

December 5, 2006

Dear Colleague:

While the election season has ended, many of our constituents are still voicing their concerns over the amount of unsolicited political calls they received during the campaign. I would like to draw your attention to the attached article which focuses on states' efforts to prohibit so-called "robo calls" in the aftermath of the 2006 election. As the article states, the desire to restrict these calls must be considered with respect to the First Amendment principles that our country was founded upon.

Therefore, I have introduced legislation, H.R. 5325, which would create a new and separate category for the National Do Not Call Registry that would enable a person to choose whether he wants to opt out of receiving political calls in addition to the business-related calls already covered. Giving consumers the choice to elect not to receive these calls avoids the constitutional issues that arise when limiting political speech. This legislation treats all political calls the same – whether from Members of Congress or so-called 527 organizations – and would allow anyone to participate.

I urge you to join me in giving our constituents the ability to opt out of receiving these political calls, should they choose to do so. To cosponsor this legislation, please contact myself or Evan Goitein of my staff at 5-2511.

Sincerely,

JOHN T. DOOLITTLE  
United States Representative

# CongressDailyAM

Monday, December 4, 2006

## **With Elections Over, States Eye Ways To Fight 'Robo Calls'**

Even as political activity in states has slowed significantly since last month's elections, the growing use of automated political calls during this election cycle has prompted complaints from voters and bids to curtail them.

Many states have laws prohibiting automated calls to those who sign up for the states' do-not-call registries. However, in some cases those states have exempted political "robo calls."

Lawmakers in Wisconsin, Pennsylvania and other states have announced they plan to introduce measures to include political robo calls in the list covered by their state's laws on do-not-call registries.

Attorneys general in Missouri and North Carolina have called for tougher laws. North Carolina Attorney General Roy Cooper also is seeking to get party leaders to meet to discuss the state's laws on robo calls.

"We got a lot of calls and complaints from consumers during the last election that some campaigns have not been following the laws that are already in place," a spokeswoman for the attorney general said.

In Missouri, Attorney General Jay Nixon said his office has received more than 600 complaints about automated political calls in the run-up to the election. Nixon has called on the General Assembly to pass a measure adding such calls to the do-not-call registry.

While voters have complained to attorneys general and lawmakers about the number of calls, some in favor of the restrictions acknowledge there might be First Amendment issues to contend with in addressing the calls.

"My feeling is you have to give broad latitude to political speech, even if you find the political speech annoying," said Democratic state Rep. Spencer Black of Wisconsin, who has announced he will introduce legislation to add automated calls to the registry.

"I feel that this technology has become so pervasive, because it's so cheap and easy that it crosses the line of legitimate campaign activity," he said. He noted there are many other avenues, such as the Internet, commercials and mailings, for candidates to reach voters.

Black said he plans to model his bill on an Indiana statute.

The American Teleservices Association, which represents telemarketing companies, does not "actively promote the use of robo calls for political purposes," according to Zachary Rice, director of government affairs. However, he added, should a member want to make such calls, the association would work to make sure they are in compliance with federal and state laws. *By Chuck Jordan*