



Alex W. Cannon  
Special Counsel



March 25, 2020

**VIA FEDEX AND E-MAIL**



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

Dear 

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

massive country and because of the fact that we went early, we went early, we could have had a lot more than that.

(President Donald J. Trump, Remarks at a Campaign Rally, Charleston, SC, 2/28/20).<sup>1</sup> When the relevant language is taken in context, it is abundantly clear that President Trump was not calling the outbreak a hoax but rather was referring to the Democrat's falsification of his record in an attempt to discredit his Presidency.

Moreover, multiple independent fact-checking organizations have debunked the core claim of the PUSA ad: that President Trump referred to the coronavirus outbreak as a hoax. According to The Washington Post Fact Checker, checking a Biden campaign ad, "[t]he full quote shows Trump is criticizing the Democrat's talking points and the media's coverage of his administration's response to coronavirus. He never says that the virus itself is a hoax." (Meg Kelly, *Biden Ad Manipulates Video to Slam Trump*, The Washington Post, 3/13/20).<sup>2</sup> In fact, The Washington Post Fact Checker gave four Pinocchios (its highest rating for false information) to a similar claim, made in a Biden campaign ad. In so doing, The Fact Checker stated, "Ultimately, the seriousness of the coronavirus outbreak, the fact that Trump had clarified his comments on the matter before the ad was released, and the blatant way the Biden camp isolated his remarks about the American Dream pushed us to Four Pinocchios. Campaigns must be willing to make their case without resorting to video manipulation." *Id.* Similarly, FactCheck.Org stated that Democrats "wrongly accused[d] President Trump of describing the coronavirus as a hoax." (Rem Rieder, *Trump and the 'New Hoax'*, FactCheck.Org, 3/3/20).<sup>3</sup> Check Your Fact,<sup>4</sup> Snopes,<sup>5</sup> and Politifact<sup>6</sup> have each published a piece debunking attempts by Democrats to mislead the public into thinking that President Trump called the outbreak a hoax.

Tellingly, PUSA's ad provides no citations of support for its false claims. The record is incontrovertible – PUSA can point to nothing fact-based to support its contention that President Trump called the coronavirus itself a "hoax". It is, however, a fact that multiple fact-checking organizations have unequivocally debunked the idea that President Trump called the coronavirus outbreak a hoax. As such, PUSA's advertisement is false, misleading, and deceptive, and we formally demand that your station refuse

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<sup>1</sup> Available at <https://www.c-span.org/video/?469663-1/president-trump-campaign-event-north-charleston-south-carolina&start=405>.

<sup>2</sup> Available at <https://www.washingtonpost.com/politics/2020/03/13/biden-ad-manipulates-video-slam-trump/>.

<sup>3</sup> Available at <https://www.factcheck.org/2020/03/trump-and-the-new-hoax/>.


<sup>4</sup> Brad Sylvester, *Fact Check: Did Trump Call the Coronavirus A "Hoax" At His South Carolina Rally?* Check Your Fact, 2/29/20, available at <https://checkyourfact.com/2020/02/29/fact-check-donald-trump-coronavirus-hoax-south-carolina-rally/> ("Verdict: False. Trump referred to the alleged 'politicizing' of the coronavirus by Democrats as 'their new hoax.' He did not refer to the coronavirus itself as a hoax. the speech, Trump reiterates his administration is taking the threat of the coronavirus seriously.").

<sup>5</sup> Bethania Palma, *Did President Trump Refer To The Coronavirus as a "Hoax"?*, Snopes, 3/2/20, available at <https://www.snopes.com/fact-check/trump-coronavirus-rally-remark/> ("In context, Trump did not say in the passage above that the virus itself was a hoax. He instead said that Democrats' criticism of his administration's response to it was a hoax.").


<sup>6</sup> Daniel Funke, *Ad Watch: Biden Video Twists Trump's Words On Coronavirus*, PolitiFact, 3/15/20, available at <https://www.politifact.com/factchecks/2020/mar/15/joe-biden/ad-watch-biden-video-twists-trumps-words-coronavir/> ("The video makes it seem like Trump is calling the disease itself a hoax, which he hasn't done. The words are Trump's, but the editing is Biden's. During the North Charleston rally, there was nearly a minute between when Trump said 'coronavirus' and 'hoax.' . . . But the Biden campaign's ad is misleading. It's an example of what the Washington Post calls 'splicing,' or 'editing together disparate videos' that 'fundamentally alters the story that is being told.'").

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

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


*enclosure*

## **Charge: President Trump Called Coronavirus A "Hoax"**

### **At Least 5 Independent Fact Checkers Have Debunked This Claim**

**The Washington Post Fact Checker: "The Full Quote Shows Trump Is Criticizing Democratic Talking Points And The Media's Coverage Of His Administration's Response To Coronavirus. He Never Says That The Virus Itself Is A Hoax."** (Meg Kelly, "Biden Ad Manipulates Video To Slam Trump," [The Washington Post](#) 3/13/20)

- **The Washington Post Fact Checker Gave Joe Biden's Campaign Four Pinocchios For Manipulating Video To Claim That President Trump Called The Coronavirus A "Hoax."**  
"Ultimately, the seriousness of the coronavirus outbreak, the fact that Trump had clarified his comments on the matter before the ad was released, and the blatant way the Biden camp isolated his remarks about the American Dream pushed us to Four Pinocchios. Campaigns must be willing to make their case without resorting to video manipulation." (Meg Kelly, "Biden Ad Manipulates Video To Slam Trump," [The Washington Post](#), 3/13/20)

**FactCheck.Org: Democrats "Wrongly Accuse[d] Trump Of Describing The Coronavirus As A Hoax."**  
"But the following day, after the death of the first American from coronavirus in Washington state, Trump said that when he used the word 'hoax,' he was referring to Democrats finding fault with his administration's response to coronavirus, not the virus itself. Even after Trump explained his remarks, some Democrats — including former New York City Mayor Mike Bloomberg — continued to wrongly accuse Trump of describing the coronavirus as a 'hoax.'" (Rem Rieder, "Trump And The 'New Hoax,'" [FactCheck.Org](#), 3/3/20)

**Check Your Fact: President Trump "Did Not Refer To The Coronavirus Itself As A Hoax."** "Verdict: False. Trump referred to the alleged 'politicizing' of the coronavirus by Democrats as 'their new hoax.' He did not refer to the coronavirus itself as a hoax. the speech, Trump reiterates his administration is taking the threat of the coronavirus seriously." (Brad Sylvester, "Fact Check: Did Trump Call The Coronavirus A 'Hoax' At His South Carolina Rally?," [Check Your Fact](#) 2/29/20)

**Snopes: "Trump Did Not Call The Coronavirus Itself A Hoax."** "What's False: Despite creating some confusion with his remarks, Trump did not call the coronavirus itself a hoax . . . In context, Trump did not say in the passage above that the virus itself was a hoax. He instead said that Democrats' criticism of his administration's response to it was a hoax." (Bethania Palma, "Did President Trump Refer To The Coronavirus as a 'Hoax?'," [Snopes](#). 3/2/20)

**PolitiFact: Trump Did Not Call "The Disease Itself A Hoax," And Video That Is Edited To Make It Appear So Is "Misleading."** "The video makes it seem like Trump is calling the disease itself a hoax, which he hasn't done. The words are Trump's, but the editing is Biden's. During the North Charleston rally, there was nearly a minute between when Trump said 'coronavirus' and 'hoax.' ... But the Biden campaign's ad is misleading. It's an example of what the Washington Post calls 'splicing,' or 'editing together disparate videos' that 'fundamentally alters the story that is being told.'" (Daniel Funke, "Ad Watch: Biden Video Twists Trump's Words On Coronavirus," [PolitiFact](#), 3/15/20)

### **Reporters And Commentators Have Reiterated This Point**

**CBS News' Scott Pelley Pointed Out That President Trump Said The Media & Democrat Hysteria About The Government Coronavirus Response Was A Hoax, Not The Virus.** MIKE BLOOMBERG: "I find it incomprehensible that the president would do something as inane as calling it a hoax, which he did last night in South Carolina." SCOTT PELLEY: "He said the democrats making so much of it is a democratic hoax, not that the virus was a hoax." (CBS's Face The Nation, 3/1/20)



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**Slate's Will Saletan Explained That President Trump Was Saying "The Hoax Is That He's Handled It Badly. Not The Virus Itself."** "Trump's use of "hoax" tonight (7:45 in this video) referred to what he said a minute earlier: 'The Democrats are politicizing the coronavirus. ... We did one of the great jobs.' He was saying the hoax is that he's handled it badly. Not the virus itself." (Will Saletan, [Twitter](#) 2/28/20)

### **The President's Remarks Make Clear He Was Talking About The Politicization Of The Coronavirus Outbreak**

**During President Trump's February 28<sup>th</sup> Rally In Charleston, South Carolina, The President Said Democrats Are "Politicizing The Coronavirus."** PRESIDENT DONALD TRUMP: "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." (President Donald J. Trump, [Remarks At A Campaign Rally](#) Charleston, SC, 2/28/20)

**Further In His Remarks, President Trump Called The Democrats' And Media's Response To His Administration's Actions On The Coronavirus A Hoax, Not The Disease Or Virus Itself.** PRESIDENT DONALD TRUMP: "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 massive country and because of the fact that we went early, we went early, we could have had a lot more than that." (President Donald J. Trump, [Remarks At A Campaign Rally](#), Charleston, SC, 2/28/20)



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**The Next Day, President Trump Addressed The Hoax Claim During A News Conference, Where He Reiterated He Was Referring To The Actions Of The Democrats To Try And Pin The Virus On Somebody.** “Moreover, at a news conference Feb. 29, the day after the rally and three days before Biden’s ad was released, Trump was asked about the ‘hoax’ comment. He clarified, “Hoax’ referring to the action that [Democrats] take to try and pin this on somebody, because we’ve done such a good job. The hoax is on them, not -- I’m not talking about what’s happening here [the virus]; I’m talking what they’re doing. That’s the hoax. ... But the way they refer to it -- because these people have done such an incredible job, and I don’t like it when they are criticizing these people. And that’s the hoax. That’s what I’m talking about.” (Meg Kelly, “Biden Ad Manipulates Video To Slam Trump,” [The Washington Post](#) 3/13/20)