

17 SEP 1976

Mr. H. L. "Chips" Gifford
425 H Street
Patterson, CA 93563

Re: MUR 201 (76)

Dear Mr. Gifford:

I have received your letters dated July 23, and July 26, 1976 alleging violations of the Federal Election Campaign Act of 1971, as amended, I have reviewed your allegations and have concluded that the Federal Election Commission does not have authority over the matters set forth. Accordingly, upon my recommendation, the Commission has decided to close its file in this matter.

Should additional information come to your attention which you believe to be within the jurisdiction of the Commission, please contact me again.

Sincerely yours,

John G. Murphy, Jr.
Signed: John G. Murphy, Jr.

John G. Murphy, Jr.
General Counsel

AAthy:pgj:9/3/76

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040022170

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
58 County Clerks in CA, various)
TV stations and newspapers)

MUR 201 (76)

CERTIFICATION

I, Marjorie W. Emmons, secretary to the Federal Election Commission, do hereby certify that on September 15, 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

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EX-107 (REV. 11-15-74)

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MEMORANDUM TO: BILL OLDAKER
FROM: MARJORIE EMMONS
SUBJECT: MURS

mwe

All of the MURS listed below were transmitted to the
Commission on September 15, 1976, 11:30 a.m.. As of
September 16, 1976, 11:30 a.m., no objections were received
in MURS 196, 201, and 219

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BUREAU OF PUBLIC AFFAIRS

DATE AND TIME OF TRANSMITTAL: SEP 15 1976

NO. MUR 201 (76)

REC'D: 7/26/76

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: H. L. "Chips" Gifford (unnotarized)

Respondent's Name: 58 County Clerks in CA, various TV stations and newspapers.

Relevant Statute: None

Internal Reports Checked: _____

Federal Agencies Checked: _____

SUMMARY OF ALLEGATION

The county clerks by failing to supply sample ballots did not properly discharge their responsibilities with regard to California primary election for U.S. Senate. Also, the manner of coverage of the campaign and election by the media violated complainant's rights.

PRELIMINARY LEGAL ANALYSIS

Matters raised are not within the Commission's jurisdiction. Similar allegations were raised by the same complainant in MUR 163 which the Commission closed July 8, 1976.

FEDERAL ELECTION COMMISSION
COMMUNICATIONS SECTION
COUNSEL

RECOMMENDATION

Close file; send attached letter.

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COMMISSION

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MAVERICK '76

July 26, 1976

Secretary of State March Fong Eu
111 Capitol Mall
Sacramento, Ca. 95814

Dear Secretary Eu:

As you are aware, the legalities concerning the 1976 primary race for the office of the United States Senate have been and are being challenged.

The Federal Elections Commission has an 11 page in total complaint filed, whereas the Federal Elections Campaign Law of 1971 as amended, Articles 9-14-17 of the Bill Of Rights, State Elections Codes 10007-9; SS 6580, 6580.5, 6658; Sections 3, 4 and 9 of the Constitution have all been breached. As such the remedy is to nullify said election and/or the complaining candidates will institute a class action law suit for damages in the amount of \$5 million dollars per candidate. There are, as you know, 6 complaining candidates, 4 Democrats, 2 Republicans. The filing fees and campaign expenditures are being or have been requested returned by filing forms B/C 1A and B/C 1B with the California Board of Control, but this is only the primary request in conjunction with the request of nullifying said election. If said election is not nullified the demand for damages will then be filed with the State and Federal Courts.

This brings into question, Election Code 10017.5, the dispersing of party contributor funds. The 58 County Clerks are your Agents. The nominations of both Senator Tunney and Mr. Hayakawa are being legally challenged as is in fact the entire U. S. Senate primary race of June 8, 1976 here in California.

We are requesting that said disbursement of these funds be FROZEN for the present time as we do not believe these two people are or shall remain legitimate bona fide nominees of their respected parties. This race was never conceded to any nominees.

The matter will be brought before the courts before November 2, 1976 if said matter is not soon nullified. If the Federal Regulatory Agencies nullify said election you shall have no other choice in the matter as we understand the laws, the Federal having precedence.

Sincerely,

Chips Gifford

HIG/b

CONTROL # _____
"Chips Gifford"
D.E.B. Spokesman - Chairman 1976
425 H Street
Patterson, Ca. 95363
Phone: (209) 832-3272

cc:

- Complaining Candidates U.S. Senate 1976, California
- Evelle Younger, Attorney General, California
- Federal Elections Commission, Washington, D.C.
- Attorney General, Washington, D.C.

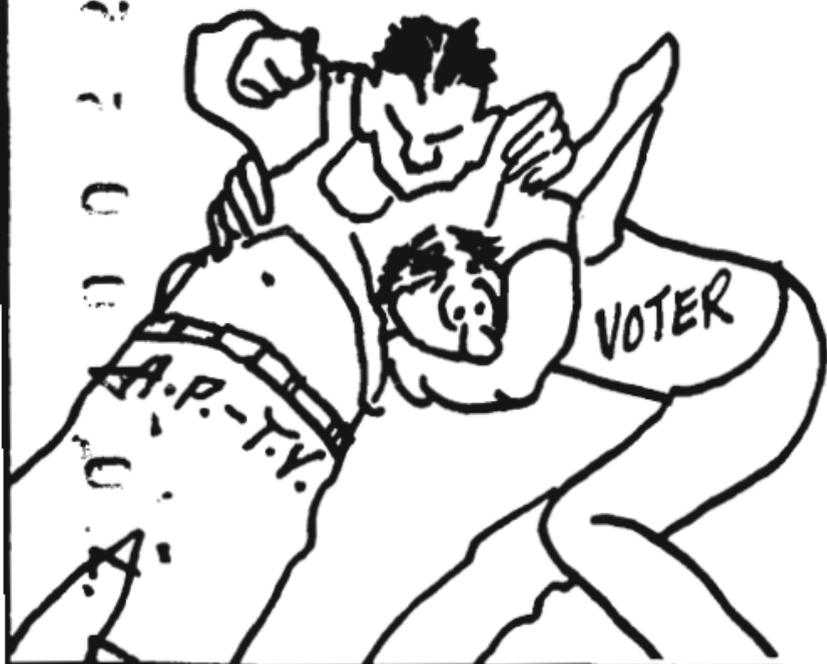
TUNNEY - HAYAKAWA

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FEC COMPLIANCE

FEC COMPLIANCE
CONTROL # 76-1281

DUB '76



13 U. S. Senatorial Candidates were dubbed out of the Primary Election 1976. Only 6 out of 19 were recognized, Democrat and G.O.P. Associated Press pre-programmed this election. They gave you an added and altered vote count. At least 41 County Clerks and Registrars of Voters are in violation of Election Codes 10009-10011 just for a start. We are taking this Primary Election result to court to declare it null and void. We need legal fees. Won't you help. Won't you donate one dollar to keep the Stars and Bars flying ... ? To keep America ... American. All funds will go into a Bank Trust Fund. All donor names to be kept on file. Thank You.

H. L. "Chips" Gifford, DUB Chairman

DUB Legal Fund '76 .. P.O. Box 1275 .. Patterson, Ca. 9536
Phone: (209) 892-3272 (916) 726-710

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OFFICE OF GENERAL COUNSEL

H.L. "Chips" Gifford
125 H Street
Patterson, Ca. 95363

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MAVERICK '76

Federal Election Commission
1225 K Street, N.W.
Washington, D.C. 20542



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FEDERAL ELECTION
COMMISSION

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MKK 201

76 JUL 26 P 2: 54

July 23, 1976

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

RE: DETAILED COMPLAINT 1976 Primary Election
U. S. Senate, California

Dear Sirs:

This complaint is based upon the fundamental laws of the Nation; the basic rights of every American. Towit; Section 3. The Senate; the Constitution of the United States. "The Senate of the United States shall be composed of two senators from each state."

Section 4. Elections and Assembly; "The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof."

Whereas; the California Elections Code Sections 10007, 10009, requires:

S10007. "Sample ballots for primary election: "At least 25 days before the *** primary, each county clerk shall prepare separate sample ballots for each political party and a separate sample nonpartisan ballot, placing thereon in each case in the order provided in *** Chapter 2 (commencing with Section ***10100) of Division 7 of this code, and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him or have been certified to him by the Secretary of State to be voted for in his county at the primary election. The sample ballot shall be identical to the official ballots, except as otherwise provided by law. The sample ballots shall be printed on paper of a different texture from the paper to be used for the official ballot. One sample ballot of the party to which the voter belongs, as evidenced by his registration, shall be mailed to each voter entitled to vote at the *** primary *** not more than 40 nor less than 5 days before the election. A nonpartisan sample ballot shall be so mailed to each voter who is not registered as intending to affiliate with any of the parties participating in the primary election."

S10009. "Submission of sample ballot; mailing; posting: "The county clerk shall forthwith submit the sample ballot of each political party to the chairman of the county central committee of that party and shall mail a copy to each candidate for whom nomination papers have been filed in his office or whose name has been certified to him by the Secretary of State, to the post office address as given in the nomination paper or certification, and he shall post a copy of each sample ballot in a conspicuous place in his office."

Therefore each County Clerk shall prepare separate ballots for each political party and shall forthwith submit the sample ballot to each political party to the chairman of the COUNTY CENTRAL COMMITTEE of that party and shall MAIL a copy to each candidate certified to him by the Secretary of State

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The following named County Clerks failed to mail a copy to each candidate certified to them by the Secretary of State:

ALAMEDA COUNTY, ALPINE COUNTY, AMADOR COUNTY, CALAVERAS COUNTY, COLUSA COUNTY, EL DORADO COUNTY, FRESNO COUNTY, HUMBOLDT COUNTY, IMPERIAL COUNTY, INYO COUNTY, LASSEN COUNTY, LOS ANGELES COUNTY, MADERA COUNTY, MARIN COUNTY, MARIPOSA COUNTY, MENDOCINO COUNTY, MERCED COUNTY, MODOC COUNTY, MONO COUNTY, NAPA COUNTY, PLACER COUNTY, PLUMAS COUNTY, SAN BENITO COUNTY, SAN DIEGO COUNTY, SAN FRANCISCO COUNTY, SAN JOAQUIN COUNTY, SAN LUIS OBISPO COUNTY, SANTA BARBARA COUNTY, SANTA CRUZ COUNTY, SHASTA COUNTY, SIERRA COUNTY, SISKIYOU COUNTY, SOLANO COUNTY, STANISLAUS COUNTY, TEHAMA COUNTY, TULARE COUNTY, TUOLUMNE COUNTY, VENTURA COUNTY, YUBA COUNTY.

The County Clerk of Stanislaus County failed to list all candidates for the office of U. S. Senate on the sample ballot then when contacted, mailed out a corrected copy in the ratio of about 1 out of 17 to the Spanish Speaking section this was too little, too late.

Mr. Edward Arnold of the Secretary of State's office was contacted. He admitted the errors, stated "They, the Office of the Secretary of State, had no defense."

Said Election Codes having been broken from the word go said election should have been nullified by the Secretary of State.

The filing fees as required in Elections Code S6552 - S6555 have been challenged. Some were paid under protest, declaring same illegal as presented. A claim has been filed with the California Board of Control re filing fees and actual campaign expenditures. But even if these are refunded, this does not take into consideration the damages of allowing the 1976 primary election for the office of the U. S. Senate to stand. This election is and has been challenged by the breaking of the state's own Elections Codes as required in Section 4 of the Constitution of the United States of America. Since the Elections Codes were broken the election is not a legal one especially if challenged and this election is most certainly challenged.

To take the matter further There were 19 bona fide candidates that filed and would come under state Elections Codes for the Democrat and Republican parties; these candidates are:

John V. Tunney (D), Frank P. Thomas (D), Howard L. "Chips" Gifford (D), Les Craven (D), Ronald T. Williams (D), Bob Wallach (D), Willard Fillmore Slover (D), Tom Hayden (D), Lois Tyner Bodle (D), Clyde F. Tracy (R), James A. Ware (R), Robert H. (BOB) Finch (R), Michael A. Hirt (R), Henry Hill (R), John T. Harmer (R), S.I. (San) Hayakawa (R), Walter Hollywood (R), Hannibal Caesar Durbette V (R), Alphonzo (Al) Bell.

Article 17, Direct Election of Senators; of the Amendment of the Bill of Rights states, "The Senate of the United States shall be composed of two senators from each state, elected by the PEOPLE thereof, for six years."

Article C, People's Rights Retained states, "The enumeration in the Constitution of certain rights, shall not be construed to DENY or DISPARAGE others retained by the PEOPLE."

FEDERAL ELECTION COMMISSION
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Since the Senators shall be elected by the PEOPLE, this is a fact that it is a RIGHT retained by the PEOPLE. This RIGHT cannot be DENIED or DISPARAGED against, even by other certain rights regardless of enumeration in the constitution of those certain rights.

The freedom of the PRESS is one of those certain rights but it, the freedom of the Press, cannot be used to DENY or DISPARAGE the other RIGHTS HELD BY THE PEOPLE.

To understand what was denied is to understand the word, DENY. (Webster) negare to deny - more at NEGATE, to declare untrue, to disclaim connection with or responsibility for; DISAVOW, to give a negative answer to, to refuse to grant, DECLINE, to refuse to accept the existance - truth - or validity of, GAINSAY, CONTRADICT, NEGATIVE, IMPUGN, CONTRAVENE, to refuse to accept as true - valid - or worthy of consideration.

If then the Media and/or the Press under the term, deny, did any of the above, the rights of the people as Section 3 and 4; Article 17 allows; the right to run for office of the U. S. Senate, a right held by the people, then Article 9 has also been violated.

Did the Media or Press deny these candidates or some of these candidates ?

Let's start with NEGATE in example. (Webster) "to cause to be ineffective". There is not one Newspaper or Media in the state that is not guilty of this that reported on the U. S. Senate primary in California. To use the terms lesser, minor or minimal is to negate.

To state this person as a lesser candidate is to state, of less quality or significance; that is to tend cause to be ineffective.

To state this person as a minor candidate is to state, inferior in importance or degree, comparatively unimportant, not having reached majority or as not serious; that is to tend cause to be ineffective.

To state this person as a minimal opposition candidate is to state, constituting the least possible; that is to tend cause to be ineffective.

Let's skip the obvious definitions as laid out above, they are self explanatory and can be applied as such.

Let's then at this time clarify what the word DISPARAGE is. (Webster) to lower in rank or reputation, DEGRADE, to depreciate by indirect means, as invidious comparison, to speak slightly about.

This then is a direct clarification of what the use of minor candidate as opposed to major candidate is To lower in RANK That is to DISPARAGE.

I will incorporate here the Brief sent to the F.E.C. dated July 15, 1976, RE: MUR 163 (76) so as to not get too repetitious in outlining the meanings of to DENY or DISPARAGE. (You already have this on file.)

It certainly must be obvious by now that the Media-Press must treat all candidates for office in the primary elections as equal until the PEOPLE have made their choice. To

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classify otherwise by the Press-Media before the actual voting is to deny and/or to disparage said candidates rights as held by the people.

Who then are the Media-Press who committed the above acts to deny and/or disparage the candidates running for office for the U. S. Senate seat in California? Associated Press and NBC-T.V. who set up the pool coverage in California and who listed only six out of 19 candidates. ABC-T.V. - CBS-T.V. who carried this broadcasting that denied and disparaged 13 candidates. This was done 9 days before the actual election.

In the Central Valley area of Northern California this programming was sponsored by the Sacramento Bee, a state capitol newspaper, who as well is connected with the McClatchy News Service. A multi newspaper - media, radio - T.V. corporation.

The Modesto Bee, one of the McClatchy newspapers, refused to name the 19 G.O.P. - Demo. candidates and focused in instead on 6 out of the 19 stating they were the MAJOR candidates for U. S. Senate, running an article on each of the chosen 6. By classifying them as the major candidates is to reduce 13 others in rank, to separate, to contradict, negate, impugn and contravene; to lower in reputation, comparison, speak slightly about and be publically belittled as a minor candidate. I personally contacted the Modesto Bee. They refused to answer.

The Los Angeles Times, San Francisco Examiner, Sacramento Bee, San Diego Union and practically every other newspaper in the state of California was doing the same kind of reporting

Now understand this We are not interfering here with the freedom of the Press. We are not telling them they have to report on all candidates. We are not telling them they cannot print stories on just a few candidates if they so choose. What we are telling them is they cannot under the freedom of the Press, brand us as minor, major, minimal, lesser or also rans That is a RIGHT held by the people, to determine who is their choice of candidate. The Press-Media at this point is choosing for the people who are the serious, major, minor, lesser, etc. etc. etc. candidates. Freedom of the Press is not a right to pick and/or predetermine who will be elected.

To have a newspaper run articles for a week prior to election and endorse a certain candidate is to influence its readers. To influence is to (Webster) "power exerted over the minds or behavior of others."

So to endorse a candidacy by a Newspaper Editor is to deny and disparage the rights of running for office by the people It started out once as recommending certain candidacys and now has evolved into endorsements. McClatchy Newspapers use this practice. I have copies of their newspapers.

We at one time in America closed bars to stop the power of booze exerted over the minds and behavior of others in voting.

Out of Stockton-Sacramento T.V. Channels 3, 10, 13 use this practice of predetermining by using minor-major candidates. - have been given the names of other Media using these practices. They are:

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San Diego

KFMB T.V.	Channel 8	CBS
KG T.V.	Channel 10	NBC
KFMB Radio	Dial 760	ABC
KSDO Radio	Talk Show	Dial 1130 CBS Laurence Gross
KDIG FM Radio	Dial 98.1	Bill Gorden Conversation

Then the Radio Station KDIS Editorial by J. Walter Carrol, Vice President, General Manager, broadcast Monday, Tuesday, Wednesday, May 24, 25, 26, 1976 the following editorial:

LADIES and GENTLEMEN:

KDIS radio in its effort to be of service to the community we serve, have studied KEY ISSUES to be decided upon by you, the ELECTORATE, all those qualified to vote in the June 8th PRIMARY ELECTION. We, like you, realize the importance of trying to elect the best possible candidates in each race, and also realize the importance of our recommendations that we made for the benefit of the Bay Area Black community. With this in mind, we endorse the following:

Nomination For U.S. Senate - Democratic Primary:
John V. Tunney (D)

This blatant editorial of a Media to endorse (underlined) and is using the power of that Media to exert over the minds of its listening audience and its behavior; to influence its listening audience to vote their way to pre-determine the election stating; "The Best Possible Candidates for the benefit of the Bay Area Black Community."

How do they know who would be the best possible candidates? They never interviewed, spoke to, or contacted these candidates prior to this endorsement.

We have seen the conclusion jumping of the Press headlines in Wisconsin where Jimmy Carter actually beat M. Udall; but the Press had gone to press with M. Udall as winner.

We have seen the polls go down that had Jackson, Brown, Church, Udall, Kennedy and Humphrey as taking the nomination.

We have watched the Olympics and have seen the Media choices pre-judged go down one after the other. We have seen the champions emerge on their merit.

How does KDIS have the unadulterated guts to endorse candidacies without knowing the candidates ? To state they have chosen the best possible ? They are influencing the voters and they haven't even met the candidates Who are they to pick, pre-determine or influence? These people that get fat off campaign ads !!!

Afterwards KDIS offered 1 rebuttal to 18 endorsements and we have no way of knowing of this rebuttal was even aired on this station.

KDIS Radio, broadcast 18 endorsements of the Democratic Primary to vote John V. Tunney

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as the best possible candidate for the U. S. Senate, therefore lowering in rank 8 other candidates in all the definitions listed above. No freedom of speech and/or of the Press allows for such a breach of Article 9, Rights Retained By The People.

Freedom of speech has its legal, moral and otherwise limitations. Example:, I, nor anyone else, can libel or slander any other citizen using the protection of freedom of speech. This freedom has its limits and freedom of the Press has its limits, legal, moral and/or otherwise. The 4 F.C.C. news clauses are being used as tools to defeat the legal limits of freedom of the Press. The people did not however waive their rights in this matter. They have the protection of Article 9. Peoples Rights Retained.

There were the infractions of the equal time law as required by Talk Shows, as stated in the Brief to you, Merv Griffin Show, Dinah Shore Show, Sam Yorty Show and in much dispute is the Tunney-Hayden Debate aired by NBC-T.V. and picked up by several Radio, T.V., and Newspapers of California. This debate was aired on Saturday night, offices closed on Saturday-Sunday, open on Monday and Primary Election on Tuesday. It was well planned to only give one day for complaint, the day before the election, Monday June 7, 1976. NBC-T.V. of Los Angeles stated, "This was a news broadcast and exempt by F.C.C. ruling. Yet Senator Tunney himself admitted to Debate with only 1 out of 9 candidates would be to pre-determine for the voters of California who the "serious" candidates would be. He then with this knowledge admitted freely, went ahead with said Debate, talk, news program and/or whatever else NBC-T.V. wishes to call it.

We are further informed that not all Democrat candidates were offered equal time to KDR Stereo, Santa Barbara, California, 65 second comment to candidate Tom Hayden's argument re the D-1 Bomber.

T.V. Channel 6 of San Diego gave one whole program to Tom Hayden offering no equal time whatever to any other candidate.

More on the Tunney-Hayden Debate, is that KEAF Radio, Sacramento, Ca., and KPFA Radio in Berkeley, Ca., did not allow all candidates an equal 30 minute equal time offer. On those they did offer this time to - the words lesser and/or minor - major candidates were used in the Introduction to the listening audience.

We are not yet sure on how many Radio - T.V. networks, stations, etc. used this debate without the offer for equal time. The entire compiling of information is still dribbling in to us. We will reserve the right to add to this document as the facts are disclosed to us.

It would seem that the alleged infractions of the Federal Election Campaign Law of 1971 as amended would be sufficient in proof to just go with the above listed offenses. If we clarify but a couple of these, or even one, infraction and/or offense in the act was breached, we have established the fact the Act was broken.

If the Federal Elections Campaign Law of 1971 as amended, Article 9. of the Bill of Rights, Elections Code 10009, Sections 3 and 4 of the Constitution and Articles 14 and 17 of the Bill of Rights were broken as indeed they were We have no bona fide

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MAY 11 1976

primary election for the office of U. S. Senate here in California.

The following candidates have asked that I use their proxy in speaking for them here:

Ronald L. Williams, Millard Fillmore Slover, Lois Tyner Bodle, Glyde F. Tracy, and Michael H. Hirt.

We are therefore requesting that the primary election here in California for the office of the U. S. Senate 1976 be set aside, declared nullified and as such be reran accordingly to the rules and regulations as set out above. That all rights guaranteed by Article 9. be respected by the Press-Medias, and by the officials such as the Secretary of State and her Agents, the County Clerks of California, and/or all of the Elections Codes as set forth herein.

We ask this request prior to taking the matter before the State and Federal Courts and suing the defendants for and in the amount of \$5 million dollars per candidate in a class action law suit for damages. We hope this will not be necessary.

DATED: July 24, 1976

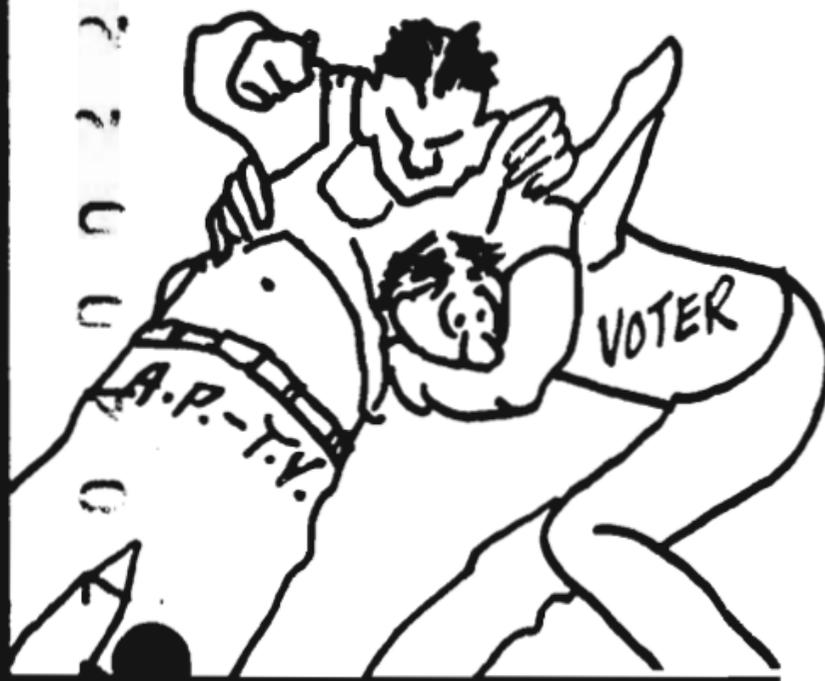
SIGNED: Howard L. "Chips" Gifford

HOWARD L. "CHIPS" GIFFORD
DUB Chairman
Candidate for U.S. Senate California
Primary 1976
405 N Street
Patterson, California 95262
PHONE: (209) 412-3272

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DUB '76



13 U. S. Senatorial Candidates were dubbed out of the Primary Election 1976. Only 6 out of 19 were recognized, Democrat and G.O.P. Associated Press pre-programmed this election. They gave you an added and altered vote count. At least 41 County Clerks and Registrars of Voters are in violation of Election Codes 10009-10011 just for a start. We are taking this Primary Election result to court to declare it null and void. We need legal fees. Won't you help. Won't you donate one dollar to keep the Stars and Bars flying ... ? To keep America ... American. All funds will go into a Bank Trust Fund. All donor names to be kept on file. Thank You.

H. L. "Chips" Gifford, DUB Chairman

DUB Legal Fund '76 .. P.O. Box 1275 .. Patterson, Ca. 95363
Phone: (209) 892-3272 (916) 726-7107

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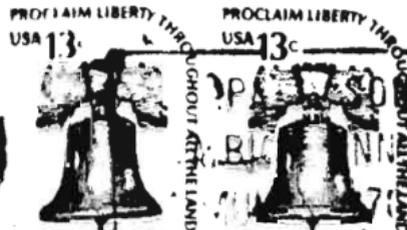
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