



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

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

FROM: OFFICE OF THE COMMISSION SECRETARY *MWD*

DATE: MARCH 21, 2005

SUBJECT: *Ex Parte* COMMUNICATION  
RE: 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

MAR 18 2005

**U.S. House of Representatives**  
**Committee on the Judiciary**

Washington, DC 20515-6216  
One Hundred Ninth Congress

March 11, 2005

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RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

✓ 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

Chairman and Commissioners

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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 Jr.  
Burl Sand  
Ken V. Catterrey  
Jim McDermott  
Madise Waters  
Jim Garamendi  
John Dicks

Rita Rucena  
Zoe Lofgren  
Chuck Farnik  
Lynn C. Waxsey  
Paul M. Grijalva  
Steve Largent  
Ron Paul