

December 19, 2022

The Honorable Chuck Schumer  
Senate Majority Leader  
322 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Mitch McConnell  
Senate Minority Leader  
317 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Maria Cantwell  
Senate Committee on Commerce, Science &  
Transportation  
512 Dirksen Senate Building  
Washington, D.C. 20510

The Honorable Roger Wicker  
Senate Committee on Commerce, Science &  
Transportation  
512 Dirksen Senate Building  
Washington, D.C. 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Chair Cantwell and Ranking Member Wicker:

We, the undersigned organizations, urge you to confirm Gigi Sohn to the Federal Communications Commission (FCC) during the final days of the 117th Congress.

We are deeply concerned that antisemitic, homophobic, and racist smears against Ms. Sohn have contributed to the inaction of the Senate on her confirmation. These attacks, which reflect a nationwide rise in antisemitism and backlash against progress made by Black people, women and LGBTQIA+ people, provide an ugly backdrop for industry efforts to maintain a 2-2 tie at the Commission.

Telecommunications firms, cable companies and licensed broadcasters regulated by the FCC are invested in stopping the agency from carrying out its mission to serve the public interest. The goal of broadband providers' and broadcasters' ongoing campaign is simple: deadlock the agency to stop it from taking the bold actions the nation needs to ensure an equitable communications system. And it's not a secret. *The Wall Street Journal* Editorial Board outlined this strategy in a November 2020 op-ed, during the height of the confirmation fight over Commissioner Nathan Simington.<sup>1</sup> More recently, *The New Yorker* published a piece exposing the work of dark-money group the American Accountability Foundation (AAF), which is running an entire project with the goal of stopping the confirmation of the President's nominees.<sup>2</sup>

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<sup>1</sup> *Confirmation Mischief at the FCC*, WSJ (Nov. 17, 2020), <https://www.wsj.com/articles/confirmation-mischief-at-the-fcc-11605655557>.

<sup>2</sup> *The Slime Machine Targeting Dozens of Biden Nominees*, *The New Yorker* (April 16, 2022), <https://www.newyorker.com/news/a-reporter-at-large/the-slime-machine-targeting-dozens-of-biden-nominees>.

And according to reporting last week by *The Washington Post*, AAF and the Center for a Free Economy (CFE) have placed at least \$246,000 in Facebook ads opposing Sohn's confirmation.<sup>3</sup>

The senseless delay in confirming Ms. Sohn only benefits large broadcasters and internet service providers and harms millions of people, especially working families trying to pay their rising monthly bills. As if a 14-month-long delay in her confirmation wasn't enough, Ms. Sohn has faced relentless and, at times vile, attempts to smear her reputation and misrepresent her positions on critical policy issues.

The Fraternal Order of Police, among others, has falsely claimed that Sohn holds "serious animus towards law enforcement officers and the rule of law"<sup>4</sup> because she supports end-to-end encryption, and expressed support for holding officers accountable for their actions and evaluating the best ways to ensure public safety. Such accusations are an anti-Black, racist dog whistle that's often levied against public interest advocates — including Kristen Clarke and Vanita Gupta during their confirmation hearings<sup>5</sup> — who want to address systemic racism in our society and try to adopt policies that keep our communities safe.

Furthermore, in a move that reeks of antisemitism, right-wing pundit Charles Gasparino has made a concerted effort to tie Sohn with well-known liberal funder George Soros, who has provided some funding to Public Knowledge, an organization Sohn co-founded.<sup>6</sup> Public Knowledge received funding from a variety of sources during Ms. Sohn's tenure at the organization, which ended nearly ten years ago. This focus on Soros plays on decades of conspiracy theories that employ long-standing bigoted myths about Jewish people.<sup>7</sup>

On top of that, Murdoch-owned media properties, alongside Senators Ted Cruz, John Thune and Todd Young<sup>8</sup>, have made false claims about Sohn's intention to censor conservative outlets<sup>9</sup>, like Fox News, from her perch at the agency even though the agency has no power whatsoever to regulate the content of such outlets. Finally, Ms. Sohn, who would be the first openly

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<sup>3</sup> *How Biden's FCC nominee became a major campaign target*, *The Washington Post* (Dec. 13, 2022), <https://www.washingtonpost.com/politics/2022/12/13/how-bidens-fcc-nominee-became-major-campaign-target>.

<sup>4</sup> *Gigi Sohn: FOP Research Analysis*, Fraternal Order of Police (March 2, 2022), <https://fop.net/2022/03/gigi-sohn-fop-research-analysis>.

<sup>5</sup> *Biden's pick for top civil rights post spars with Republicans over police funding*, *The Washington Post* (April 14, 2021), [https://www.washingtonpost.com/national-security/kristen-clarke-confirmation/2021/04/14/74de72d4-9d35-11eb-8005-bffc3a39f6d3\\_story.html](https://www.washingtonpost.com/national-security/kristen-clarke-confirmation/2021/04/14/74de72d4-9d35-11eb-8005-bffc3a39f6d3_story.html).

<sup>6</sup> *Biden admin scrambling to save controversial FCC nominee after Saule Omarova withdrawal*, *Fox Business* (Dec. 7, 2021), <https://www.foxbusiness.com/politics/biden-admin-controversial-fcc-omarova-withdrawal>.

<sup>7</sup> *The Antisemitism Lurking Behind George Soros Conspiracy Theories*, ADL (Oct. 11, 2018), <https://www.adl.org/blog/the-antisemitism-lurking-behind-george-soros-conspiracy-theories>.

<sup>8</sup> *FCC Nominee Gigi Sohn Pushes Back At "Unrelenting, Unfair And Outright False Criticism" In Senate Hearing — Update*, *Deadline* (Feb. 9, 2022), <https://deadline.com/2022/02/gigi-sohn-fcc-joe-biden-senate-commerce-committee-1234929763>.

<sup>9</sup> *A Media Censor for the FCC?*, *WSJ* (Nov. 8, 2021), <https://www.wsj.com/articles/a-media-censor-for-the-fcc-gigi-sohn-joe-biden-nominee-11636408804>.

LGBTQIA+ commissioner in the history of the agency, has faced homophobic comments and attacks online.<sup>10</sup>

It is critical for the Senate to see past these smears and confirm Ms. Sohn to the FCC, as the delay in her confirmation has not been without consequence. The failure to confirm Sohn has slowed the agency's ability to adopt policies to close the digital divide, which disproportionately impacts Black and Brown people's internet adoption, enforce our nation's communications law, promote diversity and localism in broadcast ownership and more.<sup>11</sup>

We strongly urge you to reject attempts to smear a public interest champion and vote to confirm Gigi Sohn to the FCC.

Sincerely,

Color Of Change  
Free Press Action  
MediaJustice

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<sup>10</sup> *Biden's internet promises in limbo amid long battle over FCC nominee*, The Washington Post (Dec. 14, 2022), <https://www.washingtonpost.com/technology/2022/10/14/fcc-deadlock-gigi-sohn>.

<sup>11</sup> *Why We Need a Full-Strength FCC*, Benton Institute for Broadband & Society (Dec. 9, 2022), <https://www.benton.org/blog/why-we-need-full-strength-fcc>.