

July 28, 2026

Mr. Josh D'Amaro
Chief Executive Officer
The Walt Disney Company

Dear Mr. D'Amaro,

We, the undersigned civil rights, civil liberties, free speech, press freedom, consumer advocacy and pro-democracy organizations, write to stand in solidarity with the Walt Disney Company for resisting the Federal Communications Commission (FCC)'s unprecedented abuse of its power to censor and punish Disney-owned broadcast content. The targeted campaign to punish and alter your broadcast content is a breathtaking assault on press freedom and a violation of the First Amendment.

When the government engages in retaliatory censorship against media it disfavors, it endangers more than just the target of any investigation, indictment, pretextual regulatory enforcement, or lawsuit. It sends a message to other media companies that they should self-censor to avoid the same types of retaliation. It also undermines the right of the public to watch, read, or listen to information and entertainment free from government interference. Your refusal to cede your constitutional rights also serves as a clarion call to other media companies that they can, and should, resist unlawful government pressure. The public's right to access diverse and independent media free from governmental censorship is an essential pillar of our liberty and our democracy. In order to exercise this right, media corporations must stand up to attempts to thwart that liberty and independence. We urge you to continue to defend and exercise your First Amendment rights, so that we can all continue to exercise ours.

The First Amendment Protects Freedom of Speech and Freedom of the Press

As the FCC notes on its own website, "the limitations on the FCC's power to restrict or ban speech begin with the First Amendment to the U.S. Constitution, which decrees that the federal government 'shall make no law ... abridging the freedom of speech, or of the press.'"¹ At the very core of the First Amendment's protections is the right to watch, read, and access information and entertainment free from government coercion. As the Supreme Court has recognized, the "government does not get to decide "what shall be orthodox in politics, nationalism, religion, or other matters of opinion."² And the Supreme Court has held that the Constitution's mandates apply fully to the work of the FCC.

¹ Federal Communications Commission, the FCC and Free Speech, available at <https://www.fcc.gov/consumers/guides/fcc-and-speech> (last accessed June 9, 2026).

² *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

Accordingly, the FCC cannot insert itself into editorial decisions – regardless of whether they find that content offensive or biased. According to the Supreme Court, “the fact that society may find speech offensive is not a sufficient reason for suppressing it. Indeed, if it is the speaker’s opinion that gives offense, that consequence is a reason for according it constitutional protection. For it is a central tenet of the First Amendment that the government must remain neutral in the marketplace of ideas.”³ Likewise, “[o]n the spectrum of dangers to free expression, there are few greater than allowing the government to change the speech of private actors in order to achieve its own conception of speech nirvana.”⁴

The First Amendment Precludes Government Coercion to Achieve Censorship

The First Amendment not only precludes the government from directly censoring content; it also prohibits the government’s use of coercion to achieve censorship via intimidation or retaliatory investigation—a phenomenon known as “jawboning.” In *Bantam Books Inc. v. Sullivan*, the Supreme Court held that the government violates the First Amendment when it threatens to invoke “legal sanctions and other means of coercion” to suppress disfavored speech.⁵ The Court recently reaffirmed that position in finding that the government “cannot attempt to coerce private parties in order to punish or suppress views that the government disfavors.”⁶

The FCC Has Engaged in Targeted Retaliation Against Disney-Owned Broadcasters

The FCC’s relentless threats and abuses of regulatory power most certainly cross the line to coercion, and constitute classic jawboning that violates the First Amendment. President Trump has said that broadcasters who cover him unfavorably should lose their broadcast licenses.⁷ Now, the President’s wish could come true. Just a day after President Trump called upon ABC to fire Jimmy Kimmel for making a joke the President didn’t find funny, the FCC forced 8 of your affiliate stations to renew their broadcast licenses early—some *years* before their scheduled renewal date.⁸ If, during the renewal process the FCC finds that these stations are not operating in the public interest, they could lose their licenses. This is a real threat because FCC Chairman Carr has repeatedly attempted to use the public interest standard against news coverage that does not echo the sentiments of the President.⁹ The FCC’s threat is clear—these stations could lose

³ *FCC v. Pacifica Foundation*, 438 U.S. 726, 745–46 (1978).

⁴ *Moody v. Natchochoice*, 603 U.S. 22-277, 28 (2024).

⁵ *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 67 (1963).

⁶ *Nat’l Rifle Assoc. v. Vullo*, 602 U.S. 175, 180 (2024).

⁷ Aoife Walsh, Trump says TV networks opposed to him should ‘maybe’ lose license, BBC (Sept. 19, 2025), <https://www.bbc.com/news/articles/cr4qe0rz2zvo>.

⁸ FCC orders early license renewal for eight ABC stations, NPR (Apr. 29, 2026), <https://www.npr.org/2026/04/29/nx-s1-5804459/fcc-orders-early-license-renewal-for-eight-abc-stations>.

⁹ Ted Johnson, At House Hearing, FCC Chairman Continues to Defend Authority to Enforce ‘Public Interest Standard’ - Whatever That Is (Analysis), Deadline (Jan. 14, 2026), <https://deadline.com/2026/01/fcc-brendan-carr-trump-public-interest-standard-1236683070/>.

their licenses because Jimmy Kimmel and other on-air talent have said things that the administration does not like.

This attack on your speech is just the most recent in a string of egregious attacks. In 2025, both FCC Chairman Carr and President Trump made plain that they wanted Jimmy Kimmel off the air after he made remarks about Charlie Kirk's murder. Carr explicitly announced he would use the FCC's regulatory power to accomplish this if need be, saying: "Look, we can do this the easy way or the hard way... these companies can find ways to change conduct, to take action on Kimmel or, you know, there's going to be additional work for the FCC ahead."¹⁰ You initially pulled Kimmel's show off the air, before an outpouring of public opposition led you to bring it back.

This January, the FCC reversed decades of precedent by stating that daytime and late night television talk shows are not necessarily "bona fide news programs" entitled to an exemption from the equal time rule – particularly if the program is "motivated by partisan purposes."¹¹ The implication was that the FCC would soon try to enforce the equal time rule against disfavored programs that have traditionally been exempt. It wasn't long before the FCC made good on its threat by announcing that it was investigating ABC's *The View* for a violation of the equal time rule after the show interviewed a Texas Democratic Senatorial candidate.¹²

In May, the FCC reminded broadcast stations that their licenses were a "privilege" dependent on operating in the public interest, noting that the Commission "will not hesitate to exercise its statutory authority to ensure that broadcasters [] fulfill their public interest obligation,"¹³ which explicitly involves assessing whether their programming contains "diverse viewpoints."¹⁴ But, as noted above, the government is not permitted to "decide what counts as the right balance of private expression—[or] to 'un-bias' what it thinks biased."¹⁵

The cumulative intent and impact of these enforcement and policy actions is crystal clear: regulatory harassment will continue until content better aligns with the Administration's viewpoints. This is precisely the kind of state-run media control the First Amendment was designed to, and absolutely does, prohibit.

¹⁰ David Folkenflik, Jimmy Kimmel's suspension shows power of FCC's Brendan Carr, NPR (Sept. 19, 2025), <https://www.npr.org/2025/09/19/nx-s1-5546764/fcc-brendan-carr-kimmel-trump-free-speech>.

¹¹ FCC's Media Bureau Provides Guidance on Political Equal Opportunities Requirement for Broadcast Television Stations, DA 26-68 (Jan. 21, 2026), <https://docs.fcc.gov/public/attachments/DA-26-68A1.pdf>.

¹² Meg Kinnard, *FCC is investigating ABC's 'The View' over 'equal time' rule, chairman says*, PBS News (Feb 19, 2026), <https://www.pbs.org/newshour/politics/fcc-is-investigating-abcs-the-view-over-equal-time-rule-chairman-says>.

¹³ FCC's Reminds Broadcasters of their Public Interest Obligations, DA 26-530 at 7 (May 28, 2026), <https://docs.fcc.gov/public/attachments/DA-26-530A1.pdf>.

¹⁴ *Id.* at 3.

¹⁵ *Moody v. NetChoice, LLC*, 603 U.S. ____, 4 (2024).

Resisting Unlawful Censorship Is Good for Business and Essential for our Democracy

The Walt Disney Company has rightly begun to resist this campaign of unlawful pressure aimed at its programming, and you deserve recognition for doing so. The public's right to access media and content of their choice hangs in the balance.

In response to the trumped-up investigation of *The View* for violating the Equal Time Rule, your Texas ABC affiliate filed a petition noting the chilling effect of the FCC's regulatory abuse. Namely, it notes that the government cannot require viewpoint neutrality.¹⁶ Your filing also warned that the constant threats to broadcasters' licenses "threatens to limit news coverage of political candidates and chill core First Amendment-protected speech for years and potentially decades to come."¹⁷ Your filing was absolutely correct in these respects. Due to coercive threats from the executive branch, you, and other broadcasters have already been jawboned out of your planned editorial decisions, and the entire American public has been deprived of a free media landscape because their own government forced content off of the air.¹⁸ The only way to stop this slide into state-run media is to refuse to comply with unconstitutional demands. As A.G. Sulzberger, publisher of *The New York Times*, recently put it:

*[R]ights are just ink on paper unless they're exercised. Standing up for press freedom in court and losing is still a much healthier outcome than standing down and letting the administration simply rewrite the rules. Our country has some of the strongest legal protections in the world for free expression and due process. They mean nothing if the press is too timid to defend them.*¹⁹

Meaningfully fighting back requires more than strongly worded regulatory filings. It requires that you make clear to the public *what is happening* to you and to them—that the government is violating the First Amendment. Remember: the public rebelled against the heavy-handed attempt to force Jimmy Kimmel off the air, and stood with you. Disney now has the opportunity to stand with all of us in protecting our rights to watch, read, and access information the government wishes we would not. Illegal jawboning demands decisive and vocal resistance. Your rights, and all of our rights, depend on it.

¹⁶ Petition for Declaratory Ruling, ii, *In the Matter of KTRK Television, Inc. and American Broadcasting Companies, Inc.* (F.C.C.), <https://www.fcc.gov/ecfs/document/10507899614175/1> (citing *Moody v. NetChoice*).

¹⁷ *Id.* at iv; see also Steven Sloan, *ABC stations call FCC's early call for license renewal 'unconstitutional'*, Associated Press (May 28, 2026), <https://apnews.com/article/fcc-abc-disney-first-amendment-license-renewal-c3fc4705b054d25e4e8d40f9ef1d1704>.

¹⁸ Mike Bebernes, *What is going on at '60 Minutes'? Breaking down the firings, disputes and accusations of bias roiling CBS News*, Yahoo! News (Jun. 9, 2026), <https://www.yahoo.com/news/us/article/what-is-going-on-at-60-minutes-breaking-down-the-firings-disputes-and-accusations-of-bias-roiling-cbs-news-232442879.html>

¹⁹ AG Sulzberger: 'We Will Not Compromise' on Independent Reporting, N.Y. Times (May 21, 2026), <https://www.nytc.com/press/ag-sulzberger-we-will-not-compromise-on-independent-reporting/>.

Sincerely,

American Civil Liberties Union
National Coalition Against Censorship
Electronic Frontier Foundation
Fall of Freedom
Freedom of the Press Foundation
Indivisible
Issue One
LGBT Tech
Los Angeles Press Club
National Hispanic Media Coalition
New America's Open Technology Institute
PEN America
People For the American Way
Protect Democracy
Public Knowledge
Secure Elections Network
Society of Professional Journalists
TechFreedom
The Media and Democracy Project (MAD)
The Trevor Project
Tully Center for Free Speech
UnidosUS