BRETT GUTHRIE, KENTUCKY
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED NINETEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-3641
Minority (202) 225-2927

March 31, 2025

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

Dear Chairman Carr:

We write to express deep concern over your actions to target and intimidate news organizations and broadcasters in violation of the First Amendment.[1] These troubling actions assault the Constitutionally protected freedom of the press and violate the Federal Communications Commission's (FCC) statutory prohibition against engaging in censorship.[2] Moreover, directing FCC staff to devote time and resources to bogus investigations constitutes a violation of the law, gross mismanagement, extreme waste of funds, and an abuse of authority. Therefore, we are also sharing a copy of this letter with the FCC's Office of Inspector General and are recommending that it open an investigation.[3]

Since assuming the role of Chairman on January 20, 2025, you have weaponized the agency against news outlets by not only questioning the speech and expressive conduct of targeted entities but also by abusing your power to formally accuse these speakers of wrongdoing. These actions are in flagrant disregard of the statutory jurisdiction of the Commission, lack any evidence of actual violations, and are conducted with apparent willful ignorance of FCC practice and legal precedent.

As you know, the FCC is an independent government agency, overseen by Congress, with authority to regulate interstate and international communications and related technologies. Your partisan goals are transparent and inappropriate, particularly given your previous experience as FCC General Counsel. You have launched sham investigations into entities disfavored by President Trump, Elon Musk, and the Republican Party to censor journalists and news coverage. In the absence of actual agency authority and any real evidence of wrongdoing, your pursuit of

[1] U.S. Const. amend. I.

[2] 47 U.S.C. § 326.

[3] *Id.*

these actions is clearly intended to punish and burden broadcasters and other media companies by inflicting incalculable reputational harm and excessive costs to defend themselves. Additionally, and alarmingly, some of your actions are aligned with a private lawsuit in which President Trump in his personal capacity is seeking extensive monetary damage from the same entities you are targeting. This is an obvious effort to create additional leverage in Trump's settlement negotiations and encourage payment in a sham lawsuit in exchange for favorable regulatory outcomes. Furthermore, your frequent travel with the President to his property in Florida is inappropriate of the Chairman of an independent agency. It calls into doubt your understanding of the agency's purpose and raises questions about whether you are inappropriately receiving direction from the President.[4,5]

Perhaps your most concerning action to date is your harassment of CBS. You recently reinstated a lawfully denied complaint against CBS for alleged news distortion for engaging in routine editing of an interview with former Vice President Kamala Harris.[6] Following this reinstatement, you launched a formal investigation of the broadcaster by sending a letter of inquiry demanding videos and transcripts. You also opened an unnecessary comment period—advertised with a banner on the FCC website's consumer complaints page—even after receiving and publishing unedited videos and transcripts that clearly show no deception.[7,8] You have taken these actions while the Commission is reviewing a merger proposed by CBS's parent company, Paramount Global, and President Trump is suing the company in his personal capacity for damages based on the same allegations. As others have noted, undertaking these official actions to pressure the regulated entity to settle its lawsuit with President Trump for monetary damages could give the appearance that you are facilitating a bribe to the President to drop these

[4] Broadband Breakfast, *Exclusive Q&A with Chairman Brendan Carr* (Feb. 25, 2025) (https://broadbandbreakfast.com/exclusive-q-a-with-chairman-brendan-carr/).

[5] Axios, *Tech: Agencies Go MAGA* (Mar. 18, 2025) (https://www.axios.com/pro/tech-policy/newsletters/2025/03/18/tech-agencies-go-maga?utm_source=axios&utm_medium=email&utm_campaign=pro_policy_daily_03-20-2025&utm_content=Final&utm_term=pro_policy_preview_tech).

[6] Letter from Peter S. Hyun, Acting Bureau Chief, Enforcement Bureau, Federal Communications Commission, to Daniel R. Suhr, Center for American Rights (Jan. 16, 2025).

[7] Federal Communications Commission, *Consumer Inquiries and Complaints Center* (https://consumercomplaints fcc.gov/hc/en-us) (accessed Mar. 21, 2025).

[8] Federal Communications Commission, *In the Matter of News Distortion Complaint Involving CBS Broadcasting Inc. re: Preserving the First Amendment (GN Docket No. 25-11)* (https://docs.fcc.gov/public/attachments/DA-25-85A1.pdf) (Jan. 22, 2025).

investigations and approve the transaction.[9] Broadcasters, public interest organizations, and free speech advocates have been uniformly critical of your pursuit of this matter.[10,11,12]

Additionally, in your few weeks as Chairman of the FCC, you have:

- Reinstated a lawfully denied complaint against ABC for alleged news distortion for conducting an otherwise unremarkable presidential debate. [13,14]

- Reinstated a lawfully denied complaint against NBC for violations of the FCC's equal time rule stemming from former Vice President Kamala Harris's appearance on Saturday Night Live, despite numerous clear deficiencies in the complaint including the uncontested fact that NBC's stations satisfied the Commission's regulations by appropriately filing public notice of the appearance and promptly acceding to equal time requests made by other legally qualified candidates.[15]

- Selectively reinstated the aforementioned complaints against ABC, CBS, and NBC while conspicuously not reinstating a petition filed against FOX that was contemporaneously denied.[16]

- Launched a formal investigation of KCBS-AM in San Jose, an entity owned by Audacy, for simply reporting on publicly available information about Immigration and Customs Enforcement (ICE) activity in a local neighborhood.[17] This is after you had previously highlighted Audacy's connection with a fund owned by George Soros and threatened to delay Audacy's business before the Commission.[18]

---

[9] *Paramount Executives Ask: Could They Be Sued for Settling Trump's $20 Billion CBS Lawsuit?*, Wall Street Journal (Feb. 14, 2025).

[10] Federal Communications Commission, *Comments of the National Association of Broadcasters* (Mar. 2025) (MB Docket No. 25-73).

[11] Federal Communications Commission, *Comments of Free Press* (Mar. 2025) (MB Docket No. 25-73).

[12] Federal Communications Commission, *Comments of the Foundation for Individual Rights and Expression* (Mar. 2025) (MB Docket No. 25-73).

[13] *See* note 7.

[14] *See* note 9.

[15] Federal Communications Commission, *In the Matter of Equal Opportunities Complaint Involving NBC Telemundo License. re: Preserving the First Amendment (GN Docket No. 25-11)* (https://docs.fcc.gov/public/attachments/DA-25-56A1.pdf) (Jan. 16, 2025).

[16] MSN, *The FCC's MAGA Standard: Target Trump's Enemies, Let Fox News off the Hook* (https://www.msn.com/en-us/news/us/the-fcc-s-maga-standard-target-trump-s-enemies-let-fox-news-off-the-hook/ar-AA1ArnOc?ocid=BingNewsSerp) (accessed Mar. 21, 2025).

[17] *FCC Investigates Calif. Radio Station that Shared ICE Agents' Location*, Los Angeles Times (Feb. 6, 2025).

[18] RadioInk, *Carr's FCC To 'Take A Very Hard Look' at Audacy's Soros Plan* (Nov. 26, 2024) (https://radioink.com/2024/11/26/carrs-fcc-to-take-a-very-hard-look-at-audacy-plan-with-soros/).

- Directed the FCC's Enforcement Bureau to launch an investigation into NPR and PBS based on false allegations of violations of the Commission's underwriting and advertisement rules, without offering any specific evidence indicating such violations.[19] This was despite the fact that NPR and PBS do not hold broadcast licenses and are not subject to those rules. Shortly thereafter, you followed up that threat with letters to 13 public radio stations, demanding information about on-air sponsorship announcements.[20]

- Baselessly accused YouTubeTV of religious discrimination based on business decisions about what channels to carry on its service.[21]

- Threatened, using dubious legal authority, to reinterpret Section 230 of the Communications Act to require private social media entities to carry speech that they disagree with or that violates their terms of service and community guidelines.[22]

These recent actions uniformly and improperly wield the regulatory power of your agency to abridge the First Amendment rights of the entities you target. Many of these actions also impermissibly attempt to stretch the bounds of the FCC's authority or engross statutory requirements in ways that are inappropriate, particularly in light of recent court decisions (that you had celebrated) which seek to narrow agency discretion.[23,24] In addition to weaponizing the FCC's Enforcement Bureau, you have also politicized the Media Bureau's licensing regime, echoing persistent calls from President Trump to revoke the broadcast licenses of news outlets that were deemed critical of him.

These recent actions have provoked widespread concern among stakeholders across the political spectrum. A bipartisan group of former Chairs of the FCC each recently criticized this overreach arguing that it threatens fundamental constitutional rights and undermines the

---

[19] Letter from Brendan Carr, Chairman, Federal Communications Commission, to Katherine Maher, President and Chief Executive Officer, National Public Radio, and Paula A. Kerger, President and Chief Executive Officer, PBS (Jan. 29, 2025).

[20] MSN, *FCC Asks Public Radio Stations for Details on Sponsorships* (https://www msn.com/en-us/news/us/fcc-asks-public-radio-stations-for-details-on-sponsorships/ar-AA1AphqZ?ocid=BingNewsSerp) (accessed Mar. 21, 2025).

[21] Brendan Carr (@BrendanCarrFCC), X (Mar. 7, 2025 at 2:07 PM) (https://x.com/BrendanCarrFCC/status/1898088195675283501).

[22] *Brendan Carr Has Big Ideas About the FCC and Critics Across the Spectrum*, The Washington Post (Mar. 11, 2025).

[23] Broadband Breakfast, *FCC's Carr: Loper Bright 'Directionally a Really Good Thing'* (Jul. 17, 2024) (https://broadbandbreakfast.com/fccs-carr-loper-bright-directionally-a-really-good-thing/).

[24] *See, e.g.*, *Loper Bright Enterprises v. Raimondo*, 603 U.S. __ (2024).

independence of the Commission.[25,26,27,28,29] Other experts have raised similar concerns related to the lack of FCC jurisdiction to conduct some of these investigations and obvious attempts to attack and punish speech that you, or the President and his supporters, don't like.[30,31]

Further, your current agenda for the FCC stands in sharp contrast to some of your own prior statements condemning actions you considered government censorship. During the prior administration, you were critical of, in your words, "selectively target[ing] a handful of news media outlets for their coverage of political events" and lamented that "regulated entities will pay a price if the targeted newsrooms do not conform to [a President's] preferred political narratives."[32,33] What happened to your concern about "concerted effort[s] . . . to drive political dissent from the public square"?[34] Your own words and previously held beliefs about freedom of speech are crystal clear, and we call on you to end this misconduct and join us "in publicly denouncing [attempts] to stifle political speech and independent news judgment."[35]

The following questions are intended to help us understand how your recent actions and decisions comply with federal law and reflect the FCC's mission and statutory obligations. For each question, please provide any and all responsive information from January 20, 2025, to the present and provide written responses by April 14, 2025.

1) Provide all documents related to the following investigations of media entities, including letters of inquiry, subpoenas, and similar official requests for information as well as all responses to these requests:

---

[25] Brookings Institute, *Not 'Deregulation' but Heavy-handed Regulation at the Trump FCC* (Feb. 25, 2025) (https://www.brookings.edu/articles/not-deregulation-but-heavy-handed-regulation-at-the-trump-fcc/).

[26] The Talbot Spy, *Trump Versus Free Speech by Al Sikes* (Feb. 5, 2025) (https://talbotspy.org/trump-versus-free-speech-by-al-sikes/).

[27] *Trump, CBS, and 'News Distortion'*, The Wall Street Journal (Feb. 9, 2025).

[28] The Federalist Society, *Expression over Radio Waves Is Not Exempt from the First Amendment* (Feb. 11, 2025) (https://fedsoc.org/commentary/fedsoc-blog/expression-over-radio-waves-is-not-exempt-from-the-first-amendment).

[29] Broadband Breakfast, *3 Former FCC Chairmen Condemn Brendan Carr's Threats Targeting Media Outlets* (Feb. 20, 2025) (https://broadbandbreakfast.com/3-former-fcc-chairmen-condemn-brendan-carrs-threats-targeting-media-outlets/).

[30] Columbia Journalism Review, *A Plea for Institutional Modesty* (Feb. 6, 2025) (https://www.cjr.org/politics/a-plea-for-institutional-modesty-fcc-corn-revere-brendan-carr-inconsistent-hypocrisy.php).

[31] *See* note 28.

[32] Federal Communications Commission, *FCC Commissioner Carr Responds to Democrats' Efforts to Censor Newsrooms* (Feb. 22, 2021) (press release).

[33] *Id.*

[34] *Id.*

[35] *Id*.

- the FCC investigation of CBS related to the editing of a 60 Minutes episode featuring Vice President Kamala Harris;
- the FCC investigation of ABC related to a 2024 presidential debate;
- the FCC investigation of NBC related to Vice President Harris' appearance on Saturday Night Live and the equal time rule;
- the decision not to reinstate the FCC investigation of FOX related to its coverage of the 2020 election;
- the FCC investigation of KCBS-AM in San Jose, CA related to coverage of ICE activity;
- the FCC investigations of NPR and PBS purportedly related to underwriting and advertisement rules;
- the FCC inquiry of YouTubeTV related to faith-based programming; and
- the FCC inquiry of social media companies related to Section 230.

2) Provide all communications between you and current White House officials and between you and other Trump Administration officials that relate to investigations of these or other media entities.

3) Provide all communications between you and third parties related to investigations of these or other media entities.

4) Explain and provide all supporting documents related to your decision to reinstate the complaints against ABC, CBS, and NBC but not a similar complaint against FOX, including but not limited to any advice provided by the Office of General Counsel.

5) Specifically describe your interpretation of the "public interest standard" you frequently cite and specifically describe the FCC's plan and authority to enforce your interpretation of such standard.[36,37,38]

---

[36] Brookings Institute, *Trump's CBS Lawsuit Ties Media Freedom to FCC's Regulatory Power* (Feb. 19, 2025) (https://www.brookings.edu/articles/trumps-cbs-lawsuit-ties-media-freedom-to-fccs-regulatory-power/).

[37] Inside Sources, *Will the FCC's 'Public Interest' Standard Limit Broadcast Free Speech?* (Dec. 3, 2024) (https://dcjournal.com/will-the-fccs-public-interest-standard-limit-broadcast-free-speech/).

[38] Variety, *FCC Chief Brendan Carr Wants to 'Re-Empower' Local TV Stations and Consider Tighter Regulation of Social Media Giants* (Feb. 27, 2025) (https://variety.com/2025/tv/news/fcc-brendan-carr-re-empower-tv-stations-1236323044/).

6) Specifically describe and provide all documents related to your interpretation of the FCC's authority over national broadcast networks.

7) Specifically describe and provide all documents related to your interpretation of the FCC's authority over online video streaming.

8) Specifically describe and provide all documents related to your interpretation of the FCC's authority to interpret Section 230 of the Communications Act.[39]

9) Please provide an accounting of the staff time you have directed toward the investigations identified in this letter and an estimate of the cost associated with that time.

10) Please explain your previous statements adopting the President's agenda and describe any discussions you have had with the President or other executive branch officials during your multiple visits to the President's personal residence in Florida.

11) Please provide all records related to travel with the President on government aircraft and travel to the President's personal residence in Florida for meetings with the President or other White House officials, including detailed receipts of all associated costs borne by the FCC and any ethics advice that was provided related to such travel.

[39] 47 U.S.C. § 230.

If you have any questions about this request, please contact the Committee Democratic staff at (202) 225-2927.

Sincerely,

Frank Pallone, Jr.
Ranking Member

Doris Matsui
Ranking Member
Subcommittee on Communications
and Technology

Yvette D. Clarke
Ranking Member
Subcommittee on Oversight
and Investigations

cc: The Honorable Brett Guthrie
Chairman

The Honorable Richard Hudson
Chairman
Subcommittee on Communications and Technology

The Honorable Gary Palmer
Chairman
Subcommittee on Oversight and Investigations