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RANKING MEMBER

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6115

Majority (202) 225-2927

Minority (202) 225-3641

February 24, 2021

The Honorable Jessica Rosenworcel
Acting Chairwoman
Federal Communications Commission
45 L Street N.E.
Washington, DC 20554

Dear Acting Chairwoman Rosenworcel:

We write to urge you to defend free speech and freedom of the press and unequivocally denounce recent efforts by House Democrats to threaten fundamental American liberties protected under the First Amendment. A free and independent press is a foundational principle in the United States.¹ As the Acting Chairwoman of the Federal Communications Commission (FCC), you play a critical role in advancing the public interest and are obligated to encourage national policies that “seek to promote the polices and purposes of [the Communications Act] favoring diversity of media, voices, vigorous economic competition, technological advancement, and promotion of the public interest, convenience, and necessity.”²

As Acting Chairwoman of the Commission, it is incumbent upon you to use your position to preserve and protect our fundamental freedoms that are protected by the First Amendment. You can, and must, denounce any attempts by government officials to use their power to threaten a free press at such an important time in our Nation’s history.

This is not an unreasonable or difficult request. At your 2011 confirmation hearing, you stated, “I do not support returning the Fairness Doctrine.”³ In 2017 at your re-confirmation hearing, you again stated that commitment: “I believe that however well intended, a new, government-based requirement on such platforms could result in an updated version of the Fairness Doctrine. Because I believe that policy had a chilling effect on speech, I would not

¹ U.S. Const., amend. I.

² 47 U.S.C. 257(b)

³ Statement of Jessica Rosenworcel, hearing entitled, “Nominations of Jessica Rosenworcel and Ajit Pai to the Federal Communications Commission,” Senate Committee on Commerce, Science, and Transportation. Nov. 30, 2011. Available at: <https://www.govinfo.gov/content/pkg/CHRG-112shrg75046/html/CHRG-112shrg75046.htm>

support such an approach.”⁴ The only thing that has changed since then is now Democrats are in control, and apparently intend to sacrifice a free press to drive a politically favorable narrative to retain that control. Based on your clear public statements on this very issue, we expect you to guard against Democrats’ use of their newfound power or we risk seeing a lasting blow to press freedom.

House Democrats’ recent actions directly contradict their prior stance on the importance of protecting broadcasters and opposing government-sanctioned censorship. Just last year, Chairmen Pallone and Doyle sent a letter to the FCC stating that it “has a duty to provide clear guidance to broadcasters and the public that threats by politicians about protected speech will not influence the agency or broadcaster licenses.”⁵ Unfortunately, now that Democrats control Congress and the Executive, House Democrats apparently no longer agree. Recently, House Democrats sent a letter to 12 Multichannel Video Programming Distributors (MVPDs) disguised as “oversight” but clearly designed to pressure these companies to block certain conservative media outlets.⁶

Your own words on this matter sum it up best: “Governments that threaten to chill speech can discipline private sector actors without changes in law ever becoming necessary.”⁷ House Democrats’ recent actions are troubling, and directly contradict your long-standing public view not to resurrect the Fairness Doctrine.⁸ Given our need to protect free speech, viewpoint diversity, and reliable journalism during the global COVID-19 pandemic, we ask you to stay true to your beliefs in the face of blatant attacks on our fundamental principles.

We demand you stand on the side of free-speech and an independent press and publicly express your opposition to reinstating the Fairness Doctrine immediately. We also request that you denounce the recent attacks on the First Amendment by House Democrats and provide us a written response outlining in detail the steps you will take to uphold your prior commitments to free speech and a free press and how you intend to protect these principles. At one point, House Democrats used to care about upholding the First Amendment.⁹ As the Acting Chairwoman of the FCC, we expect you to lead and make clear to all Americans that you stand for a free press.

If you have any questions, please contact Kate O’Connor or Evan Viau of the Committee staff at (202) 225-3641. Thank you for your attention to this important matter.

⁴ Response to Questions for the Record to Sen. Roy Blunt from Jessica Rosenworcel. Available at: <https://www.commerce.senate.gov/services/files/EAD11B13-F8B3-41EC-A358-79BE8FEB18F4>

⁵ Letter from Chairman Pallone and Chairman Doyle to FCC Chairman Ajit Pai, April 2, 2020. Available at: https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/FCC.4.2.2020.%20Letter%20to%20FCC%20re.%20Trump%20license%20renewal.CAT_.pdf

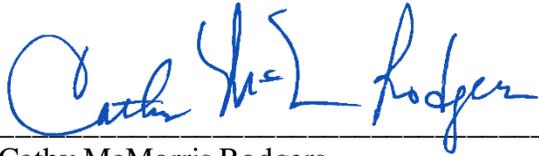
⁶ Letters from Rep. Eshoo and Rep. McNerney to Alphabet, Altice, Amazon, Apple, AT&T, Charter, Comcast, Cox, Dish, Hulu, Roku, and Verizon. Sent February 22, 2021. Available at: <https://eshoo.house.gov/sites/eshoo.house.gov/files/Eshoo-McNerney-TV-Misinfo%20Letters-2.22.21.pdf>

⁷ Statement of Hon. Jessica Rosenworcel, July 27, 2020. Available at: <https://docs.fcc.gov/public/attachments/DOC-365755A1.pdf>

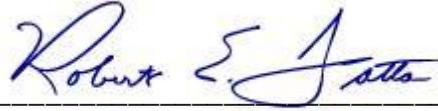
⁸ “In re: Complaint of Syracuse Peace Council against Television Station WTVH, Syracuse, New York,” Memorandum Opinion and Order. (2 FCC Rcd Vol. 17; FCC 87-266). Rel. Aug. 6, 1987.

⁹ <https://www.facebook.com/RepAnnaEshoo/posts/after-six-days-of-silence-fcc-chairman-pai-finally-addressed-the-reckless-commen/10155842977929228/>

Sincerely,



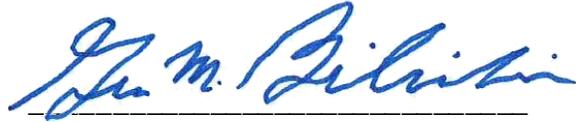
Cathy McMorris Rodgers
Republican Leader
Committee on Energy and Commerce



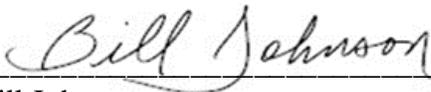
Bob Latta
Republican Leader
Subcommittee on Communications and
Technology



Brett Guthrie
Member of Congress



Gus M. Bilirakis
Member of Congress



Bill Johnson
Member of Congress



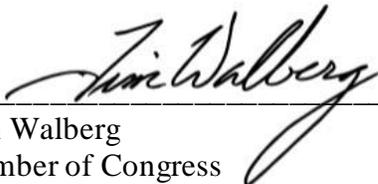
Billy Long
Member of Congress



Markwayne Mullin
Member of Congress



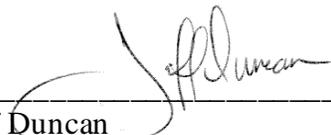
Richard Hudson
Member of Congress



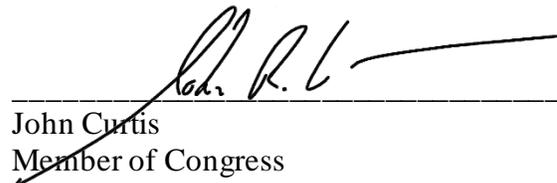
Tim Walberg
Member of Congress



Earl L. "Buddy" Carter
Member of Congress



Jeff Duncan
Member of Congress



John Curtis
Member of Congress



Debbie Lesko
Member of Congress