

# C A M P A I G N F O R ACCOUNTABILITY

September 23, 2025

## VIA EMAIL

Hamilton P. Fox, III  
Disciplinary Counsel  
Office of Disciplinary Counsel  
District of Columbia Bar  
515 5th Street, N.W.  
Building A, Room 117  
Washington, D.C. 20001

[discipline@dcodc.org](mailto:discipline@dcodc.org)

Re: Complaint Against D.C. and Maryland Bar Member Brendan Carr, Esq.

Dear Mr. Fox:

Campaign for Accountability (“CfA”), a nonpartisan, nonprofit watchdog organization, respectfully requests that the District of Columbia Office of Disciplinary Counsel investigate Brendan Carr, a member of the D.C. Bar and current Chair of the Federal Communications Commission (“FCC”), for potential violations of the D.C. Rules of Professional Conduct (“Rules”).

Mr. Carr’s recent actions—invoking his regulatory authority to publicly demand ABC/Disney terminate late-night host Jimmy Kimmel for his commentary, threatening to investigate broadcasters that air political content with which Mr. Carr disagrees, and inaccurately claiming certain content constitutes news distortion—may violate numerous Rules. Mr. Carr’s actions implicate Rule 8.4(d) (engaging in conduct that seriously interferes with the administration of justice), Rule 8.4(e) (stating or implying an ability to improperly influence a government agency or official), and Rule 4.4(a) (using means that serve no substantial purpose other than to embarrass, delay, or burden a third person).<sup>1</sup>

## Background

---

<sup>1</sup> D.C. Bar, Rules of Professional Conduct, available at <https://www.dcbar.org/for-lawyers/legal-ethics/rules-of-professional-conduct>. Mr. Carr is also a member of the Maryland Bar, which requires attorneys to abide by nearly identical rules of conduct. *See* Maryland Bar, Rules of Professional Conduct, available at <https://www.courts.state.md.us/attygrievance/rules>.

Brendan Carr, a former telecommunications lawyer and long-time FCC staffer, was sworn in as an FCC Commissioner in 2017 and now serves as commission chair.<sup>2</sup> In that capacity, he exercises regulatory authority over broadcast licensees.

In September 2025, following remarks by Mr. Kimmel about the killing of right-wing activist Charlie Kirk, Mr. Carr used his position to pressure ABC/Disney to fire Mr. Kimmel, explicitly invoking his role as FCC Commissioner and suggesting adverse regulatory consequences for ABC should it fail to act.

In an interview with conservative political commentator Benny Johnson, Mr. Carr said, at various points:

This is a very, very serious issue right now for Disney.

[Broadcasters] have a license granted by us at the FCC, and that comes with it an obligation to operate in the public interest. We can do this the easy way or the hard way. These companies can find ways to change conduct and take action, frankly, on Kimmel, or there's going to be additional work for the FCC ahead.

As a business matter for them something has to change and at the FCC we need to reinvigorate this. So there's actions we can take on licensed broadcasters. And frankly, I think that it's really sort of past time that a lot of these licensed broadcasters themselves push back on Comcast and Disney and say listen we are not going to run Kimmel anymore until you straighten this out because we, we licensed broadcasters are running the possibility of fines or license revocation from the FCC if we continue to run content that ends up being a pattern of news distortion.

Disney needs to see some change here, but the individual licensed stations that are taking their content, it's time for them step up and say this garbage . . . isn't something that we think serves the needs of our local communities.

One thing that we're trying to do is to empower those local stations to serve their own communities. And the public interest means you can't be running a narrow, partisan circus and still meeting your public interest obligations. That means you can't be engaging in a pattern of news distortion, we have a rule on the book that interprets the public interest standard that says news distortion is something that is prohibited.<sup>3</sup>

---

<sup>2</sup> FCC, Leadership: Brendan Carr Chairman, *FCC.gov*, available at <https://www.fcc.gov/about/leadership/brendan-carr>.

<sup>3</sup> Benny Johnson, Disney Firing Kimmel?, *The Benny Show*, Sept. 18, 2025, available at <https://www.youtube.com/watch?v=uTyX9JC-rhA>.

Hours after Mr. Carr's comments, Nexstar Media Group announced that its stations affiliated with ABC would preempt Mr. Kimmel's show "for the foreseeable future" because of his remarks about Mr. Kirk.<sup>4</sup>

Nexstar owns the country's "largest local television broadcasting group comprised of top network affiliates, with more than 200 owned or partner stations in 116 U.S. markets reaching 220 million people."<sup>5</sup> Significantly, the company is currently seeking regulatory approval from the FCC for a \$6.2 billion merger with Tegna, competing against Sinclair Broadcasting,<sup>6</sup> which is well-known for its conservative politics. The deal would require the FCC to relax the limits on how many stations one company can own in the United States.<sup>7</sup>

Mr. Carr quickly took to X to thank Nexstar, posting:

I want to thank Nexstar for doing the right thing. Local broadcasters have an obligation to serve the public interest. While this may be an unprecedented decision, it is important for broadcasters to push back on Disney programming that they determine falls short of community values. I hope that other broadcasters follow Nexstar's lead.<sup>8</sup>

Competitor Sinclair quickly followed suit, announcing on X: "Sinclair and its partners, which operate ABC stations in 30 markets in the U.S., will stop airing Jimmy Kimmel's show until further notice."<sup>9</sup>

Mr. Carr responded, "Thank you to Sinclair for taking quick action that you consider responsive to the needs and values of the local communities you serve."<sup>10</sup> Had Mr. Kimmel's show not been taken off the air, Mr. Carr suggested that the FCC could consider revoking broadcast licenses from ABC affiliates.<sup>11</sup>

Mr. Carr's success in alarming broadcasters that their licenses might be at risk and coercing ABC into dropping Mr. Kimmel's show appears to have emboldened him to take on other programs airing content that does not align with his political views. In a conversation with a conservative podcast host, Mr. Carr explained that the FCC was now "pursuing an agenda that I think is the

---

<sup>4</sup> Nexstar Press Release, "Nexstar ABC Affiliates to Preempt 'Jimmy Kimmel Live!' Indefinitely Beginning Tonight, Sept. 17, 2025, available at <https://www.nexstar.tv/nexstar-abc-affiliates-to-preempt-jimmy-kimmel-live-indefinitely-beginning-tonight/>

<sup>5</sup> *Id.*

<sup>6</sup> Etan Vlessing, Nexstar Seals Merger with Tegna in \$6.2 Billion TV Mega Deal, *Hollywood Reporter*, Aug. 19, 2025, available at <https://www.hollywoodreporter.com/business/business-news/nexstar-teгна-merger-local-tv-deal-1236347647/>.

<sup>7</sup> Jeremy Barr and Scott Nover, ABC Takes Jimmy Kimmel Off the Air Over Remarks on Charlie Kirk's Killing, *Washington Post*, Sept. 17, 2025, available at <https://www.washingtonpost.com/business/2025/09/17/jimmy-kimmel-abc-charlie-kirk/>.

<sup>8</sup> @BrendanCarrFCC, X, Sept. 17, 2025, available at <https://x.com/BrendanCarrFCC/status/1968449919221416427>.

<sup>9</sup> @WeAreSinclair, X, Sept. 17, 2025, available at <https://x.com/WeAreSinclair/status/1968447366710604275>.

<sup>10</sup> @BrendanCarrFCC, X, Sept. 17, 2025, available at <https://x.com/BrendanCarrFCC/status/1968517933073617248>.

<sup>11</sup> Barr and Nover, *Wash. Post.*, Sept. 17, 2025.

right one. We are reinvigorating the public interest standard for broadcasters.”<sup>12</sup> Mr. Carr also said it would be “worthwhile to have the FCC look into whether [ABC’s] ‘The View’ and some of these other programs [NBC’s Seth Meyers’ and Jimmy Fallon’s late night shows] that you have still qualify as bona fide news programs and are therefore exempt from the [FCC’s] equal opportunity regime.”<sup>13</sup>

Mr. Carr did not explain, however, that were ‘The View,’ a daytime talk show, to have its exemption revoked, so too might other talk programs with political content, including conservative talk radio. In the context of his success in persuading broadcasters to refuse to air Mr. Kimmel’s show because of its political content, Mr. Carr’s comments suggesting an investigation into “The View” may be seen as an attempt to coerce broadcasters to drop that show as well.

President Trump applauded Mr. Carr’s actions. Following ABC’s suspension of Mr. Kimmel’s show, the president complained of bad treatment by broadcasters and stated of those who coverage him negatively, “I would think maybe their license should be taken away,” Trump said. “It will be up to Brendan Carr.”<sup>14</sup>

On September 22nd, Mr. Carr appeared at the Concordia Conference where he attempted to downplay his role in Mr. Kimmel’s suspension claiming, inaccurately, that Disney had made a “business decision” in suspending Mr. Kimmel’s program, and that “Jimmy Kimmel is in the situation that he’s in because of his ratings, not because of anything that’s happened at the federal government level.”<sup>15</sup> The *New York Times*, reported however, that two sources confirmed ratings played no role in the decision to suspend Mr. Kimmel’s program.<sup>16</sup> Following the outcry over the situation, ABC announced Mr. Kimmel’s program would return on September 23rd. Sinclair said its broadcasters would not air the show. As of this writing, Nexstar has not said whether its stations will broadcast the program and neither Mr. Carr nor the FCC has publicly commented on ABC’s decision.<sup>17</sup>

Notably, Mr. Carr has previously recognized that the FCC cannot prevent someone with whom its leadership does not agree from having a platform to speak. In response to an op-ed by former FCC Commissioner Jessica Rosenworcel arguing that the FCC should do more to prevent e-

---

<sup>12</sup> Scott Jennings, Kimmel Down . . . But is He Out, Has Trump Burst the Media Bubble?, and Brendan Carr, *The Scott Jennings Podcast*, at 29:07, Sept. 19, 2025, available at <https://scottjenningsshow.com/podcasts/kimmel-down-but-is-he-out-has-trump-burst-the-media-bubble-brendan-carr>.

<sup>13</sup> *Id.*

<sup>14</sup> Dawn Chmielewski and Danielle Broadway, Trump Applauds Jimmy Kimmel Suspension and Seeks to Punish Critical Broadcasters, *Reuters*, Sept. 19, 2025, available at <https://www.reuters.com/business/media-telecom/hollywood-comes-kimmels-defense-after-abc-pulls-late-night-show-2025-09-18/>.

<sup>15</sup> @BrendanCarrFCC, Sept. 22, 2025, available at <https://x.com/BrendanCarrFCC/status/1970183350733410786>.

<sup>16</sup> John Koblin, Brooks Barnes, Michael M. Grynbaum and Benjamin Mullin, Jimmy Kimmel’s Show to Return to ABC on Tuesday Night, *New York Times*, Sept. 22, 2025, available at <https://www.nytimes.com/2025/09/22/business/media/jimmy-kimmel-returns-abc.html>.

<sup>17</sup> Daniel Arkin, Jimmy Kimmel’s Show is Returning to ABC on Tuesday, But Not All Stations Will Air It, *NBC News*, Sept. 22, 2025, available at <https://www.nbcnews.com/business/media/jimmy-kimmel-abc-return-tuesday-rcna232335>.

cigarette advertising,<sup>18</sup> Mr. Carr responded on X, “The FCC does not have a roving mandate to police speech in the name of the ‘public interest.’”<sup>19</sup>

## First Amendment Protection

As the FCC itself notes:

Congress through Section 326 of the Communications Act, 47 U.S.C. § 326, explicitly declared that nothing in the statute shall be understood or construed to give the Commission the power of censorship over the broadcast communications or signals transmitted by any broadcast station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of over-the-air broadcast communication.<sup>20</sup>

In addition to the First Amendment protections provided by the FCC’s authorizing statute, the Supreme Court also has considered the role of government officials in prohibiting speech with which they do not agree. In *Bantam Books v. Sullivan*, the Supreme Court held that the Rhode Island Commission to Encourage Morality in Youth’s “threat of legal sanctions and other means of coercion, persuasion and intimidation,” designed to suppress publications the commission deemed objectionable, violated the First Amendment.<sup>21</sup>

Recently, the Court had occasion to revisit *Bantam Books* in the 2024 case *NRA v. Vullo*, in which it reaffirmed its prior holding: “Government officials cannot attempt to coerce private parties in order to punish or suppress views that the government disfavors.”<sup>22</sup> Writing for a unanimous court, Justice Sonia Sotomayor explained, “A government official can share her views freely and criticize particular beliefs, and she can do so forcefully in the hopes of persuading others to follow her lead . . . What she cannot do, however, is use the power of the State to punish or suppress disfavored expression.”<sup>23</sup>

In 2019, Mr. Carr, then an FCC commissioner though not the chair, indicated he understood the limits of the FCC’s role in governing speech, writing, “The FCC does not have a roving mandate to police speech in the name of the ‘public interest.’”<sup>24</sup>

---

<sup>18</sup> Jessica Rosenworcel, FCC Commissioner: We Need to Crack Down on E-Cigarette Advertisements, *USA Today*, Feb. 13, 2019, available at <https://www.usatoday.com/story/opinion/2019/02/13/federal-communications-commission-e-cigarette-ads-addiction-juul-tobacco-nicotine-column/2632905002/>.

<sup>19</sup> @BrendanCarrFCC, X, Sept. 14, 2019, available at [https://x.com/BrendanCarrFCC/status/1096062915201953795?utm\\_source=substack&utm\\_medium=email](https://x.com/BrendanCarrFCC/status/1096062915201953795?utm_source=substack&utm_medium=email)

<sup>20</sup> FCC, The FCC and Free Speech, *FCC.gov*, Aug. 31, 2022, available at [www.fcc.gov/consumers/guides/fcc-and-speech](http://www.fcc.gov/consumers/guides/fcc-and-speech).

<sup>21</sup> *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58 (1963).

<sup>22</sup> 602 U.S. 175, 180 (2024).

<sup>23</sup> *Id.* at 188.

<sup>24</sup> @BrendanCarrFCC, X, Sept. 14, 2019, available at [https://x.com/BrendanCarrFCC/status/1096062915201953795?utm\\_source=substack&utm\\_medium=email](https://x.com/BrendanCarrFCC/status/1096062915201953795?utm_source=substack&utm_medium=email)

## Violations of the Rules of Professional Conduct

Based on the FCC authorizing statute, *Bantam Books*, and *NRA v. Vullo*, by linking his personal distaste for Mr. Kimmel's statements regarding Charlie Kirk's death with the FCC's regulatory powers, Mr. Carr appears to have inappropriately coerced ABC stations to drop Mr. Kimmel's program, raising substantial constitutional issues and potentially violating the D.C. Bar's Rules of Professional Conduct.

### A. Rule 8.4(d) — Conduct that Seriously Interferes with the Administration of Justice

Mr. Carr appears to have violated Rule 8.4(d), which prohibits conduct that “seriously interferes with the administration of justice.” In considering whether an attorney has violated Rule 8.4(d) Disciplinary Counsel applies a three-factor test: 1), the conduct must be improper, ie, the attorney must either have taken improper action or failed to take action the circumstances required; 2) the conduct must bear directly upon the judicial process with respect to an identifiable case; and 3) the attorney's conduct must taint the judicial process to a serious adverse degree.<sup>25</sup> A comment to Maryland Rule 8.4 and ABA Model Rule 8.4 notes “Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers.”<sup>26</sup>

Here, the FCC is considering whether to approve Nexstar's merger with Tegna, which would require the commission to change the current cap of how many stations one broadcaster may own. Mr. Carr specifically referenced the FCC's ability to regulate broadcasters in his statements pressuring stations to drop Mr. Kimmel's show: “These companies can find ways to change conduct on Kimmel, or there's going to be additional work for the FCC ahead.”<sup>27</sup> Then, after successfully prodding Nexstar to drop Mr. Kimmel's show, in a single interview he explained that the FCC is reinvigorating the public interest standard for broadcasters and claimed another ABC program, “The View,” is problematic. Mr. Carr's statements regarding “The View,” like his statements regarding Mr. Kimmel's program, appear intended to coerce broadcasters to drop the show or demand that ABC change its political content.

---

<sup>25</sup> *In re Hopkins*, 677 A.2d 55, 60-61 (D.C. 1996). *Hopkins* analyzes DR 1-102(A)(5), which, the Court noted was replaced by D.C. Rule of Professional Conduct 8.4(d). “Conduct prohibited by Rule 8.4(d) includes conduct prohibited under former DR1-102(A)(5), and the case law interpreting DR 1-102(A)(5) has been incorporated into Rule 8.4(d).” *Id.* at fn 1.

<sup>26</sup> MD Rule of Professional Conduct 8.4, comment 6, available at [https://govt.westlaw.com/mdc/Document/N37E367703C0211E69147B51246646F09?viewType=FullText&originati onContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\);](https://govt.westlaw.com/mdc/Document/N37E367703C0211E69147B51246646F09?viewType=FullText&originati onContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default);) ABA Model Rules, Rule 8.4 Misconduct Comment, available at [https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/ rule\\_8\\_4\\_misconduct/comment\\_on\\_rule\\_8\\_4/](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/ rule_8_4_misconduct/comment_on_rule_8_4/).

<sup>27</sup> Johnson, *The Benny Show*, Sept. 18, 2025.

An attorney's conduct is improper not only if it violates a specific statute or disciplinary rule, but also—based on the circumstances—if the attorney knew or should reasonably be expected to have known the conduct would interfere with the administration of justice.<sup>28</sup>

Hours after Mr. Carr's remarks regarding Mr. Kimmel, Nexstar dropped Mr. Kimmel's show, and Mr. Carr thanked the company. By invoking the coercive authority of a federal regulatory agency to punish political speech, Mr. Carr undermined not only First Amendment principles, but also public confidence in the fair administration of government regulation to a serious and adverse degree in apparent violation of Rule 8.4(d).

In addition, when queried as to whether Mr. Kimmel's statement regarding Mr. Kirk's death constituted news distortion Mr. Carr replied:

The FCC could be called on to be an ultimate judge in that, but at this point it's clear, appears to be clear, that you could make a strong argument that this is a sort of intentional effort to mislead the American people about a very core fundamental fact, a very important matter.<sup>29</sup>

Beyond the question of whether, under current law, the comments of the host of a late-night program offering commentary could ever meet the definition of news distortion, Mr. Carr as chair of the FCC would have a role in adjudicating such a matter. Mr. Carr's statements about Mr. Kimmel's comments reveal that he has prejudged the matter, likely tainting the regulatory process to a serious and adverse degree in violation of Rule 8.4(d).

Finally, by warning broadcasters that the FCC would be "reinvigorating the public interest standard" and simultaneously criticizing "The View," Mr. Carr appears to have improperly invoked the coercive authority of a federal regulatory agency to punish speech with which he disagrees. His actions undermine First Amendment principles as well as public confidence in the fair administration of government regulation to a serious and adverse degree and appears to violate Rule 8.4(d).

B. Rule 8.4(c) Conduct Involving Dishonesty, Fraud, Deceit or Misrepresentation

Rule 8.4(c) prohibits a lawyer from engaging in "conduct involving dishonesty, fraud, deceit, or misrepresentation." By suggesting the FCC could take enforcement action against ABC for Mr. Kimmel's statements regarding Charlie Kirk and by implying the "public interest" standard grants the FCC broad content regulation authority, Mr. Carr appears to have misrepresented the FCC's role. As Mr. Carr himself noted in 2019, "[t]he FCC does not have a roving mandate to police speech in the name of the 'public interest.'"<sup>30</sup>

---

<sup>28</sup> *In re Hopkins*, at 61.

<sup>29</sup> Johnson, *The Benny Show*, Sept. 18, 2025.

<sup>30</sup> @BrendanCarrFCC, X, Sept. 14, 2019.

Yet, in response to the question as to whether Mr. Kimmel had engaged in “news distortion,” Mr. Carr stated:

The FCC could be called on to be an ultimate judge in that, but at this point it’s clear, appears to be clear, that you could make a strong argument that this is a sort of intentional effort to mislead the American people about a very core fundamental fact, a very important matter.<sup>31</sup>

According to the FCC, however, the “FCC’s authority to take action on complaints about the accuracy or bias of news networks, stations, reporters or commentators in how they cover – or sometimes opt to not cover – events is narrow. The agency is prohibited by law from engaging in censorship or infringing on First Amendment rights of the press.”<sup>32</sup> Broadcasters are subject to enforcement only if “it can be proven that they have deliberately distorted a factual news report. Expressions of opinion or errors stemming from mistakes are not actionable.”<sup>33</sup>

Mr. Kimmel’s show is not a news show, but an entertainment property. Further, Mr. Kimmel is a late-night television host, not a journalist, and was offering an opinion; he was not purporting to objectively deliver news.

Mr. Carr, with his long history as general counsel, a commissioner and now chair of the FCC is well-versed in the definition of “news distortion” yet appears to have deliberately misrepresented the FCC’s authority to censor or regulate Mr. Kimmel’s show, apparently with the goal of coercing broadcasters to refuse to air the program and perhaps that of other comedians, such as Seth Meyers and Jimmy Fallon, who also are in the president’s crosshairs,<sup>34</sup> or at least induce them to censor their criticisms of the administration and conservative activists lest they too find their shows suspended indefinitely.

The timing, context, and language of Mr. Carr’s statements regarding Mr. Kimmel’s show demonstrate his intent to coerce private parties by misrepresenting the FCC’s role and authority. Given that Nexstar quickly responded to Mr. Carr’s statements by announcing the “suspension” of Mr. Kimmel’s show, for which Mr. Carr thanked the company, it seems likely Nexstar relied on Mr. Carr’s statements in making the business decision to stop airing Mr. Kimmel’s show to avoid the FCC scrutiny Mr. Carr has indicated might otherwise be forthcoming.

Similarly, by stating that “The View,” a daytime talk program with a liberal political bent merits investigation, at the same time he warned broadcasters of a “reinvigorated public interest standard,” Mr. Carr appears to be misrepresenting the FCC’s role as policing political speech,

---

<sup>31</sup> Johnson, *The Benny Show*, Sept. 18, 2025.

<sup>32</sup> FCC, Broadcast News Division, *FCC Website*, July 18, 2024, available at <https://www.fcc.gov/broadcast-news-distortion>.

<sup>33</sup> *Id.*

<sup>34</sup> See @realDonaldTrump, *Truth Social*, Sept. 17, 2025, available at <https://truthsocial.com/@realDonaldTrump/posts/115222372625104790> (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. That leaves Jimmy and Seth, two total losers, on Fake News NBC. Their ratings are also horrible. Do it NBC!!! President DJT).



and misusing his position to coerce broadcasters to reconsider airing the program, and Disney to either cancel the program or change its content.

C. Rule 8.4(e) — Improper Influence

Rule 8.4(e) prohibits a lawyer from “stating or implying an ability to influence improperly a government agency or official.” Mr. Carr’s statements—that Disney could face “additional work for the FCC” if it did not “take action on” Mr. Kimmel—amount to an implicit threat of regulatory action, suggesting improper use of government influence. In addition, Mr. Carr’s claim that broadcast stations might find themselves subject to investigation as to whether they are operating in the public interest, and/or have engaged in news distortion in violation of both the FCC authorizing statute and the First Amendment, may constitute an attempt to improperly influence a government agency, the FCC.

D. Rule 4.4(a) — Respect for Rights of Third Persons

Mr. Carr may have violated Rule 4.4(a), which prohibits a lawyer from using “means that have no substantial purpose other than to embarrass, delay, or burden a third person” while representing a client or acting in a professional capacity. Mr. Carr’s conduct targeted numerous third persons who suffered direct and substantial harm as a result of his threats to use the power of the FCC to prevent broadcasters from airing Mr. Kimmel’s program.

The primary victims of Mr. Carr’s actions include not only Mr. Kimmel, who suffered immediate professional harm when his show was suspended indefinitely within hours of Mr. Carr’s statements, but also Mr. Kimmel’s staff, including writers, producers, technical crew, and other employees who depend on the show for their livelihoods and lost employment and income. Additionally, executives and employees at ABC and Disney were forced to make emergency business decisions under regulatory coercion, while personnel at local ABC affiliate stations were pressured into preempting programming based on Mr. Carr’s threats rather than their own editorial and business judgment.

Mr. Carr’s actions served no legitimate purpose and instead, were primarily designed to embarrass, harass, and burden these third persons. While Mr. Carr claimed to be enforcing the FCC’s interest in ensuring broadcasters act in the “public interest” and addressing alleged “news distortion,” this purported justification lacks a legal foundation. The FCC authorizing statute prohibits the FCC from exercising “the power of censorship” or interfering “with the right of free speech”<sup>35</sup> except in extraordinarily rare cases of intentional falsification of news by station management.<sup>36</sup>

Mr. Kimmel’s commentary about the Charlie Kirk shooting constituted protected opinion and comedy rather than factual news reporting subject to FCC oversight. The FCC has no legitimate

---

<sup>35</sup> 47 U.S.C. § 326.

<sup>36</sup> FCC, The Public and Broadcasting, *FCC.gov*, Sept. 2021, available at <https://www.fcc.gov/media/radio/public-and-broadcasting#DISTORT>.

regulatory authority over late-night comedy programming, something Mr. Carr, who once stated “the FCC does not have a roving mandate to police speech in the name of the ‘public interest,’” is aware of.<sup>37</sup>

The threatening and coercive nature of Mr. Carr's statements is self-evident: “We can do this the easy way or the hard way. These companies can find ways to change conduct and take actions on Kimmel, or there's going to be additional work for the FCC ahead.”<sup>38</sup> Indeed, Senator Ted Cruz (R-TX), a well-known conservative, reacted to Mr. Carr’s statements calling them, “dangerous as hell,” continuing “I gotta say, that’s right out of ‘Goodfellas.’ That’s right out of a mafioso coming into a bar going, nice bar you have here, it’d be a shame if something happened to it.”<sup>39</sup>

Mr. Carr’s language constitutes the type of vituperative threats that courts have found violate Rule 4.4(a), in cases in which attorneys have been severely sanctioned or disbarred for making baseless threats against opposing parties and their counsel.<sup>40</sup> Mr. Carr’s misuse of his official government position to coerce private parties into censoring protected speech represents precisely the kind of conduct that serves no substantial purpose other than to embarrass and burden third persons in violation of their fundamental rights.

## Conclusion

Mr. Carr’s conduct appears to constitute a serious breach of his ethical obligations as both a lawyer and a public official. His use of his position to pressure regulated broadcasters to drop a show featuring a critic of the Trump administration and conservative politics, and to suggest airing other programs that include political content with which he does not agree may pose similar risks for broadcasters, violates constitutional protections and undermines public trust in government neutrality.

Therefore, Campaign for Accountability respectfully requests that the D.C. Office of Disciplinary Counsel and the Maryland Bar Counsel conduct a thorough investigation into Mr. Carr’s conduct and impose any appropriate disciplinary measures.

Respectfully submitted,

---

<sup>37</sup> @BrendanCarrFCC, X, Sept. 14, 2019.

<sup>38</sup> Johnson, *The Benny Show*, Sept. 18, 2025.

<sup>39</sup> Sen. Ted Cruz, *Verdict with Ted Cruz*, Sept. 19, 2025, available at <https://www.youtube.com/watch?v=gQD9P6Wa7W0>.

<sup>40</sup> See e.g. *In re Raykin*, No. 24SA216 (Colo. 2025) (lawyer violated Rule 4.4(a) by belittling and disparaging school staff repeatedly during a meeting discussing his minor client’s individual education plan); *Cleveland Metro. Bar Ass’n v. Whipple*, 2022-Ohio-510 (Ohio 2022) (attorney violated Rule 4.4(a) by threatening criminal and disciplinary charges against opposing counsel unless they dismissed litigation); *In re Ashton R. O’Dwyer*, 2106-B-1848 (La. 2017) (attorney violated Rule 4.4(a) by filing motions for sanctions against other attorneys that were motivated by retaliatory intent and based on unfounded assertions).

Hamilton P. Fox III, Esq.  
September 23, 2025  
Page 11 of 11



Michelle Koppersmith  
Executive Director  
Campaign for Accountability

cc: Attorney Grievance Counsel of Maryland



TheDesk.net