

**Congress of the United States**  
Washington, DC 20510

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2004 APR 12 P 4:07

April 7, 2004

Commissioners  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

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2004 APR 12 P 3:51

Dear Commissioners:

We are writing to express our concerns about the pending Notice of Proposed Rulemaking on "political committee status."

We are concerned that this regulatory initiative seeks to address non-profit advocacy and voter participation efforts in ways that will have severe and unfortunate consequences for our democratic system. In our view, the proposed rules mistakenly rely upon BCRA and the Supreme Court's decision in *McConnell v. FEC* as their authority for new regulations on the use of "soft money" by independent organizations

We support BCRA because we believe that the link between unregulated contributions and federal officeholders, candidates and their parties should be broken. We believe that the statute achieved this goal, striking a careful balance between needed additional regulation of campaign finance, on the one hand, and the protection of speech and associational rights, on the other. And we believe that the proposed rules severely undermine that balance, with potentially severe consequences for vital speech on the central issues of the day.

Specifically, the proposed rules before the Commission would expand the reach of BCRA's limitations to independent organizations in a manner wholly unsupported by BCRA or the record of our deliberations on the new law. For example, Congress crafted a new term for certain election-influencing activities by political parties – so-called "Federal election activities" – as part of the BCRA approach to limiting party soft money. The proposed rules would appropriate this concept of "Federal election activities" for the very different purpose of regulating "issues" speech and other political activity of 501(c) and other organizations. Congress did not choose to vastly extend in this way the concept of "Federal election activities."

Commissioners  
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April 7, 2004  
Page 3

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