

United States Senate

WASHINGTON, DC 20510-7110

January 5, 2017

Mrs. Elisabeth DeVos
The Windquest Group
201 Monroe Avenue, Suite 500
Grand Rapids, MI 49503

Dear Mrs. DeVos,

You will soon come before the Senate Health, Education, Labor and Pensions Committee, on which we serve, to discuss your qualifications to be Secretary of the Department of Education. While you and your family have spent considerable amounts of money to influence both federal and state government officials over the years, you have no experience as one yourself. Your active political fundraising of course does not disqualify you from holding public office, but it does raise questions about whether you will be able to discharge your duties fairly on behalf of all Americans, including those without the wherewithal to contribute to causes or candidates you support.

You have been unabashed in discussing what you have hoped to achieve with your political spending. In a 1997 op-ed in Roll Call, you wrote:

I know a little something about soft money, as my family is the largest single contributor of soft money to the national Republican party. Occasionally a wayward reporter will try to make the charge that we are giving this money to get something in return, or that we must be purchasing influence in some way....

I have decided, however, to stop taking offense at the suggestion that we are buying influence. Now I simply concede the point. They are right. We do expect some things in return.

You noted that you directed your influence through what was then known as soft-money donations, which was not “bad, shadowy, hard to pin down, untraceable, [or] even sinister” but rather “publicly reported for everyone to see.”

Times have changed. The Supreme Court’s Citizens United decision unleashed unprecedented levels of corporate political spending which has been accompanied by aggressive, and some would say improper, use of 501(c)(4) “social welfare” organizations to hide much of this activity. While contributions to candidates and political action committees still are “publicly reported for everyone to see,” contributions to 501(c)(4) organizations are not.

Until recently, you were the Chairman of the American Federation for Children (AFC), a 501(c)(4) organization. You have simultaneously served as Chairman of AFC’s partner

organizations, the American Federation for Children Growth Fund 501(c)(3) organization – previously the Alliance for School Choice – and the American Federation for Children Action Fund 527 political action committee. These organizations have been linked to the American Legislative Exchange Council and the Wisconsin Club for Growth, the Wisconsin affiliate of the national Club for Growth which was run for a period by a long-time associate of the Koch brothers. You were also instrumental in the establishment of the Great Lakes Education Project (GLEP), which has a similar structure to the AFC organizations. While GLEP itself is a 527 political action committee, it is financially supported by the Great Lakes Education Foundation 501(c)(3) and assisted in its advocacy by the Great Lakes Education Fund 501(c)(4) organization.

Understanding your leadership roles in this complicated web of political and not-for-profit organizations is necessary for us to be able to evaluate any conflicts of interest you may bring to the position, and whether you should recuse yourself from particular matters that may come before you as Secretary. Because some of your work has not been “publicly reported for everyone to see” it is particularly important that you are forthcoming about the work of the American Federation for Children, the Great Lakes Education Fund, and any other 501(c)(4) organizations with which you have a relation. Accordingly, we request you provide the Committee the following information before a hearing on your nomination:

- An explanation of the role you played in the establishment and operation of AFC, and the relationship of AFC to other organizations which you have chaired or helped start;
- An explanation of the role you played in the establishment and operation of GLEP, and the relationship of GLEP to other organizations which you have chaired or helped start;
- An explanation of the role you played in the funding and operation of the James Madison Center for Free Speech, which served as the architect for the *Citizen's United* case;
- A list of all donors, their total donations, and affiliations, who have contributed to AFC and GLEP since their inception;
- A list of all expenditures of over \$1,000 made by AFC and GLEP since their inception;
- A list of all federal and state legislation or regulations AFC and GLEP have lobbied on and all actions you have taken with respect to those matters;
- A list of all donations made by you, members of your family, and foundations or organizations with which you are affiliated, to any other 501(c)(4) organizations over the past five years;
- An explanation of any requests or requirements made in exchange for those donations, including specific issues, legislation, or regulations to be addressed; and
- A list of any other 501(c)(4) organizations in which you have served as a board member, officer, or some other advisory or executive capacity.

We look forward to learning more about these and other issues, during the confirmation process.

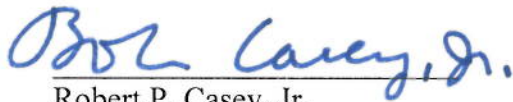
Sincerely,



Sheldon Whitehouse
United States Senator



Bernard Sanders
United States Senator



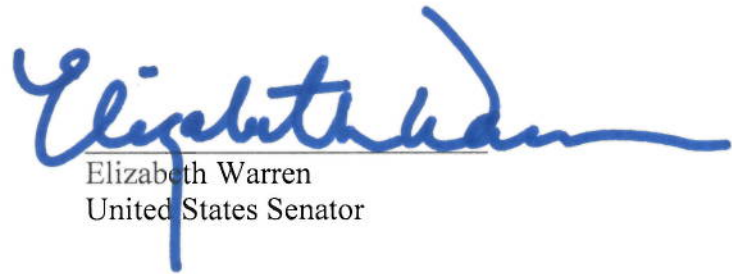
Robert P. Casey, Jr.
United States Senator



Al Franken
United States Senator



Tammy Baldwin
United States Senator



Elizabeth Warren
United States Senator