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April 6, 2017

Michelle M. Carey  
Acting Bureau Chief  
Media Bureau  
Federal Communications Commission  
445 12th Street, NW  
Washington, DC 20554

Dear Ms. Carey:

We write to request that the Media Bureau ensure that broadcast licensees are complying with their obligations under Section 315 of the Communications Act.

The Judicial Crisis Network (JCN) is running or has run advertisements in multiple media markets urging U.S. senators to confirm Supreme Court nominee Neil Gorsuch and other presidential nominees, yet many broadcast licensees have accepted filings from JCN that are incomplete and fail to meet the political file disclosure requirements of Section 315 of the Communications Act, according to an analysis by the Center for Responsive Politics.<sup>1</sup> The Media Bureau should contact these broadcasters to ensure that they are complying with their obligation to ensure that information contained in the political file is accurate and fully complies with the requirements of federal law and regulations.

Broadcasters must report whether advertisements communicate “a message relating to any political matter of national importance,” such as elections to any federal office or national legislative issues.<sup>2</sup> For organizations that air political ads, FCC regulations require broadcasters to list the executive board members, or highest-ranking officers, of the sponsoring group.<sup>3</sup> If completed truthfully and fully, the online files should provide the public the information needed to accurately identify who is behind the ads.

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<sup>1</sup> *Judicial Crisis Network FCC Filings*, Center for Responsive Politics, <https://www.opensecrets.org/ad-data/jcnfilings>.

<sup>2</sup> 47 U.S.C. § 315(e).

<sup>3</sup> See 47 C.F.R. §§ 73.3526–73.3527.

JCN has aired television advertisements in multiple states urging senators to confirm certain presidential nominees, including Supreme Court nominee Gorsuch, Attorney General nominee Jeff Sessions, and EPA administrator nominee Scott Pruitt. JCN reportedly pledged \$10 million on the Gorsuch campaign alone.<sup>4</sup> These ads are indisputably a political matter of national importance, and yet JCN failed to indicate that this is the case.

Some stations have conducted their due diligence and required that JCN amend their filings to reflect that the advertisements pertain to a political matter of national importance—namely, the Supreme Court nomination.<sup>5</sup> Despite JCN’s ads apparently being consistent across stations, most broadcasters appear to have accepted JCN’s filings that incorrectly label the advertisements as pertaining to a matter not “of national importance.”<sup>6</sup>

Individuals and organizations who seek information through the FCC online portal to find out more about JCN’s advertisements running on their local station would not be able to access the statutorily required information about the ad, and so would be unable to match the ad they saw with the correct files — far from the transparency that the commission hoped open public filings would enable.

Respectfully submitted,



Brendan Fischer  
Director, Federal and FEC Reform  
Campaign Legal Center



Meredith McGehee  
Strategic Advisor  
Campaign Legal Center

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<sup>4</sup> Robert Maguire and Anna Massoglia, *Wellspring’s dark money crucial to judicial group, helps others in Trump orbit*, Center for Responsive Politics (Mar. 24, 2017), <https://www.opensecrets.org/news/2017/03/wellsprings-dark-money-crucial-to-trump-orbit/>.

<sup>5</sup> See, e.g. WTTG (Washington D.C.), <https://www.opensecrets.org/ad-data/document?id=230408929>; KCWE (Kansas City, MO), <https://www.opensecrets.org/ad-data/document?id=216650384>; WRC-TV (Washington, D.C.), <https://www.opensecrets.org/ad-data/document?id=208352834>;

<sup>6</sup> See *supra* note 1.