

**Michael Kreloff**

*ATTORNEY AT LAW*

**TO: Station Managers**

**Re: False Congressional Leadership Fund Advertisement**

Dear Station Manager:

I am counsel to Betsy Londrigan. I write with regard to an advertisement by Congressional Leadership Fund (CLF), a Republican-affiliated “SuperPAC”. The text of the advertisement is attached. This advertisement is false. For the sake of both FCC licensing requirements and the public interest, your station should immediately refuse to continue to air this advertisement.

In the ad, CLF cites a News Gazette candidate questionnaire dated February 20, 2018 to falsely claim that Londrigan supports a “radical health care plan” that could “cost \$32 trillion.”<sup>1</sup> In the cited questionnaire, Londrigan does express support for a “public option.”<sup>2</sup> However, CLF’s citations for the results of what it calls Londrigan’s plan all refer to the quite distinct “single-payer” or “Medicare for All” plan. According to FactCheck.org, the impact of a “public option” versus a “single payer” system are “drastically different”<sup>3</sup>; therefore, CLF’s ad is an inaccurate distortion of Londrigan’s record.

As stated in recent news coverage of the CLF ad, “Londrigan has said repeatedly that she does not support such a system, instead saying she supports a public option plan that would work in the existing framework of health care law.”<sup>4</sup> Londrigan has consistently said that she supports a public option. In February 2018, she said, “her focus would be to fix the Affordable Care Act and introduce a public option that would compete with private health insurance companies.”<sup>5</sup> In September 2017, she said “she favored stabilizing the ACA by letting people 55 and older buy into Medicare now, thereby lowering costs throughout the rest of the health care marketplace.”<sup>6</sup>

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<sup>1</sup> Congressional Leadership Fund ad, published on [9/26/18](#)

<sup>2</sup> News Gazette, [2/20/18](#)

<sup>3</sup> FactCheck.org, [12/18/09](#)

<sup>4</sup> Herald and Review, [9/26/18](#)

<sup>5</sup> State Journal-Register, 2/28/18

<sup>6</sup> News-Gazette, [9/6/17](#);

In one instance, Londrigan specifically claimed she supported Medicare X, Senator Tim Kaine's plan.<sup>7</sup> Senator Kaine's Medicare X is a Medicare-like public option that would have "a different benefit package from the public program" Medicare, and would not touch the Medicare trust fund.<sup>8</sup>

A "public option" is defined as a "single federal insurance plan that would compete with private insurance companies."<sup>9</sup> CLF's ad asserts that Londrigan's plan would "end employer-provided insurance,"<sup>10</sup> an obviously false claim, as by definition, a public option would compete with private insurance companies.

Additionally, CLF claims that Londrigan's plan would "cost \$32 trillion, and nearly double the national debt." However, during the health care debate in 2009, the nonpartisan Congressional Budget Office scored the cost of a public option – and found it would cost less than 3 percent of what CLF claims, and would actually reduce the deficit.<sup>11</sup> Again, CLF misled voters by making false claims about the impact of a "public option."

Unlike federal candidates, independent political organizations do not have a "right to command the use of broadcast facilities." *See CBS v. DNC*, 412 U.S. 94, 113 (1973). Because you need not air this advertisement, your station bears responsibility for its content when you do grant access. *See Felix v. Westinghouse Radio Stations*, 186 F.2d 1, 6 (3rd Cir.), *cert. denied*, 314 U.S. 909 (1950).

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" that can be cause for the loss of a station's license. *Cosmopolitan Broad. Corp. v. FCC*, 581 F.2d 917, 927 (D.C. Cir. 1978).

This advertisement is false, misleading, and deceptive. On behalf of the Londrigan campaign, we ask that you refuse to continue to air this advertisement.

Very truly yours,

/s/Michael Kreloff

<sup>7</sup> State Journal Register, [9/21/18](#)

<sup>8</sup> Vox, [10/20/17](#)

<sup>9</sup> FactCheck.org, [12/18/09](#)

<sup>10</sup> Congressional Leadership Fund ad, published on [9/26/18](#)

<sup>11</sup> CNN, [10/21/09](#)

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VIDEO: <https://www.youtube.com/watch?v=r7ykiObZ8QY>

**SCRIPT**

**VO:** *Liberal Betsy Londrigan is too expensive for Illinois.*

*Londrigan's radical health care plan could put government in control of your care, cost \$32 trillion, and nearly double the national debt.*

*It could end employer-provided insurance – and end Medicare as we know it.*

*Even doubling your income taxes wouldn't be enough to pay for her radical plan.*

*Illinois can't afford liberal Betsy Londrigan.*