



Marianne McPherson <mem_obos@hotmail.com> on 04/08/2004 09:03:52 AM

To: politicalcommitteestatus@fec.gov
cc:

Subject: Proposed rule changes for non-profit groups

Dear Ms. Dinh,

Attached please find comments from our Executive Director, Judy Norsigian. I have pasted the text below should you have problems with the attachment.

Thank you,
Marianne McPherson
Program Consultant
Our Bodies Ourselves
34 Plympton Street
Boston, MA 02118
www.ourbodiesourselves.org

To: Ms. Mai T. Dinh, Acting Assistant General Counsel, Federal Election Commission
politicalcommitteestatus@fec.gov
Re: Proposed rule changes for non-profit groups
Dear Ms. Dinh,

I am writing on behalf of Our Bodies Ourselves regarding whether to amend the definition of "political committee" applicable to nonconnected committees. We strongly oppose the proposed amendments and urge the Federal Election Commission to do the same in the hearings on April 14 and 15.

First, we ask you to recognize that The FEC has no legal right to treat non-profit interest groups as political committees. Congress and the courts have specifically considered and rejected such regulation.

Secondly, campaign finance reform is not meant to be a tool to silence public interest organizations. We recognize that the proposed rules are an attempt to gag those groups expressing views opposing President Bush in this approaching election year, and we are appalled by these back-door techniques.

Thirdly, we particularly object to the 4-year "look back" rule. Under this rule, the FEC would "look back" at a nonprofit group's activities over the past four years to determine whether a group's activities qualify it as a federal political committee. If so, the FEC would require a group to raise hard money to repay prior expenses that are now subject to the new rules. This rule would jeopardize the survival of many groups. The 4 year "look back" rule would cause a nonprofit group that criticized or praised the policies of Bush, Cheney, McCain, or Gore in 2000, or any Congressional incumbent candidate in 2000 or 2002, to be classified as a political committee now, even though the group has not done so since then. This severely violates our constitutional guarantees of due process.

The proposed rules would extend far beyond the scope of the FEC's regulatory power in shutting down legitimate activities of nonprofit organizations. In the McConnell opinion upholding McCain-Feingold, campaign finance reform, the U.S. Supreme Court clearly stated that the law's limits on unregulated corporate, union and large individual contributions apply to political parties and not to interest groups. Congress specifically considered regulating 527 organizations three times in the last several years - twice

through the Internal Revenue Code and once during the BCRA debate - and did not subject them to McCain-Feingold.

Furthermore, Internal Revenue Code already prohibits 501(c)(3) charities such as ours from intervening in political candidate campaigns, and IRS rules for other 501(c) groups prohibit them from ever having a primary purpose to influence any candidate elections -- federal, state, or local.

The FEC's proposed rule changes would dramatically impair vigorous debate about important national issues. It would hurt nonprofit groups across the political spectrum and restrict First Amendment freedoms in ways that are unhealthy for our democracy.

Thank you for your consideration.

Judy Norsigian
Executive Director
Our Bodies Ourselves
34 Plympton Street
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judy@bwhbc.org

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