

**Americans for Campaign Reform - Campaign Legal Center
Common Cause - CREW
Democracy 21 - League of Women Voters
Public Citizen - U.S. PIRG**

November 3, 2011

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Our organizations are writing to you once again to express our grave concerns about the extraordinary failure of the Federal Election Commission to properly enforce and interpret the nation's campaign finance laws, and about your lack of action to do something about this.

The organizations include Americans for Campaign Reform, Campaign Legal Center, Common Cause, Citizens for Responsibility and Ethics in Washington (CREW), Democracy 21, League of Women Voters, Public Citizen and U.S. PIRG.

The FEC is widely recognized as a failed, dysfunctional enforcement agency and has itself become a national campaign finance scandal. The refusal of the FEC to properly enforce the campaign finance laws is well known to candidates and political operatives. This has created a "do-anything- you- want approach to complying with the country's campaign finance laws. These laws have been enacted to protect against the corruption of federal officeholders and government decisions.

Currently, five of the six FEC Commissioners sit as lame duck Commissioners, whose terms have expired and who are ineligible for re-appointment, but who can continue to serve on the Commission until replacements have been nominated by you and confirmed by the Senate.

During the 2008 presidential campaign you unequivocally recognized the problems at the FEC and the need for new Commissioners. In response to questions raised in September, 2007 by the Midwest Democracy Alliance, you responded:

I believe that the FEC needs to be strengthened and that individuals named to the Commission should have a demonstrated record of fair administration of the law and an ability to overcome partisan biases. My initial goal as president will be to determine whether we can make the FEC more effective through appointments. What the FEC needs most is strong, impartial leadership that will promote integrity in our election system.

You further responded at that time:

As president, I will appoint nominees to the Commission who are committed to enforcing our nation's election laws.

However, with the exception of one unsuccessful attempt in 2009, you have failed as President to nominate any individual to replace any of the five lame duck FEC Commissioners.

Nothing will change at the FEC until you begin the process by exercising your executive branch responsibility to nominate new FEC Commissioners. In this sense, the national scandal at the FEC is currently your responsibility.

It is essential that you nominate new Commissioners based on merit, skills, qualifications, experience, background and professional reputation. It is also essential that the nominees have a basic commitment to enforcing the campaign finance laws as written by Congress and as interpreted by the courts. Individuals who are ideologically opposed to the campaign finance laws must not be given the responsibility to enforce these laws.

One possible approach to nominating FEC Commissioners based on merit would be to establish a bipartisan advisory group of distinguished individuals who could find and recommend potential qualified nominees for each available seat on the Commission. This would be similar to the way in which some Senators use outside advisory groups to surface the names of potential nominees for a judgeship.

You could then choose nominees based on these recommendations, in compliance, of course, with the statutory requirement that no more than three members of a political party can serve on the Commission at the same time.

We are well aware that in nominating FEC Commissioners based on merit and qualifications you would create a conflict with congressional leaders who are accustomed to choosing the Commissioners themselves.

Given the completely dysfunctional state of the FEC that has resulted from a business-as-usual appointments process, however, and given the enormous damage that has been done as a result to our campaign finance laws which protect against corruption, it is essential to end this national scandal by moving forward with a new approach to nominating Commissioners and with five nominees to fill the vacancies on the FEC.

If you proceed to nominate new Commissioners based on merit and qualifications, then it would be up to the Senate to address the FEC scandal. Each Senator would be faced with a clear choice: vote to confirm new FEC Commissioners selected on the basis of merit and qualifications or vote to take personal responsibility for perpetuating a scandal that is severely damaging the nation's anti-corruption campaign finance laws.

We recognize that nominating new Commissioners may well lead to Senate filibusters against the nominees. If it does, that is a battle that must be fought.

The effort to remake the FEC and restore the integrity of our campaign finance laws cannot begin until you nominate new Commissioners. Our organizations strongly urge you to expeditiously nominate five new FEC Commissioners.

Thank you for your consideration of our views.

Respectfully,

Americans for Campaign Reform
Campaign Legal Center
Common Cause
Citizens for Responsibility
and Ethics in Washington (CREW)

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League of Women Voters
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U.S. PIRG