

POINTS ON WRITING CRITICAL LETTERS TO POLITICIANS AND OTHER GOVERNMENT OFFICIALS

by
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Amendment I of the United States Constitution preserves the right of the people “to petition the Government for a redress of grievances.” Over the years the personal letter has served as a basic vehicle for seeking redress of grievances and remains one of the most powerful and underrated tools in a citizen’s arsenal for protecting their Constitutional rights.

This paper was prepared to aid in constructing such a Constitutionally driven letter, especially for citizens new to the process. It examines a range of points that should be considered in writing a letter. The listing of points may also be useful in identifying important areas that were overlooked in a completed letter.

It is emphasized that this paper is not offered as advice on preparing letters concerning litigation with government agencies. Such legal matters should be undertaken with the professional guidance and support of a qualified attorney.

I. GETTING STARTED

Before putting pen to paper, you should consider how the proposed letter fits into the total scheme of things, i.e. the political background and context of the proposed letter. The full exploration of this subject could move in many directions and itself be the subject of a lengthy paper. You might think about who the players are and where they stand on the subject, how your allies can help, what really is at stake, how much political capital you have to spend, risks that must be taken, the chances of prevailing, etc. The number of questions and uncertainties could seem overwhelming. The easy course of action might be to do nothing. Forget that!

Proceed instead by diligently researching the relevant facts surrounding your concerns and withhold taking a critical position until you have some meaningful information to support your position. Until that time, ask questions, make written inquiries, do computer and library research, attend relevant meetings, and talk to informed friends. If you research the facts surrounding your proposed critical letter and examine the letter in its political context, your chances of having a significant impact will probably increase exponentially. Unfortunately, there are exceptions where deeply entrenched, arrogant politicians are involved. There is little choice except to work around such individuals.

II. AVOIDING TRAPS

Be careful as you proceed because traps have been carefully laid for you. Some were laid well before you arrived on the scene. If you are snared by even one of the particularly nasty traps, your position

could be greatly weakened and your arguments even defeated while you are still coming out of the starting gate. How can that happen? It quite simply can happen by you allowing your opponent to take control of the debate at its various levels of development.

To provide a framework within which to examine these traps, consider a political letter at three levels of development, namely: 1) the political issue chosen, 2) the questions raised concerning the issue, and 3) the terms, labels, and general language used in discussing and debating the subject. At each of these three levels, you are at risk.

First, consider the political issue chosen. Is it really the central, important issue to which you should be directing your critical attention, or is it a side issue? Maybe it is a purely concocted issue that your opponents have tossed out to place you in a totally defensive position or otherwise gain your misdirected attention. This is a common tactical ploy that can consume your attention. You might have no time to research the real issues and promote your point of view on those issues. For these common-sense reasons, you must keep your primary focus on the issues as you see them.

Second, consider the questions raised concerning the issue. The questions you address carry the same risks as the political issues. Relevant questions should logically develop out of the political issues you deem important. If all you are doing is responding to issues and questions raised by your opponent, count on losing! Do not allow your opponent to control either the issues or the questions that you address in your critical correspondence. You must remain in control and focused.

Third, consider the terms, labels, and general language used. *Political language is heavily loaded with suggestive, biased symbols that distort and prejudice public discussion.* No wonder it is said that he who controls the language wins the debate. You may have even seen a published list of biased political terms with a set of alternative terms that are more accurate and objective.

Consider the term “illegal alien,” versus the term “undocumented resident.” During the 2008 presidential debates, one of the candidates strongly chided another candidate for using the term “illegal alien,” instead of using the term “undocumented resident.” The complaining candidate used words like “offensive” and “rude” to chide his opponent. The admonished candidate, having been successfully scolded and labeled with negative terms, had no comment or rebuttal to offer. He was unprepared for the attack by a very clever opponent.

Instead, maybe the admonished candidate should have retorted, “Well, I guess we should not use the term ‘bank robberies’ any more either. After all, they are nothing but ‘undocumented withdraws,’ right?” The point being made is that if you are prepared to debunk nonsense language and defend your language, you may find yourself a step ahead at the start.

The author attended a community meeting to learn about a proposal to place a number of serious criminals in a vacant school upon their release from a penitentiary. The author and a friend asked the head of the placement effort about his own background. Three times he adamantly denied that he was a convicted felon. Finally, he angrily retorted that some people may use “that label,” but he was really a “returning citizen.” This sort of jailhouse vernacular and worse will be endlessly shoved upon you in written and spoken word, unless you protest and correct such nonsense. The bottom line is that words mean something. They are not intended to serve as playthings for the deceitful.

III. WRITING THE LETTER

Before you compose your letter, review the 20 specific points set forth in this section. These points will help you to cover all of the bases and have a more successful writing experience. Good luck!

1. Decide first to whom you should write. Writing first to an elected official, rather than a program official can make more sense for multiple reasons, some of which might not be immediately apparent. If you do write to a program official, write to an official above the one with whom you have had an issue. A fresh view at a higher level is often much more enlightened, and an earlier decision is often more easily reversed.

At the Federal level, the rank of the office originally receiving a complaint or inquiry may dictate the response time allowed for the actual responding office, which may be buried in the bowels of some agency. For example, if the letter is received by the White House and forwarded to an agency for action, the letter likely could be placed in a bright red folder upon receipt in the agency and be granted a response time that is much shorter than if the agency had received the letter directly. The letter could also be given much greater attention. (These policies can vary from one Administration to the next and on the basis of the nature of the correspondence.)

An elected official who originally receives your letter may as a matter of necessity forward the letter to an appropriate agency for action. However, in the process, the elected official may make personal inquiry on your behalf. They may also track the response to you and provide critical, insightful review. Their involvement may make a huge difference, so use them!

2. Do not be afraid to handwrite your letter, particularly on simple matters. It might take a bit more time to read, but elected officials tend to consider such correspondence more personal and thoughtful. Politically active citizens often handwrite letters to government officials. Elected officials do not overlook the fact that a high percentage of such people turn out to vote.

On the other end of the scale are mass preprinted form letters to which petitioners affix their signatures and mail separately to elected officials. Do not expect to receive a response to such impersonal, mass correspondence. Letters of this type may be merely counted and bundled or tossed.

3. Express your central point clearly and succinctly, ideally in the first sentence. The remaining body of the letter should develop the details of the issue and arrive at a needed solution. Be prepared to first prove that a problem justifying your petition even exists, unless it is a well-accepted fact or belief. The recipient of your letter may disagree and require convincing. Offering details on a proposed course of action may be important, but avoid lengthy deviations into areas in which you have little expertise.

4. Be civil and objective, and point out good work that you see, but do not fawn over your public servant. You have the right, however, to express in strong terms the problems or failings as you see them.

5. Provide credible evidence or facts to support your position. Especially use sources the official is likely to respect, or which are difficult to challenge. (In contested cases where the best or only evidence is personal testimony of events, consider offering to take a lie detector test and challenge the other party to do the same. The challenge will typically be declined, but you may gain the moral high ground and change attitudes. Discuss first with an attorney!)

6. Point out areas in which you agree with the official, and to the extent possible, align your position with their point of view. You may be better received if you show yourself to be open-minded and receptive to different views. However, finding common ground on many issues, such as morality-centered issues, may be beyond your reach. Compromising your central position on important issues may only encourage new assaults on your rights in areas that you did not even imagine. It may be far better not to compromise. Only you can weigh the importance of the issue. Just remember that your Constitutional rights have been dribbling away in small bits. Maybe you should renew discussions at a more opportune time and pursue other strategies.

7. Highlight adverse consequences of failing to act as you recommend. Emphasize national security and health issues whenever possible. Focus on risks to vulnerable people, such as children and the sick, poor, or elderly. Also stress possible waste, fraud, and abuse.

8. Cite needed changes in the law. If you have the skill, or can gain the services of someone knowledgeable to assist you, then consider submitting a draft of the legislation, even if it is in rough form. Keep in mind that much, if not most, legislation is drafted by persons other than elected officials. You are not treading on their exclusive territory. Legislative attorneys and professionals associated with lobbyists probably write the bulk of all complex legislation. That does not prevent you from making a first cut at your proposal.

9. State where an official is violating or failing to support laws, regulations, and established policies. Try to present solid evidence or logic. The official may disagree with your position and offer contrary legal rulings or interpretations. You might need an attorney for support.

10. State where an official is acting in conflict with their subordinates or other officials. Such complaints may be defended by making the argument that action is discretionary, or may vary with the specifics of the case.

11. Point out bad attitude, rudeness, and highly inappropriate action by an official, or subordinate employee. Putting an official on the defensive in such matters may strengthen your position.

12. Do not let an official escape blame for a problem by simply transferring blame to an errant subordinate. Point out that employee failure suggests a lack of training and supervision, and the selection of unqualified personnel in some cases.

13. Remind an official petitioned on a public issue that the subject is being widely discussed and that your point of view is being broadly aired. Emphasizing that you intend to continue airing your position will likely generate a more thoughtful and detailed response. If your objective is to have the correspondence published in a newspaper or otherwise publicly aired, more background or clarifying information may be required in the body of the letter for the benefit of readers unfamiliar with details of the subject.

14. Argue that your position is nonpartisan or bipartisan and broadly supported. Highlight the support that you are receiving from other reputable individuals and organizations. Generally speaking, the more support shown, the better. However, significant exceptions may apply. Be careful where you tread when bitter political opponents or entrenched positions exist.

15. Avoid libelous language. Libel is written defamation, whereas slander is verbal defamation. Both are governed by state law, except state law cannot be written to negate Constitutional rights of free speech. To prove libel, a petitioner must prove that: a) The statement was false, b) the statement was “published,” i.e. communicated to at least one person beside the plaintiff, c) the plaintiff can be identified as the target of the statement, and d) the plaintiff tended to be harmed by the statement. If the plaintiff is a public figure, the plaintiff must also prove malice was involved. Malice can be difficult to prove because it focuses on a condition of the mind, i.e. having the *intent* to inflict injury.

Do not be misled into thinking that you can write anything you wish without libeling someone so long as you preface your statement with, “In my opinion...” or, “I believe that...” The question arises as to whether the statement is a “verifiable fact.” If the full statement were, “I believe that the Governor is a total jerk,” the Governor would be justifiably insulted, but the statement is not a verifiable fact; thus, libel is not supported. The statement is more on the order of personal opinion and hyperbole, i.e. exaggerated language. However, if the full statement were, “I believe the Governor robbed the PNC Bank last Friday morning,” then a provable factual proposition or statement has been made. If the statement can be shown to be false, then a libel claim is supported, but the Governor must be a public figure.

There is a great amount of case law on the subject of libel. State laws on the subject vary in some important details. Law dictionaries have numerous definitions for various uses of the term “libel.” In addition, courts have significantly reinterpreted libel laws over the years. This is a sticky area that you should avoid. You have a wide latitude of acceptable expression without making libelous statements.

16. Invoke the Freedom of Information Act (FOIA) in requesting information. There are both Federal and state FOIA laws and they vary in terms of coverage and fees that may apply for providing material from their respective holdings. Broad categories of information can be withheld from you, particularly where personal privacy, investigations, and materials in draft form are involved. However, you may be surprised at what you can obtain. Use a subsequent FOIA request to obtain updated information, particularly statistics. This will allow you to see if the problem is getting worse. Don’t expect to see meaningful updates in less than a year. The posting of updated statistics is often delayed by months. You will be advised in advance if fees apply. Sometimes fees are set aside if the material is for publication. FOIA information provided is from existing records. Do not expect the government to construct charts or tables to meet your specific needs, or undertake further analysis for you.

17. Ask for a meeting with the targeted official. At high levels, expect to be granted a meeting only with a subordinate.

18. Provide your cell phone number and email address. Do not be difficult to reach for obvious reasons.

19. Let it be known that you are sending copies of a complaint on a public issue to “everybody on the planet.” Include newspapers and sympathetic radio talk shows in your distribution. Include copies of supporting documents to bolster your points and save recipients research time.

20. Involve both political parties when a matter is likely to be ignored or treated lightly by members of the party responsible for acting on the matter. Politicians always want to know about significant complaints being aired against their opponents and may make a special effort to somehow act to win your favor when others fail you.

IV. FOLLOW-UP AFTER SENDING THE LETTER

Your letter may go one of several directions when received. It may be ignored, directly acted upon, or sent elsewhere for consideration. Hope for the best, but prepare for the worst. There are often important follow-up actions that you should take after posting your letter. Depending upon what you are attempting to accomplish, the letter might simply be the first step in the process. Review the 10 points listed below to determine which points apply to you:

- 1. Be prepared to receive an initial response that is little more than a clever “brush-off” letter.** In such a letter the official might express wild enthusiasm or deep sympathy for your point of view while doing NOTHING. Often politicians respond with a lengthy dissertation describing items (laws, policies, procedures, methods, personnel, equipment, etc.) already in place to address the problem while ignoring the fact that those resources have totally failed, or are collectively inadequate. Politicians and program officials often try to hide behind useless motion or totally misdirected activity as proof of efforts to solve a problem. In a subsequent correspondence, let it be known in explicit terms that you consider such activity, particularly in response to a complaint, to be unsatisfactory or meaningless.
- 2. Recognize that it takes multiple contacts to gain the serious attention of some elected officials.** Highly skilled lobbyists representing powerful interest groups and serious contributors may be competing for the official’s same time and attention. Your problem, while important to you, may be considered trifling when viewed in this context and treated accordingly.
- 3. If your wish for a meeting is granted, carefully prepare your “pitch.”** Make your central point in one or two minutes at the most! Try to keep the politician from squirming out of taking substantive action. Have a fallback position ready in case you have to compromise or take a different tact. Take a substantial person for a witness. Choose someone with whom you can later compare notes and make assessments. Following a meeting, promptly send a follow-up correspondence documenting positions taken and actions promised with dates noted. Identifiable, measurable milestones are important for complex or lengthy project commitments.
- 4. Broadcast the issue to bring new pressure if petitioning high officials fails.** Proceed as outlined in Section III, Item 19, if you have not already taken the actions cited. Remember that in the final analysis, the PEOPLE are at the top of the organization chart, not the elected politicians or bureaucrats. However, deeply entrenched officials often do not share this view of the world. You must work around such people.
- 5. Take advantage of a nonresponse to your correspondence.** Critical political letters are commonly ignored, much the same that critical letters generally are ignored. An official may decide not to match wits with you for a variety of reasons. They may consider you a threat that will hopefully go away if ignored. Alternatively, an official may find your message rude, or otherwise unworthy of a response. Unfortunately, some officials consider themselves to have a highly superior standing and are easily annoyed. A nonresponse on their part, however, might play into your hands. It might be interpreted by important observers as reflecting a gross lack of professionalism on the official’s part, or evidence of their “guilt.”

6. Combine writing a letter with other strategies to gain a synergistic advantage that may not be otherwise achieved. On highly contested public issues, personal letter writing may be effective only when many people participate. Success may require coordination of this effort with other actions. There are many options, including mass mailings, community meetings, political rallies, petition and referendum drives, picketing, protest marches, lawsuits, etc. Get creative and start thinking “outside of the box.”

7. Follow through and do the things you said you were going to do. You want people to know that you really mean business.

8. Recognize empty commitments. When politicians report back to you that they “will take the matter under advisement,” or they, “appreciate your position,” they in fact are telling you that they do not support your position and will do nothing meaningful to advance your position.

9. Promote the interests of an elected official through words and deeds when they follow through and resolve your issue, or make a concerted effort to support your interests. An elected official’s needs are broad. They include: 1) money, 2) votes, 3) positive publicity, 4) speaking opportunities, 5) factual information and feedback on issues, 6) volunteers, 7) encouragement, etc. It’s collectively called “support.” How can you help?

10. Be prepared to repeat the entire process. Sorry, but a number of attempts over an extended period of time might be required. Failed attempts call for reexamination of your strategy. In the final analysis, running the uncooperative rascals out of office may be the only hope to achieve the results you seek.

“This institution will be based on the illimitable freedom of the human mind. For here we are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left to combat it.”

Thomas Jefferson (1743-1826)