

*Gerald E. Dewald*  
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March 31, 2004

**Acting Assistant General Counsel Mai Dinh**  
**Federal Election Commission**  
999 E Street, N.W.  
Washington, DC 20463

2004 APR -5 A 10:03  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

**Dear Acting Assistant General Counsel Dinh:**

I'm writing to ask that the Federal Election Commission **CRACK DOWN** on the illegal campaign activities of so-called "Section 527" organizations, who are deliberately circumventing the new Bipartisan Campaign Reform Act (BCRA).

As "soft money" organizations, the actions of many "527s" are in violation of BCRA and the Federal Election Campaign Act, as well as guidance issued by the Federal Election Commission. Groups like the "Moveon.org Voter Fund" are now using illegal "soft money" in excess of the limits of federal law.

The First Amendment of our Constitution guarantees freedom of speech and discussion of ideas. However, Congress has enacted laws, which were recently affirmed by the United States Supreme Court, that govern how campaign speech can be funded and conducted. Many of these "527" organizations are violating our nation's Federal Election Laws.

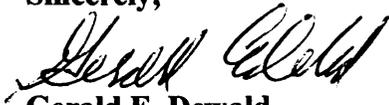
The Federal Election Commission affirmed recently that any communication which "promotes, supports, attacks or opposes" a federal candidate falls under the "hard dollar" rules of the Act. AO 2003-27. The Supreme Court in *McConnell v. FEC*, 540 U.S. \_\_\_\_, 124 S.Ct. 619 at 675 n. 64, set the standard for determining whether communications that refer to a clearly identified federal candidate are for the purpose of influencing a federal election. The Federal Election Commission confirmed this by stating, "communications that promote, support, attack or oppose a clearly identified Federal candidate" have a "dramatic effect" on federal elections. AO 2003-37, at 3. Further, the Federal Election Commission said that donations in excess of the Act's limits and prohibitions could not be used to fund this type of communication.

"527" groups such as the MoveOn.org Voter Fund are engaging in a blatant end run around the campaign finance laws, and their actions should not be tolerated. I urge

**you to CRACK DOWN on the illegal campaign activities of such organizations that are attempting to evade the new campaign finance law.**

**Thank you.**

**Sincerely,**



**Gerald E. Dewald**

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**CC: Senator Carl Levin**

**CC: Senator Debbie Stabenow**

**CC; Rep Bart Stupak**

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