

Sen. Jeff Wentworth,
Plaintiff

v.

Elizabeth Ames Jones,
Defendant

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IN THE DISTRICT COURT

___ JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

Senator Jeff Wentworth, Plaintiff, complains of **Elizabeth Ames Jones, Defendant**, on the following causes of action:

I.

STATEMENT REGARDING DISCOVERY

Plaintiff believes that this case will be conducted under a Level 3 plan of discovery pursuant to TEX. R. CIV. P. 190.4. Plaintiff requests that at its earliest convenience, the court conduct a hearing to establish a docket control order and trial date.

II.

PARTIES

1. Plaintiff is a State Senator representing the 25th Senatorial District of the State of Texas. Plaintiff is a resident of his District, and a resident of San Antonio, Bexar County, Texas.

2. **Defendant Elizabeth Ames Jones** is a resident of the State of Texas (although possibly not a resident of the 25th Senatorial District) who may be served with citation at her campaign headquarters, at 1919 Oakwell Farms Parkway, Suite 125 San Antonio, Texas 78218.

III.

**NATURE OF THE SUIT;
JURISDICTION AND VENUE**

1. This is a suit for defamation of character and reputation, in the form of verbal slander and written and electronically recorded libel.

2. The offensive statements of which Plaintiff complains were uttered and published, in part, within the territorial limits of Bexar County, Texas.

3. The amount of Plaintiff's damages, in the aggregate, exceeds the minimum jurisdictional limits of the District Courts of the State of Texas.

4. The District Court of Bexar County has jurisdiction of the subject matter and the parties. Pursuant to TEX. CIV. PRAC. & REM. CODE § 15.017, venue is proper.

5. Plaintiff has complied with all conditions precedent to his right to maintain this suit; alternatively, all such conditions have been waived or compliance is excused.

IV. FACTS

1. Plaintiff is a public servant, and has been a respected member of the Senate of the State of Texas for nearly 20 years. Plaintiff enjoys a good reputation in the community, as a person of good moral character, decency and effective service to his constituents. Senator Wentworth is serving his seventh term in the Texas Senate where he was president *pro tem* in 2004-2005 and where he was inaugurated as Governor of Texas for a Day on November 20, 2004.¹

2. Plaintiff is currently a candidate for the nomination of his party to continue to serve the people of his district in the State Senate. The primary election is scheduled for May 29, 2012. Early voting has already commenced. Plaintiff's district encompasses portions of North Bexar and Southern Travis Counties, portions of Guadalupe and Hays and all of Comal and Kendall Counties, Texas. It is a large district geographically with a population of over 815,000 citizens. In order for a political candidate to ensure that his or her ideas, political philosophy and record are known to the voters, it is vital in modern campaigns to engage the use of television, radio, billboards, newspapers, and other forms of media advertising.

3. One of Plaintiff's opponents in the primary election contest is Defendant Elizabeth Ames Jones. Ms. Jones was at one time a member of the Texas House of

¹ Senator Wentworth, a fourth generation Texan, was first elected to the Texas Senate in 1992 after serving nearly five years in the Texas House of Representatives. He is chairman of the Senate Select Committee on Open Government, and serves on the Select Committee on Redistricting; Higher Education; Administration; Transportation and Homeland Security; Intergovernmental Relations; and the Bexar Metropolitan Water District Oversight Committees. He also serves on the national board of trustees of the American Council of Young Political Leaders, the board of directors of the Austin Community College Center for Public Policy and Political Studies, and the Board of Trustees of the World Affairs Council of San Antonio. Sen. Wentworth's public service prior to the Texas Legislature includes one year as a university system regent, six years as a county commissioner, two years as a city attorney, three years as a Congressional assistant, and three years' active duty as a United States Army counterintelligence officer.

Representatives and later served as a member of the Texas Railroad Commission. She maintained then and continues to maintain her personal place of residence with her husband in Travis County, albeit not actually within the geographic boundaries of the 25th Senatorial District. As a politician, Ms. Jones is acutely aware of the importance of media advertising. She is, or should be, aware of the importance of being *ethical and truthful* in political advertising.

4. In the current campaign for the Republican Party nomination for District 25, Ms. Jones' principal advantage is a very large campaign chest and the financial backing of a special interest group located in Houston, Texas.

5. Defendant Jones and Senator Wentworth differ politically on many issues of importance to the voters of Senate District 25. They have different backgrounds, philosophy and views of the best ways to represent Texans. These are legitimate differences and are the proper subject of a political campaign. Regrettably, Defendant Jones is not content to engage the voters (and her opponents) in dialogue over the genuine issues that distinguish the candidates. She is not content merely to play upon the advantage that one with very deep campaign pockets has in a modern campaign by promoting her own strengths. She is not content to educate the voters with her views and what she believes are her own merits as a candidate.

6. To the contrary Defendant Jones is apparently so desperate, as to find it necessary to deceive the voters with a smear campaign of falsehoods, politically motivated lies and deceptions aimed at Sen. Wentworth. Political candidates are lawfully entitled to a wide degree of leeway in their advertisements and public statements in a campaign. There is no statute or case precedent that prohibits negative advertising or merely distorting a political opponent's record. Defendant Jones stepped considerably over the line, however, with a recent radio advertisement, paid for by her official campaign, and endorsed and approved by her.

7. Specifically, Defendant Jones has, in media advertisements, falsely accused Senator Wentworth of what amounts to "double-dipping" for certain reimbursable expenses incurred in his official business as a member of the Texas Legislature – in essence, the commission of a crime. The specific statement authorized and published by Defendant Jones is as follows:

Records indicate Wentworth has billed both the State of Texas and his campaign fund for the same travel expenses – including gasoline to fuel his Lexus, which he leases with campaign money.

The clear implication is that Plaintiff is committing a crime *i.e.*, theft from the State of Texas by taking funds that lawfully must be reimbursed to the Senator's campaign account and instead, keeping the funds for his personal use.

8. In this instance – and coming as it does from an elected official who has followed the same expense submission/reimbursement procedure – illustrates that Defendant not merely *ought* to have known that the advertisement is false, but that she did have actual knowledge of its falsity. Thus, the criteria requisite to establish Defendant's malice and wrongful intent is self-evident.

9. Defendant Jones caused the offending advertisements to be uttered, published and displayed in the community at large, accusing Plaintiff of personally receiving sums of money for such State-authorized reimbursements. The *truth* is that Sen. Wentworth has lawfully and properly presented sworn statements to the State Senate for all legitimate expenses and *only* such expenses. There has been no double-billing or other fraudulent activity in connection with such expenses. As Sen. Wentworth had nothing to conceal, he timely and properly filed his Expense Reports with the Texas Ethics Commission. The procedure followed is that the expenses are advanced in the form of a loan from Plaintiff's official campaign account. Upon receipt of the reimbursement from the State of Texas pursuant to the sworn expense report, the funds are then repaid to the campaign account.

11. The advertisement is false and places Plaintiff in a false light and in fact, accuses him of theft. By altering the truth, Defendant defamed, slandered and libeled Plaintiff in his person, character, business and profession.

12. In the same advertisement, Defendant Jones has made other false statements about Sen. Wentworth, some of which are merely distortions, and others of which are in law, defamatory. At trial, Plaintiff will prove the falsity of these statements to the satisfaction of the court and jury.

V.

CAUSES OF ACTION; DAMAGES

a. Causes of Action

1. **Defamation – Libel.** Defendant's acts and willful omissions to state the facts truthfully and accurately, in written and electronically recorded publications, constitute the

malicious act of blackening Plaintiff's reputation and attempting to expose Plaintiff to public hatred, contempt or ridicule. Pursuant to TEX. CIV. PRAC. & REM. CODE § 73.001 Defendant's acts constitute an attempt to impeach Plaintiff's reputation for honesty and integrity. Defendant's acts were deliberate, willful and motivated by malice, for the purpose of causing the public to believe Sen. Wentworth committed fraud, theft and other illegal or unethical acts. Defendant's acts were motivated by ill will and the desire for personal gain, and were not privileged or qualifiedly privileged. By reason thereof, Plaintiff suffered damages for which he is entitled in law to be compensated.

2. **Defamation – Slander.** Defendant's acts and willful omissions to state the facts truthfully and accurately, in verbal utterances and electronically recorded and broadcast statements, constitute the malicious act of blackening Plaintiff's reputation and attempting to expose Plaintiff to public hatred, contempt or ridicule. Pursuant to the common law of the state of Texas, Defendant's acts constitute an attempt to impeach Plaintiff's reputation for honesty and integrity. Defendant's acts were deliberate, willful and motivated by malice, for the purpose of causing the public to believe Sen. Wentworth committed fraud, theft, illegal or unethical acts. Defendant's acts were motivated by ill will and the desire for personal gain, and were not privileged or qualifiedly privileged. By reason thereof, Plaintiff suffered damages for which he is entitled in law to be compensated.

b. Damages

1. Plaintiff seeks actual damages in an amount as proved at trial.
2. Plaintiff seeks punitive or exemplary damages, in an amount reasonable in relation to his actual damages, in an amount in excess of the minimum jurisdictional limits of the district courts of Texas, in order that Defendant Jones, and others who would distort and undermine the political process with falsehood, defamation and innuendo will be deterred in the future from such reprehensible conduct. Any such actual and exemplary damages awarded shall be donated to non-profit or charitable organizations to encourage elevated, decent political discourse in political campaigns.

VI.
PRAYER FOR RELIEF

Plaintiff prays that Defendant ELIZABETH AMES JONES be cited to appear and answer this Petition, and that upon a final trial, Plaintiff be awarded actual damages, punitive damages and such other further relief, general or special, at law or in equity, to which he may be justly entitled, plus costs of court.

Dated: May 17, 2012

The Ariel House
8118 Datapoint Drive
San Antonio, Texas 78229
Tele: (210) 614-6400
Fax: (210) 614-6401

Bernard Wm. Fischman
State Bar No. 07043500
Attorney for Sen. Jeff Wentworth