

April 17, 2018

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

RE: MB Docket No. 17-179

Dear Ms. Dortch:

Recently a viral video of anchors from more than 40 Sinclair Broadcast-owned local television stations, all reading the same scripted promo warning viewers about “fake news,” has drawn long overdue attention to the Sinclair tradition of producing “must-runs.”¹ These must-run segments can be centrally-written promotional scripts read by local news personnel, or full editorial segments produced and distributed by Sinclair. The company forces its local stations to broadcast these segments during their newscasts, often with no explicit disclaimer that the must-run is commentary from Sinclair’s corporate headquarters. Free Press has long critiqued this practice as devastating to the public interest, particularly to localism and diversity. As far back as 2004, Free Press raised the alarm about Sinclair preempting local news coverage to force its stations to air corporate vice-president Mark Hyman’s political commentary, regardless of local editorial preferences; as well as the broadcaster’s disturbing decision to demand that station affiliates and employees – including weather and sports reporters – express allegiance to the Bush administration on the air.²

Sinclair has doubled-down on this corporate propaganda strategy in the intervening years, forcing stations to run segments so contrary to local community values that communities are organizing to stop them and journalists are activating unions to fight for their credibility.³ As Free Press previously noted in its Petition to Deny the proposed merger in the above-captioned docket, Sinclair’s evident political bias as displayed in these must-runs distorts the news, which is then run on a number of channels already far in excess of the number that the broadcaster should be permitted to control under the ownership rules. These segments often demonize

¹ Camila Domonoske, “Video Reveals Power of Sinclair, As Local Anchors Recite Script in Unison,” *NPR*, Apr. 2, 2018.

² “Sinclair and the Public Airwaves: A History of Abuse,” Free Press (released Oct. 11, 2004).

³ Petition to Deny of Free Press, *Application of Sinclair Broadcast Group and Tribune Media Company For Consent to Assign or Transfer Control of Licenses and Authorizations*, MB Docket No. 17-179 at 24-25 (filed Aug. 7, 2017).

marginalized communities such as people of color in furtherance of a dehumanizing political agenda.⁴

Additionally, must-runs are particularly threatening to localism concerns as they directly supersede local editorial control over broadcast stations. As a recent study conducted at Emory University reports, Sinclair-owned stations spend about 30 percent *less* time on local politics than other stations do in the same markets, on average. And notably, when a station is acquired by Sinclair, on average it reduces its local politics coverage by more than 10 percent.⁵ After Sinclair's purchase of Bonten Media stations in 2017, those stations saw a substantial 25 percent increase in their coverage of national politics, largely at the expense of pre-existing local coverage.⁶ On top of this drain away from locally-centered news, newly-acquired Sinclair stations shifted further to the right in ideological slant to match existing Sinclair stations.⁷

Viewers are not demanding these content transitions and do not feel served by them. The study found no evidence of a ratings increase in the wake of Sinclair's changes – in fact, the data showed a minor *drop* in viewership.⁸ Sinclair's acquisition model is geared towards achieving massive economies of scale and cutting newsroom costs rather than investing in communities or competing to best serve the public. This analysis shows what Free Press and other public advocates have been arguing for years: "Media consolidation can produce cost efficiencies in the production of news, but these efficiencies are not neutral with respect to the content of news coverage."⁹ Sinclair's proposed acquisition of Tribune Media may be immensely profitable for Sinclair, but it would displace existing local news coverage and diverse local voices. With Sinclair's long history of using mergers to abandon localism and diversity in this way, the Commission must deny Sinclair's proposed acquisition here if it intends to uphold its own public interest goals of promoting localism and diversity in broadcasting.

In a similar vein, Sinclair's national political must-runs are also used to supersede judgment of local journalists. Many newsrooms feel trapped by Sinclair's unquestionable corporate propaganda directives, with reporters referring to themselves as "frogs in the pot" as Sinclair keeps "turning up the heat" on its decision to override local editorial decisions.¹⁰ As one Sinclair station local anchor said, "We have been used as pawns in whatever political game

⁴ *Id.* at 25.

⁵ Gregory J. Martin and Josh McCrain, "Local News and National Politics," at 14 (published Apr. 4, 2018).

⁶ *Id.* at 3.

⁷ *Id.* at 17.

⁸ *Id.* at 18.

⁹ *Id.* at 4-5.

¹⁰ Anonymous, "We're journalists at a Sinclair news station. We're pissed," *Vox.com*, Apr. 5, 2018.

they're playing at the corporate level.”¹¹ To make matters worse, Sinclair is abusing its reach and power to ensnare local journalists in contracts with financial penalties including noncompete clauses, forced arbitration agreements and a liquidated damages clause that could cost an ex-employee as much as 40 percent of their annual salary.¹² Sinclair does not hesitate to enforce these expensive and anticompetitive contract clauses: just a few years ago, the company sued a former employee who had left WPEC in West Palm Beach.¹³

Sinclair defends all of these practices by saying, for example, that must-runs are “standard practice in the industry.”¹⁴ Industry experts and observers disagree, noting that “If [Sinclair Broadcast Chairman David D.] Smith is comparing Sinclair’s relationship to its stations as the same as a network to its affiliates, then Sinclair-owned stations would have a right to not air ‘must-runs’” – which they do not.¹⁵ Moreover, this flashpoint of media attention shows us that the public is largely unaware of and yet overwhelmingly opposed to must-runs. Widespread outrage spawned the now-viral hashtag #BoycottSinclair as Twitter users shared their disgust with Sinclair’s standardized script.¹⁶ Local communities are responding by organizing on the ground for regional ad boycotts.¹⁷ Free Press alone has collected signatures from 16,000 members in the two weeks since the Deadspin video was released, roundly condemning Sinclair’s deceptive must-run practices.

The Commission must uphold its responsibility to base its decision in this docket on the record, including public input. It must consider these comments and petitions, conveying near-universal feelings of betrayal and outrage over the mockery that such practices make of allegedly “local” broadcasters and their responsibility to the communities they are licensed to serve. Broadcasters have an obligation to serve the public interest, not just their own financial and political interests. Sinclair’s massive consolidation strategy results in dwindling local news coverage, fewer independent voices, and covert political commentary that leaves its audiences

¹¹ Laura Wagner, “How Local News Stations Are Rebelling Against Their Sinclair Overlords,” *Deadspin*, Apr. 5, 2018.

¹² Jordyn Holman, Rebecca Greenfield and Gerry Smith, “Sinclair Employees Say Their Contracts Make It Too Expensive to Quit,” *Bloomberg*, Apr. 3, 2018.

¹³ Xander Peters, “An Orlando resident and former Sinclair employee is being sued by the company for quitting,” *Orlando Weekly*, Apr. 4, 2018.

¹⁴ Sydney Ember, “Sinclair’s Boss Responds to Criticism: ‘You Can’t Be Serious!’” *New York Times*, Apr. 4, 2018.

¹⁵ Jeremy Marsh, “Sinclair Says ‘Must-Runs’ are Normal, Industry Experts Disagree,” *MediaFile*, Apr. 9, 2018.

¹⁶ Gillian Edevane, “Is Your Local Station Owned by Sinclair? What You Need to Know About Efforts to #BoycottSinclair,” *Newsweek*, Apr. 2, 2018.

¹⁷ Trish Nelson, “Fight Sinclair Broadcasting In Iowa – Call Your Local Car Dealerships!” *Blog For Iowa*, Apr. 5, 2018.

feeling duped. The Commission cannot afford to be duped by these tactics either, and should deny this merger.

Respectfully submitted,

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