

Supplementary submission to the CMA on the proposed Fox/Sky merger

Avaaz

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To assist the CMA further with its Phase II assessment of the proposed Fox/Sky merger, Avaaz submits:

- A. **A comment on Sky's statement that the continuation of Sky News cannot be assumed if the merger does not proceed.** CMA guidelines indicate that this scenario should not be the basis for the CMA's assessment, unless Sky can show that this statement reflects an outcome that was likely before the merger was contemplated. Additionally, if the merger is permitted, based on this misleading counterfactual, the merged entity might well then restart Sky News, or a similar news channel in a way that is similar to *The Sun on Sunday* replacing the *News of the World*.
- B. **New evidence, and suggestions for CMA follow-up, on Fox News' lack of compliance with UK broadcasting standards.** Ofcom just found that Fox News failed to implement its own 15th May 2017 compliance policy, broadcasting a programme that breached impartiality standards on an issue of intense interest to the UK public and politicians on 25th May. This failure, just two weeks before a General Election and one month before Ofcom concluded its assessment of broadcast standards for the Sky bid, clearly indicates a lack of commitment to broadcasting standards.
- C. **Further analysis of the link between corporate misconduct and a genuine commitment to broadcasting standards.** Sexist, racist and Islamophobic content shown on Fox reflects staff attitudes and internal corporate governance failures. Fox's corporate attitudes and governance standards would be likely to affect Sky's after the merger, and mean that the company is likely to continue broadcasting material which breaches the broadcasting code.

A: The threat to close Sky News

In our oral hearing at the CMA, we were asked about the commercial logic that might dictate closing Sky News to make it easier to secure regulatory clearance for the 21C Fox/Sky merger, as the public interest tests set out in UK law focus on news and current affairs programming. Subsequently Sky's submission to the CMA in response to the CMA's Issues Paper has been published, indicating a potential willingness to sacrifice Sky News if the merger does not proceed. Sky's new statement should not change the CMA's approach.

Sky's statement contains the following:

"The CMA should not in its assessment simply assume the "continued provision of Sky News" and its current contribution to plurality, "absent the Transaction". Sky would likely be prompted to review the position in the event that the continued provision of Sky News in its current form unduly impeded merger and/or other corporate opportunities available in relation to Sky's broader business, such as the Transaction".¹

Unless the parties can show that Sky News' closure was already considered a likely outcome before the merger was launched in December 2016, the possible closure of Sky News should not be accepted as an appropriate counterfactual to the merger.

The CMA should follow the logic of its Merger Assessment Guidelines, which say that, to consider any "exiting firm argument," evidence should be sought that "has not been prepared in contemplation of the merger."² To accept such an argument, the CMA would need to "believe that it was inevitable that the firm would exit the market."³

Additionally, there would be nothing to stop the merged entity restarting Sky News, or a similar news channel, months after it secured the merger. This would be similar to the closure of *News of The World* at the height of the phone hacking scandal, then its relaunch with a new name - *The Sun on Sunday*. It would also be in line with the pattern shown in our previous evidence of Murdoch-owned companies making commitments at the time of mergers only to break them soon after securing control of the new company.⁴

The CMA should consider commissioning independent analysis of the value to Sky of Sky News, including through brand recognition with the public and politicians, and independent research on the views of Sky shareholders who held stakes before Fox's bid was announced.

¹ SKY'S RESPONSE TO THE CMA'S ISSUES STATEMENT, October 2017, p.2. Available at: <https://assets.publishing.service.gov.uk/media/5a008203e5274a6c8f206ae2/sky-resp-to-fox-sky-issues-statement.pdf>

² Section 4.3.9 "Merger Assessment Guidelines," CC2 Revised, Competition Commission and the Office of Fair Trading, September 2010, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/284449/OFT1254.pdf

³ *ibid*

⁴ See *Defiance, not compliance: the culture and behaviour of Murdoch- owned companies*, Avaaz submission to the CMA, October 2017. Available at: <https://www.gov.uk/cma-cases/twenty-first-century-fox-sky-merger-european-intervention-notice>. See also submission of Ed Miliband, Sir Vince Cable, Kenneth Clarke and Lord Falconer to CMA on plurality and broadcasting standards issues raised by proposed acquisition by 21st Century Fox of Sky plc, at: <https://assets.publishing.service.gov.uk/media/5a0084c840f0b65b8ab0ae15/miliband-clarke-cable-falco-ner-resp-to-fox-sky-issues-statement.pdf>.

B: The significance of Ofcom's 6th November Fox News breach findings

On 6 November, Ofcom found two Fox News programmes in breach of the Broadcasting Code's due impartiality standards.⁵ The programmes were:

- a January 2017 Hannity segment about President Trump's executive order restricting travel from majority-Muslim countries, and
- a May 2017 Tucker Carlson piece on the Manchester Arena terror attack.⁶

These decisions provide further evidence of an ongoing lack of commitment to broadcast standards and fresh insight into the issues raised in Avaaz's Fox News, Broadcasting non-compliance briefing submitted to the CMA in October. That briefing pointed to Fox News' "lack of accommodation to UK regulation and its assumption that the rules are not relevant to them".⁷

Ofcom's new finding explains that Hannity's January show "dealt with major matters relating to current public policy that, as well as being of international significance, were of particular relevance and significance to UK viewers". It found the programme's coverage of President Trump's executive order one-sided, and concluded that Fox News was in breach of three Broadcasting Code rules:

- 5.9 (adequate representation of alternative views in 'personal view' or discussion programmes);
- 5.11 (due impartiality on matters of major political and industrial controversy and major matters relating to current public policy), and;
- 5.12 (inclusion of an appropriately wide range of significant views when dealing with matters of major political and industrial controversy and major matters relating to current public policy).

Ofcom also assessed a second programme - Tucker Carlson Tonight - which aired a segment on 25th May about the Manchester Arena bombing. As with its analysis of Hannity, Ofcom concluded that audience expectations based on Fox News being a US channel are not a sufficient defence to justify impartiality failings on a matter of significance to UK viewers, and found Hannity in breach of the same three impartiality code rules as Hannity. Ofcom gave brief details of the breaching material as follows:

"The programme included highly critical statements about: Theresa May; the Deputy Mayor of Manchester, Baroness Hughes; the Chief Constable of Greater Manchester, Ian Hopkins; the UK Government; and the UK authorities, including accusations that particular individuals and public bodies had done nothing to: counter terrorism; stop radicalisation; protect citizens from terrorism; or protect "thousands of underage girls" from rape and abuse. Further, about public leaders: that their inaction was motivated by political correctness; they valued how people saw them over the lives of children; and they were forcing an "official lie" on citizens, which was "totalitarian" and "wicked".

⁵ "OFCOM BROADCAST AND ON DEMAND BULLETIN," Ofcom, Issue number 341, 6 November 2017, https://www.ofcom.org.uk/__data/assets/pdf_file/0028/107569/issue-341-broadcast-on-demand-bulletin.pdf

⁶ *ibid*

⁷ Fox News: broadcasting non-compliance, Avaaz submission to the CMA, October 2017. At: <https://assets.publishing.service.gov.uk/media/5a02fabee5274a0ee5a1f158/avaaz-broadcast-standards-resp-to-fox-sky-issues-statement.pdf>.

In finding this programme in breach of three points of the Broadcasting Code that govern impartiality, Ofcom argued:

“There was no reflection of the views of the UK Government or any of the authorities or people criticised, which we would have expected given the nature and amount of criticism of them in the programme. The presenter did not challenge the views of his contributors, instead, he reinforced their views”.⁸

Ofcom only provided its analysis of these breaches in a short form, arguing that this is appropriate as Fox News no longer broadcasts in the UK. Even these brief details show the attempt to promote a biased view of UK politics, but there is no analysis of the degree of the breach, not Fox’s News’ stance regarding Ofcom’s investigation. Third parties and the CMA therefore cannot know whether or not Fox News accepted the finding, made any mitigating argument other than the context of its US audience, or if they indicated they would take measures to avoid future breaches.

Crucially, we do not know whether Fox News made any comment on how it sought to apply its 15th May broadcast compliance policy in preparing its Tucker Carlson programme which aired on 25th May. If Fox News did not take steps to implement that policy in reporting on a major, sensitive UK story just two weeks before a General Election and one month before Ofcom concluded its Public Interest test for the Sky bid, this raises very serious doubts about that policy and about Fox’s intention to commit to UK broadcasting standards.

Given that Fox is currently subject to a Phase II merger review, a full form Ofcom review would have been more appropriate to give the CMA more detailed evidence on the programme’s content, Fox News’ response to Ofcom’s investigation, and Ofcom’s views on the adequacy of that response. This further evidence is crucial to the CMA’s enquiry. Whilst we understand that a regulator has to ensure its regulatory enforcement action is proportionate, and that following through on the time consuming sanctions process may have felt non-productive once the channel had withdrawn from UK licenced broadcast, the CMA is duty bound to consider whether the ongoing nature of the non compliance, and Fox’s poor defence of its actions, should warrant the same kind of examination as Ofcom would normally give in the light of repeated egregious actions.

For example Times Now, a conservative-leaning broadcaster from India which broadcasts to the UK, responded very differently when Ofcom found the broadcaster in significant breach of the rules concerning due impartiality.⁹ After the breach finding regarding The Newshour, the broadcaster acknowledged its fault and described the actions it would take to avoid similar breaches in future. Ofcom noted that when considering its response, stating that “in reaching our Decision, we took into account that the Licensee told us that the presenter “...is no longer associated with the channel and has moved out of the organization”. Times Global also said that Mr Goswami’s replacement had “a very different approach” and had been “bringing in a wide range of reactions and comments from the participants on the show, while ensuring that no personal views” are included in the programmes. In addition, Times Global told Ofcom it

⁸ “OFCOM BROADCAST AND ON DEMAND BULLETIN,” Ofcom, Issue number 341, 6 November 2017, https://www.ofcom.org.uk/__data/assets/pdf_file/0028/107569/issue-341-broadcast-on-demand-bulletin.pdf

⁹ Ofcom Broadcast and On Demand Bulletin, various dates, August and September 2016.

had “conducted extensive discussions with the current team, specifically drawing attention to Ofcom Rules and Guidance” and taken steps to “conduct training programmes” for its news teams.¹⁰

By contrast, in all of the decisions we have asked the CMA to consider, Fox News have offered no concrete actions, and initiated no disciplinary proceedings in relation to any of the staff whose contributions breached the rules, showing no serious commitment to making its current approach compatible with British broadcasting standards.

We encourage the CMA to ask Ofcom for further information about how these breaches shed light on Fox’s commitment to compliance with UK standards. In particular, we suggest asking:

1. Will Ofcom provide the CMA Fox News’ responses to the January and May breaches.
2. Did Ofcom assess the 25th May Tucker Carlson programme in the light of Fox News’ 15th May broadcast compliance policy in either its 29th June 2017 Public Interest Test report, or in its 6th November 2017 Breaches Bulletin?
3. Did Ofcom monitor and assess any other Hannity or Tucker Carlson programmes as part of its 2017 UK General Election monitoring, and if so what did it find?
4. Did Ofcom review any of the Hannity or Tucker Carlson, or other Fox News items mentioned in Annex 1 of its 25th August letter to the Secretary of State, on the basis of the impartiality rules in the Broadcast Code, as well as the accuracy ones?
5. Given the pattern of the Fox News breaches outlined in this submission and our previous submission, we encourage the CMA to ask Ofcom whether Ofcom would have been minded to sanction the channel after these Hannity and Carlson breaches, if Fox News had still been broadcasting in the UK at the time of Ofcom’s adjudication.

C. The links between misconduct, attitudes to corporate governance and broadcasting standards

The CMA plans to examine “the broader attitude within the relevant organisations towards regulatory compliance and to infringements that have taken place”¹¹ and says it “will need to assess the extent to which the record of compliance in one field of regulation can read across into another.”¹² 21st Century Fox asserts that the relevance of such evidence is at best only “indirect,”¹³ but we submit that corporate malfeasance at MFT companies is directly linked to the Murdochs’ genuine commitment to broadcasting standards, and that this link is critical to

¹⁰ Ofcom Broadcast and On Demand Bulletin, Issue Number 327, 24 April 2017, pg 39
https://www.ofcom.org.uk/_data/assets/pdf_file/0013/101227/Issue-327-of-Ofcoms-Broadcast-and-On-Demand-Bulletin.pdf

¹¹ Paragraph 54 of CMA Issues Statement.

¹² Paragraph 55 of CMA Issues Statement.

¹³ 21st Century Fox’s Supplementary Submission to the CMA, dated 24 October 2017, paragraphs 1.5 and 3.2.

understanding 21CF and the Murdochs' commitment to "the spirit as well as the letter of the broadcasting standards."¹⁴

We therefore urge the CMA to assess the following evidence which links current attitudes and behaviour at 21C Fox to an identifiable risk to Sky's procedures, broadcast standards compliance and the UK public interest.

1. Off screen misconduct reveals an internal corporate culture that is also reflected in what viewers see and hear on screen

Fox News bred an internal culture in which sexism and racism flourished. These attitudes and discriminatory culture then permeated Fox News' on screen content. The following examples reveal the link between off screen culture and on screen behaviour that is visible and audible to viewers.

Attitudes to women

- *On-air harassment* of Fox News female talent.
 - Gretchen Carlson once walked off the set of Fox and Friends as a result of in studio harassment by a male colleague.¹⁵
 - Bill O'Reilly harassed Lis Wiehl, the woman he settled with for \$32 million this January, on his radio show.¹⁶ For example "Lis. You know that. You're here -- you're here because you're eye candy. That's why you're here." After Wiehl responded, "What? This is radio." O'Reilly replied, "I know. But -- for me." O'Reilly added, "I don't care about the people listening. You're here because you're good-looking, so I got somebody to look over" while broadcasting. Later, O'Reilly pretended to confuse Wiehl with actress Drew Barrymore, remarking, "I loved you in *Poison Ivy*. Was that the one [movie] she was naked in?"¹⁷
- *On-air sexism*. Below are examples from Fox News. At least two of these anchors - Eric Bolling and Bill O'Reilly - have sexually harassed women.
 - Anchor Bill O'Reilly's question to his female panelists "There's got to be some downside to having a woman president, something?"
 - Fox and Friends anchor: "Women are everywhere, we're letting them play golf and tennis now, it's outta control."

¹⁴ Guidance from (then) Department of Trade and Industry (DTI) on public interest intervention in media mergers, para 7.22.

¹⁵ Gretchen Carlson walks off the set of Fox and Friends https://www.youtube.com/watch?v=z_vqfRvcjrs

¹⁶ 'Bill O'Reilly Settled New Harassment Claim, Then Fox Renewed His Contract' (*The New York Times*, 21 October 2017), available at:

www.nytimes.com/2017/10/21/business/media/bill-oreilly-sexual-harassment.html.

¹⁷ The worst of Bill O'Reilly's on-air denigration and harassment of Lis Wiehl -

<https://www.mediamatters.org/research/2017/10/23/The-worst-of-Bill-OReillys-on-air-denigration-and-harassment-of-Lis-Wiehl/218301>.

- Fox and Friends anchor to his female co-host, “Didn’t men give you the kitchen?”
- Eric Bolling, “Would that be considered Boobs on the ground or no?”
- Anchor Geraldo Rivera: “To be taken seriously you can’t wear skin tight jeans.”
- Tucker Carlson, “Are female breadwinners a recipe for disharmony within the home?”¹⁸
- *Dress code* - Official policies required women to only wear skirts on air,¹⁹ and sit behind glass tables that provided a low-angle leg shot.²⁰

To find out more about the link between off screen attitudes and on screen sexual harassment, we recommend the CMA speak to Lis Wiehl, Gretchen Carlson and former Fox News media commentator Jane Hall.²¹

Xenophobia and racism

- *Islamophobia* - Fox News CEO Roger Ailes’ own Islamophobic views are well-documented.²² During a lunch meeting with Bill Clinton and News Corp. executives, Ailes reportedly said of plans to reconstruct the World Trade Center, “We should fill the last ten floors with Muslims so they never do it again”²³. He also complained to neighbours that Obama refused to call Muslims “terrorists.”²⁴ After 9/11, he was so paranoid about terrorist attacks that after one of Fox News’ Muslim staff members, Musfiq Rahman, walked into his office, he immediately requested a wall be constructed in his office.²⁵ A source close to Ailes recalled, “He has a personal paranoia about people who are Muslim - which is consistent with the ideology of his network.”²⁶
- Long-time former make-up artist, Lena Jemmott, filed a complaint in 2016 alleging that she was subject to race and religious discrimination because she is black and a Muslim. She claims Fox News fired her and labelled her a “ticking time bomb” who was “mentally unstable”.²⁷

¹⁸ Several clips of on-air misogyny and sexual harassment can be seen at:

<https://www.youtube.com/watch?v=DEoWSaM61NI>.

¹⁹ The View host reveals the strict dress code at Fox News while Roger Ailes was in charge www.dailymail.co.uk/news/article-4382664/Jedediah-Bila-reveals-strict-dress-code-Fox-News.html .

²⁰ Allegations reveal how Roger Ailes ran Fox News by projecting power <https://www.npr.org/2016/09/02/492443262/allegations-reveal-how-roger-ailes-ran-fox-news-by-projecting-power>.

²¹ Jane Hall: <https://twitter.com/janehallau?lang=en>

²² Fox CEO Roger Ailes has a long history of bigotry, sexism and homophobia <https://www.mediamatters.org/research/2016/07/20/soon-be-former-fox-ceo-roger-ailes-has-long-history-bigotry-sexism-and-homophobia/211725#minority>.

²³ Ibid, referencing *The Loudest Voice in the Room*, pg 264-265.

²⁴ Ibid, referencing *The Loudest Voice in the Room*, pg xiv.

²⁵ <https://assets.documentcloud.org/documents/3678103/Fox-News-Racial-Discrimination-Lawsuit.pdf>

²⁶ Fox News’ war on Muslims https://www.salon.com/2012/09/11/fox_news_war_on_muslims/.

²⁷ Rachel Stockman, “Mediator Assigned After Makeup Artists at Fox News Claim They Were Made to Watch Sexual Video,” 8 September 2016, <https://lawnewz.com/uncategorized/judge-appoints-mediator-after-fox-news-makeup-artists-claim-they-were-made-to-watch-sexual-video/>

- The deliberate and often subtle choice of language and stories on Fox News to paint all Muslims as dangerous fifth columnists has been well-documented. For instance, Fox News deployed the deliberate use of Barack Obama’s Muslim middle name “Hussein” which reinforced the conspiracy in viewers’ minds that he was a Muslim they needed to fear - see Annex 1.²⁸
- Such Islamophobia also spills over in how stories are covered, as shown in Ofcom’s recent breach decisions against Fox News coverage of President Trump’s ‘Muslim ban’ and the Manchester terror attack.²⁹
- Fox News recent hires also reveal its promotion of Islamophobia. Laura Ingraham joined Fox as a presenter in September 2017 after a history of racist, Islamophobic and anti-minority statements,³⁰ and Sebastian Gorka is serving in a news capacity after a long history of extremism, including having been previously fired by the Federal Bureau of Investigation for “over-the-top Islamophobic rhetoric.”³¹
- *Racism* - In a class action against Fox News, several employees allege a hostile work environment towards racial minorities replete with “racially derogatory comments.”³² One of these employees includes Emmy-award winning Fox news anchor Kelly Wright, who alleges he was effectively sidelined and his career stunted because he was black and tried to show blacks in “too positive” a light.³³ Other allegations concern a pay gap for minority employees, and requiring minority employees to get “escorts” when they needed to speak to senior colleagues on the second floor.³⁴ Tellingly, the complaint describes the culture of Fox News as “Plantation-style management,” not a “modern day work environment.”³⁵ Ofcom found these racial harassment allegations “disturbing”.³⁶
- This treatment of African-American employees spills over into Fox News on screen. Academic research, attached in Annex 2, analysed Fox coverage of police brutality against black and other minority groups in the US between

²⁸ Ibid. The UK broadcasting code requires that “there is no use of techniques which exploit the possibility of conveying a message to viewers or listeners, or of otherwise influencing their minds, without their being aware, or fully aware, of what has occurred.”

²⁹ “OFCOM BROADCAST AND ON DEMAND BULLETIN,” Ofcom, Issue number 341, 6 November 2017,

https://www.ofcom.org.uk/__data/assets/pdf_file/0028/107569/issue-341-broadcast-on-demand-bulletin.pdf

³⁰ Laura Ingraham’s racist, transphobic take lands her a primetime slot on Fox News

<https://thinkprogress.org/ingraham-fox-3f9bd36a08f4/>

³¹ Spencer Ackerman, “FBI Fired Sebastian Gorka for Anti-Muslim Diatribes,” *The Daily Beast*, 21 June 2017, <https://www.thedailybeast.com/fbi-fired-sebastian-gorka-for-anti-muslim-diatribes>. Further clips of Islamophobic comments on Fox News are at: www.youtube.com/watch?v=qVl3QrVVc0o.

³² Niraj Chokshi. ‘2 Black Women Sue Fox News, Claiming Racial Discrimination’. *New York Times*, 28 March 2017,

www.nytimes.com/2017/03/28/business/media/fox-news-racial-discrimination-lawsuit-slater.html?_r=0;

[https://www.washingtonpost.com/news/morning-mix/wp/2017/04/26/more-lawsuits-aimed-at-fox-news-this-time-for-race-discrimination/?utm_term=.f73b523f9459;](https://www.washingtonpost.com/news/morning-mix/wp/2017/04/26/more-lawsuits-aimed-at-fox-news-this-time-for-race-discrimination/?utm_term=.f73b523f9459)

<https://assets.documentcloud.org/documents/3678103/Fox-News-Racial-Discrimination-Lawsuit.pdf>

³³ Ibid

³⁴ Ibid

³⁵ Ibid

³⁶ 29 June 2017 Fit and proper report - Ofcom

https://www.ofcom.org.uk/__data/assets/pdf_file/0013/103621/decision-fit-proper.pdf

August 2014 and March 2015.³⁷ The research paper found that Fox News portrayed these issues within five broader themes:

- blaming black victims;
- blaming the black community;
- blaming black leaders;
- attacking black protesters and their demands, and;
- discrediting attempts to address racism by referring to them as “politics of racial division.”³⁸

Conservative narratives

- The manipulation of the news presented as “fair and balanced” is subtle and systematic. In an interview to the Hartford Courant, CEO Roger Ailes said, “If you come out and you try to do right-wing news, you’re gonna die. You can’t get away with it.”³⁹ As Ailes’ biographer Gabriel Sherman writes, “The conservative dream of establishing a counter-media hinged, in large part, on convincing the viewers that what they were getting was *news*, not propaganda. “Fair and balanced” was a commercial necessity.”⁴⁰ In Annex 3. Bruce Bartlett, an American economist and historian who has worked in several Republican administrations, provides a detailed analysis of “*How Fox News changed American media and political dynamics.*”
- Since our 27 October hearing, there have been further clear examples.
 - Fox News’s aggressive leveraging of the widely debunked story about blaming Hillary Clinton for collusion with Russia⁴¹ resulted in immediate political attention and action from President Trump⁴² and Congress⁴³, and;
 - Fox News and several other Murdoch-owned outlets called for the resignation of special counsel Robert Mueller, who is overseeing the investigation into Trump-Russia collusion.⁴⁴

³⁷ Colleen Mills, “Framing Ferguson: Fox News and the Construction of U.S. Racism,” *Race & Class* Vol. 58(4): 39-56 (2017).

³⁸ “Framing Ferguson: Fox News and the construction of US racism” by Colleen E. Mills published in *Race&Class* Vol.58(4): 39-56. See also <http://nymag.com/daily/intelligencer/2017/04/some-of-the-most-racist-moments-in-fox-news-history.html>.

³⁹ *Ibid*, referencing *The Loudest Voice in the Room*, pg. 241.

⁴⁰ *Ibid*.

⁴¹ “How Steve Bannon and Sean Hannity’s ginned-up Hillary Clinton uranium story became a congressional investigation,” *Media Matters for America*, 24 October 2017, <https://www.mediamatters.org/blog/2017/10/24/how-steve-bannon-and-sean-hannitys-ginned-hillary-clint-on-uranium-story-became-congressional/218318>.

⁴² “How Trump helps *Fox & Friends* set the media agenda,” *Media Matters for America*, 19 October 2017,

<https://www.mediamatters.org/blog/2017/10/19/how-trump-helps-fox-friends-set-media-agenda/218266>

⁴³ Tierney Sneed, “Nunes Announces Probe With Gowdy Into Obama-Era Russian Uranium Deal,” *Talk Points Memo*, 24 October 2017,

<http://talkingpointsmemo.com/muckraker/nunes-gowdy-uranium-russia-probe>.

⁴⁴ Jason Schwartz, “Murdoch-owned outlets bash Mueller, seemingly in unison,” *Politico*, 30 October 2017, <https://www.politico.com/story/2017/10/30/murdoch-fox-mueller-trump-244333>.

2. Murdoch-owned companies exhibit a top-down corporate culture that deprioritises regulatory and ethical compliance

Many Murdoch-owned companies have shown a focus on commercial gain and political influence while issuing paper policies that do not result in actual compliance, and exhibiting a lack of transparency with external authorities. If Fox is permitted to fully take over Sky, the same pattern is likely to play out in complying with UK broadcasting standards.⁴⁵

Paper policies

- Recent testimony to the CMA revealed that Bill O'Reilly's contract had a "shield clause" that made it impossible for Fox to fire him over sexual harassment "unless that allegation was proven in court."⁴⁶ This clause made a mockery of the 2012 compliance policy which is at the centre of Fox's submissions to the CMA and other UK authorities on corporate governance. As other Fox employees are bound by forced arbitration clauses which require them to settle privately, it would have been impossible for most of them to have their day in court and prove allegations to the level which could get O'Reilly fired. For instance, the anchor Gretchen Carlson had a contract which stated that "all filings, evidence and testimony connected with the arbitration, and all relevant allegations and events leading up to the arbitration, shall be held in strict confidence."⁴⁷ We urge the CMA to inquire whether any other executives in Fox News or any other Fox divisions have or had such shield clauses.
- Fox News produced a broadcasting compliance policy on 15th May 2017, but the policy did not result in a clear change to Fox News's approach to broadcasting or its output, as the recent Ofcom findings on the Tucker Carlson program show.⁴⁸
- Policies at the News of the World failed to prevent repeated breaches of ethical and legal norms, leading to the eventual closure of the paper after the phone hacking scandal. Rewarding or re-hiring staff, and widespread bullying, reveal a toxic culture, and the recent settlements and ongoing court case about alleged hacking by The Sun indicate that this may have been present there as well.⁴⁹

⁴⁵ See Defiance, not compliance: the culture and behaviour of Murdoch-owned companies, Avaaz submission to the CMA, October 2017. Available at:

<https://www.gov.uk/cma-cases/twenty-first-century-fox-sky-merger-european-intervention-notice>.

⁴⁶ Summary of hearing with Jacques Nasser, Independent Director of 21C Fox, 25 October 2017. Para 24.

<https://assets.publishing.service.gov.uk/media/5a02f9ebe5274a0ee28af81d/summary-of-hearing-with-jacques-nasser.pdf>

⁴⁷ The Problem of Sexual Harassment and Forced Arbitration

<https://www.correiaputh.com/news/problem-sexual-harassment-forced-arbitration/>

⁴⁸ OFCOM BROADCAST AND ON DEMAND BULLETIN," Ofcom, Issue number 341, 6 November 2017, https://www.ofcom.org.uk/__data/assets/pdf_file/0028/107569/issue-341-broadcast-on-demand-bulletin.pdf

⁴⁹ The Sun to face trial over phone-hacking claims, The Guardian

<https://www.theguardian.com/media/2016/apr/28/sun-trial-phone-hacking-damages-les-dennis>.

Lack of transparency

- Fox has so far failed to release any findings of its 2016-17 internal investigation into sexual harassment carried out by its law firm Paul, Weiss to either staff or shareholders.
- Mr. Nasser's testimony to the CMA states that the evidence against Bill O'Reilly was "uncertain".⁵⁰ This is implausible, as one of the victims Andrea Mackris had phone recordings of Bill O'Reilly's sexual harassment which was widely reported back in 2004.⁵¹ The CMA could contact the lawyers who represented her in the case to obtain more details of the evidence which led to the 2004 settlement, and additionally contact lawyers involved in Bill O'Reilly's other settlements.⁵²
- The Murdochs are also alleged to have concealed harassment settlements from shareholders, and were condemned by UK law enforcement officials and Members of Parliament for failing to cooperate properly with their investigations into phone hacking.⁵³
- Unlike the policies of major UK broadcasters, Fox News's new broadcasting compliance policy of 15 May has not been published and Fox News has declined to share it with Avaaz.

Conclusion

This short supplementary note adds evidence to that previously submitted by Avaaz to the DCMS, Ofcom, and the CMA since 8th March 2017. The combined evidence, and that submitted by other organisations and individuals, makes clear the nature and degree of the threat to the UK public interest if the merger is allowed to proceed.

Annexes (submitted as separate attachments)

1. "Fox News' war on Muslims", Nathan Lean, excerpt from *"The Islamophobia Industry: How the Right Manufactures Fear of Muslims"*, Salon.com, 2012.
2. "Framing Ferguson: Fox News and the Construction of U.S. Racism", Colleen E. Mills, *Race and Class*, Institute of Race Relations, Vol. 58(4): 39–56, 2017.
3. "How Fox News Changed American Media and Political Dynamics", Bruce Bartlett, The Big Picture, May 2015.

⁵⁰ Summary of hearing with Jacques Nasser, Independent Director of 21st Century Fox on 25th October 2017. Para 24

<https://assets.publishing.service.gov.uk/media/5a02f9ebe5274a0ee28af81d/summary-of-hearing-with-jacques-nasser.pdf>

⁵¹ Choking, Harassing and Loofahs: Women's Allegations against Bill O'Reilly Piled up for Years before his demise, The Daily Beast

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⁵² Lawyer for Andrea Mackris, Benedict Morelli of the Morelli Law firm - <http://www.morellilaw.com/>.

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Fox News' war on Muslims

Roger Ailes, Bill O'Reilly and Sean Hannity have stoked Islamophobia – and encouraged right-wing ignorance

NATHAN LEAN 09.11.2012•5:41 PM

Excerpted from *"The Islamophobia Industry: How the Right Manufactures Fear of Muslims"*
(published on Salon.com)

As is the case with any industry, advertising is paramount to the success of a product. One need look no further than the Super Bowl to understand the advertising industry's sheer obsession with reaching a massive number of people; each year, the highest bidders are offered short slots to disseminate catchy clips of their goods, be they Coca-Cola, Nike shoes, or other high-rolling, multi-million-dollar enterprises.

The Islamophobia industry also goes to great lengths to sell its message to the public. The difference, though, is that in many cases the very networks that spread their product are themselves participants in the ruse to whip up public fear of Muslims. This is not a relationship of buyer and seller, where various characters that peddle panic purchase slots on major television networks to plug their merchandise. Rather, it is a relationship of mutual benefit, where ideologies and political proclivities converge to advance the same agenda.

Fox News, the American television station that brands itself as "fair and balanced," is the epitome of this relationship. It has been, for the better part of the last decade, at the heart of the public scare-mongering about Islam, and has become the home for a slew of right-wing activists who regularly inhabit its airwaves to distort the truth to push

stereotypes about Muslims. It was little surprise, then, that a Brookings Institution poll on American values conducted in September 2011 found that approximately two-thirds of Republicans, Americans who identify with the Tea Party movement, and Americans who most trusted Fox agreed that the values of Islam are at odds with the values of the United States. Additionally, nearly six in 10 Republicans who say they trust Fox also say that they believe that American Muslims are trying to establish Islamic law in America. In contrast, the attitudes of Republicans who view other news networks fall in line with the general population.

In December 2009, Fox News host Laura Ingraham interviewed Daisy Khan, the wife of Imam Feisal Abdul Rauf, who was leading the initial push for the Park51 Islamic community center. At that time, there was little controversy over plans for the proposed building to be located near the ground zero site – so little that Ingraham even admitted that she liked what Khan and her husband were doing. “I can’t find many people who really have a problem with it,” she admitted on air. “I know your group takes a moderate approach to Americanizing people, assimilating people, which I applaud. I think that’s fantastic.”

Soon, though, it would not be fantastic. At least not to Laura Ingraham who, in an about-face move, suddenly latched onto the anger and rage being ginned up by Pamela Geller and Robert Spencer. “I say the terrorists have won with the way this has gone down,” she sneered during an interview with ABC News in August 2010. “Six hundred feet from where thousands of our fellow Americans were incinerated in the name of political Islam, and we’re supposed to be – we’re supposed to be considered intolerant if we’re not cheering this?”

Little more than eight months had passed. That summer, though, had been dominated by the rise of a radical bunch of bloggers who had fashioned a controversy where one did not exist. Pamela Geller’s snarling write-up about the “Ground Zero Mosque” in early May 2010 was picked up by Andrea Peyser of the New York Post, a conservative newspaper owned by the man at the top of Fox News, Rupert Murdoch. Peyser’s

regurgitation of Geller's outrage reached hundreds of thousands of people, turning what was once a conspiracy theory of some unknown right-wing Internet prowlers into a major new story.

Fox News' Sean Hannity had read Peyser's piece. He was familiar with Pamela Geller too, and on May 13, 2010, just days after the story made national news, he invited Geller on his show to talk about it. "There is a giant mosque being planned to be built in an area right adjacent to ground zero," he said. Of course, the Park51 community center's 13 stories were relatively small compared to the towering skyscrapers that hovered over the streets in midtown Manhattan. But the word "giant" had a certain frightening ring that Hannity and Geller sought to sell. "Andrea Peyser wrote about it in the New York Post today," he said. "Atlas Shrugs's Pamela Geller, a blogger and columnist, is hosting a 'No 9/11 Mosque' rally at Ground Zero on June 6 to protest the construction and she now joins us on our newsmaker line."

Media Matters reports that from May 13, 2010, until August 12, 2010 – a period of 91 days – Fox News shows hosted at least 47 different guests to discuss the project, 75 percent of whom opposed it. Nexis transcripts of Fox newscasts during that 13-week period were reviewed showing that just nine out of the 47 guests who appeared during that time favored the center. In some cases, guests expressed their personal opposition to the center but rejected the idea that it could be somehow prevented. Juan Williams, a former reporter for National Public Radio, was one of them. Appearing on Hannity's show, he said, "I happen to agree with you about the idea that they shouldn't build the mosque," he told the Fox host. "But that doesn't mean that we, as Americans, can say to him [Rauf] 'No, you can't build here.' That's wrong." Williams stated his opinion plainly. It was something he did regularly – and something that two months later would cost him his job.

* * *

On Oct. 18, 2010, Williams was a guest at Fox News again. This time, instead of appearing on Sean Hannity's show, he chatted with Bill O'Reilly. The conversation settled on Park51. As an analyst for NPR, it was familiar turf for Williams. He had navigated the prickliness of political issues before, careful not to reveal his personal opinions. But Fox News and Bill O'Reilly clearly had an agenda and after having ignited a small blaze of controversy earlier in the year by saying "Muslims attacked us on 9/11," it was clear that O'Reilly was looking for someone to back him up.

"Political correctness can lead to some kind of paralysis where you don't address reality," Williams said. "I mean, look, Bill, I'm not a bigot. You know the kind of books I've written about the civil rights movement in this country. But when I get on the plane, I got to tell you, if I see people who are in Muslim garb and I think, you know, they are identifying themselves first and foremost as Muslims, I get worried. I get nervous."

The remark did not seem to faze O'Reilly. In fact, it fit precisely into the narrative he was spinning: Muslims are people to be feared, especially Muslims in airplanes. Over at NPR, however, news of the comments was unsettling. As a political analyst, it was not Williams' responsibility to offer his opinions on such issues. In fact, he was not being paid to offer his opinions at all. And to blatantly level a broad-brush blow at the Muslim community because he felt suspicious of them was not within the keeping of NPR's journalistic standards. Williams was terminated from his position soon thereafter. Despite his initial shock over his firing, there was some good news for him. The stereotypical remarks were worth a cool \$2 million – the amount of money that Fox News offered Williams for an extended three-year contract with its network. "In one arrogant move the NPR exposed itself for the leftist thought police they really are," read one user's comment on the radio network's website. Maybe that was so – but Fox News had, by offering Williams an expanded role, encouraged and even financed Islamophobia.

* * *

Some have argued that Fox News' viewers may not develop their negative views of Islam as a result of the station's programming, but rather they flock to those shows that reinforce and confirm an already existing, deeply anti-Muslim bias. Even so, Fox News has propagated a climate that is conducive to such feelings; were objective viewers with no opinion of Islam or Muslims likely to tune in to an episode of Hannity or O'Reilly, they would likely not leave with an impression that was "fair and balanced." The numbers were proof of that.

In February 2011, the Think Progress website released a study that detailed the specific ways that Fox News manipulates language to insinuate, or in many cases, state explicitly, that Muslims and Islam should be feared. Using three months' worth of material gathered from various television programs from November 2010 to January 2011, a graph was compiled to show that the network disproportionately deployed terms that reflected a negative view of Muslims, more so than Fox News' competitors. For example, Fox used the term "Shariah" 58 times over a three-month period, whereas CNN used the term 21 times, and MSNBC 19 times.

Similarly, Fox hosts brought up the phrases "radical Islam" or "extremist Islam" 107 times in three months, while CNN used the term 78 times and MSNBC only 24 times. Still, Fox used the word "jihad" 65 times, while CNN used it 57 and MSNBC used it 13 times.

That Fox News consistently ranked atop the list of networks that deployed these terms was not the real problem. The way in which they *used* the terms, however, was. They were often part of stories that made a larger point about allegedly nefarious Muslims who had either participated in some act of violence or were thought to be working their way into the political fabric of the United States.

In August 2006, for example, Fox News guest Mike Gallagher suggested an “all Muslims checkpoint line” at American airports. After the Fort Hood shooting in November 2009, for example, Fox host Brian Kilmeade suggested “special screenings” for Muslim U.S. soldiers. In 2010, Bill O’Reilly, host of “The O’Reilly Factor,” said bluntly that “There’s no question that there is a Muslim problem in the world.” And Glenn Beck, on an Aug. 10, 2010, episode of “The Glenn Beck Show,” said, “Stop with the government Muslim outreach programs, okay? I’m tired of it. I don’t care about the rest of the world. I don’t care.”

So eager was the network to jump on any story that cast Muslims in a strange or negative light, that the network embarrassed itself in March 2011 after it posted an article on its website claiming that an Islamic council in Pakistan had banned the sale of padded bras. As it turned out, the piece was tracked back to its original source, the Onion, revealing that it was a satirical article, one of many that the comedic website routinely posted to poke fun at societal oddities.

Of course, these examples are but a select few from a multitude of anti-Muslim comments on Fox News programs. They are also products of a conservative fear factory run by Fox News president Roger Ailes. The man behind much of the station’s conspiratorial fear-mongering, 71-year-old Ailes allows his own personal phobias to steer the agenda of Fox’s telecasts.

Ailes, a longtime adviser and strategist for the Republican Party, once told President Ronald Reagan to ditch facts and figures during his reelection campaign against Democratic contender Walter Mondale. In an article for Rolling Stone, Tim Dickinson relates how Ailes advised the president: “You don’t get elected on details. You get elected on themes.” At Fox, he took his own advice, knowing full well the gripping power of emotion, especially fear. So encumbered with fright was Ailes that he traveled to work each day with a private security detail. He bought up the land surrounding his \$1.6 million estate in order to broaden the security perimeter. He is sure that he is on the top

of al-Qaida's hit list. "You know, they're coming to get me," he told one friend. "I'm fully prepared and I've taken care of it."

It was unlikely that al-Qaida had set its sights on Ailes, but there was no convincing him otherwise. On one occasion, as Ailes was sitting in his Fox News office monitoring the activity in the hallways on television monitors he had set up, a dark-skinned man in what appeared to be "Muslim garb" walked by. Ailes freaked and put the entire building on lockdown. "What the hell!" he shouted, apparently convinced that terrorists had finally tracked him down.

"This guy could be bombing me," he said. It turned out that the man was a janitor. "Roger tore up the whole floor," one source close to Ailes later recalled. "He has a personal paranoia about people who are Muslim – which is consistent with the ideology of his network." Tim Dickinson of Rolling Stone magazine notes that Ailes is a master propagandist, so tuned in to the demographic makeup of his Fox audiences that he is able to calculate how and where and when to plant a story in the news stream to maximize its impact: The typical viewer of Hannity, to take the most stark example, is a pro-business (86 percent), Christian conservative (78 percent), Tea Party-backer (75 percent) with no college degree (66 percent), who is over age 50 (65 percent), supports the NRA (73 percent), doesn't back gay rights (78 percent) and thinks government "does too much" (84 percent).

Targeting the show's content to each group had proven to be a successful strategy. According to one insider, Ailes meets with Fox anchors prior to their broadcasts and feeds them talking points and message strategies. What appears to viewers as a casual conversation is actually a scripted dialogue. During the 2008 president election, Dickinson notes, "References to Obama's middle name [Hussein] were soon being bandied about on 'Fox & Friends,' the morning happy-talk show that Ailes uses as one of his primary vehicles to inject his venom into the media bloodstream." It was on that very

program that suspicions about Barack Obama being a Muslim and trained in a *madrassa* were first raised.

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Framing Ferguson: Fox News and the construction of US racism

COLLEEN E. MILLS

Abstract: In August 2014, police officer Darren Wilson shot unarmed Michael Brown, sparking months of protests in Ferguson, Missouri and other American cities and capturing worldwide media attention. This article presents a critical discourse analysis of Fox News Channel's segments from August 2014 to March 2015. It systematically uncovers themes and larger discourses within five major areas: blaming black victims in the characterisation of Michael Brown and his shooting death, blaming black leaders, blaming the black community, attacking the black protesters and their movement against police brutality, and discrediting attempts to address issues of racism as the 'politics of racial division'. Several major emergent discourses include: the criminal black (wo)man, blaming the victim, projection of racism on minorities, denial and counterattack, minimisation of racism, redistributing responsibility, personal responsibility, and deadbeat dads and unwed mothers. The author argues that Fox News in perpetuating these racist discourses helps to obstruct the addressing of racism in the criminal justice system.

Keywords: black protest, blaming the victim, critical discourse analysis, Darren Wilson, entitlement culture, Ferguson, Fox News, Michael Brown

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Race & Class

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The controlled press, the white press, inflames the white public against Negroes. The police are able to use it to paint the Negro community as a criminal element. The police are able to use the press to make the white public think that 90% or 99% of the Negroes in the Negro community are criminals...

Malcolm X, Los Angeles, 5 May 1962

On 9 August 2014, Ferguson police officer Darren Wilson shot Michael Brown in Ferguson, Missouri. Given that Brown was an unarmed black teenager shot dead by a white police officer, the community immediately protested the shooting as police brutality. The shooting sparked months of protests in Ferguson, capturing widespread media attention on both the national and global stage. In the years since, Ferguson remained relevant as it sparked an ongoing process of protest and debate over policing of people of colour globally. Within two years, police violence claimed the lives of Tamir Rice, Sandra Bland, Freddie Gray, Alton Sterling, Philando Castile and many others, while cities like Baltimore and Milwaukee saw unrest similar to Ferguson and protesters around the world remained steadfast in their solidarity movements against injustice.

Protests in Ferguson were met by intense law enforcement, including the use of military equipment, tear gas, rubber bullets and the arrests of peaceful protesters, outside observers and journalists.¹ Such tactics ultimately spurred discussion about police militarisation, relations between the police and the black community and the use of deadly force against unarmed black people. The event has been considered a flashpoint in race relations in the United States. While social media lit up with accounts from Ferguson, mainstream media lagged in its coverage, growing only once the events in Ferguson grew more tense and thus deemed worthy of being 'news'. As more reports of the police response to the protests surfaced, mainstream media turned their attention to America's heartland in the sleepy August news cycle. Fox News Channel was one such media outlet. Owned by Rupert Murdoch of the News Corp empire and considered a conservative outlet, Fox News presented much of its coverage through a prism of underlying ideologies, specifically those of white supremacy and racial capitalism. This study applies Norman Fairclough's method of examining a social wrong in its semiotic context, identifying obstacles to addressing that wrong and whether society 'needs' it,² and presents a critical discourse analysis of Fox News Channel's coverage of the events in Ferguson. Segments have been selected and analysed from the network's various news, current affairs and news/talk show programmes from August 2014 until March 2015, covering the initial August shooting and protests, through the November grand jury announcement that there would be no indictment against Wilson, to the March announcements regarding the Department of Justice (DOJ) reports on the shooting and the Ferguson Police Department.

Fox News was chosen because a recent national poll revealed it was the most trusted cable news network.³ Furthermore, the poll shows that a majority of

Republican voters consider the network the most trustworthy as well. It bears noting that a 2012 poll shows that Fox News' viewers are the most uninformed Americans, more uninformed than those who watch no news at all.⁴ Commenting on the power of the media, Hall argues:

the media construct for us a definition of what *race* [*sic*] is, what meaning the imagery of race carries, and what the 'problem of race' is understood to be. They help to classify out the world in terms of the categories of race. The media are not only a powerful source of ideas about race. They are also one place where these ideas are articulated, worked on, transformed, and elaborated.⁵

The media thus interprets events involving issues of race and racism, utilising discourses that construct what happened, why, and what it means. Analysis of Fox News' coverage uncovers a number of important themes that serve larger, white supremacist discourses and ideologies. My analysis focuses on five major areas: blaming black victims in the characterisation of Michael Brown and his shooting; blaming black leaders; blaming the black community; attacking the black protesters and their movement against police brutality; and, discrediting attempts to address issues of racism as the 'politics of racial division'.

Blaming the black victim

The first area of analysis addresses Fox's portrayal of Michael Brown, much of which centred on his appearance, emphasising his physicality. Writing an op-ed for the website *Fox News Latino* soon after the shooting, Geraldo Rivera describes the encounter as a 'six-year veteran with a spotless record is facing a belligerent 6'4" 250 pound kid'.⁶ He highlights Brown's stature, calling him a 'big kid' and argues that 'efforts by activists to portray the unarmed teen as a choirboy maliciously murdered by a racist cop are misguided, unhelpful and untrue'.⁷ As a guest on news programme and morning talk show *Fox and Friends*, Linda Chavez discusses her op-ed in the tabloid *New York Post*, in which she argued against viewing Brown as an 'unarmed teen'.⁸ With *Fox and Friends* putting the headline screen caption 'Media bias: is "unarmed teen" description misleading' below her, Chavez remarks:

this mantra of the unarmed black teenager shot by a white cop. You know, that description in and of itself actually colours the way in which we look at this story. We're talking about an 18-year-old man who is six foot four and weighs almost three hundred pounds, who is videotaped just moments before the confrontation with a police officer strong arming an employee and robbing a convenience store.⁹

As Chavez is speaking, *Fox and Friends* shows footage of Brown in the convenience store, pushing the store clerk, alongside a picture of Officer Darren Wilson,

smiling in uniform. Both Rivera and Chavez emphasise the appearance of Brown, painting his appearance as a mitigating factor in his shooting death. By calling him 'violent' and 'belligerent', both evade the fact that Brown was unarmed.

In the following months, grand jury proceedings examined evidence to determine whether or not to indict Wilson in the shooting death of Brown. Once St Louis County prosecutor Bob McCulloch released the grand jury's decision to not indict Wilson, Fox News trained its cameras on Ferguson once again. Much of the coverage devotes attention to Wilson's account, presenting it as fact. Wilson's testimony presents a narrative in which he again emphasises the size and power of Brown. In one passage of his testimony, Wilson recollects:

I tried to hold his right arm and use my left hand to get out and have some type of control and not be trapped in my car any more. And when I grabbed him, the only way I can describe it is I felt like a five-year-old holding onto Hulk Hogan ... Hulk Hogan, that's just how big he felt and how small I felt just from grasping his arm.¹⁰

Wilson uses hyperbolic language to compare his stature ('a 6'4", just a shy under 6'4" ... 210-ish [pound]'¹¹ man) with Brown's ('289 pounds ... [6'5"]').¹² Wilson portrays himself as a child, without any control, compared to Brown who was of the same height. Fox News uncritically accepts Wilson's account. On news programme *The Kelly File*, screened in November, host Megyn Kelly introduces Wilson's account by focusing on police-community conflict:

Look at this melee here in New York City ... Some throwing punches at the cops. Look at this. Unbelievable. And now tonight for the first time we hear from Officer Wilson, that he felt he had to shoot Michael Brown because he believed that Michael Brown would kill him. Watch.¹³

Kelly then airs Wilson's appearance on ABC News in which he presented his 'Hulk-child' story again: 'I mean, the way I've described it, it was like a five-year-old holding onto Hulk Hogan, that's how big this man was.'¹⁴ By showing footage of clashes between the police and protesters, Fox constructs a context for Wilson's account, one in which police have to use force because of the threat posed to them. After airing the clip, Kelly and her guest, former New York City mayor Rudy Giuliani, have the following conversation:

Giuliani (G): Also every time that Mr Brown is described, is described as a young man, and people forget he had committed a robbery ...

Kelly (K): Well, one of the things that jumped out at me in this interview is how young Darren Wilson seems, he's 28-years-old.

G: He's a kid.

K: He was ten years older than Michael Brown, but he's not some seasoned cop who's been on the beat for 30 years. He, too, is a young man.

- G: Yes.
- K: Who found himself in a very dangerous situation that was not of his own making.
- G: This should be described as a police officer who shot a man who had committed a robbery. It shouldn't be described as a police officer who shot some innocent young boy. He shot a man who had just committed a robbery.¹⁵

Supporting Wilson's 'Hulk-child' narrative, Giuliani and Kelly lament the youth of Wilson, he is 'young', 'a kid' – lending credence to his view of himself as a child in comparison to Brown, despite his ten years on the teenager. Brown's youth is simultaneously undermined by Giuliani and Kelly who call him a 'young man'. Giuliani concludes that Brown was not a 'young boy', but a 'man' by virtue of having committed a robbery, thus lining up with Rivera's and Chavez's assertions that Brown's behaviour mitigates Wilson shooting someone unarmed.

On news programme and talk show *America's Newsroom*, Fox News contributor Mark Fuhrman, the former Los Angeles Police Department detective convicted of perjury after his testimony in the O. J. Simpson trial, depicts Wilson as the victim, proclaiming 'Michael Brown was *the* suspect in this case and Officer Wilson was *the* victim [emphasis his].'¹⁶ He further claims that '[Wilson's] career has been *stolen* from him because somebody targeted *him*, not the reverse [emphasis his].'¹⁷ In addition to the 'child' theme, Fuhrman articulates another regarding Wilson: that of the 'victim of the criminal black man'. This discussion further negates Brown's victimhood by portraying Wilson as the 'real' victim. On the business news and talk show *Your World with Neil Cavuto*, guest Reverend Jesse Lee Peterson further assigns responsibility for Brown's death to Brown himself, saying:

Michael Brown is dead because of Michael Brown. Michael Brown is dead because he had failing parents, who were not together and raised him in the right way. When he decided that he was gonna rob a convenience store, attack the clerk, go out into the street and attack a police officer, Michael Brown decided that day that he was ready to die.¹⁸

Peterson goes on to assert that black leaders know this 'truth' but refuse to admit it. By blaming Brown for his death, Peterson essentially removes Wilson's agency, framing the shooting as a series of decisions made not by Wilson, who pulled the trigger, but Brown and even his parents.

Sean Hannity, host of political talk show *Hannity*, speaking with Darryl Parks, attorney for Brown's family, casts doubt on the shooting's racial implications. Parks takes issue with Wilson's language in his grand jury testimony. Wilson testified that 'he looked up at me and had the most intense aggressive face. The only way I can describe it, it looks like a demon, that's how angry he looked.'¹⁹ Responding to Parks' citation of 'demonic', Hannity questions the assertion: 'demonic? That's racial?'²⁰ Laughter in the studio pervades much of the conversation, with Hannity

at one point telling Parks that 'everybody in the studio's laughing ... because that's so absurd', in response to one of Parks' earlier assertions.²¹

All such coverage draws up a discourse of the criminal black man that emphasises the large physicality of Brown and effectively dehumanises him. From Wilson's initial description to its reiteration by Fox personalities, Brown is stripped of his humanity by being diminished to a demon, an inhuman state. (This of course chimes with studies of how the media similarly react to other stories involving crime and black youth and adults, often using metaphors to dehumanise black youth.²²) In addition to the use of metaphors like 'demon' and 'Hulk Hogan' (evoking imagery from *The Incredible Hulk* of comics to the enormous World Wrestling Federation performer), Fox News finds more subtle ways to deny Brown's position as an unarmed teenager and reduce his status as a victim.

Blaming black leaders

Another emergent theme in the coverage relates to Fox News' reaction to the words and actions of black leaders. Many Fox News hosts slip in references to the President being on vacation once the events in Ferguson escalate. Guest-hosting the news and talk show *The O'Reilly Factor*, Laura Ingraham repeatedly belittles US President Barack Obama with phrases like: 'Our presidential pundit ... interrupted his vacation', 'the leader of the free world with sagging approval numbers jumping into another local criminal justice situation' and 'there is supposed to be a difference between being President of United States and a liberal commentator on Salon.com'.²³

Another prevalent note in Fox's coverage is the depiction of Obama and US Attorney General Eric Holder as siding with protesters over law enforcement. Though Obama also admonishes violence against the police, *Fox and Friends* only shows video of his statement in which he chides the police's use of excessive force.²⁴ On *The O'Reilly Factor with Laura Ingraham*, Ingraham refers to a 'Talking Point Memo' on the screen, reading 'these Obama administration interjections [by Obama and Holder] have stoked racial discord in America and sown more distrust between minorities and some local law enforcement'.²⁵ After saying that Obama 'fuels' racial tensions, guest David Clarke, Sheriff of Milwaukee County, asserts that 'I think when [Obama] called for calm after the rioting started, I believe it was done with a wink and a nod'.²⁶ All of these statements implicitly blame the President for the unrest, holding him responsible for endorsing a climate of unrest and violence.

Fox personas similarly implicate Attorney General Eric Holder in the unrest. Fox guest Chavez's *New York Post* op-ed headline read 'Eric the Arsonist: Holder Fans Ferguson Flames'.²⁷ Another Fox guest, Ron Hosko, a former assistant director of the Federal Bureau of Investigation and President of the Law Enforcement Legal Defense Fund, likens Holder to a lyncher: 'Mr Holder, it's time to cut Darren Wilson down from that tree'.²⁸ Such imagery equates Holder with a murderer,

determining that the African American Attorney General has turned the tables on the predominantly white policing of blacks by stringing up a white police officer. To invoke a lynching, effectively paints the black Attorney General, the top law enforcement officer in the country, as the racist, not white police officers.

After two officers were shot outside the Ferguson Police Department in March 2015, *Fox and Friends'* co-host Steve Doocy opens the show on 12 March by proclaiming 'the new wave of violence comes just one week after Eric Holder vowed to dismantle that city's police department - remember?', airing a clip of Holder saying they will take action 'to ensure that the situation changes [in Ferguson]'. To this, Doocy responds, 'well the situation changed all right - is that what he wanted?'²⁹ Fox coverage framed the shooting as a result of the DOJ report with the headline screen caption: 'Street justice: police officers shot in wake of DOJ report.'³⁰ On daytime news and talk show *Outnumbered*, co-host Tantaros goes even further, asserting:

The Department of Justice has been inflaming this ... they couldn't bring charges against Darren Wilson because the physical evidence and Darren Wilson's testimony corroborated and matched up so they *had* [emphasis hers] to do something, because they intervened and they flamed the racial tensions and Eric Holder has proven time again he is an Attorney General for the criminal, by the criminal, and of the criminals in the United States of America.³¹

By repeatedly using words like 'inflame' and 'fuel', Fox's conversations connect Holder's Justice Department to the real fires of Ferguson unrest. They further serve to portray the DOJ's investigation as grasping at straws, as if it only reported on racial discrimination in the Ferguson Police Department as a way of saving face after being unable to charge Wilson. Furthermore, Tantaros paints Holder as an enemy who has thrown in his lot with criminals. On current affairs show *On the Record with Greta Van Susteren*, guest Niger Innis calls Holder Obama's 'consigliere',³² a term typically associated with the Mafia.

Fox's treatment of black leaders, which fits into the discourse of the criminal black man fuelling violence and riots, and opposing law enforcement, serves to delegitimise black leaders' power and credibility with the public. And the projection of racism on to minorities is, according to Bonilla-Silva, a typical discourse in which white people evade responsibility for racism by accusing minorities of being the real racists.³³ More generally, however, much of the discourse relies on sustained allegations that black leaders are responsible for racial tensions and discord. Fox News engages in 'denial and counterattack', proclaiming it knows the truth behind anti-racism and that anti-racists are the real racists.³⁴ While using code words (e.g. 'race baiters'³⁵) instead of saying outright that black leaders are racist, Fox asserts a series of 'truths': black leaders are stoking racial discord; they are fomenting unrest and violence; they are against law enforcement and on the side of criminals.

Blaming the black community

From the beginning of its Ferguson coverage, Fox News consistently cited the intraracial aspect of black homicide rates as if this is not similar to trends of intraracial victimisation across other racial groups in the US generally.³⁶ Within one week of Brown's death, Fox News has turned its attention to 'black-on-black crime', particularly in Chicago.³⁷ Guest-hosting on *Hannity*, Tantaros interviews Reverend Jesse Jackson, a civil rights activist and former senator, and focuses much of the conversation on black-on-black crime. Tantaros first attacks Jackson by asserting that he and Reverend Al Sharpton, a fellow civil rights activist, fail to address intraracial violence in Chicago. When Jackson attempts to respond that he is engaged in the issues in Chicago, Tantaros immediately cuts him off, saying, 'Why don't we see the same type of outrage from the black community about these young black kids getting gunned down in the streets of Chicago every single day?'³⁸ Throughout the rest of the conversation, there is much cross-talk between Tantaros and Jackson as Jackson tries to address the issues affecting urban blacks. Tantaros holds Jackson and other black leaders responsible for intraracial violence in the black community by accusing them of not being involved in the community and not caring about such violence.

After the November announcement that Wilson would not be indicted, Fox News once again injected the 'black-on-black crime' theme into its coverage. In a segment with Giuliani, *Fox and Friends* uses several headline screen captions repeatedly referencing 'black-on-black crime', such as 'Not enough outrage: 93% of black victims murdered by same race' and 'Targeting the problem, Giuliani: they need to work on the 93%'.³⁹ The segment airs a clip of Giuliani arguing with sociologist Dr Michael Eric Dyson in which Giuliani asserts 'the white police officers wouldn't be there if you weren't killing each other'.⁴⁰ Giuliani uses 'you' to describe the black community at large and directs this at Dyson, suggesting that Dyson himself is responsible for any presence of violence in black communities. Much of the following discussion centres on the oft-repeated '93 per cent' statistic of black intraracial homicide. Giuliani minimises the issue of police killings of black persons and emphasises the 'black-on-black crime' theme, using menacing language to describe African Americans: 'the danger to a black child in America is not a white police officer - that's going to happen less than 1% of the time. The danger to a black child ... the danger is another black. 93% of the time they're going to be killed by another black.'⁴¹

On *Fox and Friends*, both hosts similarly minimise the policing-related issues raised by Ferguson in favour of pointing to those raised by Fox guest Sheriff David Clarke in an earlier interview:

Doocy: the problems are in the black community unemployment, you gotta look at education, you gotta look at opportunity as well ... *those* [emphasis his] are the things the President should be worried about.

Hasselbeck: The trap of government handouts ... a school system, which has them handcuffed ... to poverty.⁴²

Doocy's inflection and language imply that the issues of policing should not be addressed by the President. Hasselbeck further lays blame with the government by invoking the (meagre) welfare state, coded in talk of 'the school system' and 'handouts', as responsible for the events in Ferguson. Hosts Bill O'Reilly and Ingraham, too, deride claims of racism and raise the spectre of entitlement programmes when discussing Ferguson:

Ingraham (I): [Obama coming from] the politics of racial division, Eric Holder obviously demonising our immigration laws as racist, voter ID is racist, American society is racist – that's what most people on the left believe, Bill. They want a system of racial spoils in place to level the playing field and so when you start at policy from that point of view, we're kind of an evil country with an evil history of slavery and you gotta make the non-minority people pay as much as possible as often possible, you're gonna have deteriorating race relations and that's just where we are today. [crosstalk] I think a lot of white people are sick of it and a lot of black people are sick of it.

O'Reilly (O): Yeah, but the entitlement culture has benefitted a lot of African Americans and why would they think that the race relations are deteriorating? I can see why the whites would.

I: ... People like Holder and Obama allow this narrative to continue to get ...

O: The grievance narrative ...

I: Yeah, it's the grievance culture, it's the system's rigged against you and that's all they hear in school, that's all they hear in history books and meanwhile though the white working class, I think out there, the non-minority working class is like 'wait a second, I'm just trying to get by every day okay, I'm just trying to help my family' and they're kind of sick of it as well.⁴³

In addition to sarcastically addressing claims of racism in American society, Ingraham depicts social welfare programmes as 'a system of racial spoils', evoking imagery of conquest wherein African Americans are 'taking' from the white working class. While claiming African Americans play the victim with the 'grievance narrative', Ingraham also relegates racism to a thing of the past by referencing 'history books' and derisively referring to America's 'evil history'.

On *The O'Reilly Factor*, O'Reilly introduces a segment on why grand juries side with the police, in which he declares that fear of black men is reasonable given their disproportionate presence in the incarcerated population. He adds that

problems facing the black community are due to problems in the black community itself:

But most cops try to be fair ... Many politicians are too cowardly to tell you what Talking Points has just stated. They all know the truth. They all know the stats, but they refuse to discuss the core problems: poor education, poor family structure and an attitude of defiance toward law enforcement ... the collapse of the traditional family in African American precincts means fathers are not around, mothers are overwhelmed and parental guidance is scant ... That liberal attitude [demonising the police and not judging personal behaviour] empowers chaotic young people who are not held accountable from a very young age ... when [the regular folks] support the police by turning in violent people, when they speak out against teenage girls becoming pregnant and when they encourage solid family values, that's when the underclass crime problem will begin to subside.⁴⁴

O'Reilly slowly addresses each of these points to present a narrative that blames the black community for police violence. First, he raises the idea of the 'reasonable racist'⁴⁵ as he assures Fox viewers that fear of black men is completely reasonable, especially given their overrepresentation in prisons and jails. He then extends this argument, portraying cops as being treated unfairly because they are being fair when they are policing black communities. Giuliani similarly refers to absentee black fathers as the 'real' problem facing the black community and that crime in the black community would be solved by charter schools and black men taking responsibility for their children.⁴⁶

Much of the discussion about the black community centres on 'black-on-black' crime, which fits into the discourse of black criminality. Fox hosts often redirect the discussion from police violence to intraracial violence, effectively substantiating D. T. Goldberg's view that state-sanctioned racial violence is rationalised through robbing victims of their humanity and portraying state perpetrators (i.e. the police) as exceptional.⁴⁷ Once again, Fox puts forth the discourse of 'blaming the victim'⁴⁸ and 'redistributing responsibility'.⁴⁹ American society and its institutions (i.e. the police) are not responsible for police violence, rather, the fault lies with the fractured, dysfunctional black community. Fox essentially distracts from issues of police violence by arguing that the black community is to blame for any police violence because the police are forced to enter black communities.

O'Reilly and Giuliani, in particular, engage in this discourse of 'blaming the victim' through their sustained allegations of weak family structures and values – echoing the popular discourses of 'personal responsibility' and 'unwed mothers and deadbeat dads'.⁵⁰ They repeatedly criticise the black community, alleging that the bad behaviour of black youth is a direct consequence of teenage pregnancy, single mothers, and absent fathers. And Fox hosts often attack social welfare programmes as 'entitlement culture' and 'handouts' that the black community are taking from the white working class. The effect is to inflame racial animosity between whites and blacks across class.

Lastly, Fox plays repeatedly into the discourse of ‘the past is the past’.⁵¹ Fox personas repeatedly discredit the effects of racism throughout America’s history that have shaped modern racism. Ingraham associates racism with ‘history’ and ‘history books’, implying racism is over in America. Niger Innis similarly attacks the notion of a continuing presence of racism in America, by commenting that Obama failed to say ‘that America in 2014 is not Mississippi in 1964’.⁵² It is, as Goldberg explains, that people ‘rationalize that racism is a thing of the past, so contemporary racial inequities must be due to individual, or even group, inadequacies’.⁵³ And this complements discourses of personal responsibility which attack the black community over family, violence, and welfare, all of which serve to discredit the black community’s legitimate objections to injustices.

Blaming black protesters

From the outset, Fox News portrays the protests as a whole as violent, employing shocking headline screen captions and videos of activities designated as ‘looting’ and ‘riots’. In the early days of the unrest, *Fox and Friends* uses headline screen captions invoking violent imagery: ‘Missouri mayhem: riots, looting, gunfire and chaos in Ferguson’; ‘violent vigil: peaceful protest turns into chaotic riot’.⁵⁴ It goes to considerable lengths to portray the protests both in Ferguson and across the country in a bad light. Various Fox News hosts and contributors blame the protests for any number of problems, for example: ‘protesters who block traffic and keep people from getting to their jobs, which is probably increasing unemployment’.⁵⁵ They characterise protesters’ acts as criminal: ‘you cannot equate peace and justice and hold one hostage for the other’;⁵⁶ ‘lynch mob justice’;⁵⁷ and ‘People don’t get to take a public bridge from the public ... if you close down streets in [NYC], you kill people’.⁵⁸

Working to discredit the protesters yet further, *Fox and Friends’* hosts disparage them by saying that they are not ‘out there for freedom of speech, they’re out there to push their side’.⁵⁹ Portraying the protesters as degenerate party-goers, O’Reilly comments ‘protesters ... running around [NY] ... they were partying, taking pictures of themselves, smoking pot, drinking, running around, having a gay old time’.⁶⁰ Days later, Hannity derides the oft-used protest chants of ‘Hands up, don’t shoot’ and ‘I can’t breathe’, going on to describe the protesters as ignorant, saying they do not know anything about the cases.⁶¹ Sheriff David Clarke repeatedly attacks the foundation of the protests, asserting ‘this whole thing was premised on a lie. This “hands up don’t shoot”, this “black lives matter”’.⁶² Both Fox people attack the grievances expressed by the protesters by framing Brown as the only unarmed black person to ever be killed by police.

Fox also frames the protests as a threat to police. On several Fox News programmes, Giuliani appears to decry the demonstrations as violent. He alleges that protesters engaged in threats and violence against police officers:

If you hear what those people were saying at those rallies: ‘Kill the police’, ‘destroy the police’ there was a lot more violence at the rallies in New York

than was ever reported by any of the stations. Fox covered it, most others didn't. Police officers punched ... spat on, a police officer almost hit with an axe. There was a tremendous amount of violence, not just a little bit.⁶³

As Giuliani speaks, Fox airs a clip of a small group of people chanting, 'What do we want? Dead cops. When do we want it? Now!' Fox gives the impression that this group was associated with the large-scale Millions March protest when it was not.⁶⁴ Giuliani attributes the more extreme anti-police rhetoric of the minority to the protesters at large.

We've had four months of propaganda starting with the president that everybody should hate the police ... The protests, even the ones that don't lead to violence, and a lot of them lead to violence, all lead to a conclusion: the police are bad, the police are racists – that is completely wrong. Actually, the people who do the most for the black community in America are the police.⁶⁵

Giuliani discards the protest agenda against police brutality as propaganda, accusing the protesters of spreading hate against law enforcement. He then holds the police up as having done the most for the black community, which ignores all of the issues surrounding the police and African Americans such as over-policing of minorities, police misconduct, and police brutality.

Fox News often ties the protests to violence, even going so far as to accuse protesters of shooting police officers. With the headline screen caption 'Street justice: police officers shot in wake of DOJ report',⁶⁶ *Fox and Friends'* use of 'street justice' implies that a vigilante protester targeted the police to mete out punishment. On news and talk show *The Five*, hosts explicitly tie the protests to the shooting before the suspect (who allegedly was targeting a protester) was apprehended:

Guilfoyle: Let's set the scene. Protesters were angry from the start and their target was obvious. [shows video of anti-police language] Those words eventually gave way to violence.⁶⁷

The hosts and guests repeatedly claim that protesters were responsible for the shooting by saying their demonstrations 'gave way to violence' and that 'they shot two cops'.⁶⁸ Host Bolling also minimises the protesters' cause by arguing that they are not protesting on the basis of any grievances.

Fox's coverage of the protest movement against police brutality uses several themes that sustain the discourse once again of criminal black (wo)men. Hosts and guests frequently exaggerate the violence that occurred during the protests, undercutting the protest movement and its cause. Previous incidents of protests in the wake of police shootings of black men demonstrate the media's strategy of denigrating protesters and their calls for social justice.⁶⁹ Fox often refers to the protests as 'riots', 'mayhem', 'looting' and 'chaos', while calling the protesters 'thugs',⁷⁰ 'criminals' and 'lynch mobs'. By discrediting the protesters and their

grievances, Fox, of course, obstructs any meaningful discussion of racism in the criminal justice system, and the possibility of change.

Blaming the 'politics of racial division'

Even as Fox devotes extensive coverage to blaming racial inequalities and injustices on black people, it also dubs any other sort of explanation the 'politics of racial division'. On *The O'Reilly Factor with Laura Ingraham*, guest host Ingraham recites, 'these Obama Administration interjections have stoked racial discord in America and sown more distrust between minorities and some local law enforcement'.⁷¹ She diminishes the issues surrounding Ferguson, saying 'the country is facing serious national issues every day. We have a demoralized middle class, mass illegal immigration, major foreign policy quandaries – all that deserve serious and sustained attention so he [Obama] should stop micromanaging local police and stop playing the politics of division.'⁷²

On *Fox and Friends*, several headline screen captions criticise political fliers that reference the events in Ferguson and the shooting of unarmed black persons: 'Flier frenzy: Dem group uses Ferguson riots to get out vote'; and 'Crass campaign: ad: vote for Dems or Ferguson will repeat'.⁷³ Fox legal commentator Peter Johnson Jr attacks the ads, saying 'this is reminiscent of the Ku Klux Klan, this is reminiscent of the worst part of our American history ... I have never seen anything like this in my entire life especially coming from an established party in this country.'⁷⁴ In addition to framing this group as 'the real racists' by comparing them to the KKK, Johnson presents the political strategy as the worst example of politicians capitalising on the politics of fear and racial tensions. This of course ignores 'tough on crime' political ads every year that play on such tensions, with the most glaring example being the Republican Party's 'Southern Strategy', specifically the infamous Willie Horton ads of the 1988 presidential election.⁷⁵

The lines 'politics of racial division' and 'Ferguson is a distraction' further serve the previously noted reliance by Fox on 'denial and counterattack' and 'minimisation of racism'.⁷⁶ Johnson's commentary supports both positions. Discussing the political ads, he minimises concerns about racial injustice by calling the ads 'vile' and 'disgusting'. He rubbishes the idea that Ferguson could happen again if people do not vote for change (the death of Freddie Gray and subsequent unrest in Baltimore would occur only six months later). While framing racial injustice as a distraction, Ingraham, too, cites other issues facing the nation as much more important by focusing on those that speak to Fox viewers' interests: unemployment, the middle class, immigration, and the threat of terrorism. Fox News refuses meaningful discussion of racial injustice by constantly referring to other issues as more pressing for American society.

Fox News as an obstacle to addressing racism

This analysis has revealed the major discourses in Fox News' coverage of Ferguson, all of which portray the shooting of Michael Brown and subsequent

police response as unrelated to the systemic racism of the American criminal justice system.⁷⁷ But the language in which such events are presented is key. Wacquant, for example, argues that using ostensibly colour-blind language allows American society to reproduce an ethnoracial hierarchy through which African Americans are controlled by incarceration.⁷⁸ As previously discussed, Fox News often uses apparently colour-blind – but coded – language such as ‘thugs’ and ‘criminals’ to demonise African Americans. For Wacquant, the criminal justice system works to divide Americans into the ‘admirable’ working class – white – and the criminal and undeserving urban underclass, defined by their blackness.⁷⁹ Fox News does just what Wacquant describes, often positing the opposition between ‘working people’ and the black community. Fox hosts are seen to criticise recipients of ‘entitlements’ and ‘handouts’ while simultaneously portraying the white working class as suffering. And such a position allows the state not only to maintain white dominance, but effectively to absolve itself of any guilt for the impact of underlying racism.⁸⁰

In obstructing meaningful discussion of racism in the criminal justice system, Fox News sustains racial ideology – the matrix of explanations and justifications used by the dominant racial group to maintain the racial hierarchy across political, social, and economic structures,⁸¹ described by Omi and Winant in their racial formation theory as the interplay between ideological beliefs and social structures.⁸² Hall, too, describes how societies are structured in dominance by both class and race, with racism functioning to prevent the unity of the working class.⁸³ For Hall, there is “political compromise” between the white capitalist and the white working classes, and the consequent “supervising and policing” functions which white labour exerts over black’.⁸⁴

But there are also very specific means through which police officially sustain racism in their interactions with African Americans.⁸⁵ Skolnick and Fyfe, for example, explain how the police have long held the role of upholding white supremacy in American society through controlling African Americans. ‘[L]ike lynching, [police] brutality is employed to control a population thought to be undesirable, undeserving, and underpunished by established law ... They go beyond and above the law to achieve a fantasized social order.’⁸⁶ In the aftermath of Ferguson, many argue that lynchings parallel modern police shootings. Commenting on the parallels between the two, Equality Justice Initiative Director Stevenson asserts ‘the lynching era created a narrative of racial difference, a presumption of guilt, a presumption of dangerousness that got assigned to African Americans in particular – and that’s the same presumption of guilt that burdens young kids living in urban areas who are sometimes menaced, threatened, or shot and killed by law enforcement officers’.⁸⁷

Finally, after examining the themes, discourses and ideologies of Fox News’ coverage, the question remains, in the words of Norman Fairclough, as to whether or not ‘the social order “needs” this social wrong’.⁸⁸ In the sense of perpetuating racial ideologies, the answer would be yes. Fox News thus serves to manufacture

panic over African Americans, charging them with criminality, laziness and other undesirable traits, as well as blatantly framing them as directly victimising the white working class. Instead of using the Ferguson story to address racism in the criminal justice system, Fox News distracts its viewers from issues of racism with discussions of the black community as violent, welfare-abusing, and without family values.

In the words of Malcolm X:

As long as he is black and a member of the Negro community, the white public thinks that the white policeman is justified in going in there and trampling on that man's civil rights and on that man's human rights. Once the police have convinced the white public that the so-called Negro community is a criminal element, they can go in and question, brutalize, murder unarmed, innocent Negroes and the white public is gullible enough to back them up.⁸⁹

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How Fox News Changed American Media and Political Dynamics

May 21, 2015 9:00am by [Bruce Bartlett](#) (Below is an abridged version of the article that was originally published on The Big Picture website. The full article is [here.](#))

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## How Fox News Changed American Media and Political Dynamics

Bruce Bartlett

The creation of Fox News in 1996 was an event of deep, yet unappreciated, political and historical importance. For the first time, there was a news source available virtually everywhere in the United States, 24 hours a day, 7 days a week, with a conservative tilt. Finally, conservatives did not have to seek out bits of news favorable to their point of view in liberal publications or in small magazines and newsletters. Like someone dying of thirst in the desert, conservatives drank heavily from the Fox waters. Soon, it became the dominant – and in many cases, virtually the only – major news source for millions of Americans. This has had profound political implications that are only starting to be appreciated. Indeed, it can almost be called self-brainwashing – many conservatives now refuse to even listen to any news or opinion not vetted through Fox, and to believe whatever appears on it as the gospel truth.

### The Origins of Fox News

CEO Roger Ailes recruited conservative broadcasters wherever he could find them, sometimes on the fringes of the industry; one of his stars, Bill

O'Reilly, got his start doing gossip for "Inside Edition," a syndicated tabloid-style program. According to a Fox producer, all the top people at Fox were conservative or did a good job of playing the part:

The ideology at Fox was strictly a top-down affair. Roger [Ailes] was a conservative. All of his deputies were conservatives. Most of the hosts were conservatives, or at least were good at pretending to be while on television, if they knew what was good for them....The VPs, as near as I could tell, were all staunch conservatives, too. Whether by coincidence or design, Roger had effectively surrounded himself with fellow travelers.<sup>[16]</sup>

In its early years, Fox only needed to be in the objective center to be to the right of the other major networks, because they tilted to the left.<sup>[17]</sup> But Fox viewers were very right-wing from the start.<sup>[18]</sup> Numerous surveys show that Republicans and conservatives overwhelmingly favor Fox in their news viewing. A 2010 Pew survey found that Republicans and conservatives favored Fox over all other news sources except Rush Limbaugh. The survey also revealed that Fox had fewer well-educated (college graduate) and well-to-do (\$75,000+/year income) viewers than other news sources.<sup>[19]</sup> A 2015 PPP poll found that for 56 percent of Republicans, Fox was their most trusted news source.

**Table 1**  
**Most Trusted Media Outlet, 2015**  
**(percent)**

| <b>Most Trusted Outlet</b> | <b>Republicans</b> | <b>Democrats</b> |
|----------------------------|--------------------|------------------|
| ABC                        | 10                 | 14               |
| CBS                        | 8                  | 11               |
| CNN                        | 10                 | 21               |
| Comedy Central             | 0                  | 6                |
| Fox                        | 56                 | 11               |
| MSNBC                      | 2                  | 6                |
| NBC                        | 2                  | 6                |
| PBS                        | 7                  | 18               |
| Other                      | 6                  | 7                |

Source: Public Policy Polling<sup>[20]</sup>

**Table 2**

**Audience Profiles: Party and Ideology  
(percent)**

**Percent of each audience who Republican Democrat Independent**

| <b>are</b>          | <b>n</b> | <b>at</b> | <b>nt</b> |
|---------------------|----------|-----------|-----------|
| Rush Limbaugh       | 63       | 10        | 23        |
| Sean Hannity        | 62       | 6         | 29        |
| O'Reilly Factor     | 54       | 10        | 32        |
| Glenn Beck          | 53       | 9         | 33        |
| Fox News            | 44       | 21        | 28        |
| Wall Street Journal | 36       | 22        | 41        |
| USA Today           | 33       | 26        | 35        |
| News blogs          | 28       | 34        | 34        |
| Daily paper         | 28       | 34        | 33        |
| Local TV news       | 25       | 35        | 32        |
| TOTAL               | 25       | 33        | 34        |
| Sunday shows        | 24       | 37        | 32        |
| Network evening     | 24       | 35        | 34        |
| Morning shows       | 23       | 43        | 30        |
| News magazines      | 22       | 40        | 34        |
| CNN                 | 17       | 47        | 31        |
| MSNBC               | 14       | 53        | 30        |
| Daily Show          | 14       | 41        | 38        |
| NPR                 | 14       | 40        | 41        |
| Colbert Report      | 14       | 39        | 44        |
| Hardball            | 13       | 51        | 29        |
| Rachel Maddow       | 12       | 50        | 34        |
| New York Times      | 9        | 49        | 39        |
| Countdown           | 3        | 60        | 29        |

Source: Pew Research<sup>[21]</sup>



A 2014 poll showed that Fox’s popularity among Republicans has only grown, especially among seniors.<sup>[22]</sup> Fox has a very old viewership; according to Nielsen, its median viewer is 68 years old – great for ratings, but bad for advertising.<sup>[23]</sup> Companies tend to shun programs with an older demographic because seniors are assumed to be set in their ways and unlikely to be swayed by advertising to buy different products from those they are already using.<sup>[24]</sup>

Studies show that Fox viewers have a distinct set of political attitudes and voting patterns that are as much anti-liberal as they are conservative. Indeed, they have a different perception of political reality than those of all other television news viewers.<sup>[25]</sup> As media critic Michael Wolff put it early in the Fox era:

Fox is not really about politics....Rather, it’s about having a chip on your shoulder; it’s about us versus them, insiders versus outsiders, phonies versus non-phonies, and, in a clever piece of postmodernism, established media against insurgent media.<sup>[26]</sup>

### **Fox Moves Rightward**

In the George W. Bush years, however, and especially after the terrorist attacks on September 11, 2001, there was a noticeable shift in tone at Fox. Rather than being satisfied with a position relatively to the right of the other news networks, it began objectively tilting well to the right of center. The shift was immediately noticed by media observers.<sup>[27]</sup>

Whether driven by politics and ideology or simply by ratings, the shift proved highly successful.<sup>[28]</sup> As Harvard press analyst Alex Jones observed:

In a conservative time, a time of war, Fox viewers like their news from a strong American perspective, with flags rippling in graphics and a pugnacity toward the nation’s critics – the people John Gibson, host of Fox’s nightly “Big Story,” referred to last week as the peanut gallery. Such blunt speaking is a point of pride at Fox, which, for example, reports on “homicide bombers” in Israel, rather than “suicide bombers.”<sup>[29]</sup>

Economists and political scientists began studying the “Fox News Effect,” in which the introduction of Fox News on a cable system had a significant impact on voting for Republican candidates in that area.<sup>[30]</sup> It also caused both Republicans and Democrats in Congress to increase their support for Republican policies.<sup>[31]</sup>

Buoyed by its success as an explicitly conservative network, it appears that right-wing bias, including inaccurate reporting, became commonplace on Fox. For example:

- A study of network coverage of the Iraq and Afghanistan wars in 2005 found that Fox was alone in supporting the Bush administration during a period when the wars were going badly by any objective standard. It concluded that “scholars should consider Fox as alternative, rather than mainstream, media.”<sup>[32]</sup>
- Fox instructed its on-air talent to avoid using the term “public option” when discussing health reform and are required to say that global warming is merely a theory “based on data that critics have called into question.”<sup>[33]</sup>
- A 2010 study found that Fox actively spread rumors and inaccurate information about a proposed mosque planned for lower Manhattan.<sup>[34]</sup>
- A 2012 study found that Fox takes a dismissive tone toward climate change and interviews a much larger number of doubters than believers. Fox viewers are much more likely to be skeptical of global warming.<sup>[35]</sup> A 2014 study found that 72 percent of references to climate change on Fox in 2013 were misleading.<sup>[36]</sup>
- Fox consistently downplays gun violence.<sup>[37]</sup>

Fox’s bias is so bad that even some conservatives can’t stomach it. Senator Tom Coburn of Oklahoma, one of the most conservative Republicans in Congress, has said, “There are certain shows on Fox I can’t watch. Because they’re totally not fair and totally not balanced.”<sup>[38]</sup> And Fox’s slipshod handling of facts was even acknowledged by Newt Gingrich during the 2012 campaign. “One of the real changes that comes when you start running for President – as opposed to being an analyst

on Fox – is I have to actually know what I’m talking about,” he said. “It’s a severe limitation,” Gingrich added.<sup>[39]</sup>

It is widely known among public relations professionals that Fox has an “enemies list” of people who are not permitted to be interviewed on the network. All proposed guests are vetted by senior executives and banned if they have criticized Fox or hold views likely to rile its conservative viewers. Media reporter Jim Romenesko has documented many cases of Fox blacklisting.<sup>[40]</sup> I know for a fact that I am banned from Fox and blogger Andrew Sullivan and others have told me that they are, too. When I mentioned this publicly once, a *Washington Post* reporter looked into it and confirmed that I am indeed blacklisted.<sup>[41]</sup> Until my book critical of George W. Bush was published, I appeared on Fox regularly.

### **Fox Viewers Misinformed**

A number of surveys have found Fox views to be less well informed and more likely to have factually untrue beliefs than those who receive their news from mainstream sources. A 2003 University of Maryland study compiled a list of 9 misperceptions about the Iraq war, such as there being a link between Iraq and al-Qaeda and the existence of weapons of mass destruction in Iraq, neither of which were true, and asked people which of these misperceptions they believed. Fox viewers were more likely to be misinformed than those getting their news elsewhere.

**Table 3**

**Iraq Misperceptions Based on Primary News Source, 2003**

| Statement | Print PBS/NPR |     |     |     |     |      |   |
|-----------|---------------|-----|-----|-----|-----|------|---|
|           | Fox           | CBS | NBC | CNN | ABC | Medi | a |

Is it your impression that the US has or has not found clear evidence in Iraq that Saddam Hussein was working closely with the al-Qaeda terrorist organization? Percent incorrectly saying yes.

|                                                                                                                                                          |    |    |    |    |    |    |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|
| Since the war with Iraq ended, is it your impression that the US has or has not found Iraqi weapons of mass destruction? Percent incorrectly saying yes. | 67 | 56 | 49 | 48 | 45 | 40 | 16 |
|                                                                                                                                                          | 33 | 23 | 20 | 20 | 19 | 17 | 11 |

Source: Program on International Policy Attitudes<sup>[42]</sup>

A follow-up study in 2010 questioned people about misperceptions related to domestic issues. Again, Fox viewers were more likely to be misinformed and hold incorrect views than those primarily getting their information elsewhere. As the study found:

Those who watched Fox News almost daily were significantly more likely than those who never watched it to believe that:

- most economists estimate the stimulus caused job losses (8 points more likely)
- most economists have estimated the health care law will worsen the deficit (31 points)
- the economy is getting worse (26 points)
- most scientists do not agree that climate change is occurring (30 points)
- the stimulus legislation did not include any tax cuts (14 points)
- their own income taxes have gone up (14 points)

- the auto bailout only occurred under Obama (13 points)
- when TARP came up for a vote most Republicans opposed it (12 points)
- and that it is not clear that Obama was born in the United States (31 points)

These effects increased incrementally with increasing levels of exposure and all were statistically significant. The effect was also not simply a function of partisan bias, as people who voted Democratic and watched Fox News were also more likely to have such misinformation than those who did not watch it – though by a lesser margin than those who voted Republican.<sup>[43]</sup>

A 2011 survey found that Fox viewers were much more likely to be ill-informed about the Affordable Care Act than those of CNN or MSNBC. People were asked 10 questions about the legislation. Fox viewers tended to get more of them wrong.

**Table 4**  
**Statements About the Health Law**  
**(percent)**

| <b>Information source</b> | <b>Low scorers0-4 correct</b> | <b>Moderate scorers5-6 correct</b> | <b>High scorers7-10 correct</b> |
|---------------------------|-------------------------------|------------------------------------|---------------------------------|
| CNN                       | 27                            | 39                                 | 35                              |
| Fox                       | 36                            | 40                                 | 25                              |
| MSNBC                     | 24                            | 36                                 | 39                              |

Source: Kaiser Family Foundation<sup>[44]</sup>

Another 2011 survey by the Public Religion Institute found that Fox viewers were more likely to believe that whites are as discriminated against as members of minority groups and to hold silly and bigoted views toward Muslims.

**Table 5**  
**Discrimination Against Whites Now as Big a Problem as Minority Group Discrimination (percent)**

| Group                        | Agree Disagree |    |
|------------------------------|----------------|----|
|                              | e              | e  |
| Most Trust Public Television | 23             | 75 |
| Blacks                       | 29             | 68 |
| Hispanics                    | 30             | 66 |
| Democrats                    | 36             | 62 |
| Millennials (18-29)          | 44             | 54 |
| Independents                 | 45             | 52 |
| General Public               | 46             | 51 |
| Seniors (65+)                | 51             | 46 |
| Whites                       | 51             | 46 |
| Republicans                  | 60             | 40 |
| Tea Party                    | 63             | 36 |
| Most Trust Fox News          | 68             | 31 |

Source: Public Religion Institute<sup>[45]</sup>

**Table 6**  
**Attitudes Toward American Muslims by Trusted Media Source (percent)**

| Statement                                                        | Broadca |      |     |       | Gener |        |
|------------------------------------------------------------------|---------|------|-----|-------|-------|--------|
|                                                                  | Foxst   | News | CNN | MSNBC | PBS   | al     |
|                                                                  |         |      |     |       |       | Public |
| Muslims want to establish Sha'ria law.                           | 52      | 28   | 20  | 29    | 23    | 30     |
| American Muslims NOT important part of U.S. religious community. | 60      | 35   | 41  | 36    | 29    | 43     |
| Values of Islam are at odds with American values.                | 68      | 45   | 37  | 39    | 37    | 47     |

Source: Public Religion Institute<sup>[46]</sup>

Also in 2011, Fairleigh Dickinson University surveyed New Jersey residents on their knowledge of various foreign and domestic issues in the news. It found that Fox viewers were consistently more likely to have an incorrect understanding than those getting their news elsewhere. As the study found:

People who watch Fox News, the most popular of the 24-hour cable news networks, are 18-points less likely to know that Egyptians overthrew their government than those who watch no news at all (after controlling for other news sources, partisanship, education and other demographic factors). Fox News watchers are also 6-points less likely to know that Syrians have not yet overthrown their government than those who watch no news.

“Because of the controls for partisanship, we know these results are not just driven by Republicans or other groups being more likely to watch Fox News,” said Dan Cassino, a professor of political science at Fairleigh Dickinson and an analyst for the PublicMind Poll. “Rather, the results show us that there is something about watching Fox News that leads people to do worse on these questions than those who don’t watch any news at all.”<sup>[47]</sup>

A follow-up poll in 2012 asked New Jersey residents 4 questions about domestic and foreign policy issues in the news. Again, Fox viewers were more likely to answer incorrectly. Said the report:

The study concludes that media sources have a significant impact on the number of questions that people were able to answer correctly. The largest effect is that of Fox News: all else being equal, someone who watched only Fox News would be expected to answer just 1.04 domestic questions correctly — a figure which is significantly worse than if they had reported watching no media at all. On the other hand, if they listened only to NPR, they would be expected to answer 1.51 questions correctly; viewers of Sunday morning talk shows fare similarly well. And people watching only “The Daily Show with Jon Stewart” could answer about 1.42 questions correctly.<sup>[48]</sup>

A 2015 Fairleigh Dickinson national poll again found that Republicans and Fox viewers were more likely to be misinformed about factual

matters relating to public policy such as the false beliefs that there were weapons of mass destruction in Iraq and that Barack Obama is not a citizen of the United States.

**Table 7**  
**American Forces Found an Active Weapons of Mass Destruction Program In Iraq**  
**(percent)**

|                            | <b>Definitely true</b> | <b>Probably true</b> | <b>Probably not true</b> | <b>Definitely not true</b> | <b>Don't know/refused</b> |
|----------------------------|------------------------|----------------------|--------------------------|----------------------------|---------------------------|
| <b>Party</b>               |                        |                      |                          |                            |                           |
| Republicans                | 14                     | 37                   | 22                       | 18                         | 9                         |
| Democrats                  | 8                      | 24                   | 24                       | 38                         | 7                         |
| Independents               | 8                      | 38                   | 21                       | 21                         | 12                        |
| Total                      | 11                     | 31                   | 23                       | 26                         | 10                        |
| <b>Primary news source</b> |                        |                      |                          |                            |                           |
| CNN                        | 12                     | 29                   | 23                       | 28                         | 8                         |
| Fox                        | 18                     | 34                   | 26                       | 15                         | 8                         |
| MSNBC                      | 2                      | 12                   | 24                       | 55                         | 7                         |
| Daily Show                 | 11                     | 20                   | 37                       | 28                         | 5                         |

Source: Farleigh Dickinson University<sup>[49]</sup>



**Table 8**  
**President Obama Is Not Legally a Citizen of the United States**  
**(percent)**

|                            | Definitely true | Probably true | Probably not true | Definitely not true | Don't know/refused |
|----------------------------|-----------------|---------------|-------------------|---------------------|--------------------|
| <b>Party</b>               |                 |               |                   |                     |                    |
| Republicans                | 10              | 24            | 27                | 30                  | 9                  |
| Democrats                  | 3               | 4             | 14                | 75                  | 4                  |
| Independents               | 6               | 16            | 20                | 46                  | 12                 |
| <b>Total</b>               | <b>6</b>        | <b>13</b>     | <b>21</b>         | <b>51</b>           | <b>8</b>           |
| <b>Primary news source</b> |                 |               |                   |                     |                    |
| CNN                        | 4               | 9             | 20                | 62                  | 5                  |
| Fox                        | 11              | 19            | 30                | 30                  | 10                 |
| MSNBC                      | 2               | 5             | 5                 | 81                  | 7                  |
| Daily Show                 | 5               | 11            | 11                | 72                  | 1                  |

Source: Farleigh Dickinson University<sup>[50]</sup>

### **Fox Peddles Propaganda**

A number of Fox competitors and others have charged that Fox long ago ceased being anything remotely akin to an objective news source and now functions basically as a propaganda arm of the Republican Party.

- CNN president Jeff Zucker told the Television Critics Association in 2014, “The Republican Party is being run out of News Corp. headquarters masquerading as a cable news channel.”<sup>[51]</sup>
- Political scientist Jonathan Bernstein: “It’s a real mistake to call Fox a conservative channel. It’s not. It’s a partisan channel....To begin with, bluntly, Fox is part of the Republican Party. American political parties are made up of both formal organizations (such as the RNC) and informal networks. Fox News Channel, then, is properly understood as part of the expanded Republican Party.”<sup>[52]</sup>

- Pulitzer Prize-winning journalist Thomas Ricks: “I think the emphasis on Benghazi [on Fox] has been extremely political, partly because Fox is operating as the wing of the Republican Party.”<sup>[53]</sup>
- Former *New York Times* executive editor Howell Raines: “For the first time since the yellow journalism of a century ago, the United States has a major news organization devoted to the promotion of one political party.”<sup>[54]</sup>

In the wake of a rare Fox apology for the extreme anti-Muslim views of one of its contributors, which were widely ridiculed in the European press, Pulitzer Prize-winning columnist Leonard Pitts Jr. of the *Miami Herald* said of the news channel:

In America, it has come to seem normal that a major news organization functions as the propaganda arm of an extremist political ideology, that it spews a constant stream of racism, sexism, homophobia, Islamophobia, paranoia and manufactured outrage, and that it does so with brazen disregard for what is factual, what is right, what is fair, what is balanced — virtues that are supposed to be the sine qua non of anything calling itself a newsroom.<sup>[55]</sup>

Although this arrangement unquestionably aids Republicans in winning elections and votes in Congress, it is not without its downsides. One is that Fox now exercises such powerful control over the GOP that it has become the party’s kingmaker in presidential primaries.<sup>[56]</sup> Indeed, during the 2012 election cycle, a number of aspirants for the Republican nomination had been paid Fox commentators, including Newt Gingrich, Rick Santorum, Sarah Palin and Mike Huckabee.<sup>[57]</sup> And woe to the Republican who runs afoul of Fox’s top brass or ignores their advice, as Mitt Romney did on one occasion in 2012.<sup>[58]</sup> Fox is now so important in GOP primaries that candidates must put aside pressing campaign concerns when summoned to a Fox interview, where any error is magnified within the Republican bubble.<sup>[59]</sup>

Gingrich complained that Fox opted in favor of Mitt Romney early on. “I think Fox has been for Romney all the way through,” Gingrich said behind closed doors in April 2012. “In our experience, Callista [Newt’s wife] and I both believe CNN is less biased than Fox this year. We are

more likely to get neutral coverage out of CNN than we are of Fox, and we're more likely to get distortion out of Fox. That's just a fact."<sup>[60]</sup>

In 2015, however, Romney found himself on the wrong side of the Fox News primary, when Rupert Murdoch turned thumbs down on his candidacy. As the *New York Times* reported, "It is hard to recall a display of animus as unsubtle as the one Mr. Murdoch and corners of his media empire have unleashed on Mr. Romney in the past few weeks as he has tried to build support for a third presidential run."<sup>[61]</sup> Romney soon dropped out of the 2016 race.

Another problem is that Republican voters get so much of their news from Fox, which cheerleads whatever their candidates are doing or saying, that they suffer from wishful thinking and fail to see that they may not be doing as well as they imagine, or that their ideas are not connecting outside the narrow party base. As a recent academic study found:

Exposure to programs featured on Fox News, such as those hosted by Bill O'Reilly and Sean Hannity, resulted in a greater wishful thinking effect by Romney supporters. In other words, while Romney supporters were substantially more likely to predict their candidate would win the 2012 presidential election, watching Fox News programming exacerbated this effect.<sup>[62]</sup>

It may be that some Republican Fox viewers became complacent and didn't work as hard as they might if they had been more aware of how badly Romney was doing in the final days of the campaign.

### **Conservative Blowback**

Consequently, some political observers now question whether Fox is a net plus or a net minus for Republican presidential candidates. As Columbia University political scientist Lincoln Mitchell put it after Romney's loss:

Fox has now become a problem for the Republican Party because it keeps a far right base mobilized and angry, making it hard for the party to move to the center or increase its appeal, as it must do to remain electorally competitive....One of the reasons Mitt Romney was so unable

to pivot back to the center was due to the drumbeat at Fox, which contributed to forcing him to the right during the primary season. Even after the primary season, when Fox became a big supporter for Romney, the rift between official editorial position and the political feelings of Fox viewers and hosts was clear.<sup>[63]</sup>

Former George W. Bush speechwriter David Frum perhaps put the complicated, double-edged relationship between Fox and the GOP best when he said, “Republicans originally thought that Fox worked for us and now we’re discovering we work for Fox. And this balance here has been completely reversed. The thing that sustains a strong Fox network is the thing that undermines a strong Republican party.”<sup>[64]</sup>

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[19] “Americans Spending More Time Following the News,” [\*Pew Research\*](#) (September 12, 2010). Note: Sean Hannity, Bill O’Reilly and Glenn Beck were all on Fox at the time.

[20] “Americans Closely Divided on Brian Williams,” [\*Public Policy Polling\*](#) (February 26, 2015).

[21] “Americans Spending More Time Following the News,” [\*Pew Research\*](#) (September 12, 2010): 56. Note: The Daily Show and the Colbert Report are comedy shows, not straight news.

[22] [\*Ibid.\*](#)

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