



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

**OPENING STATEMENT OF
COMMISSIONER MICHAEL E. TONER
ON THE FEC'S FINAL CONSIDERATION OF SOFT MONEY REGULATIONS
JUNE 19, 2002**

Powerful forces here in Washington have sought to prevent this agency from issuing clear, bright-line rules implementing the soft money provisions of the Bipartisan Campaign Reform Act ("BCRA"). Prominent lobbyists and interest groups have argued that any effort to provide guidance and prior notice would create loopholes in BCRA, as if telling people what the law is would be antithetical to the law itself. These powerful forces seek to keep for themselves and their allies at the Commission the awesome power to decide later what is legal and illegal under BCRA, and in the meantime leave people involved in politics guessing, under the threat of government investigation, about what they can and cannot do under the new law.

I hope the Commission today rejects that approach. A strong, grassroots consensus has emerged during this rulemaking process. Organizations across the political spectrum – including civil rights groups, non-profit groups, and labor organizations – all agree that the Commission must act with clarity and issue bright-line rules implementing BCRA. They also urge us to avoid implementing the new law in a retroactive manner, which could cause criminal prosecution later for political activities undertaken today that are legal under current law. Such an arbitrary outcome has no place in America, especially when the free exercise of fundamental First Amendment rights is at stake.

I urge the Commission to act today consistent with this strong grassroots consensus and adopt balanced rules that are practical in the real world and provide clear guidance to people who are active in politics across the country. If we act in this manner, real-world Americans, who thankfully are not lawyers and lobbyists, will know what their obligations are under this new law. Many of these people volunteer at the state and local level on their own time, during nights, weekends, and whenever else they can, for the candidates, parties and causes of their choice. They are the heart of grassroots American democracy. Providing them with clear rules is not a loophole, it is our civic duty. I look forward to doing so today.

