

I am a constituent who strongly supports restoration of constitutional government. This is a make-or-break issue for me regarding whom I vote for in the 2010 elections. Please support HR 3394, HR 3395, and HR 3396.

HR 3394, the Health Information Protection Act, prevents the Federal Trade Commission from taking action against any advertiser that communicates a health benefit for a product unless the FTC first establishes based on clear and convincing evidence that the statement made is false and that its communication causes harm to the public.

Presently, the FTC reverses the Fifth Amendment burden of proof on the government when it charges advertisers with deceptive advertising and then demands that they prove their speech true based on contemporaneously held documentation or be deemed to have advertised deceptively. The Fifth Amendment requires that FTC bear the burden of proving advertising deceptive. It may not constitutionally shift the burden to the advertiser to prove its statements not deceptive.

The First Amendment requires that FTC not act against speech unless the speech is probably false. It may not constitutionally accuse a party of false advertising yet lack proof that the advertising is false and condemn advertising based on an absence of documentation concerning the truth of the statement rather than the presence of evidence establishing the falsity of the statement.

HR 3395, the Health Freedom Act, removes FDA's power of prior restraint over all nutrient-disease relationship claims. Under the bill, the FDA may not prohibit any statement concerning a nutrient affecting a disease (including treatment effects) from being made in the market and may only act against a statement once made if it possesses clear and convincing evidence that the statement is false.

Presently the FDA blocks an enormous quantity of truthful information concerning the effects of nutrients and foods on disease from reaching consumers. That barrier is removed by the Health Freedom Act, but the Act preserves the power of the government to prosecute those who communicate falsehood.

The essential purpose of the First Amendment is to disarm the federal government of the power to impose a prior restraint on speech. The FDA has imposed a prior restraint for decades to the health detriment of the public. Passage of the Health Freedom Act will restore constitutional governance by reasserting the supremacy of the First Amendment over the Food and Drug Administration.

HR 3396, the Congressional Responsibility and Accountability Act, prohibits regulations promulgated from regulatory agencies from going into effect unless passed into law by Congress in the way in which the Constitution designates. Under Article I of the Constitution, the Congress of the United States, our elected representatives, are the ones given the exclusive power to make laws. In violation of the non-delegation doctrine, about 90% of all law created by the federal government is the product of unelected heads of bureaucratic agencies, not our elected representatives.

From 1934 to the present, the Congress of the United States has delegated executive, legislative, and judicial governing power to these agencies. The founding fathers warned that this combination would give birth to tyranny, self-dealing, and corruption and would be the death of liberty.

Because the unelected bureaucracy makes the laws, the nation has been transformed from a republic into a bureaucratic oligarchy. The Congressional Responsibility and Accountability Act

restores constitutional government by returning to Congress the responsibility to make laws, thereby making them once again accountable for the laws to those who elect them.

Please do the right thing for our nation and restore constitutional governance by supporting these important bills.