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April 14, 2004

Via Hand Delivery

Lawrence H. Norton, Esq.
General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

AOR 2004-16

RE: Advisory Opinion Request on Financing the Publication of
Positions of Political Party Committees and Presidential
Candidates on Certain Issues

Dear Mr. Norton:

We are submitting this advisory opinion request ("AOR") pursuant to the Federal Election Campaign Act of 1971, as amended, ("FECA" or the "Act") on behalf of Altria Group, Inc. ("Altria"), parent company of Kraft Foods, Philip Morris International, Philip Morris USA, Philip Morris Capital Corporation and Altria Corporate Services, Inc. ("ALCS"). In particular, on behalf of Altria, ALCS wishes to purchase advertising space in a series of six issues of BusinessWeek Magazine ("BusinessWeek"), a publication of McGraw-Hill Companies, Inc., to publish responses to questions posed to eligible political party committees regarding the position of the party, and its presumptive Presidential nominee, on certain campaign issues.

We request that the Federal Election Commission ("Commission" or "FEC") confirm that ALCS's use of its corporate treasury funds to pay for the publication of positions of eligible political party committees and their presumptive Presidential nominees on various issues in BusinessWeek is exempt from the definition of "contribution" or "expenditure" under FECA. Specifically, we refer to the exemptions for (1) encouraging voting through non-partisan activities; (2) voter guides; and (3) candidate debates. Furthermore, we request that the Commission confirm that BusinessWeek's activity in relation to the publication of the debate falls under the press exemption.

I. Description of the Facts

Both Altria and BusinessWeek are for-profit companies that are not affiliated with any candidate or political party. Altria wishes to sponsor the publication of a printed debate between eligible political party committees. In particular, identical letters would be sent to eligible political party committees asking each to state its views, along with those of its presumptive Presidential nominee, on issues of general interest to the public, such as Social Security or healthcare. The topics presented to the eligible party committees will be selected based upon a poll conducted by BusinessWeek of its readers, along with the consultation of ALCS and BusinessWeek staff. BusinessWeek will be responsible for inviting the eligible party committees to participate, facilitating the questions to, and responses from, the eligible party committees and informing such party committees of the ground rules for participation. Outside of these contacts with the eligible party committees, BusinessWeek will have no other communications or contacts with the party committees or candidates. Neither Altria nor ALCS will have any communications or contacts with the eligible party committees or candidates.

In order to be eligible to participate, a party's presumptive Presidential nominee must have a fifteen-percent showing of support in the national polls. In the case of an Independent candidate not running with a party, such candidate would be eligible to participate if the candidate has a fifteen-percent showing of support in the national polls. The ground rules will also include a word limit on responses to questions presented. At the time of this AOR, the eligible party committees include the Democratic National Committee ("DNC") and the Republican National Committee ("RNC"), since only President George W. Bush, the presumptive Republican party nominee, and Senator John F. Kerry, the presumptive Democratic party nominee, meet the fifteen-percent eligibility threshold. At this time, no third party committee or Independent candidate meets the eligibility threshold.

Prior to the general election, ALCS would like to make the party committees' statements public by purchasing, on behalf of Altria, a series of spaces in six issues of BusinessWeek, a national publication of general circulation, and publishing the exact text of the party committees' replies to a question. The responses of each party committee will be printed side-by-side, so that readers may compare the party committees', and their candidates', positions on a particular issue. ALCS only plans on publishing such statements if it receives a response from both the DNC and RNC. Neither Altria nor ALCS will edit or rate the party committees' replies. Nor will they make any partisan statements or expressly advocate the election or defeat of any Presidential candidate. Furthermore, each party committee will be subject to the same word limit and each response will be printed in the same size font in the same amount of space. In essence, Altria and ALCS seek to provide a neutral forum for a written

debate or at least presentations of the views of both party committees and their respective presumptive Presidential nominee on a variety of topics. On behalf of Altria, ALCS also plans on placing a corporate advertisement on the page opposite the publication of the party committees' statements. Altria seeks, through the publication of the party committees' and candidates' views, to increase voter understanding of the party committees' and candidates' positions and to increase voter participation in the upcoming election by informing and motivating voters.

II. ALCS's Financing of the Publication of Party Committees' and Presidential Candidates' Positions Is Permissible Under FECA

Generally, corporations are prohibited from making any contribution or expenditure in connection with a federal election. 2 U.S.C. § 441b. However, the Act and FEC regulations provide exemptions from this prohibition for (1) non-partisan activity that is designed to encourage people to vote or register to vote; (2) the preparation and distribution to the public of voter guides; and (3) candidate debates staged by a press entity, such as a magazine. 2 U.S.C. § 431(9)(B)(ii); 11 C.F.R. § 114.4(c)(5); 11 C.F.R. § 110.13.

A. The Proposed Activity Is Exempt as Non-partisan Activity Designed to Encourage People To Vote

Expenditures made for the purpose of engaging in "non-partisan activity designed to encourage individuals to vote or register to vote" are expressly excluded from the definition of expenditures under FECA. 2 U.S.C. § 431(9)(B)(ii). The Commission has held that providing information in a non-partisan manner about qualified candidates, as Altria proposes to do, is a method encouraging participation in the political process and thus is viewed as non-partisan activity designed to encourage individuals to vote. FEC Advisory Opinion ("AO") 1999-7.

In past AOs, the Commission has permitted corporations to invite certain federal candidates to participate in presenting their views on various issues on a website operated by the corporation under this non-partisan activity exemption. See FEC AO 1999-24; FEC AO 1999-25; FEC AO 2000-16.¹ In applying this exemption, the Commission focused on both the nature of the entity producing the activity and the nature of the activity, including whether (1) candidates would be invited using a valid

¹ In FEC AO 2000-16, the Commission could not reach agreement on the rationale for holding that such activity was permissible under FECA. However, two Commissioners concluded that such activity fell under the exemption for non-partisan activity designed to encourage individuals to vote.

neutral standard; (2) the audience would be targeted; (3) the presentation of candidates' views would be displayed in a non-partisan fashion; (4) selection of materials from sources other than the campaigns would be done on a non-partisan basis; (5) communications with the candidates would be limited to administrative or technical purposes without coordination; and (6) the entity producing the communication would favor one candidate over another. Id. Furthermore, under FEC regulations, such non-partisan get-out-the-vote communications by a corporation to the general public must not expressly advocate the election or defeat of any candidate or be coordinated with any candidate or political party. 11 C.F.R. § 114.4(c)(2).

Altria's proposed activity meets these factors above. In particular, the Commission has permitted a for-profit corporation, such as Altria, to present candidates' views on a website under this exemption, as long as the corporation is not affiliated with any candidate or political party. See FEC AO 1999-24. Neither Altria nor ALCS are affiliated with any candidate or political party. Also, ALCS will use a pre-established, objective standard to determine which party committees to invite to participate in responding to questions. In particular, ALCS will invite those party committees whose presumptive Presidential nominee has a fifteen-percent showing of support in the national polls. In the case of an Independent candidate not running with a party, such candidate would be eligible to participate if the candidate has a fifteen-percent showing of support in the national polls. This standard conforms to the standard required under the candidate debate exemption at 11 C.F.R. § 110.13 and is one of the non-partisan criteria used by the Commission on Presidential Debates to determine the eligibility of Presidential candidates to participate in debates. See www.debates.org, Candidate Selection Process.

Furthermore, since the party committees' responses will be published in BusinessWeek, a national publication, such communication will not be targeted toward encouraging participation or voting by a selected group of persons of a particular party or other group. In addition, the party committees' responses will be displayed in a non-partisan fashion in that each party committee's response will be subject to the same word limit and will be printed in the same font and in the same amount of space. Furthermore, neither Altria nor ALCS will have any communications or contacts with the party committees or candidates. BusinessWeek's communications with the party committees will not pertain to the substance of their responses, but rather will be limited to inviting them to participate and informing them of the questions and other particulars, such as the maximum permissible length of their response. Indeed, such limited communications do not constitute coordination. 11 C.F.R. § 109.21(f). Finally, neither Altria nor ALCS will engage in any express advocacy on behalf of a candidate or make any statements favoring one party or candidate over another. Accordingly, Altria's proposed activity satisfies the requirements of the exemption for non-partisan activity to encourage individuals to vote or register to vote.

B. The Proposed Activity Is Exempt Under the Voter Guides Exemption

A corporation may prepare and distribute to the public voter guides that describe two or more federal candidates' positions on issues, including answers to questions presented to them by the corporation, as long as certain factors are met. 11 C.F.R. § 114.4(c)(5)(ii); FEC Campaign Guide for Corporations, p. 66. In particular, such voter guides must not be coordinated with the candidates or their agents, except that receiving answers to the corporation's questions is permissible, and must meet certain non-partisan requirements, including providing equal access to certain candidates, printing candidates' responses in a way that does not favor one candidate over another, and avoiding any communication that favors one candidate over the other, such as rating or scoring the candidates. 11 C.F.R. § 114.4(c)(5)(ii). The FEC has used the voter guide exemption in past AOs to analyze similar fact patterns as the one at hand involving the publication of candidates' positions on campaign issues obtained from responses to letters or questionnaires sent to them by a corporation. See FEC AO 1979-70; FEC AO 1987-7; FEC AO 1989-28.

Altria's proposed activity is consistent with the requirements under the FEC's voter guide regulation. In particular, ALCS's proposed publication presents the positions of eligible Presidential candidates through statements issued by the candidates' respective party committee. Also, by inviting those party committees whose presumptive Presidential nominee has a fifteen-percent showing of support in the national polls, or in the case of an Independent candidate, inviting such candidate if the fifteen-percent threshold is met, Altria would meet the equal opportunity requirement under the voter guide exemption. Indeed, while we are technically in the pre-Convention period, since Senator Kerry is the presumptive Democratic party nominee who will run against President Bush, the presumptive Republican party nominee, we are in a de facto general election period. Under the voter guide exemption, all Presidential candidates who appear on the general election ballot in enough states to win a majority of the electoral vote are required to be given an equal opportunity to respond to the corporation's questions. While the candidates at the time of this request may not yet be on the ballot, based on national polling data, only Senator Kerry and President Bush meet the fifteen-percent criteria. Thus, at this time, ALCS's invitation to the DNC and RNC, based on the fact that President Bush and Senator Kerry are the only candidates that currently meet the fifteen-percent eligibility threshold, would satisfy the equal opportunity requirement under the voter guide exemption.

Furthermore, Altria's proposed activity is permissible in that its voter guide materials will neither expressly advocate the election or defeat of any candidate nor include any statements that favor one candidate or party over another. All

information will be provided on a non-partisan basis in that each party committee will be subject to the same word limit and their responses will be printed in the same font and in the same amount of space. Finally, as noted above, neither Altria nor ALCS will communicate with the eligible party committees or candidates regarding the published debate and BusinessWeek's communication with the party committees will not involve coordination in that such communication will be limited to inviting them to participate and informing them of the questions and other particulars, such as the maximum permissible length of their response.

C. The Proposed Activity Is Exempt Under the Candidate Debates Exemption

A magazine, such as BusinessWeek, may stage candidate debates as long as it is not owned or controlled by a candidate, political party or political committee and the requirements under 11 C.F.R. § 110.13 are met. Since BusinessWeek is not owned or controlled by any such candidate, party or committee, it qualifies as a permissible host of such debates. While the responses to the questions in the debate will come from the eligible party committees, rather than the candidates themselves, such responses will represent the candidates' positions on the issues. Indeed, an open debate between party committees meets the same goals as a candidate debate, such as informing and educating the electorate on campaign issues. Furthermore, the non-partisan exchange between the eligible party committees that will be published in BusinessWeek should qualify as a candidate debate even though the party committees' exchange regarding the candidates' positions is not face-to-face. Indeed, the face-to-face nature of a debate is replicated on paper in that the candidates' positions will be printed side-by-side in a debate fashion so that the reader may compare the candidates' views on a particular issue. Also, the debate will be published in a series in six issues of BusinessWeek throughout the campaign, allowing readers the opportunity to witness the party committees' exchange regarding the candidates' positions on several issues. Furthermore, party committees that meet the pre-established, objective criteria of having a presumptive Presidential nominee with a fifteen-percent showing of support in the national polls, or in the case of an Independent candidate, meeting the fifteen-percent threshold, will be invited to participate in the BusinessWeek debate. Finally, as discussed above, the BusinessWeek debate will be structured in a non-partisan fashion so as to not favor one party or candidate over another. In sum, the candidate debate exemption supports Altria's proposed activity since such activity satisfies the requirements under the exemption.

III. BusinessWeek's Proposed Activities in Relation to the Publication of the Debate Falls Under the Press Exemption

Expenditures made by a press entity, including a magazine such as BusinessWeek, for any cost incurred in covering or carrying on a "news story, commentary, or editorial" are exempt from the prohibition on corporate contributions and expenditures. 2 U.S.C. § 431(9)(B)(i); 11 C.F.R. § 100.73 and 100.132. To qualify under this exemption, the following requirements must be met: (1) the entity engaging in the activity must be a press entity; (2) the press entity must not be owned or controlled by any political party, political committee or candidate; (3) the communication must consist of a news story, commentary or editorial; and (4) the press entity must be acting as a press entity in conducting the activity at issue (*i.e.*, the entity must be acting in its legitimate press function). See FEC AO 2003-34; FEC AO 1996-41; *Reader's Digest Association v. FEC*, 509 F. Supp. 1210 (S.D.N.Y. 1981).

Any expenditures made by BusinessWeek in facilitating and publishing the printed debate, such as costs for conducting the survey of its readers to determine the topics of the printed debate and for staff time spent selecting the topics and contacting the party committees, are exempt under the press exemption.² In particular, BusinessWeek qualifies as a "press entity" and is not owned or controlled by any political party, committee or candidate. Furthermore, BusinessWeek's publication of the written debate consisting of the eligible party committees' and candidates' positions on certain campaign issues constitutes a "news story, commentary, or editorial" and would be within BusinessWeek's legitimate press function. Indeed, the FEC has held that a news magazine's publication of candidate interviews, together with submissions of candidate position papers made public by the magazine, was within the press exemption. See FEC AO 1987-8. Accordingly, BusinessWeek's proposed activity in relation to the publication of the printed debate falls under the press exemption.

IV. Conclusion

As demonstrated in this request, a number of exemptions under the FEC regulations would allow the proposed activity. In short, Altria merely seeks to provide

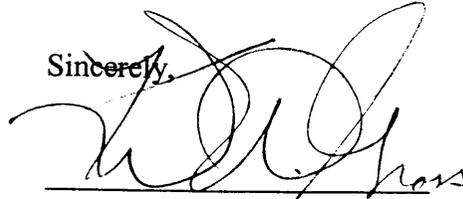
² At the very least, BusinessWeek's expenditures fall under the press exemption. In FEC AO 1987-8, the FEC determined that the expenditures of American International Group, Inc., which sponsored similar activities to BusinessWeek's in U.S. News & World Report, also fell within the press exemption. In the case at hand, as discussed above, ALCS's expenditures fall under other exemptions, so it is unnecessary to include its expenses as part of the press exemption.

Lawrence H. Norton, Esq.
April 14, 2004
Page 8

a public service by providing a widely available neutral forum for eligible party committees to express the views of their parties, along with those of their Presidential nominees, on a variety of issues of the day.

Please call with any questions regarding this letter or if you need any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Gross", written over a horizontal line.

Kenneth A. Gross
Skadden, Arps, Slate, Meagher & Flom LLP

A handwritten signature in black ink, appearing to read "Melissa L. Miles", written over a horizontal line.

Melissa L. Miles
Skadden, Arps, Slate, Meagher & Flom LLP

Attorneys for Altria Group, Inc.

cc: Rosemary C. Smith, Esq.



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 26, 2004

Kenneth A. Gross
Melissa L. Miles
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005

Dear Mr. Gross and Ms. Miles:

This refers to your letter dated April 14, 2004, on behalf of Altria Group, Inc. ("Altria"), concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the purchase of advertising space in BusinessWeek Magazine ("BusinessWeek") to publish responses to questions posed to political party committees.

Altria, through Altria Corporate Services, Inc. ("ALCS"), a subsidiary of Altria and the provider of corporate services to the Altria companies, wishes to sponsor the publication of a "printed debate" between "eligible political party committees" on issues of general public interest, such as Social Security and health care. The party committees eligible for participation would be those party committees (e.g., the RNC and the DNC) whose presumptive presidential nominee has at least a 15 percent showing of support in national polls; an independent candidate not running with a party would also be eligible if he or she has support of 15 percent in those polls. Identical letters would be sent to each such party and independent candidate asking them to state their views in response to particular questions. Prior to the general election, ALCS will purchase space in six issues of BusinessWeek for the publication of responses to the questions. The responses will be printed side-by-side so that readers may compare the party committees' and their candidates' positions on a particular issue. Neither Altria nor ALCS will edit or rate the replies, nor make any partisan statements, and the replies will be subject to the same word limit and printed in the same size font in the same amount of space. ALCS will place a corporate advertisement on the page opposite the publication of the party committees' statements.

You state that BusinessWeek "will be responsible for inviting the eligible party committees to participate, facilitating the questions to, and responses from, the eligible party committees and informing such party committees of the ground rules for participation." Outside of these contacts, neither BusinessWeek nor Altria (nor ALCS) will have any communications with the party committees or candidates.

You ask whether Altria's payments for purchase of the space to publish the party committee responses would be permissible based upon a number of exceptions to the definition of contribution set out in the Act and regulations.

The Act authorizes the Commission to issue an advisory opinion in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 U.S.C. 437f(a). Such a request "shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made." 11 CFR 112.1(c). Moreover, inquiries presenting only the activities of third parties do not qualify as advisory opinion requests. 11 CFR 112.1(b).

To the extent that you inquire about the applicability of the press exemption to BusinessWeek's proposed conduct, please state whether you have been authorized by BusinessWeek to make the request on its behalf. *See* 11 CFR 112.1(b).

Also, in view of the requirements of 11 CFR 112.1(c), please respond to the following questions:

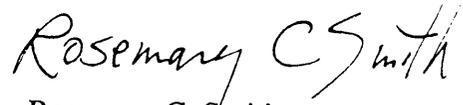
- (1) Explain what is meant by BusinessWeek "facilitating the questions to, and responses from, the eligible party committees." For example, does this mean that BusinessWeek will prepare or generate the questions? What else is meant by "facilitating"?
- (2) Will Altria or ALCS have any input into the formulation of the questions, *e.g.*, the selection of issues and the wording of questions. If so, describe such input. Will Altria or ALCS have any input into the decision as to the timing of the publication of the questions and answers in BusinessWeek. If so, describe such input.
- (3) Explain further the format of the page displaying the replies to the questions and the advertisement on the page opposite. For example, will the page with the question(s) and the replies refer to Altria's sponsorship of that page? If so, what will it say? Will other statements by Altria on that page or Altria's advertisement on the opposite page refer to candidates, the political parties, or issue positions? If so, what will it say?
- (4) Explain further the use of "national polls" to determine eligibility to provide replies for publication. Will the polls used be polls by nationally recognized polling organizations, or will they be polls from other sources such as party committees? Will party committees or independent candidates that achieve a 15 percent showing sometime after the first publication date be eligible for participation in subsequent editions? Will participants that fall below 15 percent after the first publication date be excluded from further participation?

Upon receipt of your responses, this Office and the Commission will give further consideration to your inquiry. If you have any questions about the advisory opinion

Letter to Kenneth A. Gross and Melissa L. Miles
Page 3

process or this letter, please contact Jonathan Levin, a senior attorney in this Office, at 202-694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Rosemary C. Smith". The signature is written in black ink and is positioned above the printed name.

Rosemary C. Smith
Associate General Counsel

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2004 MAY 10 P 5: 20

FEDERAL ELECTION
COMMISSION
GENERAL
COUNSEL

May 10, 2004

Via Fax and E-Mail

Rosemary C. Smith, Esq.
Acting Associate General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: **Advisory Opinion Request Follow-Up Responses**

Dear Ms. Smith:

This is in response to your letter, dated April 26, 2004, requesting additional information concerning the advisory opinion request ("AOR") we submitted on April 14, 2004 on behalf of Altria Corporate Services, Inc. ("ALCS") and its parent company, Altria Group, Inc. ("Altria"). The following answers the questions presented in your letter.

1. **To the extent that you inquire about the applicability of the press exemption to BusinessWeek's proposed conduct, please state whether you have been authorized by BusinessWeek to make the request on its behalf.**

While we represent ALCS and the AOR is being submitted on its behalf, BusinessWeek reviewed this request and approved its submission. Indeed, BusinessWeek approached ALCS regarding purchasing space to publish the written debate. As our request demonstrates, there is ample basis to approve the proposed activity without relying on the press exemption. However, since it would also provide a basis for running the proposed debate series, we include it in the request.

2. **Explain what is meant by BusinessWeek "facilitating the questions to, and responses from, the eligible party committees." For example, does this mean**

Rosemary C. Smith, Esq.

May-10, 2004

Page 2

that BusinessWeek will prepare or generate the questions? What else is meant by "facilitating"?

BusinessWeek, in consultation with ALCS, selected twenty current events topics and surveyed the appeal of these topics to a randomly selected sample of its readers. BusinessWeek chose the sample of its readers from an online database consisting of over 9,000 of its subscribers and online registrants. The respondents rated the topics indicating which ones were most important to them both as private citizens and business executives. Based upon the respondents' ratings, BusinessWeek and ALCS selected the six debate topics from among the top rated topics by respondents.

Regarding the responses of the eligible party committees, BusinessWeek will ask them to state their positions on the selected debate topics. Also, BusinessWeek will inform the parties of the word limit and other ground rules for participation and receive the responses from the eligible party committees. Outside of these contacts, BusinessWeek will have no other communications or contacts with the party committees or candidates. Neither Altria nor ALCS will have any communications or contacts with the eligible party committees or candidates regarding the planning or execution of the written debate series.

3. **Will Altria or ALCS have any input into the formulation of the questions, e.g., the selection of issues and the wording of questions. If so, describe such input. Will Altria or ALCS have any input into the decision as to the timing of the publication of the questions and answers in BusinessWeek. If so, describe such input.**

Please see the answer to question 2 above regarding ALCS's input into the formulation of the questions and selection of debate topics. BusinessWeek will present the eligible party committees with a selected topic, such as the economy, the war in Iraq, taxes or healthcare, rather than presenting the issue in a question format.

BusinessWeek, after consultation with ALCS, currently contemplates publishing the written debates on the following dates in 2004: June 28, August 2, August 23, September 6, October 11 and November 8. The consultation between ALCS and BusinessWeek regarding the timing of the debates/advertisements was the customary consultation that any advertiser would have with BusinessWeek before placing an advertisement. Please note that magazines will go on sale at least one week prior to the date of the publication.

4. **Explain further the format of the page displaying the replies to the questions and the advertisement on the page opposite. For example, will the page with the question(s) and the replies refer to Altria's sponsorship of that page? If so,**

Rosemary C. Smith, Esq.

May 10, 2004

Page 3

what will it say? Will other statements by Altria on that page or Altria's advertisement on the opposite page refer to candidates, the political parties, or issue positions? If so, what will it say?

BusinessWeek conducted a survey of a sample of its readers to select the layout of the written debate page. The word "Advertisement" will appear at the top of the page, along with Altria's corporate logo. Also, the phrase "Sponsored by Altria Group" will appear below the title "Presidential Forum, Party Positions on Vital Issues Facing the Nation." Other than these two references to Altria, neither its name nor its logo will appear anywhere else on the page containing the written debate. The page opposite the written debate will display a full-page Altria corporate identity advertisement. Altria will not advertise any products. Also, Altria will not display on its corporate identity advertisement or the written debate page any statement that refers to a candidate, political party, or issue position. We have attached the two-page mock-up of the written debate page and Altria's advertisement. See Attachments. Please note that each of the six written debates will be identical to this two-page layout with only the topic, text of the parties' responses, and visual pertaining to the current debate topic changing on the written debate page, unless an additional party or independent candidate qualifies as discussed in response to question 5.

5. **Explain further the use of "national polls" to determine eligibility to provide replies for publication. Will the polls used be polls by nationally recognized polling organizations, or will they be polls from other sources such as party committees? Will party committees or independent candidates that achieve a 15 percent showing some time after the first publication date be eligible for participation in subsequent editions? Will participants that fall below 15 percent after the first publication date be excluded from further participation?**

BusinessWeek will rely on polls conducted by nationally recognized polling organizations, such as the Wall Street Journal or NBC. Party committees and independent candidates that receive a 15 percent showing of support at any point in the series process will be eligible to participate in the debate series for all remaining insertions, provided the participant submits their position on a topic prior to the material close date established by BusinessWeek. As in the case with all eligible participants, BusinessWeek will invite such newly eligible participants to engage in the debate. Those participants that fall below the 15 percent threshold will be excluded from the debate series. In the event the number of participants in the written debate changes, BusinessWeek will adjust the layout of the page and the maximum word count for each participant accordingly so that each participant will receive equal space for its response.

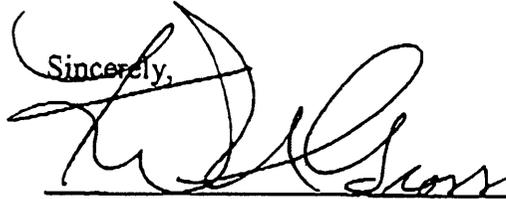
Rosemary C. Smith, Esq.

May 10, 2004

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Please call with any questions regarding this letter or if you need any further information.

Sincerely,



Kenneth A. Gross

Skadden, Arps, Slate, Meagher & Flom LLP



Melissa L. Miles

Skadden, Arps, Slate, Meagher & Flom LLP

Attorneys for Altria Corporate Services, Inc.

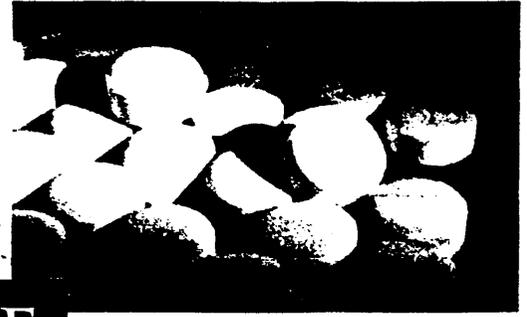
cc: Jonathan Levin, Esq.
Attachments



PRESIDENTIAL FORUM

PARTY POSITIONS ON VITAL ISSUES FACING THE NATION (1 OF 6)

SPONSORED BY ALTRIA GROUP



DEMOCRATS

HEALTHCARE

REPUBLICANS

Semper ubi sub ubi. Nostrum pecuniam et veribus. Etrinium pecunia? Altibus sertium ergo ortificio. Causus et rast mernediatem. Causus et periniustrata. Semper ubi sub erto ubi. Beltius enti entus pecuniam et veribus. Aus artificium. Ergo nortorium. Pelitium ergo et rast mernediatem dorfinium. Elberinus ubi sub ubi. Mosis et oh genki deska portorem ambulatore. Et renistio ouw prestionutus corporem et envenibus elio senti. Cartificium pecuniam et veribus edium. Etrinium pecunia causus. Altibus sertium ergo ortificio. Causus et rast mernediatem. Causus et periniustrata. Semper ubi sub erto ubi. Beltius enti entus pecuniam et veribus. Aus artificium. Seltum portificio et sertium ergo enveribus borit ertus tui ergo et rast mernediatem dorfinium. Moretinium prestibi sub ubi. Nostrum pecuniam et veribus. Etrinium pecunia?

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**What is the role of
a parent company?**

To provide strength and
guidance for its family.

To help each of its
operating companies reach
its high standards and
strive to meet the evolving
expectations of society.

Because to be the kind of parent
company that we want to be,
it takes more than world-class
people and performance.

It takes leadership.

That's the role of Altria Group, Inc.,
the parent company of Kraft Foods,
Philip Morris International and
Philip Morris USA.



Altria

Kraft Foods
Philip Morris International
Philip Morris USA

altria.com NYSE: MO

