

July 28, 2022

RE: Put Michigan First Advertisement

Dear Station Manager:

We write as counsel to Put Michigan First (“*PMF*”) in response to the letter you received from Tudor Dixon for Governor, Inc. (“*Dixon Campaign*”). While it took the Dixon Campaign five pages to explain its complaint, we can distill it far more succinctly: Ms. Dixon does not want to be held accountable for the implications of her tax policy. And she wants your station’s help in suppressing that message. You should not provide it. Despite repeated unfounded claims to the contrary, nothing in PFM’s advertisement is false or defamatory. In fact, each claim in the advertisement is true, accurate, and documented, and the ad should continue to air.

The ad correctly notes that Ms. Dixon’s “dangerous budget plan *could* slash up to five hundred million from state police across Michigan, threatening funding for thousands of law enforcement jobs.”¹ Unfortunately for the people of Michigan, this is undeniably true. In a radio interview two months ago, Ms. Dixon explicitly said she “*want[s] to phase...out as quickly as we possibly can the state income tax.*”² The state income tax that Ms. Dixon wants to “phase out” provides more than \$7.7 billion to the state’s general fund.³ And the state’s general fund is “the primary funding source for the...Department of State Police,”⁴ covering \$552 million of the state police’s budget in 2022-2023.⁵ PMF’s ad simply points out the basic math at play: if your plan depletes more than \$7.7 billion from the general fund and the general fund provides \$552 million of the state police’s budget, then your plan *could* slash \$500 million (or more) from the state police’s budget.

Ms. Dixon argues otherwise. Without providing any specifics, Ms. Dixon claims that she could wipe out the tax revenue that funds the state police without affecting its budget. Well, we have seen this trick before. In Kansas, last decade, Governor Brownback drastically cut the state income tax – as Ms. Dixon proposes – and, almost immediately, state revenues dropped and state funding for vital services had to be cut.⁶ *Forbes Magazine*, not exactly known for its pro-

¹ Notably, the PMF advertisement currently airing on your station says that “Tudor Dixon’s extreme budget plan *could* slash more than five hundred million from state police across Michigan...” whereas the Dixon Campaign’s letter claims that the ad says her “extreme budget plan *would*” do so. See Put Michigan First, *Lead*, YouTube (July 26, 2022), https://www.youtube.com/watch?v=oo_6-yAe44c. See also PMF Backup, attached hereto as Exhibit A.

² *Tudor Dixon, Vote! Vote! Vote!*, The Steve Gruber Show at 5:00 (May 24, 2022), <https://stevegruber.podbean.com/e/tudor-dixon-vote-vote-vote/>.

³ *Rinke Wants to Eliminate the Income Tax, Questions Linger*, Gongwer (Apr. 27, 2022), https://www.gongwer.com/news/?newsedition_id=6108301.

⁴ *Id.*

⁵ HB 5783, <http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2022-PA-0166.pdf>.

⁶ Michael Leachman, *Timeline: 5 Years of Kansas’ Tax-Cut Disaster*, Center on Budget and Policy Priorities (May 24, 2017), <https://www.cbpp.org/blog/timeline-5-years-of-kansas-tax-cut-disaster>.

Democratic bias, observed that “The Great Kansas Tax Cut Experiment Crashes And Burns.”⁷ The tax plan had to be reversed. PMF’s advertisement merely points out that what happened in Kansas could happen in Michigan too. Ms. Dixon is free to purchase airtime on your station to explain how she would fill the funding gap that her plan would create. But she cannot deny that such a gap would exist, nor should she be permitted to silence PMF from warning the people of Michigan about this unsettling prospect.

Ms. Dixon’s next complaint centers on the claim that “The Michigan Association of Police Organizations says Dixon’s approach would have a devastating impact on police budgets, leaving law enforcement crippled.” This claim is similarly true. In response to a previous bill that would phase out the state income tax – *just like Ms. Dixon swore to do herself* – the Michigan Association of Police Associations explained that, just like Ms. Dixon’s plan, that bill:

would have eliminated the income tax in Michigan [and thus] eliminated \$10 Billion from the General Fund of the State of Michigan...[which] *would have had a devastating impact on police department budgets at the state and local levels.* Revenue sharing would have been gutted and local government budgets would have been slashed to reflect the loss of state support. *Law enforcement in Michigan would have been crippled.*⁸

Accordingly, the Michigan Association of Police Organizations confirmed that Ms. Dixon’s approach regarding the state income tax would have a devastating impact on police budgets. Ms. Dixon claims that her plan to phase out the state income tax is somehow different than the 2017 proposal to eliminate the state income tax. But she provides no explanation of how the plans differ or why her proposal to phase out the state income tax would have a different impact on state police funding than the 2017 proposal. Again, Ms. Dixon is free to purchase airtime on your station to provide such explanation, though her failure to even muster an argument in her letter suggests that such an advertisement would struggle to fill up the full 30-second allotment.

Finally, the Dixon Campaign takes issue with the claim that “Tudor Dixon’s devastating plan would mean less cops on the street, making Michigan less safe.” For the many reasons described above, this claim is similarly true. Less funding for police departments will lead to fewer cops on the streets, making Michiganders less safe in their communities.

As a current candidate for public office, Ms. Dixon is a public figure. She has a guaranteed right of reasonable access to explain her own views and positions, but she has no such right to silence PMF as it opposes those views and criticizes her record. PMF’s ability to speak freely on such matters of public importance is at the heart of the First Amendment’s protections.⁹ In fact, the FCC has held that stations best meet their public interest obligations “by presenting contrasting views” and encouraging “robust, wide-open debate.”¹⁰ The FCC has consistently rejected

⁷ Howard Gleckman, *The Great Kansas Tax Cut Experiment Crashes And Burns*, Forbes (Jun. 7, 2017), <https://www.forbes.com/sites/beltway/2017/06/07/the-great-kansas-tax-cut-experiment-crashes-and-burns/?sh=793a83f85508>.

⁸ POLC Staff, *MAPO Leads Charge Against House Bill 4001*, Police Officers Labor Council (Mar. 4, 2017), <https://polc.org/mapo-leads-charge-against-house-bill-4001/> (emphasis added).

⁹ *Time, Inc. v. Hill*, 385 U.S. 374 (1967); *New York Times v. Sullivan*, 376 U.S. 254 (1964).

¹⁰ *In re Complaint by Hon. Ronald Reagan*, 38 F.C.C.2d 314 (1972).

invitations by political figures to “judge the truth or falsity of material being broadcast on either side of a currently controversial issue.”¹¹

There is no genuine dispute as to the accuracy of the claims in this advertisement. Your decision to accept these advertisements should remain undisturbed so the citizens of Michigan can be fully informed on the crucial issues being debated. Please contact us promptly at 813-787-5384 before this advertisement’s schedule on your station changes in any way.

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¹¹ *Id.*; accord *In re Complaint by Alan S. Burstein*, 43 F.C.C.2d 590 (1973); *In re Complaint by Patton Echols*, 43 F.C.C.2d 479 (1973).