



January 30, 2009

The Honorable Timothy F. Geithner
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220

Dear Mr. Secretary:

On behalf of the American League of Lobbyists (ALL), I am writing in regard to the January 27th press statement indicating that lobbyists will be restricted from contacting Department of Treasury officials in connection with the EESA process. While we understand President Obama's commitment to fulfilling his pledge to limit the influence of lobbyists in Washington, we strongly question the constitutionality of this action and the wisdom of drafting restrictions without receiving comment from affected companies, lobbyists, and constitutional scholars.

The First Amendment to the Constitution specifically provides that all citizens are guaranteed the right to petition the government for redress of grievances. It does not specify that such petition must be made personally and individually, or whether it can be done by a surrogate or representative such as a lobbyist. A blanket statement that an entire category of citizens – based on the nature of their employment – will be precluded from having access to any branch of the government, seems to go well beyond what is reasonable, acceptable or legal.

It is difficult to comment on the new rules since, thus far, we have been unable to obtain anything other than the press release. If the rules are still in formulation, we would earnestly request an opportunity for input. A formal notice-and-comment procedure would afford the best opportunity to achieve this objective and may be required by the Administrative Procedure Act if the rules are to be binding on the public.

The tone and tenor of the January 27th press statement (especially the term “Combating lobbyist’s influence”) sends a signal that the First Amendment right to petition the government is not open to all American citizens, just some. The American League of Lobbyists has supported lobbying disclosure legislation in the past when it is narrowly crafted, avoids unreasonably burdening lobbyists and chilling speech, and addresses a clearly identified significant problem. Based on this press statement, it is not possible to determine whether any of these criteria have been met. We welcome the opportunity to meet with officials from the Department of Treasury concerning this issue. If ALL can be of additional assistance, please do not hesitate to contact me at (703) 927-1453 or by email at dwenhold@mwcapitol.com

Sincerely yours,

Dave Wenhold, CAE, PLC
President
American League of Lobbyists

CC: Chief, Public Affairs Office
Chief Counsel, Department of Treasury

ABOUT THE AMERICAN LEAGUE OF LOBBYISTS: For the past 25 years, the mission of the American League of Lobbyists has been to enhance the development of professionalism, competence and high ethical standards for advocates in the public policy arena; collectively address challenges which affect the first amendment right to "petition the government for redress of grievances," and promote ethical lobbying through the ALL Lobbying Code of Ethics. Membership, which currently stands at over 1000, is available to governmental affairs professionals working at the federal, state, or local level.