



Monday, April 16, 2007

Re: Grassroots Communications Restrictions and H.R. 984

Dear Representative Smith:

Greetings from Focus on the Family Action. It has come to our attention that the House is moving quickly to pass a "lobbying reform" package. While we applaud efforts to make Congress more transparent and accountable, we have serious concerns that the legislative package will include provisions regulating grassroots communications - communication by individual constituents who are freely and voluntarily expressing their views on important issues to Members of Congress and the Executive Branch.

The assault on private citizens who communicate with government officials has already begun. H.R. 984, introduced by Mr. Waxman, creates a burdensome record-keeping requirement for Executive Branch officials. The bill would require those officials to keep records of their communications with citizens (Members of Congress are exempt from the record-keeping provision). Such a burdensome requirement will likely cause those officials to be less accessible to the public. They will likely limit their responses to the public than risk severe penalties. This is the opposite of how our government should serve the public.

The inclusion of any type of grassroots communications restrictions in a lobby reform package will only be self-defeating by strengthening the influence of special interest lobbyists. Focus on the Family Action exists in part to communicate with our constituents about federal issues that affect the family, and encourage them to communicate with Congress and the Executive Branch, when they choose to do so. This sort of healthy citizen communication weakens the relative strength of direct interactions between paid lobbyists and Members of Congress, which is precisely what should be the goal of any "lobbying reform" legislation.

Focus on the Family Action and other grassroots organizations do not communicate anonymously with the public and therefore do not fit the definition of so-called "astroturf" lobbying groups. Yet these provisions will add enormous

compliance costs and the threat of fines and criminal penalties to organizations that provide us the media tools to communicate, including, ironically, Focus on the Family, our 501(c)(3) sister organization, which we pay for radio, mailing and other costs associated with such communications.

The intended House bill's grassroots lobbying provisions would violate the First Amendment rights of many churches, pastors, denominations, public interest organizations, law firms, civic organizations, nonprofit and for profit organizations, the media and private individuals that distribute a message about a federal issue to the general public.

Moreover, the Supreme Court in *Rumely v. United States* has called grassroots communications with Congress "the healthy essence of the democratic process." Thus, restrictions on grassroots interactions have no place in an intended House bill to regulate lobbying. Grassroots lobbying is simply the encouragement of public citizens to contact lawmakers about issues of general concern.

Finally, of particular importance is that four of the seven outside interest groups pushing to regulate grassroots communications receive significant funds from George Soros' Open Society Institute. Democracy 21 and The Campaign Legal Center, both Soros-funded organizations, are the only groups thus far who have been privy to the forthcoming lobbying reform legislation. The head of Democracy 21, registered lobbyist Fred Wertheimer, sent a letter to members of the House detailing a new legislative proposal to regulate grassroots communications. It appears that the forthcoming grassroots language (according to Wertheimer's description of it) being added to S. 1 does nothing to alleviate the objections raised by numerous organizations such as ours back in January when the Senate voted to strike the onerous grassroots provisions. The secrecy with which this has been handled, and the fact that a professional lobbyist has been intimately involved with drafting restrictions for grassroots communications in the first place, raises serious concerns for the integrity of the process, in addition to our substantive objections to the proposal.

We strongly urge you to reject any legislative attempts to stifle grassroots interactions with Members of Congress and the Executive Branch. The Senate rejected grassroots communication restrictions when it passed its lobbying reform bill, S.1, and we urge you to follow suit in protecting the free speech rights of private citizens.

Sincerely,

A handwritten signature in black ink that reads "Tom Minnery". The signature is written in a cursive, flowing style.

Senior Vice President