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for

CIVIL RIGHTS

of the San Francisco Bay Area

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FAX COVER SHEET

Date: 4.9.04

To:

Ms. Mai T. Dinh
Acting Assistant General Counsel

(202) - 219 - 3923

From:

Mr. Robert Rubin
Legal Director

Comments:

Please see enclosed comment. This was also sent by email to politicalcommittee@status@fcc.gov.

Thank you.

You should receive 3 pages, including this cover letter.

CONFIDENTIAL

The content of this fax is confidential. Please deliver immediately.

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April 5, 2004

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

FAX: (202) 219-3923

RE: Oppose Proposed Rule Making on Political Committee Definition

Dear Ms. Dinh,

I am writing in strong opposition to the proposed rulemaking on the definition of "political committee" which would cripple the ability of groups like the Lawyers' Committee for Civil Rights of the San Francisco Bay Area to raise and spend funds in pursuit of its mission. This proposed rule could be so ruinous that our organization would be forced to back away from meaningful conversations about public policies that affect millions of Americans.

The chilling effect of the proposed rules on free speech cannot be overstated. Merely expressing an opinion about an officeholder's policies could turn a nonprofit group automatically into a federally regulated political committee with crippling fund-raising restrictions.

The FEC's proposed rule changes would dramatically impair vigorous debate about important national issues and could act as a de facto "gag rule" on public policy advocacy. The changes would insulate public officials from substantive criticism for their positions on policy issues and would actually diminish civic participation in government rather than strengthen it. This would hurt nonprofit groups across the political spectrum and restrict First Amendment freedoms in ways that are unhealthy for our democracy. This would be exactly the opposite result intended by most supporters of campaign finance reform.

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In addition, the FEC should not, in a few weeks, tear up the fabric of tax-exempt law that has existed for decades and under which thousands of nonprofit groups like the Lawyers' Committee for Civil Rights have structured their activities and their governance. The Internal Revenue Code already prohibits 501(c)(3) charities 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 Lawyers' Committee for Civil Rights and any other kind of nonprofit -- conservative, liberal, labor, religious, secular, social service, charitable, educational, civic participation focused, issue-oriented, large, and small -- could be affected by these rules. A vast number would be essentially silenced on the issues that define them, whether they are organized as 501(c)(3), 501(c)(4), or 527 organizations.

For these reasons, I urge you to reject the Proposed Rule Change to the Political Committee Status Definition.

Sincerely,


Robert Rubin
Legal Director