

## In Brief

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September 2019

*Privacy in Focus®*

### Lee Goodman Pens Op/Ed on Political Privacy

Lee E. Goodman, partner in Wiley Rein's Election Law & Government Ethics Practice, has penned a widely read editorial in The Hill titled "Honest Political Ads: Watch Out Drudge, You're Next."

<https://thehill.com/opinion/cybersecurity/459896-honest-political-ads-watch-out-drudge-youre-next>

Mr. Goodman addresses the adverse implications of the Honest Ads Act, a bill pending in Congress, for the political privacy and free speech rights of American citizens. He argues that American citizens would be chilled from discussing public policy issues under the bill's provision mandating that media and tech platforms collect and publish the names and addresses of advertisers who spend as little as \$500 on ads discussing public policy. "When Congress returns to business next week, it will take up ... the Honest Ads Act, a bill severely restricting the First Amendment rights of American citizens and media companies but barely impacting foreign meddlers," Goodman writes.

Mr. Goodman concludes that the Honest Ads Act would be ineffective at preventing foreign meddling in U.S. elections, which is its stated objective. He posits that Congress could more effectively confront foreign propaganda by amending the Foreign Agents Registration Act, a statute that regulates, but does not prohibit, the dissemination of foreign-sponsored information in the United States with appropriate disclaimers identifying the foreign sponsor.

## Authors

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## Practice Areas

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Election Law & First Amendment Litigation  
Election Law & Government Ethics  
National Security  
Privacy, Cyber & Data Governance  
Telecom, Media & Technology  
The Telephone Consumer Protection Act (TCPA)

*Privacy in Focus* previously covered the federal district court's decision in *The Washington Post v. McManus*, a ruling that enjoined Maryland's analog to the Honest Ads Act, because the law would force media companies to publish information about their advertisers that the media do not desire to publish [Federal Court Enjoins Maryland Internet Disclosure Law, But...]. Maryland has appealed that decision to the U.S. Court of Appeals for the Fourth Circuit [The Washington Post Resists Disclosure Burdens in the Fourth Circuit].

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### **Megan Brown Co-Authors National Security Institute's New Law and Policy Paper on 'Privacy Regulation and Unintended Consequences for Security'**

Megan L. Brown, partner in Wiley Rein's National Security, Privacy, Cyber & Data Governance, and Telecom, Media & Technology practices, co-authored a new law and policy paper published August 14, 2019 by the National Security Institute (NSI) at George Mason University's Antonin Scalia Law School. The paper is co-authored with NSI Visiting Fellow James B. Burchfield.

The paper addresses:

- The federal urgency to act in response to public concern and the rapid global and domestic expansion of comprehensive privacy regulation.
- Implications privacy regulation can have for data protection and beneficial security activities.
- The argument that artificial intelligence (AI), biometrics, and certain data categories are all critical to security innovations and activities and must be protected in privacy regulation.
- Actionable recommendations to ensure privacy regulation appropriately balances individual rights with security.

The paper is available [here](#). The NSI press release can be found [here](#).

Ms. Brown is an NSI Senior Fellow and Associate Director for Cybersecurity Programs.

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### **Kevin Rupy Discusses Ways to Combat Illegal Robocalls on C-SPAN's 'Washington Journal'**

Kevin G. Rupy, partner in Wiley Rein's Telecom, Media & Technology (TMT) Practice, was interviewed by John McArdle of C-SPAN's "Washington Journal" for a program discussing industry and government efforts to address illegal robocalls, which aired Saturday, August 31.

Mr. Rupy, former Vice President of Law and Policy at the United States Telecom Association, began the discussion by noting the distinction between legal robocalls, such as those from pharmacies regarding prescriptions or notifications about school closings, versus illegal robocalls involving scams and fraudulent activity. He addressed a variety of topics regarding the complexity of the issue, and discussed the importance of bipartisan support, combined with involvement from the Federal Communications Commission and private industry.

"You're starting to see much greater collaboration between industry and government at both the federal and state level, and that collaboration is crucial to addressing this issue," said Mr. Rupy.

The video can be viewed [here](#).

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