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To: politicalcommitteestatus@fec.gov
cc: Peter Nord <pnord@baltimorepresbytery.org>, Beryl Smith <berylsmi@erols.com>, lgriffit@ctr.pcusa.org
Subject: Comment on: Notice of Proposed Rulemaking on Political Committee Status, 69 Fed. Reg. 11736 (March 11, 2004)

Attached, in .pdf format, is a comment on the Proposed Rulemaking by the Presbytery of Baltimore, Presbyterian Church (U.S.A.)

Charles P. Forbes
Stated Clerk
Presbytery of Baltimore

cc: Rev. Peter Nord, Executive Presbyter, Presbytery of Baltimore
Beryl Smith, Director, Office on Public Policy, Presbytery of Baltimore
Laurie Griffith, Manager Social witness, Office of the General Assembly,
Presbyterian Church (U.S.A.)



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The Presbytery of Baltimore
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April 8, 2004

Ms. Mai T. Dinh
Acting Assistant General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

via electronic mail: politicalcommitteestatus@fec.gov

Re: Notice of Proposed Rulemaking on Political Committee Status, 69 Fed. Reg. 11736
(March 11, 2004)

Dear Ms. Dinh:

The Presbytery of Baltimore urges the Federal Election Commission to delay this proposed rulemaking until the end of the current election cycle and in any rulemaking to exempt non-profit (especially churches and other religious non-profit) 501(c)(3) organizations from the definition of “political committee”, and to avoid defining issue advocacy communications as political “expenditures”.

The Presbytery of Baltimore is a religious entity, which qualifies as a 501(c)(3) organization under the Internal Revenue Code. The Presbytery consists of 73 churches in central Maryland. As you may know our Federal Government was shaped by Presbyterians and is based on the Presbyterian principle of representative government, which relies upon an informed consent of the governed. The proposed rulemaking would operate against informing the governed and, therefore, would violate one of the basic principles, which are the foundation of our government.

Advocacy is a primary activity of non-profit and religious organizations.

One of the primary activities of religious organizations and many other non-profits is advocacy for the “least of these”. This responds to one of the charges given to his followers by Christ and is taken seriously by the Presbyterian Church. Presbyterians are encouraged to engage in advocacy for justice and peace, as well as for fair and humane treatment of our less fortunate brothers and sisters.

501(c)(3) organizations are already bared from partisan activities.

Since 501(c)(3) organizations are already prohibited from engaging in any direct or indirect partisan political activity under existing federal law, they should not be included in any new rulemaking in this area. Title 26 of the United States Code, the Internal Revenue Code, explicitly bars 501(c)(3) organizations from participating in, or intervening in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office. The prohibition is absolute; there is no exception to that rule.

The FEC in its attempt to more clearly define the term “political committee”, and delineate the appropriate activities of such a committee, should not expand the definition to include legitimate, nonpartisan activities of 501(c)(3) organizations. Advocacy activities of 501(c)(3) organizations are more appropriately characterized as lobbying, and as nonpartisan voter recruitment and education enabling more people to participate and more voices to be heard.

Campaign finance rules should not be changed in the middle of an election cycle.

Redefining basic terms such as “political committee”, “expenditure” and “contribution” in the middle of an election year is sure to cause severe disruption to the regulated community- especially in the newly regulated sector. Fairness demands that no new rules be applied during this election season and certainly not retroactively. Organizations cannot be held to standards before they are adopted. New rules must be clear and reasonable notice must be given.

The FEC has already created much confusion in the nonprofit community. The criminal consequences of being found in violation of federal campaign finance laws, as a result of the proposed rule, will have a severe chilling effect on 501(c)(3) organizations. Stifling voter education and get out the vote activities is not in the best interest of our country since it hampers efforts to educate and inform the electorate. Rules must be carefully crafted to avoid a chilling effect on genuine issue advocacy and nonpartisan voter mobilization activity. The Commission should defer action until 2005, and take the time to more carefully sort through the issues.

The Presbytery of Baltimore urges the Commission to exempt non-profit 501(c)(3) organizations from this proposed rulemaking.

Thank you for allowing an opportunity to comment on a proposed action the Presbytery believes will have a decidedly detrimental effect on free speech rights and a potentially disastrous effect on democracy in our country.

Sincerely,

Charles P. Forbes
Stated Clerk