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May 28, 2026

WGY-AM and WPYX-FM
Rob VanDerbeck
1203 Troy Schenectady Road
Latham, NY 12110

VIA Email robvanderbeck@iheartmedia.com

Re: Demand to Immediately Pull Down/Enjoin Airing of a False and Defamatory Constantino Campaign Advertisement

Dear Mr. VanDebeck:

I represent Robert Smullen and Robert Smullen for Congress.

I write with respect to a false/defamatory/misleading advertisement placed with your station by Anthony Constantino, Mr. Smullen's opponent in the election for New York's 21st Congressional District. An audio recording of the subject advertisement is attached hereto.

My client, by this correspondence, requests that the station immediately remove, disable access to, and/or pull down the subject advertisement containing false, misleading, and defamatory statements.

The subject advertisement makes at least three demonstrably false claims:

False Statement One: Robert Smullen “is endorsed by the ultra liberal New York State Teachers Union.” This is a complete fabrication. Robert Smullen has received no endorsement from any teachers' union. The Constantino campaign invented this claim out of thin air in an apparent attempt to mislead listeners. This is defamation *per se*.

False Statement Two: Robert Smullen was “not qualified” for veterans' tax exemption benefits. Robert Smullen served 24 years in the United States Marine Corps, including multiple combat deployments. He earned his veterans benefits through decades of sacrifice and service to this country. The suggestion that a retired Marine Colonel was not qualified for veterans

benefits is not only false, it is an insult to his service and to every veteran who has earned the same. This is defamation *per se*.

False Statement Three: Robert Smullen “used his political contacts to negotiate the felony charge down.” This is another outright fabrication with no basis in fact. Robert Smullen did not use political contacts to influence the outcome of his tax case. This is defamation *per se*.

This is not the first time the Constantino campaign has been caught lying to voters. [The campaign was previously forced to pull a separate advertisement that fabricated a quote attributed to the Albany Times Union newspaper.](#)

Accordingly, and in light of the aforementioned facts, it is respectfully requested that the subject advertisement be immediately removed from WGY-AM and WPYX-FM airwaves.

Thank you for your attention to this matter.

Respectfully,



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Cc: Hon. Robert Smullen (via email)