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September 3, 2014

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VIA E-MAIL (jbartlett@hearst.com) AND U.S. MAIL

Jeff Bartlett
General Manager,
WMUR
100 S. Main St.,
Manchester NH, 03101

Re: Cease and Desist; Gary Lambert for Congress Advertisement

Dear Mr. Bartlett,

It has come to our attention that your station is currently airing a false advertisement sponsored by Gary Lambert for Congress. The advertisement in question, known as “Differences,” and which can be viewed at <https://www.youtube.com/watch?v=ELYTeFtGbX8>, falsely and recklessly distorts the positions of Lambert’s primary opponent Marilinda Garcia by taking Ms. Garcia’s statements in an interview with *The Keene Sentinel* grossly out of context. I urge WMUR, as an FCC licensee, to immediately cease and desist from further airing this ad.

THE LAMBERT ADVERTISEMENT

A mere four to five seconds into the Lambert campaign ad “Differences,” the narrator falsely claims, “Marilinda Garcia says she supports Obamacare’s mandates and opposes repeal.” (On-screen text: GARCIA “AGREES WITH” OBAMACARE MANDATES / WON’T REPEAL OBAMACARE). The ad purports to cite an August 20, 2014 *Keene Sentinel* article as support for these claims.

THE FACTS

As the *Keene Sentinel* article, enclosed herein as Exhibit 1, makes clear, Ms. Garcia “said she would advocate dismantling most aspects of the Affordable Care Act,” and condemned those who passed the law for “foist[ing] something across the entire country . . . based frankly on what are lies and false premises.” The Lambert ad’s claim that Ms. Garcia “supports” and “agrees with” Obamacare is thus plainly deceptive and without any factual basis.

And while the article notes Ms. Garcia’s observation that “repealing the law would no longer be a viable option,” that is simply an empirical statement about the political realities, and hardly equates with the ad’s far broader and obviously

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misleading assertion that Ms. Garcia “won’t repeal Obamacare,” which is clearly contrary to Ms. Garcia’s support for “dismantling most aspects” of the law, as the article reports.

Lastly, Ms. Garcia does not “support[] Obamacare’s mandates,” as the Lambert ad falsely suggests. According to the same *Keene Sentinel* article cited in the ad, Ms. Garcia believes “the individual mandate for coverage is too invasive.” This is hardly a position that can fairly be characterized as “support” for “Obamacare’s mandates.”

Not only does the Lambert ad rely entirely on isolated words and phrases from the *Keene Sentinel* article to cobble together its own version of the facts, it also ignores the vast array of other sources substantiating Ms. Garcia’s consistently articulated and well-known positions supporting the repeal and dismantling of Obamacare. See, e.g., MarlindaGarcia.com (“I will work to dismantle ObamaCare”);¹ John DiStasio, State Rep. Marilinda Garcia wants to bring youthful perspective to Congress, GOP, Union Leader (Nov. 25, 2013) (“She called for the ‘full repeal of ObamaCare’...”);² Emily Cadei, Marilinda Garcia: New Hampshire's young conservative, *USA Today* (Aug. 15, 2014) (“If anyone can make...repeal of Obamacare sound pleasant, it's Marilinda Garcia.”);³ Marilinda Garcia Statement on Obamacare Subsidies Ruling (Jul. 22, 2014) (“If I am elected to Congress, I will work to dismantle Obamacare”).⁴

THE LAW

As an FCC licensee, WMUR has a responsibility to exercise independent editorial judgment to oversee and protect the integrity of the American marketplace of ideas, and to avoid broadcasting deliberate misrepresentations of the facts. Such

¹ Available at <http://www.marilindagarcia.com/issues#healthcare>.

² Available at <http://www.unionleader.com/article/20131125/news06/131129559&template=mobileart>.

³ Available at <http://www.usatoday.com/story/news/politics/2014/08/15/ozy-marilinda-garcia-new-hampshire/14100641/>.

⁴ Available at <http://www.girardatlarge.com/wp-content/uploads/2014/07/Garcia-on-Obamacare-subsidy-ruling.pdf>.



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obligations must be taken seriously and I urge you to immediately cease and desist the broadcast of this advertisement. This letter places you on notice that the information contained in the above-cited advertisement is false and misleading. Your station should act responsibly and refrain from airing this advertisement – the malicious spreading of falsehoods and misleading implications does nothing to enhance public debate. If the Lambert for Congress campaign wishes to use its voice in the public square, it should be expected to speak truthfully.

If you have any questions regarding this matter, please do not hesitate to contact me at (202) 719-4185.

Sincerely,

Eric Wang

Counsel to Marilinda Garcia for Congress

encl.

