

Dear Broadcaster,

It has come to our attention that a Political Action Committee, “Right Direction Wisconsin,” has purchased air time on your television network to run a series of advertisements in support of Governor Scott Walker and in opposition to gubernatorial candidate Tom Barrett¹ (“the Advertisements”). The Advertisements explicitly communicate and rest on a demonstrable falsehood intended to mislead voters. We respectfully request that your station decline the request to broadcast this false and misleading information.

Until the recent days of this campaign, Wisconsin and the 49 other states relied on the Bureau of Labor Statistics (“BLS”) to measure job growth and loss. When the most recent statistics released by the BLS were seen to reflect poorly on Governor Walker’s leadership, his Department of Workforce Development purported to invent a new metric for measuring the same things.² The DWD’s numbers, recently rushed into circulation, are false and designed to contradict the BLS’ report and mislead voters about the state of job creation in Wisconsin.³

The absurd decision to suddenly dismiss the BLS’ report in favor of a new metric, employed only in Wisconsin and only during this campaign, should be sufficient evidence of the falsity of the DWD’s number in itself. The fact that Governor Walker’s administration and campaign use and promote the BLS statistics in other contexts confirms the lie, such as when Walker himself touted the BLS numbers last year as “a consistent, objective measure used in every other state.”⁴ Walker supporters are making two mutually exclusive factual assertions at the same time. The one set out in the Advertisements, based on the recently conjured DWD numbers, is false.

Additionally, the Non-Partisan organization PolitiFact has already judged Walker’s claim citing the DWD numbers indicating 33,000 jobs were created under his watch and that this number is final as “False,”⁵ as well as declared Walker’s own ad touting that job creation number as “Mostly False.”⁶ The Milwaukee Journal Sentinel also recently ran

¹ The ads in question is by Right Direction Wisconsin PAC and the ad’s title is “Tom Barrett - Just The Facts” - <http://youtu.be/gIUWIS4FwBk>

² <http://www.forbes.com/sites/rickungar/2012/05/15/scott-walker-magically-turns-dismal-wisconsin-job-numbers-into-a-pre-election-miracle/>

³ <http://m.jsonline.com/news/statepolitics/walker-speeds-release-of-positive-jobs-data-775edrh-151655365.html?ipad=y>

⁴ http://wpr.org/news/display_headline_story.cfm?storyid=28725&search_text=

⁵ <http://www.politifact.com/wisconsin/statements/2012/may/24/scott-walker/recall-battle-wisconsin-gov-scott-says-new-figures/>

⁶ <http://www.politifact.com/wisconsin/statements/2012/may/24/scott-walker/gov-walker-says-wisconsin-has-added-33200-jobs-he-/>

an exposé declaring the DWD job numbers claimed in the ads as false.⁷ And finally, according to Forbes Magazine, “Laura Dresser, a labor economist at The Center On Wisconsin Strategy at The University Of Wisconsin, says Walker’s new numbers are little more than an incredibly transparent effort to create a false reality. Regarding just one of the flaws in the ‘new and improved’ Walker method, Dresser said, ‘It seems that they’re attributing employment growth in other states to Wisconsin.’”⁸

Because “Right Direction Wisconsin” is merely a PAC and not a campaign committee, it has no entitlement to misuse the airwaves and your station by broadcasting these falsehoods. And under federal law, stations do not enjoy immunity from legal liability in connection with false and misleading advertisements such as those run by the “Right Direction Wisconsin” PAC.

We are confident that your station is committed to its mission and its viewers and will not participate in the PAC’s campaign to mislead Wisconsin’s voters.

Thank you for your prompt attention to this matter. I look forward to your prompt response.

Very Truly Yours,

Jeremy P. Levinson

⁷ <http://www.jsonline.com/news/wisconsin/walker-mixes-and-matches-to-create-jobs-number-fe5ht47-153791995.html>

⁸ <http://www.forbes.com/sites/rickungar/2012/05/15/scott-walker-magically-turns-dismal-wisconsin-job-numbers-into-a-pre-election-miracle/2/>