ABC/Disney goes to court to stop FCC early review of broadcast licenses

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ABC and its parent company Disney filed a suit Tuesday, August 18 in a US District Court asking for a temporary restraining order to halt the Federal Communications Commission's unprecedented early review of its television licenses. The FCC action, effectively ordered by President Donald Trump and implemented by his fascistic operative FCC Chairman Brendan Carr, is a frontal attack on the First Amendment's guarantee of freedom of speech and the press.

The FCC ordered the early review in April of all eight licenses owned by ABC years before they were set to expire. Licenses are issued for eight-year terms.

ABC's lawsuit notes that the license review was announced days after ABC late night host Jimmy Kimmel satirized the White House Correspondents Association dinner in an April 23 skit. The comic said First Lady Melania Trump was "glowing like an expectant widow."

A gunman attempted to enter the dinner at the Washington Hilton before he was stopped by Secret Service agents. Trump linked the incident to Kimmel's sketch and called for his firing.

Trump has repeatedly attacked news and talk show broadcasts by ABC, CBS and NBC for their allegedly unfavorable coverage of his administration and threatened to pull their licenses and force them off the air. He recently called for ABC's TV licenses to be revoked after the network did not carry his July 16 prime time Oval Office speech on election fraud. Carr said the network's decision would be taken under consideration in the license review process.

In late December, Trump posted on Truth Social that "If Network NEWSCASTS, and their Late Night Shows are almost 100% negative to President Donald J. Trump, MAGA, and the Republican Party, shouldn't their very valuable Broadcast Licenses be terminated? I say YES!"

Last September, under pressure from the far right and the Trump administration, ABC/Disney took the "Jimmy Kimmel Live!" late-night program off the air and suspended it "indefinitely." The pretext was a comment Kimmel made on the assassination of the fascist podcaster and Turning Point USA leader Charlie Kirk. Kimmel pointed out correctly that the "MAGA gang" was trying to "characterize this kid who murdered Charlie Kirk as anything other than one of them and doing everything they can to score political points from it."

At the time, Carr, speaking on a right-wing podcast, said: "We can do this the easy way or the hard way. These companies can find ways… to take action… on Kimmel, or there is going to be additional work for the FCC."

Trump responded to the shutdown of Kimmel by gloating on Truth Social:

> Great News for America: The ratings-challenged Jimmy Kimmel Show is CANCELLED. Congratulations to ABC for finally having the courage to do what had to be done. Kimmel has ZERO talent, and worse ratings than even Colbert, if that's possible."

However, the suspension of the Kimmel program sparked massive popular outrage, and ABC/Disney put "Jimmy Kimmel Live!" back on the air a week later. Kimmel's return generated massive ratings and the comedian denounced the Trump administration for its drive to censor the media. The network remained all the more centered in Trump and Carr's crosshairs.

Carr has also questioned whether the daily morning program on ABC, "The View," should continue to be classified as a news program, which makes it exempt from the equal time rule for political candidates who appear as guests.

Besides investigating ABC, Carr has opened separate investigations into CBS News and NBC News.

The FCC fraudulently claims that its early review of ABC's licenses has nothing to do with the content of the network's broadcasts, but rather what the FCC calls discrimination linked to ABC's diversity and inclusion standards. On Tuesday, responding to the ABC lawsuit, an FCC spokesperson said: "All broadcasters have a legal obligation to operate in the public interest—even Disney. The FCC has been examining claims that Disney engaged in illegal DEI discrimination for over a year."

In its lawsuit, the network alleged: "Again and again, the Administration has attacked ABC's speech—the stories its journalists report and the viewpoints its network programs air. Over time, those attacks have escalated into express demands that ABC be stripped of its broadcast licenses because of its speech."

"Facing this existential threat," it added, "Plaintiffs have no choice but to seek redress from the judicial branch for the Administration's blatant retaliation for their First Amendment speech."

"The consequences of the Administration's campaign against free speech reach well beyond ABC," the filing continued. "If the Administration gets its way, the message to every media company in the country will be unmistakable: tell only the stories the Administration deems favorable, or face the coercive machinery of the federal government."

Free-speech attorney Floyd Abrams wrote in an email to the Associated Press: "But not until the Trump Administration has the government so directly, so deliberately and so dangerously sought to limit the freedom of the broadcast press to cover and discuss the news."

ABC and the other broadcast networks, owned by billionaire oligarchs, have by no means waged a consistent fight against the Trumpian version of what the Nazis called *Gleichschaltung*—the official subordination of the media and academia to Nazi ideology. Besides initially acceding to the demand to take the Jimmy Kimmel program off the air, ABC/Disney in December 2024 agreed to pay Trump $15 million to settle a lawsuit over statements ABC News anchor George Stephanopoulos made about E. Jean Carroll's sexual assault civil suit, which the president lost in court.

CBS similarly capitulated to Trump when it paid $16 million to settle his complaint over a "60 Minutes" interview with his 2024 opponent, former Vice President Kamala Harris. Parent company Paramount agreed to the settlement in order to clear the regulatory path for its merger with Skydance Media.

A major motivation behind ABC's lawsuit against the FCC is the prospect of a protracted legal battle over licensing that will place a cloud of uncertainty over the network's operations, encouraging investors to abandon the company.

The *Los Angeles Times* quoted Mike Proulx, vice president and research director for the advisory firm Forrester, who said, "Media companies must weigh the political and regulatory uncertainty attached to licensed broadcast properties and whether that, along with continued losses in viewers and ad revenue, is worth it."

A federal judge has set a hearing for the week October 5, 2026, for ABC's temporary restraining order request.