

News Release

Roscoe Bartlett

Representing the 6th District of Maryland

Committees: Armed Services, Science, & Small Business



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**“Restore Our Constitution’s First Amendment”
Rep. Bartlett and Sen. Chambliss Mark the Start of 60-Day Political
Speech Restrictions of Americans’ First Amendment Rights
Bills HR 3801 and S 2702 Would Repeal “Electioneering
Communication” Ban**

Washington, D.C. – “Restore our Constitution’s First Amendment,” said Congressman Roscoe Bartlett (R-6-MD) at a news conference held today in Washington, DC. He held the news conference to mark the inaugural imposition of a federal law restricting Americans’ political speech rights during the 60-day black out period until the General Election on November 2, 2004. This “electioneering communication” provision of the Bipartisan Campaign Finance Reform Act (BCRA), also known as McCain-Feingold, restricts broadcast advertisements that mention or depict federal candidates by labor unions, interest groups and corporations, but notably not 527 committees. Rep. Bartlett and Senator Saxby Chambliss (R-GA) have introduced companion bills (HR 3801 and S 2702) that would repeal this provision.

“I am firmly committed to protecting our Constitution,” said Congressman Bartlett. “Federal government restrictions of Americans’ ability to criticize candidates for federal elective offices and the actions of their elected representatives would be anathema to our Nation’s founders and eviscerates the central purpose of the First Amendment’s guarantee of free speech – the protection of political speech. As stated in the First Amendment to the Constitution; ‘Congress shall make no law . . . abridging the freedom of speech.’ The American Heritage Dictionary definition of abridge is ‘to reduce the length of, condense; shorten.’ This is a right and a privilege extended to all Americans that must be restored in order to preserve our democratic republic. Every American and every group of every political persuasion is threatened by ‘electioneering communication’ restrictions of their First Amendment rights.”

“This was a provision many expected the Supreme Court to strike down as unconstitutional, but they did not,” said Congressman Bartlett. “In his dissenting opinion, Justice Scalia wrote that the Supreme Court upholding this provision marked a ‘sad day for the

freedom of speech.’ The first imposition of this violation of Americans’ First Amendment political speech rights on September 4, 2004 is even sadder.”

Wall Street Journal Editorial Writer John Fund noted in his “On the Trail” column on August 23, 2004, “To their credit, a few journalists are now seeing the scales fall from their eyes. The Washington Post’s David Broder, dean of the Beltway press corps, now admits that ‘it is virtually impossible to control the flow of money from the private sector into the political world. . . . The best one can hope is that new rules do not produce more unintended negative consequences than benefits. McCain-Feingold is flunking that test.’”

Electioneering communication is defined by BCRA as any broadcast, cable, or satellite communication that refers to a clearly identified federal candidate within 30 days of a primary or 60 days of a general election that reaches 50,000 or more people in the relevant district or state. Under BCRA, labor unions and corporations (including trade associations, interest groups and other nonprofit organizations established as corporations) must pay for such communications with PAC funds only during the 30 days before a primary election and 60 days before the general elections.

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