

Dear SEC,

I write with profound alarm regarding the proposed amendments' extensive threats to privacy, due process, free association, free expression, financial autonomy, and other cherished rights. While protecting client assets is imperative, this must not come at the expense of the core constitutional freedoms and rights that define America. Less intrusive alternatives exist to balance regulatory aims with First, Fourth, Fifth, Ninth, and Fourteenth Amendment protections.

Broad, indiscriminate digital asset tracking violates reasonable expectations of informational privacy under *Whalen v. Roe*, *NASA v. Nelson*, *Katz v. United States*, *Carpenter v. United States*, *Kyllo v. United States*, and *Bond v. United States*. Mass warrantless surveillance absent individualized suspicion offends the Fourth Amendment's prohibitions on unreasonable search and seizure. Americans maintain legitimate privacy interests, especially regarding sensitive financial transaction data revealing intimate details of their personal lives, under *Griswold v. Connecticut* and *Roe v. Wade*.

The proposed rules' vagueness enables arbitrary, capricious, and discriminatory enforcement in violation of due process under *Sessions v. Dimaya*, *Smith v. Goguen*, *Papachristou v. City of Jacksonville*, *Connally v. General Construction Co*, *FCC v. Fox Television Stations*, *Grayned v. City of Rockford*, and *Gentile v. State Bar of Nevada*. Without precise definitions and boundaries on covered activities, individual advisors cannot reasonably understand their legal duties and obligations. Ambiguous standards allow dangerous viewpoint discrimination against disfavored groups under *Citizens United v. FEC*, *Bankshot Billiards v. City of Ocala*, and *Reno v. ACLU*. Lack of clear fair notice is anathema to due process and the rule of law.

Compelled disclosure of unnecessary transaction details also contravenes core First Amendment protections against mandated speech absent a compelling interest under *Wooley v. Maynard*, *Riley v. National Federation of Blind*, *Janus v. AFSCME*, *Universal City Studios v. Corley*, and *Miami Herald Publishing Co. v. Tornillo*. Requiring overbroad reporting on gross proceeds rather than merely capital gains compels speech not legitimately essential to prevent misappropriation. Narrow tailoring is imperative to avoid chilling protected expression through unconstitutional overreach.

In addition, sweeping digital asset tracking risks chilling both expressive association and economic association under *Roberts v. United States Jaycees*, *Boy Scouts v. Dale*, *NAACP v. Button*, *NAACP v. Alabama*, and *Citizens Against Rent Control v. City of Berkeley*. Overly intrusive surveillance would deter participation in certain blockchain networks and communities, undermining the vital freedom of association safeguarding Americans against undue governmental interference.

Cryptocurrencies also warrant vigorous defense as protected speech under *Junger v. Daley*, *Bernstein v. DOJ*, *Universal City Studios v. Corley*, and *Reno v. ACLU*. Computer code constitutes expressive content shielded from regulations that are unconstitutionally vague or overbroad in their reach. Code facilitates the

publishing and sharing of ideas between consenting parties.

Furthermore, restrictions on cryptocurrency contravene international law on self-determination under the UN Charter and ICCPR by limiting free choice of financial tools. And digital asset regulation should come from legislature under *Cyan v. Beaver County Employees Retirement Fund* and *Utility Air Regulatory Group v. EPA*, not excess agency rulemaking.

In sum, I strongly urge the SEC to carefully tailor any amendments to uphold both client protection and fundamental American liberties. The United States established a balancing test in *Jeppesen Sanderson* requiring consideration of necessity and narrowness. Please feel free to contact me for additional legal analysis on achieving the vital balance between regulatory aims and core rights to privacy, due process, association, expression, financial autonomy, and democratic self-governance. We must guard consumers while still preserving the freedoms that make this nation worth protecting.

I welcome continued discussion on these profound issues at the intersection of regulation and constitutional law. Thank you for your time and consideration.

Sincerely,
Emilio James