The original documents are located in Box 24, folder "Timmons, William E." of the Michael Raoul-Duval Papers at the Gerald R. Ford Presidential Library.

Bill Timmons ← Sub 6/4 Tel Call

- P. came out for gun control in L.A. Speech (Peace Officers)

- Bobbie Kilberg: actively engaged in preparing challenges based upon quotas, etc. She's been calling RNC.

  Some delegates saying W.H. working w/ Ripon Society on challenges.

B.T.

- Should Platform to cover the Congressional Scandal issue — not bitter but point finger; sex, conflict of interest (law firms, banks, etc).

Chairman on permanent organization and Order of Business

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file

September 20, 1976

[redacted]

MEMORANDUM FOR: MICHAEL RAOUL-DUVAL

FROM: WILLIAM E. TIMMONS

SUBJECT: Lobby Legislation, H.R. 15

Subject measure is scheduled for House consideration on Wednesday and Thursday. Since it will be in the news, there appears to be a chance for the issue to be raised during the first Debate.

It is my hope the President will pocket veto the bill, but at the least he should know some of the shortcomings of the bill. Attached is a paper highlighting some of the more obnoxious provisions along with a suggested comment should the topic be raised.

Call if you require more information.

DRAFT STATEMENT

I am today withholding my signature from H. R. 15, the so-called Public Disclosure of Lobbying Act, and therefore the measure will not become law.

Recognizing the need for meaningful reform of the lobby laws, I was hopeful Congress would have presented me with a reasonable bill which could be fairly enforced. Unfortunately, H. R. 15 is seriously deficient in a number of important areas:

1. The measure is of questionable constitutionality, infringing upon the First Amendment rights of citizens to petition their government for redress of grievances. The bedrock of representative government is the active communication between citizens and their elected leaders. To regulate freedom of speech or restrict communication is to tamper with the foundation of our democracy. I am concerned also over this bill's failure to exclude public official organizations like the National Governors Conference, the National Conference of State Legislatures, the National League of Cities, the U.S. Conference of Mayors and National Association of Counties.

2. If the legislation is designed to inform Members of Congress and the public who is attempting to influence public policy, there is a major shortcoming in that some of the most active lobby groups would not register under the criteria of this bill. The Congress creates therefore two classes of communications, those that are publicly identified and scrutinized and others that are not because they are favored through loopholes in the legislation.

Also it should be noted that wealthy individuals may retain as many lobbyists as they wish to work full time contacting federal

officials and, under the legislation, they would not be covered.

Furthermore, since lobbyists do not file reports until they reach the threshold trigger, public officers may not know who is trying to influence their decision until after the issue may be decided.

3. The onerous paperwork and record keeping requirements of H. R. 15 have the effect of discouraging communications between organizations and public officials. The Congress should welcome exchanges of ideas and comments, not discourage them. It is further noted that the legislation would require immense record keeping and reporting by all organizations not expressly exempt under the proposal. This would be necessary just to know whether or not the organization met the statutory threshold tests to qulify as lobbyists. The "chilling effect" this has, of course, is that some organizations will withdraw from their First Amendment rights because these record keeping requirements - or costs of complying with them - are too cumbersome to carry.

4. The measure is much too broad in its coverage of the Executive Branch, blanketing communications between citizens and Federal officers on rules, rule making and contracts. Thousands of citizens are affected by agency determinations of housing programs, highway projects, education contracts, social security rules, veterans benefits and hundreds upon hundreds of other federal programs. To subject those parties to the lobby restrictions infringes on their rights without an overriding national interest being served.

5. Of concern also is the provision that a constituent, if covered under the bill, may not even communicate official business

with his own Representative in Congress without being subject to the lobbying provisions if his organization is headquartered in another Congressional district. For example, union officials and business executives who qualify under H. R. 15, whose principal place of business is in one district but who live across town in another are subject to record keeping and reporting if they write a letter about their union or company's interest to their own Congressman. It should be noted that there are civil and criminal penalities for violation of this measure.

Testimony received by Committees in the Senate and House of Representatives on lobby reform plead eloquently against the wholesale inclusion of citizens in lobby legislation and argue persuasively against the nightmare of heavy record keeping. Witnesses included such diverse groups as the AFL-CIO and the Chamber of Commerce, the American Civil Liberties Union and the American Conservative Union, the Sierra Club and the National Health Council, the Friends of the Earth, and the National Association of Manufacturers, the Wilderness Society and the National Governors Conference, the Environmental Policy Center and the Associated Builders and Contractors, the Aircraft Owners and Pilots Association and the Disabled American Veterans, along with many other representatives of prominent organizations.

6. The enrolled bill handicaps many public service organizations who occasionally "lobby" the Congress or Executive Branch - charities, eduation, religious groups for example - and depend on contributions for their income and can ill afford the expenses of record keeping and reporting which have been estimated by some to exceed $100,000

a year. These same organizations may be tax exempt under current law as long as a substantial part of their activities is not influencing legislation. Therefore, there would be a constant threat that by registering as lobbyists these worthwhile groups might lose their tax exemption.

7. H. R. 15 does violence also to the right of privacy by requiring reporting organizations to describe the methods by which they arrive at a decision to engage in lobbying on every issue. Furthermore, the reporting organization must describe the twenty-five issues on which the group concentrated its lobbying efforts.

If Congress is serious about lobby reform, it should tighten up the current law, provide better enforcement powers and punish the few who violate these laws. It should address the vices of illegal influence, not the virtues of people properly communicating with their federal government. Additionally, Members of Congress themselves should be subject to the provisions of the legislation in that they should be required to keep records and file reports on everyone who contacts them seeking to influence their judgment through favors, threats, dinners and other tools. Public officials hold the trust of the people and are responsible to their constituents. Most lobbying is directed to Members of Congress so the most effective method of disclosing lobbyists is for Members themselves to file reports on all who try to influence them.

When dealing with the peoples' basic guarantee of free speech and petitioning their Government, steps must be gingerly taken by the legislative body. H. R. 15, however, is a heavy, clumsy foot threading on the peoples' rights.

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