



Fair For All (FAIR) respectfully submits this comment in support of the Federal Communications Commission's investigation into The Walt Disney Company for potential unlawful invidious discrimination practices.

FAIR is a nonpartisan civil rights organization dedicated to advancing equal protection under law, protecting open discourse, and resisting discrimination in all its forms. We have consistently opposed discrimination based on immutable characteristics — including race, sex, and other protected statuses — regardless of the stated intent or progressive framing behind such policies. We submit this comment to urge the FCC to conduct a thorough investigation and to apply the full weight of its statutory authority to ensure that publicly licensed broadcasters comply with federal civil rights law.

Disney, as the parent company of ABC and other broadcast entities licensed by the FCC, has implemented comprehensive diversity, equity, and inclusion (DEI) programs that systematically prioritize demographic characteristics over individual merit in hiring, promotion, and content decisions. These practices constitute invidious discrimination in violation of Title VII of the Civil Rights Act of 1964 and the Civil Rights Act of 1991, which explicitly prohibit employment discrimination based on race, color, religion, sex, or national origin.

Disney's stated commitment to "diverse and inclusive hiring" has translated into explicit racial and gender targeting in recruitment, measurable demographic quotas in hiring and promotion, and performance evaluations that explicitly factor in an employee's contribution to the company's diversity metrics. These policies, while arguably well-intentioned and implemented in good faith, are binding protocols that condition advancement on demographic representation.

The Supreme Court's decision in *Students for Fair Admissions v. Harvard* made clear that the use of race as a factor in decision-making, even when framed as "holistic" consideration or advancement of institutional diversity, violates equal protection principles. The Court stated unequivocally: "Eliminating racial discrimination means eliminating all of it." The same logic applies to employment discrimination. When Disney's hiring committees are instructed to achieve specific demographic outcomes, or when promotion decisions are contingent in part on an applicant's race or sex, the company has crossed the line from permissible consideration of background and perspective into impermissible discrimination.

The individuals harmed by these practices, both those denied opportunities and those hired or promoted based partly on demographics rather than merit, have a legitimate claim that their civil rights have been violated. The corrosive effect on the workplace is equally serious: employees know that advancement is not purely meritocratic, that demographic considerations matter in evaluation, and that the company has institutionalized the very discrimination that federal civil rights law forbids.

Beyond employment discrimination, Disney's DEI apparatus poses a direct threat to the viewpoint diversity and editorial independence that the First Amendment and the Public Interest Standard demand of broadcast licensees.

The FCC has long recognized that broadcast licenses carry a "public trustee" obligation. Licensees must operate in the public interest, which includes serving the diverse informational and entertainment needs of their communities. This obligation encompasses the principle that a broad spectrum of viewpoints must be represented and that editorial decisions should be made on the basis of journalistic merit, newsworthiness, and audience interest, not on the basis of demographic representation or ideological conformity.

Disney's DEI-filtered hiring, promotion and content decisions insert an ideological test where editorial merit should govern. Producers, writers, executives, and on-air talent are hired not solely on the basis of talent, experience, and vision, but in part on the basis of their demographic profile and alignment with the company's stated diversity and equity commitments. This creates a conflict between DEI objectives and the FCC's public interest standard requiring viewpoint diversity, inevitably narrowing rather than expanding the range of perspectives in Disney's news, entertainment, and children's programming.

When diversity becomes an end in itself rather than a byproduct of merit-based hiring, it becomes the litmus test—not talent or vision. This is particularly troubling in entertainment and news programming, where creative independence and a willingness to challenge prevailing orthodoxies are essential to serving the public interest.

Disney's specific initiatives — including mandatory diversity training, demographic tracking of content creators, and stated commitments to ensure that creative teams and on-screen talent reflect specific demographic targets — inevitably narrow viewpoint diversity. When a writer's room or production team is assembled with demographic representation as a primary consideration, the range of lived experience and perspective may increase in demographic terms, but the range of *ideological* and *editorial* viewpoints may actually contract, particularly around issues relating to identity, equity, and the corporation's stated progressive commitments.

These two problems — unlawful employment discrimination and the corrosion of editorial independence — are not separate issues. They are deeply interconnected, and their combined effect threatens the health of democratic discourse.

When a major media company makes demographic considerations central to hiring and promotion, it sends a message that individual merit is secondary to identity. When that company

produces content shaped by employees selected partly on demographic grounds and partly on ideological alignment, the public receives information and entertainment filtered through that bias. The result is not greater fairness or more diverse viewpoints, but rather the entrenchment of a particular ideological orthodoxy presented as inevitable truth.

One of the nation's largest media companies has institutionalized ideological conformity in the name of diversity: individuals who do not fit Disney's preferred demographic profile may self-select out of applying, and those hired may face subtle or overt pressure to conform their content and views to the company's stated DEI commitments. Audiences receive programming that reflects the narrowed range of viewpoints that actually made it through the DEI filter, and the public conversation on race, gender, and equity shrinks. When major corporations enforce ideological conformity through hiring practices, they undermine the conditions for genuine democratic discourse.

The FCC has the authority and the obligation to investigate and remedy these practices. Disney holds broadcast licenses for ABC and its affiliated stations that are granted by the FCC in trust for the public. Those licenses carry clear conditions: compliance with federal civil rights law and service in the public interest, including protection of viewpoint diversity.

When a licensee engages in unlawful employment discrimination, it violates federal law. When that same licensee uses DEI infrastructure to narrow editorial independence and suppress viewpoint diversity, it fails to meet its public trustee obligations. These concerns should inform the FCC's renewal decisions, license conditions, and enforcement actions.

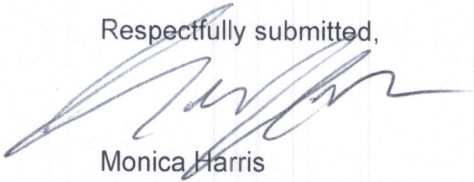
FAIR therefore urges the Commission to:

1. Find that Disney's DEI employment practices constitute unlawful invidious discrimination and require the company to cease these practices and remedy affected employees.
2. Require Disney to implement merit-based hiring and promotion policies that do not use race, sex, or other protected characteristics as factors in employment decisions.
3. Impose license conditions requiring Disney to demonstrate — through transparent hiring data, content audits, and editorial independence measures — that viewpoint diversity is genuinely protected and that content decisions are made on journalistic and creative merit rather than demographic or ideological criteria.
4. Use this investigation to signal clearly to all broadcasters that the FCC will enforce both civil rights law and the public interest standard against DEI-driven discrimination that threatens viewpoint diversity.

Disney's comprehensive DEI apparatus constitutes unlawful employment discrimination and threatens the editorial independence necessary for broadcast licensees to serve the public interest. The FCC has both the authority and the obligation to investigate these practices, find violations, and require remediation.

FAIR respectfully urges the Commission to act decisively to protect equal protection under law and to restore the principle that broadcasting licenses are held in trust for the public, not as vehicles for ideological conformity, however well-intentioned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Monica Harris', with a stylized, flowing script.

Monica Harris
Executive Director
Fair For All