

U.S. NAVY VETERANS' GOOD GOVERNMENT FUND

-NAVPAC-

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May 4, 2005

FEC
Attn: Brad C. Deutsch
Assistant General Counsel
Washington DC 20463

Re: Proposed Rulemaking on Internet Communications

Dear Mr. Deutsch:

Regardless of what the Shays plaintiffs may say, now or subsequently, the intent of Congress in the BCRA, as applied to the Internet, seemed to be to enlarge the scope of FEC required reporting to cover certain specific groups engaging in certain kinds of egregious advertising with lots of cash from lots of secret donors, and not to create in the FEC a police state monitor of First Amendment protected activity on the world wide web.

In attempting to create many exceptions from the scope of FEC regulations in the proposed rules on the subject, the FEC is to be lauded.

In that regard, and to answer your specific questions posed in the May 2005 Record:

Yes, 11 CFR §100.26 should be amended to explicitly state that "bloggers" are not included in the "public communication" definition.

You are going to have to define "bloggers," obviously. This is not as easy as it may seem. Keep in mind that a lot of these people call themselves "online news services," which is exactly what many of them are. Keep in mind they represent both individuals and entities, and some operate for a profit, while others do not. Keep in mind, also, that many of them are foreigners.

No, bloggers paid by candidates should not have to separately report, since the candidate is already reporting the expenditure.

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

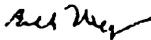
FEC
May 4, 2005
... p.2

Yes, the Commission should specifically exempt all dissemination, distribution or republication of campaign material on the Internet. This is a no-brainer as applied to the issue of trying to make simpler the already overly complex realm of "coordinated communications."

To answer one final question, I have long assumed that blogger on-line news services were "broadcasting stations" or other "periodical publications" under 2 U.S.C. §431(9)(B)(i)*. The regs should make it clear (a) that bloggers are entitled to this exemption and (b) that all Internet "broadcasting" or "publishing" is covered also.

If the Shays plaintiffs want something specific to attack, give them something specific to attack.

Respectfully,



Bill Meyers
Treasurer
NAVPAC

BM/dt

* Upon what theory, e.g. would lie the distinction, under the First Amendment, between a MSNBC on-line news service originally financed by Microsoft, the owners of NBC-TV and their sponsors, and, on the other hand, an independent blogger financed "online news service;" for purposes of the interpretation of this Subsection? Financing? Establishmentarianism?