



Mike Stutz
General Manager
Gulf-California Broadcast Company
42-650 Melanie Place
Palm Desert, CA 92211

September 24, 2012

ATTENTION: STATION MANAGER

Dear Mr. Stutz:

This letter is in regard to the negative advertisement the Democratic Congressional Campaign Committee (“the DCCC”) is running against Congresswoman Mary Bono Mack, a candidate for U.S. House of Representatives for California’s 36th Congressional District (“the Advertisement”). Without a doubt, the Advertisement contains false information deliberately intended to mislead California voters and defame Congresswoman Bono Mack’s reputation. Because the Advertisement conveys messages that are plainly disproven by fact, we respectfully demand that your station immediately stop airing the Advertisement and that no further airings of this misleading content be allowed on your station.

The Advertisement makes the false claim that “Politician Mary Bono Mack fits right in... voting to end Medicare.” This is a claim that has been deemed so completely false that it has the dubious honor of being PolitiFact’s 2011 “Lie of the Year.” PolitiFact even went as far as to call the Advertisement’s claim that Republicans voted to “end Medicare” a “pants-on-fire” lie, the lowest rating possible from the fact checking organization. Similar advertisements by the DCCC stating that Republicans “voted to end Medicare” have been pulled by station managers across the country. Furthermore, as of last week the Ohio Elections Commission found probable cause that Charlie Wilson’s campaign made a false statement in a campaign ad against Congressman Bill Johnson when they claimed that Johnson voted to “end Medicare.” His campaign will be facing a final hearing on the matter in next few weeks.

There is simply no debate here. The claim that Republicans ever voted to “end Medicare” is a complete lie intended to scare California voters and defame the Congresswoman’s reputation. The Congresswoman never voted to end Medicare. There was never a bill that would have ended Medicare. The Advertisement is likely referring to her support for an April 15, 2011, vote in the U.S. House of Representatives to pass the FY 2012 Budget Resolution. However,

P.O. BOX 3370, PALM SPRINGS, CA 92263 ☆ (760) 323-8810 PH ☆ (760) 323-9474 FAX

Paid for by the Mary Bono Mack Committee, P.O. Box 3370, Palm Springs, CA 92263

Not printed at government expense.



there is simply no way to interpret the FY 2012 Budget Resolution, either on its face or by its effect, to “end Medicare.” When it comes to the FY 2012 Budget Resolution the DCCC gets it all wrong: the FY 2012 Budget Resolution as approved by the U.S. House of Representatives does NOT end Medicare. In fact, the FY 2012 Budget Resolution makes no changes at all to Medicare for current or near retirees. Medicare would continue to exist for the rest of the country, it would simply move from a government administered plan to a plan administered by private insurers. Retirees would receive premium support payments so that the government would essentially pay senior’s premiums every month for them to receive healthcare benefits administered by private insurers rather than from the government itself. Medicare, however, simply would not “end” as the Advertisement claims.

“Medicare would remain an entitlement program...It would not end,” noted FactCheck.org. Similarly, The *Washington Post*’s Fact Checker concluded that while there’s “a worthwhile debate” about whether Ryan’s proposal should be adopted, “it is not true to claim Republicans are trying to ‘kill’ Medicare.”

This Advertisement is filled with falsehoods upon falsehoods. It is plainly false to say that Republicans voted to “essentially end Medicare.” Support for the FY 2012 Budget Resolution was support for protecting Medicare for future seniors and for leaving Medicare unchanged for current seniors. In creating this deceptive Advertisement, the DCCC has chosen fear-mongering over fact, obviously in hopes that by repeating a falsehood enough times, it will become true. We urge you not to descend to this political ploy.

The muckraking bankrolled by Democratic Congressional Campaign Committee against Congresswoman Bono Mack does not constitute a “candidate use.” Under *Columbia Broadcasting Sys., Inc. v. Democratic Nat’l Comm.*, 412 U.S. 94 (1973), and *Nat’l Conservative Political Action Comm.*, 89 FCC 2d 626 (1982), your station is not obligated to air any advertisements from third parties, such as the Democratic Congressional Campaign Committee, as third parties have no guaranteed right of access to air their advertisements on your station. Thus, broadcasting stations are not protected from legal liability for airing a false and misleading advertisement sponsored by the Democratic Congressional Campaign Committee. Moreover, broadcast licensees have a legal responsibility to review and to eliminate any false, misleading, or deceptive materials contained in advertising. We urge you to stand up for the truth and put a stop to these false attacks on your station.

Your station is hereby on notice that the Advertisement makes false statements intended to deliberately deceive California voters and defame Congresswoman Bono Mack’s reputation.

P.O. Box 3370, PALM SPRINGS, CA 92263 ☆ (760) 323-8810 PH ☆ (760) 323-9474 FAX

Paid for by the Mary Bono Mack Committee, P.O. Box 3370, Palm Springs, CA 92263

Not printed at government expense.



Based on the foregoing, we respectfully demand that your station immediately cease the airing of this false and misleading Advertisement and further request that you reject any attempts by the sponsor of this Advertisement to purchase time for the future airing of this Advertisement because of its material misstatements of fact and defamatory nature.

Please contact me at your earliest convenience at 760-898-2032 to advise as to your station's actions(s) with respect to cessation of the airing of this advertisement.

Thank you for your prompt attention to this matter. I will anticipate your immediate response.

Sincerely,

A handwritten signature in black ink, appearing to read "John Pezzullo".

John Pezzullo
Campaign Manager

P.O. BOX 3370, PALM SPRINGS, CA 92263 ☆ (760) 323-8810 PH ☆ (760) 323-9474 FAX

Paid for by the Mary Bono Mack Committee, P.O. Box 3370, Palm Springs, CA 92263

Not printed at government expense.