



May 28, 2009
General Manager Michael Jack
WRC-TV
4001 Nebraska Ave NW
Washington DC 20016

Re: Advertisement by Conservatives for Patients Rights

Dear Mr. Jack,

I represent the Service Employees International Union, whose 2 million members support the passage of comprehensive healthcare reform that guarantees affordable coverage for every man, woman, and child. Your news network is scheduled to run a thirty-minute "documentary" advertisement sponsored by Conservatives for Patients' Rights which based on previous advertisements will be demonstrably false and maliciously mislead viewers with its statements and edited video content. Based on excerpts from their website, potential significant errors and falsehoods make this ad unfit to air. In the public interest, you should closely review the ad and cease plans on airing it immediately.

SEIU calls your attention to just two of the major falsities likely to appear in this advertisement, outlined in greater detail in the attached document:

- Rick Scott will likely continue to mislead viewers about the Federal Coordinating Council for Comparative Effectiveness Research, a newly-created entity by the economic recovery package signed into law by President Obama in February. Mr. Scott will likely make a specific claim: "not only could a government board deny your choice in doctors, but it can control life and death for some patients." This statement is demonstrably false. In reality, the powers of this so-called "government board" are clearly defined and cannot do what Mr. Scott claims. The statutory authority of the Council specifically excludes the power "to mandate coverage, reimbursement, or other policies for any public or private payer." It is worth noting that even under President Bush, the National Institutes of Health already had an annual budget of \$355 million to conduct precisely this type of research. Plainly, this has not led to the sort of catastrophic consequences in America that Mr. Scott warns against.
- The advertisement will likely deceive viewers by blatantly misrepresenting the positions of two physicians. While the advertisement paints both as opponents of any role for government in health care reform, in reality, just the opposite is true. Both physicians are in fact supporters of universal health care. What they are opposed to is the U.S. 'two-tiered' system that already rations health care based on the ability to pay. In fact, Mr. Scott misrepresented Dr. Day's comments, and Dr. Day openly mocked the ineffectiveness of the U.S. health care system. What Dr. Day is opposed to is Canada's outdated funding model, not Canada's healthcare system. Dr. Day actually advocates reform of the funding structure to preserve Canada's healthcare system, not dismantle it.

SEIU is not the only organization that has raised serious questions about Rick Scott and CPR's credibility. The highly-respected website www.factcheck.org, run by the non-partisan Annenberg Public Policy Center of the University of Pennsylvania, has labeled CPR's prior advertisement as "very misleading." (See http://www.factcheck.org/politics/government-run_health_care.html).

CPR's weak rebuttal to these criticisms should give your station even greater pause before airing its latest iteration of these advertisements. Essentially, it concedes that it is

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painting a scenario that has not been proposed by President Obama and Democratic Congressional leaders and, indeed, Factcheck.org labeled CPR's response as "nonsense."

As you undoubtedly know, unlike federal candidates, political organizations do not have a "right to command the use of broadcast facilities." *See CBS v. DNC*, 412 U.S. 94, 113 (1973). Because you have no legal obligation to air the advertisement, your station bears responsibility for its content when you do grant access. *See Felix v. Westinghouse Radio Stations*, 186 F.2d 1, 6 (3d Cir.). As a broadcast licensee, you "must assume responsibility for all material which is broadcast through [your] facilities" and therefore have a duty to "protect the public from false, misleading or deceptive advertising." *Licensee Responsibility With Respect to the Broadcast of False, Misleading or Deceptive Advertising*, 74 F.C.C.2d 623 (1961). Failure to prevent the airing of "false and misleading advertising" may be "probative of an abdication licensee responsibility." *Cosmopolitan Broad. Corp. v. FCC*, 581 F.2d 917, 927 (D.C. Cir. 1978).

Based on Conservatives for Patient Rights record, this advertisement will be false, deceitful, and a distortion. We request that you cease plans to air it on Sunday, May 31st.

Sincerely,



Dora V. Chen, Esq.
Assistant General Counsel

Enclosure