

February 28, 2020

VIA FEDERAL EXPRESS

Patchen M. Haggerty
1201 Third Ave, Suite 4900
Seattle, WA 98101-3099

Re: “Enough Empty Promises” by The Committee to Defend the President

Dear Ms. Haggerty:

On behalf of my client, The Committee to Defend the President (“CDP”), I write to respond to your February 26th, 2020 letter, in which you demand CDP remove its advertisement “Enough Empty Promises” from “its social platforms and website,” discontinue “airing this ad in any form or medium in the future,” and “refrain from future misuse” of President Obama’s copyrighted works.

As a preliminary matter, your mere assertion that you represent the rightsholders in this matter is untrustworthy, given your firm’s alleged participation in potentially unethical acts on behalf of political clients. I refer specifically to your firm’s willful participation as a most-likely-unlawful conduit to conceal payments made by Hillary Clinton’s campaign committee(s) and the Democratic National Committee—not for legal services, but for financing the involvement of foreign nationals and foreign government intelligence assets to interfere in American elections through the salacious and discredited Steele Dossier. Shame on you. Consequently, I request proof you do, in fact, represent legitimate rightsholder before we allow you to detract my client from its truthful and accurate portrayal of Joe Biden’s disrespect of African Americans in precisely the way described and discussed in President Obama’s novel.

Notwithstanding the foregoing, CDP’s use of all content in “Enough Empty Promises” is a lawful expression of political speech, and CDP has complied with all applicable laws and regulations governing its advocacy activity. CDP’s use of any third-party content contained in this advertisement is either directly licensed or falls within the well-established principles of fair use of copyrighted material and is thus not an infringement as you unjustifiably allege. 17 U.S.C. § 107. CDP’s “Enough Empty Promises” advertisement is noncommercial in nature. *Id.* § 107(1). The portion of President Obama’s original work used is an extremely short clip. *Id.* § 107(3). The use of Obama’s recording clearly critiques and comments on the issues surrounding Democratic politics in relation to the African American community in precisely the way discussed in the book, reverberating across the decades since Joe Biden entered politics over forty years ago, to Chicago’s election of Harold Washington thirty-seven years ago, and remain arguably unchanged today as Joe Biden campaigns to be President.

CDP rejects these banal attempts to abuse the legal process and shut down grassroots-driven political speech your firm disagrees with, as doing so is wholly un-American. Our commitment to free political speech is absolute. Thus, in response to your outrageous attempt to disrupt the sharing of political ideas you disagree with to African American voters, CDP will not only refuse to take “Enough Empty Promises” down but will distribute this advertisement to an additional 50,000 South Carolina Democratic primary voters.

Should you feel compelled to continue this Brobdingnagian waste of my client’s time defending this frivolous attempt to suppress free speech, I look forward to the extensive depositions of your client and his various ghostwriters necessary to resolve the matter.

Sincerely,



Dan Backer

Counsel to The Committee to Defend the President
