

"Johnson, Marvin" <MJohnson@dcacclu.org> on 04/05/2004 02:46:19 PM



To: pcstestify@fec.gov  
cc:

Subject: 2004-6 Request to Testify

Dear Sir or Madam: Attached in word format is our request to testify as well as our general comments. As noted, we have signed on to a more extensive letter with more explicit comments. I will be forwarding to you today, the hard copy of the letter by U.S. mail. Thank you for your attention to this matter.

Marv Johnson  
ACLU Legislative Counsel  
1333 H Street, NW  
Tenth Floor  
Washington, DC 20005  
202-675-2334



- FEC Letter Requesting to Testify20040405.doc



WASHINGTON NATIONAL OFFICE  
Laura W. Murphy  
Director

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April 5, 2004

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

**Re: Comments and Request to Testify Concerning Notice of Proposed Rulemaking on Political Committee Status [Notice 2004-6]**

Dear Ms. Dinh:

We urge you to reject the proposed rules on political committee status, and withdraw the Notice of Proposed Rulemaking on Political Committee Status issued by the Federal Election Commission on March 11, 2004 (hereinafter "NPRM") without further action. We also ask that we be permitted to testify at the upcoming public hearing on the proposed rules. This letter will contain only general comments, as we have joined with other groups in more specific comments that you should receive today.

The ACLU is a non-profit, non-partisan advocacy group committed to defending civil liberties, and has been one of the leading organizations defending free speech in the context of campaign finance reform. The proposed rule would effectively silence many voices and diminish debate, education and civic participation. The "marketplace of ideas" that is so fundamental to our democracy becomes impoverished as voices are silenced. The proposed rule could effectively cast a "cone of silence" around many advocacy organizations.

The proposed rules would potentially reclassify many non-profits as a "political committee," meaning they would have to cease advocacy activity that mentioned a clearly identified candidate for federal office, or promoted, supported, attacked or opposed any candidate for federal office, or promoted or opposed any political party. If reclassified, these organizations would have to cease such activity or raise only "hard" money. Furthermore, these new "political committees" would have to file detailed reports with the FEC disclosing information about donors and activities. One of the more onerous rules under consideration would require that all re-classified "political committees" halt their operations until they pay back their "old" non-profit organizations for the advocacy activities performed during the previous four years (long before the Bipartisan Campaign Reform Act became law). This provision alone would put a large number of non-profits out of business.

We submit that the FEC does not have the authority to so drastically curtail free speech, and no case has been made for the necessity of such limits.

For these reasons, as well as the separate more specific submission, we ask that you to withdraw the NPRM without further action, and we request the opportunity to testify about the likely effect of the NPRM on free speech in the

upcoming hearings.

Sincerely,

*Laura W. Murphy*

Laura W. Murphy  
Director

*Marvin J. Johnson*

Marvin J. Johnson  
Legislative Counsel