HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

Joan Claybrook, President, Public Citizen; David Arkush, Director, and Craig Holman, Legislative Representative, Public Citizen's Congress Watch, Complainants

v .

Rep. Peter Roskam (R-III.), Respondent

COMPLAINT

- (1) Joan Claybrook is President of Public Citizen; David Arkush is Director of Public Citizen's Congress Watch; and Craig Holman is Legislative Representative for campaign finance and governmental ethics at Public Citizen's Congress Watch. Public Citizen is a non-profit advocacy group with approximately 150,000 members nationwide. Public Citizen is located at 1600 20th Street, NW, Washington, D.C. 20009.
- (2) This complaint arises under the franking laws extended to Members of the House of Representatives of the United States that generally prohibit Members who are candidates for office from distributing in their electoral districts government-financed mass mailings within 90 days of an election.
- (3) From on or about August 18, 2008, through October 7, 2008, the respondent caused to be mailed, under his franking privileges, an undetermined quantity of mass mailings, including several distinct two-page color leaflets, praising the tenure and official work of Congressman Peter Roskam, and advertising the candidate's name,

within 90 days of the November 4, 2008, general election. The 90-day deadline in this particular case began on August 6, 2008. True and accurate copies of some of these mailings are attached hereto as Exhibit No. 1.

- (4) Each of these leaflets was produced and mailed at taxpayer expense under the franking privileges of the respondent, as indicated by the disclosure notices that the leaflets are "public documents" and "official business," complete with Congressman Peter Roskam's congressional office and government e-mail as return addresses.
- (5) The same or substantially similar leaflet material had been received by the Commission on Congressional Mailing Standards prior to the 90-day deadline of August 6, 2008. In staff advisory opinions, the Commission gave the leaflets initial approval as to their content being "frankable" matter under 39 U.S.C. §§ 3910(a)(3)(A) & (B). The advisory opinions did not purport to advise that the material could permissibly be mailed within 90 days of an election. True and correct copies of the advisory opinions are attached as Exhibit No. 2.
- (6) Nevertheless, the leaflets in question were mailed and received well after the 90-day deadline. Most materials were received by voters in Roskam's district in September, and some of leaflets continued to be received as late as October.
- (7) One of the leaflets was designed as a "cookie cutter" advertisement, allowing the campaign to address different campaign issues for different audiences, ranging from

"protecting children from poison," "increasing access to health care," "freeing families from the death tax," to "protecting our parks."

(8) At least two recipients of Congressman Roskam's franked mail signed affidavits attesting that the mailers were unsolicited, and thus not exempt under 39 U.S.C. § 3210(a)(6)(E). We are aware of no evidence that any of the mailings was in direct response to inquiries or requests from the persons who received the mailers. True and correct copies of the affidavits from recipients of the mailers are attached as Exhibit No. 3.

Therefore, the complainants demand that the respondent be found in violation of the franking privilege based on his use of the frank for mass mailings within 90 days of an election in violation of 39 U.S.C. § 3210(a)(6)(A), House Rule XXIV(8) and Chapter 4 of the Franking Regulations promulgated by this Commission, and that the Commission immediately order such relief as is proper and lawful.

Signed at <u>Washington, D.C.</u>	
City, State	Complainant
this <u>23nd</u> day of <u>October</u> , 2008.	
	Complainant
	Complainant

Exhibit No. 1 Recent Roskam Mailers Received by Constituents

Congressman
PETER ROSKAM

www.roskam.house.gov

STANDING UP TO BIG OIL to keep our Great Lakes clean.

Oil giant British Petroleum (BP) was set to dump 1,584 pounds of ammonia and 4,925 pounds of total suspended solids <u>daily</u> into Lake Michigan. Their plans were even approved by Indiana's Department of Environmental Management.

Peter Roskam joined other Chicago-area public officials to successfully stop the dumping by oil giant BP and protect our lakes and the quality of our drinking water.

CHICAGO TRIBUNE

Roskam has a "plan that promises to all-but end America's foreign energy addiction within 15 years"

Peter Roskam supports:

- · Developing the next generation of fuel efficient cars
- Funding research into alternative sources of energy, like solar, wind, and geothermal
- Increasing access for environmentally responsible development of American oil and natural gas production



Stopping big oil's pollution



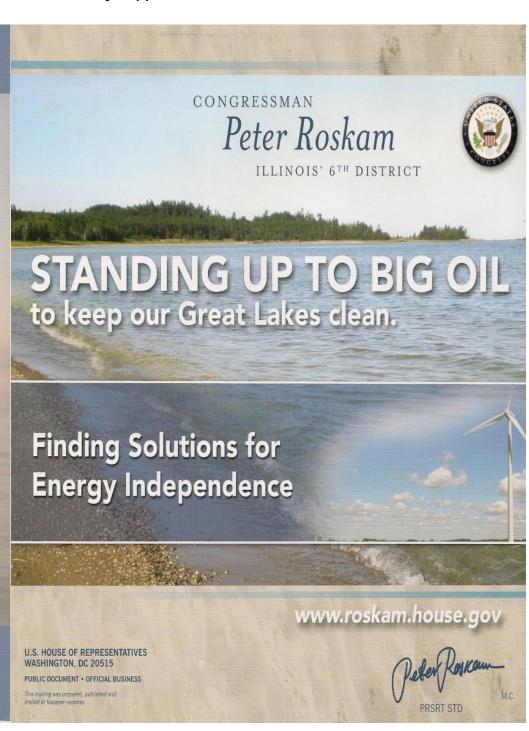
Working to lower gas prices

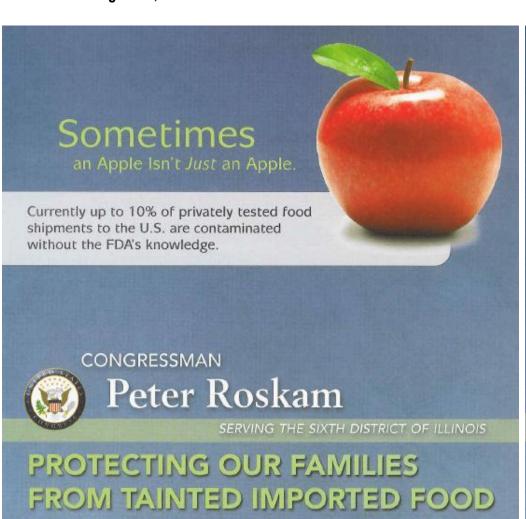


"To get off of foreign oil, we need to use American energy resources in an environmentally safe fashion. When big oil steps out of line, I'll be there to stop them."

— Peter Roskam

CONGRESSMAN PETER ROSKAM
Working for a Clean Environment and Energy Independence





U.S. HOUSE OF REPRESENTATIVES WASHINGTON, DC 20515

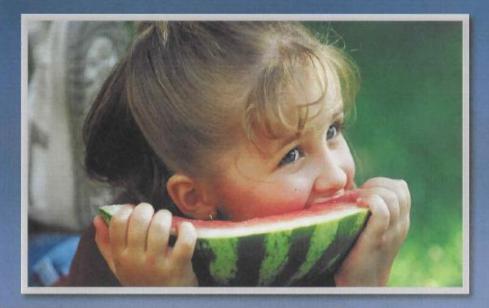
PUBLIC DOCUMENT - OFFICIAL BUSINESS

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Peter Porkou

DOLLING MEADOWIS II 60008 3649

PROTECTING OUR FAMILIES FROM TAINTED IMPORTED FOOD



Last year, more than 76 million Americans became sick and more than 5,000 died as a result of food borne illness.

Peter Roskam disagrees with the Bush Administration's lax approach to food import safety and has proposed the following to help keep our imports safe:

- Congressman Roskam's legislation would close loopholes in our nation's food inspection process and hold foreign manufacturers to our own high food safety standards.
- He is urging the Food and Drug Administration to move immediately to require private labs to submit testing data for all food imports to prevent unsafe food from entering the U.5 market.

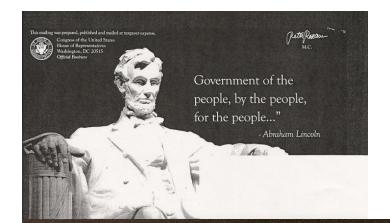
Congressman Roskam is committed to ensuring that American families can enjoy a meal together without having to worry about the safety of the food on the cable.

Working on the issues that are making a difference Congressman for Illinois Families Peter Roskam

DISTRICT OFFICE 50 S. Bloomingdale Road, Sinte 200

WASHINGTON, D.C. OFFICE 507 Campur H O.B. Washington, DC 20515





This piece was received by a constituent on Sept 12, 2008



Contact Peter Roskam

District Office 150 S. Bloomingdale Rd. Suite 200 Bloomingdale, IL 60108 (630) 893-9670

Washington Office 507 Cannon House Office Building Washington, DC 20515 (202) 225-4561

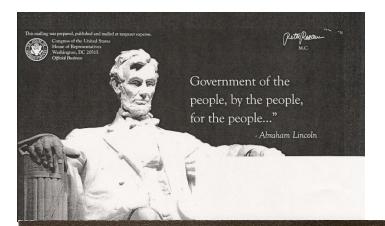
Making Washington Work for You Congressman Peter Roskam reports

Protecting Children from Poison

Each year, accidental poisoning is a leading cause of injury and death, second only to car crashes. What's more, poison victims are often small children who unknowing ingest harmful cleaners or other dangerous household products. Poison Control Centers (PCC) save lives by teaching poison prevention and providing emergency treatment to victims of poisoning. In 80% of cases a PCC saves a trip to the emergency room. For every \$1 spent on poison control, \$7 is saved on emergency medical care.

- I voted for H.R. 5669, the Poison Control Support, Enhancement, and Awareness Act of 2008. This legislation reauthorized the PCC national toll-free number, national media campaign, and grant program to provide assistance for poison prevention and treatment.
- I signed a petition to increase PCC funding from \$10 million to \$30.1 million for the 2009 fiscal year.
- Poison Control Centers not only save lives, they save money.

In case of an emergency, contact the Illinois Poison Control Center immediately at 1-800-222-1222.





District Office 150 S. Bloomingdale Rd. Suite 200 Bloomingdale, IL 60108 (630) 893-9670

Washington Office 507 Cannon House Office Building Washington, DC 20515 (202) 225-4561

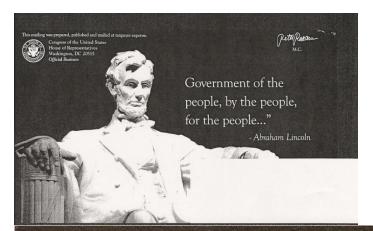
Making Washington Work for You Congressman Peter Roskam reports

Increasing Access to Health Care

According to a study by the American Hospital Association, America will face a shortage of 157,000 pharmacists by 2020. That's why I recently secured \$100,000 for Midwestern University's Advanced Career Explorers Program in Downers Grove. This program will:

- Provide pharmacy job and education training to high school and community college students to address the pharmacist shortage.
- Help local students take advantage of exciting career opportunities in the pharmacy field.
- Increase access to knowledgeable health care professionals and services.

Since coming to Congress in 2007, I have worked in a bipartisan fashion to create solutions to America's looming health care crisis.





District Office 150 S. Bloomingdale Rd. Suite 200 Bloomingdale, IL 60108 (630) 893-9670

Washington Office 507 Cannon House Office Building Washington, DC 20515 (202) 225-4561

Making Washington Work for You Congressman Peter Roskam reports

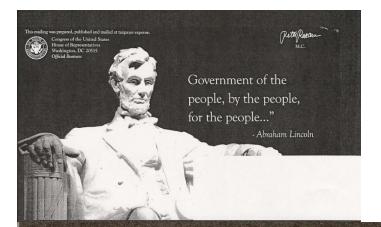
Harnessing American Sources of Energy

America has 250 billion tons of recoverable coal reserves, the equivalent of 800 billion barrels of oil, or more than triple the oil reserves of Saudi Arabia. Illinois alone has more BTUs in coal reserves than Saudi Arabia and Kuwait have in oil reserves. That's why I strongly support the increased use of clean coal technology as a part of America's quest for energy independence. These efforts will help lower the price of gas at the pump today.

Recently, I introduced a discharge petition to demand that congressional leadership immediately vote on H.R. 2208, the Coal Liquid Fuel Act. This legislation would:

- Advance coal-to-liquid projects to increase our supply of American energy.
- Lower the price of gas at the pump.
- Put America on the path to energy independence.

Since coming to Congress in 2007, I have been working in a bipartisan manner to create real energy solutions for our families.





District Office 150 S. Bloomingdale Rd. Suite 200 Bloomingdale, IL 60108 (630) 893-9670

Washington Office 507 Cannon House Office Building Washington, DC 20515 (202) 225-4561

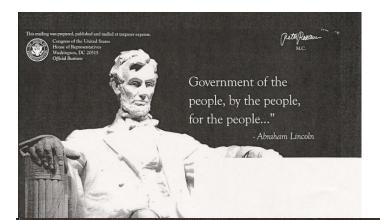
Making Washington Work for You Congressman Peter Roskam reports

Promoting Competitiveness and Securing American Jobs

Illinois ranks 4th in the U.S. in manufacturing jobs, accounting for 5% of the nation's industrial employment. Yet our state has lost almost 150,000 industrial jobs since January 2001. That is why I recently secured \$500,000 for a local manufacturing partnership to develop energy-efficient technology for our vehicles. This project will:

- Use cheap, light-weight titanium products in vehicles, which will lead to more fuel efficient cars and reduce energy consumption.
- Bring hundreds of new jobs to Glendale Heights in a time when manufacturing jobs are disappearing throughout the state.
- Allow companies in Glendale Heights and Lockport, as well as the Illinois Institute
 of Technology in Chicago and the Oak Ridge National Laboratory to work side-byside developing more fuel-efficient vehicles. Partnership and cost-sharing is a
 responsible way to utilize federal dollars.

Since coming to Congress in 2007, I have worked in a bipartisan fashion to bring opportunities for economic development home to our local communities.



This piece was received September 30, 2008



Contact Peter Roskam

District Office 150 S. Bloomingdale Rd. Suite 200 Bloomingdale, IL 60108 (630) 893-9670

Washington Office 507 Cannon House Office Building Washington, DC 20515 (202) 225-4561

Making Washington Work for You Congressman Peter Roskam reports

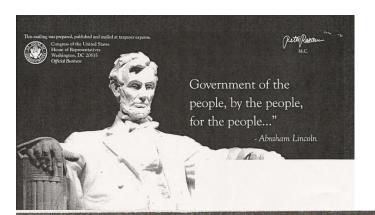
Securing our Borders

On my recent trip to the U.S.-Mexico border, I saw firsthand the tireless efforts of those looking to break our laws and enter this country illegally. They are willing to risk their lives to evade detection and sneak into this country.

This is unacceptable: we are a nation of laws and have an obligation to enforce a reasonable, legal process for coming into our country. That's why I have taken action to combat illegal immigration, including:

- * Cosponsoring H.R. 4088, the Secure America with Verification and Enforcement (SAVE) Act to make employment verification mandatory for all new hires and double the number of border patrol agents.
- Cosponsoring H.R. 4176, the Prevention of Unsafe Licensing Act, to prevent illegal aliens from obtaining driver's licenses and State-issued identification documents and benefits.

Since coming to Congress in 2007 I have worked in a bipartisan fashion to secure our borders and stem the tide of illegal immigrants.





District Office 150 S. Bloomingdale Rd. Suite 200 Bloomingdale, IL 60108 (630) 893-9670

Washington Office 507 Cannon House Office Building Washington, DC 20515 (202) 225-4561

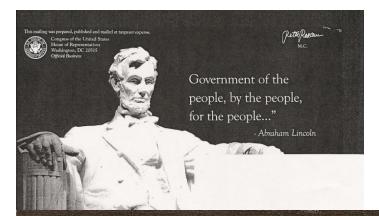
Making Washington Work for You Congressman Peter Roskam reports

Freeing Families from the Death Tax

The loss of a loved one can be devastating to a family. This is exactly the wrong occasion for the federal government to swoop in and greedily seek its "fair share" of the family estate – up to 55% if Congress doesn't take action soon. American families already pay too many taxes.

- I am an original cosponsor of H.R. 2380, the Death Tax Repeal Permanency Act.
- The government doesn't have a revenue problem, it has a spending problem.

Since coming to Congress last year, I have been working with my colleagues on both sides of the aisle to let hard-working American families keep more of their own money.



A postmark (not visible in reproduction) indicates that this piece was sent September 17, 2008



Contact Peter Roskam

District Office 150 S. Bloomingdale Rd. Suite 200 Bloomingdale, IL 60108 (630) 893-9670

Washington Office 507 Cannon House Office Building Washington, DC 20515 (202) 225-4561

Making Washington Work for You Congressman Peter Roskam reports

Protecting Medicaid Care for Those Who Need It

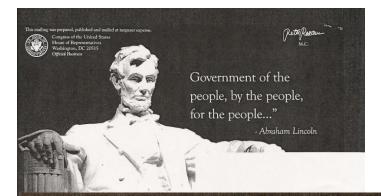
When illness and emergencies arise, you want to make sure your family has medical coverage, regardless of your income situation. Medicaid allows families in economic trouble to obtain affordable health care

In these tough economic times, the number of people covered by Medicaid has increased from 34 million to 47 million in just five years.

On April 23, 2008, I voted in favor of H.R. 5613, protecting the Medicaid Safety Net Act of 2008. This legislation:

- Will ensure that families hard hit by the slowing economy have access to the health care they need.
- Increases resources available to help local schools better serve students with disabilities.

Since coming to Congress in 2007, I have worked in a bipartisan manner to address the looming health care crisis in America.





District Office 150 S. Bloomingdale Rd. Suite 200 Bloomingdale, IL 60108 (630) 893-9670

Washington Office 507 Cannon House Office Building Washington, DC 20515 (202) 225-4561

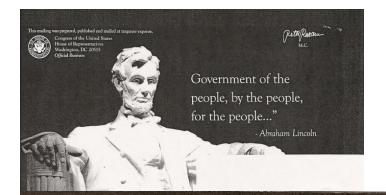
Making Washington Work for You Congressman Peter Roskam reports

Real Energy Solutions

This year, the cost of jet fuel has nearly doubled, making it harder for families and businesses to travel. In addition to steep increases in ticket prices, high gas prices are causing the major airlines to lay off thousands of Chicagoland employees.

- On June 12, 2008, I offered an amendment to the NASA Authorization bill to say that instead of spending millions of taxpayer's hard earned dollars on a "Deep Space Climate Observatory", let's use the money to develop real energy solutions.
- My amendment struck the Deep Space Climate Observatory from the bill and instead funded research for an alternative aviation fuel.
- I am committed to bringing our community real relief at the pump.

 Unfortunately, my amendment was shut out from debate by a Congress that has done nothing to solve America's energy crisis.





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Washington Office 507 Cannon House Office Building Washington, DC 20515 (202) 225-4561

Making Washington Work for You Congressman Peter Roskam reports

Working to Create Real Energy Solutions

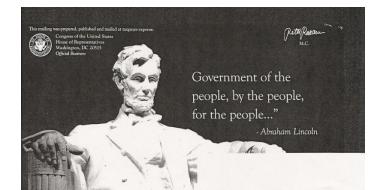
In this time of \$4 gasoline, the American people must come together and work to develop new sources of domestic energy production at the same time as we increase conservation and energy efficiency.

It is important that Democrats and Republicans work together to develop solutions to this problem.

Recently, along with 53 Democrats and 11 Republicans, I put forth H.R. 1498, the Bicycle Commuter Act, to provide tax benefits to employers who offer cash reimbursements to employees to defray the costs of riding to work.

Getting cars off the road reduces congestion, decreases pollution and promotes responsible energy consumption.

I am working with my colleagues on both sides of the aisle to address our energy independence and promote alternative and renewable fuel sources.



Roskam

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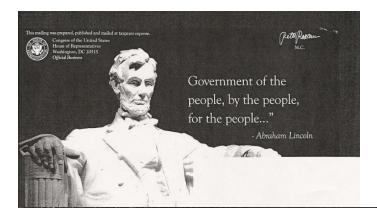
Making Washington Work for You Congressman Peter Roskam reports

Finding a Cure for Multiple Sclerosis

Every hour in the United Sates, someone new is diagnosed with multiple sclerosis (MS), as unprecedented and often disabling disease of the central nervous system. Currently, there are 400,000 Americans living with MS, with an increasing number of military personnel being diagnosed with this deadly disease. It is critical to increase funding for MS research; without such research the cure to MS will not be found.

This is why I strongly supported the \$15 million federal funding request for the Multiple Sclerosis Research Program (MSRP) which would fund increased MS research. This funding will bring us closer to finding a cure to this destructive disease.

Since coming to Congress in 2007 I have worked in a bipartisan fashion to improve the state of health care in America.



Making Washington Work for You Congressman Peter Roskam reports



Contact Peter Roskam

District Office 150 S. Bloomingdale Rd. Suite 200 Bloomingdale, IL 60108 (630) 893-9670

Washington Office 507 Cannon House Office Building Washington, DC 20515 (202) 225-4561

Protecting our Parks

On July 17, 2007, the Emerald Ash Borer (EAB) was discovered right in our backyard in Glendale Heights. The EAB is threatening to infiltrate the Chicagoland area, including our beautiful Morton Arboretum.

EAB larvae burrow into ash trees, which account for roughly 20 percent of the urban forests in the Chicagoland area, and starve them to death. The threat that this pest poses to our beautiful ash trees is real.

To eliminate this invasive species threat I have:

- Introduced H.R. 3901, the Emerald Ash Borer Municipality Assistance Act, which would provide low-cost loans to local governments to finance the purchase of equipment to address infested trees and to prevent further infestation.
- Requested \$45 million from the U.S. Department of Agriculture fiscal year 2009 Appropriations to combat this pest.

Since coming to Congress last year, I have worked in a bipartisan fashion to make our local communities a safe enjoyable place to live and raise a family.

Exhibit No. 2 Franking Commission Approval Letters

Congress of the United States

House of Representatives

COMMISSION ON CONGRESSIONAL MAILING STANDARDS

1216 Longworth House Office Building Washington, DC 20515–6230

STAFF ADVISORY OPINION

Office Of	Staff C	ontact:	Record Number:	
Peter Roskam 507 CHOB	Brigitta Johnson		48395-45	
Date of initial review: 7/30/2008		Date Issued 8/27/2008		
Description of request:	The state of the s			
Request for a staff advisory of described below (copy attache		rankability of mater	ial submitted as	
Format of material:	ormat of material:		Means of distribution:	
Newsletter	ewsletter		Presorted Standard	
Description of material: Newsletter on Standing Up To Independence.	Big Oil to Kee	ep the Great Lakes C	lean and Energy	
Advisory:				
Advisory: Material submitted was deem	ed <u>Frankable</u> ı	under provisions of:		

Approved for the Majority by:

Approved for the Minority by:

عير

CONGRESSMAN

Peter Roskam



ILLINOIS' 6TH DISTRICT

STANDING UPICEBIG OHL to keep our Great Lakes deans

Finding Solutions for Energy Independence

WAVALAR OF KETHER HOLDER STORY

U.S. HOUSE OF REPRESENTATIVES WASHINGTON, DC 20515

PUBLIC DOCUMENT . OFFICIAL BUSINESS

This mailing was prepared, published and mailed at taxpayer expense.

Peter Korkoun

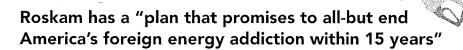
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STANDING UP TO BIG OIL

Oil giant British Petroleum (BP) was set to dump 1,584 pounds of ammonia and 4,925 pounds of total suspended solids <u>daily</u> into Lake Michigan. Their plans were even approved by Indiana's Department of Environmental Management.

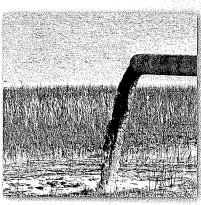
Peter Roskam joined other Chicago-area public officials to successfully stop the dumping by oil giant BP and protect our lakes and the quality of our drinking water.





Peter Roskam supports:

- Developing the next generation of fuel efficient cars
- Funding research into alternative sources of energy, like solar, wind, and geothermal
- Increasing access for environmentally responsible development of American oil and natural gas production



Stopping big oil's pollution



Working to lower gas prices



"To get off of foreign oil, we need to use American energy resources in an environmentally safe fashion. When big oil steps out of line, I'll be there to stop them."

— Beijir Roskam

Congress of the United States

House of Representatives

COMMISSION ON CONGRESSIONAL MAILING STANDARDS

1216 Longworth House Office Building Washington, DC 20515–6230

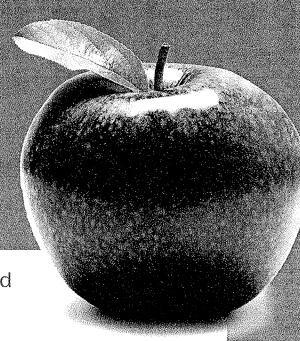
STAFF ADVISORY OPINION

Office Of	Staff Contact: Brigitta Johnson		Record Number:
Peter Roskam			48395-44
507 CHOB			
Date of initial review:		Date Issued	
7/25/2008		8/27/2008	
Description of request:			
Request for a staff advisory opiniodescribed below (copy attached).	on on the fr	ankability of materi	al submitted as
Format of material:		Means of distribution:	
Newsletter		Presorted Standard	
Advisory: Material submitted was deemed F	rankable ui	nder provisions of:	
	<u>rankable</u> ui	nder provisions of:	
3210(a)(3)(B)			
		36	
Approved for the Majority by:	A	pproved for the Min	nority by:
A. 14		5	

Sometimes

an Apple Isn't Just an Apple.

Currently up to 10% of privately tested food shipments to the U.S. are contaminated without the FDA's knowledge.



CONGRESSMAN



Peter Roskam

SERVING THE SIXTEEDISTRICTE OF THEIMORS

PROTECTING OUR FAMILIES FROM TAINTED IMPORTED FOOD

U.S. HOUSE OF REPRESENTATIVES WASHINGTON, DC 20515

PUBLIC DOCUMENT • OFFICIAL BUSINESS

This mailing was prepared, published and mailed at taxpayer expense.

Peter Roskoun_

PRSRT STD

PROTECTING OUR FAMILIES FROM TAINTED IMPORTED FOOD



Peter Roskam disagrees with the Bush Administration's lax approach to food import safety and has proposed the following to help keep our imports safe:

- Congressman Roskam's legislation would close loopholes in our nation's food inspection process and hold foreign manufacturers to our own high food safety standards.
- He is urging the Food and Drug Administration to move immediately
 to require private labs to submit testing data for all food imports to
 prevent unsafe food from entering the U.S. market

Congressman Roskam is committed to ensuring that American families can enjoy a meal together without having to worry about the safety of the food on the rable.

Working on the issues that are making a difference for Illinoic Familias.

Congressman

DISTRICT OFFICE 150 S. Bloomingdale Road, Suite 200 Bloomingdale IL 60108 (630) 893-9670

WASHINGTON, D.C. OFFICE 507 Cannon H.O.B. Washington, D.C. 20515 (202) 225-4564



Congress of the United States

House of Representatives

COMMISSION ON CONGRESSIONAL MAILING STANDARDS

1216 LONGWORTH HOUSE OFFICE BUILDING WASHINGTON, DC 20515–6230

STAFF ADVISORY OPINION

Office Of	Staff Contact:	Record Number:		
Peter Roskam 507 CHOB	Brigitta Johnson	48395-38		
Date of initial review:	Date Issued			
7/9/2008	8/8/2008			
Description of request:				
Request for a staff advisory opinidescribed below (copy attached).	ion on the frankability of mate	erial submitted as		
Format of material:	Means of distributio	n:		
Stationery, Postcard	Not Applicable	Not Applicable		
Description of material: Stationary for Postcards.				
Advisory:				
Material submitted was deemed <u>I</u>	<u>Frankable</u> under provisions of	:		
3210(a)(3)(A)				
	N.			
Approved for the Majority by:	Approved for the M	inority, by:		
B. MMC	Jana A	Shallee/		



District Office 150 S. Bloomingdale Rd. Suite 200 Bloomingdale, IL 60108 (630) 893-9670

Washington Office 507 Cannon House Office Building Washington, DC 20515 (202) 225-4561

Making Washington Work for You Congressman Peter Roskam reports

roskam.house.gov

Making Washington Work for You Congressman Peter Roskam reports



Contact Peter Roskam

District Office 150 S. Bloomingdale Rd. Suite 200 Bloomingdale, IL 60108 (630) 893-9670

Washington Office 507 Cannon House Office Building Washington, DC 20515 (202) 225-4561

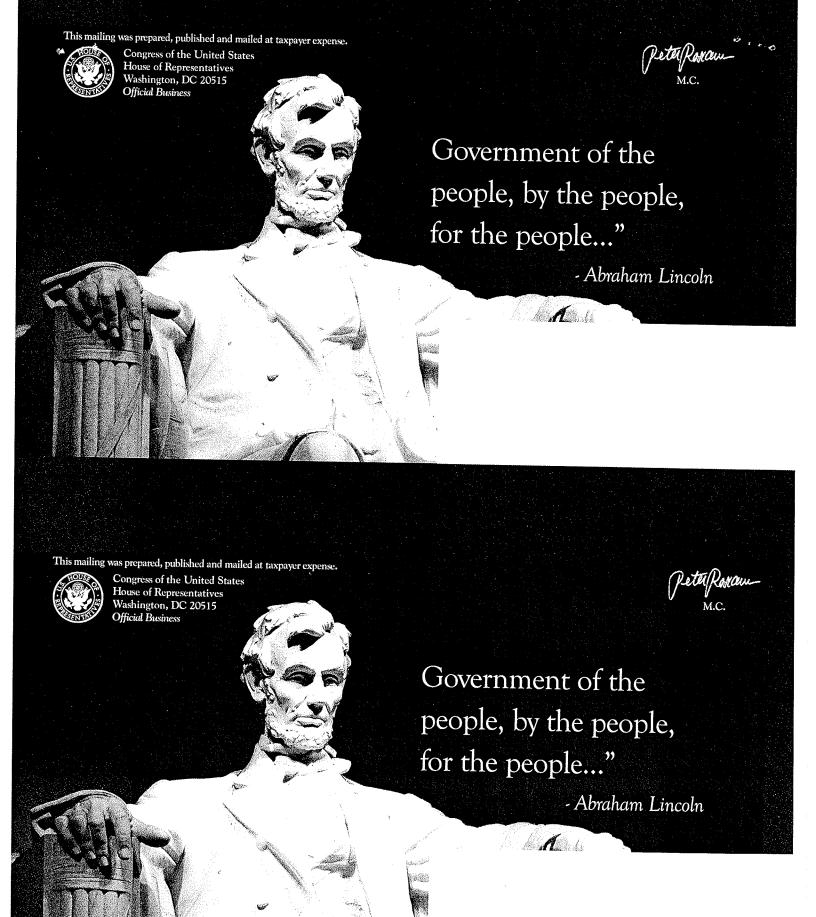


Exhibit No. 3 Constituent Affidavits

AFFIDAVIT

State of ILLINOIS)	
County of DUPAGE) ss	
The undersigned affiant, being first duly sworn, on oath hereby deposes and says that I receiv at my home the attached mailings sent to my home during the month of September in the year 2008.	red
The topics of the pieces were Protecting Medicaid Care for Those Who Need It and Real Ener Solutions. I further state that I have never, nor has anyone at my home ever, written Congressman Pe Roskam about any of these issues.	
Affiant further states naught.	
Ah During Greg Drinan	
Subscribed and sworn to before me this 10 day of October, 2008	
Josa Walie Paulosky	
Notary Public (Notary Public	

OFFICIAL SEAL
LISA MARIE PAULOSKY
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:09/11/11

AFFIDAVIT

State of ILLINOIS)
County of DUPAGE) ss)

The undersigned affiant, being first duly sworn, on oath hereby deposes and says that I received the attached mailings sent to my home during the month of September in the year 2008.

The topics of the pieces were Protecting Children from Poison, Working to Create Real Energy Solutions, and Promoting Competitiveness and Security American Jobs. I further state that I have never written Congressman Peter Roskam about any of these issues.

Affiant further states naught.

Jeffrey Flore

Subscribed and sworn to before me this day of October, 2008

Notary Public

Notary Public

OFFICIAL SEAL
AGNIESZKA B. BIELACZYC
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES AUGUST 09, 2009