The Honorable Brendan Carr
Chairman
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Dear Chairman Carr,

As representatives of civil society organizations, trade associations, and unions committed to free speech and press freedoms, we express our deep concern regarding the recent actions taken by the Federal Communications Commission. We commend your commitment to restoring trust in news, and we share that goal. However, as advocates for free speech guaranteed by the First Amendment, we are alarmed by politically motivated pressure exerted on digital platforms, broadcasters, and journalists who exercise protected speech that the current administration disfavors.

We are particularly worried about recent developments that threaten to erode long-established safeguards for editorial independence and free expression, including discrediting online fact-checking, encouraging baseless news distortion investigations, threatening journalists for important reporting in the name of "public interest," punishing media for their commitment to diversity, and undermining press freedoms.

Discrediting Information Reliability Efforts

Your November 13, 2024, letter to social media companies inquiring about their collaborations with third-party media monitors like NewsGuard appears coercive, seeking to influence how private entities treat specific speech and unjustifiably scrutinizing lawful speech.[1] It falls well within a platform's own editorial discretion to evaluate media trustworthiness.[2] Furthermore, your letter confuses First Amendment rights with the speech decisions made by private companies. As you are undoubtedly aware, the First Amendment safeguards freedom of speech from *government coercion*.[3] Pressuring social media platforms to end their partnerships with information reliability services such as NewsGuard by threatening Section 230 liability protection is, in fact, *more censorial* than the practices you criticize of NewsGuard.

The "News Distortion" Investigations

Your use of the FCC's regulatory authority to investigate broadcasting companies without substantial evidence of wrongdoing is deeply concerning and contrary to established precedent. The FCC's reinstated news distortion investigation into ABC, CBS, and NBC affiliates, while

[1] Letter to Sundar Pichai, Satya Nadelle, Mark Zuckerberg, and Tim Cook from Commissioner Brendan Carr, November 13, 2024: https://docs.reclaimthenet.org/car-letter-big-tech.pdf
[2] Moody v. NetChoice, LLC, 603 U.S. 707
[3] U.S. Const. amend. I.

failing to pursue similar complaints against other networks, suggests selective enforcement that could undermine a free press as well as the agency's credibility.[4]

FCC precedent requires extrinsic evidence of deliberate and knowing distortion beyond the broadcast itself, such as a bribe or evidence of an order from management to fabricate news.[5] After significant pressure, the FCC succeeded in compelling CBS to disclose both the transcript and raw footage of Kamala Harris's October 5, 2024 interview on "60 Minutes." This demand is particularly troubling given that the president is embroiled in an egregious lawsuit against CBS — and suggests a clear intention to suppress media the president disfavors. What's more, the transcript and raw footage prove that CBS had not doctored Harris's interview, and instead engaged in the standard practice of editing long interviews to fit within much shorter time allotments – in this case, editing over 50 minutes of footage down to 20 minutes.[6]

Your criticism of Vice President Harris's appearance on "Saturday Night Live" and subsequent threats against NBC last November were also concerning.[7] Your assertion that NBC made a "clear and blatant effort to evade the equal time rule" fundamentally misconstrues the regulation's requirements, as the Equal Opportunities rule does not obligate broadcasters to proactively offer equal time to candidates or ensure their appearance on the same program – it only applies when a legally qualified candidate requests and is denied equal access.[8] NBC's provision of free commercial time to the Trump campaign the following day was a gesture of goodwill and fair-mindedness, not a regulatory necessity.

Your predecessor, Jessica Rosenworcel, appropriately dismissed the complaints regarding news distortion against ABC, CBS, and NBC. Likewise, she also rightly chose to dismiss the 2023 complaint against Fox News that intended to hold the network accountable for knowingly airing false narratives about the 2020 election, reinforcing the FCC's role as an independent regulator rather than a political agent.[9] The FCC should not cede its operations to the political requests of the president or other lawmakers, or it risks jeopardizing the agency's legacy and legitimacy as an impartial and independent regulator.

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[4] Liam Scott, *FCC Launches Media Investigations, Reinstates Complaints*, Voice of America (VOA News) (Feb. 6, 2025), https://www.voanews.com/a/us-communications-agency-reinstates-complaints-starts-investigating-media/7964421.html.

[5] Federal Communications Commission Consumer and Governmental Affairs Bureau, *Broadcast News Distortion*, Federal Communications Commission (Jul. 18, 2024), www.fcc.gov/broadcast-news-distortion.

[6] Sara Swann, *Trump claim '60 minutes' replaced Harris' interview is wrong*, Politifact (Feb. 6, 2025), https://www.politifact.com/factchecks/2025/feb/07/donald-trump/trump-claimed-60-minutes-replaced-harris-interview/

[7] Brendan Carr (@BrendanCarrFCC), X (Nov 4, 2024, 11:30), https://x.com/BrendanCarrFCC/status/1853474903732703533

[8] Equal Opportunities, 47 C.F.R. §73.1941(c). "A request for equal opportunities must be submitted to the licensee within 1 week of the day on which the first prior use giving rise to the right of equal opportunities occurred."

[9] Jon Brodkin, *FCC Chair Makes One Last Stand against Trump's Call to Punish News Stations*, Ars Technica (Jan.16, 2025), https://arstechnica.com/tech-policy/2025/01/departing-fcc-chair-rejects-complaints-about-tv-news-coverage-of-trump/.

Undefined "Public Interest" Investigation for Journalistic Coverage of ICE Raid

Adding to the list of troubling threats to the free press is the threat to investigate the KCBS 740 AM's coverage of the January 26 San Jose coverage of ICE raids.[10] You cited concerns on "Fox & Friends" that the station relayed information about ICE officials' locations and vehicles in an area you characterized as having gang activity, however, no violence occurred during the raid. Basic reporting of police presence and vehicle descriptions falls within protected speech. Your overreaching actions create a chilling effect on live media coverage of law enforcement operations through speculative concerns about audience reaction and undermine vital public oversight functions, potentially limiting transparency in law enforcement.

Probe into Comcast for Enhancing Diversity in Accordance With Commission Policy

Additionally, your letter opening a probe into Comcast's promotion of diversity, equity, and inclusion (DEI) not only appears politically motivated, but also runs afoul of the FCC's own guidance. Comcast's diversity initiatives are responsive to the FCC's Equal Opportunity hiring rules, making your investigation contrary to longstanding Commission policies that promote diversity in the media marketplace.

Investigation of Public Broadcasting for Allegedly Airing Advertising

Lastly, the launch of extensive investigations into the underwriting announcement practices of PBS and NPR member stations, despite a lack of evidence of wrongdoing, along with calls to defund public broadcasting, is a targeted political move rather than genuine regulatory oversight.[11] An official communication by the Chairman of the FCC announcing an enforcement investigation is not a place to express the "personal opinion" of Brendan Carr as a private citizen; and doing so in this context is clearly designed to intimidate. However, signatories express their own opinion that in a time when access to local news is more critical than ever, ensuring that local rural and urban public media stations remain operational is of utmost importance to the public. If you are concerned by the sponsorship identification practices of public broadcasters, Americans would be better served by providing *more* funding, not stamping out such integral access to public media altogether.

The Need for a Public Commitment That the FCC Will Not Take Actions Undermining Freedom of the Press

Taken together, these actions represent a concerning trend: the use of regulatory authority to intimidate media organizations, influence editorial decisions, and suppress speech that's critical of the administration. When government officials suggest using regulatory authority to influence news coverage, it fosters an environment where journalists and editors will self-censor to

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[10] Walter Olson, *FCC Investigates Radio Station over Coverage of Immigration Raid*, Cato Institute (Feb.11, 2025), https://www.cato.org/blog/fcc-investigates-radio-station-over-coverage-immigration-raid.
[11] Letter from Chairman Brendan Carr to Katherine Maher, President and Chief Executive Officer of NPR, and Paula A. Kerger, President and Chief Executive Officer of PBS (Jan. 29, 2025), https://static01.nyt.com/newsgraphics/documenttools/340343f285781674/6da3eb69-full.pdf.

escape regulatory scrutiny. It is not the FCC's role to determine winners and losers among broadcasters, social media platforms, and the media at large, based on whether they conform to your interpretation of "commitment to free speech." You have, yourself, praised the virtues of a "diversity of viewpoints."[12] That diversity *encompasses* broadcasters, journalists, and platforms expressing views and engaging in speech activities that do not align with the views of the Chairman of the FCC or the Trump administration generally. The activities described above (and any similar future activities) undermine the media's vital watchdog role in our democracy. These actions contradict your own past statement that, "a newsroom's decision about what stories to cover and how to frame them should be beyond the reach of any government official, not targeted by them."[13] This principle remains as vital today as ever.

The FCC has a proud history of evidence-based decision making that respects First Amendment protections while ensuring broadcasters serve the public interest. We strongly urge you to commit to:

1. Requiring clear evidence of wrongdoing before launching investigations;
2. Reaffirming the FCC's commitment to protecting, not pressuring, editorial independence;
3. Ensuring that any oversight actions are based on clear, objective criteria, not speculative political considerations;
4. Maintaining a clear boundary between government regulation and newsroom decisions.

A free press requires regulatory bodies that defend, rather than diminish, journalistic independence. The FCC's actions today will shape the landscape for independent journalism tomorrow.

In a time when the administration claims to be rooting out fraud, waste, and abuse, it seems ironic for the FCC to launch superfluous, politically motivated investigations. Instead of using the FCC to target critical speech, you must reaffirm its role as an impartial regulator that protects — not polices — media freedom. Thank you for your consideration. We hope to continue working within the bounds of the Constitution's First Amendment to support a robust, independent media ecosystem.

Our democracy depends on it.

Sincerely,

American Civil Liberties Union
American Society of Journalists and Authors
Center for Democracy & Technology
Center for Digital Democracy
Center for Journalism & Liberty at Open Markets Institute

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[12] Brendan Carr, *Federal Communications Commission*, *in* Mandate For Leadership, 845 (2023), available at https://static.project2025.org/2025_MandateForLeadership_CHAPTER-28.pdf.
[13] FCC Commissioner Carr Responds to Democrats' Efforts to Censor Newsrooms, 22 Feb. 2021. https://docs.fcc.gov/public/attachments/DOC-370165A1.pdf

Committee to Protect Journalists
Common Cause
Electronic Frontier Foundation
Fight for the Future
Freedom of the Press Foundation
Global Voices
National Association of Science Writers
PEN America
Public Knowledge
The Authors Guild
The Leadership Conference on Civil and Human Rights
Society of Professional Journalists
National Coalition Against Censorship