November 18, 2026

The Honorable Ted Cruz
Chairman, Committee on Commerce, Science, and Transportation
United States Senate

The Honorable Maria Cantwell
Ranking Member, Committee on Commerce, Science, and Transportation
United States Senate

Re: Nomination of Danielle Thumann Severs

Dear Chairman Cruz and Ranking Member Cantwell:

We are scholars of the First Amendment, communications, and technology law, joined by civil society organizations dedicated to free speech. We write to urge the Committee not to vote on the nomination of Danielle Thumann Severs to the Federal Communications Commission until the renomination of Anna Gomez, the only Democratic Commissioner, whose term has already expired. Continued bipartisan oversight of the Commission is essential, given the FCC's ability to shape speech.

Furthermore, the Committee does not yet have an adequate basis to assess whether Thumann Severs will defend the First Amendment. Before voting on her nomination, the Committee must ask Thumann Severs to explain her understanding of how the public interest obligations and First Amendment rights of broadcasters can coexist.

I. The FCC Has Become a Political Weapon as Never Before

FCC Chair Brendan Carr is engaged in an unprecedented campaign of retaliation against disfavored speech. Last year, he threatened Disney with the loss of ABC's licenses if the company did not fire comedian Jimmy Kimmel, saying "we can do this the easy way or the hard way."[1] Sen. Ted Cruz called this "dangerous as hell" and a "mafioso" threat "right out of *Goodfellas*."[2] Undeterred, Carr has steadily escalated his attacks, notably by requiring ABC to justify renewal of its broadcast licenses years before they expire. Mark Fowler, appointed by President Ronald Reagan to chair the FCC in 1981, filed an affidavit supporting

[1] PalmBeachPost, *FCC vs. Jimmy Kimmel: Brendan Carr condemns Charlie Kirk comments, challenges local Broadcasters* (YouTube, Sept. 19, 2025), http://bit.ly/3VKEXns.

[2] Coral Murphy Marcos & Robert Mackey, *Ted Cruz Compares Threats to ABC by FCC Chair to those of Mob Boss*, THE GUARDIAN (Sept. 19, 2025), https://www.theguardian.com/us-news/2025/sep/19/ted-cruz-jimmy-kimmel-abc-fcc-mafia.

ABC's lawsuit to stop the FCC's attacks, declaring: "Never in its history has the agency ever acted so corruptly and unlawfully to intrude on broadcasters' First Amendment rights."[3]

Carr broke with decades of Republican' stated opposition to meddling in broadcasters' journalism. In 2017, Ajit Pai had only recently been appointed by President Trump to chair the FCC. He refused to act on the President's threats against broadcasters: "the FCC does not have the authority to revoke a license of a broadcast station based on the content of a particular newscast."[4] In 2018, he said: "I can hardly think of an action more chilling of free speech than the federal government investigating a broadcast station because of disagreement with its news coverage or promotion of that coverage."[5]

II. Bipartisanship on the Commission Is Essential

Carr has abandoned longstanding conservative principles regarding free speech. His fellow Republican Commissioner, Olivia Trusty, has avoided any direct criticism of Carr's actions, calling blandly for a "thoughtful, deliberate approach."[6] Thus, it fell to Anna Gomez, the only Democratic Commissioner, to do what minority Commissioners are supposed to do when the party in power abuses that power: She has repeatedly called out this administration's "most egregious assault[s] on the First Amendment," clearly opposing and denouncing tactics like the threats against ABC's licenses. She noted that Carr's "investigations are often announced with much fanfare, pursued selectively against perceived critics, and most are destined never to be brought to any enforcement conclusion that could face judicial review. That is because the threat is the point."[7]

Congress has long understood that communications regulation could be a powerful "political weapon."[8] Accordingly, when Congress created the Federal Radio Commission (the

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[3] Brief for Amici Curiae Former FCC Chairmen, Commissioners, and Senior-Level Staff in Support of Plaintiffs' Motion for Preliminary Relief, ABC v. Fed. Commc'ns Comm'n, No. 1:26-cv-2902 (D.D.C. Sept. 17, 2026), https://techfreedom.org/wp-content/uploads/2026/09/Amicus-Brief-ABC-v-FCC-Sep-2026.pdf.

[4] Margaret Harding McGill, *FCC chairman defends First Amendment after Trump broadcaster threats*, POLITICO (Oct. 17, 2017), https://www.politico.com/story/2017/10/17/trump-nbc-license-fcc-ajit-pai-response-243865.

[5] Letter from Ajit Pai, Chairman, FCC, to Maria Cantwell, U.S. Senator (Apr. 12, 2018), https://docs.fcc.gov/public/attachments/DOC-350372A1.pdf.

[6] Olivia Trusty, Comm'r, FCC, Remarks at the Media Institute's Free Speech America Gala: Free Speech, Public Service, and Innovation: The FCC's Role in America's Communications Future at 3 (Oct. 29, 2025), https://docs.fcc.gov/public/attachments/DOC-415183A1.pdf ("Walking this frozen lake requires careful judgment. At what point are you still on solid ground, enforcing clear statutory requirements? At what point do the cracks appear, signaling that the ice might not hold? Navigating these questions requires a thoughtful, deliberate approach.").

[7] Letter from Anna M. Gomez, Comm'r, FCC, to Josh D'Amaro, CEO, Walt Disney Co. (May 11, 2026), https://docs.fcc.gov/public/attachments/DOC-421580A1.pdf.

[8] Donald G. Godfrey, *The 1927 Radio Act People and Politics*, JOURNALISM HISTORY 4 (Autumn 1977), https://dn721809.ca.archive.org/0/items/micro_IA41153035_0774/micro_IA41153035_0774.pdf ("It was

FCC's predecessor) in 1927, it replaced direct regulation of radio broadcasters by the Secretary of Commerce with a five-member commission and set a "maximum number of commissioners who may be members of the same political party."[9] Bipartisanship on the Commission is now more essential than ever.

A. Republicans Have Long Understood the Value of Bipartisanship on Commissions

The advantage of multi-member independent agencies has long been recognized. As Judge Brett Kavanaugh wrote in 2016, agencies "benefit from diverse perspectives and different points of view among the commissioners and board members . . . . The multiple voices and perspectives make it more likely that the costs and downsides of proposed decisions will be more fully ventilated."[10] Scholars have long recognized that "the presence of dissenters provides new information and forces the proponent to articulate a coherent rationale, thus acting as a constraining force." In doing so, dissents "provide additional information, challenge invalid assumptions, and reduce the propensity for 'groupthink.'" In 2023, after Commissioner Christine Wilson resigned from the Federal Trade Commission (FTC), her fellow Republican and former chair of the Federal Energy Regulatory Commission, urged her to reconsider, noting the value of minority Commissioners: "the prospect of a dissent curbed any desire I might have had to push beyond my legal authority," because "an effective dissent provides a road map to the court on how an agency abused its authority…."[11]

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agreed that while [Secretary Herbert Hoover] had done a remarkable job, he still was a political appointee of the President — a president who had recently asked for the resignations of several members of the Shipping Board because they would not conform to his wishes. Then, too, Secretary Hoover was himself a possible Presidential candidate. It was feared that if Hoover ran for President he would have as supporters every radio station which desired renewal of its license. The Senate legislators were not willing to give anyone this political weapon.").

[9] 47 U.S.C. § 154(b)(5). This provision was included in both the Radio Act of 1927 and the Communications Act of 1934. *See also Reports Rill to End Hoover Radio Power*, NEW YORK TIMES 21:1 (May 7, 1926), https://nyti.ms/4cIqCRt (this provision reflected concerns over "alleged political discrimination in broadcasting" against two candidates in the presidency in 1924).

[10] PHH Corp. v. Consumer Fin. Prot. Bureau, 839 F.3d 1, 26 (D.C. Cir. 2016), 26

[11] Joe Kelliher, *To Resign or Continue Dissenting at the FTC?*, WALL ST. J. (Feb. 20, 2023), https://www.wsj.com/articles/ftc-wilson-resign-khan-power-dissent-7ac3491e. See also Recent Legislation, *Dodd-Frank Act*, 124 Harv. L. Rev. 2123, 2128 (2011), https://harvardlawreview.org/wp-content/uploads/pdfs/vol12408_recentlegislation.pdf (citing Lewis A. Kornhauser & Lawrence G. Sager, Unpacking the Court, 96 Yale L.J. 82, 101 (1986) ("the presence of appointees from different administrations reduces the variance of policy and improves accuracy through aggregation."); Matthew C. Stephenson, *The Strategic Substitution Effect: Textual Plausibility, Procedural Formality, and Judicial Review of Agency Statutory Interpretations*, 120 Harv. L. Rev. 528, 536 (2006) (noting the "complex internal decisionmaking dynamics" in administrative agencies and multimember courts); Cass R. Sunstein et al., *Ideological Voting on Federal Courts of Appeals: A Preliminary Investigation*, 90 Va. L. Rev. 301, 336 (observing a "dampening of differences" when ideological opponents sit on the same panel).

Wilson's resignation from the FTC left the agency with no minority Commissioners at all for the first extended period in its history. Three Congressional Republicans, concerned by the potential for ideologically driven agency action, proposed legislation to require that there be at least one minority commissioner before the FTC could make any major decision[12]—because they understood how critical minority commissioners are. Confirming Thumann Severs now might please the President, but it would be foolish in the long term. If Republicans send Thumann Severs' nomination to the Senate floor without first insisting that the President nominate a Democratic Commissioner, giving them a hearing, and voting on their reconfirmation along with Thumann Severs' nomination, they will have no basis for objecting in the future if a Democratic President fires Republican Commissioners or refuses to fill their seats, while running the FCC—and other agencies—without Republican commissioners.

Since 1994, the President has followed a simple convention, deferring to the Senate opposition leader on the choice of their nominee. Preserving that convention is the best way to preserve the model of bipartisanship that has guarded against abuse of the FCC. Here, that means Senate Democratic leadership should suggest which Democrat the President should nominate; presumably, it would pick Gomez.

That the Supreme Court has upheld the constitutional right of the President to fire commissioners[13] is irrelevant to this Committee's decision about how to proceed with its constitutional authority to provide "advice and consent" regarding nominations[14]—just as it is irrelevant to each Commissioner's oath to uphold the Constitution, including the First Amendment.[15]

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[12] Henry Rodgers, *House Republicans Introduce Legislation To Reform Federal Trade Commission*, DAILY CALLER (May 25, 2023), https://dailycaller.com/2023/05/25/house-gop-scott-fitzgerald-legislation-reform-ftc/. This proposal became moot. Two months later, President Biden nominated two more Republicans, but they were not confirmed by the Democratic Senate until March 2024.

[13] Trump v. Slaughter, 146 S. Ct. 2283 (2026).

[14] U.S. Constitution Art. II, Sec. 2, Cl. 2.

[15] As Thumann Severs acknowledged, the Supreme Court's *Slaughter* decision does not negate the "independent responsibilities and independent statutory duties" of each Commissioner "to make our decisions based on the facts of the regardless of what the president [wants]." *CommerceRepublicans,* Nominations Hearing, YOUTUBE 02:03:40 (Nov. 10, 2026), https://www.youtube.com/live/MFST1sJpkoA?t=6452s. When the FCC repealed the Fairness Doctrine, Chair Dennis Patrick explained that this conclusion was compelled by his oath of office: "[T]he record in this proceeding leads one inescapably to conclude that the fairness doctrine chills free speech, is not narrowly tailored to achieve any substantial government interest, and therefore contravenes the First Amendment and the public interest. As a consequence, we can no longer impose fairness doctrine obligations on broadcasters and simultaneously honor our oath of office. By this action, we honor that oath, and, we believe, we promote the public interest." *Fairness Held Unfair,* Broadcasting 27 (Aug. 10, 1987), https://www.americanradiohistory.com/Archive-BC/BC-1987/BC-1987-08-10.pdf.

That President Trump may fire Commissioner Gomez as soon as there are three Republicans on the Commission—thus satisfying the statutory quorum requirement—is no excuse for the Committee failing to insist that the President nominate a Democrat whose nomination can be advanced in tandem with that of Thumann Severs. Indeed, that possibility makes it *more* important that the Committee not proceed on Thumann Severs' nomination alone: Insisting on a bipartisan pairing is the only way Republicans can begin to regain the moral right to insist on being represented on the Commission in the future. s

III. The Committee Must Expect Any FCC Nominee to Explain the Limits on the Commission's Authority Related to Speech

Sen. Cruz asked an essential question:

> **Cruz**: If you are confirmed, will you commit to basing licensing decisions on the law and the record, and to not using the FCC's authority to pressure or punish a broadcaster for protected speech?
>
> **Thumann Severs**: Yes.

While this was the right answer, Thumann Severs' other answers did nothing to explain what she thinks the bounds of the Commission's authority are:

> **Markey**: Does the FCC have authority to punish a broadcaster because the President disagrees with its news coverage?
>
> **Thumann Severs**: Broadcasters are subject to public interest obligations as part of the public trustee model in exchange for the licenses that they hold. As part of those public interest obligations, they are subject to many different rules and requirements and the FCC is charged with enforcing and investigating the public interest standard against broadcasters.[16]

Some answers were alarming:

> **Duckworth**: Do you think the FCC should revoke broadcasters' licenses because the President does not like their coverage?
>
> **Thumann Severs**: I don't think that a decision should be made purely based on someone's discontent with the content that's being aired.[17]

The word "purely" implies that disagreement with content may form *part* of the reason for FCC action against licensees—contrary to clear Supreme Court precedent. An oral examination cannot do justice to this complex topic. The questions put to Thumann Severs were too general—for example:

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[16] Nominations Hearing, *supra* note 15, at 01:47:52.

[17] *Id.* at 01:57:30.

> **Duckworth**: Should a broadcaster's editorial decision about what to carry or what not to carry be a factor in whether or not it keeps its license?
>
> **Thumann Severs**: As part of the FCC's investigation and evaluation of whether or not a broadcaster is satisfying its public interest standard, it can consider many different factors *including content* as part of that public interest evaluation.[18]

Of course, the FCC *can* consider content in narrow ways—specifically, content that is obscene or indecent,[19] or violates the FCC's news distortion policy[20] or broadcast hoax rule.[21] Your Committee should ask her to explain, in writing, her understanding of each rule or policy. This is especially critical because Chair Carr has flagrantly and repeatedly misrepresented what the news distortion policy and broadcast hoax rules require, suggesting that they could be triggered by news reporting the President does not like, including whether U.S. military aircraft were damaged by Iranians[22] and regarding polls that the President considers "fake."[23]

Carr's misrepresentation of the broadcast hoax rule is especially egregious, given that the rule applies only to the knowing "broadcast [of] false information concerning a crime or a catastrophe" that foreseeably causes "substantial public harm." Nineteen former FCC Chairs, Commissioners, and senior leaders of both parties denounced Carr's "threat against broadcasters over their reporting on political polls" as "yet another truly outrageous attempt to censor and control the information available to Americans as they prepare to vote," and explained that the "FCC has zero authority to dictate editorial decisions." Carr responded not with legal argument but with a "🥱" (yawn) emoji. If the Committee does not demand a written clarification from Thumann Severs now regarding the rule, it may never receive one once she is confirmed. More generally, the Committee needs to know how any FCC nominee understands how the First Amendment limits the Commission's authority before voting on their nomination.

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[18] *Id.* at 01:56:35.

[19] 47 U.S.C. § 503; 18 U.S.C. § 1464; 47 C.F.R. § 73.3999.

[20] Galloway v. Fed. Commc'ns Comm'n, 778 F.2d 16, 20, 150 (D.C. Cir. 1985).

[21] 47 C.F.R. § 73.1217.

[22] *See* Coalition Letter from TechFreedom and Scholars to Chairman Carr (Mar. 20, 2026), https://techfreedom.org/wp-content/uploads/2026/03/Response-to-FCC-Chair-Brendan-Carr-March-2026.pdf.

[23] *See* Coalition Letter from TechFreedom and Scholars to Chairman Carr (Nov. 2, 2026), https://techfreedom.org/wp-content/uploads/2026/10/Letter-to-Carr-re-Polls-10.30.pdf.

A. How the Supreme Court Has Applied the First Amendment

In *Red Lion v. FCC* (1969), the Supreme Court upheld the FCC's Fairness Doctrine, recognizing the "right of the viewers" as "paramount" over the First Amendment rights of broadcasters.[24] Yet the Court has also said that broadcasters retain "editorial initiative and judgment" protected by the Constitution,[25] and that the FCC must accord broadcasters "the widest journalistic freedom consistent with their public [duties]."[26] As the D.C. Circuit recently observed, the Commission must therefore "walk a tightrope" between these sometimes competing interests "to avoid violating the Constitution."[27]

Two general principles are critical. First, it is not the role of the government to act as the arbiter of truth and falsity—particularly in the context of political speech. The First Amendment's protection is "at its zenith" for such core political speech,[28] and has its "fullest and most urgent application to speech uttered during a campaign for political office."[29] Accordingly, even false speech on matters of public importance is protected, as the Supreme Court has recognized: "some false statements are inevitable if there is to be an open and vigorous expression of views in public and private conversation, expression the First Amendment seeks to guarantee."[30]

Second, the Supreme Court has "many times held, in many contexts, that it is no job for government to decide what counts as the right balance of private expression—to 'un-bias' what it thinks biased, rather than to leave such judgments to speakers and their audiences."[31]

Merely acknowledging that broadcasters have First Amendment rights, as Thumann Severs did, is inadequate. Only when Thumann Severs has clearly affirmed that those rights prohibit the FCC from meddling in the content of speech (other than the historically narrow areas discussed above) should her nomination be voted on by your committee.

The FCC's recent actions illustrate the danger in Thumann Severs' equivocation. Chair Carr initially justified forcing ABC to apply years early to renew its broadcast licenses as necessary to its investigation of the network's employment practices,[32] even as the Bureau

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[24] Red Lion Broadcasting Co. v. Fed. Commc'ns Comm'n, 395 U.S. 367, 390 (1969).

[25] Fed. Commc'ns Comm'n v. League of Women Voters, 468 U.S. 364, 378, 398 (1984).

[26] CBS v. Democratic Nat'l Committee, 412 U.S. 94, 110 (1973).

[27] National Association of Broadcasters v. FCC, 147 F.4th 978, 998 (D.C. Cir. 2025).

[28] Meyer v. Grant, 486 U.S. 414, 425 (1988).

[29] Eu v. S.F. Cnty. Democratic Cent. Comm., 489 U.S. 214, 223 (1989) (quoting Monitor Patriot Co. v. Roy, 401 U.S. 265, 272 (1971)) (internal quotation marks omitted).

[30] United States v. Alvarez, 567 U.S. 709, 719 (2012) (plurality opinion).

[31] Moody v. NetChoice, LLC, 603 U.S. 707, 719 (2024).

[32] Jeremy Barr, *FCC chair denies ABC license review is related to Kimmel controversy*, THE GUARDIAN (April 30, 2026), https://www.theguardian.com/media/2026/apr/30/brendan-carr-fcc-jimmy-kimmel.

made clear that it would "determine whether the ABC Stations have been operating in the public interest" more generally.[33] Less than two months later, Carr conceded that the early renewal proceeding could include ABC's decision not to air President Trump's July 16 primetime address live—a decision that, Trump declared during that speech, should cause ABC to lose its licenses.[34]

The Committee cannot simply accept Thumann Severs' vague comments about squaring the public interest standard with the First Amendment; it must understand what she thinks that standard means. Even Chair Carr himself acknowledged—in 2024, before becoming FCC Chair—that the standard was so amorphous that the Commission "should start a rulemaking to take a look at what [the standard] means."[35] Certainly, it cannot mean that broadcasters should lose their licenses for airing lawful content the President dislikes, or choosing not to air content he likes.

B. The Supreme Court Has Long Recognized Jawboning as a First Amendment Violation

Whatever authority the FCC might have to enforce the public interest standard under *Red Lion*, wielding that standard as a pretext to punish coverage the President disapproves of is plainly unconstitutional. In *NRA v. Vullo* (2024), the Supreme Court summarized decades of cases when it said that the First Amendment bars government officials from "relying on the 'threat of invoking legal sanctions and other means of coercion . . . to achieve the suppression' of disfavored speech"[36] even when the government has valid grounds for investigating or bringing an action against a speaker, if such pressure aims "to punish or suppress . . . protected expression"—or is "reasonably understood . . . to threaten adverse action."[37] "A direct commitment not to interfere with the editorial judgment of broadcasters should not be controversial; it should be a baseline requirement for any FCC nominee.

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[33] Fed. Commc'ns Comm'n, Public Notice, DA 26-541, FCC's Media Bureau Establishes Pleading Cycle and Ex Parte Procedures for the Early Renewal Applications of the Walt Disney Company's ABC Licenses at 2, MB Docket No. 26-131 (May 29, 2026).

[34] Scott Nover, *Trump says ABC, NBC licenses should be revoked over refusal to air speech on election integrity*, WASH. POST (July 16, 2026), https://www.washingtonpost.com/business/2026/07/16/trump-says-abc-nbc-licenses-should-be-revoked-over-refusal-air-speech-election-integrity/.

[35] *FCC Commissioner & President-Elect Trump's Pick for FCC Chairman Brendan Carr Speaks with CNBC's "Squawk on the Street" Today*, CNBC (Dec. 6, 2024), https://www.cnbc.com/2024/12/06/cnbc-transcript-exclusive-fcc-commissioner-president-elect-trumps-pick-for-fcc-chairman-brendan-carr-speaks-with-cnbcs-squawk-on-the-street-today.html.

[36] National Rifle Association of America v. Vullo, 602 U.S. 175, 189 (2024).

[37] *Id*. at 196 (2024) ("although [[the superintendent of the New York Department of Financial Servicesf] can pursue violations of state insurance law, she cannot do so in order to punish or suppress the NRA's protected expression. So, the contention that the NRA and the insurers violated New York law does not excuse Vullo from allegedly employing coercive threats to stifle gun-promotion advocacy."). *See infra* at 4.

Thumann Severs was repeatedly invited to simply and explicitly commit to opposing attempts to punish or threaten broadcasters for making editorial decisions that displease government officials—but she declined to do so:

> **Luján:** Will you commit today to oppose any use of the licensing process to punish disfavored speech?
>
> **Thumann Severs**: I commit to make sure that any decision that is put in front of me regarding license renewals is based in the law and the record that forms as part of the review of those licenses.[38]
>
> […]
>
> **Markey**: Will you commit to publicly opposing threats like these, even when they come from Chairman Carr?
>
> **Thumann Severs**: I commit to making all of my decisions based on the record and the facts and the law. And in the event that there was an enforcement investigation in front of me, I would base my decision in the record that forms as a result of that investigation.

The only acceptable answer to these questions was "yes." No evidentiary record could possibly justify a process used to punish disfavored speech that is protected by the First Amendment. As Sen. Markey put it, "this should be a straightforward constitutional limitation because the FCC cannot punish a broadcaster simply because the president doesn't like its coverage."

Thumann Severs was also asked directly about the "*Goodfellas*"-style threats Carr made last year against Disney and ABC over controversial on-air commentary from Jimmy Kimmel:[39]

> **Markey**: Do you believe it was appropriate for Chairman Carr to use his regulatory authority to pressure broadcasters to take a comedian off of the air?

Rather than directly stating that the threat was inappropriate, or even that she would not have made such a threat, Thumann Severs provided a non-responsive answer:

> **Thumann Severs**: … those were his words. They were not my words. Uh, and I have not advised him or worked with the chairman on these particular issues. I can say that if I were to be confirmed as commissioner, I would make all of my decisions in the facts and the law and the record.[40]

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[38] Nominations Hearing, *supra* note 15, at 02:02:51.

[39] *See supra* note 2.

[40] Nominations Hearing, *supra* note 15, at 01:49:04.

> **Markey**: I'm not asking whether you agree with Jimmy Kimmel or not. I'm asking whether the FCC chairman should use the power of his office to pressure broadcasters over protected speech.
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> **Thumann Severs**: Again, I can't speak to the intent behind his words. Those were his words. They were not my words.[41]

Carr's intent was not the question. Thumann Severs was provided an opportunity to state clearly that government officials should not use their power to threaten or coerce speakers into modifying their expression. That the First Amendment bars them from doing so is settled law dating back to the Supreme Court's 1963 decision in *Bantam Books v. Sullivan*: "[P]ublic officers' thinly veiled threats to [take action] against them if they do not come around . . . plainly serve as instruments of regulation independent of the [applicable] laws . . . ."[42] Indeed, the bipartisan JAWBONE Act, introduced by Sens. Cruz and Ron Wyden (D-OR), would make clear that a regulator's subjective intent is not dispositive; that courts must apply an *objective* test in defining coercion.[43]

IV. Conclusion

Republicans' desire to confirm a third Republican to the Commission while they still control the Senate is understandable. But that is no excuse for rushing through a nominee who has not demonstrated either her willingness to defend the First Amendment or her understanding of *why* Chair Carr's ongoing attacks exceed the FCC's authority and violate the First Amendment. The Committee still has time to understand both before voting on her nomination.

The Constitution empowers the Senate to give its "advice and consent" to Presidential nominations. This Committee has every right to insist that it will not act on Thumann Severs' nomination until the President nominates a Democrat suggested by Senate Democratic leadership to the Commission—which, presumably, means renominating Gomez. The Committee should promptly hold a hearing on that nomination, and ask the nominee the same questions outlined above. That nomination and Thumann Severs' nomination should be voted on by the Committee only as a pair. All of this can happen this year.

Sincerely,

Civil Society Organizations

TechFreedom

Freedom of the Press Foundation

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[41] Nominations Hearing, *supra* note 15, at 01:49:36.

[42] *Bantam Books* at 68–69.

[43] JAWBONE Act, S. 4749 (Sept. 16, 2026), https://www.congress.gov/bill/119th-congress/senate-bill/4749.

Institute for Local Self-Reliance

Media and Democracy Project

PEN America

Public Knowledge

The Copia Institute

United Church of Christ Media Justice Ministry

Former FCC Officials *(Affiliation for Identification Only)*

Mark Fowler
FCC Chairman
1981–1986

Diane Hinson
FCC General Counsel
1986–1989

William Lake
FCC Media Bureau Chief
2009–2017

Blair Levin
Chief of Staff to the FCC Chairman
1993–1997

Alfred C. Sikes
FCC Chairman
1989–1993

Gloria Tristani
FCC Commissioner
1997–2001

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