

April 27, 2020

WJFW-TV
3217 County Road G
Rhineland, WI 54501
Attn: Mr. R. Joseph Fuchs

Dear Mr. Fuchs:

As organizations that represent our nation's broadcasters, including advancing the critical role broadcasters play in disseminating information to the American public and providing a platform for open discourse, the ABC Television Affiliates Association, CBS Television Network Affiliates Association, FBC Television Affiliates Association, NBC Television Affiliates, the Radio Television Digital News Association, the Media Institute , and the Society of Professional Journalists write to express our collective support for you and your station as you defend against the defamation claims raised in a pending lawsuit.

We have read and considered press reports of the lawsuit filed against WJFW-TV, your local television station in Rhineland, Wisconsin arising out of that station's broadcast of a political advertisement as well as the complaint filed by the President's political campaign in Wisconsin state court.

This is, of course, a Presidential election year. Local network affiliated television stations throughout our country, like WJFW, are proud to serve their communities as a fulcrum for debate and discussion about politics, public issues, and political candidates. Network affiliated stations as well as many independent local stations broadcast news about politics and elections, debates among candidates, public affairs programming, and advertising by candidates and third-party groups on all sides of public issues. In our coverage, stations strive to provide all parties with access to the channels of communication, as required by law.

Political advertising can, of course, raise strong emotions in viewers based on their individual political preferences. From time to time, local viewers dislike what they hear or see in political advertisements that are broadcast on our stations, and candidates or their campaigns frequently voice their displeasure with the station's decision to air those political ads. Many viewers are surprised to learn that local broadcast stations are actually required by federal law to sell time to candidates for federal elective office and cannot censor anything a federal candidate says in his or her advertisement.

Local television stations endeavor to be as even-handed as possible in dealing with the sale of advertising time to parties on all sides of public issues. Those opportunities are made available to individuals and groups with varying, and often conflicting, political points of view. As a matter of course, stations routinely offer opportunities to purchase advertising time to those who request it, including the President and his campaign.

By making opportunities to air political ads broadly available to individuals and groups across the political spectrum, local television stations serve as a platform for the discussion of all sides of public issues and political candidates. That is the American way.

The open and robust discussion of political candidates and issues that results is rooted in the First Amendment. Our Constitution is premised on the notion that the cure for speech with which a candidate or group disagrees is more speech that advances different and sometimes contrary ideas in response, not attempts to squelch speech with which they disagree with libel claims made in litigation.

In fact, the Supreme Court of the United States has observed that candidates for public office, just like public officeholders, must have thick skin, because the First Amendment necessarily protects some false speech in order to ensure the vigorous protection of freedom of speech guaranteed by the Constitution. As the Supreme Court said many years ago (in a case involving a political advertisement that contained five factual errors):

[W]e consider this case against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials. . . . [E]rroneous statement is inevitable in free debate, and . . . it must be protected if the freedoms of expression are to have the breathing space that they need to survive.

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New York Times Co. v. Sullivan, 376 U.S. 254, 270, 271-72 (1964) (citations and internal quotation marks omitted).

In the meantime, please know that we respect your willingness to broadcast political advertising and information that represents all viewpoints and candidates.

With very best regards,

ABC Television Affiliates Association

CBS Television Network Affiliates Association

FBC Television Affiliates Association

NBC Television Affiliates

Radio Television Digital News Association

The Media Institute

Society of Professional Journalists