

Congress of the United States

Washington, DC 20515

May 4, 2021

The Honorable Jessica Rosenworcel
Acting Chairwoman
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Dear Acting Chairwoman Rosenworcel,

We write to express our profound concern that highly partisan political operatives, many with no ties to South Florida, are attempting to pressure the Federal Communications Commission (FCC) to reject the pending application of WSUA Broadcasting Corporation to assign the license of WSUA (AM) (known as Radio Caracol 1260) and FM translator W232DX (which rebroadcasts WSUA) to ATV Holdings, Inc. The opponents of the proposed sale have expressed concerns about the potential content of WSUA's programming, claiming it would be overly conservative.

We are concerned by these attempts to impose on the FCC's independence and politicize its decisions by encouraging content-based censorship. Preventing the assignment of the radio station licenses based on its anticipated programming would set a dangerous precedent, and likely would violate the First Amendment's protections of free expression and a free, independent media. Instead, as you consider the application, we respectfully request that you reject any politicization of the FCC, and engage the application on its merits alone.

Furthermore, given the overwhelming predominance of left-leaning bias in print, cable, and broadcast media, it is laughable that left-leaning partisans have found reason to object to the sale of one radio station in South Florida. It is similarly telling that simply because the purchaser is expected to have an anti-Castro, anti-Communist, anti-Socialist viewpoint, it has been deemed "too conservative." Should the FCC begin basing its decisions on content, conservatives certainly would have plenty of left-leaning media outlets that they similarly could refer to the FCC for censorship based on lack of balance in the media marketplace and excess liberal content. As the FCC's *Public and Broadcasting* manual states—

Broadcasters – not the FCC or any other government agency – are responsible for selecting the material they air. The First Amendment and the Communications Act expressly prohibit the Commission from censoring broadcast matter. Our role in overseeing program content is very limited.

Furthermore, as FCC Commissioner Brendan Carr stated regarding political pressure on the FCC to reject the sale:

This attempt by Democrats in Congress to pressure the FCC into blocking the sale of a Spanish-language radio station based on the political viewpoints that it would broadcast

to South Florida’s Hispanic community crosses a line drawn by the First Amendment. The FCC has no business doing the Democrats’ bidding or using our regulatory process to censor political opinions that Democrats do not like. What’s worse, the Democrats appear to be treating the FCC as merely an arm of the DNC—expressly pressuring the agency to take action that they believe will increase their electoral odds in Florida in 2022.

A former Obama Administration official tellingly stated according to *Newsweek*, the sale would be a “problem” for the Democratic Party. Former Representative Debbie Mucarsel-Powell stated that, “To win in 2022 this must stop!” Indeed, opposition to this sale is motivated by crass political opportunism. The FCC should have no part in that.

Constituents of our state and districts do not appreciate the brazen attempt by partisans, many from outside the state, to impose their media choices on South Floridians. Comments indicating that our constituents will be duped by “disinformation” is insulting and tinged with racism. South Florida has a wide array of media sources, and our constituents are exceedingly capable of determining which of them are worthy of their trust and time. In a unanimous April 2021 ruling to uphold the FCC’s changes to its media ownership rules in *FCC v. Prometheus Radio Project*, U.S. Supreme Court stated—

Technological advances [since the 1990s] led to a massive increase in alternative media options, such as cable television and the Internet. Those technological advances challenged the traditional dominance of daily print newspapers, local radio stations, and local television stations.

The media marketplace will determine whether ATV Holdings fulfills a need within our community. We hope that the FCC would not insult our constituents by finding otherwise.

For these reasons, we reiterate the longstanding custom that the FCC must not be in the position of rejecting assignments of broadcast licenses based on prospective content. Such decisions would amount to content-based censorship, and would implicate fundamental First Amendment concerns. Accordingly, we request, within all applicable rules and regulations, that you refrain from politicizing the FCC, uphold the agency’s longstanding independence, and fairly assess WSUA Broadcasting’s and ATV Holding, Inc.’s application according to the same rules and customs that have guided the FCC for years.

We appreciate your attention to this matter of utmost importance.

Sincerely,



Mario Diaz-Balart
Member of Congress



Marco Rubio
U.S. Senator



Rick Scott
U.S. Senator