

FEDERAL COMMUNICATIONS COMMISSION (FCC) REGULATION AS A SOLUTION TO CONTROL MONEY IN ELECTIONS

There are four Federal regulatory agencies which have legal jurisdictions allowing them to curb campaign spending. They are: 1) the Federal Election Commission (FEC), 2) the Internal Revenue Service (IRS), 3) the Federal Communications Commission (FCC) and, 4) Security and Exchange Commission (SEC).

This article discusses how the Federal Communications Commission (FCC) can control the excess of money in politics through regulations and why it is not happening.

The FCC is composed of five members who are appointed by the President. Only three of the commissioners may be members of the same political party at any given time.¹ Since the *Citizens United* ruling struck down many campaign finance laws, political advertising by PACs and Super PACs has skyrocketed. However, the Federal Communication Commission (FCC) does have tools in its toolbox and has repeatedly stated that the public has a right to know whether the broadcast material has been paid for and by whom, dating back to the Newspaper Publicity Act of 1912², the Radio Act of 1927³ and the Communications Act of 1934⁴. Public disclosure rules have been updated in the 1940s, 1960s, 1970s, 1990s and 2000s. The FCC could implement major reform without legislative action or a court order. Campaign finance disclosure requirements are already on the books.

SEC. 315. If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, and the Commission shall make rules and regulations to carry this provision into effect: Provided, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate.⁵ This was also stated in the Radio Act of 1927 in Sec. 18.⁶

SEC. 317. All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly or indirectly paid, or promised to or charge or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person.⁷

¹ "Federal Communications Commission", *encyclopedia.com*, http://www.encyclopedia.com/topic/Federal_Communications_Commission.aspx, viewed 04/17/16

² Post Office Appropriation Act of August 24, 1912, 37 Stat. 553, 554, § 2, <http://uscode.house.gov/statviewer.htm?volume=37&page=543#>, viewed 04/16/16

³ Radio Act of 1927, Public Law No. 632, February 23, 1927, 69th Congress, <http://www.americanradiohistory.com/Archive-FCC/Federal%20Radio%20Act%201927.pdf>

⁴ Communications Act of 1934, <http://www.usc.edu/~douglast/202/lecture20/1934act.html>, viewed 04/16/16

⁵ *Ibid.*

⁶ Radio Act of 1927, *Op. Cit.*

⁷ Communications Act of 1934, *Op. Cit.*

The current Federal Communication Commission incorporates the original Communications Act of 1934.

§73.1212 Sponsorship identification: (a) When a broadcast station transmits any matter for which money, service, or other valuable consideration is either directly or indirectly paid or promised to, or charged or accepted by such station, the station, at the time of the broadcast, shall announce: (1) That such matter is sponsored, paid for, or furnished, either in whole or in part, and (2) By whom or on whose behalf such consideration was supplied.....⁸

A succinct explanation of the FCC's power to demand sponsorship identification was described in the Huffington Post on January 14, 2014, by Meredith McGehee:

The Federal Communications Commission (FCC), which enforces the Communications Act, administers the sponsorship identification requirements and its 1944 rules implementing sponsorship identification requirements both commercial and political advertising remain largely unchanged. These requirements state that political ads must "fully and fairly disclose the true identity of the person or persons, or corporation, committee, association or other unincorporated group, or other entity" paying for the ads, and obligates the stations to put the information in the station's publicly accessible political file.⁹

In 1975, according to the Government Accountability Office (GAO), the FCC "clarified the meaning of its 1944 requirements for full and fair disclosure of the identity of the sponsor, modifying its regulations to make clear that broadcasters and cablecasters are expected to look beyond the immediate source of payment where they have reason to know (or could have known through the exercise of reasonable diligence) that the purchase of the advertisement is acting as an agent for another, and to identify the true sponsor." These requirements rest on the basic principle that "Listeners are entitled to know by whom they are being persuaded."¹⁰

FCC, Deregulation, and Money

A handful of multinational corporations control most of the media in America¹¹, and they are no longer subject to the laws written by Congress starting in 1927, which were intended to implement and administer regulation of the industry.¹² In the 1980s media corporations lobbied Congress to auction off airwaves and channels. The Telecommunications Act of 1996¹³ got rid of most remaining consumer protections, allowed media cross-ownership and dropped the requirement that television and radio stations had to give free time for political debates.

⁸ "47 CFR 73.1212 – Sponsorship identification", *Cornell University Law School*, <https://www.law.cornell.edu/cfr/text/47/73.1212>, viewed 04/17/16

⁹ McGehee, Meredith, "Updating Sponsorship Identification Regulations Under Section 317 of the Communications Act", *Huffington Post*, Mar 16, 2014, http://www.huffingtonpost.com/meredith-mcgehee/listeners-are-entitled-political-advertising_b_4591415.html

¹⁰ Ibid.

¹¹ "Fighting Media Consolidation", *Freepress*, <http://www.freepress.net/media-consolidation>, viewed 04/24/15

¹² "Who Owns the Media", *Freepress*, <http://www.freepress.net/ownership/chart>, viewed 04/17/16

¹³ Telecommunications Act of 1996, Government Printing Office, <https://www.gpo.gov/fdsys/pkg/PLAW-104publ104/pdf/PLAW-104publ104.pdf>, viewed 04/17/16

[Between 1997 and 2005], *just eight of the country's largest and most powerful media and telecommunications companies, their corporate parents, and three of their trade groups, have spent more than \$400 million on political contributions and lobbying in Washington, according to a Common Cause analysis of federal records.*¹⁴

Soft money and PAC donations between 1997 and 2005 totaled \$44.7 million.¹⁵

*The Act gave broadcasters, for free, valuable digital TV licenses that could have brought in up to \$70 billion to the federal treasury if they had been auctioned off. Broadcasters, who claimed they deserved these free licenses because they serve the public, have largely ignored their public interest obligations, failing to provide substantive local news and public affairs reporting and coverage of congressional, local and state elections.*¹⁶

The money paid to media corporations by candidates, PACs, Superpacs, parties and other organizations rose to \$3.7 billion in the 2014 midterm election.¹⁷

The airwaves were originally considered part of the free press, part of the national infrastructure, the commons. Rep. Luther Johnson (D.-Texas), in the debate that preceded the Radio Act of 1927, said:

*American thought and American politics will be largely at the mercy of those who operate these stations, for publicity is the most powerful weapon that can be wielded in a republic. And when such a weapon is placed in the hands of one person, or a single selfish group is permitted to either tacitly or otherwise acquire ownership or dominate these broadcasting stations throughout the country, then woe be to those who dare to differ with them. It will be impossible to compete with them in reaching the ears of the American people.*¹⁸

The Fairness Doctrine

The foundation of the Fairness Doctrine was in the Radio Act of 1927.

*In the Radio Act of 1927, Congress mandated the FCC's forerunner, the Federal Radio Commission (FRC), to grant broadcasting licenses in such a manner as to ensure that licensees served the "public convenience, interest or necessity."*¹⁹

¹⁴ "The Fallout From the Telecommunications Act of 1996", Op. Cit.

¹⁵ "The Fallout From the Telecommunications Act of 1996", Op. Cit.

¹⁶ Ibid.

¹⁷ Choma, Russ, "Final Tally: 2014's Midterm Was Most Expensive, with Fewer Donors", *OpenSecrets.org*, <http://www.opensecrets.org/news/2015/02/final-tally-2014s-midterm-was-most-expensive-with-fewer-donors/>, viewed 04/17/16

¹⁸ "Rep. Luther Johnson D.-Texas in the debate that preceded the Radio Act of 1927 KPFA 1 16 03", *goodreads.com*, http://www.goodreads.com/author/quotes/6427176.Rep_Luther_Johnson_D_Texas_in_the_debate_that_preceded_the_Radio_Act_of_1927_KPFA_1_16_03, viewed 04/17/16

¹⁹ Rendall, Steve, "The Fairness Doctrine: How we lost it, and why we need it back", *FAIR: Fairness & Accuracy In Reporting*, http://fair.org/media_criticism/the-fairness-doctrine/, viewed 04/17/16

The FRC policy in 1928 called for licensees to show “due regard for the opinions of others.”²⁰ The Communications Act of 1934 created the Federal Communications Commission (FCC) during the F.D. Roosevelt administration.

1949 The Fairness Doctrine was then made part of the Communications Act of 1934.

Because the number of broadcast licenses is limited by the number of frequencies, a license is a coveted and powerful public resource. In 1949, the FCC established a rule called the Fairness Doctrine. The rule required licensees to air all sides of an issue. Broadcasters were obligated to ensure discussion of controversial matters of public interest and to air contrasting views. It was meant to prevent the publically owned airwaves from becoming imbalanced political megaphones for the license holders.²¹

“In 1959 Congress amended the Communications Act of 1934 to enshrine the Fairness Doctrine into law, rewriting Chapter 315(a) to read: “A broadcast licensee shall afford reasonable opportunity for discussion of conflicting views on matters of public importance.”²²

Supreme Court Upholds Fairness Doctrine in 1969

Red Lion Broadcasting Company took the FCC to court saying the government was exerting editorial control and violating their free speech rights under the First Amendment. The FCC was conditioning its renewal of Red Lion’s broadcast licenses on compliance with its regulations, specifically the Fairness Doctrine.

With respect to the regulation of personal attacks made in the context of public issue debates, the FCC’s requirement that the subject of the attack be provided with a tape, transcript, or broadcast summary, as well as an opportunity to respond without having to prove an inability to pay for the “air-time,” insured a balanced and open discussion of contested issues. The requirement that political editorializing be presented for and against both sides of the debated issues also contributed to the balanced discussion of public concerns.²³

U.S. Supreme Court Justice Byron White wrote the opinion of the court in *Red Lion Broadcasting Co. v. FCC* upholding the Fairness Doctrine:

It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the government itself or a private licensee. It is the right of the public to receive suitable access to social, political, aesthetic, moral and other ideas and experiences which is crucial here. That right may not constitutionally be abridged either by Congress or by the FCC.²⁴

²⁰ Ibid.

²¹ “Context of ‘1949: FCC Enacts Fairness Doctrine’”, *History Commons*, <http://www.historycommons.org/context.jsp?item=a1949fairnessdoctrine>, viewed 04/24/16

²² Ibid.

²³ Red Lion Broadcasting Company v FCC, *Oyez*, <https://www.oyez.org/cases/1968/2>. Viewed 04/17/16

²⁴ Red Lion Broadcasting Company v FCC, *University of Missouri-Kansas City*, <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/redlion.html>, viewed 04/17/16

Demise of the Fairness Doctrine

In 1981 President Ronald Reagan appointed former broadcast lawyer Mark Fowler to the Federal Communications Commission.²⁵ Mr. Fowler eventually became chair of the FCC and did not enforce the Fairness Doctrine.

“The perception of broadcasters as community trustees should be replaced by a view of broadcasters as marketplace participants,” Fowler said in 1983. “We’ve got to look beyond the conventional wisdom that we must somehow regulate this box.”²⁶

FCC Abandons Fairness Doctrine in 1985

The FCC issued a report in 1985 that said the doctrine was restricting free speech, and it expressed the hope that Congress would end the doctrine through legislation. After studying the Fairness Doctrine, the FCC decided it violated the free speech rights of broadcasters, led to less speech about issues of public importance over broadcast airwaves, and was no longer required because of the increase in competition among mass media. The doctrine remained law but was not enforced.²⁷

Federal Court rules Fairness Doctrine not needed in 1986

In the case Meredith Corp. v. FCC, the court rules 2-1—with Reagan administration appointees Robert Bork and Antonin Scalia overriding the third judge—that Congress had not actually made the Fairness Doctrine an actual law. Bork writes, “We do not believe that language adopted in 1959 made the Fairness Doctrine a binding statutory obligation” because the doctrine was imposed “under,” not “by,” the Communications Act of 1934.²⁸

The Revolving Door of Influence

Mark S. Fowler went from FCC chairman to communications counsel at the law firm of Latham & Watkins LLP. Dana Latham was Commissioner of the IRS in 1959 and facilitated the 501(c)(4) requirements modification. The company Latham founded in 1934 (Latham & Watkins) is now one of the world’s largest law firms, global in its scope of international tax practice and more. “Firm Alumni” of Latham & Watkins law firm include former Secretary of Interior, Security and Exchange Commission chair, White House Counsel, Director of DOJ, Enron Task Force, Secretary of Homeland Security, etc.

Latham & Watkins law firm contributed \$3.2 million in free legal and consulting services to the defense of Jay Bybee, the Department of Justice’s Office of Legal Counsel, who approved the use of torture in the Bush administration.

Their clients include Koch Industries, Bank of America, Goldman Sachs, ExxonMobil, and Phillip Morris. This is an example of what has been called the “revolving door”, movement of people employed as government regulators to industries affected by regulation. The move goes either way.

Sources: *See End Notes*

²⁵ “Reagan Appoints a Communications Lawyer to F.C.C.”, *The New York Times*, March 14, 1981, <http://www.nytimes.com/1981/03/14/us/reagan-appoints-a-communications-lawyer-to-fcc.html>, viewed 04/17/16

²⁶ “1985: FCC Abandons Fairness Doctrine”, *History Commons*, http://www.historycommons.org/entity.jsp?entity=mark_fowler_1, viewed 04/17/16

²⁷ FCC 85-495 “Fairness Report”, *FCC*, August 7, 1985, <https://ia600204.us.archive.org/24/items/FairnessReport/102Book1FCC2d145.pdf>, viewed 04/25/16

²⁸ “1986: Federal Court Rules Fairness Doctrine Not Needed”, *History Commons*, <http://www.historycommons.org/context.jsp?item=a1987courtfairness>, viewed 04/17/16

FCC Repeals Fairness Doctrine in 1987

The Federal Communications Commission voted unanimously (4-0) to abolish its fairness doctrine on the grounds that it unconstitutionally restricted the free-speech rights of broadcast journalists and made broadcasters timid and programming bland.²⁹

Congress Fails to Bring Back Fairness Doctrine in 1988

Legislation to reinstate the Fairness Doctrine passes in both the House and Senate by wide margins. President Reagan vetoes the bills mandating the broadcasting of different viewpoints, and Congress was unable to override the veto.³⁰

FCC Chairman Julius Genachowski officially eliminated the Fairness Doctrine in 2011 along with 82 other “outdated media rules.” The Fairness Doctrine had not been enforced for over 20 years and was finally repealed in 2011.³¹

“The elimination of the obsolete Fairness Doctrine regulations will remove an unnecessary distraction. As I have said, striking this from our books ensures there can be no mistake that what has long been a dead letter remains dead. The Fairness Doctrine holds the potential to chill free speech and the free flow of ideas and was properly abandoned over two decades ago. I am pleased we are removing these and other obsolete rules from our books.”³²

The Zapple Doctrine

The Zapple Doctrine was an outgrowth of the Federal Communications Commission’s Fairness Doctrine.

“The doctrine required that when a broadcaster provided time to a spokesperson or supporter of one candidate to discuss the candidates or campaigns in a particular race, that the station provide comparable time to a spokesperson or supporter of the candidate’s opponent.”³³

In 2012 an in-depth study by Lili Levi describes the FCC rules and regulations, history, and policy questions regarding involvement with campaign disclosure issues:

²⁹ Hershey Jr., Robert, “F.C.C Votes Down Fairness Doctrine In a 4-0 Decision”, *New York Times*, August 5, 1987, <http://www.nytimes.com/1987/08/05/arts/fcc-votes-down-fairness-doctrine-in-a-4-0-decision.html>, viewed 04/17/16

³⁰ Noble, Kenneth B., “Reagan Vetoes Measure to Affirm Fairness Policy for Broadcasters”, *New York Times*, June 21, 1986, <http://www.nytimes.com/1987/06/21/us/reagan-vetoes-measure-to-affirm-fairness-policy-for-broadcasters.html>, viewed 04/17/16

³¹ “FCC Chairman Genachowski Continues Regulatory Reform To Ease Burden On Businesses; Announces Elimination Of 83 Outdated Rules”, *FCC*, August 22, 2011, https://apps.fcc.gov/edocs_public/attachmatch/DOC-309224A1.pdf, viewed 05/14/16

³² Friedman, Brad, “Obama FCC Kills ‘Fairness Doctrine’ Dead, as Requested by Congressional Republicans”, *The BradBlog*, August 22, 2011, <http://www.bradblog.com/?p=8689>, viewed 04/17/16

³³ O’Neil, David G., “Death by a Thousand Cuts: FCC Eliminates the Zapple Doctrine”, *TelecomMediaTech Law Blog*, May 13, 2014, <http://www.telecommediatechlaw.com/broadcast/death-by-a-thousand-cuts-fcc-eliminates-the-zapple-doctrine/>, viewed 04/24/16

“First, the FCC has the statutory authority to require third-party purchasers of airtime for political and advocacy advertising to disclose their major direct and indirect funding sources and principal directors, officer, or operators. Second, the FCC can adopt a rule grounded on a dormant FCC doctrine—colloquially known as the ‘Zapple doctrine’ or the ‘quasi-public opportunities rule’—to constrain broadcaster partisanship in airtime sales to third-party advocacy groups. Thus, the FCC can deploy regulatory precedent to mandate overall broadcaster evenhandedness in airing non-candidate political advertising.”³⁴

Zapple Doctrine Demise

In 2014, under the Obama administration, the Zapple Doctrine – the last remnant of the Fairness Doctrine – was formally revoked.... The FCC rejected complaints on the grounds that the Fairness Doctrine had been revoked so the corollary Zapple Doctrine had no effect.³⁵

“Given the fact that the Zapple Doctrine was based on an interpretation of the fairness doctrine, which has no current legal effect, we conclude that the Zapple Doctrine similarly has no current legal effect.”³⁶

“The FCC decided equal opportunities applies only to candidates, not to their supporters. In other words, opinionated on-air statements by supporters of a candidate are treated the same as issue advertising or advertising for ballot issues and the stations don’t have to worry about equality in their coverage.”³⁷

Proposed federal legislation (2015) to strengthen FCC rules

House Bill 2125 - Keeping Our Campaigns Honest Act of 2015

House Bill (HB2125) titled “Keeping Our Campaigns Honest Act of 2015,” was introduced by Representative John Yarmuth on April 30, 2015, directs the Federal Communications Commission to revise its sponsorship identification rules so as to require the disclosure of the names of significant donors to persons paying for or furnishing broadcast matter or origination cablecasting matter that is political matter or matter involving the discussion of a controversial issue of public importance. This bill was assigned to a congressional committee on April 30, 2015, which will consider it before possibly sending it on to the House or Senate as a whole.³⁸

³⁴ Levi, Lili, “Plan B for Campaign-Finance Reform: Can the FCC Help Save American Politics After Citizens United”, *Catholic University Law Review*, Fall, 2012,

<http://scholarship.law.edu/cgi/viewcontent.cgi?article=1004&context=lawreview>, view 04/17/16

³⁵ Denton, Josh, “Obama FCC Ended Zapple Doctrine”, *MediaTrackers*, February 29, 2016,

<http://mediatrackers.org/wisconsin/2016/02/29/obama-fcc-ended-zapple-doctrine>, viewed 04/17/16

³⁶ Oxenford, David, “FCC Decides that it will No Longer Enforce the Zapple Doctrin – Killing the Last Remnant of the Fairness doctrine”, *Broadcast Law Blog*, May 8, 2014, <http://www.broadcastlawblog.com/2014/05/articles/fcc-decides-that-it-will-no-longer-enforce-the-zapple-doctrine-killing-the-last-remnant-of-the-fairness-doctrine/>, viewed 04/24/16

³⁷ Ibid.

³⁸ H.R. 2125: Keeping Our Campaign Honest Act of 2015, *GovTrack.us*, <https://www.govtrack.us/congress/bills/114/hr2125>, viewed 04/17/16

Senate Bill 1260 - Sunshine in Sponsorship Identification Act

Senate Bill (S. 1260) titled “Sunshine in Sponsorship Identification Act”, introduced by Senator Bill Nelson on May 7, 2015, directs the Federal Communications Commission to update its sponsorship identification rules for commercial and political advertising to: (1) reflect current technologies and practices, (2) ensure that political broadcasts include more detailed disclosures about the identity of the true sponsors, and (3) require more detailed sponsorship identification information to be placed online or in another form more readily accessible to the public. It was assigned to the Senate Commerce, Science, and Transportation on May 7, 2015 which will consider it before possibly sending it on to the House or Senate as a whole.³⁹

Sen. Nelson called on the FCC to ‘immediately launch a long-overdue rulemaking to update its sponsorship identification requirements,’ but also said he would be introducing a bill that would require it to issue new rules. ‘In an era where billions of dollars are being spent to market products and influence political races with TV advertising, it is high time that the FCC update its rules to ensure viewers know who actually is footing the bill for these advertisements,’ Nelson wrote.⁴⁰

The bill proposes that the FCC be required to amend its sponsorship identification rules to require not just the name of the sponsor of an ad addressing “a controversial issue of public importance,” but also the names of any “significant donors” to the sponsor. This bill is meant to address the perceived problem that PACs and other interest groups are buying advertising time on broadcast stations and cable systems to influence the political process, and all the public hears is some innocuous sounding organizational name – “the Campaign for a Better America” or some similar name that does not convey who is actually behind the ad.⁴¹

Federal Communications Commission (FCC) budget challenges in 2016

Solving the problems related to money in politics by means of regulation requires elected officials’ support of legislation that protects and/or expands current codes that strengthen oversight and transparency. Agencies that are meant to carry out that work need to be funded adequately.

The Federal Communications Commission’s Executive Summary of their 2016 budget request sites major needs. The Commission requests \$388,000,000 in budget authority from regulatory fee collections to carry out its core statutory mission and Congressional mandates.⁴²

³⁹ S. 1260 – Sunshine in Sponsorship Identification Act, *GovTrack.us*, <https://www.govtrack.us/congress/bills/114/s1260>, viewed 04/17/16

⁴⁰ Eggerton, John, “Sen. Nelson Signals Disclosure Rules Bill”, *Broadcasting & Cable*, <http://www.broadcastingcable.com/news/washington/sen-nelson-signals-disclosure-rules-bill/140436>, viewed 04/17/16

⁴¹ Oxenford, David, “Keeping Our Campaigns Honest Act Proposes that FCC Require Disclosure of Significant Donors to Entities That Sponsor Issue Ads”, *Broadcast Law Blog*, <http://www.broadcastlawblog.com/2015/05/articles/keeping-our-campaigns-honest-act-proposes-that-fcc-require-disclosure-of-significant-donors-to-entities-that-sponsor-issue-ads/>, viewed 04/17/16

⁴² FCC FY2016 Budget Request, FCC, https://apps.fcc.gov/edocs_public/attachmatch/DOC-332654A2.pdf, viewed 04/17/16

The FCC is required to consolidate offices and move to a smaller, more reasonably priced building; is incurring a greater workload with less employees; and has antiquated servers and computer systems which require funds to follow through on essential information technology (IT) upgrade.⁴³

Highlights of the Senate FY2016 Financial Services and General Government Appropriations Bill July 23, 2016

The bill contains \$320 million for operations at the FCC, a cut of \$20 million below the FY2015 enacted level. The bill provides funding for FCC moving expenses that can only be utilized if the agency significantly reduces the size of its leased space. The legislation also prohibits the FCC from regulating rates under the net neutrality order, and grandfathers all joint sales agreements (JSAs) from recent FCC JSA rules changes.⁴⁴

The FCC is Closing Loophole

A recent rule change referred to in the Senate Appropriations Bill is the closing of a loophole that had allowed the big broadcast companies -- including Gannett, Media General, and Sinclair Media -- to effectively own more than one TV station in a local market.⁴⁵

The Executive Branch responds to the House Appropriations Bill cuts to FCC funding

Shaun Donovan, Director of the Office of Management and Budget, compares FCC funding in the 2016 proposed Congressional budget bill with President Obama's 2016 proposed budget plan in a letter dated June 16, 2015, to Representative Hal Rogers, Chairman of the Committee on Appropriations in the U.S. House of Representatives.

The (House Appropriations) bill cuts funding for the FCC by \$98 million, or 24 percent, compared with the President's Budget. Because the FCC is funded by regulatory fees and auction proceeds, its funding level has no impact on the deficit, nor does it impact the amount of funding available for other agencies. Thus, these cuts unnecessarily force the FCC to scale back important work on public safety, wireless spectrum, and universal service, while increasing overall costs for taxpayers.⁴⁶

The importance of political advertising disclosure

Federal Communications Commission states in a report on broadcast TV:

⁴³ Ibid.

⁴⁴ Senate Committee Agrees To Fy2016 Financial Services, General Government Appropriations Bill, *U.S. Senate Committee on Appropriations*, <http://www.appropriations.senate.gov/imo/media/doc/072315-FY16-FSGG-Appropriations-Full-Committee-Markup-Web2.pdf>, viewed 04/17/16

⁴⁵ Kline, Daniel B., "What the FCC Decision on Joint Sales Agreements Means for Broadcasters", *The Motley Fool*, April 3, 2014, <http://www.fool.com/investing/general/2014/04/03/what-the-fcc-decision-on-joint-sales-agreements-me.aspx>, viewed 04/17/16

⁴⁶ Donovan, Shaun, Letter to Chair of Committee on Appropriations, U.S. House of Representatives, <https://www.whitehouse.gov/sites/default/files/omb/legislative/letters/fy-16-house-fsgg-letter-rogers.pdf>, viewed 04/17/16

“Political advertising is soaring and is expected to grow in the future. In January 2010, in Citizens United v. Federal Election Commission, the U.S. Supreme Court struck down portions of a national campaign finance law, making it far easier for corporations to spend unlimited amounts of money on political campaigns. Borrell Associates, a consulting firm that focuses on local media and advertising, estimates that the court ruling generated additional political advertising totaling \$400 million in the 2010 elections. This created a windfall for local TV stations: in 2010, political advertisers spent an estimated \$2 billion to \$3 billion on local TV stations, which may be as much as 100 percent more than in 2008—despite that 2008 was a presidential election year and 2010 was not.”⁴⁷

Jeremy Sheff writes about how repetition of campaign messages, whether true or not, affects low-information voters by strengthening beliefs and implying the message is widely considered to be accurate.

“This “mere exposure” effect may help to explain research findings that repetition of positive campaign messages increases positive attitude toward their sponsor and that increased exposure of the electorate to a candidate’s name increases that candidate’s vote share. It also suggests that the ability to repeat a campaign message or secure repeated exposure for a political candidate has real potential to skew the results of an election in favor of a campaign that leverages that ability. More generally, repetition threatens the integrity of political decision-making by increasing the susceptibility of low-information, low-attention voters to factual error.”⁴⁸

End Notes for Inset on page 3: “The Revolving Door of Influence”

- 1) Latham & Watkins LLP, <http://www.vault.com/company-profiles/law/latham-watkins-llp.aspx>, viewed 05/27/16
- 2) Millhisler, Ian, “Corporate Law Firms Give Torture Judge Jay Bybee Over \$3 Million In Free Legal Services”, *ThinkProgress*, <http://thinkprogress.org/justice/2011/10/24/351671/corporate-law-firms-give-torture-judge-jay-bybee-over-3-million-in-free-legal-services/>, viewed 05/27/16

⁴⁷ “Broadcast TV”, FCC, <http://transition.fcc.gov/osp/inc-report/INoC-3-TV.pdf>, viewed 04/24/16

⁴⁸ Sheff, Jeremy N., “Myth of the Level Playing Field: Knowledge, Affect, and Repetition in Public Debate, The”, *Missouri Law Review*, Winter, 2010, <http://scholarship.law.missouri.edu/cgi/viewcontent.cgi?article=3863&context=mlr>, viewed 04/24/16