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August 29, 2002

Via E-Mail (letter only), Fax and Hand Delivery

Ms. Mai T. Dinh
Acting Assistant General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Notice of Proposed Rulemaking: Electioneering Communications

Dear Ms. Dinh:

American Taxpayers Alliance ("ATA") submits through counsel, the following supplemental comments, in response to a request by Chairman Mason, on the Notice of Proposed Rulemaking, 67 Fed. Reg. 51131 (August 7, 2002), to implement certain provisions of the Federal Election Campaign Act of 1971 as amended ("FECA"), as further amended by the Bipartisan Campaign Reform Act of 2002, P.L. 107-55 ("BCRA").

ATA would like to reiterate that in supplementing its testimony, it is not conceding that any of the proposed regulations addressed, or the statutory provisions underlying them, are constitutional. ATA strongly believes that many provisions of the BCRA unconstitutionally regulate protected speech, including direct and grassroots lobbying and issue advocacy, and are not justified by any compelling governmental interest. However, ATA would like to help the Commission implement the BCRA in a manner that is least offensive to the First Amendment and that least infringes upon the rights of non-profit organizations to engage in constitutionally protected speech.

Due to time constraints, ATA is unable to provide more than the enclosed examples of ATA's grassroots issue advertisements, as requested by Chairman Mason. The first three attachments are copies of scripts of television advertisements run in California during the Summer of 2001 in California. The

August 30, 2002
Page 2

third attachment is a copy of the script for a television advertisement run in May 2002 in several different states by American Seniors, a project of ATA. All four are typical examples of ATA's grassroots issue advocacy.

ATA would also like to clarify a response given to a question by Mr. James Pehrkon. Mr. Pehrkon asked how many reports ATA thought it would need to file, to which counsel guessed about fifty. ATA conservatively estimates that, depending upon whether the Commission requires reporting of single advertisements or requires aggregation of advertisements run on different stations or networks, it might be required to file as many as seventy-five reports in a sixty day period.

Respectfully submitted,

Heidi K. Abegg

Counsel for American
Taxpayers Alliance