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HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

November 15, 2021

The Honorable Charles Paul Rettig
Commissioner
U.S. Internal Revenue Service
1111 Constitution Avenue NW
Washington, DC 20224

Dear Commissioner Rettig:

We are writing today with serious concerns that a National Public Radio (NPR) affiliate has been using a taxpayer-funded email account to illegally campaign for New York Democrats.

Recently, Martha Foley, the former News and Public Affairs Director at North Country Public Radio (NCPR), used her NCPR email address to campaign on behalf of local New York Democrats and to push "several statewide propositions that would alter the voting process in the Democrats' favor."[1] This is an unacceptable and illegal use of taxpayer funds, which provided $3,008,241 million to NPR in Fiscal Year 2020 alone.[2] It is also grounds for revocation of NPR's tax-exempt status.

As you know, the Internal Revenue Service (IRS) restricts political campaign intervention by Section 501(c)(3) tax-exempt organizations, which includes NPR. According to the IRS, "Under the Internal Revenue Code, all section 501(c)(3) organizations are absolutely prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective public office. Contributions to political campaign funds or public statements of position (verbal or written) made on behalf of the organization in favor of or in opposition to any candidate for public office clearly violate the prohibition against political campaign activity."[3] Ms. Foley clearly made a public statement using her NCPR email address in favor of New York Democrats. This is a direct violation of the prohibition against political campaign activity.

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[1] Paul Bois, *Exclusive—Elise Stefanik Exposes Former Public Radio Employee using Taxpayer-Funded Resources to Campaign for Democrats: 'DEFUND NPR'*, BREITBART (Nov. 2, 2021), https://www.breitbart.com/politics/2021/11/01/exclusive-elise-stefanik-exposes-local-npr-affiliate-campaigning-democrats-taxpayer-dollars/

[2] *Financial Statements Fiscal Year 2020,* NPR (2020), https://media.npr.org/documents/about/annualreports/2020_Annual_Report_Financial_Statements.pdf

[3] *The Restriction of Political Campaign Intervention by Section 501(c)(3) Tax-Exempt Organizations,* IRS (Sept. 21, 2021), https://www.irs.gov/charities-non-profits/charitable-organizations/the-restriction-of-political-campaign-intervention-by-section-501c3-tax-exempt-organizations

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Further, the IRS states, "Violating this prohibition may result in denial or revocation of tax-exempt status and the imposition of certain excise taxes."[4] Therefore, we respectfully request the IRS to conduct a full investigation into NPR and their affiliates to determine the veracity of these allegations and the extent to which similar behavior occurred on the part of other current and retired employees using their tax-exempt status to advance partisan political objectives. If the IRS determines that Ms. Foley or other NPR employees violated the prohibition on political campaign intervention by Section 501(c)(3) tax-exempt organizations, we ask that you immediately revoke NPR's tax-exempt status.

The ban on political campaign intervention is a requirement imposed by the United States Congress "for the privilege of being recognized as exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code."[5] It exists to protect hardworking American taxpayers from being forced to subsidize partisan initiatives. With your help, we can ensure what happened at NCPR will not occur again at NPR or any of its affiliates.

We appreciate your prompt attention to this serious matter, and we look forward to your response.

Sincerely,

Elise M. Stefanik
Member of Congress

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[4] *Id.*
[5] *Id.*