



March 1, 2005

MCCRERY FOR CONGRESS

LifeWise Cable Media
312 East Kings Highway
Shreveport, LA 71104

Attention: Station Manager

Re: False 527 TV ad by Campaign to Take Back Our Future a/k/a Campaign for America's Future

Dear Sir or Madam:

Your station is currently airing a false and defamatory ad by the 527 group called Campaign to Take Back Our Future a/k/a Campaign for America's Future. Since the ad does not constitute a "candidate use" your station is under no obligation to keep it on the air. On the contrary, as a Federal Communication Commission ("FCC") licensee, you have an obligation to the public to ensure that advertising aired by your station is accurate and does not contain false statements.

In fact, to knowingly air such a falsehood not only runs counter to an FCC licensee's duty to the public, it is actionable as a matter of law, and exposes you to possible legal liability. See Felix v. Westinghouse Radio Stations, Inc., 186 F.2d 1 (3d Cir. 1950), *cert. denied*, 341 U.S. 909 (1951) (holding that broadcasters can be sued by a candidate for defamation over content of advertisements); Farmers Educ. & Coop. Union, North Dakota Div. v. WDAY, Inc., 360 U.S. 25 (1959) (holding that broadcasters are protected from suit in the case of a candidate use).

This Campaign to Take Back Our Future ad is patently false, and I request that you remove it immediately. Specifically, the following statement on the ad is provably false:

"Congressman McCrery wants to privatize Social Security and cut our guaranteed benefits."

The truth is that Congressman McCrery opposes "privatizing" Social Security, and he has never been in favor of so-called "privatization." The following is a direct quotation from Congressman McCrery on this very subject: "I am convinced that

personal accounts are a necessary element of comprehensive reform, but I would not privatize the Social Security program. There needs to be some government guarantee of benefits.”

By way of background, the Bipartisan Commission to Strengthen Social Security proposed, among other things, the creation of personal accounts as one way to protect Social Security. Such accounts would be modeled after the Thrift Savings Plan (TSP) now used for federal employees.

Neither Democrats nor Republicans have ever described the Thrift Savings Plan as “privatization,” and with good reason. According to the Appendix of the federal budget (specifically, on page 1135), the Thrift Savings Plan is “composed of individual accounts maintained . . . on behalf of the individual Federal employee participants in the fund.” In other words, these are government-maintained accounts, not private funds.

The same is true of the accounts proposed by the Bipartisan Commission – accounts which remain within the Social Security system. Personal accounts are a means by which a portion of an individual’s contributions would be saved within the Social Security system to fund future benefits. Under current practices, such funds are being collectively loaned to the remainder of the federal government. Personal accounts prevent this from happening, yet maintain the funds within the Social Security system, thus ensuring a government guarantee of benefits.

Some Democrats and their allies have, for years, labeled any effort to reform, modernize, or otherwise change Social Security as “privatization.” They do this not based upon facts, but upon public perception. “Privatize” is a loaded word that has a very negative connotation, particularly among seniors. Simply put, it generates a predictable negative reaction when tested in polling.

Former Sen. Daniel Patrick Moynihan (D-NY), one of the most respected members of the Democratic Party, said the word is inaccurate and labeled it a “scare word.” When questioned about the idea of adding to Social Security a provision like the federal employee Thrift Savings Plan, he quickly distinguished it from privatization:

Reporters Question: I have a question that... actually for all of you. The Vice President has said that any privatization whatsoever will jeopardize the system and....

Former Sen. Moynihan: (Interrupts) Let me just answer that. This is not privatization. The same Social Security provisions that are in existence today will continue. We will add a provision that is [the] same, almost identical to that which federal employees, including the three of us, now have. And...since I am not in politics, I want to say that is not, not a proper characterization. That’s a scare word. (*Senators McCain, Kerrey, and Moynihan*)

press conference to propose creation of a special commission to overhaul Social Security, 5/4/00)

Thus, the current ad is not based upon facts, but instead is designed to intentionally mislead and scare people into believing all sorts of untruths about what Congressman McCrery supports. In fact, the words "privatize" and "privatization" do not appear ANYWHERE in the report of the Social Security Commission!

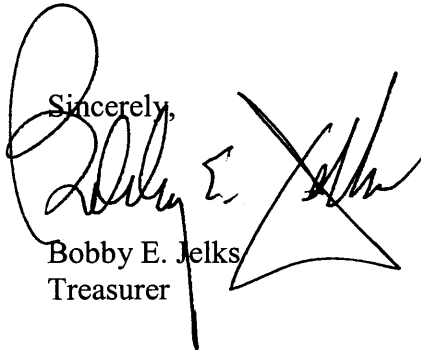
In the past, stations have refused to air ads that simply throw around scare words at the expense of the facts. For example, in 2002, the Democrat Congressional Campaign Committee tried to run an ad in which they criticized Rep. Shelley Moore Capito for wanting to "privatize" social security. The ad was pulled by four (4) West Virginia television stations.

The future of Social Security is simply too important to let it be compromised by false rhetoric. The public is not well-served by ads of the sort being run by the Campaign to Take Back Our Future, and as an FCC licensee, you are obligated to act in the public interest. Thus, I ask you to do the following:

1. Immediately stop airing the ad, so as to mitigate the harm caused to Congressman McCrery.
2. Request that the Campaign to Take Back Our Future substantiate each and every claim in any future advertising.

Thank you for your attention to this matter. A representative from Congressman McCrery's campaign will be contacting your station in the near future in an effort to resolve this matter amicably and quickly.

Sincerely,



Bobby E. Jelks
Treasurer