

# JONES DAY

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September 30, 2014

Station Manager  
West Virginia Television Station

Dear Station Manager:

We represent Capito for West Virginia. It has come to our attention that Natalie Tennant for Senate (“Tennant Campaign”), well behind in the polls, has purchased time on your station to air an advertisement riddled with false and misleading statements concerning Congresswoman Shelley Moore Capito. While we recognize your station’s limited authority under federal law to pull the Tennant Campaign’s false advertisement, we expect your station to follow its obligation to operate in the public interest and inform your viewers about the false statements contained in the Tennant Campaign’s deceptive advertisement. Your station must not be used a vehicle to further the Tennant Campaign’s false and deceptive claims.

First, Tennant Campaign’s advertisement falsely claims that Congresswoman Capito “gave her husband, a wall street banker, insider tip and they made more than \$100,000.” As purported support for this false claim, the Tennant Campaign cites an October 3, 2012 article in the *Charleston Gazette* and Congresswoman Capito’s 2008 Personal Financial Disclosure form. However, the Tennant Campaign omits material information from the advertisement contained in the *Charleston Gazette* article that clearly demonstrates that the claim is false. The *Charleston Gazette* article cited in the Tennant Campaign advertisement is based on Peter Schweitzer’s book *Throw Them All Out* where he writes, “On Tuesday, September 16, 2008, when Henry Paulson and Fed Chairman Ben Bernanke held another of their terrifying closed-door meetings with congressional leaders....” But contrary to the deceitful implication in the Tennant advertisement, Congresswoman Capito did not attend the meeting. Mr. Schweitzer admitted to the *Charleston Gazette* in the same article cited in the Tennant Campaign advertisement that Congresswoman Capito did not attend the meeting stating, “I did not say that she [Capito] attended the private meeting, nor did I specifically say that she used insider information.” The trade in question involved an option that was going to expire at the end of that week. Therefore, the spurious allegation made in the Tennant advertisement is demonstrably false even according to the article cited in the Tennant Campaign advertisement. Additionally, the timing of the trade in question was driven by the pending expiration of the security involved which was entered into in March 2008 before the stock market collapsed in September 2008.

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September 30, 2014

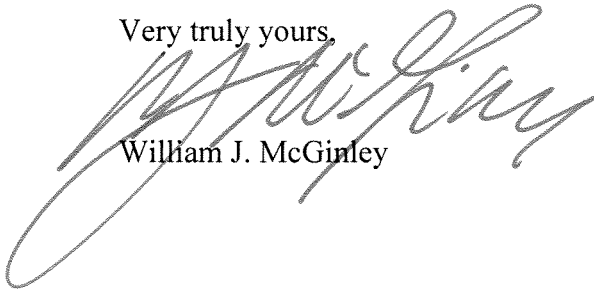
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Second, the advertisement falsely states that while serving on the Financial Services Committee, Congresswoman Capito “helps bankers get rich, in return they have given her more than \$2 million.” The Tennant Campaign does not include any on-screen citations to support this spurious claim because none exist. For starters, Congresswoman Capito voted against the Wall Street bailouts not once, but twice. Moreover, a full summary of the data provided by the *Center for Responsive Politics* of the money raised by industry shows that the amount of contributions Congresswoman Capito’s campaign has received from Commercial Banks represents less than four-percent of the total raised by her campaign during her previous campaigns. Furthermore, as recently reported in the *Charleston Gazette* on August 31, 2014, the Capito campaign has raised \$179,500 from Commercial Banks interests out of the \$5,482,547 raised in her campaign for U.S. Senate – a mere 3-percent of the total. Thus, the Tennant Campaign’s other claim in the advertisement is also demonstrably false and clearly designed to mislead your viewers.

For the reasons set forth above, the Tennant Campaign advertisement contains patently false statements about Congresswoman Capito. Your station has an obligation to operate in the public interest. Ensuring that your viewers are not misled by the Tennant Campaign’s lies by reporting that the advertisement contains false and misleading statements satisfies that obligation. Accordingly, we respectfully request that your station inform its viewers that the claims contained in the Tennant Campaign advertisement are false.

Please do not hesitate to contact us with any questions.

Very truly yours,



William J. McGinley