

## Re: False Congressional Leadership Fund Advertisement

Dear Station Manager:

I am counsel to Carolyn Long's campaign for the U.S. House of Representatives in Washington's 3<sup>rd</sup> Congressional District. I write with regard to an inaccurate and deceptive advertisement on your station sponsored by the Congressional Leadership Fund against Ms. Long. The advertisement can be viewed here: <https://www.congressionalleadershipfund.org/first-t-v-and-digital-ad-campaign-in-wa-03-carolyn-long-would-take-washington-backward/>. This advertisement contains two false and misleading statements. Thus, for the sake of both FCC licensing requirements and the public interest, your station should immediately refuse to continue to air this advertisement.

*First*, the advertisement falsely claims that, as a result of the middle-class tax cut, four million jobs have been created. Specifically, the ad claims that "Jaime Herrera Beutler cut middle-class taxes, saving Washington families twenty-three hundred dollars. Now four million jobs have been created." The so-called "middle-class" tax cuts that Congressional Leadership Fund cites was signed into law on December 22, 2017<sup>1</sup> and went into effect on January 1, 2018.<sup>2</sup> **According to the Bureau of Labor Statistics, since that time, less than 2 million jobs have been added to the economy – half as many as claimed.**<sup>3</sup> Congressional Leadership Fund is making an demonstrably false claim, which misrepresents the impact of the Republican tax bill in order to deceive voters about its impact.

Moreover, according Politifact, a non-partisan fact-checking organization, it is "questionable" to suggest that job growth since the tax bill was passed "has been especially strong, or that recent rates of job-creation represent some kind of turnaround from a poor performance earlier."<sup>4</sup> Rather, job growth in the five months after the bill passed was in line with similar periods going back five years. Therefore, the claim that four million jobs were created after the Republican tax bill passed is not only a false on its face but is also grounded in the unproven logical fallacy that those jobs were a direct result of the tax bill.

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<sup>1</sup> HR 1, became Public Law No. 115-97, [12/22/17](#)

<sup>2</sup> Vox, [4/12/18](#)

<sup>3</sup> Bureau of Labor Statistic, 10/26/18

<sup>4</sup> Politifact, [6/5/18](#)

*Second*, the claim that Washington families have received a \$2,300 tax cut is false. Politifact called a claim based on the same source to be “false.”<sup>5</sup> **In fact, according to the Institute on Taxation and Economic Policy, the savings for a middle class family in Washington making between \$49,000 and \$79,000 a year would be only \$1,100, less than half the amount that Congressional Leadership Fund claims.**<sup>6</sup> By comparison, a Washington family in the top 1% of income earners would receive a tax cut of more than \$90,000 a year. To claim that the tax cut was targeted toward the middle class and that said tax cut saved Washington families twenty-three hundred dollars is false and misleading.

Unlike federal candidates, independent 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 need not air this advertisement, your station bears responsibility for its content when you do grant access. See *Felix v. Westinghouse Radio Stations*, 186 F.2d 1, 6 (3rd Cir.), *cert. denied*, 314 U.S. 909 (1950).

Moreover, you 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 underlying abdication of licensee responsibility” that can be cause for the loss of a station's license. *Cosmopolitan Broad. Corp. v. FCC*, 581 F.2d 917, 927 (D.C. Cir. 1978).

This advertisement is false, misleading, and deceptive. We ask that you refuse to continue to air this advertisement.

We can be reached at [REDACTED] if you have any questions regarding this letter. Please contact us to inform us of your decision. Thank you for your attention to this matter.

Very truly yours,

Jeff Winmill

Counsel to Elect Carolyn Long

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<sup>5</sup> Politifact, [9/7/18](#)

<sup>6</sup> ITEP, [12/16/17](#)