MEMORANDUM

TO: THE COMMISSION
    STAFF DIRECTOR
    GENERAL COUNSEL
    FEC PRESS OFFICE
    FEC PUBLIC DISCLOSURE

FROM: OFFICE OF THE COMMISSION SECRETARY

DATE: MARCH 21, 2005

SUBJECT: *Ex Parte* COMMUNICATION
TE: NPRM – Internet Communications

Transmitted herewith is a letter received by the Commissioners from Members of the House Judiciary Committee regarding the above-captioned matter.

Attachment
The Honorable Scott E. Thomas, Chairman
The Honorable Michael E. Toner, Vice Chairman
The Honorable David M. Mason, Commissioner
The Honorable Bradley A. Smith, Commissioner
The Honorable Danny L. McDonald, Commissioner
The Honorable Ellen L. Weintraub, Commissioner
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Dear Mr. Chairman and Commissioners:

We write to express our concern over the possible implications of U.S. District Court Judge Colleen Kollar-Kotelly's decision in Christopher Shays & Martin Meehan v. Federal Election Commission, 337 F.Supp.2d 28 (D.D.C. 2004), to overturn the Federal Election Commission's (FEC) blanket exemption of the Internet from the Bipartisan Campaign Reform Act of 2002 (BCRA). Specifically, we are concerned about the impact this decision could have on internet weblogs ("blogs").

We have been advised the FEC will soon open a rulemaking in this area. Many of us were strong supporters of campaign finance reform generally, and of the BCRA. While the impact of the Shays decision on blogs remains subject to debate, we urge you to remove any ambiguity and make explicit in this rule that a blog would not be subject to disclosure requirements, campaign finance limitations or other regulations simply because it contains political commentary or includes links to a candidate or political party’s website, provided that the candidate or political party did not compensate the blog for such linking. We believe such an interpretation is entirely consistent with the BCRA, which has helped to mitigate the impact of soft money on politics. We also believe such an interpretation would easily pass judicial muster as well.

Throughout our nation’s history, Americans have turned to the press for information and analysis in order to make a more informed decision concerning politics. The past decade has witnessed exponential growth of the Internet, as well as in the number of Americans accessing the World Wide Web. Along with this growth has been the emergence of Web reporters who play a critical role in commentating on American
political affairs and who seek to inform the debate in an environment that is generally accessible by all.

In our view, this "democratization" of the media is a welcome development in this era of media consolidation and a corresponding lack of diversity of views in traditional media outlets. Given the emergence of this new method of reporting and Americans' increasing reliance on it for their political information, it is critical that BCRA's press exemption should be clarified to apply to those who are reporting on the Internet.

Thank you for your attention to this important matter.

Sincerely,

John Conyers
Bill Sanders
Eliot Engel
Jim McDermott
Malika Watson
Jim Clyburn
Zoe Lofgren
Chris freshman
Lynn C. Walser
Paul M. Broun
John Paul

[Signatures]