

5 August 2015

Mr. Kerry D. Bowers
Kerry Bowers For President Committee
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Chairman Tom Wheeler
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

SUBJECT: Petition For Rulemaking To Obtain Relief From Political And Financial Injuries Imposed Upon Presidential Candidates And The American People By Commercial And Non-Commercial Broadcast Media

Greetings Chairman Wheeler,

The purpose of this petition is to request the FCC's consideration of a proposed rulemaking that would relieve the political and financial injury now imposed upon a majority of U.S. presidential candidates and the American people in consequence to commercial and non-commercial broadcast media transmitting, either intentionally or otherwise, misleading and discriminatory information. Such injuries are imparted when broadcast media state, and without reference to any published criteria, a chronological number identifying the entry of new candidates or potentially new candidates to the presidential campaign. Injury is further imposed when broadcast media discriminately announce, and again without any reference to published criteria, a field of candidates reported to be the total of all candidates or the total of all candidates specific to a political party.

PROPOSED RULES

The proposed rules would, first, require reporting by broadcast media of a candidate's or potential candidate's chronological entry into a field of candidates of the same political party to include the total number of all candidates of the same party registered with the Federal Election Commission (FEC). Second, in those cases where reporting is in reference to the total of all candidates of all parties and non-party affiliated candidates, then the report shall include the total of all presidential candidates registered with the FEC. Third, and last, any report on a field of candidates of the same party from among a larger field of the party shall include reference to the total of all candidates of the party registered with the FEC. Following, and in respective order, are three examples specific to each of the recommended rules.

1. Today, Republican John Doe announced (or suggested, declared, registered or other implications of candidacy from the candidate or other persons) his candidacy for the Office of President of the United States, thus adding one more to the field of 95 Republican candidates already registered with the FEC.
2. Today, Republican John Doe announced his candidacy for the Office of President and will soon join the 200 other presidential candidates both party and non-party affiliated that have registered with the FEC.

3. It was announced today the first Democrat debate will include only 10 of the 95 Democrats registered as a presidential candidate with the FEC.

JUSTIFICATION

On 23 March 2015, the full spectrum of broadcast media reported, in similar context, that Senator Ted Cruz became the first Republican to enter the 2016 presidential race. In some cases, his entry was reported by the broadcast media as “the first Republican to declare” or “the first Republican to announce” and, in other cases, included the descriptor ‘major’ as in “the first major Republican candidate to enter the race.” In every case where the word ‘first’ or ‘major’ was used, it was done so without reference to any published criteria and certainly without regard to that published by the FEC. On the day that Senator Cruz announced his candidacy there were already 54 Republican candidates registered with the FEC, each with equal standing in the eyes of the U.S. government and thus, the people. Therefore, Senator Cruz, in the absence of any other measure accepted by the people, was number 55 to enter the lineup of Republican presidential candidates, not number 1.

Unfortunately, the misleading and discriminatory reporting did not end with Senator Cruz’s entry into the Republican field, but has continued to be exercised by broadcast media as each new candidate favored by the media has entered the race. As of 3 August 2015, the broadcast media reported there are only about 18 or so Republican candidates, while the number registered with the FEC is 133. Unfortunately too, the candidate discrimination and misleading information is not directed just at the Republican Party, but holds true for the Democrat Party as well where the media reports approximately 4 candidates while there are 80 registered with the FEC. As for the other parties and nonaffiliated candidates, they are almost totally ignored by the same media.

In my case, I was the 29th Republican candidate to register with the FEC which occurred on 28 April 2014, 11 months ahead of Senator Cruz. My registration came subsequent to announcing (declaring) my candidacy on 13 September 2013 via a YouTube video release on my campaign website at www.KerryBowers.com. Since early January 2014, I have done extensive campaigning across the United States, been introduced to or spoke in-person at 10% of the Republican central committees in Iowa, and was the only Republican presidential candidate to exhibit a presidential campaign at the Republican Leadership Conference held in New Orleans, LA in May 2014. I continue to present an active campaign through my website, internet social media, speaking engagements and increasingly-frequent radio interviews. My standing as a candidate was, and continues to be, every bit as valid as any candidate favored by the media and yet, I have been censored along with the other candidates without media favor and with the consequences of both political and financial injury.

The political injury occurs to me and to those who support me when the public, reasonably assuming those with a broadcast media license in this country are presenting truthful, non-discriminatory information, are, in fact, being subjected to reports in contradiction to that expectation. The consequences are then a reasonable assumption by the public that there are no other qualified candidates or that those they may have heard of through other sources must no longer be a candidate. I can attest that I have been subjected to both results as people query me continuously on my candidacy status since they never hear of me or the real numbers of candidates from the broadcast media.

Additional and, perhaps, more substantial injury occurs when the omission of information about the non-favored candidates results in the exclusion of invitations to events clearly reserved to those candidates that have gained the broadcast media’s favor. Such omissions then follow the path to exclusion from polls and national-level debates. In other words, the broadcast media, having singled out

certain candidates using their own designed criteria will, in fact, determine who will be the favored party candidates, the candidates to appear in national-level debates and, ultimately, who will be the individual party nominees in the general election. It is, therefore, well within reasonable expectation that had I or another non-favored candidate been afforded the same level of reporting reserved to favored candidates, I would have gained access to the speaking engagements, polls and debates that, to this point, I have been excluded as a participant.

The financial injury occurs when additional time and financial resources are expended by the non-favored candidates and their supporters in an effort to refute, correct or otherwise remedy the damage imparted by the broadcast media when they present a misleading and discriminatory news report. The cost of campaigning for a non-favored candidate is then potentially greater in terms of available resources than that for a favored candidate, since the non-favored have to make up ground repeatedly lost to misleading and discriminatory stories presented by the broadcast media.

The injury too, and more importantly than that inflicted upon a single candidate, is the injury imparted upon the American people and our political process. Given that the national broadcast media is held in the hands of a few and the national media directs much of the local media broadcasts across the nation as well, then those same few have an inarguable degree of power to control who represents the people and thus, the governing of our nation. It goes without saying that new and, perhaps, far better ideas for better securing the promised blessings to our nation are dismissed in consequence to the dismissal of those candidates not achieving the favor of the broadcast media. This, being so, imparts a potentially negative impact upon our nation that is beyond any means of measure.

Further troubling to me, as it should be to every American, is the fact that those few in control of the broadcast media are privileged to operate in an electromagnetic spectrum under an authorization granted by the American people through a commission of the people, the FCC. As such, the broadcast media should be held accountable to the people to utilize their privilege in a manner consistent with equality and truthfulness and especially so for an issue as critical as that of electing our president.

SUMMARY

In a nation that constantly demands equality in all facets of life, it only stands to reason that we demand the same equality in the reporting of our most important elected position; a reporting that occurs through a media with privileged access and protection as provided by the people through a commission of the people. The rulemaking that I am proposing for equality in reporting presidential candidate information will not require any more resource expenditure of the broadcast media than they expend today for inequality in reporting. However, it will greatly reduce the resource expenditures for those candidates politically and financially injured by discriminatory reporting and secure for the American people a greater degree of protection from the candidate-exposure monopoly exercised today by a few to the detriment of the many.

I thank the Chairman and the staff of the FCC for your kind attention to this petition.

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