

MEGA-MAGA

Biden's Other Formidable Opponent in 2024

Fox News has never been more nakedly partisan. Can Biden fend off the network as he battles Trump for reelection?

ILLUSTRATIONS BY PETE REYNOLDS

Nina Burleigh / December 28, 2023

On October 6, the U.S. Bureau of Labor Statistics released its monthly jobs report for September. The numbers were extremely positive, with 336,000 jobs added, almost double the forecast. Most media outlets were reporting the numbers as a sign of improvement in the economy—which they are. But Fox reported otherwise. On his prime-time show that night, host Jesse Watters called the report “a straight-up scandal.” He accused the Biden administration of “cherry-picking and double counting the numbers.” As he babbled, chyrons drove home the point in capital letters, for anyone watching with the sound down, in, say, a bar or a gym: “Biden’s Jobs Numbers Scandal” and “Biden’s Economy Is Smoke & Mirrors.”

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That day, the network flooded all its zones with the same shade. A Fox Business segment hosted Strategic Wealth Partners “investment strategist” Luke Lloyd, who opined that the good numbers merely proved Joe Biden’s socialism. “My reaction? We are becoming a more socialistic country, and these job numbers prove it,” he said. “We’re taking jobs from the private sector and creating them in the public sector. And who’s financing those jobs? Me, you, and the viewers, through inflation.... Government spending is going to keep inflation in the game.”

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Fox's online articles even used the good news to bash Biden for alleged character flaws and promote Donald Trump. One article online that day quoted a variety of MAGA social media posts, including an X post: "Biden is a pathological liar. Every sane American can confidently state that they were financially better off under Trump."

All that was just Day One. For the next week, the network served up a chorus of boos for the unemployment numbers. The next morning, hosts of *Fox & Friends Weekend* discussed the U.S. employment data over a chyron announcing, "Biden Criticized Over Handling of Economy." Host Will Cain reported that the good jobs numbers were actually very bad news in a period of "runaway inflation," and that more people working was simply going to drive up prices even further. "I got to tell you, when I'm out there talking to friends who are either in real estate or financing, there's a great amount of fear about this economy and what could happen over the next 12 months ... inflation goes high and interest rates goes high."

As we head into the 2024 election, this is the messaging tone we can expect the nation's most-watched cable network to spew hourly. No matter who the Republicans run, Fox will exist as an open adversary to Joe Biden—his *other opponent*. The network has always gone after Democrats—it did this to Hillary Clinton, Barack Obama, John Kerry, and Al Gore. But this election year is different. It is a crisis for American democracy, a crisis that is in no small part Fox's making. And it's not clear that Democrats have any plan for how to handle their other—perhaps even the stronger—2024 adversary.

From its earliest days, Fox energized the conservative vote and pushed nonaligned voters into the Republican fold. A study of almost 10,000 U.S. towns, among the first to get Fox on cable between its 1996 launch and 2000, found a "significant" change in voting behavior affecting both the Republican vote share in the Senate and voter turnout. The researchers estimated Fox persuaded between 3 and 28 percent of its viewers to vote Republican.

What they didn't know then was how long it would last, and that it would become a mass radicalization operation. "The Fox News effect could be a temporary learning effect for rational voters, or a permanent effect for nonrational voters subject to persuasion," the authors wrote. Almost three decades on, we know the effect was

permanent—and has only gotten more entrenched and extreme. “Fox operates as an adversary to Biden and Democrats every day,” said Democratic pollster Celinda Lake. “The single biggest predictor of attitudes that climate change is not human-caused is watching Fox. We include it in our polling as a variable. And it is the number one news source of Republicans and Republican-leaning independents.”

The Dominion lawsuit settlement cost Fox a cool \$787.5 million. The money was perhaps less damaging to the brand than the evidence. The plaintiffs acquired texts and emails showing a “news” division reporting statements it knew to be lies as fact, anchors being deeply cynical about journalistic practice, and an enterprise willing to take a sledgehammer to the foundation of American democracy—trust—all in order to keep its lucrative position as broadcaster to the MAGA movement. In the wake of the settlement, Fox is a “news” operation in name only. It has dispensed with all standard practice. It routinely ignores landmark events—congressional hearings on the worst assault on the seat of American democracy since the war of 1812, indictments of a former president, numerous guilty pleas by fascist insurrectionists, for example—if they are unfavorable to MAGA.

But MAGA promotion isn’t the only thing, or even the main thing. Fox is an anti-Biden meme factory. If Biden pauses during a speech, or appears to lose his footing on a podium, the network will cut and loop the video for hours, making the president look demented, as every guest is invited to banter about his age. “They frame him as both a doddering old fool who is suffering from dementia and a mastermind who is secretly plotting things,” said Juliet Jeske, among a small group of researchers who log Fox broadcasts daily.

When Fox isn’t looping selectively cut video of Biden, it is trying to prove he is such an evil genius that he pulled off a grand financial scheme with his son without leaving a trace. At other times, Biden is a mere front man, and Obama is secretly running his administration.

No amount of good economic news penetrates the wall of anti-administration sound. The effect of Fox’s selective coverage on Biden’s favorability is quantifiable. A Harris poll in September—with unemployment at historic lows—asked Americans one question: Do you think unemployment is at a 50-year high? Sixty percent of Republicans said yes. And so did 40 percent of Democrats. While Fox

can't take credit for all this, its relentless hourly assault on factual good news about the economy is surely a factor.

"To see such a separation from reality about an objective measure of fact is disturbing and an indictment of how Americans are underinformed, misinformed, and disinformed," said Milo Vassallo, a New York allergist who was so outraged by Fox that he became a founding member of an organization called the Media and Democracy Project, or MAD. "Where is the White House in messaging labor statistics? It is doing what it can do in an information environment that needs engagement and clicks and is designed for algorithmic engagement," he said. "But 98 percent of Democrats and 99 percent of its donors have absolutely ceded the battleground in the information war."

Vassallo raises the key question. Is the Biden campaign, are the Democrats generally, ready for this? A debate rages right now in Democratic circles about how the party and its officials should deal with Fox—to refuse to appear on the network and instead expose the corruption at its heart, or to play ball with it and try to outsmart it. There are good arguments on both sides. Wherever Biden and his people come down, they need to do so understanding that Fox isn't merely an unfriendly media property. It's an opponent, and one with a press pass and the First Amendment to shield its lies.



How Was This Allowed to Happen?

Fox operating as an open adversary to a Democratic president wasn't exactly unexpected. Rupert Murdoch came to the United States in the 1970s after building a media empire in Australia and the U.K. That empire was erected on a then-novel concept: that giving consumers the news they want to hear makes money. London newsstands sold seven or eight different newspapers, each providing a specific political take on how the world works. Murdoch's insight was to recognize that, in the media business, confirmation bias was a quicker pound. Soon it would be a quicker buck.

By the mid-1980s, Murdoch was buying up local broadcasting stations to form what would become the Fox Broadcasting Company, and ultimately, on cable, the Fox News Channel. Murdoch cloaked his ambitions in the guise of free speech: Fox would be the nation's fourth network, offering viewers and advertisers another option besides the three networks and PBS. The FCC had long supported the idea that American consumers needed more broadcast sources, but it hadn't seemed financially feasible until Murdoch came along and made it happen—chiefly by acquiring some of the Sunday afternoon football rights in 1993, when he massively outbid the previous holder of those rights, CBS.

Soon, he had almost 30 broadcast licenses and Sunday football. The channel started out innocuously enough, broadcasting *The Simpsons* and other entertainment created by the studio 20th Century-Fox, which Murdoch had also bought.

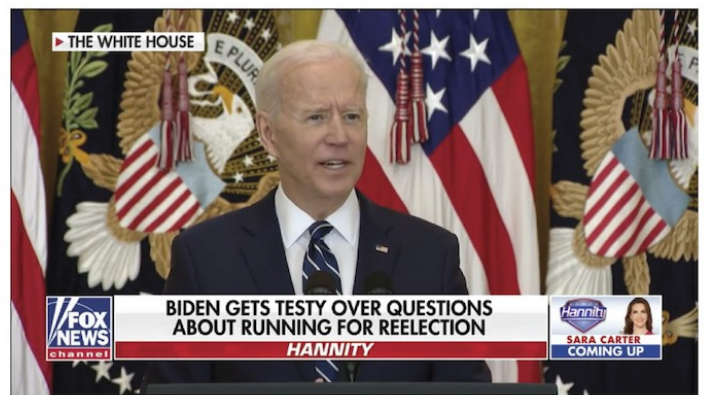
Creating Fox Broadcast, Murdoch's lawyers and lobbyists surmounted a variety of regulatory and legal hurdles. Murdoch owned too many media concerns in some of the broadcast areas. So he finagled waivers of the Financial Interest and Syndication Rules, or Fin-Syn. He was not an American citizen (easily overcome with the "fastest citizenship application granted in history," as one of his counselors at the time joked to me). But his company, News Corp, still owned 99 percent of the equity in the Fox stations. When he was challenged on that, in the mid-1990s, he applied for and was granted by the FCC a waiver based on the assumption that his fourth network was "in the public interest."

Preston Padden was Murdoch's chief lobbyist through most of those years, one of the men who helped him get the broadcast licenses and waivers. "I believed 1,000 percent of what we were doing in building a fourth free-over-the-air broadcast network," he says now. "I believed that was good for viewers. It gave them another choice; it was good for advertisers, it gave them another choice; it was good for local stations and good for America."

Today, though, Padden is an anti-Trump Republican who argues that Fox violates a public interest requirement for U.S. broadcast license ownership. He has joined with progressives and other former or Never Trump Republicans in trying to get the FCC to yank one of those licenses, in Philadelphia, which happens to be the only

one up for renewal at this time.

“For the first time in FCC history, an applicant for a broadcast license renewal has been found by a judge [in the Dominion lawsuit] to have broadcast false news,” Padden said. “Can you imagine Walter Cronkite broadcasting false news every night?”



Fox uses chyrons to highly partisan effect. These are all from the same Biden 2021 press conference.

SCREEN SHOTS FROM FOX NEWS

The list of informal objectors in the challenge to Murdoch's license includes former FCC Chairman Alfred C. Sikes, who was appointed by George H.W. Bush and served between 1989 and 1993. He not only regrets his role, but he has abandoned the Republican Party altogether. “I was in favor [of waivers for Murdoch], because in the network world there was only PBS, ABC, NBC, [and] CBS,” Sikes told me. “Broadcast was dominant, the leading forces in information. And I thought having a fourth network would be a good thing.”

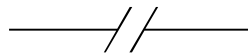
A later FCC chairman, Clinton appointee Reed Hundt, thinks the Republicans cannot have been unaware of Murdoch's goal. Hundt met Murdoch at a dinner party at the mogul's home in Los Angeles in 1994. By then, Murdoch had his

citizenship, and his licenses—and his plan. “Rupert explained the whole plan to me, and everything happened over almost 30 years exactly the way he said it would occur. There was no surprise about any of it,” said Hundt. Murdoch told Hundt he would build out his Fox broadcast channels on the nascent cable system and grab eyeballs through sports. “The way to get the cable conduits was to have the broadcast channels they had to carry,” Hundt said. “His move was to acquire the rights to television football.... Murdoch knew if you gave a certain swatch of America football, you could turn them into sheep.”

Hundt said Murdoch bragged that he planned to do in the United States what he did with newspapers in England. “I said, ‘What’s that?’ And he said, ‘We divided the audience into groups and gave them what they want to hear.’ I said, ‘Gosh.’ And he said, ‘You can’t really do anything about it at the FCC because of the First Amendment. So this country is easy pickings for me.’ Well, he didn’t say easy pickings, but this is the story he laid out.”

Hundt thinks Republicans were eager for a network that leaned right: “They wanted this to happen.” Sikes denies that. “Murdoch did not come to FCC and say, we need a conservative voice, grease the skids. That was not the pitch. The pitch was we have an oligopoly of three networks, and we need competition.” In retrospect, Sikes thinks Murdoch ate the FCC for lunch. “Rupert is a bit like an anglerfish. He has a very charming way about him that causes people to underestimate him. There’s a predator-prey relationship that the anglerfish uses to get what he wants to eat.”

Sikes and Padden might be genuine about accepting Murdoch’s benign intentions. But it is hard to imagine that, after Murdoch’s right-wing media empire in the U.K., and his flipping of the *New York Post* from a liberal to a conservative tabloid practically overnight when he bought it in 1976, they didn’t have some inkling of how rightward his “news” would be pitched. The truth is, Murdoch’s scorn for American objective, fact-based journalism—and now his toxic creation’s assault on American democracy itself—was enabled every step of the way by lawyers, politicians, regulators, and advertisers, who, it must be said, were bought, at the expense of something priceless. Some have come to regret it deeply: As Padden says now, who can imagine Walter Cronkite violating the rules of American journalism every night, and still calling it news?



Do the Democrats See What They're Up Against?

Roger Ailes built and maintained Fox as a TV version of Rush Limbaugh's right-wing, outrage-fluffing radio program. Starting in the late 1980s, Limbaugh had proved that a man could get very rich warning Americans about the liberal media, commies, and feminazis. So Ailes constructed Fox as a "news" source for the world's Archie Bunkers. "The people you know live in this moment," Ailes once told the journalist Michael Wolff. "The people who Fox is for live in 1965."

At first, Fox still hewed to some of the standards of American journalism. "Fair and Balanced," the main motto Fox News used when it launched in 1996, was actually delivered as a kind of wink—conservative insult comedy would balance the liberal media Rush Limbaugh had been yelling about on talk radio. Anchors Bill O'Reilly and Sean Hannity were undeniably biased—but actual journalists worked behind the scenes, even while the network's shtick was attacking Democrats. In the Obama years, Fox ratcheted it up, serving up racist dog-whistling, Red-scaring propaganda daily on everything from Obama's supposed radical left connections to incessant lies about Obamacare. Under Trump, the guardrails just came off completely, so that now the network is an unabashed amplifier and launderer of radical right-wing ideas that used to be the province of 4chan and Idaho white supremacists.

When Ailes fell on the #MeToo sword and then died months after Trump was elected, the new president de facto replaced him as The Boss. For the next five years, bookers would make decisions about guests and producers about coverage choices according to Trump's ravings and whims—from Covid being no worse than the flu to the impeachable attempt to bribe Ukraine for dirt on Biden being just a "perfect phone call" to Volodymyr Zelenskiy. In this way, Fox came to own the MAGA crowd, raking in ratings and money.

But there was a flip side to this windfall: Fox became hostage to Trump's audience. On election night 2020, Fox political analysts faced a choice—whether to call Arizona for Biden, which some of the numbers showed. Murdoch, who had masked up and had always taken Covid very seriously, was tired of Trump: Arizona for Biden. Trump was enraged, promised revenge. Fox might have cut the cord. But its

financial fortunes were too enmeshed with the billionaire from New York. The anchors led the way back in line, even as they didn't believe the election lie. At least one of them—Carlson—hated Trump “passionately.”

The Fox propaganda machine is only the loudest node in an information universe of paid right-wing influencers, fake journalists, bots, and disinformation peddlers. And going into 2024, perhaps the most consequential election in American history, Democrats still have no plan for how to counter it.



“Our discourse has been heavily manipulated over a long time,” said Simon Rosenberg, a Democratic Party strategist and activist. “We are not even having a conversation about it. There is no place to have the conversation about how our daily discourse is being manipulated by Fox, and also foreign countries. There is no effort by people to come to terms with how the discourse is being manipulated and poisoned, either at the governmental or political level. I don’t know that our democracy will survive if there isn’t a broad strategic response.”

Fox has now held a prominent position in the national media ecosystem for nearly

three decades. For most of those years, it has been treated like a news organization, even if what it produced wasn't standard journalism. Fox correspondents get front-row seats at the White House press briefing room alongside the other national broadcast outlets. Prominent Democrats appear on its shows. But some strategists and anti-Fox activists think elected Democrats and other liberals should freeze out Fox in the coming election cycle. They argue that Democrats who go on the network give Fox legitimacy, allowing Murdoch to point to them as evidence of their objectivity with advertisers and even Wall Street.

"They should be pushed out of the press briefing room. At minimum, they shouldn't be in the front row," said Angelo Carusone, chairman and president of Media Matters for America and a prominent anti-Fox crusader. "If a super PAC was in the front row, people would think that's crazy."

Media critics have been begging Democrats to stay off Fox for years. "All you end up doing is serving the internal pitches of Fox to advertisers and cable providers," said Vassallo, citing Carusone's work. "Rupert and now Lachlan [Murdoch, Rupert's son and the current Fox CEO] can go to advertisers every quarter, and pitch what it's going to cost for an ad buyer to run a Downy soap ad on *The Ingraham Angle*. And they can say that, actually, we do get Democrats. And it gives a normalcy that is powerful with the pitches."

In 2009, the Obama administration briefly tried to freeze out Fox, with mixed success. Besides constant prime-time insults from Hannity and Glenn Beck, the network had run a program on Obama's school safety official Kevin Jennings—whom Republicans opposed because of his advocacy for protections for LGBTQ students—with the chyron "School Czar's Past May Be Too Radical." According to *The New York Times*, Fox broadcast what it called urgent news coverage of a video showing schoolchildren "singing the praises, quite literally, of the president," which Tucker Carlson called "pure Khmer Rouge stuff." The Obama administration at one point tried to exclude Fox from certain interviews, but other broadcasters objected. Jake Tapper, then at ABC, even called Fox a "sister organization" in a pressroom discussion with Obama's press secretary, Robert Gibbs. Historically, the White House Correspondents' Association is involved in decisions about broadcaster access and rank. I was told the association could face legal liability if it tried to restrict the network.

Since the rise of Trump and the Dominion revelations, the climate for Fox among other media is different, and so are the stakes for American democracy. Tapper now publicly calls Fox a cancer. Democratic strategist Doug Gordon, co-founder of the political messaging firm UpShift Strategies, believes if Democrats isolate Fox today, other media outlets might not come to its defense. “The Dominion stuff and all those emails and texts broke the camel’s back on this,” Gordon said. “There is no news division at Fox. You used to have reporters saying Hannity is nuts, but there are solid reporters working there. You don’t hear that writ-large defense anymore. Democrats can take advantage of that.”

Democratic staffers on Capitol Hill still talk to Fox reporters, and members of Congress occasionally appear. But there is great disagreement over whether they should. Media Matters logged at least 135 Democrat appearances on Fox in 2023 through October 13, including 45 members of Congress. The most frequent guests were kind of an odd couple: California progressive Ro Khanna and Texas’s Henry Cuellar, one of the House’s more conservative Democrats. Joe Manchin came in at fourth.

Some Democratic regulars are more skilled than others at parrying Fox hosts. One of the best is Transportation Secretary Pete Buttigieg, who pivots off leading questions and goes after Republicans for trying to cut funding for rail. California Governor Gavin Newsom appears on Sean Hannity (the two appear to have a left-right bro thing going on). Newsom even agreed to a 90-minute Hannity-moderated red state-blue state debate with Florida Governor Ron DeSantis. When Hannity starts talking about Biden’s supposed cognitive decline, Newsom always brings up Trump’s ravings and gaffes.

“Those are examples of how you do it. You do not buy into their framing, you have to push back,” said journalist Aaron Rugar, who watches around 20 hours of Fox a week. He thinks Democrats should avoid Fox appearances unless they are prepared to be adversarial and push back strongly on hosts. “They are still chopping up 10- to 15-second clips to make them look as bad as possible,” Rugar said. “You might win the battle but lose the war. I get the argument, there is a huge audience there, but I would say don’t do it, because you are lending credibility.”

Biden strategists, however, reject that. The campaign’s rapid response director,

Ammar Moussa, told me there are two reasons they can't afford to write off the Fox audience. First, it consists largely of seniors who care about Social Security and Medicare; and second, independents and self-described Democrats are among the viewers. "It is the most-watched cable news network," Moussa said. "We can't write it off entirely; the vacuum is too large. From a political perspective, there is a needle to thread. It is not just Fox TV but Fox Digital. And it is often a losing battle, but just sometimes losing 70 to 30 is better than losing 100 to zero."

Other consultants agreed. "Until we decide to do a partywide boycott, we need to go on and fight," said Simon Rosenberg. Pollster Celinda Lake added, "My beef is that they won't go on." Lake's polling finds that 41 percent of independents say Fox is their primary source of news.

A 2022 experiment bears that out to some extent. Researchers paid Fox viewers to watch CNN for just a month—and they changed their minds about things like the government response to Covid and Democrats' attitudes toward police. But in the real world, with such experiments impossible on a large scale, Democrats in 2024 face the profound challenge of meeting a moment of fascist authoritarian descent at a distinct disadvantage when it comes to messaging.



How to Fight Back, Part I: Theater

One party entertains while the other wonks.

Limbaugh pioneered it on talk radio, and Ailes scaled it to television: an effective, perhaps addictive form of proto-fascist insult comedy. Fox viewers are simultaneously entertained by the jokes and satisfied and radicalized by the joke's racist, sexist undertones. It is a confluence of emotional hits that—as filmmaker Jen Senko explored in her harrowing 2015 documentary *The Brainwashing of My Dad*, about her Fox-watching father's wholesale personality transplant—constitutes a kind of brainwashing.

The same system doesn't work as well on the other side. MSNBC viewers, for

example, want some level of policy value. “Democrats have led themselves to think that righteous policies trump everything,” said Vassallo. One recent study found that Fox fosters conspiratorial thinking—defined as a belief in “secret-plotting orchestrated by powerful others.” A 2012 study found that watching Fox news actually made people less informed than watching no news at all (although watching MSNBC was just slightly better at informing viewers).

One thing Democrats could do to compete on this stage is create their own drama. Kevin McCarthy was once quoted saying the Benghazi hearings were intended to lower Hillary Clinton’s numbers. “Put on your own Punch and Judy,” a Hill staffer who has been pushing senators to investigate Clarence Thomas told me. Senate Democrats, if they were so inclined, could hold hearings in 2024 on right-wing donor influence and the Supreme Court. But in November, Senate Judiciary Committee Chairman Dick Durbin of Illinois canceled plans to subpoena Thomas’s Texas sugar daddy Harlan Crow and Supreme Court fixer Leonard Leo, after Republican Senator Lindsey Graham of South Carolina threatened to unleash “a shit show” of amendments and other subpoenas targeting everything from border issues to Democratic dark money donors.

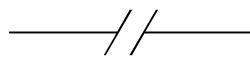
Fox was not built in a day, and there is some long-term thinking about how progressives could create a different kind of messaging vehicle that can get through to potentially progressive first-time voters. Tara McGowan is a former Democratic strategist, a journalist, and founder of a local news enterprise, Courier Newsroom, aimed at the kind of potential progressive voters who don’t watch MSNBC. McGowan’s news sites deliver a combination of hyperlocal and national news. They aim to “be in relationship with communities,” she said, to become a trusted source. They cover nonpolitical local issues and include factual stories about national policies and events. Courier Newsroom has sites in nine states, and early research has shown some effectiveness in prompting progressive voting. The sites are aimed at viewers who don’t spend a lot of time watching or thinking about politics—the non-MSNBC crowd who are still potential Democratic allies.

“I still live in Rhode Island among my friends from high school who work at the hospital and the schools and the police and fire stations, and politics are not a conversation topic every day,” McGowan said. “But they are talking about their kids, their sports teams, the pandemic when it was happening and what to do about

it. But what I found even in my small town in Rhode Island is that the right-wing narratives seep through even if people don't consume right-wing media, because they focus so much on cultural wedge issues and divisive topics that can be spread very, very, very quickly without much nuance, because they trigger emotions and get at people's insecurities and fears. And you can't fight back against that with Democratic advertising."

The Courier Newsrooms are part of a new, wider, progressive media effort that might never match the right-wing lockstep messaging machine of which Fox is a primary gear, but that could be influential in 2024. Some of the larger and more effective nodes include the MeidasTouch Network, which produces slick and catchy anti-Trump memes; Resolute Square, which is producing podcasts and disseminates work by "democracy's defenders" like Rick Wilson; and Deep State Radio, David Rothkopf's network of podcasts about national security and foreign affairs.

Ammar Moussa said the Biden campaign believes nontraditional media platforms, including TikTok, Instagram, Snapchat, and streaming services, offer a way around the megaliths of both cable TV and legacy media. "People get their news from so many different sources, and that is a big, concerted effort of the campaign," he told me. "We are not just going to go run TV ads on the networks, and that's how we're going to get our message out," he said. "There are a lot of interesting ways to communicate successes to voters. The options are limitless."



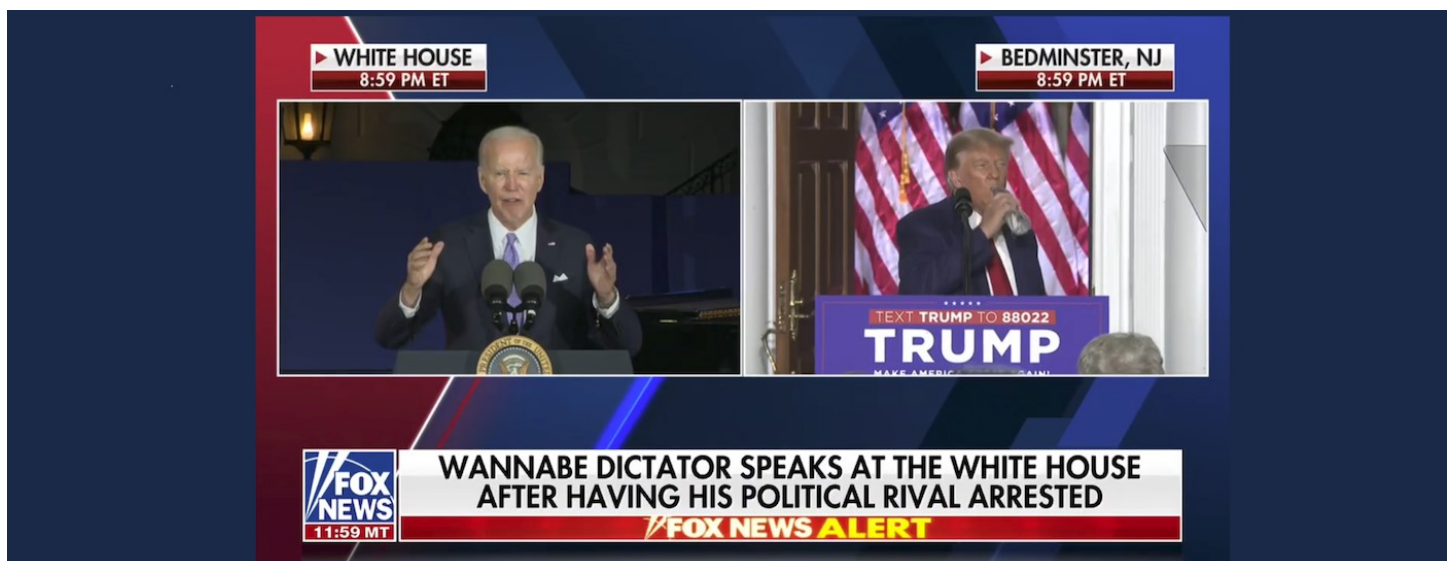
How to Fight Back, Part II: The Courtroom

Fox is no stranger to paying out for lawsuits, although it's not clear how much settlement money would cause the company to change its ways. Murdoch's fortune, which *Forbes* estimated at \$17.9 billion this year, was hardly dented by the Dominion settlement; nor has Fox been fiscally damaged by paying out an estimated \$200 million to settle myriad sexual harassment lawsuits, while sending predators like Ailes and O'Reilly out to pasture with their own big severance packages. Two more Big Lie-related lawsuits are underway, one potentially

explosive and expensive, from voting machine maker Smartmatic, which could go to trial in 2025. And Ray Epps, whom Tucker Carlson accused of being a “fed” plant at the insurrection, has also sued Fox and is seeking an unspecified amount in damages.

All told, the Big Lie legal reckoning will probably cost Fox more than a billion dollars. Is it enough money to persuade the network’s multibillionaire owners to change course? Unlikely.

But a more potentially threatening legal challenge on the horizon could shake things up. Not too long after Murdoch came to the United States, the Fairness Doctrine was jettisoned, and the deregulation of conglomerated media was underway. Old guardrails that might have forced Fox to be less partisan were never applied to the cable industry. Even after the Murdoch media empire cracked in half (he would later sell off his film and TV assets) due to a 2011 phone-tapping scandal involving his tabloid in the U.K., the fallout never affected his licenses in the United States.



This Fox chyron, from June, was a bridge too far even for Fox: The producer who wrote it resigned.

SCREEN SHOT FROM FOX NEWS

“It is no secret around Washington that, when it comes to sanctioning licensees, the FCC is all hat and no cattle,” former FCC Chairman Sikes told me. But while digital media is an unregulated Wild West, a remnant of government-regulated broadcaster responsibility is still attached to the last century’s broadcast licenses. Murdoch holds around 30 of them, and to get them, he had to agree to act within

the public interest and refrain from broadcasts that “shock the conscience.”

After the Dominion lawsuit’s revelations, Murdoch’s old chum Preston Padden was fed up. “I was torn between my affection for Mr. Murdoch on one hand and the fact that I thought Fox News Channel was destroying America,” Padden said. “I could see it in the news, and people I know and love who are smart who have just been brainwashed into believing things that are flatly not true.”

Padden, a former president of the Association of Independent Television Stations, knew the licensing rules. After the Dominion verdict, he decided to test whether having had a judge determine that Fox broadcast lies would constitute a breach of the FCC’s public interest requirement for broadcast licenses. The timing of Padden’s inspiration was fortuitous: One of Murdoch’s nearly 30 broadcast licenses happened to be coming up for renewal, Fox 29 (WTXF-TV) in Philadelphia. He quickly allied with Milo Vassallo’s MAD, and together they petitioned the FCC to review the license. As word of the challenge got out, other Never Trump Republicans asked to file their own objections. Now the FCC has complaints from former FCC Chairman Sikes, Bill Kristol, and others.

“It just kind of snowballed organically without me having to recruit people,” Padden said. “I finally said I have to do something—and that same sentiment is what came through when all those people called me. I think there is a very widespread sense that a corporation that knowingly and repeatedly lies to the American people, causing some of them to riot in the Capitol and attack police officers, is simply not fit to be a public interest trustee.”

Like all of Fox’s local affiliate broadcast stations, Philadelphia Fox 29 can choose to include stories from the cable mothership’s daily news feed in local broadcasts. The FCC challenge is not a direct attack on Fox cable. The U.S. media regulatory framework is so antediluvian that the FCC does not regulate cable; it has jurisdiction over broadcast only. But the petitioners view the tactic as a way to ultimately challenge all of Murdoch’s other broadcast licenses on the same basis.

“There are many ways the FCC could resolve our petition,” Padden explained. For example, the FCC could negotiate a consent decree in which Fox agrees to not present false news on any of its media properties, including Fox News Channel (the FCC has used consent decrees in other licensing cases). Or the FCC could conclude

that Fox simply lacks the character to be a public interest trustee of the public airwaves and decline to renew its license for WTXF. If Fox lacks the character to be the licensee of one of its broadcast stations, that finding necessarily applies to all of them. The loss of all its broadcast stations would have a devastating impact on the company.

Vassallo said that's the ultimate goal, although even in the best of circumstances it certainly won't be achieved before the 2024 election. "We are asking the FCC to hold a hearing because we believe that Rupert Murdoch and Lachlan Murdoch and the Fox Corporation and News Corp ultimately have demonstrated and provably in a documented fashion that they should not have and do not deserve the rights to or be given a broadcast license," said Vassallo.

The Philadelphia license review petitions are not the first time a Fox station's license had been challenged. But this is the first challenge backed by a court decision (in the Dominion case) on the broadcaster's untruthfulness. The Media and Democracy Project is not asking the FCC to make a determination about whether the reporting was false, because it's already been made, but to consider the implications for Fox now that a court has said it lied. And to consider how that behavior should impact the licensing.

To the surprise of many, the FCC has agreed to review the license. But the agency has set no timetable for when it will do so. And if Trump is reelected, he will likely appoint FCC commissioners who will mothball the review.



How to Fight Back, Part III: Boycotts and Carriage Fees

Another potential avenue of attack is to hit Fox in the bank. Since the Dominion lawsuit and related defenestration of its prime-time ratings star Tucker Carlson, Fox ratings have dipped, and the announcement cost the network \$800 million in value.

During the Trump years, as Fox anchors echoed the president's white supremacist

dog whistles, and Carlson started mainstreaming the Euronazi “Great Replacement” theme, horrified progressives organized advertiser boycotts. Major companies like Disney, Ameritrade, Jaguar Land Rover, and big pharmaceuticals ditched some Fox programming. More than 70 advertisers abandoned many of Fox’s prime-time shows after the insurrection alone.

The advertiser exodus was not good optics, but financially it didn’t really matter. Not everyone bailed: MyPillow, PragerU, the Indianapolis Colts, Bass Pro Shops, and a variety of dubious nutritional supplements were happy to step up. But boycotts are a bit of a sideshow. Fox makes most of its money not from advertising but by strong-arming cable companies into paying it unusually high carriage fees. Carriage fees are the fees providers of pay-TV fork over to the networks whose channels they carry on satellite, cable, or streaming. The major cable companies pay Fox over \$2 per household simply to carry Fox on their systems, compared to \$1.06 to CNN, and MSNBC at just 36 cents, according to *The Guardian*.

Why the imbalance? Because Fox has shown cable companies that it can move blocks of viewers around—a powerful incentive for cable execs to pay up, no matter how much activists squeal and complain. Some of the Fox cable agreements were up in 2023, although the timing is unclear. Spectrum, Charter, Xfinity, and Cox were believed to be in negotiations while I was reporting this story, but it’s all cloaked in deep secrecy. It seems plausible that after the loss of Tucker Carlson, the drop in ratings, and the negative Dominion publicity, cable providers could press Fox to agree to lower rates.

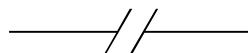
Cable consumers have little say over whether Fox is in their packages. And anti-Fox activists have repeatedly tried to break the link. During the pandemic, Media Matters started an “unFox My Cable Box” movement, by which consumers wrote to cable providers and asked for Fox to be taken off their packages, and a “No Fox Fee” project is underway. Common Cause has circulated petitions begging cable providers to stop forcing consumers to pay for Fox. The community activist group Color of Change has a petition drive called “Turn Off Fox,” asking business and public establishments not to turn on Fox during business hours, in order not to serve as “a conduit for the race-baiting and distortions put forth by Fox News Channel.”

In the end, citizen activism can only go so far when there's money to be made. But there are other individuals who can make Fox executives pay attention: investors.

If the \$787 million Dominion payout was little more than chump change to the Murdochs personally, the figure certainly drew the attention, and ire, of fund managers. In September, two complaints against Fox directors, including Rupert and Lachlan Murdoch, were unsealed in Delaware. One was brought by the pension funds of public employees in Oregon and New York City, another filed on behalf of eight other pension funds.

Members of Fox's board of directors and senior management team "allowed the controlling Murdoch family and on-air personalities to expose Fox to massive third-party liability for intentionally tortious conduct and related regulatory issues, failing to lift a finger to protect the Company," one lawsuit claims. "The Board's unwillingness to exercise even rudimentary oversight over Fox's controllers resulted in obvious violations of defamation law and furthered the controllers' desire to maintain their influential status in the conservative political movement."

The investor suits add to the arsenal of evidence that claimants in the Philadelphia license challenge are submitting to the FCC. "The evidence presented in the Dominion case, considered in the light of the Commission's Character Policy, leaves no room for doubt," Bill Kristol said in an objection submitted jointly with former PBS president and former FCC Commissioner Ervin Duggan. "Rupert and Lachlan Murdoch's role in failing to stop, and indeed in perpetuating, election falsehoods broadcast on the [Fox News Media] channels in connection with the 2020 election stands as a blatant violation of the character requirements expected from public trustees controlling broadcast licensees."



The Wounded Beast

Going into 2024, Fox is a bit of a beaten dog. Viewership has been fluctuating, dropping by 30 percent after Carlson's exit, before bouncing back. Analysts are downgrading the stock, with JPMorgan recently stating Fox doesn't seem to have a

plan for adjusting from cable to streaming. Carlson was the engine of that conversion, and he's gone. Millions of Americans are dumping cable packages annually.

In the not too long term, Fox News on cable will be a relic of a bygone time. Something was lost after the election night break with Trump in 2020, when Fox called Arizona for Biden. When Fox was fully in sync with Trump, and Trump was in the White House, the network had a red-hot center, and as fickle and batshit as it was, everyone was on message. Crooked Hillary. The perfect phone call. No worse than the flu. Republicans across the country functioned as Fox's echo chamber.

Now, like the doddering patriarch, Fox seems lost. It has been evident in the chaos of the House speaker fight, and every weeknight at 8:00 p.m. Eastern in the nonsensical word salad Jesse Watters—who arguably owes his Fox anchor seat to advocating a “kill shot” for Dr. Fauci during an appearance at a Turning Point USA conference—starts to spew. Carlson could project that he believed in the conspiracy theories and wacky faux medicine—ball-tanning, I know it sounds weird folks, but hear me out!—even when he really didn't.

But that doesn't mean the biggest right-wing propaganda messaging machine ever invented isn't a threat to big-*D* Democrats and small-*d* democracy in 2024. Fox is a wounded beast, and a wounded beast is dangerous. In this election cycle, Fox will go after Biden hourly with more lies and more selectively cut video and attack him and Democrats in the dog-whistling racist language of Steve Bannon, or, in the parlance of the white Christofascists, call them literal demons. Why not?

“They will tread water before they drown for a while, and that means their punches will be more heavy, more chaotic, and harder to address,” said Carusone. “And the only way out is to dabble in the conspiratorial nonsense.... I see a pretty intense year of Fox not being an arbiter for conservatives, not the conductor, but straddling two realities—of simultaneously being a little less of a threat, because they don't have the functionality that they've had, but more of a threat because of the bloodlust, the irresistible temptation to drive further into conspiracy.”

Ammar Moussa, the Biden campaign's rapid response director, takes an optimistic view. The network “makes our jobs more difficult,” he allowed, but he is hesitant to call the network an adversary to his candidate. He argues that Fox is damaging

Republicans. “What has emerged due to the quote-unquote Fox effect is that it has created a Republican Party that is increasingly detached from where the median voter is.” Moussa pointed to the example of Florida’s governor. “Ron DeSantis is very reactive to whatever is news of the day on Fox or in conservative Twitter,” he said. “Whatever is in their B and C blocks, whatever *The Five* are talking about. But more often than not, it doesn’t bleed into the median voters’ news consumption. So Republicans will go on Hannity and answer crazy questions and then voters are like, what are you talking about?”

Professional Fox-watcher Aaron Rugar agreed with that assessment. He foresees the network becoming a fragmenting force for Republicans in 2024. “I don’t feel any sense of despondency,” he said. “If you were in a lab designing the ideal Republican campaign, pushing six-week abortion bans is not really popular. But that’s where their viewers are. They alienate people they need to win elections by stoking culture wars over and over again. It’s a kind of blind spot.”

Even if those assessments are true, and Fox is too radical now to bring more voters to the Republican side, the effect of its volume of innuendo and lies about Biden is tremendous. Forensic psychiatrist Bandy X. Lee, editor of the book *The Dangerous Case of Donald Trump*, a collection of mental health professionals’ assessments of Trump, called Fox News a “cultic programming” vehicle. “Fox News viewers are isolated in their own information, and it’s all about generating fear. They are exposed to a continuous expansion and repetition of a certain way of looking at the world. The ideas themselves are not as important as feeding certain emotional needs.”

Most American voters are not political junkies watching MSNBC or reading this magazine (alas). They are, as Tara McGowan pointed out, busy with jobs, caretaking duties, the kids’ sports schedules. They are not paying attention. Like a drop of ink in a glass of water, the political “news” that the most-watched cable network spews gets actively consumed by the cult but also passively consumed in American consciousness. “Biden stumbles” clips become memes driven into billions of eyeballs on social media. People who watch Fox for the football might turn down the shrieking anchors but still see chyrons warning about the horrible economy, socialist takeovers, and border terrorists. Fox’s fearmongering and lies are part of the country’s psychological landscape. They condition the general public

emotionally, all under the name of “news.”

The 2024 election could be the most significant in American history; if things go badly enough, it could be the last. Bill Kristol, the anti-Trump conservative who spent a decade as a Fox News contributor and who now supports a license review, said progressives seem ill-prepared to respond. “As for 2024: Fox remains a part of a dangerous and much larger ecosystem, whose power is still underrated by establishment liberals; I think that could have very bad effects during the next year in the run-up to the election and after,” he told me.

Kristol’s assessment of progressive preparedness for this fight is not wrong. Based on numerous interviews with strategists and activists over the last months, I’d say it’s clear that the Democrats and Biden’s campaign do not share that same sense of the emergency about Fox’s emotional manipulation and cynical abuse of the American tradition of free speech. So, there is not yet a coherent strategy by which they plan to counter Biden’s other, perhaps most powerful, foe.

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Nina Burleigh is a national political journalist and author of seven books, including *The Trump Women: Part of the Deal*.

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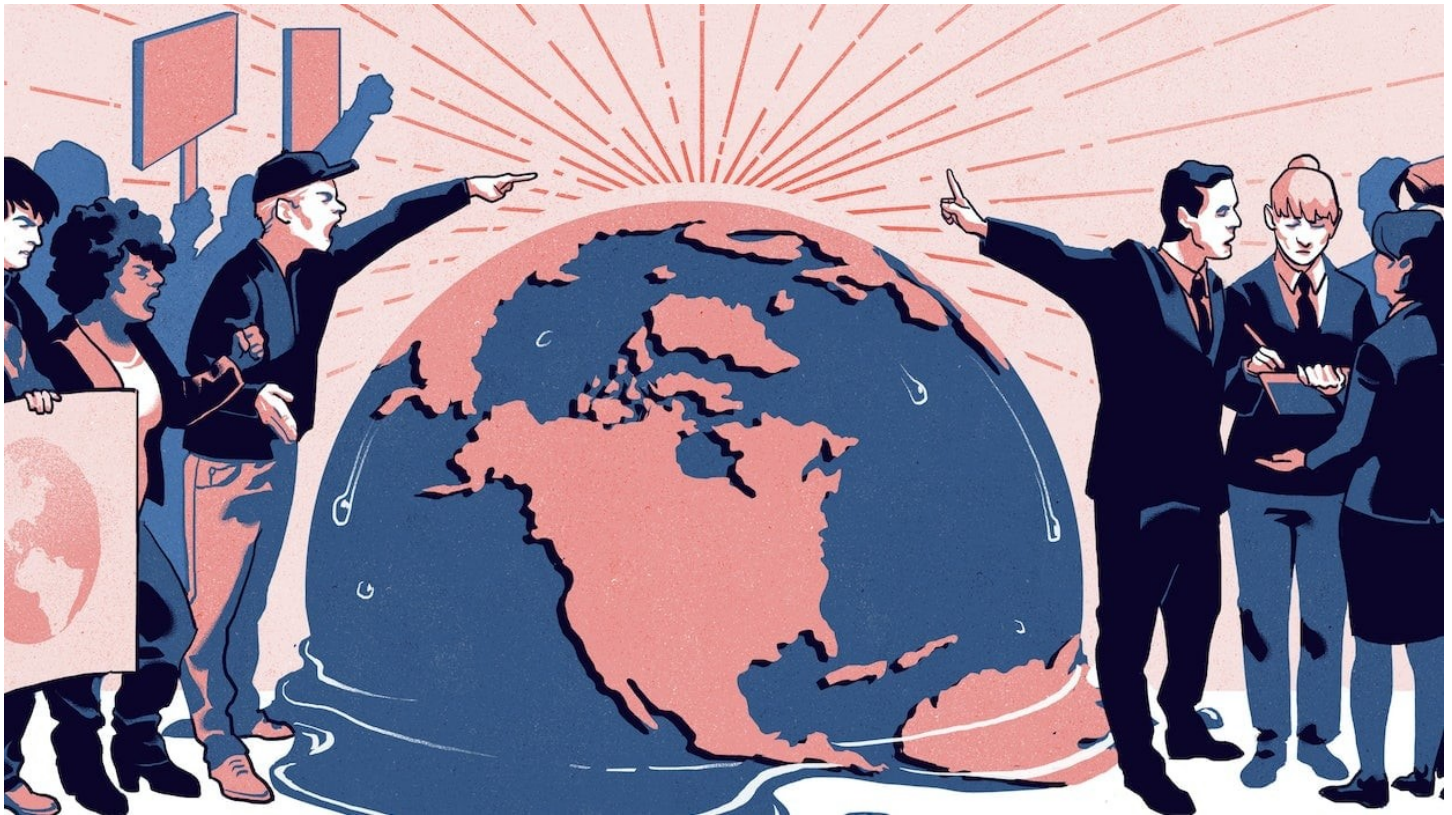
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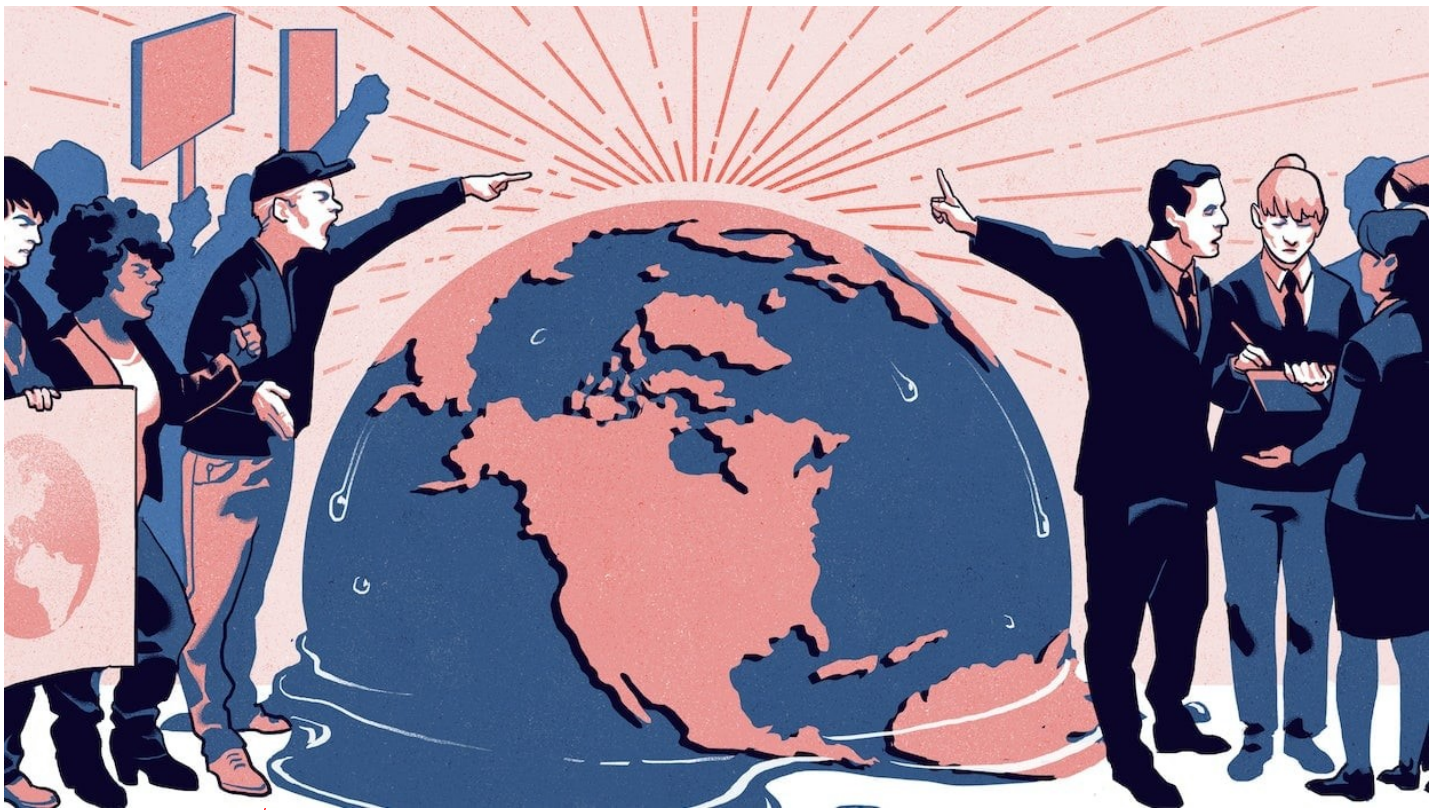
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