

CC # 290  
MUR 170

REC  
FEDERAL  
ACTION ON



FEDERAL ELECTION COMMISSION

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

P 2: 08

FEC CORRESPONDENCE  
CONTROL # 76-945 - 29 JUN 1976

Mr. Hugh Wilson  
748 Fifth Street, Apt. 4  
Port Arthur, Texas 77640

Re: MUR 170 (76)

Dear Mr. Wilson:

I have received your letter of June 1, 1976, alleging violations of the Constitution in the state of Texas. I have reviewed your allegations and have concluded the Federal Election Commission does not have authority over the matters set forth. Accordingly, upon my recommendation, the Commission has decided to close its files in this matter and will proceed with no further investigation of it.

If further information comes to your attention which you believe establishes a claim on matters within the Commission's jurisdiction, please feel free to write and apprise me of them.

Sincerely yours,

*John G. Murphy, Jr.*  
John G. Murphy, Jr.  
General Counsel

July 4, 1976  
Request to the U. S. Supreme Court and Congress:

If it is advisable, will the Federal Election Commission be given the duty and authority to enforce the Guarantee Democracy Clause in the U. S. Constitution, Art. 4, Sec. 4?

*Hugh Wilson*  
Hugh Wilson  
748 Fifth Street, Apt. 4  
Port Arthur, Texas 77640



OFFICE OF GENERAL COUNSEL

77040001109

July 4, 1976

It is as true today as it was  
200 years ago and 2000 years ago:  
\* unchecked power tends to corrupt,  
and absolute power corrupts absolutely.

Genesis 6:12-13. God destroyed corrupt.

History is a record of governments, city-state-  
national, that have been destroyed by  
greed, negligence, meanness, sick egos,  
dishonesty, and the most hideous sin  
of all: incompetence in national office.

We the people have a natural right to  
remove any public official at any time.

Recall elections can be authorized in a  
number of ways. Perhaps by regularly  
constituted juries? Any suggestions?

Sincerely,

Hugh Wilson

748 5<sup>th</sup> St., apt. 4

Port Arthur, Texas 77640

P.S. We need independence from incompetence.

77040001099

29 JUN 1976

Mr. Hugh Wilson  
748 Fifth Street, Apt. 4  
Port Arthur, Texas 77640

Re: MUR 170 (76)

Dear Mr. Wilson:

I have received your letter of June 1, 1976, alleging violations of the Constitution in the state of Texas. I have reviewed your allegations and have concluded the Federal Election Commission does not have authority over the matters set forth. Accordingly, upon my recommendation, the Commission has decided to close its files in this matter and will proceed with no further investigation of it.

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Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.  
General Counsel

GSulton:pjg:6/21/76

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

770400:1091

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Governor and State Legislature of Texas )

MUR 170 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on June 22, 1976, the Commission adopted the recommendation of the General Counsel that it finds no reason to believe that a violation of the Federal Election Campaign Act, as amended, had been committed in the above-captioned matter.

Accordingly, the file in this case has been closed.

*Marjorie W. Emmons*  
Marjorie W. Emmons  
Secretary to the Commission

FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
OFFICE OF GENERAL COUNSEL

770477:1093

DATE AND TIME OF TRANSMITTAL: JUN 24 1976

NO. MUR 170

REC'D: 6/18/76

FEDERAL ELECTION COMMISSION  
Washington, D. C.

Complainant's Name: Hugh Wilson (unnotarized)

Respondent's Name: Govenor and State Legislature of Texas

Relevant Statute: Art. 4, Sec. 4, U.S. Constitution

Internal Reports Checked: None

Federal Agencies Checked: None

SUMMARY OF ALLEGATION

That the filing fees for placing name on ballot in Texas and  
other related requirements are violative of Art. 4, Sec. 4 of the  
U.S. Constitution.

PRELIMINARY LEGAL ANALYSIS

No jurisdiction.

RECOMMENDATION

Close file, send attached letter.

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

Date of Next Commission Review: \_\_\_\_\_

770409

**Interstate Commerce Commission**  
Washington, D.C. 20423

BUREAU OF ENFORCEMENT

June 16, 1976

BC-4807

Mr. Hugh Wilson  
748 Fifth Street, Apt. 4  
Port Arthur, Texas 77640

Dear Mr. Wilson:

This will acknowledge receipt of your letter of June 1, 1976, concerning the operation of election laws in the State of Texas and your protest to the necessity of paying \$1,000 to have your name placed on the ballot as a candidate of the U.S. Senate.

The matters you refer to are not under the jurisdiction of this Commission and I have taken the liberty of forwarding your letter to the Federal Election Commission at the address shown below.

Very truly yours,

  
BERNARD A. GOULD  
Director

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

770400:1097

FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL

June 1, 1976

Supreme Court of the United States:

Will the Court appoint a lawyer to test the constitutionality of rigged election laws in Texas?

The Court outlawed restrictive high filing fees for candidates, in 1972, but the Governor of Texas and the Texas legislature later ignored this ruling and passed another even more restrictive filing requirement, Vernon's Texas Statutes 1308c-d, enclosed.

State politicians started rigging state election laws in their own favor in the first election held after the new Government of the United States was ratified and established in 1789, and have continued to use their unchecked power to corrupt the democratic form of government ever since.

7704771091  
The Court is partly responsible for this because it has consistently refused to enforce the U. S. Constitution guarantee of a democratic form of government in each state, Article 4, Section 4. The failure of so-called "democracy" in the United States (which one state supreme court called "a mockery of democracy,") is caused by the equal neglect of the other two branches of the U. S. Government to enforce the "Guarantee Democracy Clause" of the Constitution. (This guarantee is also in the Texas Constitution, but equally ignored by the Texas governor, the legislature and supreme court.) The record shows that constitutional guarantees of the democratic form of government in the United States mean nothing to election rigging, crooked-money lawyer-lobbyist-politicians in the United States, and indicates that this "spoiled-child politics" will continue until stopped by the U. S. Supreme Court.

Currently rigged election laws in Texas require that I pay \$1,000 to have my name placed on the so-called Democratic Party ballot as a candidate for U. S. Senator, which I did, under protest, enclosed. I request that the Court instruct the Party Chairman to return my \$1,000 and to declare the primary election to be null and void.

Sincerely,

*Hugh Wilson*

Hugh Wilson  
748 Fifth Street, Apt. 4  
Port Arthur, Texas 77640

(over)

June 1, 1976

Notes on Vernon's Texas Statutes, Elections 13.08c-d:

Last legislature and governor set filing fee for statewide candidates at \$1,000 and provided highly restrictive procedure for obtaining petition to get name on ballot.

This highly restrictive procedure:

1. Petition must have 5,000 signatures obtained within one month before filing deadline, February 1, 1976. (First primary is three to four months away, May 1, 1976, and potential signers probably don't yet know who the other parties and candidates may be, and may be reluctant to restrict possible future choices.)
2. Petition bearer must read to each prospective signer a restrictive oath of about 100 words, which he will be legally bound to follow if he signs. The restriction limits his choice of candidates to vote for in the General Primary election, and the legal technicalities could be so misunderstood that the voter could easily be caught in a violation.
3. Petition bearer must also obtain each signers address, voter certificate number, county of issuance, and date of signing.
4. If the time required to go through this procedure with each potential signer is only ten minutes, including the time used by the petition bearer to try to explain the legal technicalities and restrictions, and assuming that no person then refuses to sign, then the total time required to obtain 5,000 signatures is 833 hours. The cost to me, at my job rate of pay (\$8.00 per hour), would be \$6,664. Working eight hours per day, it would take me 104 days, or 21 five-day weeks, or five months to obtain 5,000 signatures. The restrictive law allows only one month.

★ | Comment: Roberts Rules of Order are generally accepted and used as effective, democratic procedure for members to take care of their business. This is real government of, by, and for the people, and is incomparably more successful than the current rigged-election procedure for solving our problems. Robert's Rules might suggest improvements in election laws.

Hugh Wilson *Hugh Wilson*  
748 Fifth Street, Apt. 4  
Port Arthur, Texas 77640

(over)

770411091

(d) In lieu of the payment of a filing fee, a candidate may file a nominating petition which may be in multiple parts and must be signed by the qualified voters eligible to vote for the office for which the candidate is running as follows:

For statewide office, 5,000 signatures.

For district, county, precinct, or other political subdivisions, equal in number to at least two percent of the number of votes cast in the territory for that party's candidate for governor in the last preceding gubernatorial general election. However, in no event shall the number required be more than 500; and if two percent of the votes cast in the territory was less than 25, the number required is the lesser of 25 signatures or 10 percent of the number of votes cast.

Where a candidate is running in a district, county, or precinct which has been created or the boundaries of which have been changed since the last gubernatorial general election, he may request that the secretary of state in the case of a district or county office, or the county clerk of the county in which the precinct is situated in the case of a precinct office, make an estimate in advance of the filing deadline of the number of votes cast for that party's candidate for governor within that territory at the last gubernatorial election. Not later than the 15th day after receiving such a request, the officer shall make the estimate and notify the candidate, and also the officer with whom the candidate files his application. The estimate shall be used as the official basis for computing the number of signatures required on a petition. If an advance estimate is not requested, the officer with whom the petition is filed shall make the estimate, whenever necessary, before he acts on the sufficiency of the petition. In every instance, the candidate may challenge the accuracy of the estimate, and if he is dissatisfied with the final decision of the officer he may appeal the decision to any district court having jurisdiction in the territory involved.

The following statement shall appear at the head of each page of the petition: "I know the contents of this petition. I am a qualified voter eligible to vote in the forthcoming primary election of the (fill in name) Party for the office for which (fill in name) is a candidate. I have not signed the petition of a candidate who is running for any office of the primary of any other party. I understand that by signing this petition I become ineligible to affiliate with any other party or to participate in the primary elections, conventions, or other party affairs of any other party, including a party which is not holding a primary election, during the voting year in which this election is held, and that I am guilty of a misdemeanor if I attempt to do so."

To each part of the petition shall be attached an affidavit of the person who circulated it, stating that he called each signer's attention to the statement and read it to him before the signer affixed his signature to the petition, and further stating that he witnessed the affixing of each signature, that the correct date of signing is shown on the petition, and that to the best of his knowledge and belief each signature is the genuine signature of the person whose name is signed. A petition so verified is prima facie evidence that the signatures thereon are genuine and the persons signing it are registered voters.

The petition must show the following information with respect to each signer: His address (including his street address if residing in a city, and his rural route address if not residing in a city), his current voter registration certificate number (also showing the county of issuance if the office includes more than one county), and the date of signing. The secretary of state shall prescribe a form for the petition before the 30th day prior to the filing deadline and provide copies of that form to the state chairman and the county chairmen of each party holding a primary

election. However, with the requirement of the legislature that the candidate take an oath to any person.

A petition filed with whom an application is sought is to be filed with the county clerk.

(e) The fees payable by the county chairman pursuant to the Texas Election Code shall be defrayed by the county or the primary fund of the Texas Election Code for primary elections. The county shall use any other available funds for costs incurred shall be the same as the procedures outlined in the regular filing of petitions shall forward to the county clerk for collection pursuant to the provisions of such fees. All filing fees for this section to the county clerk wholly within such county shall be equal to the filing fee by the county clerk. The secretary of state shall maintain a suspense account.

(f) In each county system has been adopted, county-owned voting machines, primary elections, and voting machines, at a charge for voting machines adopted under Section 13.08, and provided, however, that the county is required to provide voting machines in which for general primary elections, fixed in this subsection and also the charge for these services provides these services at the cost of transporting voting machines to the voting station in county.

(g) All expenses incurred in the primary election where necessary, shall be reimbursed to the absentee voting or at primary elections, ex-

# GOP won't oppose Yarbrough

AUSTIN, Tex. (UPI) — The head of the Texas Republican Party says the state's lone choice for Supreme Court judge, Donald Yarbrough, isn't ideal for the job — but that's how the system works.

GOP chairman Rep. Ray Hutchison, R-Dallas, said Monday he did not feel Yarbrough was qualified for the post but said the Republican would not challenge his election now.

Yarbrough was a surprise winner in the May 1 Democratic primary and the Republicans nominated no one for the office — thereby virtually guaranteeing the post to the Democrats.

Some Democrats, however, also have said Yarbrough was unqualified for office and believe the electorate confused Yarbrough with someone else in casting their ballots.

Hutchison said he and other Republicans were partly to blame for not seeking candidates for judicial positions, but said

the real fault rested with the Texas election system.

"The code is principally designed to protect incumbents," he said. "What we're seeing basically in the Democratic primary is the result of two-thirds of one-third of your electorate electing people to public office."

He said there was no compelling reason for state law to require candidates to file to run in political party primaries nine months before the general election. He said election of judges should be nonpartisan.

"It's not even possible in Texas to solicit candidates for judicial positions — at the trial level you can occasionally but not at the appellate level. You're not going to solicit judicial candidates to be run against a political machine."

Hutchison said the party would not challenge the law in order to run a candidate against Yarbrough in the general

election.

"We're not going to contrive a lawsuit and involve the Supreme Court in this very difficult political situation where we find ourselves," he said. "The court would be called upon in essence to determine the qualifications of one of its own members in a political setting."

Hutchison said he personally questions Yarbrough's qualifications to sit on the state's highest court, and received many calls from attorneys concerned about potential damage to the court from the Houston lawyer's election.

There is too little time for the Bar Association to act on a grievance against Yarbrough and bring any disbarment proceedings before the November election, Hutchison said.

"If he wants to be there and be sworn in on Jan. 1 it's his choice," Hutchison said.

(over)

7704031101

URGENT

(Inflation hurts: It can destroy a nation.HW)

President Ford

October 30, 1975

Obviously there are many points of law and economics involved in your proposals in yesterday's <sup>N.Y.</sup> ~~speech~~ ~~many~~ of which are beyond my understanding, but I do want very much to congratulate you loud and clear for your thoroughly logical explanation of the economic condition of the United States Government ~~under~~ after many, many years of using deficit spending, sometimes called pump-priming, as its basic economic policy for solving national problems, and getting re-elected. The main point was brought up by your excellent, final question, "Who is going to bail out the United States?"

★

This main question by you has broken the cold, paralyzing silence that covers the United States on basic economic policy. This makes it possible in the coming presidential and congressional political campaigns to construct a much better basic economic policy for the United States.

★

Sincerely, Hugh Wilson *HW*  
748 Fifth Street, Apt. 4  
Port Arthur, Texas 77640

Copies to: Senator Mike Mansfield  
Senator Hugh Scott  
Speaker Carl Albert  
Rep. Thomas O'Neill  
Rep. John Rhodes  
Democratic National Committee  
Republican National Committee  
and others.

CPA:

2-12-76

I am a candidate for nomination for U. S. Senator in the Democratic General Primary May 1, 1976.

I have only two years of college, Lamar Junior College 1934, no professional standing, and so would appreciate your professional opinion very much on whether or not accountants can figure out in detail who or what causes now much inflation, and specifically what can be done by accountants, or other persons, to stop inflation, increase efficiency, and thereby reduce prices and increase individual income.

Sincerely,

*Hugh Wilson*

Hugh Wilson  
748 Fifth Street, Apt. 4  
Port Arthur, Texas 77640

FEDERAL BUREAU OF INVESTIGATION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

2-25-76

→ Voters of Texas:

Current opinion among financially independent Certified Public Accountants indicates that voluntary control of inflation is desirable but impractical, like voluntary payment of income taxes. Therefore, as of this day, the main plank in my platform as a candidate for U. S. Senator from Texas is to extend the excellent investigative accounting work now done by the federal General Accounting Office by some constructive procedure until an effective, accurate, nationwide system of accounting is established that we can use to stop inflation, increase efficiency, and thereby reduce prices and increase personal income. HW

Page 1

★

1976

7 0 4 1 7 1 1 0 3  
STATE OF THE UNION and FOUNDATION OF MY PLATFORM

The Constitution of the United States of America

WE THE PEOPLE of the United States in Order to:

1. Form a more perfect Union,  
(The U. S. Constitution requires that the United States guarantee a democratic form of government to each state, Art. 4 Sec. 4, but all three branches of the U. S. Government have to this day, March 11, 1976, knowingly refused to enforce this most fundamental law of the land. When this proposed Constitution was ratified, June 21, 1788, by nine states, and the New United States Government was established, state politicians started rigging the election laws in their own favor in the very first election, and this totally corrupting practice has continued to this day, March 11, 1976, by election rigging, crooked lawyer-lobbyist-politicians from coast to coast, and, apparently, will continue until they are completely stopped by the United States Supreme Court. Supreme Court enforcement of the "Guarantee Democracy Clause" is necessary to establish "a more perfect Union." HW)
2. Establish Justice,  
(The rights of U. S. citizens are violated on a wholesale scale from coast to coast because the United States Government has never established an effective system which each citizen can use to protect his rights. And to this day, March 11, 1976, there isn't the slightest bit of evidence to indicate any interest in the U. S. Government in doing so. As stated bluntly and honestly by former U. S. Attorney General Saxbe, "Crimes (of all kinds) are increasing rapidly in the United States; they are completely out of control: I don't have the faintest idea of what to do about it." We need a more perfect Union.HW)
- #  
3. Insure domestic Tranquility,  
(See above. We need a more perfect Union.HW)
4. Provide for the common defence,  
(Crime and corruption of all kinds weaken a nation internally and externally. In order to solve our problems and become a stronger nation, internally and externally, we need a more perfect Union.HW)
5. Promote the general Welfare,  
(In order to solve our problems in economics, crime, transportation, education, administration of justice, medicine, etc., we need to improve our political system until it is actually an effective government of, by and for the people. In other words, we need a more perfect Union.HW)
6. and Secure the Blessings of Liberty to ourselves and our Posterity,  
(See above.)

do ordain and establish this CONSTITUTION for the United States of America.

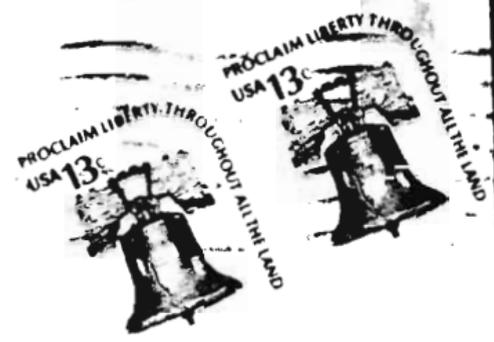
<sup>you</sup>  
If <sup>^</sup>the voters of Texas want to hire me to do what I can to carry out the above platform, you can, MAY DAY, May 1, 1976, and November 2, 1976.

*Hugh Wilson*

Hugh Wilson  
Candidate for U. S. Senator  
748 Fifth Street, Apt. 4  
Port Arthur, Texas 77640

770417:11P01

POSTAL SERVICE  
SEP 19 1964  
P 2:02



Mr. John G. Murphy, Jr.  
General Counsel  
Federal Election Commission  
1325 K NW  
Washington, D. C.

CC # 229  
MUR 170

FEDERAL CORRESPONDENCE

CONTROL

76-603

RECEIVED  
FEDERAL COMMISSION  
JUN 18 1976  
8:50

Supreme Court of the United States:

Will the Court appoint a lawyer to test the constitutionality of rigged election laws in Texas?

The Court outlawed restrictive high filing fees for candidates, in 1972, but the Governor of Texas and the Texas legislature later ignored this ruling and passed another even more restrictive filing requirement, Vernon's Texas Statutes 1308c-d, enclosed.

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7704101101

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*Hugh Wilson*

Hugh Wilson

748 Fifth Street, Apt. 4  
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(over)

June 1, 1976

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770400:106

☆

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(over)

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election. However, with the requirement of the legislature that an oath to any petition.

A petition filed with whom an appeal is sought is to be filed in application.

(e) The fees of the chairman pursuant to the Texas Election Code or the county clerk shall defray the costs of the primary fund of the Texas Election Code. Primary elections shall use any other available funds for the costs incurred shall be paid by procedures outlined in the regular filing procedures shall be collected pursuant to the filing of such fees. All filing fees for this section to the extent wholly within such amount shall be equal to the filing fee by the person who filed the fee. The secretary shall maintain a suspense account.

(f) In each county system has been a county-owned voting machine for primary elections, at a charge of one dollar per voting machine (see Election Code), as adopted under Section 13.03 provided, however, the county is required to provide a precinct in which a voting machine or general primary election is held, and also the charge for the use of the machine and also the charge for the cost of transporting the machine to the places if the county has a voting system, the cost of tabulating equipment and the cost of the voting station in counties.

(g) All expenses incurred in the primary election where necessary, shall be reimbursed to the absentee voting or primary elections.

770400:1107

(over)

# GOP won't oppose Yarbrough

AUSTIN, Tex. (UPI) — The head of the Texas Republican Party says the state's lone choice for Supreme Court judge, Donald Yarbrough, isn't ideal for the job — but that's how the system works.

770400:1103

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"We're not going to contrive a lawsuit and involve the Supreme Court in this very difficult political situation where we find ourselves," he said. "The court would be called upon in essence to determine the qualifications of one of its own members in a political setting."

Hutchison said he personally questions Yarbrough's qualifications to sit on the state's highest court, and received many calls from attorneys concerned about potential damage to the court from the Houston lawyer's election.

There is too little time for the Bar Association to act on a grievance against Yarbrough and bring any disbarment proceedings before the November election, Hutchison said.

"If he wants to be there and be sworn in on Jan. 1 it's his choice," Hutchison said.

(over)

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