



May 8, 2008

Dear Senator:

It is a national embarrassment that we find ourselves halfway through an election year without a functioning Federal Election Commission (FEC). We are glad to see the White House has finally taken steps to move forward the process of confirming FEC commissioners.

However, we continue to oppose the White House's choice of Hans von Spakovsky to the FEC and urge Senators to vote against his confirmation.

We also oppose the nomination of Donald McGhan to the FEC. McGhan served as counsel to former Rep. Tom Delay (R-TX) on matters of campaign finance reform and ethics. As you know, Mr. Delay was indicted on campaign finance violations by the U.S. Attorney's office in Texas and was admonished repeatedly by the House Commission of Official Standards of Conduct. It would be difficult to find a more ill-suited candidate. We urge Senators to vote against the confirmation of McGhan.

The White House has also declined to renominate Chairman David Mason after twice proposing him for a seat on the commission. The White House's change of heart appears to be in response to Mason's letter of Feb. 19, 2008, to the presidential campaign of Senator John McCain, asserting that McCain's campaign needed FEC approval to opt out of the federal matching funds system during the primary election. Senator McCain has ignored Chairman Mason's letter and continues to spend campaign money far in excess of matching fund spending limits.

In his letter, Mr. Mason pointed to a loan agreement Senator McCain signed that might automatically enter him into a binding agreement for matching funds. If the FEC were to determine that Senator McCain can not withdraw from the public finance system, he would be in violation of the law's spending limits.

President Bush's dismissal of Chairman Mason is reminiscent in spirit at least of President Nixon's removal of Archibald Cox as independent special prosecutor after his decision to subpoena the President during the Watergate investigation. Cox later became the chairman emeritus of Common Cause. Then, the White House abused its power to fire a law enforcement official who valued the rule of law more than party loyalty. Now, the White House appears to be abusing politics to fire a regulator for the sake of party loyalty.

It is our sincere hope that the Senate will confirm a full slate of six commissioners who have demonstrated a respect for campaign finance law and their role as enforcers of that law. In general, the FEC's timely enforcement of campaign finance laws during election years is an unqualified failure. Unless the Senate confirms commissioners who value the role of the FEC, then this standoff is just more proof of the need for fundamental reforms in the way we enforce our campaign finance laws.

Sincerely,

A handwritten signature in black ink that reads "Bob Edgar". The signature is written in a cursive, flowing style.

Bob Edgar  
President, Common Cause