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January 16, 2002

VIA FACSIMILE - 202 219 3923

Federal Election Commission
 Office of General Counsel
 999 E St., NW
 Washington, DC 20463

Comment
 AOR 2002-01

JAN 17 9 10 AM '02

RECEIVED
 FEDERAL ELECTION
 COMMISSION
 OFFICE OF GENERAL
 COUNSEL

Re: Comment on AOR 2002.1

Dear Sir or Madam:

I write to support the request made by Harry Kresky, Esq. on behalf of what he terms the "independent political movement" for the Commission to construe Chapter 95 of the Internal Revenue Code, 26 U.S.C. Sections 9001 *et seq.*, in the manner suggested by Mr. Kresky. The law was originally enacted to provide primary and general election funding for the Democratic and Republican parties at a different period in our country's history, and as with many laws enacted for a particular purpose, times have changed and the law must be construed consistent with those changes.

The Commission has a long history of interpreting the campaign finance law to be consistent with the development of the American people's support for the independent political movement. For example, the Commission issued advisory opinions supporting the right of independent and minor party candidates to receive primary funding. (See AO 1983-47, AO 1984-11.) Further, as Mr. Kresky states in his advisory opinion request, after the 1996 election, the Commission permitted Ross Perot to transfer his eligibility for funding to the Reform Party, which was founded after his 1996 race. (See AO 1998-2.) Thus just as the courts in our judicial system interpret the law differently depending on the historical moment in which we are living, so has the Commission interpreted the law and issued advisory opinions and rulings reflecting political realities.

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It is time for the Commission to again issue such a ruling. The legal basis for Mr. Kresky's request is as set forth in his advisory opinion; there is no need to repeat it. Politically, the American people desperately need and are constitutionally entitled to options other than the Democratic and Republican parties, and in particular, options that are not made up of the same partisanship that marks those parties. The law as currently construed discriminates against independent voters and candidates by only permitting funding for the type of candidate or political party that fits the Democratic or Republican mold.

Therefore, if members of a number of different independent parties form a coalition, and that coalition (or "association") supports a candidate or candidates for presidential office in 2004, and such candidate or candidates receives 5% or more of the vote, the coalition should be entitled to general election funding for 2008.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Francine Miller", with a long horizontal flourish extending to the right.

Francine Miller

/fm