

September 21, 2022

RE: False, Defamatory Ad Sponsored by People Who Play By The Rules PAC

Dear Station Manager:

We write on behalf of Governor JB Pritzker regarding a false and defamatory advertisement sponsored by People Who Play By The Rules PAC (the “**PAC**” herein) currently airing on your station.¹ This letter puts your station on notice that the claims in the advertisement are patently false and that both the person delivering the accusation on camera *and her attorney* previously admitted that they have no evidence to support them. The ad must be removed from the air immediately. Your station’s failure to do so is actionable under Illinois defamation law.²

The ad defames Governor Pritzker by falsely accusing him of trying to get Beverly Miles, a federal employee, fired from her job. In the ad, Ms. Miles falsely claims to camera that Governor Pritzker “tried to get me fired from my job as a nurse.” To underscore the severity of the allegation—and the damage it does to Governor Pritzker’s reputation—Ms. Miles describes the effort to get her fired as “Mafia politics.”

The problem? The damaging allegation is plainly false. Governor Pritzker denies it outright. Governor Pritzker provided us with the following statement:

The allegation that I sought to have Ms. Miles removed from her position at the Hines Veterans Administration Hospital is patently false. I never took any actions that would have caused Ms. Miles to lose her job, nor did I ever direct anyone on my staff, or otherwise, to take such actions. This is another desperate attempt by Republicans to smear me, and it will not stand. I have the utmost amount of respect for the brave men and women who serve our nation and remain grateful for Ms. Miles' service to our state and country.

Most problematically for your station, Ms. Miles and her attorney concede they have no evidence to support the claim.³ Ms. Miles told Patch.com that “**I can’t prove [Pritzker] did it.**”⁴ Her lawyer told Patch.com that he has “**no idea who filed a complaint**” about Ms. Miles with her employer.⁵ And yet the advertisement, without reservation, states that Governor Pritzker tried to get Ms. Miles fired.

¹ Lifelong Democrat, People Who Play By The Rules PAC, <https://youtu.be/fkOzgZsY71s>.

² See *Solaia Tech., LLC v. Specialty Pub. Co.*, 852 N.E.2d 825, 839 (2006).

³ Mark Konkol, *The Untold Story of Beverly Miles’ Ignored Campaign for IL Governor*, Patch.com (Jun. 30, 2022), <https://patch.com/illinois/chicago/untold-story-beverly-miles-ignored-campaign-il-governor>.

⁴ *Id.*

⁵ *Id.*

These claims qualify as defamation *per se*. “In Illinois, there are five categories of statements that are considered defamatory per se...[including] words that impute a person...lacks integrity in performing her or his employment duties.”⁶ The implication of the PAC’s claims are clear: the PAC wants your viewers to think that during his time in office, Governor Pritzker took actions to get Ms. Miles fired from her job. This clearly implies a lack of integrity in performing his duties as Governor, making it actionable under state law. Furthermore, it is black letter First Amendment law that a “jury could have found that [a defendant] acted with actual malice by making defamatory statements about [a public figure] ***while admitting she had no evidence of [the public figure’s] wrongdoing.***”⁷

Your station is now on notice that it is airing a false and defamatory claim for which there is no evidence. Unlike candidates, independent organizations like the PAC do not have a “right to command the use of broadcast facilities.”⁸ Because you need not air this advertisement, your station bears responsibility for its content when you do grant access.⁹ Moreover, you have a duty “to protect the public from false, misleading or deceptive advertising.”¹⁰ Your continued airing of this ad therefore exposes your station to a defamation claim.

The ad must be removed from the air immediately.¹¹ Please contact us at 202-968-4664 or CWeisman@elias.law to confirm that this ad is no longer appearing on your station.

Sincerely,

Courtney Weisman

Courtney Weisman
Jonathan Berkon
Counsel to Governor JB Pritzker

⁶ *Solaia Tech*, *supra* note 2.

⁷ *Moore v. Vislosky*, 240 F. App'x 457, 470 (3d Cir. 2007) (emphasis added).

⁸ *See CBS v. DNC*, 412 U.S. 94, 113 (1973).

⁹ *See Felix v. Westinghouse Radio Stations*, 186 F.2d 1, 6 (3rd Cir.), cert. denied, 314 U.S. 909 (1950).

¹⁰ *Licensee Responsibility With Respect to the Broadcast of False, Misleading or Deceptive Adv.*, 74 F.C.C.2d 623 (1961).

¹¹ *Solaia Tech*, *supra* note 2.