

# HOLTZMAN VOGEL JOSEFIAK TORCHINSKY PLLC

*Attorneys at Law*

45 North Hill Drive • Suite 100 • Warrenton, VA 20186

June 8, 2018

Attn: Station Manager

Re: One Nation Ad “WALL”

Dear Station Manager:

This firm represents One Nation (ON), which is an IRS tax exempt non-profit 501(c)(4) organization. We are in receipt of Mr. Lamb’s letter on behalf of Senator Joe Manchin’s campaign, Manchin for West Virginia. Mr. Lamb complains that ON’s ad contains “false, misleading or deceptive” material. To the contrary, ON’s ad is fully substantiated and entirely accurate, as explained in more detail below. Also it is important to note at the outset that this is a grassroots issue advocacy effort by ON to lock in Senator Manchin’s commitment to support full Congressional funding for President Trump’s border wall the next time a critical vote is cast. The ad is not election related even though the complaint was lodged by Senator Manchin’s campaign counsel.

Mr. Lamb complains that ON’s ad “falsely claims that Senator Manchin opposes funding for a border wall...” In fact the ON ad accurately states that Senator Manchin, “opposed funding for Trump’s border wall” and the ad uses Senator Manchin’s own words to back up that fact (*See attached backup*).

Second, Mr. Lamb places a great deal of reliance on Senator Manchin’s February 15, 2018 vote on Senator Grassley’s Immigration Amendment which would have provided a pathway to citizenship for DACA recipients and provided limited funding for a wall and other border security measures. However, on the same day Senator Manchin voted for a bill, of which he was co-sponsor, the Schumer-Rounds-Collins DACA Bill, that the Department of Homeland Security said, “prevents DHS from building a Border Wall where it is needed through the imposition of unnecessarily onerous environmental and reporting burdens.” ([RCV #35](#), *Manchin Voted Yea*; [S. Amdt. 1958](#) to H.R. 2579, Submitted 2/14/18; *Department of Homeland Security, Press Release*, 2/15/18) President Trump called the Schumer-Rounds-Collins Bill a “catastrophe” and said it “... doesn’t build the wall”. ([The Hill](#), 2/15/18)

Despite the rhetoric, Senator Manchin's position and votes on funding President Trump's border wall remain, at best erratic. The ad encourages Senator Manchin to reverse course on his past positions and commit to funding President Trump's border wall.

Contrary to Mr. Lamb's assertions, every statement made in ON's ad is accurate and documented (*See the attached backup*). Your station faces no potential legal liability by continuing to air an advertisement that is factually accurate and fully substantiated. We trust that ON's advertisement will continue to air as originally scheduled.

Please feel free to contact me if you require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Josefiak', with a long horizontal flourish extending to the right.

Thomas J. Josefiak  
Counsel to One Nation