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Maya Wiley

May 22, 2025

The Honorable John Thune

Majority Leader

U.S. Senate

Washington, DC 20515

The Honorable Chuck Schumer

Minority Leader

U.S. Senate

Washington, DC 20515

Dear Majority Leader Thune and Minority Leader Schumer,

On behalf of The Leadership Conference on Civil and Human Rights and the undersigned civil rights groups, we write to oppose the confirmation of Olivia Trusty as commissioner of the Federal Communications Commission (FCC) until you have written assurance from the administration that the current FCC will remain fully staffed, with five commissioners (including the current Democratic Commissioner Gomez and a replacement for outgoing Commissioner Starks) for the duration of the administration. Specifically, Ms. Trusty must be paired with a nominee recommended to the administration, by the Minority Leader, following the regular process.

The FCC was established as an independent agency with the critical mission to ensure universal connectivity, promote diverse voices in our media ecosystem, and protect consumers. The FCC's ability to efficiently and effectively fulfill these vital functions depends upon maintaining its full slate of five commissioners, with no more than three from the same party, as Congress directed.

On March 18, President Trump abruptly fired Commissioners Alvaro Bedoya and Rebecca Slaughter from the Federal Trade Commission (FTC). The FTC was established by Congress as an independent agency with bipartisan representation to ensure fair enforcement of consumer protection and antitrust laws free from political interference. Firing commissioners based on their political affiliation directly contradicts established federal law and Supreme Court precedent, and it removes all countervailing voices from the agency. We are concerned that FCC Commissioner Gomez will face similar threats upon Ms. Trusty's confirmation as the third Republican FCC commissioner because the FCC will have a quorum with three Republican members. We are particularly concerned because Acting Solicitor General Harris, in arguing *Federal Communications Commission v. Consumers' Research*, told the

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Supreme Court that the FCC is not an independent agency because the FCC statute lacks for-cause removal protections.

During Ms. Trusty's confirmation hearing, Senator Luján asked her how she would maintain her independence if confirmed, emphasizing that the president could just fire her because he does not like a position she takes. Ms. Trusty's answer to this question was inadequate to address our concerns. Instead of affirming her independence and addressing how the administration has already undermined the independence of other regulatory bodies, she merely said she would "focus on the rules."

President Trump, as well as Attorney General Bondi and other administration officials, have undermined the traditional independence of regulatory bodies, setting a perilous precedent that puts at risk their mission to safeguard the American public. These actions are not merely a breach of democratic norms — they raise serious concerns about the separation of powers that has protected our democracy for generations. Independent agencies should not be extensions of presidential will; their leaders should exercise independent judgement based on their statutory mandates. Senate confirmation is meaningless if confirmed officials can be summarily dismissed without cause immediately after confirmation, which would raise serious questions about the effectiveness and purpose of the confirmation process itself.

Any attempt to illegally remove Commissioner Gomez, especially with the recent announcement of Commissioner Starks' intentions to step down later this spring, would damage the agency's independence and statutory mission at a time when regulatory oversight of our communications infrastructure is more essential than ever. The Senate has a duty to ensure that Commissioner Starks is replaced and Commissioner Gomez remains at the FCC.

Thank you for your consideration of our views. Should you require further information or have any questions regarding this issue, please feel free to contact Jonathan Walter, senior policy counsel, at walter@civilrights.org, Cheryl Leanza, Media/Telecommunications Task Force co-chair, at cleanza@alhmail.com, or Claudia Ruiz, Media/Telecommunications Task Force co-chair, at cruiz@unidosus.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
UnidosUS
United Church of Christ Media Justice Ministry
Asian Americans Advancing Justice | AAJC
Communications Workers of America
Center for Democracy & Technology
Electronic Privacy Information Center (epic.org)
Lawyers' Committee for Civil Rights Under Law
National Hispanic Media Coalition
National Urban League
Public Knowledge