

July 26, 2022

Brad Deutsch
Foster Garvey
1000 Potomac Street N.W., Suite 200
Washington, D.C. 20007
brad.deutsch@foster.com

RE: Trudy Busch Valentine Advertisement

Dear Mr. Deutsch,

We write as counsel to Trudy Busch Valentine for Senate (the “*Campaign*”) and are in receipt of your letter regarding the Campaign’s television advertisement entitled “Not Real.”¹ While your letter purports to take issue with statements made at the :16 second mark of the advertisement, it appears your real objection is to the notion that Lucas Kunce should be held accountable for his record and for the policies on which he ran in the past. Despite your unfounded claims to the contrary, nothing in the Campaign’s advertisement is defamatory. In fact, each and every claim in the advertisement is true, accurate, and carefully documented and it will continue to air.

The advertisement begins by explicitly telling viewers it is describing Mr. Kunce’s record “*when he last ran for office.*”² Unfortunately for Mr. Kunce, his record in that race was quite clear:

- **First**, Mr. Kunce publicly opposed gay marriage, telling voters in Missouri that, with respect to the rights of same-sex couples, “marriage should not be encroached upon.”³
- **Next**, Mr. Kunce not only opposed the use of taxpayer dollars to provide abortion services, but he opposed using taxpayer funds to even subsidize organizations that provide abortions.⁴
- **Finally**, Mr. Kunce did not support decriminalizing the possession of small amounts of marijuana.⁵ In fact, Mr. Kunce confirmed he would “strengthen penalties and sentences for drug-related crimes.”⁶

¹ “Not Real,” YouTube.com, https://www.youtube.com/watch?v=JK_OSp7f7G0.

² *Id.* at :06.

³ Lukas Kunce’s Issue Positions, Political Courage Test, <https://justfacts.votesmart.org/candidate/political-courage-test/68234/lucas-kunce>.

⁴ *Id.*; see also Candidate Responses to the Missouri Catholic Conference 2006 Candidate Survey at 3, <https://web.archive.org/web/20061002205242/http://mocatolic.org/Legislative/Elections/2006%20Election/DioceseJeffCity%20Candidate%20Responses.pdf>.

⁵ Political Courage Test, *supra* note 3.

⁶ *Id.*

As a current candidate for public office, Mr. Kunce is a public figure. He has a guaranteed right of reasonable access to explain his own views and positions, but he has no such right to silence our client as it opposes those views and criticizes his record. The Campaign's ability to speak freely on such matters of public importance is at the heart of the First Amendment's protections.⁷

Finally, you also state that the Kunce campaign will not hesitate to commence legal proceedings regarding this advertisement. Ironically, your allegation that the advertisement is defamatory is, itself, defamatory, as is any publication of that allegation. Accordingly, we hereby demand that Lucas Kunce for Missouri maintain and retain all records, including but not limited to all internal and external communications (including communications with third parties), email messages, text messages, Slack and other workplace collaboration messages, messages sent via WhatsApp, Signal, Telegram and other P2P messaging apps, memoranda, reports, and handwritten and digital notes regarding Trudy Busch Valentine and/or the Campaign.

Should you be unclear about any portion of this demand, please feel free to contact us at cweisman@elias.law or mschechter@elias.law.

Regards,

Courtney Weisman

Courtney T. Weisman

Maxwell C. Schechter

Counsel to Trudy Busch Valentine for Senate

⁷ *Time, Inc. v. Hill*, 385 U.S. 374 (1967); *New York Times v. Sullivan*, 376 U.S. 254 (1964).