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Mr. Brad C. Deutsch, Assistant General Counsel  
Federal Election Commission  
999 E Street, NW.  
Washington, DC 20463

[via fax at (202) 294-3923]  
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FEDERAL ELECTION COMMISSION

Dear Mr. Deutsch:

Thank you for this opportunity to comment on the FEC's proposed rulemaking regarding political speech, campaign-finance considerations, and the Internet.

Recently, The Center for Democracy & Technology (CDT) and the Institute for Politics, Democracy & the Internet (IPDI) of George Washington University submitted a Statement of Principles on behalf of 1,115 leading organizations, Internet "blogs" (aka "weblogs"), and individuals.

The eleven Principles set forth by the CDT and IPDI are presented on page 2 of this letter.

**I strongly support these eleven Principles, and I respectfully ask that the FEC adhere to these eleven Principles in its rulemaking.**

**In particular, I ask that the FEC assign the highest priority to ensuring that speech on the Internet will always receive "the full protection of the First Amendment."**

As the CDT's website notes, "The First Amendment protects our right to speak freely and to gather information. Without it, true democracy would be impossible. The Supreme Court strongly disfavors laws that impinge on First Amendment rights and has been particularly protective of speech on the Internet. The Court declared in *ACLU v Reno* that speech on the Internet should receive the full protection of the First Amendment."

Thank you for considering my comments.

Sincerely yours,

William E. Henslin, Jr.

(Note: I will place a signed, hard-copy version of this letter in the mail later today.)

## Eleven Principles:

1. The Internet is a unique and powerful First Amendment forum, which supports speech as "broad as human thought." It empowers ordinary people to be speakers and publishers with the ability to reach millions. As such, the Supreme Court has afforded speech on the Internet the highest constitutional protection.
2. Unlike the broadcast media, the Internet is a powerful engine for interactive, diverse, and robust democratic discourse, and it has broadened and increased the public's participation in the political process. The Internet's user-driven control and decentralized architecture support a multiplicity of voices and constrain the ability of any one speaker to monopolize attention or drown out other voices.
3. Robust political activity by ordinary citizens on the Internet, including their monetary contributions, strengthens and supports the central underlying purpose of the campaign finance law: to protect integrity of our system of representative democracy by minimizing the corrupting influence of large contributions on candidates and office holders. Individuals' online political activity engages larger numbers of citizens in the political and campaign processes and encourages an increase in smaller contributions.
4. The Federal Election Commission should adopt a presumption against the regulation of election-related speech by individuals on the Internet, and should avoid prophylactic rules aimed at hypothetical or potential harms that could arise in the context of Internet political speech of individuals. Instead, the Commission should limit regulation to those activities where there is a record of demonstrable harms.
5. If in the future evidence arises that individuals' Internet activities are undermining the purpose of the federal campaign finance laws, any resulting regulation should be narrowly tailored and clearly delineated to avoid chilling constitutionally protected speech. The Commission should eschew a legalistic and overly formal approach to the application of campaign finance laws to political speech on the Internet.
6. Ordinary people should be able to broadly engage in volunteer and independent political activity without running afoul of the law or requiring consultation with counsel. The FEC should make clear that such activities are as a general matter beyond the scope of all campaign finance regulation (including disclaimers, thus preserving the right of individuals to engage in anonymous online political speech).
7. Individuals should be able to collaborate with other such individuals to engage in a very substantial amount of independent election related political speech online without being deemed a "political committee."
8. The FEC should extend the media exemption to online media outlets that provide news reporting and commentary regarding an election, including those media outlets that exist only on the Internet. In the Internet context, the news media exemption should be construed more flexibly than in the off-line context, so that it can accommodate new technology and new forms of online speech. The Federal Election Commission should clearly articulate the criteria for qualifying for the news media exemption on the Internet.
9. Independent bloggers and other Internet speakers who report or provide commentary on the Internet but who do not otherwise qualify for the media exemption should nevertheless be able to engage in a very substantial amount of online political speech without any regulation.
10. The FEC should promulgate rules that permit independent Internet speakers or groups of speakers to incorporate for liability purposes without violating the prohibition on corporate political activity.
11. Any rules promulgated by the FEC with respect to Internet political activity should be technology neutral and not distinguish between or disadvantage forms of online speech. Similarly, rules must be sufficiently flexible so as to encourage innovation and the development of new forms of Internet speech.