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October 13, 2020

SENT VIA EMAIL

Re: False and Misleading Advertising by House Majority PAC

Dear _____:

It has come to our attention that House Majority PAC (“Sponsor”) is paying _____ to air a negative advertisement targeting Representative Richard Hudson, a candidate for re-election to the U.S. House of Representatives for North Carolina’s 8th congressional district (“the Advertisement”). The Advertisement is disgusting, not to mention defamatory, misleading, and completely void of factual substantiation. Given the total lack of respect for any semblance of the truth, it’s impossible to understand this Advertisement as anything other than a low-brow attempt to deceive the voters of North Carolina’s 8th Congressional District. For those reasons, we respectfully request that you immediately cease airing this false, misleading, and baseless Advertisement in order to protect your viewers. Given the nature of the Advertisement and the proximity to the election, my client is absolutely, justifiably considering all options – including litigation – to ensure this Advertisement is removed from public circulation and wholly discredited.

The Advertisement states that “Congressman Hudson skipped out on a vote to give our troops a hard-earned raise”, citing HR 6395, House Vote 152, held on July 21, 2020. Unbelievably, House Majority PAC makes this allegation despite the publicly - available information confirming that, at the time of the vote, Rep. Hudson was quarantining after exposure to COVID-19, per orders from the Attending Physician of the Congress of the United States. *See Attachment A.* Rep. Hudson’s quarantine period, as proscribed by the Attending Physician, began on July 9, 2020, and concluded on July 23, 2020. Clearly, if Rep. Hudson had voted, he would have been in violation of doctor’s orders, and risking the health and safety of colleagues and staff, which House Majority PAC inexplicably believes would have been the better move.

Furthermore, on July 22, 2020, the Congressional Record published Rep. Hudson’s statement that he was quarantining due to exposure to COVID-19, and further noted that he would have voted “YEA on Roll Call No. 152” had he been able to attend the vote. *See Attachment B.* Representative Hudson made it exceedingly clear, months ago, how he would have voted on this legislation if he were permitted to be in attendance.

House Majority PAC's representation that Rep. Hudson would have voted "no" is a blatant misrepresentation of Rep. Hudson's record, in disregard of evidence clearly indicating that Rep. Hudson was in support of the legislation at issue.

While I'm certain you already understand the gravity of this disgusting claim made by House Majority PAC, just to be perfectly clear, **Rep. Hudson did not "skip" this vote. Rather, knowing he was exposed, he responsibly, sensibly, and thoughtfully followed advice of the Attending Physician of the Congress of the United States in an attempt to protect his colleagues, staffers, and countless others from risk of contracting COVID-19.** That House Majority PAC would suggest he should have done otherwise is dangerous, disgusting, and completely without regard for the health and safety of the very officeholders that House Majority PAC purports to support. Liability aside, in light of current events, your network simply cannot continue to air an advertisement that, in no uncertain terms, attempts to shame officials into voting in person after advised by a doctor to quarantine. With every airing of this Advertisement, voters are led to believe that Rep. Hudson failed to do his duty, when, in fact, he was following advice of a doctor in an attempt to protect the health and safety of those he would come into contact with. Candidly, there are no words for the disgusting desperation of this Advertisement. This is truly a new low.

Secondly, the Advertisement continues to state that "when Hudson finally showed up, he voted to underfund the Department of Veterans Affairs." House Majority PAC includes two citations to support this allegation. The first was a vote that supposedly took place on April 30, 2015, which clearly cannot be accurate, because this vote would have happened over five years *before* Rep. Hudson's mandatory quarantine period. The second is allegedly House Vote 257, which allegedly took place on June 8, 2020. However, to be clear, there were no votes at all taken on June 8, 2020¹, and the current congress has not yet reached vote 257. It is possible that the citation is in error, and should reference H.R. 5895, which was House Roll Call Vote 257, held on June 8, 2018. While the substance of that bill did relate to veterans' appropriations, it is completely inaccurate to say that the bill "underfunded" the Department of Veterans Affairs. Much to the contrary, the bill included **the largest allocation to the Department of Veterans Affairs in history.**² Simply put, House Majority PAC cannot even be bothered to provide accurate substantiation for the outrageous claims that it makes. It's impossible to even push back here, when the Advertisement cites votes that do not exist, on days that votes did not occur. But, assuming we have correctly identified the wrongly-cited legislation at issue, the claim remains completely and totally false.

While House Majority PAC certainly has a legitimate First Amendment right to participate in political debate, it has no right to knowingly and willfully spread false information in a deliberate attempt to mislead voters. Because the Sponsor is not a federal candidate or candidate committee, the "no censorship" provisions of the law that protect candidate use do not apply here, and your network has no legal obligation to run this Advertisement. On the contrary, your network does have the responsibility to exercise

¹ See <https://clerk.house.gov/Votes?Date=06/08/2020>, last accessed October 13, 2020.

² <https://www.politico.com/story/2018/06/08/house-spending-energy-military-va-633889>.

independent editorial judgment to not only oversee and protect the American marketplace of ideas, essential for the health of our democracy, but also to avoid deliberate misrepresentations of the facts. Such obligations must be taken seriously, and I urge you to cease and desist the airing of House Majority PAC's dishonest advertisement.

To reiterate, given the proximity of the election and the seriousness of the allegations made herein (not to mention the irresponsible, complete disregard for the importance of quarantining upon exposure to COVID-19), Rep. Hudson's campaign is considering all options available in order to ensure this despicable Advertisement is taken out of circulation. In the mean time, we respectfully demand that your network refuse to air this false Advertisement. We further request that you reject any attempts by the Sponsor to purchase time for future airings of this Advertisement because of its defamatory, false, and disgusting claims. Knowing that the Advertisement is false, and possessing the legal authority to refuse to air it, your station is obligated to exercise such authority in accordance with its duty to protect the public.

Please do not hesitate to contact me should you have any additional questions. I will likely reach out to you personally in short order, given the situation. In the mean time, I can be reached at _____, or by email at _____.

Sincerely,

A handwritten signature in black ink, appearing to read 'JF Johnson', written in a cursive style.

Jessica Furst Johnson
Counsel to Hudson for Congress