

April 27, 2012

Dear Station Manager,

We are in receipt of a copy of a letter from attorneys representing Texans for Tom Leppert, setting forth their objections to a Conservative Renewal PAC advertisement that is critical of the former mayor's record. Every factual assertion made in the advertisement at issue is accurate and properly substantiated. We urge you to reject the Leppert campaign's "demand" that your station act as censor in this matter.

Mr. Leppert's lawyer's first objection is to the factual statement that "Tom Leppert pledged to make Dallas a sanctuary city." He begins by suggesting that Dallas is not a sanctuary city. Conservative Renewal PAC disagrees. While "sanctuary city" is not a term of art, it is not generally defined as narrowly as Mr. Leppert's lawyer suggests. The term generally refers to a city that follows practices that protect illegal immigrants, including prohibiting local police from inquiring about a person's immigration status. As Mr. Leppert's lawyer's letter indicates, the *Dallas Morning News* explained in 2011 that this is Dallas policy: "the Dallas Police Department's general orders say, for example, that officers do not stop to question people about immigration status, since the federal government enforces pertinent laws."

Dallas commonly appears on lists of "sanctuary cities." *See, e.g.,* The Original List of Sanctuary Cities, USA, prepared by Ohio Jobs & Justice PAC, *available at* <http://ojjpac.org/sanctuary.asp>; "Sanctuary City," Wikipedia *available at* http://en.wikipedia.org/wiki/Sanctuary_city; Sanctuary Cities, Sanctuary Cities Info *available at* http://www.sanctuarycities.info/sanctuary_state_texas.htm.

Finally, news reporters in Dallas refer to the city as a "sanctuary city." For example, Cynthia Vega of WFFA (Dallas/Ft. Worth) explained in May 2011:

The Texas House of Representatives has approved a controversial ban on sanctuary cities for undocumented immigrants.

If the bill becomes law, it would mean sanctuary cities, *like Dallas*, will have the option of having law enforcers ask the immigration status of those legally detained.

Right now, law enforcers in Dallas, Fort Worth, Denton and other “so-called” sanctuary cities do not ask about immigration status. That is because a sanctuary city is a community that provides a safe haven for undocumented immigrants where police don't enforce federal immigration laws.

Cynthia Vega, 'Sanctuary Cities' bill stirring up controversy, WFAA (May 10, 2011) (emphasis added) *available at* <http://www.wfaa.com/news/local/Sanctuary-Cities-bill-stirring-up-controversy-121583859.html>.

The issue, however, is not whether Dallas is or is not a sanctuary city (although it appears to be widely regarded as one). The issue, as the Conservative Renewal PAC advertisement makes clear, is Mr. Leppert's pledge. During his 2007 mayoral campaign, Mr. Leppert signed an ACORN pledge regarding illegal immigration. That pledge read, **“If elected, I will respect the fact that immigration policy is a federal issue and does not fall under the city's domain.”** This is a pledge to refrain from undertaking to enforce immigration laws in Dallas because immigration policy “is a federal issue and does not fall under the city's domain.” This is indisputably a pledge to uphold Dallas's status as a “sanctuary city.”

Mr. Leppert's lawyer's second objection is to the factual statement, “Leppert supported big labor and their anti-business, pro-Obama agenda” and the accompanying on-screen message indicating that Leppert is “supported by Big Labor Unions.” Mr. Leppert understandably wishes to downplay his relationship with labor unions during his time as Mayor by recasting it as merely “reach[ing] out to labor unions while running for mayor of Dallas” and “attempt[ing] to cultivate a collaborative working environment with unionized city employees.” In other words, Mr. Leppert's campaign would prefer to characterize his past relationship with labor unions differently. This, however, does not make Conservative Renewal PAC's factual statements “confusing, misleading, and false.”

The facts show that the Service Employees International Union (SEIU) worked on behalf of Mr. Leppert's election. The SEIU's 2007 Annual Report boasted that its members helped elect Mayor Leppert, and that the union was now working with him to advance their agenda. That Report reads:

In Dallas, SEIU members established a large canvass program to help elect a Republican candidate for mayor in Dallas. Mayor Leppert is now working with SEIU—Texas members to engage city workers in discussing future possibilities for a meet-and-confer agreement.

‘Changing Workers Lives,’ 2007 SEIU Annual Report at 16, *available at* http://www.seiu.org/ANNUAL%20REPORT%2007_FINAL.pdf. Mayor Leppert subsequently supported SEIU-backed legislation. The “meet-and-confer agreement” that Mr. Leppert was

“working with SEIU” on was later introduced by Senator Royce West in Texas Senate Bill 1450. S.B. 1450 (2009), *available at* <http://www.capitol.state.tx.us/tlodocs/81R/billtext/pdf/SB01450I.pdf#navpanes=0>. Mr. Leppert wrote Senator West and the Members of the Intergovernmental Relations Committee to express his full support for the S.B. 1450. Mayor Leppert’s March 27, 2009 letter *available at* <http://www.scribd.com/doc/54729797/Leppert-for-Meet-and-Confer>.

In another instance, a SEIU newsletter stated, “On March 2nd, the Water Department launched membership! Mayor Tom Leppert . . . came to the Union Hall to show [his] support for the Union.” SEIU Newsletter, Vol. 1, Issue 2, p. 3, *available at* <http://www.scribd.com/doc/54729922/Leppert-at-Water-Department-Membership-Launch>.

The evidence very plainly shows that Mr. Leppert “supported Big Labor,” supported the local SEIU’s agenda, and received support from the SEIU. Mr. Leppert’s lawyer’s assertions that Mr. Leppert may have supported business proposals in other areas does not change these facts. The statements made in Conservative Renewal PAC’s advertisement are demonstrably true and supported by the facts. If Mr. Leppert believes he is “pro-business,” then he is free to buy airtime to make that claim. Conservative Renewal PAC, however, is under no obligation to include Mr. Leppert’s rebuttal in its own ad.

Notwithstanding Mr. Leppert’s lawyer’s references to decades old court decisions, your station will face no sanctions of any kind for continuing to air this advertisement. Mr. Leppert’s lawyer cites no instances in which a broadcaster has actually lost its license for “public interest” reasons relating to the airing of a non-candidate organization’s issue advertisement that is fully accurate and substantiated and not in the slightest bit “deceptive,” “false,” or “misleading.” As is plain from Mr. Leppert’s lawyer’s letter, this dispute boils down to a simple political dispute: the Leppert campaign would prefer to characterize certain past positions differently. In such a situation, the rightful final arbiter on the merits of the Conservative Renewal PAC advertisement is the viewing public, and not your television station.

Please feel free to contact us if you have any further questions.

Sincerely,

A handwritten signature in blue ink that reads "Michael Bayes". The signature is fluid and cursive, with the first name "Michael" being more prominent than the last name "Bayes".

Michael Bayes

Chris Winkelman

Counsel to Conservative Renewal PAC