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Trump threatens NBC's broadcast licenses

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NEW YORK >> President Donald Trump is threatening NBC's broadcast licenses because he's not happy with how its news division has covered him. But experts say his threats aren't likely to lead to any action.

The network itself doesn't need a license to operate, but individual stations do. NBC owns several stations in major cities. Stations owned by other companies such as Tribune and Cox carry NBC's news shows and other programs elsewhere. Licenses come from the Federal Communications Commission, an independent government agency whose chairman is a Trump appointee.

Trump tweeted today, "With all of the Fake News coming out of NBC and the Networks, at what point is it appropriate to challenge their License? Bad for country!"



Donald J. Trump
@realDonaldTrump

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With all of the Fake News coming out of NBC and the Networks, at what point is it appropriate to challenge their License? Bad for country!

3:55 AM - Oct 11, 2017

77,362
23,240
98,714

He returned to the topic tonight, tweeting: "Network news has become so partisan, distorted and fake that licenses must be challenged and, if appropriate, revoked. Not fair to public!"



Donald J. Trump
@realDonaldTrump

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Network news has become so partisan, distorted and fake that licenses must be challenged and, if appropriate, revoked. Not fair to public!

2:09 PM - Oct 11, 2017

50,933
20,275
87,216

NBC spokeswoman Hilary Smith had no comment. The FCC did not respond to messages seeking comment.

These days, license renewals are fairly routine. A station could be deemed unfit and have its license stripped if it were telling lies and spreading fake news, as Trump claims. But Harold Feld of the consumer group Public Knowledge says that's tough to prove.

"The reality is it is just about impossible to make that showing," he said. "All this stuff is opinion."

Feld said he can recall just two instances in the past 20 years when there has been a renewal challenge. One involved an owner of radio stations who was convicted of child molestation, and the other when someone died as part of a radio station's contest. Both lost their licenses.

Although yanking a license is rare, just the threat could put pressure on NBC's news coverage.

"The words 'license renewal' are ones which have had a chilling effect in the past on broadcasters," said lawyer Floyd Abrams, an expert on the First Amendment, citing Richard Nixon's attempts to sway news coverage as president. "The threat, however unlikely, is one that broadcasters will have to take seriously."

The National Association of Broadcasters, a trade group, said it was contrary to First Amendment principles "for any government official to threaten the revocation of an FCC license simply because of a disagreement with the reporting of a journalist."

Following his tweet, Trump told reporters in the Oval Office, "It's frankly disgusting the way the press is able to write whatever they want to write and people should look into it."

Nebraska Sen. Ben Sasse, a Republican who has been occasionally critical of Trump, took him to task in a statement released tonight. "Words spoken by the President of the United States matter," Sasse said. "Are you tonight recanting of the oath you took on January 20th to preserve, protect, and defend the First Amendment?"

The president has long railed against mainstream media organizations, deriding them as "fake news." He has also said he wanted to "open up" libel laws so he can more easily go after press outlets for stories he feels are inaccurate. That would require a constitutional amendment or reversal of Supreme Court precedent on the First Amendment.

FCC Chairman Ajit Pai is a Trump appointee, but experts say he can't pull a license just because he feels like it. Renewals come up every eight years, and challenges are heard by an administrative law judge.

The judge's decision can be overruled by political appointees at the FCC, however. And the agency could start a special proceeding to revoke a license, said Erwin Krasnow, former general counsel of NAB.

Even so, Krasnow said a challenge is unlikely because of the First Amendment and because the Communications Act governing the FCC doesn't allow for censorship.

Pai's past statements also suggest he wouldn't use the agency's powers to regulate news coverage. In a September speech, he noted that, while people want the FCC to take action against cable news channels like Fox News, MSNBC or CNN because they disagree with the coverage, "these demands are fundamentally at odds with our legal and cultural traditions."

Feld, who is a frequent critic of Pai, said the chairman is a fan of deregulation and "the last person in the world who would want to revive the license challenge process."

"NBC can sleep easy knowing Ajit Pai is chair," Feld added.

Both Democratic FCC commissioners touted freedom of the press in opposition to Trump's tweet.

"Revoking a #broadcast license on such grounds will only happen if we fail to abide by the First Amendment," tweeted Mignon Clyburn. "Freedom of the press is a cornerstone of our democracy. Hope my FCC colleagues can all be on the same page with respect to 1st Amendment," wrote Jessica Rosenworcel.

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