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October 7, 2013

Dear Station Manager:

We are in receipt of a copy of a letter from Thomas J. Josefiak, counsel to Cheney for Wyoming, regarding a certain television advertisement distributed by our client American Principles Fund (the "Advertisement"). We respectfully submit that the assertions contained in Mr. Josefiak's letter are incorrect. The Advertisement is demonstrably true and correct in all aspects. Accordingly, the station should continue running the Advertisement.

At the outset, it bears noting that the letter from Ms. Cheney's counsel does not actually allege that the Advertisement contains any false statements. Indeed, the letter does not cite a single statement in the Advertisement which is alleged to be false. Instead, completely ignoring the actual text of the Advertisement, the letter objects to the Advertisement's "implications" and "portrayals" of Ms. Cheney. Specifically, the letter states that the Advertisement "inaccurately portrays [Ms. Cheney] as a supporter" of same-sex marriage, and it contends that this is the "very clear implication" of the Advertisement. In making these statements, the letter attempts to divert the station's attention away from the actual text of the Advertisement, all of which is entirely supported by the public record. Indeed, the principle source for the Advertisement is Ms. Cheney's own recorded words, as broadcast on national television.

The Advertisement states in relevant part that "[i]n Washington [Ms. Cheney] appears on MSNBC to campaign against the marriage amendment and support government benefits for gay couples." As to the first part of this sentence, on May 28, 2009 Ms. Cheney appeared on MSNBC and stated the following: "I certainly would not like to see a constitutional amendment, you know as was suggested in the last administration, banning it [i.e., same sex marriage]." As to the second part of the sentence, in this same interview on MSNBC Ms. Cheney stated that "I do think that partners ought to be able to make arrangements. I think, you know, I applaud for example the State Department decision to extend benefits to same-sex partners around the world."<sup>1</sup> In short, the two operative statements in the Advertisement are directly supported by Ms. Cheney's own words.

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<sup>1</sup> See [https://www.youtube.com/watch?v=6vyN\\_hvd4Qw](https://www.youtube.com/watch?v=6vyN_hvd4Qw).

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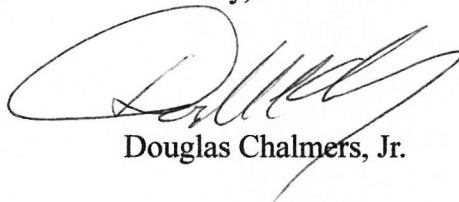
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The letter from Ms. Cheney's counsel asserts that the station "must fulfill its responsibility to operate in the public interest . . . ." We agree. We believe, however, that removing factually accurate political speech from the airwaves is not in the public interest. Organizations such as American Principles Fund have a legitimate First Amendment right to participate in political debate. As the Supreme Court has emphasized, "speech concerning public affairs is more than self-expression; it is the essence of self-government. The First and Fourteenth Amendments embody our 'profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open . . ..'" *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964). The Federal Communication Commission agrees that stations best meet their public interest obligations by presenting contrasting views and by encouraging robust, wide-open debate.

Because all the assertions made in the Advertisement are fully sourced and are factually accurate - indeed, they come straight from Ms. Cheney's own words - we respectfully submit that your station should continue to run the Advertisement.

Please do not hesitate to contact me if I can be helpful. I can be reached at the email address or phone number above. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Chalmers, Jr.", with a large, stylized initial "D" and a long, sweeping underline.

Douglas Chalmers, Jr.