



**ALLIANCE
FOR WORKER
FREEDOM**

December 03, 2009

Channing D. Phillips, Esq.
Acting United States Attorney
555 4th Street NW
Washington, D.C. 20530

The Honorable Lorraine C. Miller
Clerk of the U.S. House of Representatives
U.S. Capitol, Room H154
Washington, D.C. 20515-6601

The Honorable Nancy Erickson
Secretary of the U.S. Senate
U.S. Capitol, Room S-312
Washington, D.C. 20510

Dear Mr. Phillips, Secretary Erickson and Clerk Miller:

By this letter, we urge you to investigate the activities of Ms. Anna Burger, International Secretary/Treasurer of the Service Employees International Union (SEIU) and Chair of Change to Win, regarding meetings and other lobbying contacts with administration officials, the White House and Congress during 2008 and 2009. Specifically, it is important to determine whether those and related activities could constitute unregistered "lobbying" by Ms. Burger in violation of the Lobbying Disclosure Act (LDA), 2 U.S.C. 1601, et seq. In fact, Ms. Burger was a registered lobbyist for SEIU until the end of 2007, when she terminated her registration. For the reasons discussed below it appears that Ms. Burger has an extensive history of lobbying including the period after she terminated her registered status. Such historical evidence appears to suggest that she should have remained registered as a lobbyist under LDA.

Failure to file accurate reports or to register under LDA is a violation of the Act, which provides for civil penalties of up to \$200,000 and criminal penalties of up to 5 years in prison. Reports must be filed electronically with the Clerk of the House and Secretary of the Senate. Responsibility for enforcement of the Act rests with the U.S. Attorney for the District of Columbia, under 2 U.S.C. 1605. In addition, the Government Accountability Office is required under the LDA to conduct random audits of filers. It does not appear that there has been an audit of the SEIU reports.

Therefore, we urge you to immediately investigate Ms. Burger's activities, detailed below, to assess whether a violation of the LDA has occurred and if so, what appropriate enforcement actions should be taken.

PREVIOUS LOBBYING ACTIVITIES BY ANNA BURGER

LM-2 Financial Disclosure Reports

As you know, LM-2 forms are submitted yearly to the Office of Labor-Management Standards (OLMS) and are used to monitor union's financial records and the activities of individual union staff members. LM-2 forms from 2007 and 2006, both years when Ms. Burger was a registered lobbyist, reveal that she spent well over 20 percent of her time on politics and lobbying. Yet after de-listing, Burger reported spending an even larger amount of her time, 37 percent, on politics and lobbying activity. Given her role as the head of the Change to Win Federation and her senior position with SEIU, Burger is almost certain to have had two or more contacts with covered officials during relevant reporting periods in 2008. Those contacts, combined with the activity reported on her LM-2, make it highly likely that she engaged in lobbying as defined by the LDA during the time she was not listed as a lobbyist.

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Distribution of Anna Burger's time in 2006

Representational Activities 27 %

Political Activities and Lobbying 27 %

Contributions 15 %

General Overhead 10 %

Administration 21 %

Distribution of Anna Burger's time in 2007

Representational Activities 27 %

Political Activities and Lobbying 27 %

Contributions 15 %

General Overhead 10 %

Administration 21 %

SEIU's LM-2 form for 2008, a year when Ms. Burger did not register as a lobbyist, reports that Ms. Burger spent a plurality of her time engaging in "political activities and lobbying."

Distribution of Anna Burger's time in 2008

Representational Activities 25 %

Political Activities and Lobbying 37 %

Contributions 3 %

General Overhead 10 %

Administration 25 %

THE LDA DEFINITION OF LOBBYING

The LDA defines a "lobbyist" as a person who spends over 20% of his time on "lobbying activities" and has two or more "lobbying contacts." It is important to note that the calculation of the 20% of time spent on lobbying activities includes numerous activities beyond direct lobbying contacts, and is with respect to a calendar quarter of a year. A lobbyist must be registered by his or her employer and both must file reports disclosing their lobbying activities.

A "lobbying contact" includes any oral or written communication with certain individuals in the federal government ("covered" officials) regarding the formulation, modification or adoption of legislation, programs, policies or positions of the government, as well as government contracts or nominations of individuals subject to Senate confirmation. The public officials in government who are "covered" officials include any person in the White House and any Member, Senator or staff member of Congress.

"Lobbying activity" under LDA includes time spent on lobbying contacts as well as time spent by the individual on any efforts to support his or her, or another's, lobbying contacts such as preparation or planning activities, research and other background work, as well as time spent coordinating the lobbying activities of others.

Accordingly, a "lobbyist" is someone whose job includes talking with or writing to two or more "covered" officials in Congress or the White House *and* who spends more than 20% of his or her time in any given calendar quarter on such communications *as well as* on efforts to prepare for such communications *and* to coordinate with other individuals who are engaged in their own lobbying activities. In effect, if an individual spends on average one day per

five-day work week in a calendar quarter engaged in lobbying activities and communicates with covered officials, that person is a lobbyist.

ANNA BURGER'S TIES WITH THE ADMINISTRATION

Over the past twelve months Ms. Burger has developed close relations with the Obama administration. As active Treasurer for the SEIU, Ms. Burger oversaw the donation of \$28 million to the Obama campaign according to SEIU's 2008 Federal Election Commission filings. President Obama appointed Ms. Burger to the Economic Recovery Advisory Board (ERAB) in February of 2009.

After stepping down from the ERAB, Ms. Burger vocalized her clout on Capitol Hill telling Politico:

"SEIU, a major player in the push for health care reform, is holding 100 events in 16 states, union Secretary-Treasurer Anna Burger said.

"While Congress might be going home, it doesn't mean they won't be hearing from us," Burger said. "They will be hearing from us in big ways." (*emphasis added*)
(*Politico, 5/26/09*)

More recently, Ms. Burger attended the sought-after State Dinner hosted by the White House on November 24, 2009. The State Dinner has long been one of the most prestigious events an administration holds.

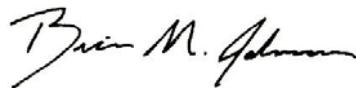
On December 3, the president will preside over his "jobs summit" where he will look for ideas and consensus from business leaders about how to increase hiring. Ms. Burger will be in attendance and undoubtedly engaging in contacts with covered officials.

Most neutral observers would probably rate Ms. Burger as a highly visible power-player in Washington this year – advancing her organization's legislative agenda on health care, labor law changes and a host of other issues in meetings with top officials in the Administration and Congress. Any failure to fully and adequately enforce the nation's lobbying disclosure laws as they apply to Ms. Burger's high-profile lobbying presence would make a mockery of the law and invite public skepticism as to its efficacy.

Sincerely,



Grover G. Norquist
President
Americans for Tax Reform



Brian M Johnson
Executive Director
Alliance for Worker Freedom