

BRENNAN
CENTER
FOR JUSTICE

Brennan Center for Justice
at New York University School of Law

161 Avenue of the Americas
12th Floor
New York, NY 10013
646.292.8310 Fax 212.463.7308
www.brennancenter.org

August 17, 2011

Via Electronic Mail

Honorable John Kerry
218 Russell Senate Office Building
Washington, DC 20510-2102

Dear Senator Kerry:

On behalf of the Brennan Center for Justice at NYU School of Law, we write to congratulate you on your recent appointment to the Joint Select Committee on Deficit Reduction, and to urge you to follow basic principles that will ensure transparency—and public confidence—in the Committee's work.

You and your fellow Committee members face a task of historic significance. The choices you make will set the nation's course for years to come, and will affect real voters, industries, and communities of interest. Given the importance of the Committee's final recommendations, it is imperative that the general public views your deliberation process as fair, thoughtful and principled.

By adhering to procedures that promote robust transparency, Committee members can boost public confidence that all the Committee's decisions are made in the public's best interest, and that all its decisions favor the broader good over narrow interests. Accordingly, the Brennan Center urges you to abide by the following three procedures for the duration of the Committee's existence.

First, you should disclose all campaign contributions over \$1,000 within 48 hours of receiving them. Such a requirement has been proposed in Senate Bill 1498, sponsored by Senator David Vitter, and represents an important first step. As Senator Vitter explained, "it's just plain good government for the public to know what special interests are trying to influence the committee."¹ But while important, this measure is not sufficient alone.

Second, you should disclose any involvement you have in soliciting funds for groups like Super PACs that seek to influence politics, especially those that do not promptly disclose their donors, including

¹ Press Release, U.S. Senator David Vitter, Vitter Introduces Bill to Bring Transparency to Super Committee Members' Campaign Cash (Aug. 2, 2011).

501(c)(4) and (c)(6) organizations that engage in electioneering. The involvement of Committee members in soliciting donations to third party groups has the potential to raise public questions about agreements that favor narrow interest groups over the public interest; agreeing to disclose these solicitations will mitigate such concerns.

Finally, you should disclose all meetings that you or members of your staff have with non-governmental groups or individuals. The public has a strong interest in knowing which groups may seek to curry favor for their interests by lobbying Committee members, and full disclosure of lobbying contacts will promote this interest. Reports disclosing contacts with outside individuals and groups should include the names of all persons involved, the organizations represented, and the topics of discussion.

We recognize that Committee members may need the freedom to negotiate with each other behind closed doors, and that in today's polarized political environment, such negotiations may be the most effective way to achieve the real compromises necessary to serve the public interest. But we believe that achieving robust disclosure of Committee members' contributions, solicitations, and lobbying contacts will buttress public confidence in the Committee's ability to move beyond partisan gridlock and guarantee the nation's long-term financial future.

We would be glad to discuss these proposals further, or work with you and your staff to implement these steps. Please do not hesitate to contact us if you have any questions.

Thank you very much for your attention to this important matter.

Respectfully submitted,



J. Adam Skaggs
Senior Counsel



Mimi Marziani
Counsel