

## Complaint

### HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

Frank Clemente, Director; and Craig Holman, Legislative Representative,  
Public Citizen's Congress Watch, Complainants

V.

### COMPLAINT

Rep. Richard Pombo (R-Calif.), Respondent

The complainants, for the complaint against the respondent,  
state:

(1) Frank Clemente is Director, and Craig Holman is Legislative Representative of campaign finance and governmental ethics, at Public Citizen's Congress Watch. Public Citizen is a non-profit advocacy group with approximately 160,000 members nationwide. Frank Clemente and Craig Holman, Public Citizen's Congress Watch, are located at 215 Pennsylvania Avenue, S.E., Washington, D.C. 20003. Public Citizen retains its own Litigation Group, represented in this complaint by Scott Nelson, Esq., at the address of 1600 20<sup>th</sup> Street, N.W., Washington, D.C. 20009.

(2) That this complaint arises under the franking laws extended to Members of the House of Representatives of the United States.

(3) That on or about the 7<sup>th</sup> day of October, 2004, the respondent caused to be mailed, under his franking privileges, approximately 175,000 copies of a two-page color leaflet praising the House Resources Committee and the Bush Administration in

promoting a series of regulations expanding snowmobiling in national parks. [See Exhibit #1]

(4) According to committee spokesperson Brian Kennedy, the mailers, entitled “Protecting Your Right to Ride,” were distributed at a reported taxpayer expense of \$68,081. Most of the mailers (166,000) were distributed to snowmobile owners in the presidential swing states of Minnesota and Wisconsin; an additional 9,658 mailers were sent to snowmobile owners in Montana and Wyoming. [See Exhibit #2]

(5) The “Protecting Your Right to Ride” mailers were sent under the franking privileges of the respondent in violation of the following franking laws and regulations:

(a) Violation of the restriction on franking privileges within 90 days of an election (39 USC §3210(a)(6)(A)) without qualifying as “normal and regular business” of the House Resources Committee, as provided under 39 USC §3210(a)(6)(B), which is generally defined as press releases and meeting agendas.

(b) Violations of franking content provisions by:

(i) Excessive political and partisan references: there were five references to President George W. Bush in the mailer, and the mailer exceeded the two references per page recommended limit. [Red Book, ch. 2, para. 4a.]

(ii) Excessive “partisan, politicized or personalized” rhetoric: the mailing asserts that the Bush Administration is working to “protect your right to

ride”; and refers to the Clinton Administration policy on snowmobiles in the national parks as “infamous.” [Red Book, ch. 2, para. 4a.]

(c) Failure to seek prior approval and advisory opinion as required by 2 USC §311(F). The Legislative Services Center has provided copies of six approved franking requests this year for the respondent, the last one dated July 30, 2004, and one approved franking request for the House Resources Committee dated June 8, 2004, but no approval for franking privileges was received by the respondent nor the House Resources Committee for the mailer under question within the 90-day period before the General Election.

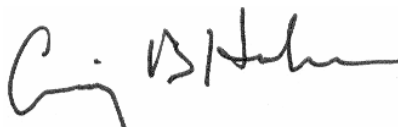
Therefore, the complainants demand that the respondent be found in violation of the franking laws and regulations as herein alleged and that the Commission order such relief as is proper and lawful.

Signed at Washington, D.C.  
City, State



Complainant

this 11th day of November, 2004.



Complainant

U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515

PUBLIC DOCUMENT  
OFFICIAL BUSINESS

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

*Richard Pombo*

PRSRT STD M.C.

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## U.S. House of Representatives Resources Committee Update

# *Protecting Your Right to Ride* *Keeping Public Lands Open* *for Family Recreation*

“The House Resources Committee is working with President Bush to ensure that snowmobilers have access to our National Parks and recreation areas. You can rest assured that the House Resources Committee and the Bush Administration are working together to protect your right to ride.”

**Congressman Richard Pombo**  
House Resources Committee Chairman

*For more information on recreation, access  
and our National Parks, please visit  
<http://resourcescommittee.house.gov>*





## Resources Committee Chairman Congressman Richard Pombo



“During the late 1990s, the Clinton Administration, through its executive authority, banned snowmobilers and other recreationists from our public lands. The most infamous ban affects your right to ride through scenic Yellowstone National Park. The House Resources Committee worked with President Bush to end the Yellowstone ban. As you may know, environmentalist groups have filed a lawsuit in Washington, DC to keep the ban in place. The House Resources Committee is working with President Bush to make sure you always have access to ride. I hope you find this update on our work useful.”

*Richard Pombo*

### **Yellowstone Snowmobile Ban Update**

Each winter roughly 65,000 snowmobiles enter Yellowstone and Grand Teton National Parks for recreation. In fact, 90 percent of Yellowstone’s winter visitors choose to travel by snowmobile. The House Resources Committee is committed to protecting access to Yellowstone for snowmobiles, and to keeping this vital component of Wyoming’s economy secure.

#### **February, 2004**

Federal District Judge Clarence Brimmer issued a preliminary injunction of the court-imposed ban on snowmobiles in Yellowstone and Grand Teton National Parks. Like the Bush Administration’s proposed rule, Brimmer’s decision allows cleaner, quieter four-stroke snowmobiles in the parks.

#### **June, 2004**

The House Resources Committee worked to defeat an amendment that would have imposed a new ban in Yellowstone. The defeat of this amendment ensures that common-sense proposals will prevail and snowmobilers will be able to ride in Yellowstone. The Resources Committee will continue to work to protect your right to ride.



## ***Protecting Your Right to Ride***

<http://resourcescommittee.house.gov>

## Exhibit 2.

# Democrats fuming over GOP mailing

**Greg Gordon**, Star Tribune Washington Bureau Correspondent

October 13, 2004

WASHINGTON, D.C.-- In a taxpayer-financed mailing to 166,000 Minnesota and Wisconsin snowmobile owners last week, House Republicans touted their efforts with President Bush to protect access to Yellowstone National Park.

Rep. Richard Pombo, R-Calif., of the House Resources Committee, authorized the expenditure of \$68,081 for the full-color mailing as official business, panel spokesman Brian Kennedy said Tuesday. He said the mailing also went to 9,658 snowmobilers in Montana and Wyoming.

But House Democrats say the mailing was part of a thinly disguised improper campaign by Pombo to use public money to influence voters in Minnesota and Wisconsin, swing states in the presidential election, and in key House races.

Six earlier Resources Committee mailings, which cost between \$78,000 and \$90,000, were sent to the districts of three Republican committee members facing reelection challenges, Kennedy said.

"This is part of an unprecedented and major effort to use the resources of the Resources Committee to influence elections," Rep. Brad Sherman, D-Calif., said of the mailings. Calling the most recent mailing a violation of House rules, he said Republicans were attempting to make a new "use of government money to reelect George Bush."

The latest mailing, under the heading "Resources Committee Update," states that the panel "is working with President Bush to ensure that snowmobilers have access to our National Parks and recreation areas." In a personal message, Pombo said the committee collaborated with Bush to end a Yellowstone snowmobiling ban imposed at the end of the Clinton administration.

"Anyone who believes that this mailing is political must also believe that the people of these four states are ignorant enough to cast their votes based solely on snowmobiling in national parks," Kennedy said. "We're giving these citizens more credit than that."

Rep. Betty McCollum, D-Minn., who said she was alerted to the mailing last week by a constituent, said, "It's a dumb political move that only shows taxpayers how Republicans in the House use official resources to campaign for George Bush. It's another example of ignoring ethics."

House rules forbid members from sending out mass mailings - those of at least 500 pieces - in the 90 days before an election. In addition, Sherman said, all mail goes through a bipartisan

review by a six-member Franking Commission evenly divided between Republican and Democratic House members.

But there are no such restrictions on committee mailings, which can be disseminated anytime as long as they relate to committee business. Sherman said committee mailings in the past have been deemed official business if they related to a forthcoming field hearing, but no such hearing was mentioned in last week's mailing.

Kennedy said that a Franking Commission review is not required for committee mailings, but that the Resources panel has gone "above and beyond the call of duty to make sure that all of our franked mail pieces get approval by the Franking Commission."

The commission is overseen by the House Administration Committee, which also decides postage allowances for each committee. Beth Bellizzi, a spokeswoman for Democrats on the Administration Committee, said they reviewed and approved three of the Resources Committee mailings earlier this year.

They went to the districts of two Resources Committee members facing tough reelection fights - Reps. Rick Renzi of Arizona and Steve Pearce of New Mexico - and of two California Democrats who supported Pombo's efforts to scale back the Endangered Species Act.

But Democrats on the Franking Commission were not offered a review of the mailing last week to Minnesota and Wisconsin, Bellizzi said.

Brian Walsh, a spokesman for Administration Committee Chairman Bob Ney, R-Ohio, said the panel's staff director informally reviewed the latest mailing and found it "relates to the normal business of the House."

In 2002, all House committees combined spent \$39,979 on postage. But last year, Pombo's committee asked House Administration for \$250,000 in postage during the 108th Congress. It was allotted \$50,000 each year and spent nearly all of it, Kennedy said.

Sherman introduced a bill last week to bar House committees from sending out large mailings in the 90 days before elections.

*The Washington Post contributed to this report.*

*Greg Gordon is at [ggordon@mcclatchydc.com](mailto:ggordon@mcclatchydc.com).*