



# Williams, Williams & Eustice

A Professional Limited Liability Company

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April 18, 2008

**VIA FACSIMILE ONLY: 695.9107**

Sigmon for Congress Campaign  
Lance Sigmon  
P.O. Box 1229  
Newton, NC 28658

***Re: Defamatory Statements***

Lance:

My law firm has been retained by the McHenry for Congress Campaign to address the defamatory statements contained in your television ad entitled "Two Bit." We demand that you immediately **cease and desist** airing said ad.

On or about Friday, April 18, 2008, you posted said ad on your campaign website, on the website "youtube.com" and you purchased time from several television stations to air said ad.

**Specifically, we demand that you immediately take affirmative steps to remove said ad from your campaign website, and from airing said ad on any television stations.** Further we demand that you suspend any plans to use the same unverifiable and defamatory statements in upcoming advertisements or mailings.

Numerous statements in said ad are not verifiable and have been found to be inaccurate. They are being aired by you with the knowledge that they are false and for the sole purpose of smearing Representative McHenry's reputation.

By way of example: said ad states that Representative McHenry placed a video on the internet that revealed troop positions. This is a false statement. Representative McHenry has never alluded to nor mentioned any positions of troops. Also, said ad asserts that the aforementioned video caused the death of two Americans. This statement is on its face false. Additionally, said ad states that Representative McHenry could face ten years in prison based upon the two aforementioned assertions made in said ad. The basis of this statement is false and therefore the statement itself is false.

The State of North Carolina has made it a Class 2 Misdemeanor to use defamatory statements against any candidate in political campaign advertisements. See N.C. Gen. Stat. § 163-374 (8). The applicable statute reads:

It shall be unlawful for any person to publish or cause to be circulated derogatory reports with reference to any candidate in any primary election, **knowing such report to be false or in reckless**

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**disregard of its truth or falsity**, when such report is calculated or intended to affect the chances of such candidate for nomination or election.” N.C. Gen. Stat. § 163-274(8).

As you are aware, defamatory statements between candidates are viewed in the context of how the average person would interpret the statements as a whole. Boyce & Isley, PLLC v. Cooper, 153 NC App. 25 09/17/2002.

If you allow “Two Bit” to air and/or continue manufacturing other similar fabrications with the sole intent of defaming Representative McHenry’s reputation, we will seek legal action.

**WILLIAMS, WILLIAMS & EUSTICE, PLLC**

A handwritten signature in black ink, appearing to read 'R. Williams', with a long, sweeping horizontal stroke extending to the right.

R. Kelsey Williams  
Attorney & Counselor at Law