



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF TUB # 1285

Date Filmed 10/30/80 Camera No. --- 2

Cameraman GPC

30010221574
MAGNETIC TAPE RECORDING OF THE VIDEO RECORDING OF THE DEBATE BETWEEN SENATOR BOB DODD AND SENATOR JIM BURTON ON OCTOBER 28, 1980.

PS Form 3811, Aug. 1978

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered _____
 Show to whom, date, and address of delivery _____
 RESTRICTED DELIVERY Show to whom and date delivered _____
 RESTRICTED DELIVERY Show to whom, date, and address of delivery \$ _____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Roll Moore

3. ARTICLE DESCRIPTION:
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.
 | *0469hb* | |
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
Lynn Snyder

4. DATE OF DELIVERY | POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE | CLERK'S INITIALS

RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

1785

Welder

© GPO: 1978-272-342

PS Form 3811, Aug. 1978

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered _____
 Show to whom, date, and address of delivery _____
 RESTRICTED DELIVERY Show to whom and date delivered _____
 RESTRICTED DELIVERY Show to whom, date, and address of delivery \$ _____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
L. Adrian Roberts

3. ARTICLE DESCRIPTION:
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.
 | *1239hb* | |
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
Catherine Doshue

4. DATE OF DELIVERY | POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE | CLERK'S INITIALS

RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

1785 *Welder*

© GPO: 1978-272-342



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 16, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert F. Bauer, Esquire
Suite 406
1101 Seventeenth Street, N.W.
Washington, D.C. 20036

Re: MUR 1285

Dear Mr. Bauer:

You have previously been notified, via mailgram, of the Commission's determination that there is no reason to believe that your client, the McGovern Campaign Committee, violated any provision of the Federal Election Campaign Act of 1971, as amended.

Enclosed for your information is a copy of the General Counsel's Report which was presented to the Commission, by the Office of General Counsel, prior to its determination.

If you have any questions, please contact Carolyn Weeder, the staff member assigned to this matter at (202)523-4529.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. N. Steele".

Charles N. Steele
General Counsel

Enclosure
General Counsel's Report

3001021576



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 16, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Moore, Executive Director
National Republican Senatorial
Committee
227 Massachusetts Avenue, N.E.
Washington, D.C. 20001

Re: MUR 1285

Dear Mr. Moore:

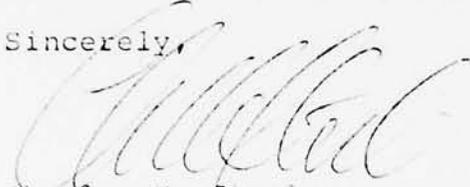
You have previously been notified, via mailgram, of the Commission's determination that there is no reason to believe that the McGovern Campaign Committee; Midcontinent Broadcasting Company; or Joseph Floyd violated any provision of the Federal Election Campaign Act of 1971, as amended.

Enclosed for your information is a copy of the General Counsel's Report which was presented to the Commission, by the Office of General Counsel, prior to its determination.

The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

If you have any questions, please contact Carolyn Weeder, the staff member assigned to this matter at (202)523-4529.

Sincerely,


Charles N. Steele

Enclosure
General Counsel's Report

30040; 21377



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 16, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

L. Adrian Roberts, Esquire
Dow, Lohnes, and Albertson
1225 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1285

Dear Mr. Roberts:

You have previously been notified, via mailgram, of the Commission's determination that there is no reason to believe that your clients, the Midcontinent Broadcasting Company and Joseph L. Floyd, violated any provision of the Federal Election Campaign Act of 1971, as amended.

Enclosed for your information is a copy of the General Counsel's Report which was presented to the Commission, by the Office of General Counsel, prior to its determination.

If you have any questions, please contact Carolyn Weeder, the staff member assigned to this matter at (202)523-4529.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Steele".

Charles N. Steele
General Counsel

Enclosure
General Counsel's Report

3 3 3 3 1 1 7 3

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Midcontinent Broadcasting,) MUR 1285
 et al.)

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on October 15, 1980, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1285:

1. Find no reason to believe that Midcontinent Broadcasting, Joseph Floyd, and the McGovern Campaign Committee violated 2 U.S.C. §441b(a).
2. Close the file.

Attest:

10/15/80
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

30040321379



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *mwe*
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *mc*
DATE: OCTOBER 14, 1980
SUBJECT: COMMENTS REGARDING MUR 1285

Attached is a copy of Commissioner Reiche's
vote sheet with comments regarding MUR 1285.

Commissioner Friedersdorf submitted an objection to
MUR 1285 and the matter will be placed on the Amended Agenda
for Wednesday, October 15, 1980.

ATTACHMENT:
Copy of Vote Sheet

3001031530



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

Date and Time Transmitted: THURSDAY, 10-9-80
COB

Commissioner FRIEDERSDORF, AIKENS, TIERNAN, MCGARRY, REICHE, HARRIS

RETURN TO OFFICE OF COMMISSION SECRETARY BY: FRIDAY, OCTOBER 10, 1980
COB

MUR No. 1285 - First General Counsel's Report dated 10-9-80

- I approve the recommendation
- I object to the recommendation

COMMENTS: My approval is limited to the facts of this case.

Date: 10/10/80 Signature: Frank P. Reiche

A DEFINITE VOTE IS REQUIRED AND ALL SHEETS SIGNED AND DATED.
PLEASE RETURN ONLY THE VOTE SHEETS TO THE OFFICE OF THE
COMMISSION SECRETARY NO LATER THAN THE DATE AND TIME SHOWN
ABOVE.

90710121531

80 OCT 10 4:40 PM '80



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *MWE*
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *mc*
DATE: OCTOBER 10, 1980
SUBJECT: OBJECTION - MUR 1285 - First General Counsel's
Report dated 10-9-80; Received in OCS 10-9-80,
3:03

The above-named document was circulated on an
EXPEDITED basis at 4:45, October 9, 1980.

Commissioner Friedersdorf submitted an objection at
12:59, October 10, 1980.

This matter will be discussed in executive
session on Wednesday, October 15, 1980.

30010121332

October 9, 1980

MEMORANDMM TO: Marjorie W. Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 1285

Please have the attached First GC Report distributed to the Commission don an expedited basis. Thank you.

3001021533

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 10-7-80

MUR 1285
DATE COMPLAINT RECEIVED
BY OGC August 28, 1980
STAFF MEMBER - Carolyn Weeder

COMPLAINANT'S NAME: Robert Moore, Executive
National Republican Senatorial Committee

RESPONDENTS' NAMES: Midcontinent Broadcasting
Joseph Floyd, President of
Midcontinent Broadcasting
McGovern Campaign Committee

RELEVANT STATUTES: 2 U.S.C. § 441b(a)
2 U.S.C. § 431(9)(B)(i)
11 C.F.R. § 100.7(b)(2)

INTERNAL REPORTS CHECKED: Closed MURs 486, 657, 819, and 1212

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

On August 28, 1980, Robert Moore, Executive Director of the National Republican Senatorial Committee, filed a complaint alleging that Midcontinent Broadcasting (KELO-TV, Sioux Falls, South Dakota); Joseph Floyd, President of Midcontinent Broadcasting and the McGovern Campaign Committee may have violated 2 U.S.C. § 441b(a). Specifically, the complainant alleges that the Midcontinent Broadcasting made a prohibited corporate contribution by deviating from its regularly scheduled programming to broadcast an additional edition of the news program "Face the Nation" which featured Senator George McGovern.

Complainant further alleges that Joseph Floyd also violated 2 U.S.C. § 441b(a) in that he was responsible for the broadcasting of the additional edition.

Accordingly, complainant alleges that the McGovern for Senate Committee may have violated 2 U.S.C. § 441b(a) by "accepting" the corporate contribution of the additional broadcast.

The Commission notified respondents of the allegations. The Office of General Counsel received responses from Robert Bauer, counsel for the McGovern Campaign Committee, and from L. Adrian Roberts, counsel for Midcontinent Broadcasting and Joseph Floyd, which are included as Attachments 2 and 3, respectively.

3071021534

60 OCT 9 3:05

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FEDERAL ELECTION COMMISSION

An analysis of the activity complained of follows.

II. FACTUAL AND LEGAL ANALYSIS

The FECA addresses the issue of expenditures for the broadcasting of news stories, commentaries, or editorials at 2 U.S.C. § 431(9)(B)(i). This provision specifically exempts from the definition of an expenditure "any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate."1/

Further, the regulations at 11 C.F.R. § 100.7(b)(2) also allow for exemption of such expenditures as contributions:

Any cost incurred in covering or carrying a news story, commentary, or editorial by any broadcasting station newspaper, magazine, or other periodical publication is not a contribution unless the facility is owned or controlled by any political party, political committee, or candidate, . . . is not a contribution.

Complainant has not demonstrated that the broadcast in question was not a news story, commentary, or editorial. In fact complainant acknowledges that the initial broadcasting of the program at its "regularly scheduled" time is not in violation of 2 U.S.C. § 441b in that "these broadcasts [shown at the "usual" time] are normally exempt as a bona fide news broadcast."2/

However, complainant suggests that the additional broadcasting of the same program, "in an entirely different time - frame and category" than its regularly scheduled time, should be considered violative of 2 U.S.C. § 441b.

1/ Complainant does not suggest that any entity other than the Midcontinent Broadcasting, a corporation, controls the broadcasting facilities.

2/ See complaint, page 1.

The re-broadcasting of a news program does not alter its classification as a news broadcast. Further, no provision of the FECA restricts the frequency that a particular news program can be broadcasted before it is considered as a contribution or expenditure. Thus, the fact that Midcontinent Broadcasting and/or Joseph Floyd broadcasted an "extra edition" of the program does not moot the exemption afforded to such programs.

The Commission has considered the exemption afforded by 2 U.S.C. § 431(9)(B)(i) in several past cases.^{3/} Specifically, MURs 486, 819, 657 and 1212 pertain to this same issue. For example, in MUR 486, the Commission determined that newspaper articles (columns) written by federal candidates during the time of their campaigns fell within the exemption. In MUR 819, the Commission determined that the broadcasting of a special documentary which featured a specific congressman and which aired on three dates was not a contribution and/or expenditure by the broadcasting station.

Similarly, in MUR 657, the Commission determined that the broadcasting of an editorial endorsing a specific senatorial candidate was not a contribution or expenditure. Further, in MUR 1212, the Commission determined that the broadcasting of a talk show featuring an interview with a specific congressional candidate which was not a part of the show's "regular programming" was not a contribution pursuant to the Act.

Thus, the Commission has clearly established that the re-broadcasting of a news program, such as the one at issue, which is aired at a time other than its "regular" time is not a contribution or expenditure pursuant to 2 U.S.C. § 431(9)(B)(i).

In view of the fact that the program "Face the Nation" is a bona fide news program, the broadcast of which is not a contribution or expenditure pursuant to the Act, the Office of General Counsel recommends that the Commission find no reason to believe that Midcontinent Broadcasting, Joseph Floyd, and the McGovern Campaign Committee violated 2 U.S.C. § 441b(a), and close the file in this matter.

^{3/} In cases referred to herein, the broadcasting facilities were not owned or controlled by any political party, political committee or candidate.

RECOMMENDATIONS

1. Find no reason to believe that Midcontinent Broadcasting, Joseph Floyd, and the McGovern Campaign Committee violated 2 U.S.C. § 441b(a).
2. Close the file.

Attachments

1. Complaint (2 pages)
2. Response from McGovern Campaign Committee (2 pages)
3. Response from Midcontinent Broadcasting and Joseph Floyd (4 pages)

30010201037

909878
GCC# 2473
RECEIVED

United States of America
Before The
FEDERAL ELECTION COMMISSION

80 AUG 28 P12:

ROBERT MOORE, EXECUTIVE DIRECTOR :
NATIONAL REPUBLICAN SENATORIAL :
COMMITTEE :
227 Massachusetts Avenue, N.E. :
Washington, D.C. 20001 :

Complainant, :

v. :

Complaint

MIDCONTINENT BROADCASTING :
KELO-TV :
Sioux Falls, South Dakota, :

MUR

and :

JOSEPH FLOYD, PRESIDENT :
MIDCONTINENT BROADCASTING :
Sioux Falls, South Dakota :

and :

MCGOVERN CAMPAIGN COMMITTEE :
P.O. Box 1980 :
Sioux Falls, South Dakota 57102 :

Respondents. :

COMPLAINT

Robert Moore, being duly sworn deposes and complains
of the above Respondents as follows:

I. That he is reliably informed of the facts alleged
in this complaint by persons who observed the events described
and whose names will be disclosed to the Commission if necessary.

II. That on Sunday, August 17, 1980, television station
KELO-TV of Sioux Falls, South Dakota carried, as their regularly
scheduled program, an issue of "Face the Nation", a C.B.S.
network production,

III. That such program featured Senator George McGovern
as the speaker and no complaint is lodged concerning that portion
which was regularly scheduled since these broadcasts are normally
exempt as a bona fide news broadcast.

Attachment 1
(page 1)

80 AUG 28 P 1 : 38

REC'D

Weeder

LAW OFFICES
ROBERT F. BAUER
SUITE 406
1101 SEVENTEENTH STREET, N.W.
WASHINGTON, D.C. 20036

(202) 296-0555

September 25, 1980

Mr. Charles Steele
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C.

RE: MUR 1285

Dear Sir:

On August 28, 1980, the National Republican Senatorial Committee (NRSC) filed a complaint alleging violations of the Act by the following parties: 1) the McGovern Campaign Committee ("the Committee"); 2) MidContinent Broadcasting (including KELO-TV, its station in Sioux Falls, South Dakota); 3) Joseph Floyd, President of MidContinent Broadcasting. The complaint alleged that, by virtue of a special showing of the CBS "Face the Nation" news interview program featuring Senator McGovern on August 17, 1980, MidContinent Broadcasting and its President had made, and the McGovern Campaign Committee had accepted, an illegal corporate contribution. The McGovern Campaign Committee contends that this complaint is wholly without merit, and should be immediately dismissed.

It is noted here first that Counsel to the NRSC has informed the Committee that the NRSC wishes now to withdraw its complaint on this matter. According to NRSC Counsel, a request to withdraw was orally communicated by him to FEC staff. Staff at the FEC has also informed the Committee, however, that this request does not relieve the Commission of its obligation to take some action on the complaint. Accordingly, while NRSC has evidently concluded that its own complaint is without merit, the McGovern Campaign Committee wishes to register here, for the record, its concurrence in that point of view.

The "Face the Nation" program in question constituted a bonafide news story, and as such its broadcast was exempt from the contribution and expenditure limitations of the Act. Specifically, §431(9)(B) excludes from the definition of "expenditure":

"any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee or candidate"
See also §100.7(b)(2) and §100.8(b)(2) which exempt such news programming from the definitions of "contribution" and "expenditure", respectively.

Attachment 2
(page 1)

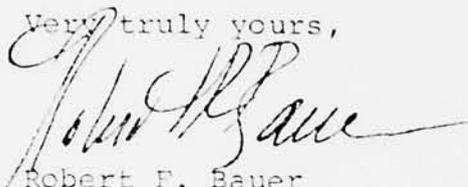
Mr. Charles Steele
September 25, 1980
Page 2

LAW OFFICES
ROBERT F. BAUER

It is evident from these provisions of the Act and Regulations that the additional "Face the Nation" broadcast of KELO-TV cannot be an illegal corporate contribution or expenditure.*

As the complaint of the NRSC is, therefore, without any foundation whatsoever in the Act or Regulations, the McGovern Campaign Committee requests that it be immediately dismissed.

Very truly yours,



Robert F. Bauer
Counsel for the
McGovern Campaign Committee

RFB:peg

30010221501

* In support of its position, NRSC cites Advisory Opinion 1976-86, which is wholly inapposite. That Opinion addresses the question of whether a billboard company could provide a discount, outside the normal course of its business, for the display of a political billboard advertisement of a political candidate. The underwriting by a corporation of campaign materials is in no way related, of course, to a news station's discharge of its duty to broadcast news stories or news commentaries in the public interest.

Attachment 2
(page 2)

Weeder
DOW, LOHNES & ALBERTSON

1225 CONNECTICUT AVENUE
WASHINGTON, D. C. 20036

TELEPHONE (202) 862-8000
TELECOPIER (202) 659-0059
CABLE "DOWLOHNES"
TELEX 86-583

WRITER'S DIRECT DIAL NO.
202/862-8051

410 216

FAYETTE B. DOW (18

HORACE L. LOHNES (1897-1954)

WILLIAM P. SIMS
THOMAS H. WALL
EARL R. STANLEY
JOHN A. RAFTER
RICHARD L. BRAUNSTEIN
JOHN D. MATTHEWS
DONALD W. MARKHAM
CHARLES J. MEAKENS
B. DWIGHT PERRY
DANIEL W. REDMOND
L. ADRIAN ROBERTS
DANIEL W. TOOMEY
BERNARD J. LONG, JR.

CHARLES H. HELEIN
ALAN C. CAMPBELL
RICHARD F. SWIFT
PATRICK H. ALLEN
RALPH W. HARDY, JR.
JAMES A. TREAFOUR, III
WERNER K. HARTENBERG
JONATHAN B. HILL
J. DOMINIC MONAHAN
MARSHALL F. BERMAN
J. MICHAEL HINES
RICHARD D. MARKS
JOHN I. DAVIS

ARNOLD P. LUTZKER
LEONARD J. BAXT
MICHAEL B. GOLDSTEIN
MICHAEL J. MCCARTHY
JOHN P. FEORE, JR.
DAVID G. BENDER, JR.
JOHN COLEMAN DRISCOLL
KEVIN E. REED
LESLIE H. WILSENFELDER
JOYCE TRIMBLE SWAZI
DAVID P. FLEMING
STUART A. SHELDON
MICHAEL A. PACE

FREDERICK D. COOKE, JR.
ALBERT H. TURKUS
HELEN E. DISENHAUS
CHRISTOPHER C. SMALLWOOD
ANDREW A. MERDEN
JOHN C. JUST
JOHN D. WARD
TODD D. GRAY
JOHN H. POMEROY
NOEL C. R. GUNTHER
JOHN P. SCHNITKER
R. BRUCE BECKNER
JACK BARRETT
JULIA A. WAYS DORF

OF COUNSEL

FRED W. ALBERTSON • THOMAS W. WILSON

September 26, 1980

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

Re: Robert Moore, Executive Director, National
Republican Senatorial Committee versus Midcontinent
Broadcasting and Joseph Floyd, President,
Midcontinent Broadcasting and McGovern Campaign
Committee; MUR 1285

Attention: Ms. Carolyn Weeder

Gentlemen:

This letter will reply, on behalf of Midcontinent
Broadcasting Co. and Joseph L. Floyd, to the above-referenced
complaint.

The factual background of this matter is as follows.
Station KELO-TV, a CBS affiliate in Sioux Falls, South Dakota,
regularly carries the CBS program, Face The Nation, at 11:00 p.m.
weekly on Sunday evenings. When the station learned that
Senator McGovern was to be interviewed on the August 17, 1980
edition of that program, it was decided to air the program
at 3:00 p.m. on August 17. This decision was based solely
upon the station's news judgment that an interview on
national television with a member of Congress from South Dakota
was especially newsworthy to residents of South Dakota and
should be carried in a more desirable time period. No
consideration whatsoever was given to the question of whether
Senator McGovern's appearance would aid or hinder his campaign
for re-election.*/ The decision was also made not to delete

*/ At the time the scheduling decision was made, the
interview had not taken place. Mr. Floyd and the station
could not know whether it would turn out favorably or un-
favorably from Senator McGovern's standpoint.

RECEIVED
SEP 26 1980
GENERAL

Attachment 3
(page 1)

30040221500

the program in its regularly scheduled 11:00 p.m. time slot because there was insufficient time to publicize the 3:00 p.m. broadcast in the local TV Guide or in the local newspaper. Thus, to have eliminated the 11:00 p.m. broadcast would have been a disservice to viewers who were unaware of the 3:00 p.m. broadcast.

Shortly after August 17 and prior to the filing of the complaint, the station offered free and equal time to U.S. Representative James Abdnor, the Republican candidate for the U.S. Senate. Representative Abdnor later agreed to consider using free time on the station. We understand that at the request of Representative Abdnor, the National Republican Senatorial Committee has advised the FEC that they would have no objection to dismissal of the complaint.

30740221533
Face The Nation is a news interview program produced in Washington, D.C. by the News Department of the CBS Network. Correspondents interviewing Senator McGovern on August 17 were George Herman of CBS News, John Mashek of U.S. News and World Report, and Susan Spencer of CBS News. The Federal Communications Commission has held that Face The Nation is a bona fide news interview program exempt from the equal time requirements of Section 315 of the Communications Act of 1934. Its rationale is that production and control of the program, the selection of subjects and participants, and the nature of the format, are such that the program is not susceptible to being used as a partisan campaign vehicle by an interviewee-candidate. See Letters to Andrew J. Easter, 40 FCC 307 (1960), Lar Daly, 40 FCC 310 (1960), Hon. Frank Kowalski, 40 FCC 355 (1962); telegram to Yates for U.S. Senator Committee, 40 FCC 368 (1962).

The FCC has further held that changes in the time and length of a news interview program do not detract from its non-partisan nature and, thus, such a program remains exempt:

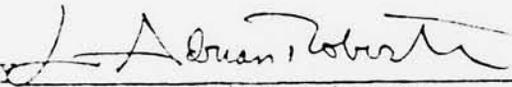
Federal Election Commission
September 26, 1980
Page Four

However, we believe that the FEC's own rules wisely avoid such consequences by specifically excluding from the definition of a "contribution" "Any cost incurred in covering or carrying a news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication . . ." (Section 100.7(b)(2)).

For all of the above reasons, Midcontinent Broadcasting Co. and Joseph L. Floyd respectfully request that you dismiss the complaint.

Respectfully submitted,

MIDCONTINENT BROADCASTING CO.
and JOSEPH L. FLOYD

BY 
L. Adrian Roberts

Their Attorney

L. Adrian Roberts, Esquire
Dow, Lohnes & Albertson
1225 Connecticut Avenue, N.W.
Washington, D.C. 20036

Attachment 3
(page 4)

30040221505

910 316

HAND DELIVERED @ 2:44

FAYETTE B. DOW (1888-1952) HORACE L. LOHNES (1897-1954)

DOW, LOHNES & ALBERTSON

1225 CONNECTICUT AVENUE

WASHINGTON, D. C. 20036

TELEPHONE (202) 862-8000

TELECOPIER (202) 659-0059

CABLE "DOWLOHNES"

TELEX 89-553

WRITER'S DIRECT DIAL NO.

202/862-8051

WILLIAM P. SIMS
THOMAS H. WALL
EARL R. STANLEY
JOHN A. RAFTER
RICHARD L. BRAUNSTEIN
JOHN D. MATTHEWS
DONALD W. MARKHAM
CHARLES J. MCKERNS
B. DWIGHT PERRY
DANIEL M. REDMOND
LADRIAN ROBERTS
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JAMES A. TREANOR, III
WERNER K. HARTENBERGER
JONATHAN B. HILL
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J. MICHAEL HINES
RICHARD D. MARKS
JOHN I. DAVIS

ARNOLD P. LUTZKER
LEONARD J. BAXT
MICHAEL B. GOLDSTEIN
MICHAEL J. MCCARTHY
JOHN P. FEORE, JR.
RAYMOND G. BENDER, JR.
DONALD COLEMAN
KEVIN S. REED
LESLIE H. WIESENFELDER
JOYCE TRIMBLE GWADZ
DAVID P. FLEMING
STUART A. SHELDON
MICHAEL A. PACE

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CHRISTOPHER C. SMALLWOOD
ANDREW A. MERDEK
JOHN C. JOST
JOHN D. WARD
TODD D. GRAY
JOHN H. POMEROY
NOEL C. R. GUNTHER
JOHN P. SCHNITKER
R. BRUCE BECKNER
JACK BARRETT
JULIA A. WATSOORF

OF COUNSEL

FRED W. ALBERTSON • THOMAS W. WILSON

SEP 20 1980 4:41

September 26, 1980

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

Re: Robert Moore, Executive Director, National
Republican Senatorial Committee versus Midcontinent
Broadcasting and Joseph Floyd, President,
Midcontinent Broadcasting and McGovern Campaign
Committee; MUR 1285

Attention: Ms. Carolyn Weeder

Gentlemen:

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weekly on Sunday evenings. When the station learned that
Senator McGovern was to be interviewed on the August 17, 1980
edition of that program, it was decided to air the program
at 3:00 p.m. on August 17. This decision was based solely
upon the station's news judgment that an interview on
national television with a member of Congress from South Dakota
was especially newsworthy to residents of South Dakota and
should be carried in a more desirable time period. No
consideration whatsoever was given to the question of whether
Senator McGovern's appearance would aid or hinder his campaign
for re-election.*/ The decision was also made not to delete

*/ At the time the scheduling decision was made, the
interview had not taken place. Mr. Floyd and the station
could not know whether it would turn out favorably or un-
favorably from Senator McGovern's standpoint.

Federal Election Commission
September 26, 1980
Page Two

the program in its regularly scheduled 11:00 p.m. time slot because there was insufficient time to publicize the 3:00 p.m. broadcast in the local TV Guide or in the local newspaper. Thus, to have eliminated the 11:00 p.m. broadcast would have been a disservice to viewers who were unaware of the 3:00 p.m. broadcast.

Shortly after August 17 and prior to the filing of the complaint, the station offered free and equal time to U.S. Representative James Abdnor, the Republican candidate for the U.S. Senate. Representative Abdnor later agreed to consider using free time on the station. We understand that at the request of Representative Abdnor, the National Republican Senatorial Committee has advised the FEC that they would have no objection to dismissal of the complaint.

Face The Nation is a news interview program produced in Washington, D.C. by the News Department of the CBS Network. Correspondents interviewing Senator McGovern on August 17 were George Herman of CBS News, John Mashek of U.S. News and World Report, and Susan Spencer of CBS News. The Federal Communications Commission has held that Face The Nation is a bona fide news interview program exempt from the equal time requirements of Section 315 of the Communications Act of 1934. Its rationale is that production and control of the program, the selection of subjects and participants, and the nature of the format, are such that the program is not susceptible to being used as a partisan campaign vehicle by an interviewee-candidate. See Letters to Andrew J. Easter, 40 FCC 307 (1960), Lar Daly, 40 FCC 310 (1960), Hon. Frank Kowalski, 40 FCC 355 (1962); telegram to Yates for U.S. Senator Committee, 40 FCC 368 (1962).

The FCC has further held that changes in the time and length of a news interview program do not detract from its non-partisan nature and, thus, such a program remains exempt:

"Because of the importance of an upcoming election, networks or stations sometimes increase the length of regularly scheduled news interview programs featuring one or more candidates. They also may change the times at which the programs are broadcast in order to reach larger audiences. Unless there is evidence that a station's or network's decision to lengthen the program or change its time period was unreasonable or made in bad faith, the program does not lose its news interview exemption. A broadcaster may 'in the exercise of its good faith news judgment, lengthen a "bona fide news interview" without destroying the exemption provided. * * * Also, the mere change in placement of a program which would otherwise qualify for exemption does not remove the exemption because it is broadcast in other than at its regularly scheduled time slot.'" [Footnotes omitted] (The Law of Political Broadcasting and Cablecasting, Federal Register, Vol. 43, No. 159, p. 36366- Wednesday, August 16, 1978).

We would add that, in common with all television stations, KELO-TV frequently broadcasts news, including news interviews, more than one time, and, when circumstances warrant, broadcasts news, including news interviews, at other than regularly scheduled times.

In sum, the foregoing facts clearly show that the station made a decision, based upon readily understandable journalistic factors and in accordance with normal and usual station practices, to reschedule a non-partisan news program produced and controlled by a highly respected network news organization. By no stretch of the imagination could this be considered an illegal campaign contribution. To do so would have the most far reaching consequences, including interference in and disruption of the operations of all types of news gathering communications media, the raising of fundamental First Amendment questions, and the creation of a direct conflict with station licensee responsibilities imposed by the FCC to air news and public affairs programming.

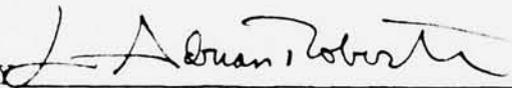
Federal Election Commission
September 26, 1980
Page Four

However, we believe that the FEC's own rules wisely avoid such consequences by specifically excluding from the definition of a "contribution" "Any cost incurred in covering or carrying a news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication . . ." (Section 100.7(b)(2)).

For all of the above reasons, Midcontinent Broadcasting Co. and Joseph L. Floyd respectfully request that you dismiss the complaint.

Respectfully submitted,

MIDCONTINENT BROADCASTING CO.
and JOSEPH L. FLOYD

By 
L. Adrian Roberts

Their Attorney

L. Adrian Roberts, Esquire
Dow, Lohnes & Albertson
1225 Connecticut Avenue, N.W.
Washington, D.C. 20036

MIDCONTINENT BROADCASTING COMPANY
PHILLIPS AT 13TH ST. SIOUX FALLS, S.D. 57102
TELEPHONE 605-336-1100

HAND DELIVERED
30 SEP 26 P 3: 42

Federal Election Commission
Washington, D.C. 20463

RE: Robert Moore, Executive Director, National
Republican Senatorial Committee versus Midcontinent
Broadcasting and Joseph Floyd, President,
Midcontinent Broadcasting and McGovern campaign
Committee; MUR 1285

Attention: Ms. Carolyn Weeder

Gentlemen:

On behalf of Midcontinent Broadcasting Co. and Joseph L. Floyd, respondents in the above-referenced complaint, please be advised that Dow, Lohnes & Albertson will represent those two respondents and are authorized to receive any notifications and other communications from the Commission. L. Adrian Roberts (862-8051) and Charles J. McKerns (862-8048) of that firm will have primary responsibility.

A copy of the firm's letterhead is attached hereto.

Respectfully submitted,

MIDCONTINENT BROADCASTING CO.
and JOSEPH L. FLOYD

Date September 8, 1980

By 
Joseph L. Floyd, Individually
and as President for
Midcontinent Broadcasting Co.

DOW, LOHNES & ALBERTSON

1225 CONNECTICUT AVENUE

WASHINGTON, D. C. 20036

TELEPHONE (202) 862-8000

TELECOPIER (202) 659-0059

CABLE "DOWLOHNES"
TELEX 89-553

WRITER'S DIRECT DIAL NO.

FAYETTE B. DOW (1891-1962)

HORACE L. LOHNES (1897-1954)

WILLIAM P. SIMS
THOMAS H. WALL
EARL R. STANLEY
JOHN A. RAFTER
RICHARD L. BRAUNSTEIN
JOHN D. MATTHEWS
DONALD W. MARKHAM
CHARLES J. MCKERNS
B. DWIGHT PERRY
DANIEL M. REDMOND
L. ADRIAN ROBERTS
DANIEL W. TOOHEY
BERNARD J. LONG, JR.

CHARLES H. HELEIN
ALAN C. CAMPBELL
RICHARD F. SWIFT
PATRICK H. ALLEN
RALPH W. HARDY, JR.
JAMES A. TRENOR, III
WERNER K. HARTENBERGER
JONATHAN B. HILL
J. DOMINIC MONAHAN
MARSHALL F. BERMAN
J. MICHAEL HINES
RICHARD D. MARKS
JOHN I. DAVIS

ARNOLD P. LUTZNER
LEONARD J. BAXT
MICHAEL B. GOLDSTEIN
MICHAEL J. MCCARTHY
JOHN R. FEORE, JR.
RAYMOND G. BENDER, JR.
DONNA COLEMAN GREGG
KEVIN F. REED
LESLIE H. WIESENFELDER
JOYCE TRIMBLE GWADZ
DAVID P. FLEMING
STUART A. SHELDON
MICHAEL A. PACE

FREDERICK D. COOKE, JR.
ALBERT H. TURKUS
HELEN E. DISENHAUS
CHRISTOPHER C. SMALLWOOD
ANDREW A. MERDEK
JOHN C. JOST
JOHN D. WARD
TODD D. GRAY
JOHN H. POMEROY
NOEL C. R. GUNTHER
JOHN P. SCHNITZER
R. BRUCE BECKNER
JACK BARRETT
JULIA A. WAYSORF

OF COUNSEL

FRED W. ALBERTSON • THOMAS W. WILSON

30010221501

DOW, LOHNES & ALBERTSON

1225 CONNECTICUT AVENUE

WASHINGTON, D. C. 20036

HAND DELIVERED

80 SEP 26 P 3: 42

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

Attention: Ms. Carolyn Weeder

GCC#
5779

LAW OFFICES

ROBERT F. BAUER

SUITE 406

80 SEP 25 P 4: 59 1101 SEVENTEENTH STREET, N.W.
WASHINGTON, D.C. 20036

(202) 296-0555

September 25, 1980

Mr. Charles Steele
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C.

RE: MUR 1285

Dear Sir:

On August 28, 1980, the National Republican Senatorial Committee (NRSC) filed a complaint alleging violations of the Act by the following parties: 1) the McGovern Campaign Committee ("the Committee"); 2) MidContinent Broadcasting (including KELO-TV, its station in Sioux Falls, South Dakota); 3) Joseph Floyd, President of MidContinent Broadcasting. The complaint alleged that, by virtue of a special showing of the CBS "Face the Nation" news interview program featuring Senator McGovern on August 17, 1980, MidContinent Broadcasting and its President had made, and the McGovern Campaign Committee had accepted, an illegal corporate contribution. The McGovern Campaign Committee contends that this complaint is wholly without merit, and should be immediately dismissed.

It is noted here first that Counsel to the NRSC has informed the Committee that the NRSC wishes now to withdraw its complaint on this matter. According to NRSC Counsel, a request to withdraw was orally communicated by him to FEC staff. Staff at the FEC has also informed the Committee, however, that this request does not relieve the Commission of its obligation to take some action on the complaint. Accordingly, while NRSC has evidently concluded that its own complaint is without merit, the McGovern Campaign Committee wishes to register here, for the record, its concurrence in that point of view.

The "Face the Nation" program in question constituted a bonafide news story, and as such its broadcast was exempt from the contribution and expenditure limitations of the Act. Specifically, §431(9)(B) excludes from the definition of "expenditure":

"any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee or candidate"
See also §100.7(b)(2) and §100.8(b)(2) which exempt such news programming from the definitions of "contribution" and "expenditure", respectively.

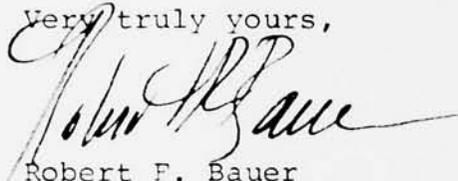
Mr. Charles Steele
September 25, 1980
Page 2

LAW OFFICES
ROBERT F. BAUER

It is evident from these provisions of the Act and Regulations that the additional "Face the Nation" broadcast of KELO-TV cannot be an illegal corporate contribution or expenditure.*

As the complaint of the NRSC is, therefore, without any foundation whatsoever in the Act or Regulations, the McGovern Campaign Committee requests that it be immediately dismissed.

Very truly yours,



Robert F. Bauer
Counsel for the
McGovern Campaign Committee

RFB:peg

* In support of its position, NRSC cites Advisory Opinion 1976-86, which is wholly inapposite. That Opinion addresses the question of whether a billboard company could provide a discount, outside the normal course of its business, for the display of a political billboard advertisement of a political candidate. The underwriting by a corporation of campaign materials is in no way related, of course, to a news station's discharge of its duty to broadcast news stories or news commentaries in the public interest.

30010321609

ROBERT F. BAUER

SUITE 406

101 SEVENTEENTH STREET, N.W.
WASHINGTON, D.C. 20036

MESSFNGER

MS. CAROLYN WEEDER
General Counsel's Office
Federal Election Commission
1325 K Street, N.W.

910143
GCC#2662

LAW OFFICES
ROBERT F. BAUER
SUITE 406
1101 SEVENTEENTH STREET, N.W.
WASHINGTON, D.C. 20036

RECEIVED

80 SEP 17 P 12:06 96-0555

September 15, 1980

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

RE: MUR 1285

Dear Ms. Weeder:

This letter confirms that I am authorized to represent the McGovern Campaign Committee in the above captioned matter.

We will be responding shortly to the complaint filed August 28 by the National Republican Senatorial Committee.

Very truly yours,



Robert F. Bauer

RFB:peg

10 SEP 17 P 1:21

GENERAL INVESTIGATIVE
DIVISION

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9
1
0
3
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1
0
0
3

ROBERT F. BAUER

APTE 406

1101 SEVENTEENTH STREET, N.W.

WASHINGTON, D.C. 20036



RECEIVED



80 SEP 17 12:06

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 29, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

McGovern Campaign Committee
P. O. Box 1980
Sioux Falls, South Dakota 57102

Re: MUR 1285

Dear Sir or Madam:

This letter is to notify you that on August 28, 1980 the Federal Election Commission received a complaint which alleges that your Committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1285. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against your Committee in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

30010021678

If you have any questions, please contact Carolyn Weeder, the staff member assigned to this matter at (202) 523-4529. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

30040201500

PS Form 3811, Aug. 1978

REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on REVERSE.	
1. The following service is requested (check one). <input type="checkbox"/> Show to whom and date delivered. <input type="checkbox"/> Show to whom, date, and address of delivery. <input type="checkbox"/> RESTRICTED DELIVERY <input type="checkbox"/> Show to whom and date delivered. <input type="checkbox"/> RESTRICTED DELIVERY. Show to whom, date, and address of delivery. \$_____ (CONSULT POSTMASTER FOR FEES)	
2. ARTICLE ADDRESSED TO: <i>McGovern Camp Comm</i>	
3. ARTICLE DESCRIPTION: REGISTERED NO. <i>946072</i>	CERTIFIED NO. _____ INSURED NO. _____
I have received the article described above. SIGNATURE <input type="checkbox"/> Addressee <input checked="" type="checkbox"/> Authorized agent <i>Bernie Marks</i>	
4. DATE OF DELIVERY <i>8/5</i>	
5. ADDRESS (Complete only if requested) <i>1285 Wenden</i>	
6. UNABLE TO DELIVER BECAUSE: <i>Wenden</i>	

STOCK MARKET
SEP 8 1980
45203



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1980

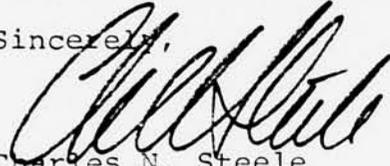
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert Moore
Executive Director
National Republican Senatorial
Committee
227 Massachusetts Avenue, N.E.
Washington, D. C. 20001

Dear Mr. Moore:

This letter is to acknowledge receipt of your complaint of August 27, 1980, against Midcontinent Broadcasting, Joseph Floyd, and McGovern Campaign Committee which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent(s) will be notified of this complaint within 5 days and a recommendation to the Federal Election Commission as to how this matter should be initially handled will be made 15 days after the respondents' notification. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,


Charles N. Steele
General Counsel

Enclosure

30040221510

119160000

PS Form 3811, Aug 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered
 Show to whom, date, and address of delivery
 RESTRICTED DELIVERY
 Show to whom and date delivered
 RESTRICTED DELIVERY
 Show to whom, date, and address of delivery \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Mr. Robert Moore

3. ARTICLE DESCRIPTION:
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.
 | *946073* | |

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent
[Signature]

4. DATE OF DELIVERY | POSTMARK
SEP 4 1978 | *WEEKER*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

1285

Wecker

GPO: 1979-272-382



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joseph Floyd
President
Midcontinent Broadcasting
Sioux Falls, South Dakota

Re: MUR 1285

Dear Mr. Flyod:

30040221512
This letter is to notify you that on August 28, 1980 the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1285. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against your Committee in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

Mr. Joseph Floyd
Page Two

If you have any questions, please contact Carolyn Weeder, the staff member assigned to this matter at (202) 523-4529. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

3004021513

PS Form 3811, Aug. 1978

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.	
1. The following service is requested (check one): <input type="checkbox"/> Show to whom and date delivered. <input type="checkbox"/> Show to whom, date delivered, and address of delivery. <input type="checkbox"/> RESTRICTED DELIVERY <input type="checkbox"/> Show to whom and date delivered. <input type="checkbox"/> RESTRICTED DELIVERY. <input type="checkbox"/> Show to whom, date delivered, and address of delivery. (CONSULT POSTMASTER FOR FEES)	
2. ARTICLE ADDRESSED TO: <i>Joseph Floyd</i>	
3. ARTICLE DESCRIPTION: REGISTERED NO. <i>946075</i>	INSURED NO.
I have received the article described above. SIGNATURE <input type="checkbox"/> Addressee <input checked="" type="checkbox"/> Authorized agent <i>Kate Stealy</i>	
4. DATE OF DELIVERY <i>9/19/78</i>	POSTMARK
5. ADDRESS (Complete only if requested)	
6. UNABLE TO DELIVER BECAUSE:	
CLERK'S INITIALS <i>1285 Weeder</i>	

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 29, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Midcontinent Broadcasting
KELO-TV
Sioux Falls, South Dakota

Re: MUR 1285

Dear Sir or Madam:

This letter is to notify you that on August 28, 1980 the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1285. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against your Committee in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

30010221614

If you have any questions, please contact Carolyn Weeder, the staff member assigned to this matter at (202) 523-4529. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,


Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

5191660000

Form 3811, Aug. 1972
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

1. The following service is requested (check one):
 Show to whom and date delivered
 Show to whom, date, and address of delivery
 RESTRICTED DELIVERY
 Show to whom and date delivered
 RESTRICTED DELIVERY
Show to whom, date, and address of delivery \$_____
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Midcontinent Broadcasting

3. ARTICLE DESCRIPTION:
REGISTERED NO. 946074 CERTIFIED NO. INSURED NO.

4. I have received the article described above.
SIGNATURE Addressee Authorized agent
DATE OF DELIVERY *9/18* POSTMARK *St. Louis*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

1285 Weeder

U.S. POST OFFICE

0010221616
MUR 1285
909808
ECC# 2473
RECEIVED

United States of America

Before The

80 AUG 28 P12:0

FEDERAL ELECTION COMMISSION

ROBERT MOORE, EXECUTIVE DIRECTOR :
NATIONAL REPUBLICAN SENATORIAL :
COMMITTEE :
227 Massachusetts Avenue, N.E. :
Washington, D.C. 20001 :

Complainant, :

v. :

MIDCONTINENT BROADCASTING :
KELO-TV :
Sioux Falls, South Dakota, :

and :

JOSEPH FLOYD, PRESIDENT :
MIDCONTINENT BROADCASTING :
Sioux Falls, South Dakota :

and :

MCGOVERN CAMPAIGN COMMITTEE :
P.O. Box 1980 :
Sioux Falls, South Dakota 57102 :

Respondents. :

Complaint

MUR _____

80 AUG 28 P 1:38

COMPLAINT

Robert Moore, being duly sworn deposes and complains of the above Respondents as follows:

I. That he is reliably informed of the facts alleged in this complaint by persons who observed the events described and whose names will be disclosed to the Commission if necessary.

II. That on Sunday, August 17, 1980, television station KELO-TV of Sioux Falls, South Dakota carried, as their regularly scheduled program, an issue of "Face the Nation", a C.B.S. network production.

III. That such program featured Senator George McGovern as the speaker and no complaint is lodged concerning that portion which was regularly scheduled since these broadcasts are normally exempt as a bona fide news broadcast.

3
National Republican Senatorial Committee
1 227 Massachusetts Avenue, N.E.
Washington, D.C. 20002

RECEIVED

80 AUG 28 P12:04

Federal Election Commission
1325 K Street, N.W.
5th Floor
Washington, D.C. 20463

ATTENTION: COMPLAINT DEPARTMENT



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1285

Date Filmed 10/30/80 Camera No. --- 2

Cameraman SPC