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September 26, 2012

Dear Station Manager:

As counsel to the Democratic Congressional Campaign Committee (the "DCCC"), we write in response to the letter you recently received from John Pezzullo, Campaign Manager to Mary Bono Mack. This letter urges you to refuse airtime for an advertisement critical of Bono Mack's voting record, baselessly arguing that the advertisement makes a false statement about Bono Mack. The truth is that each and every statement in the DCCC's advertisement is carefully documented and supported. The advertisement is accurate in every respect, raises critical public issues, and should continue to air.

In his letter, Mr. Pezzullo objects to the DCCC's observation that Representative Paul Ryan's budget resolution—which Bono Mack voted for¹— would "end Medicare." But this statement is amply supported by the factual record.

Since 1965, Medicare has directly paid the health care costs for our nation's elderly. The budget resolution that Bono Mack supports would no longer permit seniors to enroll in the current Medicare program. Instead, it would give seniors the option to enroll in a private plan, and the government would merely provide seniors with a voucher to pay for a portion of the senior's private insurance. *See National Journal*, 4/15/11. This ends the current Medicare program and replaces it with a less comprehensive system.

Numerous news outlets, organizations, and experts have correctly characterized Ryan's budget resolution as ending Medicare. Those who have analyzed the Ryan budget state that it:

- "Essentially end[s] Medicare." *Wall Street Journal*, 4/4/11.
- "Purely and simply ends Medicare. Period." *Concord Monitor*, 4/17/11.

¹ H Con Res 34, Vote #277, 4/15/11.

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- "Get[s] rid of Medicare and turning it into a sketchy subsidy program for seniors." *U.S. News*, 4/18/11.
- "Threatens to eviscerate Medicare." *Alan Blinder, Former Vice Chairman of the Federal Reserve*, 4/19/11.
- "Gets rid of Medicare," *Tom Scully, Former Director of the Center for Medicare and Medicaid Services and Bush Appointee*, 6/14/11.
- "Effectively would end Medicare for seniors." *McClatchy*, 4/5/11.

And many others agree with this characterization.²

The DCCC was fully within its rights to inform Californians of Bono Mack's position on this controversial policy matter.

As a candidate for public office, Bono Mack is a public figure. He has a guaranteed right of reasonable access to advance and explain his own views. He has no such right to silence the DCCC as it opposes those same views and explains their consequences. The DCCC's ability to speak on such matters of public importance are at the heart of the First Amendment's protections. *Time, Inc. v. Hill*, 385 U.S. 374 (1967); *New York Times v. Sullivan*, 376 U.S. 254 (1964).

This is why the Federal Communications Commission has held that stations best meet their public interest obligations "by presenting contrasting views" and encouraging "robust, wide-open

² See, e.g., *Paul Krugman, Nobel Prize winning economist*, 12/20/11 ("The new scheme would still be called 'Medicare,' but it would bear little resemblance to the current system, which guarantees essential care to all seniors. How is this not an end to Medicare?"); *Max Richtman, Executive Vice-President of the National Committee to Preserve Social Security and Medicare*, 4/5/11 ("Over time, this [budget resolution] will destroy the only health insurance program available to 47 million Americans."); *Uwe Reinhardt, Professor of Economics, Princeton University*, 4/18/11 ("For people now 55 or younger, the traditional Medicare program – a defined benefit plan – would cease to exist."); *Congressional Research Service*, 4/13/11 ("Individuals who become eligible (based either on age or disability) for Medicare in 2022 and later years would not be able to enroll in the current Medicare program."); *New York Magazine*, 12/20/11 ("The Republican budget would very dramatically change Medicare... Does the Republican plan indeed end Medicare? I would argue yes."); *The Economist*, 4/5/11 ("The House Republican budget 'ends the guarantee that all American seniors will have health insurance.'"); *NPR*, 4/16/11 ("The House Republican budget 'ends Medicare as we know it and other entitlements.'"); *The New Republic*, 12/20/11 ("Under the House Republican budget, 'new retirees would no longer have the option of enrolling in the traditional government-run insurance program.'"); *Washington Monthly*, 12/20/11 ("Medicare is a single-payer health care system offering guaranteed benefits to seniors. The House Republican budget plan intended to privatize the existing system and replace it with something very different — a voucher scheme. It would still be called 'Medicare,' but it wouldn't be Medicare."); *NPR*, 4/4/11 ("Ending Medicare as we know it is a key part" of the GOP budget plan.")

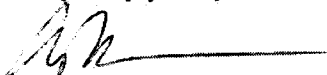
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debate." *In re Complaint by Hon. Ronald Reagan*, 38 F.C.C.2d 314 (1972). It has consistently rejected invitations by political figures to "judge the truth or falsity of material being broadcast on either side of a currently controversial issue." *Id*; accord *In re Complaint by Alan S. Burstein*, 43 F.C.C.2d 590 (1973); *In re Complaint by Patton Echols*, 43 F.C.C.2d 479 (1973).

There is no genuine question as to the accuracy of this advertisement. For these reasons, your decision to accept the advertisement should remain undisturbed. Please contact us promptly at (202) 654-6200 before the status of this advertisement changes in any way.

Very truly yours,



Brian G. Svoboda

Andrew H. Werbrock

Counsel to the Democratic Congressional Campaign Committee