



FEDERAL ELECTION COMMISSION

3325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 1212

Date Filmed 7/24/80 Camera No. --- 2

Cameraman GPC

80040201610

30740201611

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on **ENVELOPE**.

1. The following service is requested (check one):
 Show to whom and date delivered
 Show to whom, date, and address of delivery
 RESTRICTED DELIVERY
 Show to whom and date delivered
 RESTRICTED DELIVERY
 Show to whom, date, and address of delivery
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
John E. Tuohy

3. ARTICLE DESCRIPTION:
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.
 | *82545* | |

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
[Signature]

4. DATE OF DELIVERY | POSTMARK
7/3/80 | *[Postmark]*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

☆ GPO: 1979-070-382

MUR-1212 Convery

219102008

PS Form 3811, Aug. 1979
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

• **Instructions:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one)

Show to whom and date delivered

Show to whom, date, and address of delivery

RESTRICTED DELIVERY
Show to whom and date delivered

RESTRICTED DELIVERY
Show to whom, date, and address of delivery

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: *CC*
Henry E. Kerry *LD*

3. ARTICLE DESCRIPTION:
REGISTERED NO. : CERTIFIED NO. : INSURED NO.
94530

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent
Sharon R. Menzies

4. DATE OF DELIVERY
7-3-80

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:



MUR-1212 Convery



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 27, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John E. Tuohy
Attorney at Law
Texaco, Incorporated
2000 Westchester Avenue
White Plains, New York 10650

Re: MUR 1212

Dear Mr. Tuohy:

By letter dated March 25, 1980, this office advised Mr. John K. McKinley that a complaint, which alleged that Texaco, Incorporated, may have violated the Federal Election Campaign Act, had been filed.

Based on information contained in the complaint, and as provided by you, the Commission, on June 24, 1980, found no reason to believe that a violation of the Act had occurred. Accordingly, the file in this matter has been closed, and will become a part of the public record within thirty days.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Acting General Counsel

VJC
6-26-80

30040201613



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 27, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Henry E. Kerry
Attorney at Law
919 Baker Building
Fort Worth, Texas 76102

Re: MUR 1212

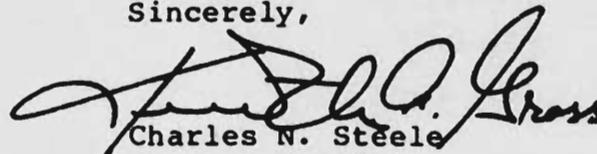
Dear Mr. Kerry:

By letter dated April 25, 1980, this office informed you that a complaint, which alleged that your committee, the Congressman Wright Appreciation Committee, may have violated the Federal Election Campaign Act, had been filed.

Subsequently, we were advised by the Honorable Jim Wright that you would be representing him in this matter. Therefore, this letter is directed to you both as Treasurer of the Wright Committee and as counsel for Mr. Wright.

Based on information contained in the complaint and as provided by you, the Commission, on June 24, 1980, found no reason to believe that a violation of the Act had occurred. Accordingly, the file in this matter has been closed, and will become a part of the public record within thirty days.

Sincerely,


Charles N. Steele
General Counsel

cc: Hon. Jim Wright

BY: Kenneth A Gross
Acting General Counsel

VSC
6-26-80

30040201614



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 27, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Jim Wright
House of Representatives
Washington, D.C. 20515

Dear Mr. Wright:

Attached is a copy of the letter we forwarded to
Henry Kerry, Esquire, with regard to the Commission's
closing of MUR 1212.

Sincerely,

Charles N. Steele
General Counsel

Kenneth A. Gross
BY: Kenneth A. Gross
Acting General Counsel

*NJC
6-27-80*

20040201615



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 27, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

C.R. "Chuck" Silcox
1300 Fort Worth National Bank Building
Fort Worth, Texas 76102

Dear Mr. Silcox:

The Federal Election Commission has reviewed the allegations of your complaint, dated April 14, 1980. Based on the information contained in that complaint and on information provided by the Respondents, the Commission determined that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended, ("the Act"), has been committed.

Accordingly, the Commission has decided to close the file in this matter.

Should additional information which, you believe, establishes a violation of the Act come to your attention, please contact Vincent J. Convery, Jr., the attorney assigned to this matter, at 202-523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Acting General Counsel

VJC
6-26-80

00040201616



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *mwe*
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *mc*
DATE: JUNE 19, 1980
OBJECTION -
SUBJECT: MUR 1212 - First General Counsel's Report
dated 6-16-80; Received in OCS 6-16-80, 12:11

The above-named document was circulated on a 48
hour vote basis at 11:00, June 17, 1980.

Commissioner Reiche submitted an objection at 9:42,
June 19, 1980.

This matter will be placed on the Executive Session
Agenda for Tuesday, June 24, 1980.

A copy of Commissioner Reiche's vote sheet showing
his comments is attached.

ATTACHMENT:
Copy of Vote Sheet

80040201618



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

Date and Time Transmitted: ~~MONDAY, 6/17/80~~ 17:00

Commissioner FRIEDERSDORF, AIKENS, TIERNAN, MCGARRY, REICHE, HARRIS

RETURN TO OFFICE OF COMMISSION SECRETARY BY: ~~WEDNESDAY, JUNE 20, 1980~~ 17:00

MUR No. 1212 - First General Counsel's Report dated 6-16-80

- () I approve the recommendation
- () I object to the recommendation

COMMENTS: *I would like to know what our research disclosed re the content of the program -- we are not limited by the extent of the complaint.*

Date: 6/18/80 Signature: Frank P. Reiche

THE OFFICE OF GENERAL COUNSEL WILL TAKE NO ACTION IN THIS MATTER UNTIL THE APPROVAL OF FOUR COMMISSIONERS IS RECEIVED. PLEASE RETURN ALL PAPERS NO LATER THAN THE DATE AND TIME SHOWN ABOVE TO THE OFFICE OF COMMISSION SECRETARY. ONE OBJECTION PLACES THE ITEM ON THE EXECUTIVE SESSION AGENDA.

80040201619



Handwritten initials

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY
JUN 18 9 00 AM '80

June 16, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1212

Please have the attached First GC Report distributed to the Commission on a 48 hour tally basis. Thank you.

00040201620

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

80 JUN 16 P12: 11

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION JUN 16 1980

MUR # 1212
DATE COMPLAINT RECEIVED
BY OGC April 22, 1980

STAFF MEMBER Convery

COMPLAINANT'S NAME: C.R. "Chuck" Silcox (Candidate, U.S. House of Representatives, 12th District, Texas, May 3, 1980, Demo. Primary)

RESPONENT'S NAME: Rep. Jim Wright (D-Tex) Texaco, Inc. (Congressman Wright Appreciation Committee)

RELEVANT STATUTE: 2 U.S.C. §§441b, 431(9)(B)(i), and 441a 11 C.F.R. §§110.7(b)(2) and 100.8(b)(2)

INTERNAL REPORTS CHECKED: MUR 819 and Reports of Receipts and Expenditures filed by Congressman Wright Appreciation Committee and by Texaco Employees Political Involvement Committee

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

In a notarized complaint 1/ dated April 14, 1980, C.R. Silcox set out the following facts: on March 14, 1980, television station KXAS in Fort Worth, Texas, which is located in the Texas 12th Congressional District, broadcast an edition of the "Deena Clark Show" on which Congressman Jim Wright, then a candidate for nomination in the May 3, 1980, primary election in the 12th District, was interviewed. The program was sponsored by Texaco, Inc., which also purchased an advertisement promoting the show which appeared in the March 14 edition of a local newspaper.

Mr. Silcox alleges that because the program was not a "regularly scheduled (1) bona fide newscast; (2) bona fide news interview; (3) bona fide news documentary; or (4) on-the-spot coverage of a bona fide news event and, in fact, pre-empted regular programming,"

1/ See Attachment 1

80040201621

Rep. Wright violated 2 U.S.C. §441b by knowingly accepting a contribution from a corporation and Texaco, Inc., violated 2 U.S.C. §441b by making the contribution and violated 2 U.S.C. §441a by making a contribution in excess of \$1,000. 2/

Copies of the complaint were forwarded to Representative Wright, to the Congressman Wright Appreciation Committee 3/ and to Texaco Incorporated. As of May 16, 1980, we had received responses from Texaco, Inc. (Attachment 2) and from Mr. Wright (Attachment 3). The responses cite statute, Commission regulations and Commission precedent, in particular, MUR 819, as justification for finding no reason to believe and for dismissing the instant complaint.

ANALYSIS

2 U.S.C. §431(9)(B)(i) provides that "The term 'expenditure' does not include any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee or candidate." Commission Regulation §100.7(b)(2), 11 C.F.R. §100.7(b)(2), utilizes essentially the same language in setting out an exception to the definition of the term "contribution." See also 11 C.F.R. §100.8(b)(2).

In analyzing specific activity in the light of the cited statute and regulations, the only pertinent inquiries are: 1) was the activity in question a news story, commentary or editorial, and 2) was the facility used in carrying that activity owned or controlled by a political party, political committee or candidate?

The complainant has not demonstrated, or even alleged for that matter, that the March 14, 1980, showing of the "Deena Clark Show" on KXAS was not a news story, commentary or editorial. He does emphasize that the program was not regularly scheduled. However, we do not believe that, under the facts of this case and under the pertinent statute and regulations, the fact that the program pre-empted other programming is of any significance.

Further, there has been no showing that KXAS is owned or controlled by any political party, political committee or candidate.

2/ We will not discuss 2 U.S.C. §441a in this report. Because a corporation legally may not make a contribution at all, it follows that it may not make a contribution in excess of \$1,000.

3/ The Committee was not specifically named as a respondent in the complaint.

80040201622

Accordingly, we conclude that the cost of Texaco's sponsorship of the television interview of Representative Wright by Deena Clark cannot be construed to be an expenditure or a contribution as those terms are defined by statute and regulation.

RECOMMENDATIONS

1. Find no reason to believe that:
 - a. Representative Jim Wright violated 2 U.S.C. §441b.
 - b. Texaco, Incorporated violated 2 U.S.C. §§441a and 441b.
 - c. The Congressman Wright Appreciation Committee violated 2 U.S.C. §441b.
2. Close file in this matter.
3. Approve letters of notification at Attachment 4.

Attachments

1. Complaint, dtd 4-14-80
2. Texaco response, dtd 5-13-80
3. Wright response, dtd 5-12-80
4. Proposed ltrs of notification

80040201623

APR 14 1980
LETTER OF COMPLAINT
CERTIFIED MAIL

RECEIVED

APR 14 1980
00 APR 18 PM 1:28

Federal Election Commission
Attention: Office General Consul
1325 K Street NW
Washington, D.C. 20463

Re: Complaint of violations of Federal
Election Campaign Laws

REC'D
APR 21 PM 3:37
OFFICE OF RECORDS & COMMUNICATIONS
U.S. HOUSE OF REPRESENTATIVES

Dear Commissioners;

I, C.R. "Chuck" Silcox, candidate for the U.S. House of Representatives, District 12 of Texas, on the democratic ballot for the May 3, 1980, Federal primary election, am requesting an official investigation into the apparent violations of Federal Election Campaign Laws, by Congressman Jim Wright and TEXACO Oil Corporation.

I. Originating Fact Situation

- A. On March 14, 1980, TEXACO, a bona fide corporation, did sponsor a one-half hour television show, aired locally by KKAS-TV (Channel 5) in Fort Worth, Texas, featuring an interview with Congressman Jim Wright, D-Texas, a declared candidate for re-election in District 12 of Texas, ie, Fort Worth and surrounding area.
- B. The show, televised from 6:30 p.m. to 7:00 p.m., CST, was not a regularly scheduled, (1) bona fide newscast, (2) bona fide news interview, (3) bona fide news documentary or (4) on-the-spot coverage of a bona fide news event and, in fact, pre-empted regular programming in the Fort Worth - Dallas area. The show was merely the re-broadcast of an interview show televised regularly in the Washington, D.C. area, ie, "The Deena Clark Show", and does not normally appear in the Fort Worth or Dallas viewing area. To promote the show, TEXACO purchased an advertisement in the March 14, 1980, morning edition of the Fort Worth Star Telegram newspaper.
- C. The show, and especially the interview, was not designed to deal with a specific newsworthy issue, but was apparently staged to enhance the image of Congressman Wright as the Majority Leader, in the eyes of the District 12 voters.

II. VIOLATION OF TITLE 2, USC, CHAPTER 14, SUBCHAPTER I, SECTION 441b; Contributions or Expenditures by Corporations (in part):

- (a) It is unlawful for any corporation to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or for any corporation whatever, to make a contribution or expenditure in connection with any election at which a Senator or Representative in Congress is to be voted for, or for any candidate knowingly to accept or receive any contribution prohibited by this section.
- (b), (2) The term "contribution or expenditure" shall include any direct or indirect payment, distribution, loan, advance, deposit or gift of money, or any services, or any thing of value.

Attachment 1

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APR 18 PM 1:28

The sponsorship of a television show would certainly be considered a "thing of value". Since the show pre-empted regular programming during prime time, and was an unusual re-broadcast of a taped interview show dealing with Congressman Wright's career, there is extreme inference that televising the show was nothing more than a political advertisement, disguised as an "interview", but specifically and deliberately designed to give Congressman Wright "free" air time, to affect the forthcoming May 3, 1980, Federal primary election, in which Congressman Wright was and is, a declared candidate.

III. VIOLATION OF TITLE 2, USC, CHAPTER 14, SUBCHAPTER I, SECTION 441a;
Limitation on Contributions and Expenditures (in part):

- (a) Dollar limits on contributions
(1) No person shall make contributions _____
- (A) to any candidate and his authorized political committee with respect to any election for Federal office, which, in the aggregate, exceeds \$1,000.

IV. COMPLAINT OF VIOLATIONS

A. Specific Violations:

After examining the facts, as set forth in Section I and as futedered under Section II, it is apparent that:

1. Congressman Jim Wright did violate Title 2, USC, Chapter 14, Subchapter I, Section 441b; by his knowingly accepting a contribution of a "thing of value" (30 minutes of free prime time television), from a bona fide corporation, in connection with his campaigning for election to a Federal office.
2. TEXACO, a bona fide corporation, did violate Title 2, USC, Chapter 14, Subchapter I, Section 441a and 441b:
 - (a) 441a: by making a contribution by expenditure to a candidate for a Federal office, in excess of \$1,000 (the prime time spot cost was in excess of \$5,000)
 - (b) 441b: by making a contribution by expenditure of any kind, to a candidate for a political office.

B. Violations, in general:

It is apparent that, since both Congressman Jim Wright and TEXACO have taken the position that the March 14, 1980, program was "non-political", neither have reported the expense of the show in the required Campaign Expense Reports to the Federal Election Commission.

V. SUMMARY

- A. This request for an investigation into the very apparent violations of Federal Election Campaign Laws, is directed at Congressman Jim Wright and TEXACO.
- B. A written LETTER OF REQUEST, for equal and free time, under Title 47, USC, Section 315, has been presented in person, to KXAS-TV (Channel 5)

in Fort Worth, Texas, on April 11, 1980, and accepted by them for consideration. A request for an investigation by the Federal Communications Commission will be submitted only at the absence of an affirmative grant of time (and not necessarily an absolute denial) by 5:00 p.m., CST, April 15, 1980, by KXAS-TV (Channel 5).

'80 APR 18 PM 1:28

- (1) See ATTACHMENT, a copy of the LETTER OF REQUEST, submitted to KXAS-TV.
- (2) KXAS-TV, by Anne Randolph, did request an extension until April 17, 1980, to respond and the request was granted, provided I was at least contacted by KXAS-TV, by my original time requested, to be informed that the request for time was being considered.

C. In view of the fact that the forthcoming Federal primary election is very near, I pray the Commissioners see the need to expedite the investigation and take whatever action necessary to correct the violations, as best able.

I can be reached, if needed, at the following address, and will be awaiting your reply:

1300 Fort Worth National Bank Bldg.
Fort Worth, Texas 76102
ph. (817) 332-9381

Sincerely,

CR "Chuck" Silcox

C.R. "Chuck" Silcox
Candidate, Democratic Party
U.S. House of Representatives,
District 12 of Texas

cc: Federal Communications Commission
Attention: Complaints and Compliance Division,
Broadcast Bureau
1919 M Street NW
Washington, D.C. 20554

SUBSCRIBED AND SWORN TO BEFORE ME ON APRIL 14, 1980

Frankie H. Deming
NOTARY PUBLIC IN AND FOR TARRANT COUNTY

TEXACO
INC.

Convey
80 MAY 13 PM 4:17

CCC
1342

3000 WESTCHESTER AVENUE
WHITE PLAINS, NEW YORK 10650

May 13, 1980

JOHN E. TUOHY
ATTORNEY

S07993

Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

Re: MUR 1212

Gentlemen:

This is in response to the above-mentioned Complaint filed with the Commission by Mr. C. R. Silcox which alleges that Texaco's sponsorship of The Deena Clark Show on Station KXAS-TV in Fort Worth, Texas on March 14, 1980 was in violation of the Federal Election Campaign Act.

The Complaint in essence says that The Deena Clark Show is not "...any news story, commentary, or editorial...." and further since The Deena Clark Show is not regularly scheduled in the Fort Worth area, that establishes a violation of the Act.

Notwithstanding such allegations, Mr. Silcox's Complaint recognizes that sponsorship of any news story, commentary, or editorial of any broadcasting station, newspaper, magazine, etc. does not constitute a "contribution under the Act...." as set forth in Section 100.4(b)(8) of the Regulations. In light of this specific exception, Mr. Silcox attempts to justify the Complaint on the basis that the Deena Clark Show is not "...any news story, commentary, or editorial of any broadcasting station...."

The Deena Clark Show, as more specifically set forth in the attached Affidavit by Ms. Deena Clark, has been in existence with a public affairs/interview-type format for approximately twenty-one years, the last eleven of which have been sponsored by Texaco. The format is essentially the same as shows such as "Face the Nation," "Issues and Answers" and "Meet the Press," all of which are, of course, telecast into the home districts of any congressional candidates who are interviewed on such shows.

28 MAY 14 9:28 AM '80

800402016:7

Attachment 2

RECEIVED
GENERAL INVESTIGATIVE
DIVISION
MAY 14 1980

As more specifically set forth in Ms. Clark's attached sworn Affidavit, the determination as to who appears on her show is solely the province of Ms. Clark, and, at no time, is subject to the suggestion or determination of Texaco. Further, the content of such show is solely determined by Ms. Deena Clark, and, at no time, does Texaco control what the content of the show shall be.

It should be noted that for anything of value to constitute a "contribution" under the Act, it is necessary that it be paid for the "major purpose" 1/ of "influencing the result of an election." 2/ Since Texaco, as indicated, does not in any way determine who appears on The Deena Clark Show nor what the contents of the show shall be, in no manner can it therefore be said that Texaco's sponsorship of this show is for the major purpose of influencing the election of a particular candidate.

As in the past, Texaco's sponsorship of The Deena Clark Show in no way indicates that Texaco agrees or disagrees with any of the opinions expressed by the Majority Leader in the program or with his voting record in the House of Representatives any more than sponsors of such shows as "Face the Nation," "Meet the Press," etc. can be alleged to agree or disagree with opinions of Congressional candidates interviewed on such show.

Texaco Inc. takes no position in election campaigns and does not endorse or oppose any candidate for election. Indeed, it is possible that the show could have had a negative impact in terms of the reelection of Majority Leader Wright in which case Mr. Silcox doubtless would not have filed the subject Complaint.

It should be noted that the interview with Majority Leader Wright, who is one of the country's most well-known public figures, dealt only with national issues and not with local issues. The interview contained no reference to the local primary campaign or to any of Mr. Wright's campaign opponents. Parenthetically, it should be noted that Congressman Wright overwhelmingly defeated Mr. Silcox in the May 3, 1980 Primary by a margin of approximately 80-20, and therefore it is clear that the "Deena Clark interview" had no impact on the primary outcome.

The Deena Clark Show interview in question was shown on Station KXAS-TV as a matter of public interest to viewers in that area and not in support for or in opposition to Congressman Wright's candidacy.

1/ MUR 1051
2/ 2 USC Section 431(e)(1)(A)(B)

300402016:8

July 13, 1980

In MUR 819 which involved facts strikingly similar to the instant facts, the Commission, by a vote of six to nothing, found no violation of the Act on the basis of Section 100.4(b)(8) of the Regulations. In that case it was held that The Quaker Oats Company, the Corporation for Public Broadcasting and WGBH Educational Foundation-TV (Channel 2, Boston, Mass.) did not violate the Act as a result of their sponsorship of a one-hour long "documentary" entitled "Mr. Speaker" which dealt exclusively with the career of House Speaker, Thomas P. O'Neill, Jr.

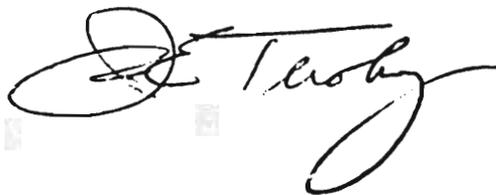
The telecast was shown on July 18, 22 and 23, 1978 in Boston, Massachusetts, and on approximately 182 other selected stations throughout the country. Prior to the telecast, the Republican candidate had made a formal announcement of his candidacy for Congress from the Eighth Massachusetts Congressional District.

Further, Mr. Silcox also tries to amend the Regulation by indicating that the language reads "...any REGULARLY SCHEDULED news story, commentary, or editorial of any broadcasting station, newspaper, magazine...." does not constitute a "contribution." Such exception does not exist in the Regulation and quite clearly the Regulations state "...any news story, commentary, or editorial of any broadcasting station."

In summary, the sponsorship of The Deena Clark Show is not a "contribution" since it is not for the major purpose of influencing the election of a potential candidate. Further, The Deena Clark Show is clearly "...any news story, commentary, or editorial of any broadcasting station" within the meaning of Section 100.4(b)(8), and MUR 819, the nature and content of which is solely within the control of Deena Clark and totally out of the control of Texaco Inc. Finally, there is no basis whatsoever for amending that Regulation, as suggested by Mr. Silcox, by adding the additional requirement that the news story instead of being "...any news story, commentary, or editorial" should be "...any REGULARLY SCHEDULED news story, commentary, or editorial of any broadcasting station...."

On the basis of the aforesaid, it is respectfully submitted that there should be a finding of "no reason to believe" a violation has occurred and that the Complaint should therefore be dismissed.

Very truly yours,



JET-bk
Attachment

Atch 2

30040201629

AFFADIVIT

I, DEENA CLARK, being duly sworn according to law, depose and say that I am the host and producer of The Deena Clark Show which is a public affairs/interview-type program which consists of interviews of various personalities of public interest.

I have hosted and produced this show for the last twenty-one years, and Texaco has been my sponsor for the last eleven of those years.

I alone determine who appears on my show and I alone determine the content of each interview. At no time has Texaco in any way determined or even recommended who shall appear on my show and, further, at no time, has Texaco determined or even recommended what the content of any show shall be.

Deena Clark
DEENA CLARK

Subscribed and sworn to before me on may 12, 1980.

Virginia L. Hoeft
Notary Public
My Commission Expires Feb. 14, 1983

Atch 2

30040201630

RECEIVED
6004 1353
05 MAY 15 PM 12:27
Conroy

Henry E. Henry

ATTORNEY AT LAW

SUITE 919 BAKER BUILDING • FORT WORTH, TEXAS 76102
817/338-1666

May 12, 1980

008022

Mr. Charles Steele
General Counsel,
Federal Election Commission
Washington, D.C. 20463

RE: MUR 1212

Dear Mr. Steele:

The Respondent in the above-referenced MUR, the Honorable Jim Wright, pursuant to section 437(g)(a)(1) of the Federal Election Campaign Act, as amended, 2 U.S.C. § 431. et seq. ("the Act"), hereby demonstrates that the complaint filed by Mr. C. R. Silcox with the Federal Election Commission ("FEC") against the Respondent should be dismissed.

I. Introduction

The Respondent in this action is a sitting Congressman from the 12th Congressional District of Texas. On March 14, 1980, KXAS-TV of Fort Worth, Texas rebroadcast an episode of the Deena Clark Show featuring an interview with the Respondent. Part of KXAS-TV's viewing area consists of the 12th Congressional District of Texas. The Deena Clark Show is a regularly televised program in Washington, D.C. sponsored by Texaco in which various newsworthy persons are profiled and interviewed. As part of its sponsorship of public affairs programming, Texaco sponsored the rebroadcast of the episode at issue in this MUR in the Fort Worth area where it anticipated strong local interest in the program. This particular program both explored issues of national importance and considered the Respondent's role as Majority Leader.

Texaco's decision to sponsor the rebroadcast of the episode was independent of, and was not instigated in any way by, the Respondent, his agents or employees.

II. The Broadcast of This Episode Did Not Constitute A Contribution

(a) News Broadcasts Are Not Contributions

Section 100.7 (b) (2) of the FEC's regulations declare, in pertinent part, that:

80040201631

Attachment 3

RECEIVED
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

Mr. Charles Steele
May 12, 1980

Page Two

"Any cost incurred in covering or carrying a news story, commentary or editorial by any broadcasting station is not a contribution. . ."

The interview with the Respondent at issue in this MUR is a "news story, commentary or editorial" and thus cannot constitute a contribution under the FEC's regulations.

(b) This Broadcast Was Not A Contribution

Section 100.7(a)(1) of the FEC's regulations define a contribution as an expenditure made ". . .for the purpose of influencing any election for federal office." The particular broadcast was merely a program on a subject of public interest and not intended to advocate the election of the Respondent. This is implicitly conceded by the Complainant's own characterization of the program as ". . .apparently intended to enhance the image of the majority leader. . ."rather than having any direct connection with any election.

III. The FEC has Found That No Contribution Occurred When Similar Broadcasts Were Made in The Past

The FEC has dismissed as baseless, similar complaints that news broadcasts were contributions by their sponsoring corporations. In MUR 819(78) a complaint was made that a profile of the Speaker of the House sponsored by a corporation and broadcast in the Speaker's congressional district in Massachusetts constituted a contribution by the sponsoring corporation. The FEC unanimously dismissed the complaint. The instant complaint should likewise be dismissed.

IV. Conclusion

The complaint in this action is entirely without merit both under the applicable regulations and the FEC's own precedents. The Respondent respectfully requests that the FEC speedily dismiss this complaint.

Respectfully submitted,

Henry E. Kerry
HENRY E. KERRY

sc

80040201632

Atch 3



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

C.R. "Chuck" Silcox
1300 Fort Worth National Bank Bldg.
Fort Worth, Texas 76102

Re: MUR 1212

Dear Mr. Silcox:

The Federal Election Commission has reviewed the allegations of your complaint dated April 14, 1980. Based on the information provided in that complaint and information provided by the Respondents the Commission has determined that there is no reason to believe that a violation of the Federal Election Campaign Act of 1971 as amended ("the Act") has been committed.

Accordingly, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact Vincent J. Convery, Jr., the attorney assigned to this matter at 202-523-4000.

Sincerely,

Charles N. Steele
General Counsel

Attachment 4a

80040201633



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Henry E. Kerry
Attorney at Law
919 Baker Building
Fort Worth, Texas 76102

Re: MUR 1212

Dear Mr. Kerry:

By letter dated April 25, 1980, this office informed you that a complaint, which alleged that your committee, the Congressman Wright Appreciation Committee, may have violated the Federal Election Campaign Act, had been filed.

Subsequently, we were advised by the Honorable Jim Wright that you would be representing him in this matter. Therefore, this letter is directed to you both as Treasurer of the Wright Committee and as counsel for Mr. Wright.

Based on information contained in the complaint and as provided by you, the Commission, on _____, 1980, found no reason to believe that a violation of the Act had occurred. Accordingly, the file in this matter has been closed, and will become a part of the public record within thirty days.

Sincerely,

Charles N. Steele
General Counsel

cc: Hon. Jim Wright

Attachment 4b

80040201634



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John E. Tuohy
Attorney at Law
Texaco, Incorporated
2000 Westchester Avenue
White Plains, New York 10650

Re: MUR 1212

Dear Mr. Tuohy:

By letter dated March 25, 1980, this office advised Mr. John K. McKinley that a complaint, which alleged that Texaco, Incorporated, may have violated the Federal Election Campaign Act, had been filed.

Based on information contained in the complaint, and as provided by you, the Commission, on _____, 1980, found no reason to believe that a violation of the Act had occurred. Accordingly, the file in this matter has been closed, and will become a part of the public record within thirty days.

Sincerely,

Charles N. Steele
General Counsel

Attachment 4c

80040201635

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80 MAY 15 PM 12:27

Henry E. Henry

ATTORNEY AT LAW

SUITE 919 BAKER BUILDING • FORT WORTH, TEXAS 76102

817/338-1668

May 12, 1980

938022

Mr. Charles Steele
General Counsel,
Federal Election Commission
Washington, D.C. 20463

RE: MUR 1212

Dear Mr. Steele:

The Respondent in the above-referenced MUR, the Honorable Jim Wright, pursuant to section 437(g)(a)(1) of the Federal Election Campaign Act, as amended, 2 U.S.C. § 431. et seq. ("the Act"), hereby demonstrates that the complaint filed by Mr. C. R. Silcox with the Federal Election Commission ("FEC") against the Respondent should be dismissed.

I. Introduction

The Respondent in this action is a sitting Congressman from the 12th Congressional District of Texas. On March 14, 1980, KXAS-TV of Fort Worth, Texas rebroadcast an episode of the Deena Clark Show featuring an interview with the Respondent. Part of KXAS-TV's viewing area consists of the 12th Congressional District of Texas. The Deena Clark Show is a regularly televised program in Washington, D.C. sponsored by Texaco in which various newsworthy persons are profiled and interviewed. As part of its sponsorship of public affairs programming, Texaco sponsored the rebroadcast of the episode at issue in this MUR in the Fort Worth area where it anticipated strong local interest in the program. This particular program both explored issues of national importance and considered the Respondent's role as Majority Leader.

Texaco's decision to sponsor the rebroadcast of the episode was independent of, and was not instigated in any way by, the Respondent, his agents or employees.

II. The Broadcast of This Episode Did Not Constitute A Contribution

(a) News Broadcasts Are Not Contributions

Section 100.7 of the FEC's regulations declare, in pertinent part, that:

RECEIVED
GENERAL COUNSEL
MAY 15 1980

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MAY 13 PM 12:27

Mr. Charles Steele
May 12, 1980

Page Two

"Any cost incurred in covering or carrying a news story, commentary or editorial by any broadcasting station is not a contribution. . ."

The interview with the Respondent at issue in this MUR is a "news story, commentary or editorial" and thus cannot constitute a contribution under the FEC's regulations.

(b) This Broadcast Was Not A Contribution

Section 100.7(a)(1) of the FEC's regulations define a contribution as an expenditure made ". . .for the purpose of influencing any election for federal office." The particular broadcast was merely a program on a subject of public interest and not intended to advocate the election of the Respondent. This is implicitly conceded by the Complainant's own characterization of the program as ". . .apparently intended to enhance the image of the majority leader. . ." rather than having any direct connection with any election.

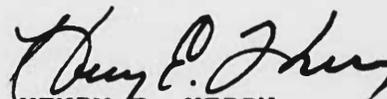
III. The FEC has Found That No Contribution Occurred When Similar Broadcasts Were Made in The Past

The FEC has dismissed as baseless, similar complaints that news broadcasts were contributions by their sponsoring corporations. In MUR 819(78) a complaint was made that a profile of the Speaker of the House sponsored by a corporation and broadcast in the Speaker's congressional district in Massachusetts constituted a contribution by the sponsoring corporation. The FEC unanimously dismissed the complaint. The instant complaint should likewise be dismissed.

IV. Conclusion

The complaint in this action is entirely without merit both under the applicable regulations and the FEC's own precedents. The Respondent respectfully requests that the FEC speedily dismiss this complaint.

Respectfully submitted,


HENRY E. KERRY

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Henry C. Kerry

ATTORNEY AT LAW

SUITE 919 BAKER BUILDING
FORT WORTH, TEXAS 76102



Mr. Charles Steele
General Counsel,
Federal Election Commission
Washington, D. C. 20463

21 MAY 1980

RECEIVED

May 13, 1980

As more specifically set forth in Ms. Clark's attached sworn Affidavit, the determination as to who appears on her show is solely the province of Ms. Clark, and, at no time, is subject to the suggestion or determination of Texaco. Further, the content of such show is solely determined by Ms. Deena Clark, and, at no time, does Texaco control what the content of the show shall be.

It should be noted that for anything of value to constitute a "contribution" under the Act, it is necessary that it be paid for the "major purpose" 1/ of "influencing the result of an election." 2/ Since Texaco, as indicated, does not in any way determine who appears on The Deena Clark Show nor what the contents of the show shall be, in no manner can it therefore be said that Texaco's sponsorship of this show is for the major purpose of influencing the election of a particular candidate.

As in the past, Texaco's sponsorship of The Deena Clark Show in no way indicates that Texaco agrees or disagrees with any of the opinions expressed by the Majority Leader in the program or with his voting record in the House of Representatives any more than sponsors of such shows as "Face the Nation," "Meet the Press," etc. can be alleged to agree or disagree with opinions of Congressional candidates interviewed on such show.

Texaco Inc. takes no position in election campaigns and does not endorse or oppose any candidate for election. Indeed, it is possible that the show could have had a negative impact in terms of the reelection of Majority Leader Wright in which case Mr. Silcox doubtless would not have filed the subject Complaint.

It should be noted that the interview with Majority Leader Wright, who is one of the country's most well-known public figures, dealt only with national issues and not with local issues. The interview contained no reference to the local primary campaign or to any of Mr. Wright's campaign opponents. Parenthetically, it should be noted that Congressman Wright overwhelmingly defeated Mr. Silcox in the May 3, 1980 Primary by a margin of approximately 80-20, and therefore it is clear that the "Deena Clark interview" had no impact on the primary outcome.

The Deena Clark Show interview in question was shown on Station KXAS-TV as a matter of public interest to viewers in that area and not in support for or in opposition to Congressman Wright's candidacy.

1/ MUR 1051

2/ 2 USC Section 431(e)(1)(A)(B)

90010201510

May 13, 1980

In MUR 819 which involved facts strikingly similar to the instant facts, the Commission, by a vote of six to nothing, found no violation of the Act on the basis of Section 100.4(b)(8) of the Regulations. In that case it was held that The Quaker Oats Company, the Corporation for Public Broadcasting and WGBH Educational Foundation-TV (Channel 2, Boston, Mass.) did not violate the Act as a result of their sponsorship of a one-hour long "documentary" entitled "Mr. Speaker" which dealt exclusively with the career of House Speaker, Thomas P. O'Neill, Jr.

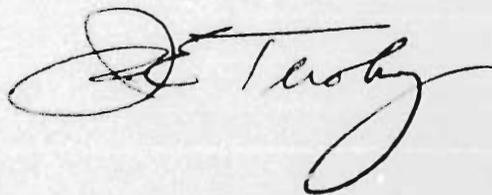
The telecast was shown on July 18, 22 and 23, 1978 in Boston, Massachusetts, and on approximately 182 other selected stations throughout the country. Prior to the telecast, the Republican candidate had made a formal announcement of his candidacy for Congress from the Eighth Massachusetts Congressional District.

Further, Mr. Silcox also tries to amend the Regulation by indicating that the language reads "...any REGULARLY SCHEDULED news story, commentary, or editorial of any broadcasting station, newspaper, magazine...." does not constitute a "contribution." Such exception does not exist in the Regulation and quite clearly the Regulations state "...any news story, commentary, or editorial of any broadcasting station."

In summary, the sponsorship of The Deena Clark Show is not a "contribution" since it is not for the major purpose of influencing the election of a potential candidate. Further, The Deena Clark Show is clearly "...any news story, commentary, or editorial of any broadcasting station" within the meaning of Section 100.4(b)(8), and MUR 819, the nature and content of which is solely within the control of Deena Clark and totally out of the control of Texaco Inc. Finally, there is no basis whatsoever for amending that Regulation, as suggested by Mr. Silcox, by adding the additional requirement that the news story instead of being "...any news story, commentary, or editorial" should be "...any REGULARLY SCHEDULED news story, commentary, or editorial of any broadcasting station...."

On the basis of the aforesaid, it is respectfully submitted that there should be a finding of "no reason to believe" a violation has occurred and that the Complaint should therefore be dismissed.

Very truly yours,



JET-bk
Attachment

00040201611

AFFADIVIT

I, DEENA CLARK, being duly sworn according to law, depose and say that I am the host and producer of The Deena Clark Show which is a public affairs/interview-type program which consists of interviews of various personalities of public interest.

I have hosted and produced this show for the last twenty-one years, and Texaco has been my sponsor for the last eleven of those years.

I alone determine who appears on my show and I alone determine the content of each interview. At no time has Texaco in any way determined or even recommended who shall appear on my show and, further, at no time, has Texaco determined or even recommended what the content of any show shall be.

Deena Clark
DEENA CLARK

Subscribed and sworn to before
me on may 12, 1980.

Virginia L. Hockley
Notary Public
My Commission Expires Feb. 14, 1983

80040201612

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FORM S - 112 11-78

JOHN E. TUOHY, ESQ.

TEXACO INC

2000 WESTCHESTER AVE.

WHITE PLAINS, NEW YORK 10600

ROOM 3500



FEDERAL ELECTION COMMISSION

1325 K STREET, N.W.

WASHINGTON, DC 20463

TRUST TEXACO TO HAVE THE RIGHT PRODUCTS FOR YOU

80 MAY 13 PM 4:17

RECEIVED

JIM WRIGHT
TEXAS
MAJORITY LEADER

GCC #1338

RECEIVED

Congress of the United States
House of Representatives
Office of the Majority Leader
Washington, D.C. 20515

80 MAY 25 PM 1:52

May 2, 1980

Hon. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D. C. 20463

507867

Dear Mr. Steele:

Thank you for your letter of April 25, advising me of MUR 1212.

This is to notify you that Hon. Henry Kerry, Attorney-at-Law, Suite 919, Baker Building, Fort Worth, Texas 76102, has been authorized to represent me in this matter. His telephone is 817/338-1666.

Mr. Kerry will be in touch with you shortly.

Best wishes.

Sincerely,

Jim Wright
Jim Wright

80040201614

80 MAY 6 4:10:16

RECEIVED
GENERAL COUNSEL
OFFICE OF THE MAJORITY LEADER
U.S. HOUSE OF REPRESENTATIVES

5 Congress of the United States
House of Representatives

OFFICE OF MAJORITY LEADER
WASHINGTON, D.C. 20515

OFFICIAL BUSINESS

Mr. Wright M.C.

Hon. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D. C. 20463

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80 MAY 5 PM 1985

RECEIVED



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 25, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Jim Wright
House of Representatives
Washington, D.C. 20515

Re: MUR 1212

Dear Mr. Wright:

This letter is to notify you that on April 23, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1212. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

30047201646



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 25, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John K. McKinley, President
Texaco, Incorporated
2000 Westchester Avenue
White Plains, New York 10650

Re: MUR 1212

Dear Mr. McKinley:

This letter is to notify you that on April 23, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1212. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Vincent J. Convery, Jr., the attorney assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,


Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

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MAILING LABEL

POSTAGE WILL BE PAID BY ADDRESSEE

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

NAME OF ADDRESSEE
ADDRESS
CITY, STATE, ZIP

ARTICLE DESCRIPTION
QUANTITY NO. WEIGHT NO.

POSTAGE NO. 639775

I have received the article described above.
SIGNATURE Address Authorized agent

DATE OF DELIVERY 4/29/80

POSTMARK
APR 29 1980
CLERK'S
POSTAL SERVICE

UNABLE TO DELIVER BECAUSE

7702 1212 Convery



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 25, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Henry Kerry, Treasurer
Congressman Wright Appreciation Committee
P.O. Box 1413
Fort Worth, Texas 76101

Re: MUR 1212

Dear Mr. Kerry:

This letter is to notify you that on April 23, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1212. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

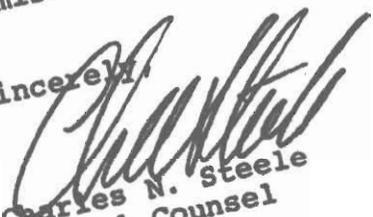
If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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Letter to: Henry Kerry
Page Two

If you have any questions, please contact Vincent J. Convery, Jr., the attorney assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,



Charles N. Steele
General Counsel

Enclosure

- 1. Complaint
- 2. Procedures

RETURN TO: Henry Kerry, 1212 Convery

REGISTERED NO. 15553

INSURED NO.

I have received the amount of \$ _____

SIGNATURE ADDRESS

John W. ...

DATE OF DELIVERY

1. ADDRESS (Complete only if required)

2. UNABLE TO DELIVER BECAUSE

CLERK'S INITIALS

MAR 12 12 Convery



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 25, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

C. R. "Chuck" Silcox
1300 Fort Worth National Bank Building
Fort Worth, Texas 76102

Dear Mr. Silcox:

This letter is to acknowledge receipt of your complaint of April 14, 1980, against the Honorable Jim Wright and Texaco, Inc., which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within 5 days and a recommendation from the Federal Election Commission as to how this complaint will be initially handled will be made 15 days after the respondents' notification. You will be notified as soon as the Commission takes final action on your complaint. If you wish to see or receive any additional information in connection with this case, please forward it to this office. For your information, we have attached a brief description of the procedures for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

300499

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):
 Show to whom and date delivered
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 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 C. R. "Chuck" Silcox
 1300 Ft. Worth National Bank Bldg
 Fort Worth, Texas 76102

3. ARTICLE DESCRIPTION: REGISTERED NO. CERTIFIED NO. INSURED NO.
 REGISTERED NO. 944664

I have received the article described above:
 Addressee
 Authorized agent
 SIGNATURE: *James J. Wagner*

4. DATE OF DELIVERY: 4-25-80

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6. UNABLE TO DELIVER BECAUSE:

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APR 25 1980
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3.A. 2 - Notification of
Receipt of Complaint
to Respondent -
(Automatically Sent by
Enforcement Docket)

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Henry Kerry, Treasurer

NAME *Congressman Wright Appreciation Committee*

ADDRESS *P.O. Box 1413*

CITY/STATE/ZIP *Fort Worth, Texas 76101*

1212

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L.A. 2 - Notification of
Receipt of Complaint
to Respondent -
(Automatically Sent by
Enforcement Docket)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NAME John K. McKinley, President

ADDRESS Texaco, Incorporated
2000 Westchester Avenue

CITY/STATE/ZIP White Plains, New York 10650

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6 I.A. 2 - Notification of
Receipt of Complaint
to Respondent -
(Automatically Sent by
Enforcement Docket)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NAME The Honorable ~~John~~ Jim Wright

ADDRESS House of Representatives

CITY/STATE/ZIP Washington, DC

1212

APR 14 1980
LETTER OF COMPLAINT
CERTIFIED MAIL

RECEIVED

APR 14 1980
80 APR 18 PM 1:28

Federal Election Commission
Attention: Office General Consul
1325 K Street NW
Washington, D.C. 20463

Re: Complaint of violations of Federal
Election Campaign Laws

Dear Commissioners;

I, C.R. "Chuck" Silcox, candidate for the U.S. House of Representatives, District 12 of Texas, on the democratic ballot for the May 3, 1980, Federal primary election, am requesting an official investigation into the apparent violations of Federal Election Campaign Laws, by Congressman Jim Wright and TEXACO Oil Corporation.

I. Originating Fact Situation

- A. On March 14, 1980, TEXACO, a bona fide corporation, did sponsor a one-half hour television show, aired locally by KKAS-TV (Channel 5) in Fort Worth, Texas, featuring an interview with Congressman Jim Wright, D-Texas, a declared candidate for re-election in District 12 of Texas, ie, Fort Worth and surrounding area.
- B. The show, televised from 6:30 p.m. to 7:00 p.m., CST, was not a regularly scheduled, (1) bona fide newscast, (2) bona fide news interview, (3) bona fide news documentary or (4) on-the-spot coverage of a bona fide news event and, in fact, pre-empted regular programming in the Fort Worth - Dallas area. The show was merely the re-broadcast of an interview show televised regularly in the Washington, D.C. area, ie, "The Deena Clark Show", and does not normally appear in the Fort Worth or Dallas viewing area. To promote the show, TEXACO purchased an advertisement in the March 14, 1980, morning edition of the Fort Worth Star Telegram newspaper.
- C. The show, and especially the interview, was not designed to deal with a specific newsworthy issue, but was apparently staged to enhance the image of Congressman Wright as the Majority Leader, in the eyes of the District 12 voters.

II. VIOLATION OF TITLE 2, USC, CHAPTER 14, SUBCHAPTER I, SECTION 441b; Contributions or Expenditures by Corporations (in part):

- (a) It is unlawful for any corporation to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or for any corporation whatever, to make a contribution or expenditure in connection with any election at which a Senator or Representative in Congress is to be voted for, or for any candidate knowingly to accept or receive any contribution prohibited by this section.
- (b), (2) The term "contribution or expenditure" shall include any direct or indirect payment, distribution, loan, advance, deposit or gift of money, or any services, or any thing of value.

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OFFICE OF THE CLERK
U.S. HOUSE OF REPRESENTATIVES

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The sponsorship of a television show would certainly be considered a "thing of value". Since the show pre-empted regular programming during prime time, and was an unusual re-broadcast of a taped interview show dealing with Congressman Wright's career, there is extreme inference that televising the show was nothing more than a political advertisement, disguised as an "interview", but specifically and deliberately designed to give Congressman Wright "free" air time, to affect the forthcoming May 3, 1980, Federal primary election, in which Congressman Wright was a declared candidate.

III. VIOLATION OF TITLE 2, USC, CHAPTER 14, SUBCHAPTER I, SECTION 441b;
Limitation on Contributions and Expenditures (in part):

(a) Dollar limits on contributions

(1) No person shall make contributions _____

(A) to any candidate and his authorized political committee with respect to any election for Federal office, which, in the aggregate, exceeds \$1,000.

IV. COMPLAINT OF VIOLATIONS

A. Specific Violations:

After examining the facts, as set forth in Section I and as futhered under Section II, it is apparent that:

1. Congressman Jim Wright did violate Title 2, USC, Chapter 14, Subchapter I, Section 441b; by his knowingly accepting a contribution of a "thing of value" (30 minutes of free prime time television), from a bona fide corporation, in connection with his campaigning for election to a Federal office.
2. TEXACO, a bona fide corporation, did violate Title 2, USC, Chapter 14, Subchapter I, Section 441a and 441b:
 - (a) 441a: by making a contribution by expenditure to a candidate for a Federal office, in excess of \$1,000 (the prime time spot cost was in excess of \$5,000)
 - (b) 441b: by making a contribution by expenditure of any kind, to a candidate for a political office.

B. Violations, in general:

It is apparent that, since both Congressman Jim Wright and TEXACO have taken the position that the March 14, 1980, program was "non-political", neither have reported the expense of the show in the required Campaign Expense Reports to the Federal Election Commission.

V. SUMMARY

- A. This request for an investigation into the very apparent violations of Federal Election Campaign Laws, is directed at Congressman Jim Wright and TEXACO.
- B. A written LETTER OF REQUEST, for equal and free time, under Title 47, USC, Section 315, has been presented in person, to KXAS-TV (Channel 5)

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in Fort Worth, Texas, on April 11, 1980, and accepted by them for consideration. A request for an investigation by the Federal Communications Commission will be submitted only at the absence of an affirmative grant of time (and not necessarily an absolute denial) by 5:00 p.m., CST, April 15, 1980, by KXAS-TV (Channel 5). '80 APR 18 PM 1:28

- (1) See ATTACHMENT, a copy of the LETTER OF REQUEST, submitted to KXAS-TV.
- (2) KXAS-TV, by Anne Randolph, did request an extension until April 17, 1980, to respond and the request was granted, provided I was at least contacted by KXAS-TV, by my original time requested, to be informed that the request for time was being considered.

C. In view of the fact that the forthcoming Federal primary election is very near, I pray the Commissioners see the need to expedite the investigation and take whatever action necessary to correct the violations, as best able.

I can be reached, if needed, at the following address, and will be awaiting your reply:

1300 Fort Worth National Bank Bldg.
Fort Worth, Texas 76102
ph. (817) 332-9381

Sincerely,

CR "Chuck" Silcox

C.R. "Chuck" Silcox
Candidate, Democratic Party
U.S. House of Representatives,
District 12 of Texas

cc: Federal Communications Commission
Attention: Complaints and Compliance Division,
Broadcast Bureau
1919 M Street NW
Washington, D.C. 20554

SUBSCRIBED AND SWORN TO BEFORE ME ON APRIL 14, 1980

Frankie K. Deming
NOTARY PUBLIC IN AND FOR TARRANT COUNTY

90040201659

ATTACHMENT -
A LETTER OF REQUEST
(For Your Information Only)

April 11, 1980

Mr. Blake Byrne, President
Mr. Russ Thornton, Director of Administration and
Development

KXAS-TV, Channel 5
3900 Barnett St.
Fort Worth, Texas

Re: Request for Equal Time

Dear Mr. Byrne and Mr. Thornton:

I, C.R. "Chuck" Silcox, candidate for the U.S. House of Representatives, District 12 of Texas, on the democratic ballot for the May 3, 1980 primary election, am officially requesting, from KXAS-TV (Channel 5) in Fort Worth, Texas, one-half hour (30 minutes) of "free" broadcasting television air time, on FRIDAY, MAY 2, 1980, from 6:30 p.m. to 7:00 p.m., CST.

I am requesting the one-half hour as equal time to the one-half hour (30 minutes) television show on KXAS-TV (Channel 5), on March 14, 1980, featuring an interview with Congressman Jim Wright, that was sponsored by TEXACO.

The show, appearing at 6:30 p.m. CST, was not a regularly scheduled news program and, in fact, pre-empted regular programming in the Fort Worth - Dallas area. The show was not a special (bona fide) news program, but merely the re-broadcast of an interview show regularly televised in the Washington, D.C. area, ie, "The Deena Clark Show". This show does not normally appear in the Fort Worth or Dallas area.

The interview was not designed to deal with a specific newsworthy issue, but was apparently staged to enhance the image of Congressman Jim Wright as Majority Leader. To promote the show, TEXACO purchased an advertisement in the Fort Worth Star Telegram, morning edition of March 14, 1980.

VIOLATION of TITLE 2, USC, S 441b:

It is unlawful for any corporation to make a contribution or expenditure in connection with any federal election, or for any candidate knowingly to accept or receive any contribution.

The term "contribution" or "expenditure" includes any direct or indirect payment or anything of value, to any candidate in connection with any federal election.

The sponsorship of a television show/program would certainly be considered a "thing of value". Since the show pre-empted regular programming, and was an unusual re-broadcast of an interview show dealing with Congressman Jim Wright's career, there is a strong inference that televising the show was designed to affect the forthcoming May 3, 1980 federal primary election in which Congressman Wright is also a candidate.

Federal Election Campaign Law has been violated ! I am requesting "FREE" time under TITLE 47, USC, S 315, Equal Opportunity For Broadcast Time (a copy of which, is attached).

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Normally if one candidate purchases time, a broadcasting station has the obligation only to allow other candidates to purchase similar blocks of time. However, one of the original purposes of the statute was to prohibit discrimination between candidates.

In this situation, the program failed to meet any of the four exemptions to the equal opportunity rule; (1). a bona fide newscast, (2). a bona fide news interview, (3). a bona fide news documentary and (4). on-the-spot coverage of a bona fide news event.

Since Congressman Wright's campaign did not have to purchase the time and I do not have either a willing sponsor to purchase the time or have campaign funds to purchase the time, I request, under Title 47, USC, S 315, a "free" one-half hour of broadcast time, at the same hour of the day and same day of the week, as stated in par.1, page 1.

Due to such a short time until the May 3, 1980 primary election, I believe a reasonable length of time for KXAS-TV (Channel 5) to respond to my request, would be for me to receive, in person, an answer by 5:00 p.m. CST, TUESDAY, APRIL 15, 1980.

The absence of an affirmative grant of time (and not necessarily an absolute denial) by 5:00 p.m., CST, on April 15, 1980, will constitute the need to file an official complaint with the Federal Communication Commission and the Federal Election Commission.

I will be awaiting your affirmative reply at :

1300 Ft. Worth National Bank Bldg.
Fort Worth, Texas 76102
817-332-9381

Sincerely,

CR Chuck Silcox
C.R. "Chuck" Silcox
Candidate, Democratic Party,
U.S. House of Representatives,
District 12 of Texas

✓ cc: Federal Election Commission - Attention Office General Consul
1325 K Street NW
Washington, D.C. 20463

cc: Federal Communication Commission Attention: Complaints & Compliance Division
1919 M Street NW Broadcast Bureau
Washington, D.C. 20554

I have personally delivered this letter to KXAS-TV on April 11, 1980. *Silcox*

Received by: _____

Subscribed and sworn to before me on April 10, 1980

Frankie H. Deming
Notary Public in and for Tarrant County

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47 § 314 WIRE OR RADIO COMMUNICATION

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one aspect of it. Federal Communications Commission v. R. C. A. Communications, D.C. 1953, 73 S.Ct. 998, 346 U.S. 86, 97 L.Ed. 1470.

Where there was only one direct public radio telegraph service between United States and Norway, the Commission did not commit an error of law in failing to interpret "public convenience, interest or necessity" as necessarily requiring the licensing of a competing direct radio telegraph service between United States and Norway. Mackay Radio & Telegraph Co. v. Federal Communications Commission, 1938, 97 F.2d 641, 68 App. D.C. 338.

2. Evidence

In proceedings on application for modification of license of public-service radiotelegraph carrier so as to permit it to maintain additional radiotelegraph circuits, evidence would justify Commission in finding that grant of authorization for additional circuits would increase rather than decrease, competition, notwithstanding relationship existing between such radiotelegraph carrier and a cable carrier. Federal Communications Commission v. R. C. A. Communications, D.C. 1953, 73 S.Ct. 998, 346 U.S. 86, 97 L.Ed. 1470.

§ 315. Candidates for public office; facilities; rules

(a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any—

- (1) bona fide newscast,
- (2) bona fide news interview,
- (3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or
- (4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental hereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

(b) The charges made for the use of any broadcasting station for any of the purposes set forth in this section shall not exceed the charges made for comparable use of such station for other purposes.

(c) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section. June 19, 1934, c. 652,

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Title III, § 315
Sept. 14, 1959,

1959 Amendment 24-274 provided that only qualified candidates. Interviews on the spot events shall not be broadcasting stations of subsec. (a).

1952 Amendment designated existing (a) and (c) and

Examination Declaration of Section 2 of Pub. L.

"(a) The Commission to reexamine amendment to communications Act this section] make this Act, to ascertain has proved feasible.

"(b) To assist its reexamination the Federal Commission shall include in makes to Congress forth (1) the information to determine from or connect and (2) such reexamination necessary in the

Enactment of for 1960 Campaign 24, 1960, 74 Stat.

Administrative Bad faith 13 Cause of action Censorship 6 Constitutionality Construction, 6 Defenses 12 Evidence 15 Immunity 14 Jolinder of part Liability under Libel 8 Filings 9 Purpose 3 Rejection of state law, liability 8

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Edmund P. [Signature]
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**Office of the Clerk
House of Representatives
U.S.A.
Washington, D.C. 20515**

Official Business

Edmund P. [Signature]
CLERK, U.S. HOUSE OF REPRESENTATIVES

**Charles Steele
General Counsel
Federal Election Commission**



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

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