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MEDIA CONTACT

Rachel Needham

rachel@letmebeclear.com

434-962-5994

Bipartisan Group of Former FCC Chairs and Commissioners Petitions the FCC to Rescind Dangerous Policy Used to Chill Broadcasters' Speech

The filing asks the Federal Communications Commission to acknowledge that it cannot and will not police broadcaster licensees' speech for perceived bias.

Washington, D.C. (Nov. 13, 2025)—Today a bipartisan group of seven former FCC commissioners and chairs, plus additional senior-level former FCC staff, [submitted a petition](#) asking the Federal Communications Commission (FCC) to rescind the news distortion policy, which has been misused to illegally chill free speech in the press. The letter comes after FCC Chairman Brendan Carr used the news distortion policy to accuse ABC and Disney of news distortion for airing late night host Jimmy Kimmel's jokes about political reactions to Charlie Kirk's alleged killer. The news distortion policy also provided the basis earlier this year for threats against CBS News during its parent company's later-approved merger with Skydance.

"As the Supreme Court has made clear, the government has no legitimate role in un-biasing or balancing the media," **said former FCC Chairman Mark Fowler (R, 1981-87)**. "The news distortion policy allows the government to threaten censorship of speech it doesn't like; it cannot stand."

"The Commission should focus on ensuring that all Americans are connected and have access to information and ideas — not imposing on broadcasters its vision of what presentation of the news is correct," **said former FCC Chairman Tom Wheeler (D, 2013-17)**. "The news distortion policy is being used by the current FCC leadership as a tool of speech coercion and that abuse will not stop until the agency repeals it."

The petition gives several reasons why the news distortion policy should be repealed. First, it tempts the FCC to police perceived media bias in violation of the First Amendment. Second, it has a chilling effect on broadcasters and discourages them from covering controversial stories. Third, it has been repeatedly weaponized for partisan purposes. And finally, the policy is both vague and unnecessary in today's media environment.

The petitioners are represented by Protect Democracy, TechFreedom, Andrew Jay Schwartzman, and Gigi Sohn.

“The FCC has no business policing free speech,” said **Conor Gaffney, Counsel at Protect Democracy**, a cross-ideological nonprofit group dedicated to defeating the authoritarian threat. “It is not for the federal government to decide what is ‘biased’ any more than it is for the government to decide what is ‘news.’ The Supreme Court has ruled time and again that policing speech is not the government’s job.”

“Carr’s threats have worked *despite* their unconstitutionality because the FCC has extraordinarily vast leverage over broadcasters,” said **Berin Szóka, President of TechFreedom**, a nonpartisan think tank dedicated to defending free speech, the Constitution and the rule of law. “Carr so clearly abused that leverage that even his fellow Republican, Sen. Ted Cruz, compared his tactics to a ‘mafioso, ... right out of *Goodfellas*.’ Critical speech has been, and will be, chilled. Disney bent, even if it didn’t break. Fearing retaliation, many comedians and journalists will self-censor, or their corporate employers will muzzle them. The news distortion policy is too dangerous a weapon to entrust to any Chair.”

Petitioners are a bipartisan group of former FCC Chairs, Commissioners, and other senior leadership, who served the Commission from 1981 - 2017. Although they hold diverse views on many topics, they are united in their belief that the news distortion policy is no longer justifiable under current First Amendment doctrine and no longer necessary in today’s media environment.

[Read the full petition here.](#)

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Protect Democracy is a cross-ideological non-profit group dedicated to defeating the authoritarian threat, building more resilient democratic institutions, and protecting our freedom and liberal democracy.

TechFreedom is a nonprofit think tank dedicated to promoting the progress of technology that improves the human condition. To this end, it seeks to advance public policy that makes experimentation, entrepreneurship, and investment possible, and thus unleashes the ultimate resource: human ingenuity.