

S T E F A N S H A R K A N S K Y

October 13, 2004

Wayne Barnett
Executive Director
Seattle Ethics & Elections Commission
700 5th Ave, Suite 4010
PO Box 94729
Seattle, Washington 98124-4729

Dear Mr. Barnett:

I am writing to enter a complaint with the Seattle Ethics and Elections Commission against the Seattle Channel, an agency of the City of Seattle, which has been engaging in numerous and repeated violations of SMC 2.04.30, prohibiting the use of public facilities in political campaigns. I provide here a number of examples of such violations. Although this is not a comprehensive list, these incidents reveal an ongoing pattern of inappropriate conduct that deserves to be scrutinized by the SEEC.

Item 1. The Seattle Channel broadcasts and hosts on its website videotaped lectures from the “Foolproof Performing Arts” seriesⁱ. Foolproof advertises itself as a 501(c)(3) tax-exempt organization, but its lectures are, for all intents and purposes, “get out the vote” rallies dedicated to defeating President Bush. For more details about the Foolproof events broadcast by the Seattle Channel, please refer to the enclosed copy of a letter to the Internal Revenue Service describing Foolproof’s repeated violations of IRS prohibitions on political activity by non-profit entities.

Item 2. The Seattle Channel website has a “2004 Elections” page with a section on voter registration. The page singles out one specific demographic group for special encouragement to register and voteⁱⁱ:

did you know Twenty-two million single women did not vote in the 2000 election? Watch a short video about women and voting at onevotefilm.com.

It is remarkable that the Seattle Channel would focus its “get out the vote” message on the one demographic group that the Democratic Party has determined is most likely to vote Democratⁱⁱⁱ.

Item 3 The Seattle Channel has a weekly interview program, called *Seattle Voices*^{iv}. Host Eric Liu is on the board of directors of the League of Education Voters (“LEV”), which sponsored this year’s state initiative I-884 to raise the state sales tax for education spending. Liu dedicated two of this year’s programs to interviews with other leading activists in the I-884 campaign (LEV founder Nick Hanauer, March 29 and Seattle Community Colleges Chancellor, Charles Mitchell, September 21). In both cases Liu steered the conversation to promote I-884 and its so-called “Education Trust Fund”. The Seattle Channel has not provided equal time to any group or individual opposing I-884.

Item 4 Under a section titled “In-depth Issues”, The Seattle Channel website has allocated a few pages to discuss the Families and Education Levy measure which was on the September 14, 2004 ballot^v. While the text on the main page describes the Levy in positive terms, it fails to mention any of the opponents or their arguments against the measure. The accompanying page listing newspaper articles about the Levy^{vi} includes links to published op-eds written by City Councilmembers in support of the Levy, but does not include links to any of the published op-eds written by citizens who were opposed to the Levy. It doesn’t even include links to the news articles where Levy opponents were quoted.

Furthermore, the *Seattle Voices* program of August 19, 2004 features an interview with former Mayor Norm Rice^{vii}. The timing is curious, as it coincided with the official launch of the Families and Education Levy campaign in which Mayor Rice was prominently involved. The interview appeared to have been timed and presented to help boost Mayor Rice’s public profile as he was campaigning for the Levy. Liu steered the conversation towards the Levy and Mayor Rice said “I’m just positive we’re going to also renew the

Family [sic] and Education Levy. People recognize good things where good policy and good involvement has occurred”

The Seattle Channel did not offer equal time to any of the Levy’s opponents.

Item 5 The Seattle Channel dedicates a considerable amount of time to broadcasts of Mayor Greg Nickels’ public appearances^{viii}. Some of these are legitimate newsworthy events such as bona fide press conferences. Many others have little if any news value (e.g. the “Mayor Nickels Neighborhood Walks” series^{ix}) and can only be seen as publicity opportunities for the Mayor, who is running for re-election.

I have discussed some of the above items with an official of the Seattle Channel. She acknowledged that the public affairs programming, such as the Foolproof series, is overwhelmingly biased towards the perspective of the Democratic Party. Her explanation was that very few Republican or conservative public speakers come to Seattle and that it’s better to broadcast some programming that addresses current events than none at all. I disagree on both points. There are many public events in Seattle that present a greater variety of perspectives than the Seattle Channel has sought to represent. Even if the preponderance of available material does tend to favor one set of perspectives over others, that is irrelevant to the Seattle Channel’s duty. It is neither appropriate nor lawful for a city agency to broadcast political advocacy in the absence of reasonable standards of balance and equal time.

The Seattle Channel has agreed to broadcast some specific programming that I am involved with and that would increase the diversity of viewpoints that the Seattle Channel broadcasts. This is a commendable first step, but not in itself an adequate remedy for the many hours of inappropriate advocacy programming that has already been broadcast.

I request the Seattle Ethics and Elections Commission to investigate the violations that I’ve documented above, and to take appropriate action to discourage such misuses of public facilities from occurring in the future. I ask the SEEC to act urgently, as many of these violations are intended to influence the general election, which is only three weeks away. At a minimum, I would expect the Seattle Channel to immediately take the following steps:

- 1) Cease and desist from presenting voter registration and “get out the vote” messages that are targeted to selected segments of the population.
- 2) Cease and desist from broadcasting any programming that clearly expresses a preference for or against any candidate or ballot measure
- 3) Notwithstanding (2) above, the Seattle Channel is ethically bound to provide equal time before the November 2 general election to (a) opponents of state initiative I-884 to balance the *Seattle Voices* broadcasts described in Item 3 above, and (b) to supporters of Bush’s re-election to balance the Foolproof broadcasts described in Item 1 above.

Sincerely,

Stefan Sharkansky

Enclosures

ⁱhttp://www2.cityofseattle.net/media/DispVideoList_SC.asp?CatID=62

ⁱⁱ <http://www.seattlechannel.org/issues/elections.htm>

ⁱⁱⁱ <http://www.kansascity.com/mld/kansascitystar/news/politics/9276550.htm>

^{iv} http://www2.cityofseattle.net/media/DispVideoListSv_SC.asp

^v <http://www.seattlechannel.org/issues/EducationLevy.htm>

^{vi} <http://www2.cityofseattle.net/media/headlines/indepthIssues.asp?indepth=Families%20and%20Education%20Levy>

^{vii} http://www2.cityofseattle.net/media/DispVideoListSv_SC.asp

^{viii} http://www2.ci.seattle.wa.us/media/default_sc.asp?view=mayor

^{ix} http://www2.ci.seattle.wa.us/media/DispVideoList_SC.asp?CatID=63

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October 13, 2004

Internal Revenue Service
Criminal Investigation
Fresno, CA
93888-0002

Dear Sirs:

This letter memorializes my recent report to the IRS Tax Fraud telephone hotline regarding Foolproof Performing Arts ("Foolproof"), located at 513 20th Ave E, Seattle, Washington. Foolproof identifies itself as a 501(c)(3) and solicits contributions with the promise that "All donations are fully tax-deductible". Nevertheless, Foolproof is engaged in a pattern of numerous and repeated violations of IRS regulations pertaining to political activity by non-profit entities, as described in IRS document IR-2004-59, April 28, 2004.

Foolproof sponsors a lecture series dedicated to political issues and incorporates voter registration and appeals to "get out the vote" into these events. Nearly all of this year's Foolproof lecturers are prominent critics of the Bush administration who are actively campaigning against the President's re-election. These lecturers have included Ambassador Joseph C. Wilson, former Texas Governor Ann Richards, former Secretary of Labor Robert Reich, Harper's editor Lewis Lapham and authors Gore Vidal, Kevin Phillips, Gloria Steinem and Arianna Huffington.ⁱⁱ

Foolproof is currently advertising an "Evening with Michael Moore", to be held October 19, 2004. The enclosed advertisement appeared in the *Seattle Times* on September 26, 2004, page K2. It is apparent from the advertisement that the purpose of the event is a "get out the vote" rally led by Mr. Moore. Numerous press reports indicate that Michael Moore is campaigning against President Bush. From an Associated Press article, October 9, 2004ⁱⁱⁱ:

Filmmaker and political activist Michael Moore delivered a message of certainty, comedy and Bush-bashing Saturday to about 2,200 people during his visit to the smallest city on his "Slacker Uprising Tour."

Moore's stop at Northwest Missouri State University was sponsored by the school's Young Democrats organization. It's one of 60 visits he'll make nationwide in an effort to convince more people to vote, and he's hoping they'll secure Democratic presidential candidate John Kerry's victory.

Michael Moore's official website lists the Foolproof event as a stop on his "Slacker Uprising Tour"^{iv}

It is clear from the content of the other Foolproof lectures that they are not merely informational lectures by individuals who happen to share a particular affiliation. The Foolproof lectures are thinly veiled campaign rallies, conveying an unambiguous preference against the same candidate, President Bush. Video recordings of many of these lectures are available on the website of the City of Seattle cable television channel^v. The following are representative quotes from the first few minutes of some of these lectures.

- Ambassador Joseph Wilson, May 1, 2004:
"I love Seattle. This is the city that did me justice by making national the term I used in my Town Hall meeting here: "frog march Karl Rove out of the White House in handcuffs.". Since then, of course, I've been equally provocative about other members of the administration. ... Russert says "I understand you were out in Iowa and you called the Vice-President..." and he looked down at his note and he said "you called him a lying S.O.B." And I leaned forward and I said "Tim, that's probably about the nicest thing I've had to say about the Vice-President in several months, at least."

- Secretary Robert Reich, May 11, 2004:
“... the next President is going to be John Kerry. [applause] I am sure, I am sure that there are some, although I don't hear you, there must be some Republicans in the audience. [silence, followed by laughter] [Reich smiles and points to one person] I am so proud of you for your courage. And I'll tell you something. If there are any Republicans here, I respect you. I don't like you, but I respect you. [laughter]
- Foolproof Executive Director Marilyn Raichle, introducing Kevin Phillips, author of the book *American Dynasty: Aristocratic, Fortune and the Politics of Deceit in the House of Bush*, January 16, 2004:
“In 1982 the Wall Street Journal hailed him as the nation's leading conservative electoral analyst, the man who invented “The Sun Belt”, named the “New Right” and prophesized the emerging Republican majority. You may wonder why we have him here tonight [Raichle giggles, audience laughs]. But as I said he's a man of integrity.”

Some recent references to Foolproof and Marilyn Raichle in the Seattle press and on local websites confirm that the intent of the lecture series is to help elect candidates whom Raichle supports:

- *Seattle Weekly*, August 4-10, 2004:
“This year, she is focusing on November's election, using her series as a soapbox to get people involved in the political process. When people accuse her of preaching to the choir, she responds proudly, “C'mon, let's get the choir cracking!”^{vi}
- On the website of “No Vote Left Behind”, which describes itself as “a hard money PAC that reports to the Federal Election Commission ...our goal: removing George W. Bush from office”:^{vii}, August 5, 2004:
“We here at No Vote Left Behind have been very fortunate to enjoy a high level of support from our community at large and other activist groups in particular. One of those supporters, Marilyn Raichle of Foolproof, is organizing a symposium on Humor and Politics ...”^{viii}
- *The Stranger*, February 5, 2004
“As the political climate became more harrowing, I was having more and more trouble finding things that made me want to laugh,” says Marilyn Raichle. ... “So this last fall, I thought, I'm just going to present the people I want to hear”--all of whom were politically left-of-center speakers, not comedians, from documentarian Michael Moore to satirist Al Franken... Raichle cheerfully makes clear her intentions: “This series is designed to motivate people to get involved in the political process”^{ix}

The above article goes on to report that Raichle is “currently working on a series of dialogues between advocates on both sides of the political fence”, but there is no indication that this series has been realized.

According to Foolproof's website, it solicits contributions, under the guise that it is a legitimate charitable organization, in order to subsidize its political advocacy*:

ticket sales and other earned income cover only a portion of the costs of underwriting American Voices' programs including a National Speakers' Series, Author Forums, Roundtable Discussions & Seminars and Citizenship Programs. Private and Corporate contributions help make these programs possible.

The material presented in this letter shows that the Foolproof lectures exist primarily for the purpose of encouraging the audience to vote for the Democratic presidential nominee. Such activities are clearly in violation of IRS restrictions on charitable organizations. I encourage the IRS to act immediately against Foolproof, to revoke its tax-exempt status and assess the maximum tax and penalties for its current and past activities.

Sincerely,

Stefan Sharkansky

Enclosure

ⁱ <http://www.foolproof.org/2004-2005/support/support.cfm>

ⁱⁱ <http://www.foolproof.org/2004-2005/season/press.html>

ⁱⁱⁱ <http://www.kansascity.com/mld/kansascity/news/local/9880856.htm>

^{iv} <http://www.michaelmoore.com/>

^v http://www2.cityofseattle.net/media/DispVideoList_SC.asp?CatID=62

^{vi} http://www.seattleweekly.com/features/0431/040804_bestof_people_critics.php

^{vii} <http://www.novoteleftbehind.net/about.php>

^{viii} <http://www.novoteleftbehind.net/wordpress/index.php?m=20040805>

^{ix} <http://www.thestranger.com/2004-02-05/theater2.html>

^x <http://www.foolproof.org/2004-2005/support/support.cfm>

FOOLPROOF
PRESENTS

AMERICAN
VOICES

GET OUT
THE VOTE!



michael moore

Tuesday, October 19
7:30pm **Key Arena**

All tickets only \$15! (subject to tax apply)
Available from Ticketmaster at
206-628-0888, ticketmaster.com,
and all outlets.

For more information visit foolproof.org