

Must every aspect of American politics be regulated and restricted by the Federal Election Commission? Can there not be any part of politics in the United States that is free of government review, investigations, and potential enforcement actions? Questions posed by FEC Chairman Michael Toner at Committee on House Administration Hearing, September 22, 2005

Dear Colleague:

This week, the House has a chance to answer the questions posed above. When we vote on H.R. 1606, the Online Freedom of Speech Act, we will face a very clear and simple choice – should political speech on the Internet be regulated or not?

The last few years have seen a tremendous expansion of political activity on the Internet. Millions of people that had not previously been involved in politics, many of them young and of limited means, have been drawn into our process because of the Internet. Bloggers have been able to express themselves and influence our politics, at little cost and powered mainly by the force of their own ideas. All of this has taken place with an exemption for Internet communications in place. The question before us this week is - will we allow this medium to continue to grow and flourish, or will we stifle this activity by subjecting it to regulation?

The Internet has accomplished through technology what “reform” advocates seek to achieve through law. It has reduced the influence of wealth, and leveled the playing field, giving all citizens access to a national audience. Allowing the FEC to regulate the Internet will have the perverse effect of increasing the influence of the wealthy and connected, because only they will have the wherewithal to hire the federal election lawyers that will be needed to navigate a complex regulatory scheme. Others will be exposed to legal jeopardy, and many will disengage and withdraw from the process as a result.

If you believe that we do not need to regulate and restrict every aspect of our democracy in order to protect it, then you should support H.R. 1606.

If you believe bloggers should not have to consult with a lawyer before posting their political

views online; that Internet users should be able to email their friends about their political concerns without worrying if their address book is too large; that popular and successful blogs should not be burdened by regulations just because many people want to read their postings; that bloggers should be able to incorporate to protect themselves from lawsuits, just like newspapers and magazines, then you should support H.R. 1606.

Although the FEC initially passed regulation identical to the language of H.R. 1606 in 2002, the Commission is currently under a court order to re-write its regulations. Congress must act quickly to prevent the FEC from regulating political speech on the Internet.

The growth of the Internet has occurred under the regulatory exemption that H.R. 1606 would codify. With the exemption in place, as it has been for the past three years, there has been no evidence of corrupt soft money infiltrating campaigns through an Internet "loophole." There has, however, been ample evidence of the positive effects of a deregulated Internet.

For those who want to preserve a free and unrestricted Internet, H.R. 1606 is the only alternative. If H.R. 1606 is not adopted, or if it is amended to allow for regulation, the FEC will issue rules to govern Internet activity. This can only be prevented by passing H.R. 1606.

I urge you to support H.R. 1606, the Online Freedom of Speech Act, so that we can preserve the Internet as a forum where political expression is not subject to government review, restriction and regulation.

Sincerely,

Vernon J. Ehlers
Chairman