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May 30, 2026

Ryan Hughes  
General Counsel,  
Steyer for Governor 2026  
*via email only at:* [info@tuplelegal.com](mailto:info@tuplelegal.com).

Re: Demand to Cease Airing Knowingly False and Defamatory Campaign Advertisement and Desist From Making Similar Defamatory Statements

Dear Mr. Hughes:

Negative ads are a natural part of any election. Voters deserve to know the truth about who is asking for their vote. But there is a line — and when a candidate crosses it, spending millions of dollars to pass off lies as truth, the damage goes far beyond one race. It poisons the well of democracy itself. Tom Steyer has crossed that line.

Mr. Steyer has been telling Californians for decades exactly who he is: someone who will sacrifice anything — at any cost — to get what he wants. He took every shortcut available to extreme wealth: sacrificing California's environment and the health of historically marginalized communities on the altar of his own personal riches by expanding fossil fuel and coal development; building the prisons that would house migrant children and families under the harshest and most inhumane conditions imaginable; enriching himself by ripping off the poorest families in California through his bank's predatory lending practices. He built a playbook borrowing from Wall Street banks, a dangerous president, and the most powerful industries on earth — helping create a climate crisis and a humanitarian crisis — and is now using his extraordinary wealth to sell himself as the solution to the very problems he helped cause.

Now he is sinking even lower, borrowing a page from Donald Trump's playbook to defame and lie about an opponent in order to win.

When Mr. Steyer told Californians, "I'm going to do whatever it takes to win this," we knew he would spend \$213,000,000 and counting to buy the election. We expected him to trade away whatever shred of integrity he had left to bury his competition. We hoped he wouldn't prove us right.

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Demand to Cease Airing Knowingly False and Defamatory Campaign Advertisement

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On behalf of our clients, Xavier Becerra and Becerra for Governor 2026, we hereby demand that Steyer for Governor 2026 immediately and publicly retract the false statements contained in a new campaign advertisement entitled “Risky” -- *statements which your clients know full well are lies*. Furthermore, we demand that Mr. Steyer and Steyer for Governor 2026 desist from making similar statements about Mr. Becerra in the future.

“Risky” shamefully attempts to link Secretary Becerra, the victim of crimes perpetrated by others, to the criminal actions for which Dana Williamson and Sean McCluskie have pleaded guilty. Perhaps Mr. Steyer knows that blaming the victim is never a good idea, and that is why he has attempted to sneak this advertisement into circulation on the final weekend before the election.

*But neither my clients nor the voters of California will stand by while your clients broadcast defamatory lies in an effort to suppress the votes of vulnerable, working-class voters who these lies are meant to scare.*

The advertisement contains patently false statements, such as “Becerra knew and did nothing.” That statement is a factual matter which your clients know has been adjudicated by in federal court. Below, as an attachment, is a sample of statements in the federal indictments for Ms. Williamson and Mr. McCluskie which clearly demonstrate that Secretary Becerra was a victim, that he had absolutely no knowledge of the crimes being committed, and that the scheme was specifically hidden from Secretary Becerra because he never would have permitted it to happen or continue, and, in fact, would have reported it.

The advertisement also includes knowingly false implications regarding Secretary Becerra’s culpability, and that he will be indicted and arrested. Your client knows that [the Department of Justice has publicly stated](#) that Secretary Becerra [is not implicated in any of the crimes](#) for which Ms .Williamson and Mr. McCluskie pleaded guilty, and they should be ashamed at its defamatory conduct.

*In other words, even Trump’s Department of Justice knows better than to spread the lie that Secretary Becerra committed a crime. Mr. Steyer and his campaign are evidently willing to go sink to depths lower than Trump in that regard. And like we are forced so often to do with Trump, it seems it’s my clients’ obligation to reiterate that no one is entitled to their own facts.*

“Risky” is textbook defamation: your clients have knowingly and falsely told voters that Secretary Becerra would be arrested for a crime you know he did not commit. This is straight out of a law school exam question because it is so straightforward. Your clients simply need to know better than to falsely accuse someone of a crime in a public advertisement.

As you are well aware, your clients may not hide behind the First Amendment to knowingly lie that Secretary Becerra committed a crime when he has not. Doing so causes direct and immediate injury to him. As Courts have stated “the context of a political campaign does not alter the fact that false speech, even political speech, does not merit constitutional protection if the speaker knows of the falsehood or recklessly disregards the truth.” (*Boyce & Isley v. Cooper* (2002) 568 S.E.2d 89 [court awarded damages to political candidate for campaign hit piece which included misleading claims; cleaned up].)

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In California, Courts have repeatedly held that “characterizing speech as ‘political’ does not automatically or entirely exempt it from liability for defamation. The United States Supreme Court has made clear that even as to public officials, knowingly false statements of fact are constitutionally unprotected.” (*Balla v. Hall* (2021) 59 Cal.App.5th 652, 680 [cleaned up].) “Risky” demonstrates a shocking disregard for the truth in both its blatant false factual statements indicating, for instance, that Secretary Becerra knew about crimes being committed, as well as its reckless (but clearly tailored) statements which imply that the Secretary committed a crime and will be indicted for it.

*Those implications are also actionable.* California courts have made clear that a clear factual statement is unnecessary, and that advertisements which “are reasonably susceptible of an interpretation that implies a provably false assertion of fact” are actionable. (*Edward v. Ellis* (2021) 72 Cal. App. 5th 780, 792.)

In the event your client was somehow unaware of the facts, which have been widely reported and are at this point common knowledge, then please note that this letter serves as formal notice to Mr. Steyer and Steyer for Governor 2026 that these statements about Secretary Becerra are false, and further recitation of these, or similar statements, will therefore be established as made with actual malice. (See *New York Times v. Sullivan* (1964) 376 US 254, 280-281 [defendant commits defamation when he knows statement is false or acts with reckless disregard for the truth].)

In sum, we demand that your client immediately and publicly retract “Risky” from all dissemination, whether by internet, television or on any other medium, and to desist from making the same or similar statements in the future.

We also respectfully request that Mr. Steyer and Steyer for Governor 2026 take a hard look at what they are trying to accomplish, and ask whether peddling false and defamatory statements about an accomplished fellow Democrat, and a leading Latino voice in politics, will assist in achieving those goals.

*We look forward to hearing on or before 12p noon on May 31, 2026 that “Risky” will be immediately and publicly retracted from all dissemination, and that your client plans to comport himself in a manner more befitting of a Democratic gubernatorial candidate.*

*If we do not hear from you by tomorrow, then we will have to do what Secretary Becerra has done to Trump over 120 times: prepare a lawsuit to stop the lies.*

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Sincerely,

Nicholas Sanders

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**Attachment – Sample of adjudicated federal court evidence of Mr. Becerra’s lack of knowledge or involvement in crimes committed by Dana Williamson and Sean McCluskie.**

McCluskie and Williamson actively deceived Becerra, who “would not have permitted the payments if [he] had known the truth.”

10 McCluskie and WILLIAMSON made these misrepresentations and omissions because they believed,  
11 correctly, that Public Official 1 would not have permitted the payments if Public Official 1 had known  
12 the truth.

Becerra would have objections and consulted Ethics Counsel regarding the payments to McCluskie’s wife.

26 work that was unconnected to Public Official 1’s dormant campaign accounts. As a result of these false  
27 statements and omissions, McCluskie obtained ethics approval for his spouse’s purported employment.  
28 This further created an unwarranted aura of legitimacy around the payments, including reducing the

INDICTMENT

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1 likelihood of objections from Public Official 1 who expected that ethics counsel would be consulted  
2 about the propriety of the purported employment relationship.

McCluskie indictment indicates he hid the scheme from Becerra through “false statements and omissions.”

20 21. The false statements and omissions included those made by MCCLUSKIE and Co-  
21 Conspirator 1 to Public Official 1. For example, MCCLUSKIE had conversations with Public Official 1  
22 to initially set up the payments and again when Co-Conspirator 2 replaced Co-Conspirator 1 as the  
23 conduit. In those discussions, MCCLUSKIE informed Public Official 1 that \$10,000 per month was a  
24 reasonable amount to pay for monitoring the dormant campaign accounts and that Co-Conspirator 1, and  
25 later Co-Conspirator 2, were willing to take on the role. MCCLUSKIE also told Public Official 1 that  
26 MCCLUSKIE’s spouse had obtained employment working with Company A. MCCLUSKIE and Co-  
27 Conspirator 1, however, intentionally misrepresented and concealed material facts from Public Official  
28 1, including falsely representing that the money from the dormant campaign accounts was payment for

INFORMATION

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1 consulting services to Co-Conspirator 1 and, later, Co-Conspirator 2. MCCLUSKIE and Co-