

DAVID T. HARDY
ATTORNEY AT LAW
8987 E. TANQUE VERDE
No. 265
TUCSON ARIZONA 85749
(520) 749-0241
DTHARDY@MINDSPRING.COM

September 24, 2004

Federal Elections Commission
999 E Street, NW
Washington, DC 20463

Gentlemen:

I write pursuant to raise a question of enforcement, pursuant to 2 U.S.C. §437g. 2 USC §431 defines “expenditure,” for purposes of the campaign laws, to include any payment “made by any person for the purpose of influencing any election for Federal office.” 2 USC §441b generally forbids corporations to make such “expenditures,” and forbids their directors to allow such. See also 11 CFR §114.2.

At the moment one Michael Moore (of whom it is just possible you have heard previously) is on a national speaking tour, largely if not entirely funded by universities and incorporated student groups financed by mandatory fees. To be sure, such groups can legally finance discussions of politics. However, it would appear that what is being financed is nothing more than straightforward stump speeches. You can find one witness’s description of a speech at <http://www.dailykos.com/story/2004/9/23/13423/3811>, and also on my own webpage at www.mooreexposed.com/campaignlaws.html. The description is one of Moore urging Democrats to rally behind Sen. Kerry, telling listeners at length why they should vote for him and reject Pres. Bush, that “Can you imagine another four years under Bush? Can you imagine what his cronies might have up their sleeves? We’re in deep, deep trouble. We are less safe now than we ever were-- because of George W. Bush.... Bush will bring back the draft after he is re-elected.”

I do not have a complete list of where these speeches are being given, but the above is a description of one at Syracuse University on September 22, for which the expense was approximately \$38,000. I know that other speeches are planned at Central Michigan University, at the University of Michigan (Sept. 29), at Dickinson College, Carlisle PA, on October 6, at University of Wisconsin at Green Bay (Oct. 23), and at Penn State, University of Arizona (Oct. 12, \$27,000 in student organization funding), at Utah Valley State (where the funding required 3/4 of the student association's speakers' budget) and University of Florida.

In fact, newspaper articles mention that he has picked his forums to concentrate on the "battleground states," further reinforcing the election-influencing purpose. I also know that U-Cal San Marcos cancelled a speech because of concerns that it was a forbidden political activity.

I do not question that a person has a right to speak where they please. However, the use of mandatory dues, from a corporate entity, for stump speeches in battleground states, appears to me to involve forbidden corporate financial involvement in the election.

Sincerely,

David T. Hardy

State of Arizona)
) ss.
County of Pima)

David T. Hardy, being first duly sworn, deposes and says:

I have read, indeed written, the above, and it is true and correct.

David T. Hardy

My commission expires: