

August 11, 2026

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

Re: Request Under Freedom of Information Act Concerning the Decision to Require Disney-Owned ABC Stations to Renew Their Broadcast Licenses Early

Dear Ms. Kost,

The American Civil Liberties Union (ACLU) submits this Freedom of Information Act (“FOIA”) request (the “Request”) for records pertaining to the decision to require select ABC stations to renew their broadcast licenses early.

I. Background

For one of the first times in 50 years, the Federal Communications Commission (FCC) has called on broadcasters to renew their broadcast licenses early.¹ Although the FCC is purportedly requiring 8 ABC stations to renew their licenses early because they potentially violated the FCC’s rules against unlawful discrimination², the context and timing of the renewal calls into question the FCC’s true motives. We believe that the FCC’s stated basis for requiring the early license renewal is mere pretext for punishing ABC because the Trump Administration disliked what ABC’s on-air talent had to say. We also believe the FCC and the Trump Administration are trying to send a message to other broadcasters that if they air content the Administration doesn’t like, they could face similar penalties.

The FCC’s call for early license renewal came after the President and First Lady publicly criticized a joke about the President that aired on ABC’s *Jimmy Kimmel Live!* on April 23, 2026.³ On April 27th, Melania Trump posted to X that “Kimmel shouldn’t have the opportunity to enter our homes each evening to spread hate... Enough is enough. It is time for ABC to take a stand.”⁴ The same day, President Trump wrote on Truth Social “Jimmy Kimmel should be

¹ See *In the Matter of Leflore Broad. Co., Inc., Licensee of Station Wswg(Am), Greenwood, Miss.* Requests for Comm’n Action, 36 F.C.C.2d 101, 104 (1972); Federal Communications Commission Order DA 26-416, In the Matter of The Walt Disney Company et al. (Apr. 28, 2026), <https://docs.fcc.gov/public/attachments/DA-26-416A1.pdf>.

² Federal Communications Commission Order DA 26-416, In the Matter of The Walt Disney Company et al. (Apr. 28, 2026), <https://docs.fcc.gov/public/attachments/DA-26-416A1.pdf>.

³ Alexis Tereszczuk, *Fact Check: Jimmy Kimmel Did Not Make ‘Expectant Widow’ Joke About Melania Trump After WHCD Attempted Shooting*, Yahoo Entertainment, (Apr. 27, 2026, at 10:56 EDT), <https://shorturl.at/2VC2A>.

⁴ Melania Trump (@FLOTUS), X (Apr. 27, 2026 at 14:19 ET), <https://x.com/FLOTUS/status/2048769128513585618>.

immediately fired by Disney and ABC.”⁵ Just one day after the President and First Lady’s remarks, the FCC issued an order requiring Disney “to file license renewals for all of their licensed TV stations within 30 days.”⁶ The station’s licenses were otherwise not due for renewal until between 2028 and 2031.⁷ The timing of the order would be suspicious enough on its own – but in context of other recent retaliatory action against ABC, there is little doubt about the FCC’s true goals.

This isn’t the first time that the Trump FCC threatened regulatory action against ABC over one of Jimmy Kimmel’s jokes. Chairman Carr famously threatened ABC to fire Jimmy Kimmel after he made remarks about Charlie Kirk’s murder. Carr said “look, we can do this the easy way or the hard way... these companies can find ways to ... take action on Kimmel or, you know, there's going to be additional work for the FCC ahead.”⁸ In the wake of Chairman Carr’s threat, ABC briefly took Kimmel off the air before significant public backlash led ABC to reverse course.

The FCC also brought seemingly retaliatory regulatory action against ABC over its daytime talk show *The View*. In January 2026, the FCC reversed decades of precedent by issuing a threatening notice that daytime and late-night talk shows are not necessarily “bona fide news programs” entitled to an exemption from the equal time rule, although they had been considered such for decades. The FCC said that daytime and late-night talk shows are particularly unlikely to be entitled to an exemption from the equal time rule if the program is “motivated by partisan purposes.”⁹ Shortly after issuing this notice, the FCC launched an investigation into whether *The View* violated the equal time rule when it interviewed a Texas Democratic Senatorial candidate.¹⁰

The Trump FCC’s abuse of power to investigate, threaten, or regulate other broadcasters after President Trump has taken issue with their coverage also indicates that the FCC required Disney-owned ABC stations to renew their licenses early to punish them for their speech. For example, the FCC sent broadcasters a ‘reminder’ that their licenses were a “privilege” dependent on operating in the public interest.¹¹ Prior to the ‘reminder’, the President had repeatedly called for the revocation of broadcast licenses for broadcasters that he thinks cover him unfairly.¹² In

⁵ Donald J. Trump (@realDonaldTrump), Truth Social (Apr. 27, 2026 at 13:26 ET), <https://truthsocial.com/@realDonaldTrump/posts/116477838570626860>.

⁶ Federal Communications Commission Order DA 26-416, In the Matter of The Walt Disney Company et al. (Apr. 28, 2026), <https://docs.fcc.gov/public/attachments/DA-26-416A1.pdf>.

⁷ Lillian Rizzo & Laya Neelakandan, *Disney’s ABC Files Early Broadcast Licenses Renewal. FCC Chair Vows to ‘Follow the Facts’*, CNBC (May 28, 2026 at 17:04 EDT).

⁸ David Folkenflik, *Jimmy Kimmel’s Suspension Shows Power of FCC’s Brendan Carr*, NPR (Sept. 19, 2025 at 13:27 ET), <https://www.npr.org/2025/09/19/nx-s1-5546764/fcc-brendan-carr-kimmel-trump-free-speech>.

⁹ *FCC’s Media Bureau Provides Guidance on Political Equal Opportunities Requirement for Broadcast Television Stations*, Public Notice, DA 26-68, (Jan. 21, 2026), <https://docs.fcc.gov/public/attachments/DA-26-68A1.pdf>.

¹⁰ Meg Kinnard, *FCC is Investigating ABC’s ‘The View’ Over ‘Equal Time’ Rule, Chairman Says*, PBS NEWS (Feb. 19, 2025 at 13:42 EDT), <https://www.pbs.org/newshour/politics/fcc-is-investigating-abcs-the-view-over-equal-time-rule-chairman-says>.

¹¹ *FCC Reminds Broadcasters of Their Public Interest Obligations*, Public Notice, DA 26-530 at 6 (May 28, 2026), <https://docs.fcc.gov/public/attachments/DA-26-530A1.pdf>.

¹² Jeremy Barr, *Trump Once Again Steps Up Attacks on TV Networks as He Threatens to Revoke Licenses*, THE GUARDIAN (Nov. 26, 2025), <https://www.theguardian.com/us-news/2025/nov/26/trump-revoke-tv-licenses-threats-media-attacks>;

fact, Chairman Carr has publicly stated that his interpretation of the public interest standard takes into account a broadcasters' viewpoint, stating "the public interest means you can't be running a narrow, partisan circus and still meeting your public interest obligations."¹³ The FCC's 'reminder' ended with a clear threat against those who broadcast content that angers the President -- "the Commission will not hesitate to exercise its statutory authority to ensure that broadcasters either fulfill their public interest obligation or provide the privilege of being a broadcast licensee to someone that will fulfill that duty."¹⁴

Additionally, the FCC launched investigations into two broadcasters that President Trump dislikes -- NPR and PBS -- for allegedly violating federal law by airing commercials.¹⁵ The President has referred to NPR and PBS as "a waste of money,"¹⁶ and released an Executive Order to defund them because they are "biased."¹⁷ The President's vendetta was obvious to anyone paying attention. In fact, a judge striking down President Trump's Executive Order defunding NPR and PBS found that "it is difficult to conceive of clearer evidence that a government action is targeted at viewpoints that the President does not like and seeks to squelch."¹⁸ The same can almost certainly be said for the FCC's baseless investigation.

Finally, the FCC reopened a probe into CBS over their editing of an interview 60 Minutes aired with then Vice President Kamala Harris.¹⁹ President Trump has frequently criticized this episode, referring to it as "fake, corrupt, anti-Trump propaganda."²⁰ The President even filed a lawsuit against CBS over their editing of the interview.²¹ He also indicated that he wanted the FCC to take regulatory action against CBS, posting that "hopefully, the Federal Communications Commission...will impose the maximum fines and punishment."²² He added "CBS is out of control, at levels never seen before, and they should pay a big price for this."²³

¹³ Louis Jacobson & Samantha Putterman, *After Jimmy Kimmel's Show Was Suspended, a Key Question Is: Does the FCC Have the Power to Regulate Speech?*, PBS (Sept. 19, 2025), <https://www.pbs.org/newshour/politics/after-jimmy-kimmels-show-was-suspended-a-key-question-is-does-the-fcc-have-the-power-to-regulate-speech>.

¹⁴ *FCC Reminds Broadcasters of Their Public Interest Obligations*, Public Notice, DA 26-530 at 6 (May 28, 2026), <https://docs.fcc.gov/public/attachments/DA-26-530A1.pdf>.

¹⁵ Letter from Brendan Carr, Chairman, Fed. Commc'ns Comm'n, to Katherine Maher, President and Chief Exec. Officer, Nat'l Pub. Radio, and Paula Kerger, President and Chief Exec. Officer, PBS (Jan. 29, 2025) (available at <https://static01.nyt.com/newsgraphics/documenttools/340343f285781674/6da3eb69-full.pdf>).

¹⁶ Dan Cooney, *Watch: Trump Calls PBS and NPR 'A Waste of Money' at Funding Bill Signing*, PBS NEWS (Feb. 3, 2026 at 18:44 EDT), <https://shorturl.at/dbS0N>.

¹⁷ Exec. Order No. 14290, 90 Fed. Reg. 19415 (May 1, 2025).

¹⁸ David Folkenflik & Scott Neuman, *Federal Judge Finds Trump Violated Free Speech by Ordering NPR Defunded*, NPR (Mar. 31, 2026 at 16:01 ET), <https://www.npr.org/2026/03/31/nx-s1-5768399/npr-pbs-trump-federal-funding>.

¹⁹ Federal Communications Commission Order MB Docket No. 25-73, *FCC Establishes MB Docket No. 25-73 and Comment Cycle for News Distortion Complaint Involving CBS Broadcasting Inc., Licensee of WCBS, New York, NY* (Feb. 5, 2025), <https://docs.fcc.gov/public/attachments/DA-25-107A1.pdf>.

²⁰ Donald J. Trump (@realDonaldTrump), Truth Social (May 7, 2025 at 09:37 ET), <https://truthsocial.com/@realDonaldTrump/posts/114466820318104255>.

²¹ Jamie Burch, *Trump Files \$10B Lawsuit in Amarillo Against CBS Over '60 Minutes' Interview with Harris*, ABC 7 NEWS (Oct. 31, 2024 at 22:48 ET), <https://abc7amarillo.com/news/local/former-president-donald-trump-files-lawsuit-against-cbs-in-amarillo-federal-court>.

²² Donald J. Trump (@realDonaldTrump), Truth Social (Apr 13, 2025 at 21:13 ET), <https://truthsocial.com/@realDonaldTrump/posts/114333660655935996>.

²³ *Id.*

Given the FCC’s apparent vendetta against broadcasters who say things the President doesn’t like – the public must know the truth about the FCC’s reasons for requiring 8 ABC stations to renew their broadcast licenses years early. To provide the American public with information about whether the FCC is using its authority to illegally retaliate against broadcasters’ speech, and attempting to chill protected speech, the ACLU seeks information about the FCC’s motivation for requiring ABC stations to renew their broadcast licenses early through this Request.

II. Requested Records

The ACLU seeks the release of records—including but not limited to internal and external emails, meeting minutes, legal and policy memoranda, guidance documents, instructions, formal and informal presentations – pertaining to:

1. The decision to require Disney-owned ABC stations to renew their broadcast licenses early.
2. All communications to, from, or among FCC employees or Commissioners since January 20, 2025 discussing Disney, ABC, a Disney-owned ABC affiliate, any official of Disney or ABC, Jimmy Kimmel, or staff of *Jimmy Kimmel Live!*.
3. All communications to, from, or among FCC employees or Commissioners since January 20, 2025 discussing complaints from President Trump, Melania Trump, JD Vance, Usha Vance, Susie Wiles, Dan Scavino, Stephen Miller, James Blair, Taylor Budowich, Vince Haley, David Warrington, Steven Cheung, Karoline Leavitt, Robin Colwell, Paige Willey or Ryan Baasch about what was said during an ABC broadcast or referencing a broadcast license.

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the ACLU requests that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, the ACLU requests that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency’s possession, and that the records be provided in separate, Bates-stamped files.

III. Application for Waiver or Limitation of Fees

The ACLU requests a waiver of document search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest and because disclosure is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii).²⁴

As discussed above, this Request concerns whether the government is using its authority to illegally retaliate against broadcasters for saying something the government dislikes, and whether it is attempting to chill protected speech. The publicly released information about why the FCC is asking 8 ABC stations to renew their broadcast licenses early does not seem credible in context, and information about the FCC’s true motivations is not available publicly. Thus, the

²⁴ *See also* 47 USC § 0.470(e)(1).

records sought are certain to contribute significantly to the public's understanding of the government's potential abuse of its power to censor and chill 1st Amendment protected speech. If government wrongdoing is revealed, it would allow broadcasters to work without fear of government retaliation. In doing so, it would also ensure that the public can exercise their right to freely consume information without government interference.

The ACLU is not filing this Request to further its commercial interest. Any information disclosed by the ACLU as a result of this Request will be available to the public at no cost. Thus, a fee waiver would fulfill Congress's legislative intent in amending FOIA. *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) ("Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters." (quotation marks omitted)).

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If the Request is denied in whole or in part, the ACLU asks that you justify all deletions by reference to specific exemptions to FOIA. The ACLU expects the release of all segregable portions of otherwise exempt material. The ACLU reserves the right to appeal a decision to withhold any information or deny a waiver of fees.

Thank you for your prompt attention to this matter. Please furnish the applicable records to:

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Sincerely,



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