

Joe Smith

Subject: FW: Attn: Station Manager - National Liberty Federation False Advertisement Against Ron DeSantis

From: JC Lowe

Sent: Thursday, June 21, 2018 10:40 AM

To: John Merrill <JMerrill@sbgvtv.com>

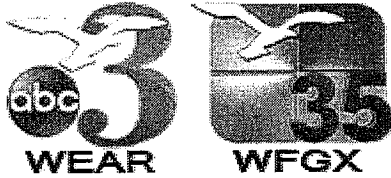
Cc: Joe Smith <JoeSmith@sbgvtv.com>; Valerie Dunsford <vdunsford@sbgvtv.com>; Robert Totsch <rtotsch@sbgvtv.com>

Subject: FW: Attn: Station Manager - National Liberty Federation False Advertisement Against Ron DeSantis

John,
We are cleared by legal.

Thanks,,,,,,,,JC

J.C. Lowe
General Manager
WEAR ABC 3/WFGX My 35
4990 Mobile Highway
Pensacola, Florida 32506
850.456.5616 direct
850.791.9333 cell



From: Barry Faber

Sent: Thursday, June 21, 2018 10:36 AM

To: JC Lowe <JCLowe@sbgvtv.com>

Subject: Re: Attn: Station Manager - National Liberty Federation False Advertisement Against Ron DeSantis

Station may continue to run ad. Place all materials, including notation of this decision, in public file. Thank you.

On Jun 21, 2018, at 11:09 AM, JC Lowe <JCLowe@sbgvtv.com> wrote: ✉

Email 1

Barry,
Received this notice last evening.

Please advise.

J.C. Lowe
General Manager
WEAR ABC 3/WFGX My 35

4990 Mobile Highway
Pensacola, Florida 32506
850.456.5616 direct
850.791.9333 cell

<image001.png>

From: Ross, Derek H. [mailto:dross@clarkhill.com]

Sent: Wednesday, June 20, 2018 3:35 PM

To: Ross, Derek H. <dross@clarkhill.com>

Cc: Spies, Charles R. <cspies@clarkhill.com>

Subject: Attn: Station Manager - National Liberty Federation False Advertisement Against Ron DeSantis

Station Manager,

Please see the attached letter regarding the false advertisement by National Liberty Federation against Ron DeSantis running on your station(s).

Thank you,

Derek H. Ross

CLARK HILL PLC

1001 Pennsylvania Ave. NW | Washington, DC 20004
202.640.6684 (Direct) | 202.640.6697 (Fax) | 202.816.2021 (Cell)
dross@ClarkHill.com | www.clarkhill.com

This email message and any attachments are confidential and may be privileged. If you are not the intended recipient, please notify us immediately by reply email and destroy all copies of this message and any attachments. Please do not copy, forward, or disclose the contents to any other person. Thank you.

<Letter to Station Manager re NLF TV Ad.pdf>

CLARK HILL

Charles R. Spies
T 202.572.8663
F 202.572.8683
Email: cspies@clarkhill.com

Clark Hill PLC
601 Pennsylvania Avenue NW
North Building, Suite 1000
Washington, DC 20004
T 202.772.0909
F 202.772.0919

clarkhill.com

June 20, 2018

ATTENTION STATION MANAGER

Re: National Liberty Federation False Advertisement Against Ron DeSantis

On behalf of Ron DeSantis and Ron DeSantis for Governor, we write about a demonstrably false and defamatory advertisement sponsored by the dark money attack group called National Liberty Federation, Inc. ("NLF") that is currently airing on your station.

NLF's ad propagates maliciously false information to your viewing audience about Ron DeSantis' position on illegal immigration. The claim in the advertisement that Congressman DeSantis voted to grant amnesty to illegal immigrants is false, and has no legitimate evidence to back it up. Because this is not a candidate advertisement, but instead sponsored by a third-party group, you have no obligation to air this advertisement. With this letter, we are putting your station on formal written notice that the content of the ad is false and defamatory. If you continue to grant access and air it, then your station bears responsibility for its content, and your station will be knowingly running an ad that is false and defamatory – in other words with actual malice or with reckless disregard for the truth of the statements. For the sake of both FCC licensing requirements, the public interest, and to minimize your station's own legal risk, we request that your station immediately cease and desist airing this malicious attack ad.

FALSE STATEMENT

NLF's ad states: "But Ron DeSantis did show up to vote to grant amnesty to illegals. Ron DeSantis: Talks conservative, votes for amnesty. That's who he is."

These statements are indisputably inaccurate and a deliberate attempt to deceive your viewers. Ron DeSantis has taken a consistently tough position against illegal immigration and upon even cursory review of his record shows this most recent allegation is preposterous. That NLF would make these types of false statements should come as no surprise, as the group has a track record for making false claims about Ron DeSantis (and as a result, having its ads removed by tv stations).

Other media have taken notice of NLF's shady practices, and the Tampa Bay Times recently reported on this ad, calling it "another blatantly misleading attack on Ron DeSantis." As the Tampa Bay Times points out, the "amnesty" claim in NLF's false ad "refers to a 2013

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vote for an agriculture guest worker program that actually aimed to discourage illegal immigration by requiring guest worker to deposit money they earned in America in their home countries." This vote was the opposite of amnesty, but NLF has never let the facts get in the way of attacking Ron DeSantis. For a dark money group, NLF's intentions are actually quite transparent, and they are willing to lie time and time again to support Adam Putnam. Putnam, however, remains silent, hoping to reap the benefits of these lies as his mudslinging allies sink lower and lower.

NLF has not provided a shred of legitimate evidence to support its allegation about Ron DeSantis voted in favor of amnesty. NLF would rather spread falsehoods about DeSantis' record and attempt to trick Florida citizens into believing blatant falsehoods than legitimately informing them about real issues or true policy stances. Your viewers deserve better.

FCC OBLIGATIONS

Importantly, this attack by NLF does not constitute a "candidate use." Under *Columbia Broadcasting Sys., Inc. v. Democratic Nat'l Comm.*, 412 U.S. 94 (1973), and *Nat'l Conservative Political Action Comm.*, 89 FCC 2d 626 (1982), your network is not obligated to air any advertisements from third parties, such as NLF, as third parties have no guaranteed right of access to air their advertisements on your network. Thus, broadcasting stations are not protected from legal liability for airing a false and misleading advertisement sponsored by NLF. Moreover, you have a 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.C.2d 623 (1961). Failure to prevent the airing of "false and misleading advertising" may be "probative of an underlying abdication of licensee responsibility." *Cosmopolitan Broad. Corp. v. FCC*, 581 F.2d 917, 927 (D.C. Cir. 1978).

Florida voters deserve to cast their vote knowing the truth about their candidates, and NLF's ad is a willful and knowing attempt to reinvent the truth. We urge you to recognize NLF's blatant disregard for the truth and we respectfully demand that your network refuse to air this false and misleading ad. We further request that you reject any attempts by NLF to purchase time for the future airing of this ad because of its material misstatements of fact and blatant disregard for the truth.

Please be advised that each new airing of this false and defamatory ad creates a separate and independent cause of action for defamation under Florida law for which your station and/or NLF may be held liable. See Restatement (Second) of Torts § 577A cmt. A (1977) ("It is the general rule that each communication of the same defamatory matter by the same defamer, whether to a new person or to the same person, is a separate and distinct publication, for which a separate cause of action arises."); see also *Doe v. Am. Online, Inc.*, 783 So. 2d 1010, 1017 (Fla. 2001) ("[E]very repetition of a defamatory statement is considered a publication."). Accordingly, we request that your station involve responsible legal counsel to vet the accuracy of the ad's claims and to advise you on the legal risk with continuing to run an ad that, we have now informed you, contains demonstrable falsehoods. A failure to take this step will be viewed by my

CLARK HILL

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client as additional evidence of your station's actual malice and reckless disregard for the truth. *See, e.g., Cape Publ'ns v. Adams*, 336 So. 2d 1197 (Fla. 4th DCA 1976) (prepublication awareness of facts that contradict defamatory claims are evidence of malice); *Morgan v. Dun & Bradstreet, Inc.*, 421 F.2d 1241 (5th Cir. 1970) (subsequent publication of a libelous statement knowing that it was false is evidence of actual malice); *see also Quigley v. Rosenthal*, 43 F. Supp. 2d 1163, 1180 (D. Colo. 1999) ("Failure to investigate obvious sources of refutation or corroboration of statements, especially when there is no time-pressure on their publication, may indicate not only negligence, but the higher standard of actual malice.").

Thank you in advance for your prompt attention to this matter. We respectfully request the courtesy of a reply; and if you have questions, or believe that this ad is somehow fit for airing on your station, we ask that we have an opportunity to, as soon as possible, discuss this matter further. We can be reached directly at (202) 572-8663.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles R. Spies".

Charles R. Spies

Derek H. Ross

Counsel to Ron DeSantis for Governor

CLARK HILL

IN FLORIDA, RON DESANTIS SAYS HE'S A HARDWORKING TRUMP CONSERVATIVE.

IN WASHINGTON, IT'S A DIFFERENT STORY.

DESANTIS SKIPPED HUNDREDS OF IMPORTANT VOTES.

From 2013 to January 2018, Rep. DeSantis has missed at least 240 committee votes and 33 markup sessions. In 46 other markup sessions, he only attended part of the meeting. SOURCE: Government Printing Office (GPO) website. Reviewed the attendance list for each individual hearing that Rep. DeSantis was supposed to attend and reviewed whether he was marked "Present."

| Committee | Votes Held | Votes Missed | % Missed | Markup Sessions Held | Markup Sessions Absent | Partially Absent | % Fully Missed | % Full + Partial Missed* |
|--------------------------------|------------|--------------|-------------|----------------------|------------------------|------------------|----------------|--------------------------|
| Foreign Affairs - Total | 85 | 42 | 49.4 | 45 | 22 | - | 48.9 | - |
| 115th | 9 | 4 | 44.4 | 9 | 4 | - | 44.4 | - |
| 114th | 30 | 15 | 50.0 | 19 | 8 | - | 42.1 | - |
| 113th | 46 | 23 | 50.0 | 17 | 10 | - | 58.8 | - |
| Judiciary - Total | 543 | 187 | 34.4 | 94 | 11 | 46 | 11.7 | 60.6 |
| 115th | 211 | 100 | 47.4 | 30 | 5 | 20 | 16.7 | 83.3 |
| 114th | 181 | 73 | 40.3 | 38 | 4 | 18 | 10.5 | 57.9 |
| 113th | 151 | 14 | 9.3 | 26 | 2 | 8 | 7.7 | 38.5 |
| OGR - Total | 189 | 11 | - | 42 | - | - | - | - |
| 115th | 108 | 11 | - | 14 | - | - | - | - |
| 114th | 43 | 0 | - | 16 | - | - | - | - |
| 113th | 38 | 0 | - | 12 | - | - | - | - |
| Total | 817 | 240 | 29.4 | 181 | 33 | 46 | 18.2 | - |

*This is the percentage of markups where DeSantis was either marked absent or missed at least one vote. This level of detail is only available for the Judiciary Committee.

VOTES TO REVOKE TERRORIST'S PASSPORTS.

| | | | |
|-----------|----------|-------------------------------------|---|
| 9/28/2017 | H.R. 425 | FTO Passport Revocation Act of 2017 | H.R. 425 required the Secretary of State to revoke the passports of individuals affiliated with foreign terrorist organizations. The bill was favorably reported via voice vote, but never received a floor vote. |
|-----------|----------|-------------------------------------|---|

TO KEEP GUANTANAMO PRISON OPEN.

| | | | |
|------------------|------------------|---|---|
| <u>3/16/2016</u> | <u>H.R. 4678</u> | United States Naval Station Guantanamo Bay Preservation Act | <u>H.R. 4678</u> would prohibit the President from modifying, repealing, or replacing the current lease agreement for the U.S. Naval Station in Guantanamo Bay, Cuba, unless authorized to do so by the Congress through legislation... |
|------------------|------------------|---|---|

EVEN VOTES TO EXPAND SANCTIONS ON TERRORIST NATIONS.

| | | | |
|------------------|-----------|---|---|
| <u>9/28/2017</u> | H.R. 1196 | Counterterrorism Screening and Assistance Act of 2017 | <u>H.R. 1196</u> tried to assist high-risk countries with terrorist travel screening , and allowed mild sanctions on countries failing to meet minimum standards. It was favorably reported via voice vote and did not receive a floor vote. |
|------------------|-----------|---|---|

BUT RON DESANTIS DID SHOW UP TO VOTE ...

TO GRANT AMNESTY TO ILLEGALS.

On June 19, 2013, Rep. DeSantis voted to favorably report H.R. 1773, out of the Judiciary Committee.

<https://www.congress.gov/113/crpt/hrpt674/CRPT-113hrpt674-pt1.pdf> (pg. 30)

“(p) ADJUSTMENT OF STATUS.—Notwithstanding any other provision of law, an alien who is unlawfully present in the United States on April 25, 2013, is eligible to adjust status to that of an H–2C worker.

Section 3(d) provides for a cap of 500,000 H–2C visas per year. The cap does not apply to any alien (including undocumented workers) who worked for 100 days or 575 hours in the 2 years preceding the date of enactment (it is unclear whether this also includes H–2A temporary workers).

FAIR Calls Bill Amnesty

1. Amnesty The bill grants amnesty to all illegal aliens if they will perform agricultural labor or services, not just illegal aliens currently in agricultural work. Amnestied illegal aliens are given work authorization and not considered unlawfully present as long as the illegal alien performs agricultural labor or services. (Sec. 7, p. 48; Sec. 9, p. 52)

<https://www.scribd.com/document/174111128/Bill-Summary-H-R-1773-the-Agricultural-Guestworker-Act#fullscreen=1>

RON DESANTIS.

TALKS CONSERVATIVE. VOTES FOR AMNESTY.

THAT’S WHO HE IS.