

March 31, 2014

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

RE: GN Docket No. 14-25

Dear Ms. Dortch,

Our organizations share and support the Federal Communications Commission's goal of improving the agency to operate in the most effective, efficient and transparent way possible, as outlined in the February 14, 2014 staff working group led "Report on FCC Process Reform." Process reforms that achieve these important goals and make the Commission more agile and business-like should be adopted and executed quickly. We commend the Commission for its work in identifying and proposing a series of process reforms to better serve the American people.

Many of the Commission's recommendations will win broad – or near unanimous – support. However, the proposal to require organizations petitioning the Commission to provide donor lists and contribution amounts when submitting public comments on agency policymaking matters is extremely concerning to our organizations as it threatens to undermine and restrict First Amendment protections.

Public participation is the cornerstone of representative democracy. Those who seek to petition their government and engage decision makers should be free from unnecessary requirements that seek to divine their innermost motivations for having an opinion. This is why both the First Amendment of the U.S. Constitution and the Administrative Procedure Act prohibit capricious barriers to freedom of expression.

The facts and opinions that participants present should be evaluated on their merit. Any divination of the motivations behind them should not be a factor in considering their worth. The very notion of judging the merit of citizens' comments based on anything other than the argument at hand, is an ad hominem attack, which suggests that the government allows pre-existing biases based on the sender of the message and not the message itself to influence its evaluation of public comments.

In addition, there is no indication in the record of a problem that exists in the current disclosure requirements. Nor is there an indication in the record of why more burdensome disclosure requirements are necessary. Creating more burdensome obstacles to submitting comments not only violates civil liberties by creating barriers to participation, it is also an invasion of privacy. Privacy should be protected not to disguise the origination of a message, but to shield commenters from unwarranted harassment.

Additional disclosure requirements will expose participants to harassment, ad hominem attacks, and other intimidation tactics. This is not speculation, the use of these types of tactics is well

documented. For instance, in the case of lawsuits known as “SLAPP” suits (Strategic Lawsuits Against Public Participation), are filed not to achieve a litigation outcome, but to silence opposition. With these glaring examples of attempts to silence opposition voices, it is clear that violating the privacy of organizations will lead to additional unwarranted attacks on free speech, which is vital to the democratic process.

In sum, we believe the Commission’s quest to seek the motivations of those who comment on its actions is misguided, and that the agency should focus its energy on consensus reforms and building credibility for its own internal processes, as the reform process originally set out to do.

**Organizations:**

American Commitment  
American Conservative Union  
American Legislative Exchange Council - Task Force on Communications and Technology  
Americans for Job Security  
Americans for Tax Reform  
Center for Freedom and Prosperity  
Center for Individual Freedom  
Citizens Against Government Waste  
Citizen Outreach  
Digital Liberty  
Freedom Works  
Frontiers of Freedom  
Hispanic Leadership Fund  
Illinois Policy Action  
Institute for Liberty  
Institute for Policy Innovation  
Less Government  
The Maine Heritage Policy Center  
MediaFreedom.org  
National Taxpayers Union  
Public Interest Institute  
R Street  
Rio Grande Foundation  
Small Business and Entrepreneurship Council  
Taxpayers Protection Alliance  
TheTeaparty.net

**Individuals:**

Kevin McLaughlin  
Bruce Weber