

JAY R. DOVE

Attorney at Law
131 Stony Circle, Suite 500
Santa Rosa, CA 95401
(707) 573-9954

April 6, 2004

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

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2004 APR - 9 1 P 2 39

Re: Proposed Rules Regarding Political Committee Statutes

Dear Ms. Dinh:

I am writing the Commission as a citizen of the United States eligible to vote as a California resident.

The Republican National Committee and Bush-Cheney '04, Inc. are coercing and intimidating citizens to refrain from criticizing the President of the United States during a pending presidential election under a threat of criminal prosecution if they associate with, contribute to, or display political messages of organizations such as MoveOn.org.

On March 5, 2004, the Republican National Committee addressed a letter to approximately 250 television stations attempting to stop them from airing ads critical of the President sponsored by MoveOn.org. The letter included the following excerpt:

As a broadcaster licensed by the Federal Communications Commission, you have a responsibility to the viewing public and to your licensing agency to refrain from complicity in any illegal activity. . . .¹

More recently, Bush-Cheney '04, Inc. and the Republican National Committee filed a complaint with the Commission stating, in part, the following:

The soft money Section 527 organizations, soft money donors, the Kerry campaign and the Democratic party are knowingly and willfully violating numerous provisions of federal law. The perpetrators of these violations, the

¹ Source: March 5, 2004 Letter of Jill Holtzman Vogel, Chief Counsel, Republican National Committee, posted on www.gop.com/media/Station_letter.pdf ; emphasis added.

participants, and the beneficiary are subject to both civil sanctions and criminal penalties. The violations are:

. . .

. . . Each facet of this conspiracy is illegal in violation from the other parts of this soft money conspiracy. The wealthy contributors, the 527 groups, John Kerry's campaign are each potentially subject to both civil sanctions and criminal penalties. Taken together, they constitute an unprecedented criminal enterprise designed to impermissibly affect a presidential election.²

The threats are being disseminated purposely and widely.

It is improper to coerce or intimidate any citizen to refrain from criticizing the President of the United States under the threat of being surveilled, photographed, investigated, detained, arrested, charged, and/or prosecuted for "aiding and abetting" or "complicity" with a "criminal enterprise."

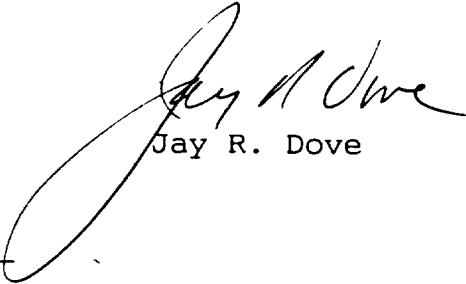
Our country is founded on the premise that there is a fundamental right to freely criticize elected officials. This core principle is bedrocked in the First Amendment to the United States Constitution.

The threats are severe because the declaration of a "criminal enterprise" comes from the President's campaign, and, therefore, presumptively and for all practical purposes, from the President of the United States himself.

Citizens should not be subject to these threats during any election.

Thank you for your consideration of this matter.

Very truly yours,



Jay R. Dove

² emphasis added; source: <http://www.gop.com/media/SoftMoneyComplaint.pdf>