

February 16, 2011

The Hon. Joseph Lieberman  
The Hon. Susan Collins  
Committee on Homeland Security and  
Government Reform  
U.S. Senate  
Washington, DC 20510

The Hon. Darrell Issa  
The Hon. Elijah Cummings  
Committee on Oversight and Governmental Affairs  
U.S. House of Representatives  
Washington, DC 20515

Dear Senators Lieberman and Collins and Representatives Issa and Cummings:

The under-signed organizations, dedicated to ensuring that federal candidates for public office abide by their legal obligations, respectfully urge your Committee to investigate and hold hearings on the systemic problems with the Federal Election Commission (FEC). The FEC is, without question, one of the most dysfunctional agencies in the federal government. The broad powers of each of the oversight committees make them well-suited to identify and bring real attention to the reasons why the FEC has ceased to comply with its statutory mandates.

The FEC is a broken agency that refuses to fulfill its basic statutory functions. Examples of the FEC's ineffectiveness are legion. Time and again, the FEC has either dismissed complaints because the Republican and Democratic Commissioners have rejected efforts by the professional staff to enforce the law, deadlocked in a three-to-three vote, or promulgated rules contrary to the law, resulting in orders from the court to rewrite those rules.

The FEC Commissioners are carrying out what can only be described as "agency nullification," failing to provide for any effective enforcement of the statutes within their purview. There are myriad explanations as to why the FEC is unable to operate effectively, including defects in its structure, composition, and appointment process. Americans expect their elections to be conducted in a fair, honest and lawful manner, but the agency charged with ensuring the integrity of campaign financing is embarrassingly incapacitated. Put simply, the Commission is excessively political and ideological, and the enforcement process is therefore broken.

Our nation's laws should not be undermined by the agency charged with enforcement. It is up to Congress to write the laws and for the courts to determine the constitutionality of the laws. FEC Commissioners may not simply refuse to enforce laws based on their disagreement with the laws, or their predictions of how a court might rule if a law were

challenged. Until Congress addresses these problems, candidates, donors, parties and outside spenders will continue to flout the laws with little fear of repercussion.

The status quo is unacceptable and the American public reasonably expects agencies charged with enforcing the laws to actually do so. Our organizations respectfully request that your Committee hold hearings to examine the root causes of the Commission's dysfunction. It is unacceptable that the only agency charged with enforcing campaign financing rules on our nation's highest elected officials is largely AWOL.

Americans for Campaign Reform

Campaign Legal Center

Citizens for Responsibility and Ethics in Washington (CREW)

Common Cause

Democracy 21

League of Women Voters

Public Campaign

Public Citizen

U.S. Public Interest Research Group (USPIRG)