



**Community Safety, LLC**  
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April 15,2002

**VIA HAND DELIVERY**

Office of the Secretary  
Room 159  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

***Re:   Telemarketing Rulemaking – Comment  
      FTC File No. R411001  
      Community Safety, LLC***

Dear Mr. Secretary:

The following comments are submitted on behalf of Community Safety, LLC in response to the Federal Trade Commission's ("Commission") request for comments on the proposed rulemaking to amend the Telemarketing Sales Rule, 16C.F.R. § 310.6 (the "TSR"). See Notice of Proposed Rulemaking, 67 FED. REG. 4492 (Jan. 30,2002) ("Notice").

CS is a for-profit business that provides professional fundraising services to more than 40 public safety associations in 25 states. CS clients include state law enforcement and fire fighters associations, as well as veterans organizations. The clients are qualified nonprofit organizations. These organizations rely, in whole or in part, on the professional fundraising services provided CS. The fundraising performed by CS is regulated by state laws which, for example, require regular reporting of monies collected by CS.

For the following reasons, CS vigorously opposes the Commission's proposed TSR amendments as applied to legitimate professional fundraisers soliciting contributions on behalf of nonprofit and charitable organizations:

1. The Commission's attempt to claim jurisdiction over professional fundraisers will limit dramatically the use of fundraisers. This approach will have devastating financial and organizational impacts on nonprofit and charitable organizations because they rely on professional fundraisers for fundraising, fulfillment of their mission objectives, and dissemination of their message.

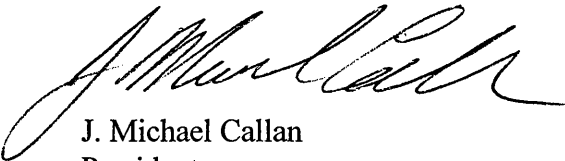
2. The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Pub. L. 107-56 (Oct. 25, 2001) ("USA PATRIOT Act") did not give the Commission authority or jurisdiction under the Telemarketing Act and TSR to regulate nondeceptive and nonabusive charitable solicitations by professional fundraisers acting on behalf of bona fide nonprofit and charitable organizations.

3. The "Do-Not-Call" registry is unconstitutional as applied to professional fundraisers engaged in charitable solicitations on behalf of nonprofit and charitable organizations. Solicitation by professional fundraisers is fully protected speech under the First Amendment, and the discriminatory regulatory scheme proposed by Commission produces equal protection violations under the Constitution.

4. The proposed removal of an exemption applicable to charitable solicitations directed to businesses is unconstitutional and beyond the Commission's jurisdiction. It will have a substantial negative effect on charitable giving in light of the importance of businesses donations to nonprofit and charitable organizations.

CS believes the only resolution to these flaws is to exclude from the Telemarketing Act and the TSR charitable solicitations by professional fundraisers on behalf of nonprofit and charitable organizations and to eliminate the proposed national "Do-Not-Call" Registry.

Very truly yours,



J. Michael Callan  
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