

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

March 12, 2025

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VIA EMAIL

Mr. Patrick Webre
Acting Bureau Chief
Enforcement Bureau

Ms. Erin Boone
Acting Bureau Chief
Media Bureau

Federal Communications Commission
45 L Street, NE
Washington, D.C. 20554

Dear Mr. Webre and Ms. Boone:

Since becoming Chair of the Federal Communications Commission (“FCC” or the “Commission”) on January 20, 2025, Brendan Carr has publicly ordered that the Media and Enforcement Bureaus reopen complaints and initiate unprecedented, intrusive investigations against media broadcasters under arbitrary and capricious pretenses — investigations that appear to exclusively target newsrooms and broadcasters that President Trump perceives as enemies. In order to understand whether the FCC is departing from longtime guidance and legal precedent to intentionally retaliate against, or otherwise chill, broadcasters that may be disfavored by the President, I write to request information and documents concerning all FCC enforcement actions, warnings, briefings, interpretive rules, cases, records, advisories, letters, and any other materials relevant to the Commission’s enforcement of matters involving news distortion, equal time, underwriting, non-discrimination, and broadcasters’ public interest obligations.

The FCC’s recent investigations and complaints, which threaten to put the government in the newsrooms of broadcast stations across the country, have targeted:

- **WPVI-TV (ABC)**, reopening a closed complaint filed by the Center for American Rights alleging “news distortion” over an ABC moderator’s factchecking of a Presidential debate.¹

¹ *Center for American Rights Files FCC and FEC Legal Complaints Over ABC News’ Debate Bias*, CENTER FOR AMERICAN RIGHTS (Sept. 25, 2024), <https://www.americanrights.org/cases/center-for-american-rights-files-fcc-and-fec-legal-complaints-over-abc-news-debate-bias/>; *News Distortion Complaint Involving WPVI*

- **WCBS-TV (CBS)**, reopening a closed complaint filed by the Center for American Rights alleging “news distortion” over “Face the Nation” and “60 Minutes” interviews with former Vice President Harris.²
- **Paramount’s proposed sale of CBS licenses to Skydance Media**, obtaining and disclosing a video and transcript of a “60 Minutes” interview that was criticized by President Trump and publicly supporting an opposition filing by the Center for American Rights.³
- **WNBC-TV (NBC)**, reopening a closed complaint filed by the Center for American Rights alleging failure to provide equal time for an appearance by former Vice President Harris on Saturday Night Live.⁴
- **Comcast and NBCUniversal**, requesting that the Enforcement Bureau open an investigation of Comcast and NBCUniversal alleging its diversity hiring efforts violate the FCC’s non-discrimination rules.⁵
- **NPR and PBS**, requesting that the Media Bureau open an investigation alleging violations of the FCC’s underwriting rules for noncommercial broadcasters in a letter from Chair Carr that also weighed in on Congressional funding of both.⁶ The FCC has reportedly escalated its investigation by sending more than a dozen letters of inquiry to

Television (Philadelphia), LLC, licensee of WPVI-TV, Philadelphia, PA et al., Order (EB Jan. 22, 2025), <https://docs.fcc.gov/public/attachments/DA-25-84A1.pdf>.

² *CBS Accused of News Distortion in Vice President Kamala Harris Interview — Center for American Rights Files Formal FCC Complaint*, CENTER FOR AMERICAN RIGHTS (Oct. 16, 2024), <https://www.americanrights.org/cases/cbs-accused-of-news-distortion-in-vice-president-kamala-harris-interview-center-for-american-rights-files-formal-fcc-complaint/>; *News Distortion Complaint Involving CBS Broadcasting Inc., licensee of WCBS, New York, NY*, Order (EB Jan. 22, 2025), <https://docs.fcc.gov/public/attachments/DA-25-85A1.pdf>.

³ *In the Matter of Skydance Media and Paramount Global*, Petition to Condition Grant by the Center for American Rights (Oct. 16, 2024), <https://www.fcc.gov/ecfs/document/121677322011/1>; Ted Johnson, *Incoming FCC Chairman Brendan Carr Says ‘60 Minutes’ Complaint ‘Likely To Arise’ As Part Of Agency Review of Skydance-Paramount Merger*, DEADLINE (Nov. 19, 2024), <https://deadline.com/2024/11/fcc-brendan-carr-60-minutes-cbs-paramount-1236181250/>; Brendan Carr (@BrendanCarrFCC), X (Dec. 18, 2024, 12:43 PM), <https://x.com/BrendanCarrFCC/status/1869438445753618684/>; *60 Minutes Publishes Transcripts, Video Requested by FCC*, CBS NEWS (Feb. 5, 2025), <https://www.cbsnews.com/news/60-minutes-publishes-transcripts-video-requested-by-fcc/>.

⁴ *NBC Hit with FCC Complaint Over Vice President Harris’ SNL Appearance*, CENTER FOR AMERICAN RIGHTS (Nov. 4, 2024), <https://www.americanrights.org/cases/nbc-hit-with-fcc-complaint-over-vice-president-harris-snl-appearance/>; *Equal Opportunities Complaint Involving NBC Telemundo License, LLC, licensee of WNBC, New York, NY*, Order (MB Jan. 22, 2025), <https://docs.fcc.gov/public/attachments/DA-25-83A1.pdf>.

⁵ Letter from Brendan Carr, Chairman, FCC, to Brian Roberts, CEO of Comcast Corporation, (Feb. 11, 2025), <https://www.fcc.gov/sites/default/files/Chairman-Carr-Letter%20to-Comcast-02112025.pdf>.

⁶ Benjamin Mullin & David McCabe, *F.C.C. Chair Orders Investigation into NPR and PBS Sponsorships*, N.Y. TIMES (Jan. 30, 2025), <https://www.nytimes.com/2025/01/30/business/media/npr-pbs-fcc-investigation.html> (quoting Letter from Brendan Carr, Chairman, FCC, to Katherine Maher, President and CEO of National Public Radio, and Paula A. Kerger, President and CEO of PBS (Jan. 29, 2025), <https://static01.nyt.com/newsgraphics/documenttools/340343f285781674/6da3eb69-full.pdf>).

NPR, PBS, and their affiliates.⁷

- **KCBS Radio (Audacy)**, alleging that a radio news broadcast that described an immigration raid constituted a violation of the broadcaster's public interest obligations.⁸
- **Verizon**, requesting the Chairman and CEO of Verizon "reach out" to FCC staff familiar with the review of the Verizon-Frontier merger over concerns about the company's promotion of diversity, equity, and inclusion initiatives and past trainings.⁹

Each of these eight actions single out media broadcasters that faced the wrath of President Trump during his Presidential campaign, including actual litigation or outright threats of investigations in retaliation for perceived negative coverage.¹⁰ This exclusive targeting to the apparent benefit of the President is further reflected in the fact that other media broadcasters, particularly allies of the President, have not faced any similar scrutiny. For example, Chair Carr did not reinstate a news distortion complaint against a Fox TV station (WTFX-TV) that was closed in January alongside the complaints against CBS, NBC, and ABC.¹¹ Nor has the FCC announced investigations or enforcement actions against broadcasters seen as more favorable to President Trump, even where the same or similar fact patterns exist, including against News Corp, which until recently had a longstanding diversity, equity, and inclusion program.¹²

The Commission's investigations appear predicated on dubious legal theories that deviate from the FCC's public guidance, rules, and past enforcement actions, raising the question of whether the FCC is operating under a new set of standards. By its own past admission, the FCC's authority to act on complaints alleging news distortion is "narrow" because the FCC is "prohibited

⁷ Sean Moran, *FCC's Brendan Carr Advances Investigation into NPR, PBS Running 'Prohibited' Ads*, BREITBART (Mar. 7, 2025), <https://www.breitbart.com/politics/2025/03/07/fcc-advances-investigation-into-npr-pbs-running-prohibited-ads/>.

⁸ Brian Flood, *FCC Chair Says It's 'Really Concerning' That A Soros-Backed Radio Station Exposed Undercover ICE Agents*, NEW YORK POST (Feb. 6, 2025), <https://nypost.com/2025/02/06/media/fcc-chair-concerned-that-a-soros-backed-radio-station-exposed-undercover-ice-agents/>.

⁹ Brendan Carr (@BrendanCarrFCC), X (Feb. 27, 2025, 3:35 PM), <https://x.com/BrendanCarrFCC/status/1895211283089367318/>.

¹⁰ See, e.g., Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (Sept. 24, 2023, 7:53 PM), <https://truthsocial.com/@realDonaldTrump/posts/111122815628828712/>; Donald J. Trump (@realDonaldTrump), Truth Social (Apr. 10, 2024, 3:48 PM), <https://truthsocial.com/@realDonaldTrump/posts/112248653824267212/>; Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (Sept. 14, 2024, 10:51 AM), <https://truthsocial.com/@realDonaldTrump/posts/113136466410544933/>; Sara Fischer, *Trump's Media Playbook*, AXIOS (Nov. 5, 2024), <https://www.axios.com/2024/11/05/trump-media-playbook-regulatory-threat/>.

¹¹ Christopher Cole, *FCC Revisits Complaints Against Major Network Broadcasters*, LAW360 (Jan. 22, 2025), <https://www.law360.com/articles/2287681/fcc-revisits-complaints-against-major-network-broadcasters/>; *Application of Fox Television Stations, LLC For Renewal of License of WTFX-TV, Philadelphia, PA*, Order (MB Jan.16, 2025), <https://docs.fcc.gov/public/attachments/DA-25-57A1.pdf>.

¹² *Diversity, Equity & Inclusion*, NEWS CORP, <https://web.archive.org/web/20250130123209/https://newscorp.com/news-corp-diversity/> (last visited Mar. 12, 2025); *Corporate Diversity Statement*, NEWS CORP, <https://newscorp.com/corporate-governance/corporate-diversity-statement/> (last visited Mar. 12, 2025); *ASX Diversity Measurable Objectives and Gender Balance*, NEWS CORP, <https://newscorp.com/app/uploads/2024/10/2024-ASX-Diversity.pdf> (last visited Mar. 12, 2025).

by law from engaging in censorship or infringing on First Amendment rights of the press.”¹³ According to the FCC, “news distortion” violates FCC policy only when it involves “a significant event” and “it can be proven that [the broadcaster has] deliberately distorted a factual news report.”¹⁴ The Commission’s recent actions appear to adopt ahistorical interpretations of longstanding legal standards and may be designed to intimidate newsrooms to chill future coverage potentially critical of President Trump. Furthermore, while the FCC’s stated policy is that the “existence of an investigation is generally nonpublic until the Commission takes enforcement action,”¹⁵ the Chair has engaged in repeated public grandstanding to publicize and amplify the cited investigations favorable to President Trump on Fox News, on social media, and elsewhere.¹⁶

Chair Carr’s vexatious investigation of opponents of President Trump represents a threat to the First Amendment and inflicts upon newsrooms, affiliate groups, local media, nonprofit organizations, and religious broadcasters an ever-looming risk of retaliatory federal investigations for protected speech. In 2018, when an affiliate group was found to be forcing local news anchors to run editorial, partisan content over the objections of member stations, the FCC rejected news distortion complaints. Then-Chair Pai wrote that he could “hardly think of an action more chilling of free speech than the federal government investigating a broadcast station because of disagreement with its news coverage or promotion of that coverage.”¹⁷

As Mr. Carr argued prior to his ascension to Chair, using FCC authorities, particularly its oversight of licenses, to retaliate over political viewpoints violates the First Amendment.¹⁸ In Mr. Carr’s own words, “[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.”¹⁹ Mr. Carr has even called investigations of broadcasters over their content “a chilling transgression of the free speech rights that every media outlet in this country enjoys,” and accused Democrats of “sending a

¹³ *Broadcast News Distortion*, FCC, <https://www.fcc.gov/broadcast-news-distortion/> (last updated July 18, 2024).

¹⁴ *Id.*

¹⁵ *Enforcement Primer*, FCC, <https://www.fcc.gov/general/enforcement-primer> (last visited Mar. 12, 2025).

¹⁶ See, e.g., Brian Flood, *FCC Chair Says It’s ‘Really Concerning’ that a Soros-Backed Radio Station Exposed Undercover ICE Agents*, FOX NEWS (Feb. 6, 2025), <https://www.foxnews.com/media/fcc-chair-says-its-really-concerning-soros-backed-radio-station-exposed-undercover-ice-agents>; Brian Flood, *FCC Launches Probe into NBC News Parent Comcast ‘to Root Out Invidious Forms of DEI Discrimination’*, FOX NEWS (Feb. 12, 2025), <https://www.foxnews.com/media/fcc-launches-probe-nbc-news-parent-comcast-to-root-out-invidious-forms-dei-discrimination>; Brendan Carr (@BrendanCarrFCC), X (Feb. 12, 2025, 2:02 PM), <https://x.com/BrendanCarrFCC/status/1889752017150812321/>; Carr, *supra* note 9.

¹⁷ Letters from Ajit V. Pai, Chairman, FCC, to Senators Bernard Sanders, Maria Cantwell, Richard Blumenthal, Ron Wyden, Patty Murray, Jeff Merkley, Tina Smith, Elizabeth Warren, Tom Udall, Tammy Baldwin, Cory Booker, & Edward Markey (Apr. 12, 2018), https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0423/DOC-350372A1.pdf.

¹⁸ See, e.g., Press Release, Off. Comm’r Brendan Carr, Democrats Pressure FCC To Deny Sale Of Spanish-Language Radio Station In Florida Based On Political Viewpoints (Apr. 19, 2021), <https://docs.fcc.gov/public/attachments/DOC-371715A1.pdf>; Brendan Carr (@BrendanCarrFCC), X (Apr. 19, 2021, 3:45 PM), <https://x.com/BrendanCarrFCC/status/1384231810167578625/>; *In the Matter of Sinclair Broadcast Group*, Statement of Commissioner Brendan Carr (May 22, 2020), <https://docs.fcc.gov/public/attachments/FCC-20-59A3.pdf>.

¹⁹ Press Release, Off. Comm’r Brendan Carr, FCC Commissioner Carr Responds to Democrats’ Efforts to Censor Newsrooms (Feb. 22, 2021), <https://docs.fcc.gov/public/attachments/DOC-370165A1.pdf>.

message that is as clear as it is troubling—these regulated entities will pay a price if the targeted newsrooms do not conform to Democrats’ preferred political narratives.”²⁰

Under the new standard that appears to have been set by Chair Carr, however, every newsroom, affiliate group, and broadcaster across the country faces the possibility of burdensome investigations, fines, and even the revocation of licenses for disfavored speech or a change in political winds — they will pay a price if the targeted newsrooms do not conform to President Trump’s preferred political narratives.

For these reasons, the Permanent Subcommittee on Investigations (“PSI” or “the Subcommittee”) has opened a preliminary inquiry into the FCC’s recent handling of complaints and investigations. Pursuant to Senate Resolution 59 (118th Cong.) and PSI Rule 1, please provide information and records responsive to the following requests by March 26, 2025.

1. Describe the FCC’s investigatory process for complaints involving broadcast news distortion, equal time, underwriting, non-discrimination, and public interest obligations, including, but not limited to:
 - a. Procedures and protocols for:
 - i. receiving and evaluating complaints;
 - ii. gathering additional information;
 - iii. docketing complaints;
 - iv. making and issuing determinations; and
 - v. seeking enforcement, when applicable.
 - b. The parties responsible for administering, reviewing, and approving each step of the FCC’s investigatory process.
2. Identify all authorities, including but not limited to statutes, regulations, legal precedents, guidance, and Commission reports and memoranda related to news distortion, equal time, underwriting, non-discrimination, and public interest obligations, relied on by the FCC to:
 - a. initiate an investigation into allegations;
 - b. determine the sufficiency of an investigation into and evidence probative of allegations;
 - c. set aside a prior order;
 - d. seek public comments on an investigation, including evidence; and
 - e. seek enforcement against a broadcaster.
3. Identify all enforcement actions, warnings, briefings, interpretive rules, cases, records, advisories, letters, and any other documents from the Commission related to news distortion, equal time, underwriting, non-discrimination, and public interest obligations since January 1, 2005, including the outcome of such actions.
4. Identify all statutes, rules, or guidance related to the public disclosure and handling of complaints, referrals, or investigations by the Commission, including rules and standards

²⁰ *Id.*

related to the disclosure of investigations or enforcement matters and disclosure of evidence obtained in enforcement actions.

5. Produce copies of all precedents, guidance, memoranda, or other documents referenced in response to requests 1-4, unless readily available to the public.
6. Produce all communications regarding the reopening of the WTXF-TV complaint closed on January 16, 2025, to include any deliberations or decisions that took place regarding its possible reopening.
7. Produce all complaints or investigations referred to, or opened by, the Media and Enforcement Bureaus into news distortion, equal time, underwriting, non-discrimination, and public interest obligations since January 20, 2025.

Please contact Subcommittee staff should you have any questions about responding to these requests. Thank you for your attention to this matter.

Sincerely,



Richard Blumenthal
Ranking Member
Permanent Subcommittee on Investigations

cc: The Honorable Ron Johnson
Chairman
Permanent Subcommittee on Investigations