



July 28, 2025

Office of Disciplinary Counsel
District of Columbia Court of Appeals
515 5th Street NW, Building A, Suite 117
Washington, D.C. 20001

Re: Disciplinary Complaint Against Brendan Carr, Esq.

Dear Disciplinary Counsel:

Freedom of the Press Foundation, a nonpartisan, nonprofit organization dedicated to defending and protecting public interest journalism, respectfully submits this complaint against Brendan Carr, a member of the District of Columbia Bar and the current Chair of the Federal Communications Commission (FCC).

As a licensed attorney in public service, Carr is bound by the D.C. Rules of Professional Conduct and must uphold the principles of competence, integrity, impartiality, and respect for the Constitution. The Rules of Professional Conduct therefore apply to all licensed lawyers, including those in political and regulatory positions like Carr.¹

As FCC Chair, responsible for enforcing and administering the Communications Act of 1934 and regulations promulgated pursuant thereto, Carr is every bit as immersed in the law as a lawyer practicing at a law firm. In fact, his conduct is arguably far more consequential to not only the legal profession but the rule of law than that of an “ordinary” lawyer.

Yet Carr appears to have engaged in egregious misconduct, most notably with respect to his recent approval of CBS owner Paramount Global’s merger with Skydance Media. As detailed below, Carr slow-walked² his review of the merger while President Donald

¹ See, e.g., *Romero-Barcelo v. Acevedo-Vila*, 275 F. Supp. 2d 177, 206 (D.P.R. 2003) (reprimanding attorney who publicly promoted false accusations of campaign finance violations against political opponent); *Wisconsin Judicial Commission v. Michael J. Gableman*, No. 2023-OLR-0001, Wisconsin Supreme Court (2023) (attorney and former state Supreme Court Justice hired by elected officials to lead probe into election irregularities suspended over misconduct during investigation).

² Todd Spangler, [Skydance-Paramount Merger Agreement, Which Is Still Pending FCC Approval, Extended for 90 Days](#), Variety, April 7, 2025.

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Trump – Carr’s close ally whose golden bust he wears as a lapel pin³ – used a frivolous Strategic Lawsuit Against Public Participation (SLAPP) to extract a \$16 million settlement from Paramount. Everyone from U.S. senators to CBS employees to a dissenting FCC commissioner has said the settlement appears to have been a bribe to grease the wheels for Carr’s FCC to approve the merger.⁴

Then, just days after Trump announced he’d received the payment from Paramount,⁵ Carr proved them right by approving the merger, validating months of news reports that Paramount came to the negotiating table despite Trump’s lawsuit’s total lack of merit because it saw settling as a necessary prerequisite for Paramount to obtain Carr’s FCC’s approval of its merger plans.⁶ As dissenting FCC commissioner Anna Gomez said after the merger approval, “In an unprecedented move, this once-independent FCC used its vast power to pressure Paramount to broker a private legal settlement and further erode press freedom.”⁷

Even putting Paramount aside, Carr has pursued numerous other frivolous and unconstitutional legal proceedings and threatened more of them in furtherance in his efforts to intimidate broadcast licensees to censor themselves and fall in line with Trump’s agenda. This is not something Carr is hiding – he announced after his appointment to chair the FCC that he would take direction from President Trump and “it’s going to be his agenda that we need to be pushing.”⁸ Despite Carr’s law license and the responsibilities it carries, he has not wavered from that commitment, regardless of whether Trump’s agenda is illegal and unconstitutional.

³ Vanessa Friedman, [A Trump Lapel Pin Makes a Point](#), New York Times, April 22, 2025.

⁴ [“Big Fat Bribe”: Stephen Colbert’s Show Canceled After He Slams Trump & Paramount/Skydance Merger](#), Democracy Now, July 23, 2025; [Wyden, Colleagues Investigate Skydance’s Role in Potential Secret Trump Payoff Connected to Paramount Deal](#), July 22, 2025; Joseph A. Wulfsohn, [CBS staffers revolt over Paramount’s ‘shameful’ Trump settlement, ‘betrayal’ to the network’s journalists](#), Fox News, July 3, 2025; Caitlin Huston, [Dissenting FCC Commissioner: Paramount Chose “Capitulation Over Courage” In Dealing With Trump](#), July 24, 2025.

⁵ David Shepardson et al., [Trump says he received \\$16 million payment after Paramount lawsuit settlement](#), Reuters, July 22, 2025.

⁶ Joseph A. Wulfsohn, [FCC approves Paramount-Skydance merger following Trump settlement, Colbert cancellation](#), Fox News, July 24, 2025.

⁷ Caitlin Huston, [Dissenting FCC Commissioner: Paramount Chose “Capitulation Over Courage” In Dealing With Trump](#), July 24, 2025.

⁸ [Trump FCC chair pick stresses need to ‘restore’ First Amendment rights](#), Fox News, Nov. 19, 2024.



His threats against news outlets lack any basis in law, but they're effective anyway because the licensees Carr regulates know he is untethered by the First Amendment or the laws he's charged with enforcing. His efforts to shake down broadcasters to air content Trump likes willfully ignore that the FCC, of which he has been a commissioner since 2017, is prohibited, as a matter of law, from infringing on broadcasters' constitutionally protected editorial decisions.⁹

Carr's willingness to abuse his authority as FCC chair to further Trump's scheme to launder illegal bribes through the court system warrants disbarment on its own. But as explained in more detail below, Carr has, in addition to his Paramount-related misconduct:

- Launched legally frivolous investigations into disfavored media outlets over constitutionally protected editorial decisions – from not airing Trump's press conferences to covering immigration raids – that displeased President Donald Trump;
- Misrepresented FCC jurisdiction and misused agency power to pressure targets that Trump dislikes;
- Threatened regulatory retaliation against news organizations over lawful corporate or workplace speech initiatives, such as those based on diversity, equity, and inclusion principles;
- Threatened and attempted to regulate online speech and cable news broadcasts, despite the FCC lacking authority to regulate or punish online or cable news content.

Carr's repeated misrepresentations of the FCC's authority and intimidation of purported investigatory targets to advance political aims violate his ethical obligations.¹⁰ His politicized and unlawful abuse of the FCC's powers has drawn congressional

⁹ 47 U.S.C. § 326; [The FCC and Speech](#), last updated August 31, 2022.

¹⁰ *In re Andrew Thomas*, No. 2010-OLR-0001, Arizona Supreme Court (2010) (disbarment for launching unfounded cases against political opponents).



investigations¹¹ and the ire of his peers, earning him the title “censor in chief” and turning an agency statutorily obligated to refrain from censorship into a “censoring machine.”¹²

For example, former FCC Chair Thomas Wheeler says Carr, through his baseless investigations, is “using his powers of intimidation and coercion.”¹³ Commissioner Gomez has warned that Carr’s actions “ignore the mandate granted by Congress to the FCC to act as an independent agency.”¹⁴ She has further said that Carr’s actions are “designed to instill fear in broadcast stations and influence a network’s editorial decisions.”¹⁵

The opposition isn’t only coming from the political left — a coalition of conservative organizations, including Grover Norquist’s Americans for Tax Reform, have written to Carr asking that he rein in his “overreach.”¹⁶ Former FCC Chairs from both political parties have expressed alarm at their successor’s conduct.¹⁷ The libertarian magazine Reason has been particularly critical of Carr’s disregard of the FCC’s limited mandate to punish Trump’s perceived critics.¹⁸ As the Wall Street Journal’s editorial board said, Trump “clearly wants to intimidate the press, and it’s no credit to the FCC to see it reinforcing that.”¹⁹

Carr lends credibility to his threats by touting his status and background as an attorney — the Office of Disciplinary Counsel should send a clear message that this conduct will not

¹¹ [E&C Democrats Launch Investigation into FCC Chairman Carr’s Repeated Attacks on the First Amendment](#), March 31, 2025; [Blumenthal Opens Preliminary Inquiry into FCC’s Political Targeting of Newsrooms](#), March 13, 2025; Ben Brody, [Senate Democrats urge Carr to stop ‘weaponization of the FCC’](#), Punchbowl News, Feb. 13, 2025.

¹² Joe Lancaster, [How the FCC’s ‘Warrior for Free Speech’ Became Our Censor in Chief](#), Reason, Feb. 5, 2025; Robert Corn-Revere, [Brendan Carr’s Bizarro World FCC](#), Foundation for Individual Rights and Expression, May 1, 2025; Steven Levy, [Brendan Carr Is Turning the FCC Into MAGA’s Censoring Machine](#), Wired, May 2, 2025.

¹³ Steven Levy, [Brendan Carr Is Turning the FCC Into MAGA’s Censoring Machine](#), Wired, May 2, 2025.

¹⁴ [Commissioner Gomez Statement on FCC Weaponization Against CBS](#), Jan. 31, 2025.

¹⁵ *Id.*

¹⁶ [Letter from Jeffrey Mazzella et. al to Brendan Carr](#), March 19 2025.

¹⁷ Jon Brodtkin, [Ex-FCC chairs from both parties say CBS news distortion investigation is bogus](#), Ars Technica, March 28, 2025.

¹⁸ Jacob Sullum, [The New FCC Chairman’s Agenda Contradicts Conservative Principles](#), Reason, Nov. 20, 2024.

¹⁹ Editorial Board, [Trump, CBS, and ‘News Distortion’](#), Wall Street Journal, Feb. 9, 2025.



be tolerated.²⁰ This Complaint focuses primarily on the following Rules of Professional Conduct.

- **Rule 1.1 – Competence:** Carr’s repeated misstatements of FCC authority and failure to abide by settled First Amendment law exhibit a fundamental lack of competence in relation to matters squarely within his professional domain.
- **Rules 1.2, 1.6:** Although Carr was not representing a client as these rules contemplate, the rules make quite clear what should be obvious to anyone deserving of a law license – lawyers may not use the legal system to knowingly facilitate crime, like bribery.
- **Rule 8.4(c) – Conduct involving dishonesty, fraud, deceit, or misrepresentation:**
Carr misrepresents the scope of the FCC’s legal jurisdiction to intimidate investigative targets, and implies nonexistent authority to suppress or regulate speech disfavored by President Donald Trump and his administration.
- **Rule 8.4(d) – Conduct prejudicial to the administration of justice:** Carr’s abuse of regulatory power undermines the legal process, erodes constitutional rights, and chills protected speech.
- **Rule 8.4(e) – Stating or implying improper influence over government agencies or officials:** Carr’s public statements and regulatory threats suggest partisan motives and improper coordination with outside political actors, including the Trump campaign and administration.

Several other attorneys who have abused the law and their positions in furtherance of Trump’s political pursuits have been rightly disciplined.²¹ Carr should be as well. Below, this Complaint will describe numerous examples of why.

²⁰ *Brendan Carr, Chairman*, <https://www.fcc.gov/about/leadership/brendan-carr> (last visited July 25, 2025).

²¹ *Matter of Giuliani*, 2024 D.C. App. LEXIS 308; *Matter of Giuliani*, 2024 NY Slip Op 03561 (disbarring former New York mayor in both Washington D.C. and New York over undermining of electoral process through false claims regarding 2020 election); *In re Jeffrey Clark*, No. 2024-D-0001, District of Columbia Court of Appeals (2024) (recommending disbarment for misrepresenting alleged Department of Justice investigation of election irregularities); *Gableman*, No. 2023-OLR-0001 (misconduct by attorney hired to lead probe into election irregularities).



CBS Investigation

In February, Carr revived a previously dismissed investigation into CBS News, a Paramount Global subsidiary, regarding its October, 2024 interview on the news show 60 Minutes with then-Vice President Kamala Harris.²² The complaint, which alleged deceptive editing in violation of the FCC's news distortion policy, had been dismissed by Carr's predecessor due to its lack of merit and unconstitutionality.²³

Carr's revival of the complaint drew condemnation from a bipartisan group of former FCC Chairs and Commissioners who sought to "emphasize the unprecedented nature of this news distortion proceeding, and to express our strong concern that the Federal Communications Commission may be seeking to censor the news media in a manner antithetical to the First Amendment."²⁴

But there was more to the story than Carr misapplying the law. The complaint largely mirrored a lawsuit against CBS that Trump had filed – which legal experts almost unanimously deemed not just frivolous but "outrageous."²⁵ After Carr revived the FCC complaint, Trump amended his lawsuit to double his damages demand to \$20 billion, citing mental anguish, despite that his damages theory was based largely on interference with an election he subsequently won.²⁶

The alignment of Carr's revival of the FCC inquiry and Trump's lawsuit raised serious concerns of political coordination. Carr further escalated matters by publicly suggesting that the FCC's review of the proposed merger between Paramount and Skydance Media

²² Liam Scott, [FCC launches media investigations, reinstates complaints](#), Voice of America, Feb. 6, 2026/

²³ Todd Spangler, [Outgoing FCC Chair Dismisses Complaints Against TV Stations That 'Seek to Weaponize' Agency: 'The FCC Should Not Be the President's Speech Police'](#), Variety, Jan. 16, 2025.

²⁴ Jon Brodtkin, [Ex-FCC chairs from both parties say CBS news distortion investigation is bogus](#), Ars Technica, March 28, 2025.

²⁵ *Trump v. CBS Broadcasting Inc.*, 2:24-cv-00236 (N.D. Tex). See also Solcyré Burga, [What Paramount's Settlement With Trump Says About Press Freedom](#), Time, July 3, 2025; Ted Johnson, [Trump 101: Why POTUS' Lawsuit Against CBS Over '60 Minutes' Is Seen As Dubious – Analysis](#), Deadline, April 30, 2025;

²⁶ David Bauder, [Trump suffered 'mental anguish' from disputed CBS News interview with Harris, lawyer says](#), Associated Press, May 29, 2025.



could be influenced by its investigation into CBS's constitutionally protected editorial conduct, which also forms the basis of Trump's frivolous lawsuit.²⁷

Because the merger required FCC approval for license transfers, Paramount executives were widely reported to believe that Carr's FCC's approval of its merger is "contingent on settlement of the case" with Trump.²⁸ Although Carr has walked back his prior statements and claimed his investigation is separate from Trump's lawsuits, Paramount's highly sophisticated officers, directors and attorneys reportedly continued to believe that they must settle Trump's lawsuit if they want Carr's agency to approve the merger. Relatedly, officers and directors were widely reported to be rightly concerned about liability for bribery should they approve a settlement, reportedly leading to delays in the negotiations.²⁹

Carr's investigation has inexplicably languished for months as Trump's lawsuit remained pending and Trump pressed for a settlement. The bipartisan group of former FCC chairs and commissioners said, in March, that the delay had already "unjustifiably prolonged this investigation and raise[d] questions about the actual purpose of the proceeding."³⁰

Then, on July 1, Paramount and Trump announced they'd agreed to a \$16 million dollar settlement, with a reported side deal for Skydance to run about \$20 million worth of pro-Trump public service announcements once it takes over Paramount.³¹ There is no reason Paramount would settle Trump's absurd SLAPP suit for this amount or any amount beyond nuisance value other than to clear a path for the merger. Further, Skydance would have no reason to sweeten the settlement deal if it did believe doing so would facilitate approval of its merger. These red flags should have been, and almost certainly was, obvious to Carr.

²⁷ Hanna Panreck, [Trump nominee for FCC chair says legacy media 'status quo' needs to change](#), Fox News Nov. 19, 2024.

²⁸ Charles Gasparino, [Paramount delays \\$35M settlement with Trump as media giant fears bribery backlash: sources](#), New York Post, June 19, 2025.

²⁹ *Id.*, Meg James, [Trump endorses Paramount merger with David Ellison's Skydance](#), Los Angeles Times, June 18, 2025, Meg James, [Paramount adds three new board members amid Trump troubles and FCC review](#), Los Angeles Times, June 2, 2025; Brian Stelter, [CBS staff alarmed by reports of settlement talks with Trump over '60 Minutes' Harris interview](#), CNN, January 31, 2025.

³⁰ Jon Brodtkin, [Ex-FCC chairs from both parties say CBS news distortion investigation is bogus](#), Ars Technica, March 28, 2025.

³¹ Joe Flint, [Trump Expects \\$20 Million More in Ad Dollars From '60 Minutes' Settlement](#), Wall Street Journal, July 22, 2025.



Trump announced that he'd received Paramount's payment on July 22.³² It took two days for Carr to finally conclude the FCC's merger approval process and give Paramount's merger with Skydance the green light.³³ Carr's merger approval also followed a meeting with Skydance on or about July 15, which he may claim is what led to the decision. At that meeting Skydance reportedly pleased Carr by promising to hire an ombudsman to combat reporting with "bias."³⁴

Carr, of course, could have met with Skydance to discuss its post-merger plans at any time, but waited until Trump settled his lawsuit. But even if one believes (and Complainant does not) that Skydance's assurances, rather than Paramount's payment to Trump, were what swayed Carr, it only points to further misconduct. The FCC is prohibited from meddling in editorial decision making. It therefore makes matters worse, not better, if Carr helped Trump shake down Paramount for favorable coverage in addition to millions of dollars.

As Will Creeley, legal director of the Foundation for Individual Rights and Expression, explained, "This has been an unconstitutional shakedown from start to finish. Per the First Amendment, federal law, and longstanding precedent, the FCC has no business dictating the editorial choices of media outlets or conditioning merger approval on the viewpoints a network chooses to air ... No federal bureaucrat should ever be allowed to play-act as our nation's editor-in-chief."³⁵

Carr knows he has no business extracting content-related commitments from licensees in exchange for merger approvals. In fact, Creeley's comment could have just as easily been drafted by a past version of Carr, before he led the FCC: Back in 2021, Carr wrote that "A newsroom's decision about what stories to cover and how to frame them should be beyond the reach of any government official" and condemned what he saw as the agency's "attempt[s] to stifle political speech and independent news judgment."³⁶

³² David Shephardson et al., [Trump says he received \\$16 million payment after Paramount lawsuit settlement](#), Reuters, July 22, 2025.

³³ Benjamin Mullin, [F.C.C. Approves Skydance's \\$8 Billion Merger With Paramount](#), New York Times, July 24, 2025.

³⁴ Ted Johnson, [FCC Chairman Praises Skydance's "Commitment To Serious Changes At CBS": Democratic Commissioner Blasts "Cowardly" Capitulation](#), Deadline, July 24, 2025.

³⁵ Jacob Sullum, [The FCC's Paramount/Skydance Decision Aims To Reshape Broadcast Journalism by Bureaucratic Fiat](#), Reason, July 25, 2025.

³⁶ [FCC Commissioner Carr Responds to Democrats' Efforts to Censor Newsrooms](#), Feb. 22, 2021; see also 47 U.S.C. § 326.



The chronology warrants an inquiry on its own – the brazenness indicates that Carr believes he’s untouchable, and perhaps he is within the federal government, but this Office is fortunately outside of Trump’s control. But beyond timing, when U.S. senators, CBS employees, and even FCC Commissioner Gomez — who had as much of an insider’s view of events leading up to the merger as anyone besides Carr himself (and likely Trump) – believe a licensed attorney enabled serious impropriety, this Office has ample reason to investigate.³⁷

It is hard to imagine attorney conduct more brazenly unethical than helping a politician turn both the courts and the government agency they chair into conduits for bribery. Trump could not have executed his shakedown without Carr’s help — Trump’s leverage was that a man who wears his bust as a lapel pin stood between Paramount and approval of its merger.

Carr could have approved the merger at any time prior to Trump extracting a settlement, and then Paramount could have defended against his frivolous claims without fear of retaliation. Instead he waited until his boss had the cash in hand. As two U.S. senators said in a statement, the merger approval “reeks of the worst form of corruption.”³⁸

Rule violations

Rule 1.1 – Competence. Carr’s decision to reopen a complaint dismissed due to its obvious meritlessness and unconstitutionality, without new factual or legal bases, reflects a failure to apply long-standing First Amendment protections for editorial discretion and a disregard for or ignorance of the limitations of his agency’s authority, as determined by Congress in accordance with the constitution.³⁹ Carr knows full well that there is no legal authority to apply the FCC’s news distortion policy to second-guess the common practice of interview

³⁷ Caitlin Huston, [Dissenting FCC Commissioner: Paramount Chose “Capitulation Over Courage” In Dealing With Trump](#), July 24, 2025 (Gomez stating that Carr’s FCC “used its vast power to pressure Paramount to broker a private legal settlement”); Sonam Sheth, [Trump’s FCC Head Reacts To Paramount Merger Criticism: ‘Time For A Change’](#), Newsweek, July 25, 2025 (quoting Sen. Elizabeth Warren’s statement, after the merger approval, that “Bribery is illegal no matter who is president.”).

³⁸ Jeremy Barr, [FCC approves \\$8 billion Paramount-Skydance merger after lengthy review](#), Washington Post, July 24, 2025 (quoting statement from Sens. Edward J. Markey and Ben Ray Luján).

³⁹ *Miami Herald Publishing Co. v. Tornillo*, 418 U.S. 241 (1974); 47 U.S.C. § 326; Federal Communications Commission, [The FCC and Speech](#), last viewed on July 25, 2025.



editing and that, as he himself said before he came to power,⁴⁰ existing FCC policy and the First Amendment bars such meddling.⁴¹

Rules 1.2, 1.6: Given the widespread reporting that Paramount executives believed they needed to “pay to play” with his agency and were effectively negotiating a bribe to gain his approval of its merger, Carr should have mooted that belief by moving on a separate timeline from Trump’s settlement talks. Instead, he waited to act until Trump had the money.

Rule 8.4(c) – Misrepresentation. Carr misrepresented the FCC’s authority by stating that CBS’s editorial conduct may impact the agency’s review of Paramount’s merger which, on information and belief, led Paramount officials to believe their merger would not be approved unless they paid Trump an unwarranted settlement. The FCC cannot condition merger approvals on editorial content, and it certainly cannot condition them on payments to politicians. Carr has put other licensees on notice of his willingness to abuse his office to pressure them to do Trump’s editorial and financial bidding.

Rule 8.4(d) – Prejudicial to the Administration of Justice. Carr’s apparent collusion with Trump to shake down Paramount is a misuse of a public agency to meddle with the president’s personal legal proceedings to help him obtain a settlement plainly not justified by facts or law. His unnecessary prolonging of his investigation and merger approval process to ensure that they remained open while Trump and CBS discussed settling prejudiced the administration of justice by making it less likely that CBS would prevail, as justice demands, and more likely that it would settle for reasons having nothing at all to do with justice, as it eventually did.

Rule 8.4(e) – Implying Improper Influence. By suggesting that CBS’s journalistic output could affect merger approval (and requiring journalistic commitments prior to approving the merger), and by using the FCC’s investigative powers to help Trump prosecute his private lawsuit, Carr implies an improper influence not just on the FCC’s merger approval process but on private litigation filed by the president.

⁴⁰ [FCC Commissioner Carr Responds to Democrats’ Efforts to Censor Newsrooms](#), Feb. 22, 2021; see also 47 U.S.C. § 326.

⁴¹ Federal Communications Commission Consumer and Governmental Affairs Bureau, [Broadcast News Distortion](#), Federal Communications Commission (Jul. 18, 2024).



Intimidation of MSNBC for not kowtowing to Trump

In early 2025, Carr publicly threatened another “news distortion” inquiry, this time targeting MSNBC after the cable network chose not to air a White House press conference and did not, in his view, adequately amplify the Trump campaign’s claims that certain immigrants were violent criminals. After Trump complained on social media about MSNBC’s coverage, Carr followed his boss’s lead by accusing the network of suppressing information — inventing, out of thin air, an obligation for broadcasters to air the president’s press conferences and parrot his rhetoric.⁴²

FCC precedent, however, limits “news distortion” to cases involving extrinsic evidence of deliberate and knowing distortion beyond the broadcast itself, such as a bribe or evidence of an order from management to fabricate news.⁴³ That policy is informed by the constitution — the the First Amendment does not tolerate government meddling in news content. To quote a prior version of Carr, it is “troubling” when the FCC sends a message that “regulated entities will pay a price if the targeted newsrooms do not conform to ... preferred political narratives. This is a chilling transgression of the free speech rights that every media outlet in this country enjoys.”⁴⁴

Beyond the unconstitutionality of Carr’s legal theory, MSNBC is a cable network, not a licensed broadcast station. As such, it falls outside the FCC’s regulatory authority. As Carr knows full well, FCC regulations and policies regarding broadcast licensees (e.g., “news distortion” doctrine) do not extend to cable channels.⁴⁵

Rule violations

Rule 1.1 – Competence. Carr’s threat to punish MSNBC’s editorial decisions shows a clear failure to understand the Commission’s basic jurisdictional limits.

⁴² Dominick Mastrangelo, [FCC chief targets Comcast-owned outlets over ‘news distortion’](#), The Hill, April 17, 2025.

⁴³ Federal Communications Commission Consumer and Governmental Affairs Bureau, [Broadcast News Distortion](#), Federal Communications Commission (Jul. 18, 2024).

⁴⁴ [FCC Commissioner Carr Responds to Democrats’ Efforts to Censor Newsrooms](#), Feb. 22, 2021; see also 47 U.S.C. § 326.

⁴⁵ Domenico Montanaro, [The Truth is There’s Little the Government Can do About Lies on Cable](#), NPR, March 16, 2023.



The law is unambiguous: cable station's content decisions are not subject to FCC review, under the news distortion policy or otherwise.⁴⁶

Rule 8.4(c) – Misrepresentation. Carr misrepresented the FCC's authority by attempting to exercise authority to investigate "news distortion" with respect to one, constitutionally protected editorial decisions, and two, a cable news network. Carr's public statement put other cable networks on notice of his willingness to abuse his office to pressure them to make content decisions that will please him and Trump.

Rule 8.4(d) – Prejudicial to the Administration of Justice. By threatening regulatory action without any serious legal basis, Carr erodes the legitimacy of the FCC and undermines public trust in the FCC as an agency that acts in accordance with the constitution. His public statements are designed to chill lawful speech that the president does not like through intimidation and threats of legal process.

Rule 8.4(e) – Implying Improper Influence. Carr's aggressive public statements about MSNBC — and their implicit threat of regulatory punishment — seek to coerce coverage favorable to the Trump administration by threatening consequences, like a time-consuming and expensive investigation, for failing to do so. This improperly implies that Carr can wield FCC influence beyond its actual jurisdiction to silence dissent.

Baseless Revival of NBC and ABC Complaints

In addition to reopening the investigation of CBS, Carr reopened previously dismissed complaints against NBC and ABC. These complaints alleged that the networks' content reflected partisan "bias," for example in fact-checking decisions of presidential debate moderators, which the FCC plainly lacks authority to regulate.⁴⁷

Carr offered no new evidence and did not reopen a similar complaint against the Trump-aligned network Fox News (despite elsewhere claiming authority to regulate

⁴⁶ *Id.*, *FCC v. Midwest Video Corp.*, 440 U.S. 689 (1979).

⁴⁷ [Center for American Rights Files FCC and FEC Legal Complaints Over ABC News' Debate Bias](#), Center for American Rights, Sept. 25, 2024.



cable), raising serious concerns of selective and politically motivated enforcement.⁴⁸ This reflects a pattern of wielding FCC investigatory power to punish disfavored but constitutionally-protected speech.

As Robert Corn-Revere, a former FCC chief counsel, explained, “For the FCC to not just investigate but to reopen closed investigations for the purpose of going after those networks really smacks of political abuse of the office.” “Even if the FCC had the authority that Carr seems to imagine that it does—and it doesn’t—trying to do this to go after political opponents or perceived political opponents, is plainly unconstitutional.”⁴⁹

Rule violations

Rule 1.1 – Competence. Carr’s revival of previously resolved complaints — with no intervening facts or legal developments — demonstrates a fundamental failure to apply settled First Amendment jurisprudence. The U.S. Supreme Court in *Miami Herald Publishing Co. v. Tornillo*, 418 U.S. 241 (1974), unequivocally held that the government may not coerce media outlets to present a particular political viewpoint.⁵⁰

Rule 8.4(d) – Prejudicial to the Administration of Justice. Carr’s conduct undermines fair and impartial enforcement. Carr’s use of his public office to distort the law to enable him to retaliate against Trump’s political enemies undermines public confidence in the FCC’s regulatory integrity.

Investigating constitutionally protected reporting on immigration raids

In one of his most alarming attacks on the constitution, Carr launched an inquiry into KCBS Radio after it reported on Immigration and Customs Enforcement (ICE) raids in the Bay Area. Carr suggested the broadcast may have endangered public safety by alerting immigrants to potential enforcement actions.⁵¹

There is no precedent or legal basis whatsoever for the FCC punishing news reporting on ICE raids or any other law enforcement operations, nor can there be under the First

⁴⁸ Jon Brodtkin, [Trump’s FCC chair gets to work on punishing TV news stations accused of bias](#), Ars Technica, Jan. 23, 2025.

⁴⁹ Grayson Logue, [The FCC Targets Broadcasters](#), The Dispatch, Feb. 25, 2025.

⁵⁰ See also *National Rifle Association of America v. Vullo*, 602 U.S. 175 (2024),

⁵¹ Clara Harter, [FCC Investigating San Francisco Radio Station that Shared Location of Undercover ICE agents](#), Los Angeles Times, Feb. 6, 2025.



Amendment. But Carr, once again, used his position to further Trump's political agenda, ignoring the FCC's mandate and the constitution.

As the Cato Institute explained in response, there is an obvious public interest in live media coverage of police street activity.⁵² KCBS would have been constitutionally entitled to specifically identify law enforcement officers, but it did not even do that – it merely described immigration raids occurring in full public view in general terms, in a completely routine journalistic manner (for example, "Police are on our block right now and I saw three of them get out of an unmarked blue Chevy."). Carr's inquiry into this standard journalism is a facially frivolous intimidation tactic against an outlet that Trump doesn't like reporting news he doesn't want reported.⁵³

KCBS, it's worth noting, is owned by Audacy. An investment fund run by George Soros, the billionaire philanthropist and frequent target of right wing conspiracy theories, became a major investor in that company last year through a bankruptcy restructuring plan.⁵⁴ Upon his appointment as Chair, Carr said he would review the Audacy reorganization, which the FCC approved during the prior administration.⁵⁵ This raises concerns that, as in the Paramount case discussed above, Carr is using the FCC's power over corporate transactions as leverage to retaliate against news outlets, news stories and even investors that he and Trump disfavor.

As David Loy, legal director of the First Amendment Coalition, put it: "the First Amendment protects the right to report the news. And part of the news is what the government is doing to enforce the law at any level local, state or federal, civil, criminal, and immigration."⁵⁶ Roy Guterman, director of the Newhouse School's Tully Center for

⁵² Walter Olson, [FCC Investigates Radio Station Over Coverage of Immigration Raid](#), Cato Institute, Feb. 11, 2025.

⁵³ *Bartnicki v. Vopper*, 532 U.S. 514 (2001) (press entitled to publish lawfully obtained information); *Florida Star v. B.J.F.*, 491 U.S. 524 (1989) (press entitled to publish names of victims of sex crimes that government had inadvertently disclosed); *Oklahoma Publishing Co. v. Oklahoma County District Court*, 430 U.S. 308 (1977) (press entitled to report on public court proceeding even though it involved sensitive information regarding a juvenile); *N.Y. Times Co. v. United States*, 403 U.S. 713 (1971) (press entitled to report on Pentagon Papers despite government claims that troops could be endangered and national security could be at risk).

⁵⁴ Justin Baragona, [Experts see 'hallmarks of government censorship' in FCC's latest investigation of radio station](#), The Independent, Feb. 7, 2025.

⁵⁵ *Id.*

⁵⁶ Aja Seldon, [KCBS under investigation for alleged broadcast of ICE agent locations in San Jose](#), KTVU, Feb. 7, 2025.



Free Speech, added that the FCC's incursion into news operations “reflects the new chairman's interest in pursuing the Administration's regulation and punishment of news organizations.”⁵⁷

It is very unlikely that Carr believed any kind of enforcement action against a broadcaster for routine reporting on law enforcement could succeed. Instead, Carr appears to have distorted and abused the law to send a message: covering immigration operations that the administration wants to conduct in secret will lead to regulatory harassment. Think twice about whether the story is worth the trouble.

Rule violations

Rule 1.1 – Competence. As Carr himself has said, the FCC has no authority to second-guess editorial decisions, let alone investigate truthful reporting of law enforcement operations conducted in public view. Carr's disregard for basic First Amendment protections demonstrates a lack of competence.

Rule 8.4(c) – Misrepresentation. Carr misrepresented the FCC's authority by claiming the power to investigate and punish routine journalism regarding newsworthy law enforcement operations. Carr's baseless inquiries serve to intimidate their targets and put other broadcasters on notice of his willingness to abuse his office to retaliate against them for editorial decisions he and the President dislike.

Rule 8.4(d) – Prejudicial to the Administration of Justice. By claiming power to punish broadcast licensees for constitutionally protected content, Carr degrades the fairness and neutrality of the licensing process. This threatens First Amendment freedom and chills protected speech. It may also result in licenses being revoked or renewals being denied without any legally recognized cause.

Rule 8.4(e) – Implying Improper Influence. Carr's statements discourage other broadcasters from reporting on the Trump administration's immigration raids despite the First Amendment right to do so. Broadcasters are on notice that if their reporting displeases Carr and Trump they may face a time-consuming and expensive investigation. By announcing and launching these frivolous inquiries,

⁵⁷ Justin Baragona, [Experts see 'hallmarks of government censorship' in FCC's latest investigation of radio station](#), The Independent, Feb. 7, 2025.



Carr implies that the FCC can exercise influence beyond its actual jurisdiction to silence public interest journalism when the president prefers secrecy.

Attacks on public broadcasting

Carr's FCC also launched investigations into the underwriting announcement practices of PBS and NPR member stations, despite a lack of evidence of wrongdoing. Tellingly, Carr's letter announcing the probe volunteered his personal view that the government should not fund public broadcasting anymore given the current media landscape.⁵⁸

Carr is entitled to his opinion, but Congress, not the FCC, has the power of the purse to decide whether to continue funding public broadcasters. Carr's fishing expedition over underwriting appears to have been a pretense to aid Trump's efforts to defund PBS.⁵⁹ Carr's musings in the letter were clearly intended to intimidate public broadcasters and put them on notice that Carr intends to target them.

As explained in a letter from three U.S. senators, Carr's letter "cites no complaint or evidence motivating this investigation. After baselessly stating that he will open an investigation into the practices of roughly 1,500-member stations, Chairman Carr goes out of his way to encourage Congress to defund NPR and PBS, a partisan political goal of congressional Republicans that is outside the FCC's jurisdiction ... [T]his Carr-driven FCC inquiry seems designed to intimidate public broadcasters."⁶⁰

Rule violations

Rule 8.4(d) – Prejudicial to the Administration of Justice. Launching selective investigations to fish for alleged minor violations in a manner that results in harassment of politically disfavored outlets undermines the FCC's credibility and independence and subjects investigative targets to punishment based on politics, not good faith legal basis.

⁵⁸ [Letter from Brendan Carr to Katherine Maher and Paula Kerger](#), Jan. 29, 2025.

⁵⁹ David Folkenflik et al., [Trump asks Congress to wipe out funding for public broadcasting](#), June 3, 2025.

⁶⁰ [Letter to Brendan Carr et al. from Sens. Ed Markey, Ben Ray Lujan and Gary C. Peters](#), Feb. 12, 2025;



Rule 8.4(e) – Implying Improper Influence. Carr implies that his personal views about funding public broadcasting – which uncoincidentally mirror those of Trump – will impact how he regulates public broadcasters as FCC chair.

DEI Threats

Carr has repeatedly suggested that broadcasters promoting Diversity, Equity, and Inclusion (DEI) initiatives — including Comcast and NBC Universal — will have difficulty with license renewals or regulatory reviews.⁶¹ He reportedly also extracted DEI commitments from Skydance (but only after Trump extracted his settlement from Paramount) before approving its merger.⁶²

These threats are untethered to any statutory criteria in the FCC’s public interest review standard under 47 U.S.C. § 309(a). Although cracking down on DEI initiatives is a priority of the Trump administration, the FCC’s own regulations contain Equal Employment Opportunity (EEO) requirements and its public website reflects a commitment to workplace diversity.⁶³ The policies Carr targeted were enacted, in part, to *comply* with FCC requirements.

If Carr wants to change FCC policy in a manner that is consistent with the constitution and the agency’s mandate, there are procedures for him to do so. But instead, he chose to arbitrarily intimidate politically disfavored licensees. It is yet another instance of Carr abusing the FCC’s licensing authority to further Trump’s agenda. In fact, he put Trump’s agenda over the FCC’s own policies.

The intimidation worked. On Feb. 27, 2025 Carr wrote a letter to Verizon raising concerns about its DEI practices.⁶⁴ At the time, Verizon was seeking approval for an acquisition of Frontier Communications. On May 15, Verizon responded that it would eliminate the DEI practices to which Carr objected, including changing its “HR structure”

⁶¹ Jeff Green *et al.*, [FCC’s Carr Threatens to Block M&A for Companies With DEI](#), Bloomberg, March 21, 2025.

⁶² Caroline Colvin, [Paramount promises to abstain from DEI programs to secure Skydance merger](#), HR Dive, July 25, 2025.

⁶³ Federal Communications Commission, [EEO Rules and Policies for Radio, Broadcast TV and Non-Broadcast TV](#), December 30, 2019. Note that this document was updated after the events discussed herein, on May 20, 2025. The updated version is available [here](#). See also Federal Communications Commission, [Workplace Diversity homepage](#), last reviewed July 25, 2025.

⁶⁴ David Shepardson, [FCC chair opens probe into diversity practices at Verizon](#), Reuters, Feb. 28, 2025.



to eliminate roles focused on DEI and eliminating “supplier diversity” initiatives. Verizon’s letter promised that “all of the above will apply to Frontier, following the close of our proposed transaction.” Carr posted the letter on X.⁶⁵

Foreshadowing its shamelessness in the Paramount case, Carr’s FCC didn’t wait to reward Verizon’s capitulation. The very next day, the FCC approved the Frontier transaction, with a statement from Carr citing its commitment to ending its DEI practice.⁶⁶ The Verizon episode also demonstrates Carr’s willingness to hold up mergers until licensees conform to Trump’s agenda or capitulate to his demands. It put Paramount and any other licensees considering mergers on notice.

Rule violations

Rule 1.1 – Competence. Threatening to block mergers over DEI policies reflects a fundamental misunderstanding of the FCC’s mandate and policies.

Rule 8.4(c) – Misrepresentation. Carr misrepresented the obligations of FCC licensees with respect to EEO and DEI.

Rule 8.4(d) – Prejudicial to the Administration of Justice. Carr prejudices the FCC’s ability to enforce its rules through public proclamations that he is more concerned with licensees’ compliance with Trump’s political agenda than with the FCC’s own positions.

Rule 8.4(e) – Stating or Implying Improper Influence. Carr’s suggestion that he can or will deny licenses for failure to adhere to Trump’s political agenda creates the appearance of improper partisan influence over the licensing process.⁶⁷

Efforts to intimidate online platforms that the FCC does not regulate

Carr has also sought to meddle with online speech, a domain explicitly outside of the FCC’s mandate. He has been particularly critical of companies’ use of NewsGuard, a

⁶⁵ Brendan Carr, X, May 16, 2025, <https://x.com/BrendanCarrFCC/status/1923355671036035101>; see also Maria Aspan, [Verizon ends DEI policies to get FCC's blessing for its \\$20 billion Frontier deal](#), NPR, May 19, 2025.

⁶⁶ [FCC Approves Verizon-Frontier Merger](#), Federal Communications Commission, May 16, 2025.

⁶⁷ 5 C.F.R. § 2635.702 (prohibiting misuse of public office for political purposes).



third-party fact-checking tool that he accuses of violating the First Amendment (despite it being a private company).⁶⁸ His position is that NewsGuard is unfair to conservative viewpoints.⁶⁹

A week after Trump's election to a second term – with his name being floated as the frontrunner to lead the FCC – Carr sent a letter to the CEOs of Alphabet, Microsoft, Meta and Apple, on his FCC letterhead, accusing them of participating in a “censorship cartel,” threatening to review their activities under the new administration, and demanding information about their relationship with NewsGuard “to help inform FCC action.”⁷⁰

There is no statutory authority for the FCC to regulate online content. FCC jurisdiction aside, the Supreme Court has held that online speech is entitled to the highest level of protection. It has cautioned against unconstitutional government attempts to regulate how online platforms choose content or impose purported political neutrality requirements, including just last year.⁷¹

As explained by Ari Cohn, lead counsel for tech policy at the Foundation for Individual Rights and Expression:

[T]he FCC's authority is generally limited to the mechanisms of transmitting communications. Only in extremely limited circumstances does the FCC have jurisdiction over *content*—none of which apply online. Put simply: The FCC does not have authority whenever it decides it would like to “promote free speech” over one method of communication or another.

Carr knows this, but, once again, he chose to ignore First Amendment and administrative law basics, and the Supreme Court's very recent, unequivocal holdings. Instead, he sent threatening letters intended to intimidate their recipients.

Both Carr and his targets must know that his threats are baseless, but that is not the point – they also know that defending an investigation means unwanted hassle and

⁶⁸ [Letter from American Civil Liberties Union et al. to Brendan Carr](#), March 15, 2025 (letter from civil society organizations, trade groups and unions noting Carr's conflation of private companies with government actors subject to the First Amendment).

⁶⁹ Jacob Sullum, [Incoming FCC Chairman Brendan Carr's Beef With NewsGuard Is Legally Dubious and Empirically Shaky](#), Reason, Nov. 21, 2025.

⁷⁰ [Letter from Brendan Carr to Sundar Pichai et al.](#), Nov. 13, 2024.

⁷¹ *Moody v. NetChoice, LLC*, 603 U.S. 707 (2024); see also *Reno v. ACLU*, 521 U.S. 844 (1997).



expense. And most importantly, they know that complying with Carr's demands is their best bet to get on the administration's good side and out of its crosshairs.

Rule violations

Rule 1.1 – Competence. Once again, Carr's conduct represents either bad faith or incompetence — there is no third possibility. If he does not know that the FCC lacks the power to punish online platforms' content moderation practices – or that the First Amendment does not bind private companies – then he lacks the basic competence necessary to practice communications law.

Rule 8.4(c) – Misrepresentation. Carr misrepresented the FCC's powers by exercising legal authority that does not exist to take action against tech companies for their online content.

Rule 8.4(d) – Prejudicial to the Administration of Justice. Carr's threats interfere with tech companies' rights to engage in lawful, constitutionally protected content moderation by signaling that they will be subject to regulatory harassment if they do not do as he wishes, regardless of whether the law is on his side.

Rule 8.4(e) – Stating or Implying Improper Influence. Carr is implying that he will use his investigative authority to coerce tech companies into advancing his political or ideological views — a clear violation of both ethical guidelines and statutory constraints.

Violations of Federal Ethics Rules

The foregoing ethical violations are also in contravention of 47 U.S.C. § 326 which, as Carr well knows, bars the FCC from engaging in censorship or interfering with First Amendment-protected free speech by broadcasters.

Carr's politically motivated investigations and other misuses of his office also violate federal ethics rules. Under the Standards of Ethical Conduct for Employees of the Executive Branch, government officials may not use their official position to secure private or political gain for themselves or others.⁷²

⁷² 5 C.F.R. § 2635.702



The first example cited in the Standards is as follows:

Offering to pursue a relative's consumer complaint over a household appliance, an employee of the Securities and Exchange Commission called the general counsel of the manufacturer and, in the course of discussing the problem, stated that they worked at the SEC and were responsible for reviewing the company's filings. The employee violated the prohibition against use of public office for private gain by invoking their official authority in an attempt to influence action to benefit the relative.⁷³

Carr's conduct is identical to the hypothetical SEC employee except that instead of seeking to benefit a relative, he seeks to benefit Trump – whether by advancing his private litigation against Paramount or furthering his political agenda. Like the hypothetical SEC employee, Carr is using his job title and investigative powers to coerce and intimidate private companies to act in ways he has no legal power to compel them to act – from airing presidential press conferences to scrapping DEI policies to severing ties with online fact checkers to paying large sums of money to settle Trump's lawsuits.

Carr's conduct also constitutes deprivation of rights under color of law by seeking to deprive licensees of First Amendment rights through threats to unlawfully investigate and punish them for constitutionally protected editorial and content decisions.⁷⁴

Discipline of non-practicing attorneys

We recognize that attorneys are most often disciplined for ethical violations that occur while representing clients or litigating cases. But attorneys nationwide have also been disciplined for personal conduct, from lying to get out of traffic citations to violating child support orders. This conduct is far further removed from the practice of law than actions taken by an FCC Chair in his professional capacity.⁷⁵

⁷³ *Id.*

⁷⁴ 18 U.S.C. § 242.

⁷⁵ See, e.g., *Lamberis*, 443 N.E.2d 549; ; *In re Discipline of Ravnsborg*, 2024 SD 58, 12 N.W.3d 306, 320 (state attorney general suspended for conduct following his involvement in fatal car accident); *In re Dear*, 91 A.D.3d 111 (1st Dept. 2011) (falsely accusing state trooper of using antisemitic slur during a traffic stop); *Matter of Masterson*, 283 A.D.2d 20, 726 N.Y.S.2d 114 (2d Dep't 2001) (attorney disbarred over false marriage application); *Matter of Rosoff*, 225 A.D.2d 197, 650 N.Y.S.2d 149 (1st Dep't 1996) (violating a child support order); *In re Lamberis*, 93 Ill.2d 222, 443 N.E.2d 549 (1982) (plagiarizing in a master's thesis) (quoting *In re Abbamonto*, 166 N.E.2d 62, 64 (Ill. 1960) (bouncing checks)).



Carr's conduct impacts how federal law is applied to broadcast licensees that millions of American consumers rely on. He's selling out his agency, the constitution, and all of those consumers to curry favor with the president to whom he's decided to hitch his wagon. These cynical career moves shouldn't pay off – Carr should not be able to one day cash in on his political connections to obtain a lucrative legal job.

Conclusion

Carr's actions brazenly violate legal and ethical standards that govern the practice of law and public officials, undermining the First Amendment, the FCC's credibility and the laws he is trusted to administer. His abuse of his office to force an unwarranted settlement of a private lawsuit, is shameful and warrants disbarment. But his repeated interference with constitutional rights, misrepresentations of FCC authority, blatant partisanship and selective enforcement and failure to comply with federal ethics rules demonstrate a lack of competence, integrity and professionalism, even putting Paramount aside. We respectfully urge the Office of Disciplinary Counsel to investigate these actions and take appropriate disciplinary measures, up to and including disbaring Carr.

The American Bar Association – which promulgates the model rules upon which the D.C. Rules of Professional Conduct are based – has been clear-eyed about the threat that the Trump administration's abuses of the law to bully private companies pose to the rule of law.⁷⁶ Trump and Carr's collusion to hijack a federal court proceeding to extract a bribe is a prime example. Actions like Carr's pose a threat to the rule of law and the principles the Rules of Professional Conduct are intended to uphold. The Commission has an opportunity and obligation to rise to the moment.

Please contact the undersigned if you have questions or require further information.

⁷⁶ Debra Cassens Weiss, [ABA, more than 50 bar associations condemn 'government actions that seek to twist the scales of justice'](#), ABA Journal March 26, 2025. Karen Sloan, [American Bar Association says rule of law is under 'attack'](#), Reuters, Feb. 11, 2025.



Sincerely,

A handwritten signature in blue ink, appearing to read 'Seth Stern'.

Seth A. Stern, Esq.
Director of Advocacy
Freedom of the Press Foundation