



Alex W. Cannon  
Special Counsel



March 25, 2020

**VIA FEDEX AND E-MAIL**



**Re: False, Misleading, and Deceptive Priorities USA Action Fund Ad**

Dear [REDACTED]:

On behalf of Donald J. Trump for President, Inc., President Trump’s principal campaign committee, this letter notifies you that your station is airing a patently false, misleading, and deceptive advertisement, entitled “Exponential Threat,” which was paid for by the Priorities USA Action Fund (“PUSA”), a Super PAC formed by Barack Obama loyalists. PUSA stitched together fragments from multiple speeches by President Trump to fraudulently and maliciously imply that President Trump called the coronavirus outbreak a “hoax.” As fully set forth in the enclosed facts sheet, and President Trump’s full quote below, the facts show beyond reasonable doubt that he was talking about the Democrat’s politicization of the outbreak when he used the word “hoax.” Multiple independent fact checkers have debunked the exact same false claim made in a Biden campaign ad. Because PUSA’s ad’s central point is deliberately false and misleading, your station has an obligation to cease and desist from airing it immediately to comply with FCC licensing requirements, to serve the public interest, and to avoid costly and time-consuming litigation.

First and foremost, President Trump’s own remarks demonstrate that he was referring to the Democrat’s politicization of the coronavirus outbreak when he used the word “hoax”:

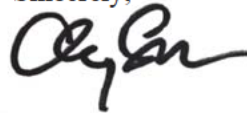
Now the Democrats are politicizing the coronavirus. You know that, right? Coronavirus. They’re politicizing it. We did one of the great jobs, you say, “How’s President Trump doing?”, “Oh, nothing, nothing.” They have no clue, they don’t have any clue. They can’t even count their votes in Iowa, they can’t even count. No, they can’t. They can’t count their votes. One of my people came up to me and said, “Mr. President, they tried to beat you on Russia, Russia, Russia.” That didn’t work out too well. They couldn’t do it. They tried the impeachment hoax. That was on a perfect conversation. They tried anything, they tried it over and over, they’ve been doing it since he got in. It’s all turning, they lost. It’s all turning, think of it, think of it. And this is their new hoax. But you know we did something that’s been pretty amazing. We have 15 people in this



to continue airing it to meet your responsibilities not to broadcast false information. Unlike candidate committees, PUSA does not have a “right to command the use of broadcast facilities.” *CBS v. DNC*, 412 U.S. 94, 113 (1973). Your station therefore bears responsibility for the ad’s content. See *Felix v. Westinghouse Radio Stations*, 186 F.2d 1, 6 (3d Cir. 1950). In addition, your station has a responsibility to “protect the public from false, misleading or deceptive advertising,” *Licensee Responsibility With Respect to the Broadcast of False, Misleading or Deceptive Advertising*, 74 F.C.C.2d 623 (1961), and your failure to remove this deceptive ad may be “probative of an underlying abdication of licensee responsibility” that could put your station’s license in jeopardy,” *Cosmopolitan Broadcasting Corporation v. FCC*, 581 F.2d 917, 927 (1978).

Given the foregoing, should you fail to immediately cease broadcasting PUSA’s ad “Exponential Threat”, Donald J. Trump for President, Inc. will have no choice but to pursue all legal remedies available to it in law and in equity; we will not stand idly by and allow you to broadcast false, deceptive, and misleading information concerning President’s Trump’s healthcare positions without consequence. This letter is without prejudice to Donald J. Trump for President, Inc.’s rights, remedies, and defenses, all of which are hereby expressly reserved.

Sincerely,



Alex J. Cannon, Esq.  
Special Counsel  
Donald J. Trump for President, Inc.

cc: Michael Glassner, Chief Operating Officer, Donald J. Trump for President, Inc.  
[REDACTED]

enclosure