

Peace Action

W I S C O N S I N

Fax Cover # of pages including cover 3

To: Ms. Mai T Dinh
Fax #: (202) 219-3923

From: Peace Action Wisconsin
Phone: 414-964-5158
Date: 9 April 2004
Sender: Katherine Fuchs

Attached please find:

a response to the Notice of Proposed
Rulemaking on Political Committee Status.

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COUNSEL

2004 APR -9 P 2:12

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

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2009 APR -9 P 2: 13

Dear Ms. Dinh,

I am writing regarding the Notice of Proposed Rulemaking on Political Committee Status as a student of American politics, a member of Milwaukee's largest voter registration / get-out-the-vote coalition, and as a representative of Peace Action Wisconsin. After much study of both the workings of our democracy and the Proposed Rulemaking on Political Committee Status I believe that the proposed rulemaking threatens unconstitutional changes to our nation. The rulemaking would stifle our democracy very publicly by eroding our Fifth Amendment right to due process, generally damaging the rights of citizens to legal recourse through the electoral process, corroding our First Amendment right to free speech, bypassing our government's carefully designed checks and balances, and damaging the overall effectiveness of our government.

By making the Proposed Rulemaking on Political Committee Status retroactive to January 2003 the Federal Election Commission is clearly subverting the right to due process explicitly granted by the Fifth Amendment to our constitution. This violation of our constitution is not just a statutory infringement; it will cripple most nonprofit organizations, which truly are vital to the health of our society, in a more insidious way. Requiring nonprofit corporations to pay fines assessed for actions that were both legal and recommended by the government at the time of the action, while simultaneously changing the regulation of their fundraising will effectively strangle thousands of nonprofit enterprises across the nation. I strongly encourage the FEC to remember that the bulk of the organizations to be affected by the currently proposed changes are not the sort of nefarious groups traditionally associated with the political process, they are largely charitable, religious, or social organizations that increasingly provide and advocate locally for social services no longer provided by our government.

In addition to the concerns addressed above, the timing of the Proposed Rulemaking on Political Committee Status will severely impair our electoral process, which many would already consider to be in a sad state. It is no secret that our democracy has one of the world's lower voter turnout rates and it is indisputable that this needs to change. The limitations that would be imposed on nonpartisan voter registration and get-out-the-vote efforts by the Proposed Rulemaking on Political Committee Status will only compound issues of nonparticipation and is tantamount to disenfranchising many of our nation's citizens who are not currently engaged in the electoral process.

Another offense done to the electoral system, which lies at the very heart of our democracy, by the Proposed Rulemaking on Political Committee Status is the obstruction of our first amendment right to free speech. The prohibition of communications critical

of federal candidates for office effectively silences public debate that is essential to democracy. The answer consistently given by non-voters as to why they do not vote is that they are not knowledgeable enough about the issues and candidates. By eliminating the opportunity for organizations to educate the larger population in a nonpartisan manner regarding the positions and histories of various candidates for office the FEC will eliminate a mechanism used for centuries to achieve policy change in this nation, especially on the grassroots level.

The Proposed Rulemaking on Political Committee Status extends beyond the limited jurisdiction of the FEC. Only congress is charged with creating legislation. In line with this mission our nation's legislature has been quite busy addressing the very issues professed to be at the heart of the Proposed Rulemaking on Political Committee Status. For years the issue of campaign finance reform was a topic of much debate in both houses of Congress, the issue was thoroughly and publicly dissected. Even after passing into law, the Bipartisan Campaign Reform Act received much public scrutiny as *McConnell v. FEC* was argued before the Supreme Court (124 S. Ct. 619 (2003)). Having emerged intact through the tests of both Congress and the Supreme Court it would be wise to see how BCRA affects a presidential election cycle before altering the law. Should BCRA, in time, prove defective then it is the duty of Congress or the Supreme Court to reexamine any issues of concern, not that of the FEC.

In closing I would like to express the idea that the Proposed Rulemaking on Political Committee Status represents one of the most ominous threats to our great nation. This sort of policymaking that circumvents the separation of powers and uses vague standards to achieve even more ambiguous goals undermines both the actual and perceived effectiveness of our government and by extension our nation as a whole. Although the degradation of our government system, as exemplified by the Proposed Rulemaking on Political Committee Status, is dangerous enough the further obstruction of nonpartisan attempts to raise political awareness and participation around issues and the blatant disregard for rights detailed in our constitution are a real and imminent threat to our democracy, which for centuries has been a beacon for all who struggle under unjust systems of government.

With hope,



Katherine Fuchs

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