

June 8, 2018

Attn: Station Manager

Re: One Nation's False, Misleading, and Deceptive Ad

Dear Station Manager:

I am writing on behalf of U.S. Senator Joe Manchin's campaign committee, Manchin for West Virginia, regarding a false, misleading, and deceptive advertisement titled "Reverse Course" sponsored by One Nation that may be running on your station. Your station has a duty to protect the public from false, misleading, or deceptive advertising and I urge you to act immediately to stop running One Nation's ad.

One Nation falsely claims that Sen. Manchin opposes funding for a border wall then misleadingly and deceptively asks viewers to urge him to "reverse course." There is no course to reverse.

In fact, Sen. Manchin supports funding and building the border wall and has made many public statements and cast several recent votes in support of the border wall as demonstrated below:

1. Sen. Manchin: "We do need a wall. In certain places we do need a wall. And I think the president has acknowledged that... We're going to do what it takes to secure our country." [Fox News Channel, Uploaded [2/27/18](#)]



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2. We do need a wall... We are going to do what it takes to secure our country.” — Sen. Joe Manchin. [[Fox News, Jan. 25, 2018](#)]
3. **HEADLINE: “Sen. Joe Manchin Agrees With Trump: ‘We Do Need A Wall.’”** [Daily Caller, [1/24/18](#)]
4. **Sen. Manchin voted for Trump’s immigration plan and was one of two Democratic senators to meet with the President to discuss immigration.**

February 2018: Manchin Voted For Trump’s Immigration Plan. “Lawmakers could not muster the 60 votes needed on any of the three proposals, all of which would have offered a path to citizenship for at least 1.8 million Dreamers in return for some degree of border security. Eight Republicans crossed the aisle to support a last-ditch bipartisan deal announced Wednesday, but even that was not enough. In the end, it was **the plan supported by President Donald Trump** that gained the least support, falling short by a vote of 39-60. Fourteen Republicans voted against the Trump plan, while three moderate Democrats — Joe Donnelly of Indiana, Heidi Heitkamp of North Dakota and **Joe Manchin III of West Virginia — sided with the president.** Donnelly, Heitkamp and Manchin all face tough re-elections in states Trump won handily in 2016.” [Roll Call, [2/15/18](#)]

Manchin: “I Share The President's Commitment To Border Security. That’s Why I Voted For His Plan.” “U.S. Senator Joe Manchin (D-WV) released the following statement on the failure of a bipartisan agreement on border security and immigration in the Senate. ‘Today the Senate had the chance to pass a bipartisan compromise on border security and immigration and I’m disappointed it failed. We worked on the proposal for weeks, meeting every day to work through complicated issues in a constructive way that would have secured the border and solved some difficult immigration issues. **I share the President's commitment to border security. That’s why I voted for his plan. That’s why I fought to ensure the \$25 billion he requested for border security was included in the bipartisan deal.** That’s why I opposed the Democratic proposal that did not provide a single penny for border security.’” [Press Release, Office of Sen. Manchin, [2/15/18](#)]

January 2018: Manchin Was One Of Two Democrats To Meet With Trump To Discuss Immigration Issues. “President Trump on Monday met with a pair of centrist Democratic senators to discuss a path forward on immigration. West Virginia Sen. Joe Manchin and Alabama Sen. Doug Jones spoke with the president at the White House as the Senate was voting to approve a stopgap spending bill to end the three-day government shutdown. White House press secretary Sarah Huckabee Sanders confirmed the meeting but declined to provide details about the discussion.” [The Hill, [1/22/18](#)]

Manchin Said Trump’s January 2018 Immigration Reform Proposal Was A “Good Starting Point.” “Sen. Joe Manchin said Sunday that President Trump’s recent immigration proposal

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is a 'good starting point' and that he plans to meet soon with senators from both parties to see how much of it can pass. 'The president's laid out what he wants. That's a good starting point. Let's see if it's something that we can agree on, something we need to adjust and something we can negotiate with,' the West Virginia Democrat said on CNN's 'State of the Union.' 'The president has laid out a template. We're going to look at that template and we're going to work with it,' said Mr. Manchin, who is seeking re-election in a state in which Mr. Trump won every county." [Washington Times, [1/28/18](#)]

Your station has 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*, 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). And, your station is not obligated to run this organization's advertisement. See *Columbia Broadcasting Sys., Inc. v. Democratic Nat'l Comm.*, 412 U.S. 94, 113 (1973); *Nat'l Conservative Political Action Comm.*, 899 F.C.C. 2d 626 (F.C.C., 1982). Because your station is not required to air this advertisement, your station is not protected from legal liability for its content when you grant access to your facilities. See 47. U.S.C. § 315; *Columbia Braodcasting Sys.*, 412 U.S. at 113 n. 12; *Farmers Educ. & Coop. Union v. WDAY*, 360 U.S. 525, 535 (1959); *Felix v. Westinghouse Radio Stations*, 186 F.2d 1, 6 (3rd Cir. 1950) *cert denied*, 314 U.S. 909 (1950).

This letter serves as notice to your station that One Nation's advertisement contains demonstrably false, misleading, and deceptive content. We demand that your station stop airing "Reverse Course" immediately.

Thank you for your prompt attention to this request.

Sincerely,

James C. Lamb
Counsel
Manchin for West Virginia