

# Wiley Rein Files FCC First Amendment Response on Behalf of Red Zebra Broadcasting

---

October 17, 2014

Today, on behalf of their client Red Zebra Broadcasting, Wiley Rein attorneys filed with the Federal Communications Commission (FCC) a response to informal objections challenging the license renewal application of radio station WWXX FM 94.3 based on the station's broadcast of the name of the Washington Redskins. The Wiley Rein team was led by Communications Litigation Practice chair Andrew G. McBride and Media Practice co-chair Kathleen A. Kirby.

The filing makes clear that the FCC cannot lawfully serve as arbiter of the public and political debate over the name of Washington, DC's NFL franchise. Moreover, the pleading asserts that the FCC's job is straightforward—to apply the statutory standard governing station license renewal consistent with the agency's long-standing precedent. The response asks the Commission to send a clear signal that it will not take adverse action on a license renewal application based on subjective determinations about what constitutes appropriate programming.

The Red Zebra filing makes clear that both the Communications Act and the First Amendment forbid the kind of content-based and viewpoint-based regulation that Professor John F. Banzhaf III—and the parties supporting his objection—seek to impose. Mr. McBride stated: "We hope that the FCC will swiftly reject this transparent attempt to use the license renewal process to intimidate broadcasters across the country with the baseless threat that accurately reporting on the Washington Redskins football franchise by using the team's full name violates any law or FCC regulation."

## Related Professionals

---

Kathleen A. Kirby  
Partner  
202.719.3360  
kkirby@wiley.law

## Practice Areas

---

Media  
Telecom, Media & Technology  
TMT Appellate

Red Zebra Broadcasting's press release is available [here](#).