

## United States Senate

WASHINGTON, DC 20510

August 8, 2007

The Honorable Mike Johanns  
Secretary  
U.S. Department of Agriculture  
14<sup>th</sup> and Independence Avenue, S.W.  
Washington, D.C. 20250

Dear Secretary Johanns:

I am writing to express my serious concerns regarding recent reports that U.S. Department of Agriculture ("USDA") employees are using federal resources to lobby against recently passed legislation. Specifically, news reports indicate that certain USDA Farm Services Agency employees have been circulating an e-mail encouraging their colleagues to contact members of Congress to oppose provisions in the House-passed Farm Bill. The targeted provisions would provide unjustly denied black farmers an opportunity to have their claims filed pursuant to the *Pigford* settlement reviewed on the merits.

As you know, the use of federal resources for lobbying is specifically prohibited by 18 U.S.C. §1913, which prohibits the use of appropriated funds for activities that directly or indirectly are "intended or designed to influence in any manner a Member of Congress, to favor, adopt, or oppose . . . any legislation, law, ratification, or appropriation, whether before or after the introduction of any bill."

As the USDA ethics webpage specifically notes, this statute is "interpreted to prohibit government employees from engaging in substantial grass roots lobbying-campaigns using telegrams, letters, or other forms of communication that directly or indirectly encourage the public to contact members of Congress in support of, or in opposition to, legislation" (<http://www.usda-ethics.net/rules/rule9.htm>).

The e-mails referenced in various media accounts appear to violate both USDA ethics guidance and federal law. The news reports note that some USDA employees have circulated a message urging their colleagues to rally against the *Pigford* provision in the House-passed Farm Bill. The e-mails quote Carolyn Cooksie, Deputy Administrator for Farm Loan Programs as saying it would be "awful" to allow 73,000 late filers to qualify for awards.

The e-mails go on to warn of what would happen if the bill passes:

The agency will be required to submit a boatload of information within 60 days of anyone filing which will bury us! Not to mention, most of this information we don't have. . . . Carolyn is doing a lot of legwork in the Senate trying to stop it but NACS (National Association of Credit Specialists), NASE, and other FSA (Farm Service Agency) employees need to contact their senators and work hard to get it

Sincerely,



Barack Obama  
United States Senator