

August 19, 2020

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WWLP-22News  
1 Broadcast Center  
Chicopee, Ma 01013

EGGB-TV, WGGB-TV, WSHM-TV  
1300 Liberty St.  
Springfield, MA 01104

Dear Station Managers:

I am counsel to Representative Richard E. Neal. A sponsor on your station, a super PAC called Justice Democrats PAC, is attacking Representative Neal through your facilities. The advertisement is false, defamatory and should be removed from broadcast.

The advertisement asserts: **“Last year, Neal took more money from corporations than any other Member of Congress.”** It accordingly accuses Representative Neal of a violation – potentially, a criminal felony violation – of the Federal Election Campaign Act of 1971, as amended, which makes it “unlawful ... for or any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election” for U.S. Congress, and for any person to knowingly receive such a contribution. *See* 52 U.S.C. 30118(a).

However, to attack Representative Neal’s reputation in his community, the ad purposely confuses the illegal corporate contributions of which it falsely accuses him, with the entirely legal contributions he actually received from PACs — i.e., entities which receive voluntary, personal contributions from corporate and union employees, shareholders and their families, and make lawful contributions from those funds.

**The Supreme Court could have not put it more plainly: “A PAC is a separate association from the corporation.”** *Citizens United v. FEC*, 558 U.S. 310, 337 (2010). But the advertisement’s plain, unqualified statement – “Last year, Neal took more money from corporations than any other Member of Congress – fails to acknowledge this distinction, of which the sponsor, a super PAC that itself is allowed to receive direct corporate contributions, is very well aware.

August 19, 2020  
Page 2

Justice Democrats PAC has no "right to command the use of broadcast facilities" for this false ad, or indeed for any other ad. *CBS v. DNC*, 412 U.S. 94, 113 (1973). You have full power to reject the ad for any reason. Moreover, because you need not run this ad, you enjoy no immunity from liability for its false claims, and are fully responsible for the defamation and any other torts that might result from their dissemination. To distribute this advertisement, knowing that its claims are false, is inconsistent with your duty "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.D.2d 623 (1961).

We accordingly demand that your station remove this false and defamatory ad from its rotation. Please contact us immediately to confirm that the advertisement will no longer air, so that we may consider this matter closed.

Very truly yours,

A handwritten signature in black ink, appearing to read 'B. Svoboda', with a stylized flourish at the end.

Brian G. Svoboda

BGS:tcb