

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

MB Docket No. 26-131

Early Renewal Applications
The Walt Disney Company,
American Broadcasting Company

KFSN-TV, Facility ID No. 8620
KABC-TV, Facility ID No. 282
KGO-TV, Facility ID No. 34470
WLS-TV, Facility ID No. 73226
WABC-TV, Facility ID No. 1328
WTVD, Facility ID No. 8617
WPVI-TV, Facility ID No. 8616
KTRK-TV, Facility ID No. 35675

COMMENT OF REPRESENTATIVE JAMIE RASKIN

August 3, 2026

SUMMARY

Congress created the Federal Communications Commission (FCC or Commission) to serve the public interest—not to serve as a partisan political weapon. Its extraordinary decision to require early renewal of eight Disney-owned ABC broadcast licenses breaks from decades of practice and causes severe constitutional problems by at least appearing to use the Commission’s licensing authority to censor protected speech. Both the Communications Act and the First Amendment prohibit the FCC from using its regulatory authority to reward favored viewpoints or punish disfavored ones. The timing and rationale of this FCC action strongly suggest it is being used to pressure broadcasters over editorial content rather than address actual legitimate regulatory violations. The Commission should rescind the Early Renewal Order and reaffirm its longstanding commitment to administering broadcast license renewals according to established legal standards. In addition to demonstrating the FCC’s continuing fidelity to the First Amendment, rescinding this order would preserve settled reliance interests and begin to restore public confidence that the FCC remains an independent regulator committed to impartial and consistent enforcement of the Communications Act.

TABLE OF CONTENTS

I. Introduction.....	3
II. Constitutional and Legal Limits on FCC Authority	4
III. Early Renewal Order as Retaliation Against Protected Speech.....	8
IV. Historical Experience and Expert Criticism Reveal Constitutional Dangers.....	12
V. Politicizing FCC Licensing Undermines the Rule of Law	15
VI. Conclusion	17

I. Introduction

Congress created the Federal Communications Commission (FCC or Commission) to serve the public interest—not to serve as a political instrument for those in power. The FCC’s authority to license broadcast stations is a public trust, constrained by the Constitution, the Communications Act of 1934 and other statutes, and the fundamental principle that government must not use regulatory authority to reward favored viewpoints or punish disfavored ones. Yet the Commission’s extraordinary decision to compel early renewal of eight Disney-owned ABC television stations¹ not only breaks with more than a half-century of precedent² but demonstrates that the FCC is abandoning those principles and wielding its licensing authority as coercive leverage against protected speech. For more than a year, I have raised concerns about the Administration’s efforts to intimidate and harass the press and to turn the regulatory instruments of government against broadcasters whose coverage the President dislikes. This retaliation by means of forcing early license renewal escalates these lawless and vindictive actions. The FCC should withdraw its early renewal order and recommit to administering broadcast license renewals in accordance with the requirements of the Communications Act and the First Amendment.

¹ *FCC’s Media Bureau Establishes Pleading Cycle and Ex Parte Procedures for the Early Renewal Applications of the Walt Disney Company’s ABC Licenses*, Public Notice, DA 26-541, MB Docket No. 26-131 (Media Bur. May 29, 2026), <https://docs.fcc.gov/public/attachments/DA-26-541A1.pdf>.

² David Shepardson, *ABC Files Early Station License Renewals, Calls Effort Illegitimate*, REUTERS (May 28, 2026), <https://www.reuters.com/business/disney-files-early-abc-station-license-renewal-applications-2026-05-28>. One day before the Disney-ABC early renewal order, the FCC’s Media Bureau issued an early renewal order to Bridge News, LLC for the possible unauthorized transfer of control of station licenses. *FCC’s Media Bureau Establishes Pleading Cycle and Ex Parte Procedures for the Early Renewal Applications of Bridge News, LLC’s Licensees*, Public Notice, DA 26-540, MB Docket No. 26-130 (Media Bur. May 29, 2026), <https://docs.fcc.gov/public/attachments/DA-26-540A1.pdf>.

II. Constitutional and Legal Limits on FCC Authority

When a president targets the press by threatening outlets' licenses, he is not promoting accountability. He is attacking a free and independent press, which is essential to a healthy democracy. As such, the First Amendment implications of this proceeding cannot be overstated. Broadcast licensees remain subject to federal regulation, but do not surrender constitutional protections when they obtain a license from the FCC. In the agency's enabling legislation, Congress specifically provided that "[n]othing in this chapter shall be understood or construed to give the Commission the power of censorship..., and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech."³ That point is emphatically reinforced by the FCC manual: "The First Amendment, as well as Section 326 of the Communications Act, prohibits the Commission from censoring broadcast material and from interfering with freedom of expression in broadcasting...[and] the public interest is best served by permitting free expression of views."⁴ The Administration's targeting of these licenses reaffirms my longstanding concerns that we are facing "a profound First Amendment crisis in the systematic actions taken by the Administration" encompassing efforts to intimidate and control the press, chill and censor speech, and silence dissent.⁵

The Supreme Court has long recognized that "[w]hat the First Amendment precludes the government from commanding directly, it also precludes the government from accomplishing

³ 47 U.S.C. § 326 – Censorship.

⁴ *The Public and Broadcasting*, FED. COMM'NS COMM'N (Sept. 2021), <https://www.fcc.gov/media/radio/public-and-broadcasting>. See also, *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 650 (1994) (The Commission "may not impose upon [broadcasters] its private notions of what the public ought to hear.").

⁵ Press Release, *Ranking Member Raskin's Opening Statement at Hearing on the First Amendment and Censorship*, H. COMM. ON THE JUDICIARY DEMOCRATS (Feb. 12, 2025), <https://democrats-judiciary.house.gov/media-center/press-releases/ranking-member-raskin-s-opening-statement-at-hearing-on-the-first-amendment-and-censorship>.

indirectly.”⁶ Regulatory authority cannot become a means for censorship or coercion.⁷ When government officials employ discretionary licensing processes in ways that create the reality or even the appearance of viewpoint discrimination, they risk chilling speech not only in the immediate target of the proceeding but also in other broadcasters who observe the consequences of rendering independent editorial judgment.

Democratic FCC Commissioner Anna M. Gomez sees clearly, as I do, that this early renewal process not only violates the statutes Congress has passed and entrusted the Commission with enforcing, but also contravenes the Constitution. In her letter to Disney about this early renewal, Commissioner Gomez describes the Commission’s decision to direct Disney’s ABC-owned local stations to seek early renewal as “the most egregious assault on the First Amendment this FCC has taken to date.”⁸ She further observes that the FCC’s effort to assert control over a company’s internal business decisions exceeds the limited authority granted to it and warns that courts have repeatedly held that regulatory actions such as this are unconstitutional.⁹

Commissioner Gomez’s assessment is not simply a disagreement over regulatory policy. She is warning that the Commission is exceeding the constitutional and statutory limits on its own authority and transforming the FCC’s licensing power into an instrument for controlling and

⁶ *Rutan v. Republican Party of Ill.*, 497 U.S. 62, 77–78 (1990).

⁷ See *Nat’l Rifle Ass’n of Am. v. Vullo*, 602 U.S. 175, 188 (2024) (explaining that government officials are entitled to express their beliefs to persuade, but they may not use the power of the State to punish or suppress disfavored speech); *Hartman v. Moore*, 547 U.S. 350, 356 (2006) (“Official reprisal for protected speech ‘offends the Constitution [because] it threatens to inhibit exercise of a protected right...’”(citation omitted).

⁸ Letter from The Hon. Anna M. Gomez, Comm’r, Fed. Commc’ns Comm’n, to Josh D’Amaro, Chief Exec. Officer, Walt Disney Co. (May 11, 2026), <https://docs.fcc.gov/public/attachments/DOC-421580A1.pdf>.

⁹ *Id.*

squashing protected speech. In doing so, Commissioner Gomez is fulfilling one of the most important functions of a minority commissioner—subjecting agency action to rigorous scrutiny essential to an independent regulatory commission.

Concerns that Chair Brendan Carr’s FCC may be exceeding its legitimate bounds are neither new nor partisan in nature.¹⁰ Senator Ted Cruz, Republican Chairman of the Senate Commerce Committee, which oversees the FCC, has compared Chair Carr’s tactics to those of a “mafia boss.”¹¹ Specifically, Senator Cruz compared Chair Carr’s public pressure campaign against broadcasters to the proverbial mobster’s warning that a local shop owner had “a nice business” and “it’d be a shame if something happened to it.”¹² Senator Cruz recognized that it is “unbelievably dangerous” for government to threaten voices of citizens it disfavors.¹³ He correctly observed that “letting the government threaten to censor voices it doesn’t like could hurt the political right if Democrats return to power.”¹⁴ Such a cycle of retaliatory censorship would plunge American politics into an endless race to the bottom that must be rejected. Past heads of the Commission from both parties have raised similar concerns. Former

¹⁰ Notably, in this very proceeding, a bipartisan group of former FCC Chairs and Commissioners filed an opposition to the petitions to deny the stations’ renewal applications. The filing—signed by three Republican Chairs, one Democratic Chair, one Republican Commissioner, and one Democratic Commissioner—includes a section titled: “This Proceeding Is the Latest Development in the Chairman’s Campaign to Censor Disfavored Speech and Advance the President’s Personal Interests.” Opposition of Former Chairs, Commissioners, Chiefs of Staff, General Counsels, and Bureau Chiefs to Petitions to Deny of Center for American Rights & Media Resource Center, In re. Early Renewal Applications of The Walt Disney Co.’s Am. Broadcasting Co, MB Docket No. 26-131 (filed July 28, 2026), <https://protectdemocracy.org/wp-content/uploads/2026/07/Protect-Democracy-ABC-Early-Renewal-Comment-FINAL.pdf>.

¹¹ Scott Detrow, *FCC Orders Early License Renewal for Eight ABC Stations*, NPR (Apr. 29, 2026), <https://www.npr.org/transcripts/nx-s1-5804459>.

¹² *Id.*

¹³ Alec Dent, *Republican Ted Cruz Says FCC Chair’s Threats about Kimmel Are ‘Dangerous,’* WASH. POST (Sept. 19, 2025), <https://www.washingtonpost.com/politics/2025/09/19/ted-cruz-carr-fcc-jimmy-kimmel/>.

¹⁴ *Id.*

Democratic Chair Tom Wheeler and former Republican Chair Al Sikes argued that “it is especially egregious that the FCC and its chairs are being used to undermine the First Amendment by claiming to protect the ‘public interest.’”¹⁵ They accused Chair Carr of “weaponiz[ing] his interpretation of the public interest.”¹⁶

The Commission’s demand for early renewal marks a profound departure from decades of settled administrative practice governing broadcast license renewals.¹⁷ The Commission has attempted to justify this dramatic deviation by pointing to its investigation into The Walt Disney Company’s ABC stations’ diversity, equity, and inclusion (DEI) policies. That rationale appears to fly in the face of D.C. Circuit precedent holding that “the FCC is not the Equal Employment Opportunity Commission...and a license renewal proceeding is not a Title VII suit.”¹⁸ Moreover, as Commissioner Gomez notes, “[t]he FCC’s broadcaster equal employment opportunity (EEO) rule is limited to requiring broadcasters to conduct broad, inclusive recruitment outreach.”¹⁹

If the Commission truly believed that Disney had violated the Act, other more

¹⁵ Tom Wheeler & Al Sikes, *Former FCC Chairs: In the Name of the First Amendment, Trump’s FCC Attacks Its Principles*, NEWSWEEK (Apr. 28, 2025), <https://www.newsweek.com/former-fcc-chairs-name-first-amendment-trumps-fcc-attacks-its-principles-opinion-2064286>.

¹⁶ *Id.*

¹⁷ See *FCC v. Nat’l Citizens Comm.*, 436 U.S. 775, 805 (1978) (“Both the Commission and the courts have recognized that a licensee who has given meritorious service has a ‘legitimate renewal expectanc[y]’ that is ‘implicit in the structure of the [Communications] Act,’ and should not be destroyed absent good cause.”).

¹⁸ *Lutheran Church-Missouri Synod v. FCC*, 141 F.3d 344, 354 (D.C. Cir. 1998) (citing *Bilingual Bicultural Coalition on Mass Media, Inc. v. FCC*, 595 F.2d 621, 628 (D.C. Cir. 1978)).

¹⁹ Letter from The Hon. Anna M. Gomez, Comm’r, Fed. Commc’ns Comm’n, to Josh D’Amaro, Chief Exec. Officer, Walt Disney Co. (May 11, 2026), <https://docs.fcc.gov/public/attachments/DOC-421580A1.pdf> (citing 47 C.F.R. § 73.2080). In 2025, then-FCC Commissioner Geoffrey Starks argued that Chair Carr’s opening of an investigation into a firm’s equal employment practices was “out of our lane, and out of our reach.” He then quoted how, previously, then-Commissioner Carr “blasted the prior administration for acting in a way that ‘gives the FCC nearly limitless power to veto private sector decisions.’” Press Release, *Statement of Commissioner Geoffrey Starks*, FED. COMM’NS COMM’N (Feb. 12, 2025), <https://docs.fcc.gov/public/attachments/DOC-409527A1.pdf>.

appropriate tools were at the Commission’s disposal to address it that are far less extreme. The Commission could have pursued less draconian alternatives like admonishments, consent decrees paired with compliance plans, and monetary forfeitures.²⁰ None of these situations required putting eight major market licenses into question at once. The FCC has not pursued these more reasonable and proportionate responses because Disney’s DEI policies are plainly not the issue. This order is conceived and aimed as a thinly veiled threat to broadcasters: if you air content the President disapproves of, the FCC will silence you and cancel your licenses.

III. Early Renewal Order as Retaliation Against Protected Speech

As news coverage has made clear, the sequence of events associated with the FCC’s action provides “strong evidence” that the early review “relates to the president’s call to fire [Jimmy] Kimmel, not an ABC employment action.”²¹ The comedian, Mr. Kimmel, joked about President Trump and the First Lady on ABC on April 23, 2026. Both then called for his firing.²² The next day, Chair Carr announced an early FCC license renewal review of Disney’s ABC stations and linked it to an ongoing DEI investigation of Disney.²³ But this link appears pretextual. As experts have put it more bluntly, “Brendan Carr, the FCC chair, insists that the

²⁰ *Enforcement Primer*, FED. COMM’NS COMM’N, <https://www.fcc.gov/general/enforcement-primer>.

²¹ Mary Cunningham, *Could the FCC Yank ABC’s TV Licenses Amid Trump Spat with Kimmel?*, CBS NEWS (May 1, 2026), <https://www.cbsnews.com/news/fcc-disney-abc-broadcast-licenses-kimmel-trump/>.

²² Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (Apr. 27, 2026), <https://truthsocial.com/@realDonaldTrump/posts/116477838570626860>; First Lady Melania Trump (@FLOTUS), X (Apr. 27, 2026), <https://x.com/FLOTUS/status/2048769128513585618>.

²³ In re. The Walt Disney Co., Order, DA No. 26-416 (F.C.C. Media Bur. Apr. 28, 2026), <https://www.fcc.gov/document/walt-disney-company-abc-and-tv-subsidaries>; Mandalit del Barco, *FCC Orders Early License Renewal for ABC Stations Following Kimmel’s First Lady Joke*, NPR (Apr. 28, 2026), <https://www.wbur.org/npr/nx-sl-5802997/fcc-abc-license-renewal-melania-trump-jimmy-kimmel>.

early review is because of DEI concerns. But given the timing, that doesn't pass the giggle test."²⁴ The result is that it is "open season on ABC" as critics are not confined to addressing ABC's hiring practices.²⁵

For nearly a decade, President Trump has repeatedly suggested—or expressly demanded—that broadcasters lose their FCC licenses following editorial decisions or on-air statements that offend him. Beginning with his 2017 call to "challenge" NBC's license over unfavorable reporting²⁶ and continuing through repeated demands directed at ABC after the September 2024 presidential debate,²⁷ CBS over its editing of a *60 Minutes* interview,²⁸ and subsequent calls targeting other media,²⁹ the consistent thread has been the President's intolerance for on-air criticism or insufficient sycophancy rather than alleged Communications Act violations. Even noncoverage, as in the recent decision by two networks to not carry the President's address on election integrity, has led him to call for rescinding FCC licenses.³⁰ Chair

²⁴ Stephen L. Carter, *Free Speech Means Kimmel Has the Right to Ridicule You*, BLOOMBERG (Apr. 30, 2026), <https://www.bloomberg.com/opinion/articles/2026-04-30/the-fcc-s-abc-move-after-kimmel-s-trump-joke-isn-t-subtle>.

²⁵ Jeremy Barr, 'Open Season' on ABC as FCC Moves Up Public Comment Process for Renewals, GUARDIAN (June 13, 2026), <https://www.theguardian.com/media/2026/jun/13/abc-fcc-license-trump-kimmel> (quoting Gigi Sohn).

²⁶ Louis Nelson & Margaret Harding McGill, *Trump Suggests Challenging NBC's Broadcast License*, POLITICO (Oct. 11, 2017), <https://www.politico.com/story/2017/10/11/trump-nbc-broadcast-license-243667>.

²⁷ Dan Mangan, *Trump Says Harris Debate Was 'Rigged,' ABC Should Lose License, But 'We Did Great'*, CNBC (Sept. 11, 2024), <https://www.cnbc.com/2024/09/11/trump-harris-debate-rigged-abc-should-lose-license.html>.

²⁸ Patrick Svitek & Amy Wang, *Trump Calls for CBS to Lose Broadcasting Rights over Harris Interview*, WASH. POST (Oct. 10, 2024), <https://www.washingtonpost.com/elections/2024/10/10/trump-harris-cbs-license-60-minutes/>.

²⁹ Jeremy Barr, *Trump Once Again Steps Up Attacks on TV Networks as He Threatens to Revoke Licenses*, GUARDIAN (Nov. 26, 2025), <https://www.theguardian.com/us-news/2025/nov/26/trump-revoke-tv-licenses-threats-media-attacks>.

³⁰ Michael Grynbaum, *In Prime Time, Trump Criticizes Networks for Not Carrying His Speech*, N.Y. TIMES (July 16, 2026), <https://www.nytimes.com/2026/07/16/us/politics/trump-speech-television-networks.html>.

Carr, once again, has answered the President’s call, stating that he is “sure” that ABC’s failure to carry the President’s speech will arise in the early review of the ABC-owned broadcast licenses.³¹ As the whole country now recognizes, President Trump is telling media players to fall in line with his preferred message, or face lawsuits, investigations, and retaliation.³²

Historically, FCC Chairs appointed by both political parties have rejected such demands as fundamentally incompatible with the First Amendment and the Communications Act. In 2017, then-Chair Ajit Pai, appointed by President Trump, rejected President Trump’s call to revoke licenses of NBC-owned broadcast stations for broadcasting “fake news.”³³ He stated, “I believe in the First Amendment. The FCC under my leadership will stand for the First Amendment. Under the law, the FCC does not have the authority to revoke a license of a broadcast station based on the content of a particular newscast.”³⁴ Likewise, after President Trump’s repeated calls in 2024 to revoke the licenses of ABC and CBS affiliates over news coverage and debate moderation, President Joe Biden-appointed Chair Jessica Rosenworcel reaffirmed that “the First Amendment is a cornerstone of our democracy. The FCC does not and will not revoke licenses for broadcast stations simply because a political candidate disagrees with or dislikes content or coverage,” adding that “these threats against free speech are serious and should not be

³¹ Ted Johnson, *After Trump Threat, FCC Chairman Says ABC’s Decision Not to Carry POTUS Speech Likely to Be Raised in Early Review of Broadcast Licenses*, DEADLINE (July 22, 2026), <https://deadline.com/2026/07/fcc-trump-speech-abc-broadcast-licenses-1237000457/>.

³² Letter from The Hon. Jamie Raskin, Ranking Member, H. Comm. on the Judiciary, to Kenneth R. Weinstein, Ombudsman, CBS News (Dec. 3, 2025), <https://democrats-judiciary.house.gov/sites/evo-subsites/democrats-judiciary.house.gov/files/evo-media-document/2025-12-03.raskin-to-weinstein-cbs-re-editorial-decisions.pdf>.

³³ Brian Fung, *FCC Chair on Trump’s NBC Tweet: ‘The FCC Will Stand for the First Amendment,’* WASH. POST (Oct. 17, 2017), <https://www.washingtonpost.com/news/the-switch/wp/2017/10/17/trumps-fcc-chair-has-finally-addressed-the-nbc-license-issue/>.

³⁴ *Id.*

ignored.”³⁵

Up until recently, it would appear that Chair Carr would have agreed with those commissioners. This is, after all, the same person who has stated:

- “The FCC does not have a roving mandate to police speech in the name of the ‘public interest.’”³⁶
- “A newsroom’s decision about what stories to cover and how to frame them should be beyond the reach of any government official.”³⁷
- “[P]olitical satire is one of the oldest and most important forms of free speech. It challenges those in power while using humor to draw more people into the discussion. That’s why people in influential positions have always targeted it for censorship.”³⁸
- “[F]ree speech is the counterweight—it is the check on government control. That is why censorship is the authoritarian’s dream.”³⁹

But in President Trump’s second term, Chair Carr has reversed course, abandoning those principles to do the President’s bidding. Every investigation or public attack he has directed at

³⁵ Press Release, *Chairwoman Rosenworcel Statement on Calls to Revoke a Broadcaster’s License*, FED. COMMC’NS COMM’N (Sept. 12, 2024), <https://docs.fcc.gov/public/attachments/DOC-405440A1.pdf>; Press Release, *Chairwoman Rosenworcel on Repeated Calls to Revoke Broadcast Licenses*, FED. COMMC’NS COMM’N (Oct. 10, 2024), <https://docs.fcc.gov/public/attachments/DOC-406463A1.pdf>.

³⁶ David Gilmour, *Mika Brzezinski Torches FCC Chair with His Own Words Defending ‘Satire’ and Press Freedom*, MEDIAITE (Sept. 18, 2025), <https://www.mediaite.com/media/tv/mika-brzezinski-torches-fcc-chair-with-his-own-words-defending-satire-and-press-freedom/>.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

broadcast licensees has targeted speech or coverage that drew President Trump’s ire.⁴⁰ Sadly, it was no surprise when Chair Carr explicitly disavowed the FCC’s formal designation as an independent agency during a Congressional hearing. When Senators noted during an oversight hearing with Chair Carr that the Commission’s own website still called it “independent,” the Commission resolved the inconsistency before the hearing ended: it deleted the word.⁴¹

IV. Historical Experience and Expert Criticism Reveal Constitutional Dangers

These efforts to bully news organizations whose coverage the Administration disfavors by threatening to revoke the broadcast licenses of local stations they own recall one of the most troubling episodes of the Richard Nixon presidency. President Nixon’s allies sought to challenge the broadcast licenses of television stations owned by *The Washington Post* while the newspaper pursued its Watergate investigation—a strategy strikingly similar to modern efforts to wield the FCC against perceived political adversaries.⁴² These parallels extend beyond regulatory tactics: both the Nixon and the Trump Administrations have repeatedly portrayed the press as “the enemy,” rhetoric that is fundamentally at odds with the constitutional role of a free and independent press in a democratic society.⁴³

⁴⁰ Seth Stern & Clayton Weimers, *Brendan Carr Admits His FCC is Trump’s Journalism Police*, GUARDIAN (Dec. 18, 2025), <https://www.theguardian.com/commentisfree/2025/dec/18/brendan-carr-fcc-trump-journalism-police>.

⁴¹ Tom Jones, *Why a Single Word Disappearing from the FCC’s Website Matters for Press Freedom*, POYNTER REPORT (Dec. 18, 2025), <https://www.poynter.org/commentary/2025/fcc-chair-brendan-carr-independent>.

⁴² Aaron Blake, *Trump’s Threat to NBC’s License Is the Very Definition of Nixonian*, WASH. POST (Oct. 11, 2017), <https://www.washingtonpost.com/news/the-fix/wp/2017/10/11/trumps-threat-to-nbc-license-is-exactly-what-nixon-did/> (Nixon allies challenged licenses of TV stations “whose owners ran afoul of Nixon”).

⁴³ Michael Grynbaum, *Trump Calls the News Media the ‘Enemy of the American People’*, N.Y. TIMES (Feb. 17, 2017), <https://www.nytimes.com/2017/02/17/business/trump-calls-the-news-media-the-enemy-of-the-people.html>; Michael Grynbaum, *With Threats and Claims of ‘Treason,’*

Outside experts have expressed profound free speech concerns. Robert Corn-Revere, a First Amendment attorney and former senior FCC official, argued that “[o]rdering early license renewal because the president doesn’t like the jokes on a late-night talk show would be a retaliatory act and an obvious violation of the First Amendment.”⁴⁴ Communications law expert Andrew Schwartzman argued that FCC Chair Brendan Carr “knows full well that he lacks any legitimate legal basis for taking action against these broadcasters.”⁴⁵ Instead, Mr. Schwartzman contended, “He’s trying to harass and bludgeon them. This is all an exercise to intimidate broadcasters.”⁴⁶ Likewise, the Freedom of the Press Foundation has argued that “The First Amendment and the FCC’s mandate do not permit the agency to use broadcast licenses as weapons to punish broadcasters for constitutionally protected content they air.”⁴⁷

Jameel Jaffer, Executive Director of the Knight First Amendment Institute at Columbia University, likewise emphasized that the FCC has no legal authority to revoke or threaten broadcast licenses based on a broadcaster’s political viewpoints or editorial decisions.⁴⁸ He warned that the implications extend well beyond any individual media company: “[T]his isn’t

Trump Pressures Media on the War, N.Y. TIMES (Mar. 16, 2026),

<https://www.nytimes.com/2026/03/16/business/media/trump-iran-media-coverage.html>.

⁴⁴ Joe Flint & Isabella Simonetti, *Jimmy Kimmel Mocks Trump Again After FCC Opens Review of ABC TV Licenses*, WALL ST. J. (Apr. 29, 2026), <https://www.wsj.com/business/media/fccs-brendan-carr-planning-early-review-of-disneys-abc-tv-licenses-83f46f2d>.

⁴⁵ Mandalit del Barco, *FCC Orders Early License Renewal for ABC Stations Following Kimmel’s First Lady Joke*, NPR (Apr. 28, 2026), <https://www.npr.org/2026/04/28/nx-s1-5802997/fcc-abc-license-renewal-melania-trump-jimmy-kimmel>.

⁴⁶ *Id.*

⁴⁷ Press Release, *FCC Plan to Challenge Disney Broadcast Licenses Amounts to ‘Illegal Jawboning’*, FREEDOM OF THE PRESS FOUND. (Apr. 28, 2026), <https://freedom.press/issues/fcc-plan-to-challenge-disney-broadcast-licenses-amounts-to-illegal-jawboning/>.

⁴⁸ Press Release, *Knight Institute Warns that FCC Review of Disney Broadcast Licenses Raises First Amendment Concerns After Trump Calls for Kimmel’s Firing*, KNIGHT FIRST AMENDMENT INST. (Apr. 28, 2026), <https://knightcolumbia.org/content/knight-institute-warns-that-fcc-review-of-disney-broadcast-licenses-raises-first-amendment-concerns-after-trump-calls-for-kimmels-firing>.

just about the rights of Disney and ABC. President Trump is trying to consolidate control over what Americans see and hear on the radio, television, and social media. If he gets his way, we'll have only government-aligned media organizations that broadcast only government-approved news and commentary. It would be difficult to imagine an outcome more corrosive to democracy or more offensive to the First Amendment."⁴⁹

Taken together, these experts, as well as Commissioner Gomez, advance a consistent constitutional critique: the FCC's actions are not grounded in its statutory authority to regulate the public airwaves but instead represent an attempt to leverage the licensing process to pressure broadcasters over their editorial choices. This is a concern I have raised throughout the past year. This Administration has "sought to exercise unparalleled control over the independent news media in the United States and abroad," and "companies are colluding with the Trump Administration to curtail media independence, promote political and ideological censorship, and stifle dissent."⁵⁰ The question I have raised repeatedly—whether federal agencies are being used "to distort the market and undermine the First Amendment by helping the President's faithful servants censor the news for his political benefit"—is precisely the question this early-renewal proceeding raises.⁵¹ Using regulatory power to retaliate against or intimidate news organizations because of the content they broadcast violates the First Amendment's prohibition on government interference with protected speech and threatens the independence of the American press.

⁴⁹ *Id.*

⁵⁰ Letter from The Hon. Jamie Raskin, Ranking Member, H. Comm. on the Judiciary, to David Ellison, Chief Exec. Officer, Paramount Skydance Corp. (July 14, 2026), <https://democrats-judiciary.house.gov/sites/evo-subsites/democrats-judiciary.house.gov/files/evo-media-document/2026-07-14-raskin-to-ellison-paramount-re-good-pretty.pdf>.

⁵¹ *Id.*

V. Politicizing FCC Licensing Undermines the Rule of Law

This abuse of regulatory power in service of President Trump’s political and personal interests is part of a larger pattern pervading his Administration. The FCC’s handling of the Skydance-Paramount merger is another example.⁵² As I stated in an earlier congressional hearing, Paramount gave tickets worth about \$12,000 to the soon-to-be Chair of the FCC, Commissioner Brendan Carr, and took his advice on how to effectively lobby the FCC for approval.⁵³ The merger approval appears to have been used as leverage to obtain concessions unrelated to any legitimate communications or competition concerns—including the settlement of President Trump’s private lawsuit against CBS, millions of dollars in free ads, and reported changes to CBS News’ editorial oversight and direction. A media company is, of course, free to change its leadership or editorial strategy. But when those changes are made to secure regulatory approval and involve measures which ensure that news coverage favors a certain politician, the

⁵² *Id.*; Letter from The Hon. Jamie Raskin, Ranking Member, H. Comm. on the Judiciary, and The Hon. Frank Pallone, Ranking Member, H. Comm. on Energy & Commerce, to David Ellison, Chief Exec. Officer, Paramount Skydance Corp. (May 12, 2026), <https://democrats-judiciary.house.gov/sites/evo-subsites/democrats-judiciary.house.gov/files/evo-media-document/2026-05-12-raskin-pallone-to-ellison-paramount-skydance-re-warner-bros.pdf>; Letter from The Hon. Jamie Raskin, Ranking Member, H. Comm. on the Judiciary, and The Hon. Frank Pallone, Ranking Member, H. Comm. on Energy & Commerce, to David Ellison, Chief Exec. Officer, Paramount Skydance Corp. (Nov. 12, 2025), <https://democrats-judiciary.house.gov/sites/evo-subsites/democrats-judiciary.house.gov/files/evo-media-document/2025.11.12.skydance-paramount.response-letter.pdf>; Letter from The Hon. Jamie Raskin, Ranking Member, H. Comm. on the Judiciary, and The Hon. Frank Pallone, Ranking Member, H. Comm. on Energy & Commerce, to David Ellison, Chief Exec. Officer, Paramount Skydance Corp. (Aug. 20, 2025), <https://democrats-judiciary.house.gov/sites/evo-subsites/democrats-judiciary.house.gov/files/evo-media-document/2025.08.20.pallone-raskin-to-ellison-paramount-skydance-re-merger.pdf>.

⁵³ Press Release, *Ranking Member Raskin’s Opening Statement at Subcommittee Hearing on Trump’s Politicization of Merger Review*, H. COMM. ON THE JUDICIARY DEMOCRATS (Jan. 7, 2026), <https://democrats-judiciary.house.gov/media-center/press-releases/ranking-member-raskin-s-opening-statement-at-subcommittee-hearing-on-trump-s-politicization-of-merger-review>.

FCC ceases to act as an independent regulator serving the public interest and instead becomes an instrument for advancing partisan political objectives.

Earlier this year, Supreme Court Justice Neil Gorsuch reminded us of a critical principle underlying the First Amendment’s protection from government actions that chill speech: “The value of a sword of Damocles is that it hangs—not that it drops.”⁵⁴ The power to suppress expression does not depend solely on an actual penalty being imposed. The threat of government action itself can alter behavior and silence speech. Commissioner Gomez aptly invoked this principle in the context of the FCC’s efforts to threaten a broadcaster’s license, recognizing that the mere prospect of regulatory reprisal can exert a powerful chilling effect on editorial independence and protected expression.⁵⁵

Chair Carr’s own conception of presidential control over the FCC is troubling. If he has abandoned independence in favor of merely implementing the President’s priorities, it is unclear how he can make principled decisions about whether news coverage satisfies the nebulous “public interest” standard.⁵⁶

Broadcast license renewal is an existential issue for any business that depends on its license to operate. Regulatory decisions with such high stakes must be independent of political pressure, transparent, impartial, predictable, and proportionate.⁵⁷ Chair Carr’s decision to

⁵⁴ *First Choice Women’s Res. Centers, Inc. v. Davenport*, 146 S. Ct. 1114, 1127 (2026) (quoting *Arnett v. Kennedy*, 416 U.S. 134, 231 (1974) (Marshall, J., dissenting)).

⁵⁵ Letter from The Hon. Anna M. Gomez, Comm’r, Fed. Commc’ns Comm’n, to Josh D’Amaro, Chief Exec. Officer, Walt Disney Co. (May 11, 2026), <https://docs.fcc.gov/public/attachments/DOC-421580A1.pdf>.

⁵⁶ Seth Stern & Clayton Weimers, *Brendan Carr Admits His FCC is Trump’s Journalism Police*, GUARDIAN (Dec. 18, 2025), <https://www.theguardian.com/commentisfree/2025/dec/18/brendan-carr-fcc-trump-journalism-police>.

⁵⁷ Ashley C. Brown, et al., *Handbook for Evaluating Infrastructure Regulatory Systems*, WORLD BANK (2006), 59–63, <http://hdl.handle.net/10986/7030>.

accelerate the license renewal process ravages these longstanding principles. None of this is to say that broadcasters are above the law. The FCC has ample authority to investigate real violations and take appropriate and proportionate action. But it must use that authority impartially, consistently, and based on evidence—never as a tool for political pressure. Extraordinary measures should be reserved for truly extraordinary violations.

When the FCC turns the licensing process into a political weapon, it devalues every broadcast license. The rule of law is what gives a license its value. Broadcasters must be able to rely on objective legal standards—not the political whims of whoever happens to hold the reins of power. The core responsibility of the president is to “take Care that the Laws be faithfully executed.”⁵⁸ If the government can threaten a license because it dislikes a broadcaster’s reporting, neither the license, the law nor the broadcaster is secure. A government license becomes a political favor for Presidents of either party to grant or withdraw as they please for reasons they choose. When regulation becomes retaliation, it does not just threaten free speech—it undermines the value of the licenses themselves.

VI. Conclusion

The FCC’s early license review of Disney’s local broadcast stations is an unconstitutional attack on protected speech and an abuse of the FCC’s regulatory authority. Actions such as these erode the rule of law, set a dangerous precedent, and undermine the legitimacy of the FCC. The Commission should therefore rescind the Early Renewal Order and reaffirm its longstanding commitment to administering broadcast license renewals according to established legal standards. Failing to do would not only violate the First Amendment, but would upend settled

⁵⁸ U.S. Const. art. II, § 3.

reliance interests and create a precedent that the FCC exists to do the President's bidding rather than act as an independent regulator committed to impartial and consistent enforcement of the Communications Act.

The FCC's responsibility is to regulate communications in the public interest. This order would create a precedent that federal licensing authority may be deployed as a means of political coercion or viewpoint-based harassment. The Commission must reverse course and return to administering the law with fairness, political neutrality, and fidelity to the principles that sustain both democratic government and a free press.