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06/28/2011 05:29 PM

To colbertAOR@fec.gov

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Subject Advisory Opinion 2011-11 Comment

BLUF: I firmly believe that the Colbert Super-PAC will be a sabot thrown into the political campaigning and electioneering machine that is Fox News, I believe this is something that needs to happen and has needed to happen for a long time, and I will do all that I can to help Stephen Colbert realize this dream. I did not have time to completely develop this comment -- it needs about another page in the middle. If you feel that this comment is worth your consideration and you would like me to finish developing this comment for the commission's consideration tonight or tomorrow, please contact me. I am only sending it in this way because it is 5:26, and I am out of time.

To: Federal Election Commission

From: Dave Enders

[REDACTED]
Wyoming PA 18644

Dear Commissioners,

Introduction

After closely comparing both Draft A and Draft B of Advisory Opinion 2011-11, it seems apparent to me that Draft B is the appropriate choice because based upon past performance, Viacom can clearly be expected not to interfere with or to attempt to influence Colbert Super-PAC (the Committee), and that being the case, it seems to me that the real question confounding the Federal Election Commission (the Commission) is whether or not the Colbert Report itself as a News Parody magazine meets the standards of journalism necessary to be taken seriously as a press entity. I submit that Fox News, with its several News Entertainment magazines that it uses regularly to promote Super-PACs, and News Corps, its U.S. subsidiaries inclusive, (the Corporation) having created a "new reality" in journalism which the Corporation is beginning to tout like a badge of honor, but which data and the record shows is nothing more than a campaigning and electioneering machine for the GOP, have already answered that question in the positive for the Commission: Yes, the Colbert Report as a News Parody magazine meets the standards of journalism necessary to be taken seriously as a press entity.

Evidence and Explanation

1. It is obvious that the Commission already realizes that based on past performance Viacom can be expected to refrain from attempting to influence Colbert Super-PAC in any way if the Commission should allow Mr. Colbert to form the Committee because both Draft A and Draft B of Advisory Opinion 2011-11 approve Mr. Colbert to form the Committee. Between the two drafts there are only two points on which the Commission is examining whether or not Viacom would be acting within its legitimate press functions: donating commercials that have already been produced to be aired as paid advertisements on other media outlets (including the Committee's web site) and the air time for those commercials if Viacom pays for the air time, and personnel provided by Viacom, other than Mr. Colbert, for the administration of the Committee. Mr. Colbert is requesting a Super-PAC, not a PAC. If

my understanding is correct, these two points are the difference between the two and the reason we even have Super-PACs, which renders the Commission's consideration mute and the decision made: Given strict Interpretation of our government's guidelines, the Colbert Super-PAC must be allowed. That being the case, and being also obvious, it stands to reason that the real question confounding the Commission is whether or not the Colbert Report as a News Parody magazine meets the level of journalistic standards that would cause a majority of Americans to agree that the Colbert Report is on par with other News Entertainment magazines. [It should be noted here that while this question is clearly beyond the scope of this Commission's intended function, conundrums like this are being forced upon this Commission by News Corps.] The only other News Entertainment magazines of which I am aware to compare the Colbert Report are broadcast on Fox News. There is a preponderance of evidence suggesting that the Colbert Report is not only on par with Fox News Entertainment magazines' level of journalistic standards but also that the Colbert Report exceeds Fox News Entertainment magazines' level of journalistic standards because while Fox News Entertainment magazines misrepresent facts and present opinion as fact, the Colbert Report does not: The Colbert Report presents facts and the truth in the form of parody and humor. Stories that attempt to adhere to facts and truth, regardless of the format in which they may be presented, are stories that adhere to journalistic standards.

2. More than a decade of evidence supports the assertion that Fox News and Fox News Entertainment Magazines have very likely been intentionally misleading viewers to act as campaigning and electioneering tools supporting the GOP, GOP Super-PACs and any GOP organization, and evidence supports the theory that Roger Ailes has probably taken Fox News much farther to the right than Rupert Murdoch is comfortable with. [Source: 8] In a 2003 study conducted to test American misperceptions of the Iraq War including three major misperceptions: whether they thought Iraq weapons of mass destruction had been discovered in Iraq; whether they thought Saddam Hussein was working with or had connections to al-Qaeda; and, whether or not they thought world opinion favored the U.S.-led invasion of Iraq, Fox viewers were the most misinformed with 80% having at least one major misperception. On the other end of the spectrum, PBS/NPR viewers were the best informed with 77% having none of the three major misperceptions. This study was probably conducted to evaluate the impact of government propaganda on American perceptions of the War in Iraq; however, the study revealed a great deal more. When the figures for each of the issues were broken out individually and then averaged, 45% of all Fox viewers were generally misinformed while only 11% of PBS/NPR viewers were misinformed. Viewers of other news sources scored varying levels of misperception between PBS/NPR and Fox regardless of how the data was broken out. The 2003 study revealed that among those who planned to vote for President Bush in 2004, 45% were misinformed; however, among those who planned to vote for the democratic nominee only, only 17% were misinformed. The study found that "the extent of vary significantly depending on their source of news. Those who received most of their news from Fox News are more likely than average to have misperceptions. Those who receive most of their news from NPR or PBS are less likely to have misperceptions." This study also found that "overall, those who pay greater attention to the news are no less likely to have misperceptions." However, "among those who primarily watch Fox, those who pay more attention are more likely to have misperceptions." [Source: 7] In a study conducted in 2006, two teams from UC, Berkeley and Stockholm University respectively studied the effect of media bias on voting by looking at the introduction of Fox News into cable markets and its impact on voting on those communities between 1996 and 2000. This study does not judge Fox as either being right-wing or fair and balanced in its reporting as it claims, only that Fox News is far to the right of competing outlets and that as such its introduction into any market will have a significant impact. This study strives to ascertain the extent of that impact. Overall, the study found that Fox convinced between three and eight percent of its viewers to vote republican and that Fox had a significant impact on a very close presidential election in 2000. In contributing to the

overall body of evidence on shifts in voter turnout following media market expansion, this study notes the data provided by other studies. It is interesting to note that information from those studies compared with information previously noted from my Source 8, that when media tending not to misinform expand into new markets in the last 50 years, voting declines as voters become informed. However, Source 7 shows that as Fox News expanded into a new market new voters were mobilized to vote and that these new voters tended to be misinformed and to vote republican. The study made the hypothesis that voters would become familiar with Fox News bias and filter it out such that the Fox News effect would then be filtered out naturally; however, when that did not occur by the 2004 election, the study adjusted its findings and conclusion. "Persuasion predicts that Fox News permanently altered voting patterns in the United States." The study postulates the rhetorical question, "Whether the effect is rational or not, it would be interesting to know the exact mechanism by which Fox News affected voting." I submit that Fox News and other American News Corps subsidiaries have answered that question of late. [Source 4.] In a recent New York Magazine article, Gabriel Sherman strongly implies that Roger Ailes dubs a Fox News may be numbered calling what Ailes has created at Fox a "circus" in the headline to the story. As Rupert Murdoch owns New York Magazine, this suggests there is definite tension between the two. The article begins talking about the thorn in the side that Glenn Beck had become after being the ratings boost that Ailes originally hired him to be, and then transitions into a biographical accounting of Ailes accomplishments at Fox News. But, this article spells out in so many words exactly how Ailes spent his tenure at Fox News "to marginalize Democrats" and as a platform for Republican a Tea Party candidates and representatives. According to Sherman, Ailes threatened to quit when he learned that Murdoch intended to endorse President Obama for 2010.

3. News Corps and News America Holdings is for the most part a giant corporate-PAC team working at a bi-partisan level to corporatize America. There is nothing surprising about the relationship. News America Holdings lobbies and campaigns as much, maybe even a bit more, with and for Democrats as it does Republicans. These are two organizations interested in furthering corporate issues, not partisan issues. If Fox News priorities were more in line with News Corps priorities, Fox News might actually be more fair and balanced, and perceptions throughout the United States may be more accurate, promoting a healthier mindset both politically and economically.

Conclusion

The Commission is faced with a potential precedent-setting decision and has a difficult choice to make. However, the Commission has at least four choices that I can see.

1. Choose Draft B, inform Mr. Colbert that he may form Colbert Super-PAC and discuss it on his show, and that Viacom will not need to report any in kind donations. Then, recognizing the fact that Viacom has absolutely no history of attempting to influence the editorial content of its shows for any political purposes, leave things at that with Viacom and the Colbert Report, and turn the Commission's attention to Fox. Inform News Corps and News America Holdings that the Commission is investigating News Corps and Fox News for allegedly using its media outlets for campaigning and electioneering efforts and that most disturbing is the fact that reports and stories have originated from News Corps own outlets.

2. Choose Draft B, inform Mr. Colbert that he may form Colbert Super-PAC and discuss it on his show, and that Viacom will not need to report any in kind donations, but send a clear message that this is a situation that has been forced upon the Commission by the "New Reality" in journalism for which News Corps so proudly seems to take credit. Then use this situation as a springboard to take the greatest actions possible within the scope of the Commission's authority to initiate real reform immediately after the next election cycle.

3. Choose Draft B, inform Mr. Colbert that he may form Colbert Super-PAC and discuss it on his show, and that Viacom will not need to report any in kind donations, and prepare a statement so that when asked the Commission can explain that due to News Corps so proudly having created a "New Reality" in journalism, the Commission didn't have any choice but to approve Mr. Colbert's request to form Colbert Super-PAC.

4. Lose all nerve, select Draft A, completely roll over and just sell the rest of the nation to an unbalanced old man and an Australian named Rupert Murdoch who doesn't even live here.

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