



NATIONAL FRATERNAL ORDER OF POLICE

PATRICK YOES NATIONAL PRESIDENT

JIM PASCO EXECUTIVE DIRECTOR

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2 February 2022

The Honorable Maria E. Cantwell
Committee on Commerce, Science and
Transportation
United States Senate
Washington, D.C. 20510

The Honorable Roger F. Wicker
Committee on Commerce, Science and
Transportation
United States Senate
Washington, D.C. 20510

Dear Madam Chairman and Senator Wicker,

I am writing on behalf of the members of the Fraternal Order of Police to provide additional information about our ongoing objections to the nomination of Gigi B. Sohn to serve as a Commissioner on the Federal Communications Commission (FCC).

During the course of her media appearances and interactions with Members of the Committee, Ms. Sohn has had her objectivity challenged, and numerous potential conflicts of interest have been raised. In response, Ms. Sohn has volunteered to recuse herself—most recently on issues regarding television broadcast copyright and retransmission issues “to avoid any appearance of impropriety and in interest of ensuring that the public has full confidence that policymakers will make decisions free of bias.”

It seems strange that a nominee to the FCC would, in order to find enough votes for confirmation, pledge to not work on issues so fundamental to the FCC, but here we are.

The FOP believes she should also recuse herself—to avoid the appearance of impropriety or bias—on any and all issues before the FCC on end-to-end encryption, “user-only-access” technology, and “going dark.” If promised recusals on some issues are an appropriate way to answer criticism of her nomination, it seems that they would be appropriate on these issues as well. Her long-time advocacy as a board member of the Electronic Frontier Foundation (EFF) and their work to prevent lawful access to digital evidence is obviously problematic and recusal would, at least in part, address the issue.

It is the policy of the United States internationally and the goal of Federal law enforcement to ensure lawful access. Ms. Sohn’s nomination is deeply troubling to the law enforcement community because it seems to be at variance with this goal. A pledge of recusal on these matters would mitigate, but not overcome, our objections to the nomination.

On behalf of the more than 364,000 members of the Fraternal Order of Police, I thank you both for considering our views on this nominee. If I can provide any additional information on this matter, please do not hesitate to contact me or Executive Director Jim Pasco in our Washington, D.C. office.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Yoes", with a large, stylized initial "P" and a long horizontal stroke extending to the right.

Patrick Yoes
National President