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September 9, 2020

Biden for President  
Attn: Jennifer O'Malley Dillon  
PO Box 58174  
Philadelphia, PA 19102

**Re: False, Misleading, and Deceptive Biden Campaign Advertisement**

Dear Ms. O'Malley Dillon:

On behalf of Donald J. Trump for President, Inc., President Trump's principal campaign committee, this letter notifies you that Biden for President (the "Biden Campaign") produced and caused to be posted on Joe Biden's Twitter feed a digital ad<sup>1</sup> that contains intentionally false and misleading statements that cannot be verified when it alleges that President Trump made derogatory comments towards fallen American military heroes (the "False and Misleading Ad"). **President Trump unequivocally denies making these statements.** *The Atlantic* article<sup>2</sup> and the False and Misleading Ad both rely upon statements allegedly made by anonymous sources who were directly contradicted on the record by twenty-one individuals present with President Trump that day. Additionally, the contemporary facts in the Secret Service record totally debunk this fake story. In fact, President Trump has a monumental record of supporting veterans and veterans' causes – probably more so than any other President in American history.

The False and Misleading Ad by its very nature is unreliable. Twitter claims that it has a role in slowing the spread of misinformation in a statement published on June 14, 2017, reading in part: "Twitter's job is to keep people informed about what's happening in the world. As such, we care deeply about the issue of misinformation and its potentially harmful effect on the civic and political discourse that is core to our mission." The statement goes on to describe generally the action Twitter takes in instances of policy violations. Facebook has similar community standards and has also acknowledged its supposed role. Both Twitter and Facebook have used

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<sup>1</sup> @JoeBiden, TWITTER (Sept. 4, 2020, 12:04 PM), <https://twitter.com/JoeBiden/status/1301913914922299393>.

<sup>2</sup> Jeffrey Goldberg, *Trump: Americans Who Died in War Are 'Losers' and 'Suckers,'* THE ATLANTIC, Sept. 03, 2020, <https://www.theatlantic.com/politics/archive/2020/09/trump-americans-who-died-at-war-are-losers-and-suckers/615997/> [hereinafter "*The Atlantic* article"].

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their policies to remove or flag tweets and postings by President Trump. Now, Twitter and Facebook—if they are truly trying to be fair arbiters of factually accurate statements—will be obligated to remove your False and Misleading Ad, which is based solely on cites to anonymous sources.

Further, Mr. Biden and the Biden Campaign’s willful ignorance of the facts shows Mr. Biden’s weakness, lack of vision, and absolute lack of decency toward our veterans. Mr. Biden attempts to score cheap political points at the expense of our great American military heroes.

Mr. Biden and the Biden Campaign should immediately cease and desist using the False and Misleading Ad and issue a public apology to the millions of servicemembers whose morale Mr. Biden is attempting to damage by posting the False and Misleading Ad in the first place. The False and Misleading Ad presents unsubstantiated quotes by President Trump allegedly made in connection with a cancelled official visit to Aisne-Marne American Cemetery in France.<sup>3</sup> As stated above, numerous individuals who were with President Trump have gone on the record denying that President Trump made any such statements.

- Zach Fuentes, former White House Deputy Chief of Staff stated, “[y]ou can put me on record denying that I spoke with *The Atlantic*. I don’t know who the sources are. I did not hear POTUS call anyone losers when I told him about the weather. Honestly, do you think General Kelly would have stood by and let ANYONE call fallen Marines losers?”<sup>4</sup>
- Sarah Huckabee Sanders, former White House Press Secretary, stated, “The Atlantic story on @realDonaldTrump is total BS. I was actually there and one of the people part of the discussion - this never happened. I have sat in the room when our President called family members after their sons were killed in action and it was heart-wrenching. . . . I am disgusted by this false attack.”<sup>5</sup>
- Hogan Gidley, former White House Deputy Press Secretary, stated, “[t]hese are disgusting, grotesque, reprehensible lies. I was there in Paris and the President never said those things. In fact, he would never even think such vile thoughts because I know from firsthand knowledge that President Trump absolutely loves, respects, and reveres the brave men and women of the United States military. He always has and always will. These weak, pathetic, cowardly background ‘sources’ do not have the courage or decency

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<sup>3</sup> *Id.*

<sup>4</sup> Matthew Boyle, *Exclusive: Zach Fuentes, Top Aide To John Kelly, Denies Atlantic Story About Trump*, BREITBART, Sept. 7, 2020, <https://www.breitbart.com/politics/2020/09/07/exclusive-zach-fuentes-top-aide-to-john-kelly-denies-atlantic-story-about-trump/>.

<sup>5</sup> @SarahHuckabee, TWITTER (Sept. 3, 2020, 10:03 PM), <https://twitter.com/SarahHuckabee/status/1301702348071460864>.

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to put their names to these false accusations because they know how completely ludicrous they are.”<sup>6</sup>

- Dan Scavino, White House Deputy Chief of Staff for Communications stated, “I was with POTUS in France, with Sarah, and have been at his side throughout it all. Complete lies by ‘anonymous sources’ that were ‘dropped’ just as he begins to campaign (and surge). A disgraceful attempt to smear POTUS, 60 days before the Presidential Election! Disgusting!!”<sup>7</sup>
- Jordan Karem, former Personal Aide to President Trump stated, “[a]gain, this is 100% false. I was next to @POTUS the whole day! The President was greatly disappointed when told we couldn’t fly there. He was incredibly eager to honor our Fallen Heroes.”<sup>8</sup>

Further named officials who are on-the-record refuting *The Atlantic’s* false and misleading statements include:

- First Lady Melania Trump
- Johnny DeStefano, Former Counselor to the President
- Stephen Miller, White House Senior Adviser
- Torny Ornato, White House Deputy Chief of Staff and former Secret Service Special Agent in charge of the Presidential Protective Division
- Derek Lyons, Staff Secretary and Counselor to the President
- Dan Walsh, Former White House Deputy Chief of Staff
- U.S. Ambassador to France and Monaco Jamie McCourt
- Major General (ret.) Bill Matz, Secretary of the American Battle Monuments Commission
- Lt. General Keith Kellogg (ret.), National Security Adviser for Vice President Pence
- Mark Meadows, White House Chief of Staff
- Alyssa Farah, White House Communications Director
- Kayleigh McEnany, Press Secretary for President Trump
- Judd Deere, Deputy Press Secretary for President Trump
- Mick Mulvaney, Former Acting White House Chief of Staff
- Nick Ayers, Former Chief of Staff to Vice President Mike Pence

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<sup>6</sup> @JHoganGidley, TWITTER (Sept. 3, 2020, 8:38 PM), <https://twitter.com/JHoganGidley/status/1301681054902779905>.

<sup>7</sup> @DanScavino, TWITTER (Sept. 3, 2020, 10:49 PM), <https://twitter.com/DanScavino/status/1301714039907725314>.

<sup>8</sup> @JordanKarem1, TWITTER (Sept. 3, 2020, 8:25 PM), <https://twitter.com/JordanKarem1/status/1301677808649998337>.

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President Trump's record of achievements for our American military heroes provides all the evidence anyone needs to show that the alleged statements could never have been made by President Trump. For instance, last year President Trump secured a record \$217 billion in funding for the Department of Veterans Affairs.<sup>9</sup> Including mandatory funding, President Trump's budget for 2021 includes \$243 billion for the VA, a 10.2% increase above 2020.<sup>10</sup> President Trump has also fought to improve veterans' benefits, by signing the Forever G.I Bill to improve educational benefits for veterans and their families<sup>11</sup> and ordering that federal student debt for America's totally and permanently disabled veterans be automatically forgiven.<sup>12</sup> On a statistical level, the lives of veterans and their families have dramatically improved under President Trump's watch. In April 2019, veteran unemployment hit a record low of 2.5% whereas veteran unemployment under the Obama-Biden administration average 6.6%.<sup>13</sup> Since 2016, the number of homeless veterans has fallen by 2,386, a decline of 6%.<sup>14</sup> Additionally, in 2019, President Trump authorized the largest military pay increase since 2010.<sup>15</sup>

More recently, the President has fought tirelessly to ensure that veterans receive the benefits they deserve during the China Virus pandemic. President Trump established a plan to source much-needed PPE at the VA,<sup>16</sup> developed a long-term sustainment plan to treat veterans

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<sup>9</sup> Leo Shane III, *Another Big Boost For VA Funding In Latest Federal Budget Deal*, MILITARY TIMES, Dec. 12, 2019, <https://www.militarytimes.com/news/pentagon-congress/2019/12/19/another-big-boost-for-va-funding-in-latest-federal-budget-deal/>.

<sup>10</sup> Press Release, U.S. Dep't Of Vet. Affairs, VA Strengthens Care And Benefits For Veterans With \$243 Billion Budget Request For Fiscal Year 2021 (Feb. 10, 2020), <https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5393>.

<sup>11</sup> THE WHITE HOUSE, PRESIDENTIAL MESSAGE ON THE 75TH ANNIVERSARY OF THE G.I. BILL OF RIGHTS (Jun. 22, 2019), <https://www.whitehouse.gov/briefings-statements/presidential-message-75th-anniversary-g-bill-rights/>.

<sup>12</sup> THE WHITE HOUSE, PRESIDENT DONALD J. TRUMP IS WORKING TIRELESSLY TO PROVIDE THE BENEFITS AND SERVICES THAT OUR BRAVE VETERANS DESERVE, (Aug. 21, 2019), <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-working-tirelessly-provide-benefits-services-brave-veterans-deserve/>.

<sup>13</sup> U.S. DEP'T OF LAB., LABOR FORCE STATISTICS FROM THE CURRENT POPULATION SURVEY, (Sep. 9, 2020), <https://data.bls.gov/timeseries/LNS14049526>

<sup>14</sup> U.S. DEP'T OF HOUSING AND URBAN DEVELOPMENT, THE 2018 ANNUAL HOMELESS ASSESSMENT REPORT (AHAR) TO CONGRESS (Dec. 2018); Press Release, HUD Exchange, Trump Administration Announces Continued Decline In Veteran Homelessness (Nov. 12, 2019), <https://files.hudexchange.info/resources/documents/2018-AHAR-Part-1.pdf>.

<sup>15</sup> *The New Military Pay Raise Is In Effect — Check Out The 2019 Pay Chart To See How Much You'll Make*, MILITARY TIMES, Jan. 3, 2019, <https://www.militarytimes.com/pay-benefits/military-pay-center/2019/01/03/the-new-pay-raise-is-in-effect-heres-the-2019-basic-pay-chart/>.

<sup>16</sup> Press Release, U.S. Dep't Of Vet. Affairs, Timeline On How VA Prepared For COVID-19 Outbreak And Continues To Keep Veterans Safe (Apr. 20, 2020), <https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5427>.

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who test positive for the China Virus,<sup>17</sup> ordered the Department of Veterans affairs to stop withholding payments and benefits to veterans who owe money to the VA,<sup>18</sup> increased telehealth appointments,<sup>19</sup> and signed into law legislation to expand the Servicemembers Civil Relief Act and provide additional legal protections for military families protections during the pandemic.<sup>20</sup>

President Trump has a magnificent record of honoring our American military heroes. To name just a few, in 2017, President Trump signed into law a resolution approving a memorial to honor active duty soldiers who served in Operation Desert Storm or Operation Desert Shield.<sup>21</sup> In 2019, President Trump was the first sitting President to attend the New York City Veteran's Day Parade.<sup>22</sup> In November 2019, President Trump made a surprise visit to Dover Air Force Base to honor two fallen soldiers who died in a helicopter crash in Afghanistan.<sup>23</sup>

**Given your inability to verify the anonymous statements and the unequivocal denials by identified individuals who confirm what the whole country already knows – that President Trump would never disparage the lives and scarifies made by our American Military Heroes and their families – and President Trump's powerful record of supporting and honoring America's veterans, we demand that Joe Biden and the Biden Campaign immediately cease and desist using the False and Misleading Ad. We also ask Twitter and Facebook to review and apply their community standards equally and fairly and remove entirely the False and Misleading Ad from their platforms.**

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<sup>17</sup> *Id.*

<sup>18</sup> Jim Absher, *Trump Orders VA To Stop Withholding Money From Veterans*, MILITARY, Apr. 3, 2020, <https://www.military.com/daily-news/2020/04/03/trump-orders-va-stop-withholding-money-veterans.html>

<sup>19</sup> Press Release, U.S. Dep't Of Vet. Affairs, VA Virtual Mental Health Care Use On The Rise Amid COVID-19 (Apr. 13, 2020), <https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5418>.

<sup>20</sup> Press Release, U.S. Senator for Montana Jon Tester, Tester, Moran Introduce Legislation To Expand Protections For Military Families Impacted By COVID-19 (May 8, 2020), [https://www.testersenate.gov/?p=press\\_release&id=7463](https://www.testersenate.gov/?p=press_release&id=7463).

<sup>21</sup> *What are the bills Donald Trump has signed?* CBS NEWS, Jul. 3, 2017, <https://www.cbsnews.com/news/what-are-the-bills-donald-trump-has-signed/>.

<sup>22</sup> Michael O'Keefe, *Trump to join hundreds of thousands at NYC Veterans Day Parade*, NEWSDAY, Nov. 11, 2019, <https://www.newsday.com/news/new-york/nyc-veterans-day-parade-trump-1.38459932>.

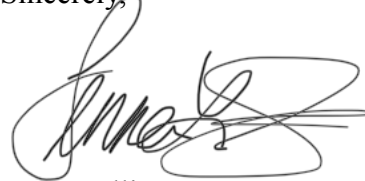
<sup>23</sup> Dominick Mastrangelo, *Trump makes surprise visit to Dover with Jon Voight*, THE WASHINGTON EXAMINER, Nov. 11, 2019, <https://www.washingtonexaminer.com/news/trump-makes-surprise-visit-to-dover-with-jon-voight>.

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To be clear, President Trump is committed to ensuring that the voting public is free to make electoral decisions based upon the President's actual record without interference from deliberately false, misleading, and deceptive advertisements. We had hoped the Biden Campaign would show the same commitment to fairness and honesty.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jenna Ellis', with a large, stylized flourish at the end.

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cc:

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