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President Barack Obama  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear President Obama:

I write to request that you withdraw and rescind the citizen reporting program set forth in an August 4, 2009, blog post by Macon Phillips, the White House Director of New Media.

In his post on the White House Blog, Mr. Phillips stated that “[s]cary chain emails and videos are starting to percolate on the internet, breathlessly claiming, for example, to ‘uncover’ the truth about the President’s health insurance reform positions.” He noted that “[t]here is a lot of disinformation about health insurance reform out there” and that the “rumors often travel just below the surface via chain emails or through casual conversation.” He concluded the post by explaining that “[s]ince we can’t keep track of all of them here at the White House, we’re asking for your help. If you get an email or see something on the web about health insurance reform that seems fishy, send it to [flag@whitehouse.gov](mailto:flag@whitehouse.gov).”

This citizen reporting program raises significant First Amendment concerns. For what purpose is this information being gathered? To whom will the information be disseminated? Is the intent of the program to stifle free and open debate on the serious policy issues raised by health care reform? Will you flag media outlets that publish articles critical of your health care plan? The IP address of the reporting email itself raises questions – for what purpose are these individuals being “flagged?”

On January 21, 2009, you issued a memorandum to the heads of executive departments and agencies on “Transparency and Open Government.” In the memorandum, you stated that your Administration “is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration.” You declared that “[g]overnment should be participatory” and that:

Public engagement enhances the Government’s effectiveness and improves the quality of its decisions. Knowledge is widely dispersed in society, and

public officials benefit from having access to that dispersed knowledge. Executive departments and agencies should offer Americans increased opportunities to participate in policymaking and to provide their Government with the benefits of their collective expertise and information. Executive departments and agencies should also solicit public input on how we can increase and improve opportunities for public participation in Government.

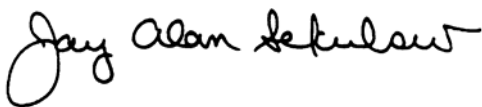
Creating a program that requests individuals to report on their neighbors, co-workers, family members, and friends who express personal opinions in opposition to your policy choices is not the way to encourage openness and transparency. It is tantamount to policing ideas. Such a program will only stifle free and open debate among the citizens of this great country.

Our country was founded on a belief in the necessity of free and open discourse on the important policy and political issues of our day. In *Terminiello v. Chicago*, 337 U.S. 1, 4 (1949), Justice Douglas wrote,

The vitality of civil and political institutions in our society depends on free discussion. . . . [I]t is only through free debate and free exchange of ideas that government remains responsive to the will of the people and peaceful change is effected. The right to speak freely and to promote diversity of ideas and programs is therefore one of the chief distinctions that sets us apart from totalitarian regimes. Accordingly a function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea. That is why freedom of speech, though not absolute, *Chaplinsky v. New Hampshire*, *supra*, pp. 571-572, is nevertheless protected against censorship or punishment, unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest.

Your program is counter to these core principles, and since it was announced on the White House Blog it has induced confusion and uncertainty among the American people as to its purpose and underlying goals. Such confusion could lead some into wondering if this is a return to COINTELPRO (the FBI's Counter Intelligence Program directed against Martin Luther King, Jr.), something we are sure you do not intend. We respectfully request that the program be withdrawn.

Sincerely,



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