December 22, 2011

Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: Comment on FCC 11-162

Gentlepersons:

I am writing to you with respect to the issue of requiring broadcasters to web-publish their political files. I am writing from the perspective of executive director of a public interest nonprofit organization that conducts research and provides public education on money in state politics in Michigan.

I have been a very regular visitor to the public political files of Michigan television broadcasters for the past decade. I conduct my research in the broadcasters' political files in order to be able to report on a large and important aspect of Michigan political campaigns that is not reported in the Michigan Department of State's official campaign finance reporting system. That is the matter of candidate-focused "issue" advertising, otherwise commonly known as electioneering communications.

In June of 2011, my organization published a report titled, "$70 Million Hidden in Plain View," which summarized my findings for the period from 2000 through 2010. Beyond the overall figure of $70 million worth of candidate-focused television advertisements that were unreported, it included the following important facts that I was able to assemble from the broadcasters' political files:

- From 2000 through 2010, $20.8 million, or 49.5 percent of all spending in Michigan Supreme Court election campaigns, was not reported to the State.
- In three gubernatorial campaigns in 2002, 2006 and 2010, $42 million in candidate-focused television advertising was not reported to the State.
- In 2010, the following percentages of campaign spending in statewide general election campaigns were not reported to the State: Governor: 53.5 percent; Supreme Court: 56.5 percent; Attorney General: 44.8 percent; Secretary of State: 50.0 percent.

This research has allowed me to report to the people and the press in Michigan the great extent to which our campaigns are not disclosed. In effect, I am able to define the dimensions of a campaign finance black-box, even though I am unable to say who is putting money into the black-box. This allows me to make the most compelling case

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possible as to why Michigan's Campaign Finance Act needs to be updated to require more complete disclosure.

My data are reported by virtually every news organization in Michigan, including newspapers, commercial and public radio, blogs and Internet magazines, and, yes, local television. At a meeting of the Michigan Newspaper Editors' Association in Mount Pleasant in October of 2010, the capital bureau chief of the Associated Press told the assembled editors that she and her colleagues and competitors rely on my data collection because they don't have the time to collect the records themselves.

This leads to the important point of why I am urging you to require the broadcasters to make the contents of their political files web-accessible. I do not want, nor should I have, the unique responsibility of making this important information available to the citizens of my state. I can testify to you, unequivocally, that the threshold of effort necessary to report this important public interest story is too high for every news organization in Michigan, except mine.

Anecdotally, let me lay out the cost of providing the benefit I have described in the preceding paragraphs. Each election cycle I drive thousands of miles and spend scores of hours in data collection. To cite the extreme, I have spent 14 hours behind the windshield to engage in a 15 minute data collection exercise at a station in Marquette in the Upper Peninsula. In 21st Century America, that is ridiculous. Broadcasters can easily web-publish the contents of their political files, and they should do so.

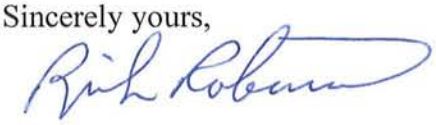
I implore you to appreciate that the public interest will not be served if you merely require broadcasters to serve records of candidate committees' purchases. The citizens need to know the full extent of "issue" ad buys too. In addition to the candidate-focused ads in campaign season that I have discussed already, there are indirect lobbying campaigns conducted through television advertising on matters of critical public policy that are not reported through the State's lobbying activity reporting system. The public interest requires records of those campaigns, too, to be available readily to the public.

I give you one last example of the need for your rules to have broad scope to serve the public interest. In 2010, the Republican Governors Association, a 527 committee, spent some $3.5 million for TV advertisements that featured both major parties' candidates for governor of Michigan – more than either candidate spent. Those ad buys were not reported to the Department of State. In addition, sales managers at several important stations around Michigan told me that the RGA pressured them to withhold records of its activity from their public political files, and several complied with its request. If you fail to make your rules inclusive of **state** political issue advertising, you will be leaving an opening that severely compromises the public's right to know the extent to which its

airwaves are being used for overtly political purposes. Please, do not allow that to happen.

I appreciate the opportunity to offer my perspective on this very important matter. Please give the public's right to know the role of money in state politics its due consideration.

Sincerely yours,



Richard L. Robinson
Executive Director

Enclosure: $70 Million Hidden in Plain View

cc: Karole L. White, President, Michigan Association of Broadcasters
Trey Fabacher, Chairman Elect, Michigan Association of Broadcasters