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FAX COVER PAGE

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FROM: Robin S. Martinez DATE: April 7, 2004

TO:	COMPANY:	FAX NUMBER:
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April 7, 2004

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

Re: Federal Election Commission 11 CFR Parts 100, 102, 104, 106, and 114;
[Notice 2004-6]; Political Committee Status; Proposed Rule

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Dear Ms. Dinh:

I am writing to voice my strong opposition to the Federal Election Commission's ("FEC") Notice of Proposed Rulemaking ("NPRM") concerning Political Committee Status. The chilling effect of the FEC proposal on free speech is unprecedented and dramatic.

The NPRM represents one of the most outrageous assaults on the freedoms of speech and association ever proposed, and constitutes an unacceptable and unconstitutional intrusion upon the free-speech rights of 501c(3) and 501c(4) nonprofit organizations and citizens in general.

Adoption of the draft opinion would rework and expand the definition of "expenditures" under the Federal Election Commission Act ("FECA") to include any communication that "promotes, supports, attacks, or opposes" a candidate for federal office. Nonprofit organizations that I personally rely upon to keep me updated on current public policy issues would have to raise and use federally permissible funds in order to communicate fundraising, membership, news, and action-alert communications that make any mention of the voting record, public statements, or other actions of a federal candidate. The NRPM would also limit nonprofits from raising funds outside of the federal source and contribution limits.

By dictating the content and frequency of communications I may receive from groups that I support, the NPRM would severely limit my ability to remain abreast of vital public policy communications. The NPRM would hamper even communications that do not endorse or oppose specific candidates for federal office. What's more, adoption of the NPRM would give the President and members of Congress who are running for re-

Mai T. Dinh
Acting Assistant General Counsel
Federal Election Commission
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election a green light to introduce and pass harmful policies right before Election Day, while restricting the my ability to learn about these actions from sources that I turn to when I am looking for information that I most trust.

There is no legal or rational basis - nor is there precedence before Congress or the Supreme Court - for imposing these harsh constraints on the activities of 501(c)(3) or 501(c)(4) organizations.

Merely expressing an opinion about the policies and actions of a sitting President or member(s) of Congress could turn a nonprofit overnight into a federally regulated political committee and impose crippling fund-raising restrictions. By making it unlawful to criticize federal officials, except under the auspices of a registered political committee, FEC policy would emulate the most tyrannical language of the infamous Sedition Act of 1798, which included provisions that penalized the acts of "persons [who] unlawfully combine or conspire together, with intent to oppose any measure or measures of the government of the United States." The Sedition Act, which expired three years after its passage, imposed fines on a person(s) who "...shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly and willingly assist or aid in writing, printing, uttering or publishing ... scandalous and malicious writing or writings ... [designed to] resist, oppose, or defeat any such law or act..." of the President or of Congress.

Three other provisions of the NPRM are particularly insidious. First, the NPRM seeks to dramatically change the rules for nonprofit advocacy in the middle of this important election year. Second, the retroactive provisions contained in the NPRM, namely applying the "major purpose standard" to expenditures made in "any of the previous four calendar years," would impose severe fines and penalties on legal actions that nonprofits have taken over the past 4 ½ years. Third, the language contained in the Federal Register makes clear that the federal government may selectively interpret any communications that mention a candidate's positions on a policy issue as "opposing" or even "attacking" that candidate.

Not to be too cynical, but I have every reason to believe that current and future presidential administrations and members of Congress would use the NPRM as a means to suppress my right to learn about public policy issues from the sources I trust most.

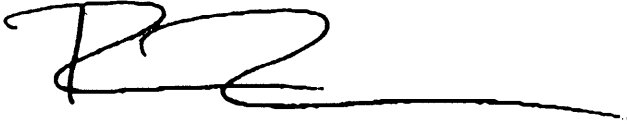
Because the Federal Election Commission Notice of Proposed Rulemaking on Political Committee Status poses an unprecedented threat to the advocacy and educational activities of nonprofits, I respectfully urge that the Federal Election Commission withdraw or reject the NPRM outright. Should the NPRM be adopted, I request that implementation be stayed indefinitely or at least until after the completion of the 2004 presidential election.

Mai T. Dinh
Acting Assistant General Counsel
Federal Election Commission
April 7, 2004
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OFFICE OF THE
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

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Yours truly,



Robin S. Martinez
RSM/jm