

From: Shawn Woodhead Werth
To: Stephen A Gura
Subject: Fw: Take No Action on Proposed Enforcement Manual Changes
Date: 07/19/2013 11:19 AM

For your information.

Shawn

----- Forwarded by Shawn Woodhead Werth/FEC/US on 07/19/2013 11:19 AM -----

"Robert E. Rutkowski"

[REDACTED]

To <secretary@fec.gov>,

cc

07/19/2013 10:12 AM

Subject Take No Action on Proposed Enforcement Manual Changes

Ellen L. Weintraub, Chair
Federal Election Commission
999 E Street, NW
Washington, DC 20463
(800) 424-9530
secretary@fec.gov

Re: **Take No Action on Proposed Enforcement Manual Changes**

Dear Secretary,

In a letter, <http://www.democracy21.org/wp-content/uploads/2013/07/GROUP-LETTER-FEC-COMMISIONERS-ENFORCEMENT-MANUAL-7-19-13.pdf>, sent today to the five FEC Commissioners, reform groups urged Commissioners to take no action regarding the FEC Enforcement Manual until the two nominees who have been appointed to serve on the Commission are confirmed and take office

According to published reports, the Senate Rules Committee will hold a hearing on the two FEC nominees on July 24, 2013 and the nominees could be confirmed by the Senate before the August recess begins.

I strongly urge you not to hold any Commission meeting on the Enforcement

Manual until the full complement of six Commissioners is sitting on the agency. The two new Commissioners who will have to live with the results of any changes in the Enforcement Manual are entitled to participate in any deliberations on this matter. There is no urgency or need for immediate consideration of changes to an Enforcement Manual that has served the FEC well for many years in its current form.

Under the proposed changes, the FEC staff would be required to ignore information that is publicly available to everyone outside the agency and that could be relevant to reaching a conclusion to recommend that the Commission *proceed or not proceed* with an investigation.

The absurd nature of this proposed change can be seen by the sources the professional staff would be *prohibited* from consulting in determining recommendations to the Commissioners. Thus the professional staff would be prohibited from consulting the following resources that have long been listed in the Enforcement Manual as permissible sources to consult:

- The use of Westlaw “to search for news articles and to find public information about corporations and individuals;
- Dun & Bradstreet which provides “comprehensive information on most U.S. businesses”;
- Commercial search engines (presumably such as Google) that “can generate a list of potential information sources relevant to the facts of a matter,”
- YouTube “to locate video advertisements that might be at issue in a complaint”;
- Candidate, Party or Political Committee Websites; and
- “News articles” which “may provide useful background information or reports of recent developments in a matter.”

I strongly urge that you not take any action regarding the Enforcement Manual until the two new nominees to the FEC take office and six Commissioners are available to act on the matter. I also strongly urge that if the proposed changes to the Enforcement Manual are considered you vote against these changes.

Thank you for the opportunity to bring these remarks to your attention.

Yours sincerely,
Robert E. Rutkowski

cc: House Minority Leadership

[REDACTED]