

United States Senate

WASHINGTON, DC 20510-4305

August 5, 2009

President Barack Obama
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear President Obama:

I write to express my concern about a new White House program to monitor American citizens' speech opposing your health care policies, and to seek your assurances that this program is being carried out in a manner consistent with the First Amendment and America's tradition of free speech and public discourse.

Yesterday, in an official White House release entitled "Facts are Stubborn Things," the White House Director of New Media, Macon Phillips, asserted that there was "a lot of disinformation out there," and encouraged citizens to report "fishy" speech opposing your health care policies to the White House. Phillips specifically targeted private, unpublished, even casual speech, writing that "rumors often travel just below the surface via chain emails or through casual conversation." Phillips wrote "If you get an email or see something on the web about health insurance reform that seems fishy, send it to flag@whitehouse.gov."

I am not aware of any precedent for a President asking American citizens to report their fellow citizens to the White House for pure political speech that is deemed "fishy" or otherwise inimical to the White House's political interests.

By requesting that citizens send "fishy" emails to the White House, it is inevitable that the names, email addresses, IP addresses, and private speech of U.S. citizens will be reported to the White House. You should not be surprised that these actions taken by your White House staff raise the specter of a data collection program. As Congress debates health care reform and other critical policy matters, citizen engagement must not be chilled by fear of government monitoring the exercise of free speech rights.

I can only imagine the level of justifiable outrage had your predecessor asked Americans to forward emails critical of his policies to the White House. I suspect that you would have been leading the charge in condemning such a program—and I would have been at your side denouncing such heavy-handed government action.

So I urge you to cease this program immediately. At the very least, I request that you detail to Congress and the public the protocols that your White House is following to purge the names, email addresses, IP addresses, and identities of citizens who are reported to have engaged in "fishy" speech. And I respectfully request an answer to the following:

- How do you intend to use the names, email addresses, IP addresses, and identities of citizens who are reported to have engaged in "fishy" speech?
- How do you intend to notify citizens who have been reported for "fishy" speech?

- What action do you intend to take against citizens who have been reported for engaging in “fishy” speech?
- Do your own past statements qualify as “disinformation”? For example, is it “disinformation” to note that in 2003 you said: “I happen to be a proponent of a single-payer universal health care plan”?

I look forward to your prompt response.

Sincerely,

A handwritten signature in black ink that reads "John Cornyn". The signature is written in a cursive, flowing style.

JOHN CORNYN
United States Senator