please join us as we review the different components of the fellowship, and run through our schedule of programming. Fellows are asked to briefly introduce their projects.

Max will also lead us through a few key leadership development exercises: personal mission and shadow statements, a group learning agreement.

Week of January 28th

1st Check-in with Max

Your first check-in with Max will be to set the study parameters, methods, and timeline for your project. Please come prepared to answer these questions:

- What questions are you solving?
- Why are you solving it?
- Who will your study impact?
- What is your hypothesis?
- How will you prove it?
 - What tools will you need? Software, resources, materials
 - What study methods will you use? e.g. Polling, focus groups, literature review, interviews
- How will you present your findings? e.g. written report, series of six op-eds, a speaking event

Week of February 18th

2nd Check-in with Max

During your second check-in with Max, you should already have a well defined question and hypothesis, and have a project plan. Please come prepared to discuss the following:

- Progress on your project since the last check-in
- What are some challenges you anticipate in the next few weeks, and how can we prepare for them?

Thursday, February 21st

Monthly Fellows Cohort Call

1:00 PM - 2:30 PM | (617) 752-3946

Please come prepared to discuss highs and lows of the last month, reflections that you think could help other fellows, and goals for the next month.

Leadership development exercise:

Week of March 4th

3rd Check-in with Max

During your third check-in with Max, you should be well on your way on your project. The data you have been collecting should start to take form and you should be able to start testing your finding against your hypothesis. Please come prepared to discuss the following:

- Progress on your project since the last check-in
- What are you starting to see? Is this what you expected?
- Are there any follow-up questions that stem from your findings to date?

- Do you have everything you need to complete the project on time? If not, how can we help/ what can we do to change that?

Thursday, March 21st

Monthly Fellows Cohort Call

1:00 PM - 2:30 PM | (617) 752-3946

Please come prepared to discuss highs and lows of the last month, reflections that you think could help other fellows, and goals for the next month.

Leadership development exercise:

Week of March 25th

4th Check-in with Max

During your fourth check-in with Max, your findings should be pretty clear and you should have formed a fairly robust thesis. Please come prepared to discuss the following:

- Progress on your project since the last check-in
- What is your thesis? How does this compare to your hypothesis? Are you surprised?
- How does this thesis contribute to your personal political leadership?
- How can we best position your findings to positively affect our political climate and our communities?
- How is your final project presentation coming along? What support can we provide?

Week of April 15th

5th and final Check-in with Max

During your fifth and final check-in with Max, you should be wrapping up your project. Please come prepared to do a run through of your final presentation.

Thursday, April 18th

Monthly Fellows Cohort Call

1:00 PM - 2:30 PM | (617) 752-3946

Please come prepared to discuss highs and lows of the last month, reflections that you think could help other fellows, and goals for the next month.

Leadership development exercise:

April 22nd

New Politics Fellowship Conference

Boston, MA

You will have an opportunity to present your findings to a room of political minds and donors. Please come prepared with a 10 minute presentation on your project. More details to come.

Week of May 1st

Exit Interviews