

Media Research Center

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**VIA ECFS**

Maria Mullarkey  
Division Chief  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

**RE:** *In the Matter of Petition by Disney's ABC Asking the FCC to Declare that The View Qualifies as a Bona Fide News Interview Program and Thus is Exempt from the Statutory Equal Opportunities Requirements;*

RM Docket No. 26-124

DATE

Dear Ms. Mullarkey:

For nearly four decades, the Media Research Center (MRC) has been an unrelenting media watchdog and a counterforce to activism in America's newsrooms, broadcast networks, and Big Tech platforms. As such, the MRC is uniquely qualified to respond to the Commission's request for comment on Disney/ABC's petition to declare that the daytime television program *The View* qualifies as a *bona fide* news interview program.

ABC claims that its daytime television program *The View* is a "bona fide news interview program" and thus should be exempt from Congress's equal opportunity

rules.<sup>1</sup> This claim is belied by the facts. While *The View* may once have qualified for an exemption, the evidence shows that it has for years operated for political purposes and is therefore not entitled to an exemption to the law. The MRC has the documentation to demonstrate that *The View* is a partisan political operation that advocates for Democrats and their party, against President Donald Trump and Congressional Republicans, and for the political priorities of the left. Furthermore, the MRC can demonstrate that the American Broadcasting Company (ABC) misrepresented its program in its petition to the FCC, improperly cited First Amendment case law, and trivialized the actual harms of censorship through false outrage at the Commission’s legitimate questions.

In support of its petition, MRC will be submitting 2,473 separate pieces of evidence documenting *The View*’s pervasive bias and, at times, willful electioneering as exhibits to this comment.

## **Background**

As broadcast spectrum is a public resource licensed on a temporary basis, federal law prohibits using said spectrum to advance partisan political purposes, including electioneering.<sup>2</sup> Broadcast programs are generally required to afford “equal opportunities” to candidates, meaning that if one candidate is featured on a program, all other “legally qualified” opponents are entitled to appear in a slot of comparable desirability and audience reach.<sup>3</sup> Four narrow exceptions exist to this

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<sup>1</sup> Petition for Declaratory Ruling of KTRK Television, Inc. and American Broadcasting Companies, Inc., FCC ECFS Filing No. 10522087167981, at 1 (filed May 7, 2026), <https://www.fcc.gov/ecfs/document/10522087167981/1>.

<sup>2</sup> 47 U.S.C. § 315(a).

<sup>3</sup> *Id.*

equivalent time rule: “(1) bona fide newscast[s]; (2) bona fide news interview [programs]; (3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or (4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto).”<sup>4</sup>

*The View* does not fall into any of these four categories.

### **I. *The View* is a Political Operation, Not a News Interview Program.**

The on-air statements of its own hosts demonstrate that *The View* is a political operation, not a *bona fide* news interview program.

“[W]hen considering the scope of an exemption related to a specific program, the Commission has long sought to ensure ‘that the content, format and participants not be intended for the political advantage of candidates.’”<sup>5</sup> The Commission “specifically noted that certain programs that might otherwise be exempt would be excluded from an exemption category if the program was ‘designed for the specific advantage of a candidate.’”<sup>6</sup> The Commission considers three factors in determining whether an exemption is warranted: “(1) whether the program is regularly scheduled; (2) whether the broadcaster or an independent producer controls the program; and (3) whether decisions on the content, participants, and

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<sup>4</sup> *Id.*

<sup>5</sup> FCC’s Media Bureau Provides Guidance on Political Equal Opportunities Requirements, Public Notice, DA 26-68, at 1 (MB Jan. 21, 2026), <https://docs.fcc.gov/public/attachments/DA-26-68A1.pdf> (quoting Request for Declaratory Ruling That Independently Produced Bona Fide News Interview Programs Qualify for the Equal Opportunities Exemption Provided in Section 315(a)(2) of the Communications Act, 7 FCC Rcd 4681, 4685, para. 26 (1992)).

<sup>6</sup> FCC’s Media Bureau, *supra* 5 (quoting *Aspen Institute Program on Communications and Society*, Memorandum Opinion and Order, 55 FCC 2d 697, 705 (1995)).

format are based on newsworthiness, rather than partisan purposes, such as an intention to advance or harm an individual’s candidacy.”<sup>7</sup>

While *The View* may satisfy the first and second factors of the Commission’s evaluation, it does not meet the third. The program’s co-hosts use the public spectrum to engage in both direct and near-direct electioneering. For example, in one broadcast from May of this year, co-host Ana Navarro stated:

[A]s long as Republicans are in power in the majority, there will never be accountability, there will never be checks and balances, there will never be oversight. And so, if Americans want this to end, want the abuses of power checked, they have got to vote Democrats [sic] in November, period.<sup>8</sup>

In a separate broadcast held in March of this year, *The View* aired a segment criticizing President Trump that concluded with co-host Whoopi Goldberg telling the audience: “you know what to do on Election Day.”<sup>9</sup> Previously, co-host Sunny Hostin had complained on air that “safety” was not possible “with Republicans in power” and stated:

Get rid of Republicans, get rid of the party. The party as it stands now – because it’s the party of white supremacy, it’s the party of insurrectionists, it’s the party of massacres, at this point.<sup>10</sup>

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<sup>7</sup> FCC’s Media Bureau, *supra* 5 (quoting *Equal Opportunities Complaint Filed by Angelides for Governor Campaign Against 11 California Television Stations*, Order, 21 FCC Rcd 11919, 11923, para. 11 (2006)).

<sup>8</sup> Nicholas Fondacaro, *The View Demands Votes for Democrats “If Americans Want This to End”*, NewsBusters (May 18, 2026, 2:20 PM), <https://www.newsbusters.org/blogs/nb/nicholas-fondacaro/2026/05/18/view-demands-votes-democrats-if-americans-want-end>.

<sup>9</sup> Nicholas Fondacaro, *ABC Pushes CNN Lie Trump Had No Plan for Hormuz, Says Vote Dem in November*, NewsBusters (Mar. 16, 2026, 3:36 PM), <https://www.newsbusters.org/blogs/nb/nicholas-fondacaro/2026/03/16/abc-pushes-cnn-lie-trump-had-no-plan-hormuz-says-vote-dem> (“you know what to do on Election Day”).

<sup>10</sup>Nicholas Fondacaro, *Inciting Violence? The View Demands ‘Get Rid of Republicans,’ AR-15s*, NewsBusters (June 2, 2022, 3:57 PM), <https://www.newsbusters.org/blogs/nb/nicholas-fondacaro/2022/06/02/inciting-violence-view-demands-get-rid-republicans-ar-15s>

MRC has published eight studies documenting how *The View* engages in partisan programming to promote Democrat candidates and Democrat-aligned policies, while refusing to interview those who would imperil Democrat electoral chances with few exceptions (like the recent interview of Vice President JD Vance). As an example, an MRC study conducted from January to April of this year showed that *The View* hosted twenty-seven Democrat-aligned guests, including eight elected officials (four of whom were running for office at the time, and another three of whom were widely believed to be preparing to run for office).<sup>11</sup> In that same time period, *The View* only featured *one* Republican-aligned guest. In 2025, MRC documented that *The View* hosted 128 Democrat-aligned guests, including eight sitting Democrat Senators, but featured only a single Republican.<sup>12</sup> It is not a coincidence that this single Republican guest later resigned from Congress, severed her ties with President Trump and proclaimed that the Republican Party should be “burned to the ground.” While appearing on *The View*, co-host Joy Behar told her, “You should become a Democrat.”<sup>13</sup>

This discrepancy in guests was not the result of who wanted to be on the show. *The View* co-host Sara Haines stated that the program would only accept “a

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<sup>11</sup> See Nicholas Fondacaro, *The View Kicks Off Midterm Year With 27 Liberal Guests to 1 Republican*, NewsBusters (Apr. 10, 2026, 11:00 AM), <https://www.newsbusters.org/blogs/nb/nicholas-fondacaro/2026/04/10/view-kicks-midterm-year-27-liberal-guests-1-republican> (Jasmine Crockett, Jim Clyburn, Josh Shapiro, and James Talarico were current candidates; Andy Beshear, Cory Booker, and Rahm Emanuel are widely recognized as candidates).

<sup>12</sup> See Nicholas Fondacaro, *2025: The View Chatted Politics with 128 Lib Guests, 2 Conservatives*, NewsBusters (Dec. 22, 2025, 9:00 AM), <https://www.newsbusters.org/blogs/nb/nicholas-fondacaro/2025/12/22/2025-view-chatted-politics-128-lib-guests-2-conservatives>.

<sup>13</sup> Nicholas Fondacaro, *The View Tries to Recruit MTG for Democrats, Discover Horseshoe Theory*, NewsBusters (Nov. 4, 2025, 2:55 PM), <https://www.newsbusters.org/blogs/nb/nicholas-fondacaro/2025/11/04/view-tries-recruit-mtg-democrats-discover-horseshoe-theory>.

certain caliber of guest,”<sup>14</sup> with *The View*’s executive producer Brian Teta clarifying that ABC would not ask Republican President Donald Trump to be on the show but that it would host Democrat President Joe Biden.<sup>15</sup> Republican congressman and gubernatorial candidate Byron Donalds, right-leaning women’s rights activist Riley Gaines, and Media Research Center President David Bozell have all requested and been denied appearances on *The View*.<sup>16</sup> After Republican Texas Senator Ted Cruz clashed with *The View*’s co-hosts, he was denied an appearance on the show on three separate occasions,<sup>17</sup> even as the show hosted multiple Democrat Texas Senate candidates.<sup>18</sup>

*The View*’s refusal to host right-leaning and Republican guests extends even to figures whom the show’s co-hosts discuss on air. After its hosts used the program to criticize the religious faith of right-leaning podcast host Isabel Brown and accuse her of “wrap[ping] a woman’s worth up in her ovaries,”<sup>19</sup> *The View* “point-blank denied” Brown’s repeated offer to appear on the program and answer their hosts’

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<sup>14</sup> Nicholas Fondacaro, *The View: Conservatives Don’t Live Up to Our “Certain Caliber of Guest”*, NewsBusters (Nov. 7, 2025, 4:07 PM), <https://www.newsbusters.org/blogs/nb/nicholas-fondacaro/2025/11/07/view-conservatives-dont-live-our-certain-caliber-guest>.

<sup>15</sup> See Nicholas Fondacaro, *The View “Stopped Asking” Trump to Be on Show, Expect Biden Appearance*, NewsBusters (Apr. 8, 2024, 6:05 PM), <https://www.newsbusters.org/blogs/nb/nicholas-fondacaro/2024/04/08/view-stopped-asking-trump-be-show-expect-biden-appearance>.

<sup>16</sup> Nicholas Fondacaro, *Conservatives Call Out The View for Not Accepting Appearance Requests*, NewsBusters (Oct. 21, 2025, 10:50 AM), <https://www.newsbusters.org/blogs/nb/nicholas-fondacaro/2025/10/21/conservatives-call-out-view-not-accepting-appearance>.

<sup>17</sup> Curtis Houck, *“The View,” MSNBC’s Psaki Run for the Hills Over Cruz Requests to Debate*, NewsBusters (Dec. 5, 2023, 9:47 AM), <https://www.newsbusters.org/blogs/nb/curtis-houck/2023/12/05/exclusive-view-msnbcs-psaki-run-hills-over-cruz-requests-debate>.

<sup>18</sup> See Fondacaro, *The View Kicks Off*, supra 11.

<sup>19</sup> See Nicholas Fondacaro, *The View Attacks Conservative Woman Telling Women to Marry, Have Kids*, NewsBusters (Mar. 30, 2026, 4:02 PM), <https://www.newsbusters.org/blogs/nb/nicholas-fondacaro/2026/03/30/view-attacks-conservative-woman-telling-women-marry-have>.

questions.<sup>20</sup> After Brown objected, *The View* hosts again disparaged Brown and her faith on air while refusing to grant her an interview.<sup>21</sup>

*The View*'s partisan agenda is also demonstrated by the statements its hosts make on-air. In addition to incendiary claims like that the Trump administration was “trying to kill us,”<sup>22</sup> *The View* hosts routinely make verifiably false claims rooted in far-left conspiracy theories. These statements include agreeing when asked whether the 2018 Georgia gubernatorial election was “stolen” and “illegitimate,”<sup>23</sup> denying the 2020 New York nursing home deaths,<sup>24</sup> misstating the COVID-19 death toll,<sup>25</sup> suggesting that the 2024 presidential election was rigged to guarantee President Trump victory,<sup>26</sup> insisting that free speech advocate Elon Musk was “pro-apartheid”<sup>27</sup> and responsible for the death of “300,000 [people], mostly

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<sup>20</sup> NewsBusters' Podcast: “The View” Refuses to Talk to Isabel Brown, MRC Video (Apr. 6, 2026), at 1:06–1:12, <https://mrcvideo.org/videos/newsbusters-podcast-view-refuses-talk-isabel-brown>.

<sup>21</sup> See Nicholas Fondacaro, The View Continues to Smear Isabel Brown for Encouraging Marriage, Kids, NewsBusters (Apr. 3, 2026, 2:47 PM), <https://www.newsbusters.org/blogs/nb/nicholas-fondacaro/2026/04/03/view-continues-smear-isabel-brown-encouraging-marriage-kids>.

<sup>22</sup> Nicholas Fondacaro, The View: Trump “Trying to Kill Us,” Fired “All the Women” in the Administration, NewsBusters (Apr. 23, 2026, 2:07 PM), <https://www.newsbusters.org/blogs/nb/nicholas-fondacaro/2026/04/23/view-trump-trying-kill-us-fired-all-women-administration>.

<sup>23</sup> Nicholas Fondacaro, Bringing Receipts! Cruz DOMINATES The View, Liberal Audience on Dem Election Denial, NewsBusters (Oct. 24, 2022, 3:26 PM), <https://www.newsbusters.org/blogs/nb/nicholas-fondacaro/2022/10/24/bringing-receipts-cruz-dominates-view-liberal-audience-dem>.

<sup>24</sup> See Kristine Marsh, Ted Cruz Triggers Joy Behar by Bringing Up Cuomo's Disastrous Nursing Home Policy, NewsBusters (Sept. 28, 2020, 2:13 PM), <https://www.newsbusters.org/blogs/nb/kristine-marsh/2020/09/28/ted-cruz-triggers-joy-behar-bringing-cuomos-disastrous-nursing>.

<sup>25</sup> Jim Geraghty, The View's Take on the Jay Jones Scandal Is Ignorant Even by View Standards, National Review, <https://www.nationalreview.com/the-morning-jolt/the-views-take-on-the-jay-jones-scandal-is-ignorant-even-by-view-standards/>.

<sup>26</sup> See Nicholas Fondacaro, ABC News Host Suggests Trump RIGGED 2024 Presidential Election, NewsBusters (May 1, 2025, 2:36 PM), <https://www.newsbusters.org/blogs/nb/nicholas-fondacaro/2025/05/01/abc-news-host-suggests-trump-rigged-2024-presidential>;

<sup>27</sup> Nicholas Fondacaro, Joy Behar Accuses Musk of Being “Pro-Apartheid,” Begs Not to Be Sued, NewsBusters (Feb. 27, 2025, 3:07 PM),

children,”<sup>28</sup> accusing First Daughter Ivanka Trump<sup>29</sup> and Supreme Court Justice Clarence Thomas’s wife Ginni Thomas of participating in the January 6 U.S. Capitol riot,<sup>30</sup> speculating that the Health & Human Services Department was targeting autistic children,<sup>31</sup> reciting the debunked and racist “Black Athena” eugenics theory,<sup>32</sup> and insisting that the Holocaust (Nazi Germany’s systematic genocide of Jewish, Roma, and Slavic people) was “not about race.”<sup>33</sup> Perhaps most disturbingly, *The View* falsely asserted that “Neo-Nazis” were participants in Turning Point USA’s political events, claiming the free speech advocacy group “let them in” and “knew what they were.”<sup>34</sup> ABC staff have used public spectrum to

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<https://newsbusters.org/blogs/nb/nicholas-fondacaro/2025/02/27/joy-behar-accuses-musk-being-pro-apartheid-begs-not-be-sued>.

<sup>28</sup> Nicholas Fondacaro, ABC News: Musk Killed 300,000 Kids, Knows How Trump Stole Election, NewsBusters (June 4, 2025, 3:07 PM), <https://www.newsbusters.org/blogs/nb/nicholas-fondacaro/2025/06/04/abc-news-musk-killed-300000-kids-knows-how-trump-stole>.

<sup>29</sup> See Kelly Jane Torrance, “The View” Is the Biggest Source of Misinformation in America, N.Y. Post (Jan. 4, 2023, 8:06 PM), <https://nypost.com/2023/01/04/the-view-is-the-biggest-source-of-misinformation-in-america/>.

<sup>30</sup> Nicholas Fondacaro, The View LIES About Justice Thomas’s Wife Being “Part of the Insurrection”, NewsBusters (Feb. 22, 2022, 3:56 PM), <https://www.newsbusters.org/blogs/nb/nicholas-fondacaro/2022/02/22/view-lies-about-justice-thomass-wife-being-part-insurrection>.

<sup>31</sup> See Nicholas Fondacaro, ABC Defends Comedian’s Claim Trump Is Inhuman, RFK Jr. to Abduct Kids, NewsBusters (Apr. 30, 2025, 3:26 PM), <https://newsbusters.org/blogs/nb/nicholas-fondacaro/2025/04/30/abc-defends-comedians-claim-trump-inhuman-rfk-jr-abduct-kids>.

<sup>32</sup> See Rich Lowry, Does It Matter What Helen of Troy Looked Like?, National Review (May 2026), <https://www.nationalreview.com/2026/05/does-it-matter-what-helen-of-troy-looked-like/>.

<sup>33</sup> Landon Mion, Whoopi Goldberg Apologizes Again for Claiming Holocaust Was “Not About Race”, Fox News (Dec. 28, 2022, 1:12 AM), <https://www.foxnews.com/media/whoopi-goldberg-apologizes-again-claiming-holocaust-not-about-race>.

<sup>34</sup> Nicholas Fondacaro, VICTORY: The View Buckles to Turning Point USA’s Defamation Threat, NewsBusters (July 27, 2022, 12:25 PM), <https://www.newsbusters.org/blogs/nb/nicholas-fondacaro/2022/07/27/victory-view-buckles-turning-point-usas-defamation-threat>.

repeatedly mischaracterize<sup>35</sup> and seemingly justify<sup>36</sup> the murder of free speech advocate and Turning Point USA founder Charlie Kirk.

*The View* is a political operation of the Democratic Party, not a *bona fide* news interview program.

## **II. ABC's Petition Misstates First Amendment Law and Misrepresents the Nature of Its Program**

ABC's petition in defense of *The View* is a terrible misstatement of First Amendment law that obfuscates how ABC's use of U.S. public spectrum is a privilege, not a right.

“The First Amendment prohibits government from ‘abridging the freedom of speech’; it does not confer an affirmative right to use government [resources] for the purpose of” one’s personal speech.<sup>37</sup> “As a general matter, if a party objects to a condition on the receipt of federal” subsidies, “its recourse is to decline the” gift.<sup>38</sup> “This remains true when the objection is that a condition may affect the recipient’s exercise of its First Amendment rights.”<sup>39</sup>

This principle was perhaps best exemplified in the U.S. Supreme Court case upholding the provision in the Children’s Internet Protection Act (CIPA) that prohibits federally funded public library computers from willingly providing patrons

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<sup>35</sup> Sean Moran, FCC Chair Brendan Carr Threatens Action Against ABC, Jimmy Kimmel for Claiming Charlie Kirk Assassin “MAGA”, Breitbart (Sept. 17, 2025), <https://www.breitbart.com/entertainment/2025/09/17/fcc-chair-brendan-carr-threatens-action-against-abc-jimmy-kimmel-for-claiming-charlie-kirk-assassin-maga/>.

<sup>36</sup> Nicholas Fondacaro, ABC Proclaims Charlie Kirk Had It Coming, Students Didn’t Want Him on Campus, NewsBusters (Sept. 10, 2025, 4:57 PM), <https://newsbusters.org/blogs/nb/nicholas-fondacaro/2025/09/10/abc-proclaims-charlie-kirk-had-it-coming-students-didnt-want>.

<sup>37</sup> *Ysursa v. Pocatello Educ. Ass'n*, 555 U.S. 353, 355 (2009).

<sup>38</sup> *Agency for Int’l Dev. v. Alliance for Open Soc’y Int’l, Inc.*, 570 U.S. 205, 214 (2013) (*AOSI I*).

<sup>39</sup> *Id.*

access to pornography.<sup>40</sup> The Court upheld CIPA because “when the Government appropriates public funds to establish a program it is entitled to define the limits of that program.”<sup>41</sup> The Court explained that public libraries do “not acquire Internet terminals in order to create a public forum for Web publishers to express themselves,” but instead provide internet access “for the same reasons [they offer] other library resources: to facilitate research, learning, and recreational pursuits by furnishing materials of requisite and appropriate quality.”<sup>42</sup> Therefore:

CIPA does not “penalize” libraries that choose not to install [anti-pornography software, or deny them the right to provide their patrons with unfiltered Internet access. Rather, CIPA simply reflects Congress' decision not to subsidize their doing so. To the extent that libraries wish to offer unfiltered access, they are free to do so without federal assistance.<sup>43</sup>

Here, Disney/ABC was provided with a broadcast license to “operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.”<sup>44</sup> This was an incredibly valuable government subsidy afforded to only a very, very, very small subset of corporations.<sup>45</sup> If ABC wishes instead to engage in electioneering and partisan activity for its favored party, it is welcome to do so. But it is not entitled to do so at the taxpayer’s expense.

ABC’s petition obfuscates this fact. It floats out-of-context quotes and citations regarding free expression from the U.S. Supreme Court cases *Hurley v.*

*Irish-American Gay, Lesbian & Bisexual Grp. of Boston*, *Miami Herald Publishing*

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<sup>40</sup> See *United States v. Am. Library Ass'n*, 539 U.S. 194, 199 (2003).

<sup>41</sup> *Id.* at 211 (quoting *Rust v. Sullivan*, 500 U.S. 173, 194 (1991)).

<sup>42</sup> *ALA*, 539 U.S. at 206.

<sup>43</sup> *Id.* at 212.

<sup>44</sup> 47 U.S.C. § 315(a)(4).

<sup>45</sup> See Donald J. Trump (@realDonaldTrump), Truth Social (Aug. 24, 2025, 10:58 PM), <https://truthsocial.com/@realDonaldTrump/posts/115087160158530143>.

*Co. v. Tornillo*, *Moody v. Netchoice*, *303 Creative LLC v. Elenis*, and *Turner Broad. Sys., Inc. v. FCC*.<sup>46</sup> But those cases dealt, respectively, with the speech of a privately-organized parade,<sup>47</sup> a private newspaper company,<sup>48</sup> a coalition of private tech companies (that lost),<sup>49</sup> a private website designer,<sup>50</sup> and a private cable company.<sup>51</sup> None of these cases relates to public broadcast spectrum, which ABC bizarrely suggests it has a First Amendment right to occupy.

ABC also uses its petition to claim *The View*'s political objectives are balanced by the "brand[s] of political commentary" available via "podcast," "cable," "social media," and mobile device "streaming" services.<sup>52</sup> But each of those alternatives is an entirely private option that lives or dies on the free market. In contrast, *The View* is getting a massive government subsidy via public broadcast spectrum that has not been made available to almost any of its competitors.<sup>53</sup>

To be clear, ABC retains all its free speech rights. The Commission may not retaliate against the company for the speech it or its hosts engage in when *not* occupying public spectrum.<sup>54</sup> If, for example, the Commission tried to justify stripping *The View* of its broadcast privileges because of the co-hosts' incendiary and political comments on the program's affiliated podcast, *The View's Behind the*

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<sup>46</sup> Petition for Declaratory Ruling, *supra* 1, ii, 7–9.

<sup>47</sup> See *Hurley v. Irish-Am. Gay, Lesbian and Bisexual Grp. of Boston*, 515 U.S. 557, 559 (1995).

<sup>48</sup> See *Miami Herald Pub. Co., Div. of Knight Newspapers, Inc. v. Tornillo*, 418 U.S. 241, 243–44 (1975).

<sup>49</sup> See *Moody v. NetChoice, LLC*, 603 U.S. 707, 717 (2024).

<sup>50</sup> See *303 Creative LLC v. Elenis*, 600 U.S. 570, 579 (2023).

<sup>51</sup> See *Turner Broad. Sys. v. FCC*, 512 U.S. 622, 626–27 (1994).

<sup>52</sup> Petition for Declaratory Ruling, *supra* 1, i.

<sup>53</sup> See *Trump*, *supra* 45.

<sup>54</sup> See *AOSI I*, 570 U.S. at 218 ("By demanding that funding recipients adopt—as their own—the Government's view on an issue of public concern, the condition by its very nature affects 'protected conduct outside the scope of the federally funded program.'").

*Table*,<sup>55</sup> that would likely violate the First Amendment under U.S. Supreme Court precedent.<sup>56</sup> But in its petition, ABC claims an effectively absolute right to use public spectrum, which does not belong to it.<sup>57</sup> That is not something the First Amendment protects.<sup>58</sup>

Perhaps sensing the weakness in its First Amendment claim, ABC also asks the Commission to give *The View* carte blanche license to electioneer because of what it claims was “Congress’s goal of facilitating political discourse on the airwaves.”<sup>59</sup> But Congress’s actions actually belie ABC’s claims that it possesses a quasi-permanent entitlement to government subsidies.

For decades, the Corporation for Public Broadcasting (CPB) funded Public Broadcasting Services (PBS) and National Public Radio (NPR) to serve the “public interest” and act for “instructional, educational, and cultural purposes.”<sup>60</sup> For decades, the CPB flouted this law and instead funded NPR and PBS’s misinformation and flagrant political advocacy.<sup>61</sup> As a result, last year, Congress

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<sup>55</sup> See Nicholas Fondacaro, Joy Behar: ICE Is the New “Gestapo,” Trump Wants “War” With NATO & MN, NewsBusters (Jan. 23, 2026, 3:46 PM), <https://www.newsbusters.org/blogs/nb/nicholas-fondacaro/2026/01/23/joy-behar-ice-new-gestapo-trump-wants-war-nato-mn>.

<sup>56</sup> See *AOSI I*, 570 U.S. at 218.

<sup>57</sup> Petition for Declaratory Ruling, *supra* 1, 12.

<sup>58</sup> See U.S. Const. amend. I.

<sup>59</sup> Petition for Declaratory Ruling, *supra* 1, 33.

<sup>60</sup> 47 U.S.C. § 396.

<sup>61</sup> See MRC President David Bozell Talks About PBS Defunding Victory with Scott Jennings, MRC Free Speech America (July 22, 2025), <https://mrcfreespeechamerica.org/blogs/free-speech/mrc-staff/2025/07/22/mrc-president-david-bozell-talks-about-pbs-defunding-victory>; Gabriela Pariseau, DEFUND NPR & PBS: Schneider Calls Out Publicly-Funded Misinfo Outlets, MRC Free Speech America (July 11, 2025), <https://mrcfreespeechamerica.org/blogs/free-speech/gabriela-pariseau/2025/07/11/defund-npr-pbs-schneider-calls-out-publicly-funded>.

enacted (with President Trump's signature) a rescission package that entirely defunded CPB, causing it to cease operations.<sup>62</sup>

Here, the Commission and ABC present an equivalent scenario. Until now, the Commission has turned a blind eye to ABC's violation of federal equal opportunity law.<sup>63</sup> By defunding CPB, Congress and President Trump have sent a clear message that this type of noncompliance is no longer tolerated. Agencies that let public resources be steered to partisan political activities do so at their own peril.

Lastly, ABC tries to shield *The View* from the law with a sworn statement from Teta saying: "I do not select potential interview subjects with the intent to advance or harm any individual's candidacy for any office or any other partisan purpose."<sup>64</sup> But this claim is contradicted by Teta's own aforementioned public statements, where he said that while he would host President Biden, he would not ask President Trump to appear, adding "we're not going to put people on there to [spread] misinformation."<sup>65</sup> This statement clearly demonstrates partisan purpose in who is and is not selected to be on *The View*.

ABC and its hosts have the right to say whatever they want. But, contrary to the false comparisons and legal misstatements in their petition, they do not have a First Amendment right to a special government subsidy.

### **III. ABC's Petition Trivializes the Harm Imposed by Actual Censorship**

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<sup>62</sup> See Jim Rutenberg, Trump's NPR and PBS Funding Cuts Were Decades in the Making, N.Y. Times (July 18, 2025), <https://www.nytimes.com/2025/07/18/business/media/npr-pbs-funding-cuts-republicans.html>.

<sup>63</sup> See 47 U.S.C. § 315(a).

<sup>64</sup> Petition for Declaratory Ruling, *supra* 1, 3.

<sup>65</sup> Fondacarro, *The View* "Stopped Asking," *supra* 15.

ABC’s petition frivolously claims that by even questioning *The View’s* partisan activity, the Commission has “engendered” a “First Amendment chill” and will cause “future administrations to censor and punish speech they dislike.”<sup>66</sup> Such false alarmism trivializes the actual harm still being caused by the rampant censorship of the previous administration.

At least one court has stated that, under the Biden administration, “the United States Government seem[ed] to have assumed a role similar to an Orwellian ‘Ministry of Truth,’” operating a “far-reaching and widespread censorship campaign.”<sup>67</sup> The MRC documented at least 57 distinct censorship operations during the Biden administration, “spanning no fewer than 90 different government agencies, entangling hundreds of government officials and including thousands of individual censorship actions.”<sup>68</sup> Under that administration, government bureaucrats colluded with tech giants and foreign governments to blacklist and silence dissident journalists.<sup>69</sup> Foes of the administration were targeted with malicious investigations and prosecutions.<sup>70</sup> Disaster relief was denied to those who opposed the president, and banks were coerced into consigning Americans the administration distrusted to financial oblivion.<sup>71</sup> Ordinary parents who objected to lockdown policies at school board meetings were labeled domestic terrorists, as were

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<sup>66</sup> Petition for Declaratory Ruling, *supra* 1, 39–40.

<sup>67</sup> *Missouri v. Biden*, 680 F. Supp. 3d 630, 729 (W.D. La.) (*overturned on other grounds*).

<sup>68</sup> See Dan Schneider, Tim Kilcullen, & Michael Morris, *The Biden Administration Waged War on Free Speech with 57 Censorship Initiatives*, MRC Free Speech Am. (Mar. 13, 2025), <https://mrcfreespeechamerica.org/blogs/free-speech/tim-kilcullen-dan-schneider-michael-morris/2025/03/13/biden-administration-waged>, at l.

<sup>69</sup> *Id.* at 1, 3–16, 21–22, 27, 29, 31, 38.

<sup>70</sup> *Id.* at 23, 25.

<sup>71</sup> *Id.* at 20, 31–32, 37,

Catholics and other religious groups the State disfavored.<sup>72</sup> The government attempted to hijack the nascent technology of artificial intelligence to create weapons of mass deletion that threatened democracy itself.<sup>73</sup>

Tragically, even the Commission was weaponized to silence protected speech. After Musk implemented free speech-friendly policies on the X platform (previously Twitter) and resisted the administration's entreaties that he censor conservatives, the Commission "revoked an \$885 million award it had given to Starlink, which is owned by Musk's SpaceX."<sup>74</sup> A dissent highlighted that the purpose of the revocation was to punish Musk for not censoring, noting that the Commission "[made] up an entirely new standard of review that no entity could ever pass and then applying that novel standard to only one entity: Starlink."<sup>75</sup>

The Commission's decision may have cost lives. The "award would have gone to expanding internet access in rural communities" in North Carolina.<sup>76</sup> When hurricanes ravaged that area, thousands were left stranded with little ability to get help, with 104 people dying.<sup>77</sup> Biden's Department of Homeland Security then labeled criticism of its actions pertaining to the hurricane as "weaponized disinformation."<sup>78</sup>

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<sup>72</sup> *Id.* at 11, 17–18, 26, 30.

<sup>73</sup> *Id.* at 3–5, 13.

<sup>74</sup> Tim Kilcullen, Four Times Biden Admin Waged Lawfare on Elon Musk for Supporting Free Speech, MRC Free Speech America (Mar. 7, 2025), <https://mrcfreespeechamerica.org/blogs/free-speech/tim-kilcullen/2025/03/07/four-times-biden-admin-waged-lawfare-elon-musk>.

<sup>75</sup> *In re Application of Space Exploration Technologies Corp. for Authority to Provide a Space-Based V-Band Non-Geostationary Orbit Fixed-Satellite Service System*, Report and Order and Further Notice of Proposed Rulemaking, FCC 23-105 (2023) (Carr, Comm'r, dissenting), <https://docs.fcc.gov/public/attachments/FCC-23-105A2.pdf>.

<sup>76</sup> Kilcullen, Four Times Biden Admin, *supra* 74.

<sup>77</sup> *Id.*

<sup>78</sup> Schneider, *supra* 68, at 20.

Elsewhere, the Commission empowered itself “to regulate prices and business decisions of internet service providers (ISPs) so long as the FCC’s purpose was to advance ‘digital equity,’” incentivizing “a complicated access structure that better enabled and concealed viewpoint discrimination.”<sup>79</sup> Despite having no authority to control such matters, the Commission inserted itself into the heat of the 2024 election when it launched rulemaking to regulate political speech—an action that a dissenting commissioner derided as designed to aid “the DNC and Democrat candidates” who were “nervous about not keeping up with the GOP in embracing artificial intelligence technologies in this election cycle.”<sup>80</sup> Furthermore, the Commission made no effort to stop the Biden administration from strong-arming Big Tech platforms into silencing its critics.<sup>81</sup>

While *bona fide* news organizations were silenced by the Biden administration’s censorship campaign, with many still suffering from years of revenue loss and unfixable algorithmic bias created at the administration’s direction, ABC was a beneficiary of the war on free speech. The Biden administration financed the development and proliferation of censorship tools like Ad Fontes and NewsGuard, even pushing them into American classrooms.<sup>82</sup> These so-called media ratings firms are rigged to punish government-skeptical media and praise hard-left outlets like ABC’s programs,<sup>83</sup> despite ABC’s long track record of

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<sup>79</sup> *Id.* at 35.

<sup>80</sup> *In re Disclosure and Transparency of Artificial Intelligence-Generated Content in Political Advertisements*, Report and Order, FCC 24-74 (2024), <https://docs.fcc.gov/public/attachments/FCC-24-74A3.pdf> (Carr, Comm’r. dissenting).

<sup>81</sup> See Schneider, *supra* 68, at 34.

<sup>82</sup> *Id.* at II, 7–10.

<sup>83</sup> See, e.g., Louis Cornelio & Tim Kilcullen, *Media Literacy Firm Rigged to Favor Left-Wing Media*, MRC Free Speech America, (Sept. 21, 2023),

disinformation.<sup>84</sup> The tools are then used by tech platforms to dissuade users from accessing media sources disfavored by the global left.<sup>85</sup>

It is thus both ironic and duplicitous for ABC, of all outlets, to claim it is a victim of censorship or to suggest its speech has been chilled. For far too long, the Commission has let this corporate behemoth receive an incredible government subsidy in public broadcast spectrum while it flouts its obligation to serve the public interest. It is not censorship to finally make ABC play by the same rules as everyone else.

## **Conclusion**

*The View* is not a *bona fide* news interview program. As the MRC has documented, it is a partisan political operation that advocates for the Democratic Party and the global left. ABC misstates case law to obfuscate this fact, and trivializes the actual dangers of censorship with its incendiary complaints about the Commission's reasonable questions.

*The View* has every right to exist. But seeing as it rejects the public interest and flaunts the law, it should not be subsidized with public spectrum.

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<https://mrcfreespeechamerica.org/blogs/free-speech/luis-cornelio-tim-kilcullen/2023/09/21/mrc-original-media-literacy-firm-rigged>; Joseph Vazquez, MRC Exposes NewsGuard for Leftist Bias Third Year in a Row, NewsBusters (Dec. 12, 2023), <https://www.newsbusters.org/blogs/free-speech/joseph-vazquez/2023/12/12/mrc-exposes-newsguard-leftist-bias-third-year-row>.

<sup>84</sup> *Supra* Section I.

<sup>85</sup> See Schneider, *supra* 68, at II, 7–10.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Bozell". The signature is fluid and cursive, with a long horizontal stroke at the end.

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