



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MJR # 4333

DATE FILMED 10-9-96 CAMERA NO. 2

CAMERAMAN JM

96043760532

FEDERAL ELECTION COMMISSION MAIL ROOM

APR 1 1 29 PM '96

March 25, 1996

Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20543

MUR 4 333

Dear Commission:

This letter is in response to your letter to me of March 21, 1996. I thank you for providing me with the means to follow through on my appeal of campaign violations regarding the treatment of presidential candidate Ambassador Alan Keyes on March 3, 1996 by Station WSB-TV in Atlanta, Ga.

I firmly believe that the our campaign laws were violated and I am outraged about it. I also believe that his civil rights were violated and it is very likely that the station and the police are guilty of kidnapping since he was taken away against his will and also that it constitutes technically a legal arrest since he was handcuffed and forcibly removed. I also believe that the fact that Alan Keyes is a black man played a part in the actions of the station but nothing was said about that and Ambassador Keyes is not saying that either. Furthermore, I believe that the TV station is guilty of censoring the political message, a right they do not have and it infuriates me. It will be a sad day in America if the FEC allows the media to censor political candidates and determine what messages they will and will not allow the people to hear.

Now to fulfill the requirements as you have stated them:

- 1- The complaint must be in writing - so **I am fulfilling that requirement by writing this letter.**
- 2- The contents must be sworn to - so **I am having my signature on this letter notarized as I sign and swear to the contents of this letter.**
- 3- A formal complaint must contain the full name and address of the person making the complaint. **I am : Barbara E. Helm of 1503 First Street, Princeton, Minnesota 55371 and my Phone # is**
- 4- A formal complaint should clearly identify as a respondent each person or entity who is alleged to have committed a violation. **I list the following: (A) Mr. Nigitt of WSB-TV Atlanta, GA. (B) Station WSB-TV, Atlanta, Ga. (C) Each and every policeman and/or security man who touched Ambassador Keyes in the process of handcuffing and removing him by**

FEDERAL ELECTION COMMISSION
MAIL ROOM

APR 1 1 25 PM '96

March 25, 1996

Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

MUR 4 333

Dear Commissioners:

This letter is in response to your letter to me of March 21, 1996. I appreciate your providing me with the means to follow through on my complaint of campaign violations regarding the treatment of presidential candidate Ambassador Alan Keyes on March 3, 1996 by Station WSB-TV in Atlanta, Ga.

I firmly believe that the our campaign laws were violated and I am outraged about it. I also believe that his civil rights were violated and it is very likely that the station and the police are guilty of kidnapping since he was taken away against his will and also that it constitutes technically a legal arrest since he was handcuffed and forcibly removed. I also believe that the fact that Alan Keyes is a black man played a part in the actions of the station but nothing was said about that and Ambassador Keyes is not saying that either. Furthermore, I believe that the TV station is guilty of censoring the political message, a right they do not have and it infuriates me. It will be a sad day in America if the FEC allows the media to censor political candidates and determine what messages they will and will not allow the people to hear.

Now to fulfill the requirements as you have stated them:

- 1- The complaint must be in writing - so I am fulfilling that requirement by writing this letter.
- 2- The contents must be sworn to - so I am having my signature on this letter notarized as I sign and swear to the contents of this letter.
- 3- A formal complaint must contain the full name and address of the person making the complaint. I am : Barbara E. Helm of 1503 First Street, Princeton, Minnesota 55371 and my Phone # is
- 4- A formal complaint should clearly identify as a respondent each person or entity who is alleged to have committed a violation. I list the following: (A) Mr. Nigit of WSB-TV Atlanta, GA. (B) Station WSB-TV, Atlanta, Ga. (C) Each and every policeman and/or security man who touched Ambassador Keyes in the process of handcuffing and removing him by

9604 376 0683

force. (D) The specific policeman who put the handcuffs on Ambassador Keyes (E) The specific policeman who shoved him into the car. (F) every policeman or individual who rode in that car that detained him. (G) every individual who gave orders for that to be done. (H) The Atlanta Police Department and/or Sheriff's Department if they were involved. (I did not clearly see the identification on the car, but I thought) it was Atlanta Police.

5- A formal complaint should identify the source of information upon which the complaint is based. There are two sources for my information.

FIRST: C-SPAN (I watched the actual handcuffing and removing and shoving Ambassador Keyes into a police car with lights flashing and siren screaming on C-SPAN the same day March 3, 1996 and many replays thereafter and on other stations as well. So my information comes first of all from my own eyewitness of the events.) SECOND: My information that it was WSB who withdrew the Atlanta Press Club's invitation was contained in a letter from Alan Keyes himself to people who have contributed to his campaign. (a copy of the page containing this information is attached to this letter.) The sequence of events cannot be known any better than by the person who was the victim of the violations.

6- A formal complaint should contain a clear and concise recitation of the facts describing the violation of a statute or law over which the Commission has jurisdiction. Here is mine: Ambassador Alan Keyes is a legal and established presidential candidate for the 1996 Republican Party nomination. He has participated in numerous rallies and debates with the other campaigners prior to the March 3 incident. He has won delegates to the national convention of the Republican Party.

Ambassador Keyes was invited to participate in the candidates debate by the Atlanta Press Club who sponsored the debate. WSB-TV, (Not the Press Club) withdrew the Atlanta Press Club's invitation to participate. Upon arriving at the TV Station, a public building, prior to the debate, he was stopped outside the door and handcuffed and shoved into a police car with lights flashing and taken away with sirens blaring. He was driven around Atlanta against his will for approximately 20 minutes and released in a parking lot. He was not charged with any crime but his freedom was forcibly taken from him in violation of his rights. I do not believe the Federal Election Laws permit this treatment of candidates nor this suppression of their message. This violates all free speech laws, laws which the station itself stands on for their own expression. I AM

9 6 0 4 3 7 6 0 5 4

OUTRAGED AT THIS TREATMENT OF A CANDIDATE. Mr. Keyes did NOTHING VIOLENT during all of this proceeding, he only talked to those who were manhandling him.

7- A formal complaint should be accompanied by supporting documentation if known and available to the person making the complaint. I am enclosing a copy of Alan Keyes letter detailing the events. I also taped the newscast showing this abuse of Mr. Keyes. I am not enclosing a copy of my tape because it is a public news broadcast and easily available to the Commission. I will, however, furnish it also if you request it.

Finally, you request my phone number which is: _____ and the full names and addresses of all the respondents. (A) Mr. Nigit, c/o WSB-TV: 1601 West Peachtree Street, Atlanta, GA 30309 - Phone: _____ (B) WSB-TV same address and phone number as above. (C) Security officers for WSB-TV - c/o same address as above. Atlanta policemen - C/O Atlanta Police Department, 175 Decatur Street, Atlanta, GA 30309 Phone: _____ (D) The specific handcuffing policeman - same address and phone number. (E) The policeman who shoved him into the police car: same address of police department. (F) since only the police department can identify the individual officers, the same address and phone number would have to apply. (G) The ordering individuals would be Mr. Nigit and any others he names and his address is above. (H) The sheriff's department: 185 Central Ave. Atlanta, GA. 30309 and the phone is _____

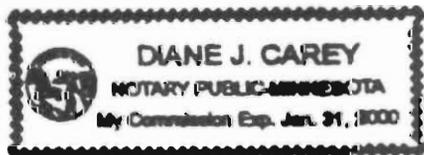
Thank you very much for your assistance. I am responding the same day as I received your letter to be sure I come within the 15 day period you specify. I hope a situation like this never occurs again and I am sure you can do much to see that it doesn't.

With a desire for fairness to all,

Barbara Helm

State of Minnesota 355
County of Mille Lacs 3

Subscribed and sworn to before me on this 26th day of March, 1996.



Diane J. Carey
Notary Public

9604760535

Urgent Gram

PRIORITY MESSAGE FROM ALAN KEYES

March 18, 1996

1503 1st St
Princeton, MN 55371-1463

Dear :

Please sign and mail the enclosed postcards protesting the blatant media suppression of my message to America. Here's my account of the events that led to me being illegally taken into police custody -- just to keep me from winning another debate:

February 16: Alan Keyes was declared the winner of the candidates' debate just prior to the New Hampshire primary;

February 19-27: The Keyes campaign shocks the establishment elite by placing within a few thousand -- in some instances, a few hundred votes of their "choices" for President;

February 28: WSB-TV withdrew the Atlanta Press Club's invitation for me to participate in the Georgia debate.

February 29: When I announced we would "pray and fast" about the suppression of my message, it was characterized as a "hunger strike" -- sort of like holding your breath until you pop! What a clear example of media bias!

March 3: Upon entering the studio prior to the debate in Atlanta, I was handcuffed by police, taken away in a squad car without being charged, driven around for twenty minutes, and eventually released in a parking lot.

Obviously, this is just another attempt to muzzle my message to America. They didn't want me in that debate, because they knew my message of true American renewal would resonate in more and more hearts. And it is the message that none of the other candidates -- nor the media -- can dispute.

What's more, WSB's actions may have violated federal and state laws. WSB is a pawn of the media elite attempting to suffocate the cry of Alan Keyes for every American to search his or her own heart. That, in fact, is the key to solving America's woes!

I will not give up! I must continue to proclaim a message of hope, unity, and renewal of the American spirit.

The media can't manipulate elections, keep candidates from

96043760536

96043760537



Barbara Heloe

1503 First Street
Princeton, MN 55371

96043760508

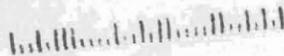
BARBARA HELM
1503 FIRST STREET
PRINCETON, MN 55371



RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MAR 21 9 49 AM '96

Federal Election Commission
999 E. Street, N.W., Room 719
Washington, DC 20463



I am outraged at the illegal treatment of Alan Keyes by WSB-TV in Atlanta, Georgia on March 3. I request that you launch a full investigation into the violation of Federal law.

Name Barbara Helm
Address 1503 First St
City Princeton State Mn. Zip 55371



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 4, 1996

Barbara E. Helm
1503 First Street
Princeton, MN 55371

RE: MUR 4333

Dear Ms. Helm:

This letter acknowledges receipt on April 1, 1996, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4333. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lois G. Lerner

Associate General Counsel for Enforcement

Enclosure
Procedures

96043760539



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 4, 1996

Bill Nigut, Anchor
c/o WSB-TV
1601 West Peachtree Street, N.E.
Atlanta, GA 30309

RE: MUR 4333

Dear Mr. Nigut:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4333. 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 you in this matter. 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. Your response, which should be addressed to the General Counsel's Office, 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.

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 completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

96043760570

If you have any questions, please contact a member of the Central Enforcement Docket team at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lois G. Lerner
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

96043760591



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 4, 1996

CT Corporation Systems, Registered Agent
Cox Broadcasting, Inc.
1201 Peachtree Street, N.E.
Atlanta, GA 30361

RE: MUR 4333

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that WSB-TV may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4333. 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 WSB-TV in this matter. 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. Your response, which should be addressed to the General Counsel's Office, 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.

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 completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

96043760572

If you have any questions, please contact a member of the Central Enforcement Docket team at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,


Lois G. Lerner
Associate General Counsel

Enclosures

- 1. Complaint
- 2. Procedures
- 3. Designation of Counsel Statement

96043760523



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 4, 1996

Beverly Harbard, Chief
Atlanta Police Department
675 Ponce de Leon Ave.
Atlanta, GA 30309

RE: MUR 4333

Dear Chief Harbard:

The Federal Election Commission received a complaint which indicates that the Atlanta Police Department may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4333. 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 the Atlanta Police Department in this matter. 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. Your response, which should be addressed to the General Counsel's Office, 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.

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 completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

9604376054

If you have any questions, please contact a member of the Central Enforcement Docket team at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,


Lois G. Lerner
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

96043760505



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 4, 1996

Jacquelyn H. Baret, Sheriff
Atlanta Sheriff's Department
185 Central Ave.
Atlanta, GA 30309

RE: MUR 4333

Dear Sheriff Baret:

The Federal Election Commission received a complaint which indicates that the Atlanta Sheriff's Department may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4333. Please refer to this number in all future correspondence.

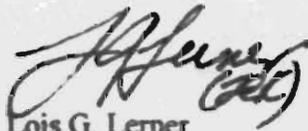
Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Atlanta Sheriff's Department in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, 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.

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 completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

9604376056

If you have any questions, please contact a member of the Central Enforcement Docket team at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Lois G. Lerner
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

96043760597

Fulton County Sheriff's Department

Jacquelyn H. Barrett, Sheriff

Gregory P. Henderson
Chief Deputy

L.L. Briggs
Chief Jailer



185 Central Ave., S.W.
Atlanta, Ga. 30303
(404) 730-5100

April 9, 1996

Ms. Lois G. Lerner
Associate General Counsel
Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Dear Ms. Lerner:

Reference is made to your letter of April 4, 1996, and your complaint No. MUR4333.

Please be advised that this office played no part in any of the activities involving the visit of Mr. Alan Keyes to Atlanta, Ga. or to the WSB-TV studios.

The Statement of Designation of Counsel is completed for further use by your office in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jacquelyn H. Barrett".

Jacquelyn H. Barrett

cc: Ms. Susan Forsling, County Attorney

APR 15 2 40 PM '96
RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

96043760578

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4333

NAME OF COUNSEL: Susan B. Forstling

FIRM: Fulton County Government

ADDRESS: 141 Pryor St. SW

Atlanta, GA. 30303

TELEPHONE: (404) 730-7750

FAX: ()

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

4/9/96
Date

Jacqueline R. Barrett
Signature

RESPONDENT'S NAME: Sheriff Jacquelyn H. Barrett

ADDRESS: Fulton County Sheriff's Dept

185 Central Ave. SW

Atlanta, GA. 30303

TELEPHONE: HOME()

BUSINESS(404) 730-5708

96043760599

DOW, LOHNES & ALBERTSON

A PROFESSIONAL LIMITED LIABILITY COMPANY

ATTORNEYS AT LAW

1200 NEW HAMPSHIRE AVENUE, N.W. • SUITE 800 • WASHINGTON, D.C. 20036-6802
TELEPHONE 202 776 2000 • FACSIMILE 202 776 2222

ORIGINAL
FEDERAL ELECTION
COMMISSION
MAIL ROOM

Apr 24 5 18 PM '96

April 23, 1996

VIA HAND DELIVERY

Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: Cox Broadcasting, Inc.
MUR-4333
MUR-4334

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
Apr 25 10 07 AM '96

Dear Ms. Lerner:

Cox Broadcasting, Inc. ("Cox"), by its attorneys, hereby responds to the complaints filed with the Commission under above-referenced MUR numbers. CT Corporation System, agent for process for Cox, received copies of the complaints by letters from you dated April 4, 1996 (MUR 4333) and April 9, 1996 (MUR 4334), on April 9, 1996 and thereafter. Accordingly, this response is timely. Your letter offers Cox the opportunity to demonstrate in writing that the Commission should take no further action in this matter. Each complaint also mentions the names of employees of Georgia Television Company, a subsidiary of Cox Broadcasting, Inc. that operates Television Station WSB-TV, Atlanta, Georgia. This submission also demonstrates why no action should be taken against those employees.

Both the complaint of Barbara Helm (MUR 4333) and that of Robert, Shirley and Charles Haver (MUR 4334) arise from the complainants' viewing of television news coverage surrounding a Republican presidential candidate debate co-sponsored by Television Station WSB-TV. The debate was also televised, but not co-sponsored, by CNN. The top four Republican presidential candidates were invited to participate. Mr. Alan Keyes, a candidate for the Republican nomination who was not one of the top four candidates in electoral success in previous primaries at the time of the invitations, did not receive an invitation.¹ Other candidates who were not among the top four also did not receive invitations. Days before the scheduled debate, Mr. Keyes was fully aware that he was not and would not be an invited participant. Mr. Keyes, however, nevertheless came to Television Station WSB-TV the day before the debate and ignoring instructions to leave the premises, began camping out on the WSB-TV lawn to protest

¹ The Helm complaint refers to an invitation to Mr. Keyes having been withdrawn. That reference apparently is to an event planned at one time by the Atlanta Press Club, but never held.

00900700600

Lois G. Lerner, Esq.
April 24, 1996
Page 2

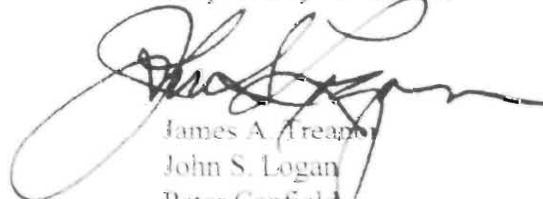
his not having been invited. At the time of the scheduled debate, Mr. Keyes sought physically to force his way into the WSB-TV studios and insisted upon being allowed to participate. When Mr. Keyes persisted in his refusal to leave and to permit the debates to take place without him, the matter was placed in the hands of law enforcement authorities.

Although both the Helms and the Haver complaints generally request an investigation into violations of federal election laws arising from this event, neither complaint describes any law or rule within the jurisdiction of the Commission that Cox Broadcasting, Inc. or its employees might have violated. Also, the facts recounted by the complainants, even if presumed to be true, show no such violation. News media may sponsor and hold candidate debates, and are not required to invite all candidates. The FEC's rules do not treat the failure to invite a candidate to a debate as unlawful "suppression" or "censorship" of the candidate's message. The complainants do not question the structure and organization of the debate, apart from the decision to limit participants to the top candidates and the consequent absence of an invitation for Mr. Keyes.

Understandably, a decision to limit the participating candidates did not please Mr. Keyes and his supporters. Mr. Keyes knew, however, when he attempted to force his way into the WSB-TV studios, that he was not an invited participant in the debate. The complainants do not suggest otherwise. Mr. Keyes's behavior presumably was an act of civil disobedience to protest his not having been invited to the debate and to dramatize his candidacy. His actions nevertheless properly resulted in his removal from the station premises by law enforcement authorities. Nothing in these events amounted to any violation of the Federal Election Campaign Act or the rules of the Commission by Cox or its employees.

Please inform us if there is additional information that the Commission would find helpful in disposing of these matters.

Respectfully submitted,



James A. Treanor
John S. Logan
Peter Canfield

96043760601

A copy of the executed Statement of Designation of Counsel will be submitted when received.

96043760602

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4333
MUR 4334

NAME OF COUNSEL: James Treanor
John Logan

Peter Canfield

FIRM: Dow, Lohnes & Albertson

Dow, Lohnes & Albertson

ADDRESS: 1200 New Hampshire Avenue, N.W.

One Ravinia Drive

Suite 800

Suite 1600

Washington, D.C. 20036-6802

Atlanta, Georgia 30346

TELEPHONE: (202) 776-2000

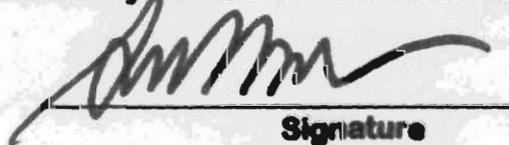
770/901-8857

FAX: (202) 776-2222

770/901-8874

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/24/96
Date


Signature
Andrew A. Merdek, Secretary

RESPONDENT'S NAME: Cox Broadcasting, Inc.

ADDRESS: 1400 Lake Hearn Drive, N.E.

Atlanta, Georgia 30319

TELEPHONE: HOME() _____

BUSINESS(404) 843-5000

9604760603

DOW, LOHNES & ALBERTSON
A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

RECEIVED
FEDERAL ELECTION
COMMISSION MAIL ROOM

JOHN S. LOGAN
DIRECT DIAL 202 776 2640

WASHINGTON, D.C.
1200 NEW HAMPSHIRE AVENUE, N.W. SUITE 800 WASHINGTON, D.C. 20036-6802
TELEPHONE 202-776-2000 FACSIMILE 202-776-2222

ONE RAVINIA DRIVE SUITE 1600
ATLANTA, GEORGIA 30346-2108
TELEPHONE 770-901-8800
FACSIMILE 770-901-8874

May 8, 1996

Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Cox Communications, Inc.
FEC MUR Nos. 4333, 4334, 4336 and 4339

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
MAY 9 9 41 AM '96

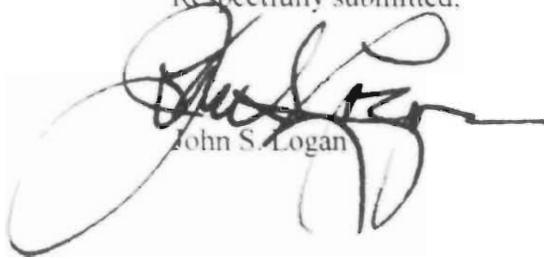
Dear Ms. Lerner:

On behalf of our client Cox Broadcasting, Inc., we have responded to letters from your office under each of the above-referenced MUR numbers. Each of these letters arose from complaints filed with the Commission regarding the decision of television station WSB-TV to limit the participants in a Republican primary candidate debate to the top four contenders and, accordingly, not to extend an invitation to Mr. Alan Keyes. These complaints, in turn, appear to have been engendered through a mailing and preprinted post card sent to Mr. Keyes supporters by his campaign committee, copies of which appear to have been included in certain of the complaints.

Cox Broadcasting, Inc. believes that it has responded to each of the Commission's MUR inquiry letters sent thus far. Recognizing that other members of the public also may have responded to Mr. Keyes's mailing, we are seeking to confirm with your docketing department whether any other requests for response have been sent regarding this matter, given that copies sent through agents for service of process occasionally may go astray.

Please let us know if there is any further information that the Commission would find useful in resolving this matter.

Respectfully submitted,



John S. Logan

JSL/ptd

96043760604

BEFORE THE FEDERAL ELECTION COMMISSION

AUG 14 4 50 PM '96

In the Matter of

)
)
)

Enforcement Priority

SENSITIVE

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

In accordance with the objectives of the Enforcement Priority System ("EPS") adopted by the Commission in May 1993, the Office of the General Counsel has periodically recommended that the Commission not pursue cases that are stale or that, in comparison to other pending matters, do not appear to warrant the use of the Commission's limited resources. This General Counsel's Report recommends the Commission not pursue 43 cases that fall within these categories.

II. CASES RECOMMENDED FOR CLOSING

A. Cases Not Warranting Further Pursuit Relative to Other Cases Pending Before the Commission

A critical component of the Priority System is identifying those pending cases that do not warrant the further expenditure of Commission resources. Each incoming matter is evaluated using Commission-approved criteria and cases that, based on their rating, do not warrant pursuit relative to other pending cases are placed in this category. By closing such cases, the Commission is able to use its limited resources to focus on more important cases.

96043760605

Having evaluated incoming matters, this Office has identified 24 cases which do not warrant further pursuit relative to other pending matters.¹ A short description of each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each case is attached to this Report. Attachments 1-24. As the Commission has previously requested, we have also attached responses and referral materials where that information has not been circulated previously to the Commission. Attachment 25.

B. Stale Cases

Investigations are severely impeded and require relatively greater resources when the activity, and the evidence of the activity, are old. Accordingly, the Office of the General Counsel recommends that the Commission focus its efforts on cases involving more recent activity. Such efforts will also generate more impact on the current electoral process and are a more efficient allocation of our limited resources. To this end, this Office has identified 19 cases that

this Office believes are

now too old to warrant the use of the Commission's resources

¹ These matters are: MUR 4227 (Wellstone for Senate) (Attachment 1); MUR 4273 (Jesse Wineberry) (Attachment 2); MUR 4290 (Lincoln Club of Riverside County) (Attachment 3); MUR 4292 (Congressman Ron Packard) (Attachment 4); MUR 4293 (Willie Colon for Congress) (Attachment 5); MUR 4294 (Alan Keyes for President '96) (Attachment 6); MUR 4299 (UAW-V-CAP) (Attachment 7); MUR 4312 (Sonoma County Republicans) (Attachment 8); MUR 4316 (Ross Perot) (Attachment 9); MUR 4318 (Patrick Combs for Congress) (Attachment 10); MUR 4324 (Buchanan for President) (Attachment 11); MUR 4325 (Dan Garstecki for Congress '96) (Attachment 12); MUR 4329 (Golden Door) (Attachment 13); MUR 4330 (Trice Harvey) (Attachment 14); MUR 4333 (WSB-TV) (Attachment 15); MUR 4334 (Cox Communications) (Attachment 16); MUR 4336 (WSB-TV) (Attachment 17); MUR 4339 (WSB-TV) (Attachment 18); MUR 4348 (Soglin for Congress) (Attachment 19); MUR 4359 (Francis Thompson for Congress) (Attachment 20); MUR 4360 (Weygand Committee) (Attachment 21); MUR 4363 (WSB-TV) (Attachment 22); MUR 4364 (Friends of Jimmy Blake) (Attachment 23) and Pre-MUR 328 (Department of the Interior) (Attachment 24).

96043760606

Because our recommendation not to pursue these cases is based on their staleness, this Office has not prepared separate narratives for these cases. we have attached responses and referral materials in those instances where the information was not previously circulated. Attachments 26-45.

This Office recommends the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below effective September 3, 1996. By closing the cases effective that day, CED and the Legal Review Team each will have the necessary time to prepare closing letters and case files for the public record.

9 6 0 4 3 7 6 0 6 0 7

III. RECOMMENDATIONS

A. Decline to open a MUR, close the file effective September 3, 1996, and approve the appropriate letters in the following matters:

- 1) Pre-MUR 293
- 2) Pre-MUR 311
- 3) Pre-MUR 328
- 4) RAD Referral 95L-03
- 5) RAD Referral 95L-11
- 6) RAD Referral 95L-16
- 7) RAD Referral 95L-22
- 8) RAD Referral 95NF-21

B. Take no action, close the file effective September 3, 1996, and approve the appropriate letters in the following matters:

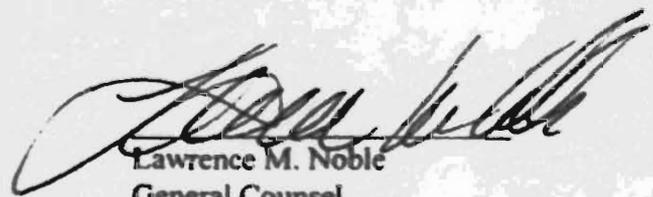
- 1) MUR 4061
- 2) MUR 4074
- 3) MUR 4101
- 4) MUR 4146
- 5) MUR 4151
- 6) MUR 4175
- 7) MUR 4180
- 8) MUR 4184
- 9) MUR 4198
- 10) MUR 4201
- 11) MUR 4227
- 12) MUR 4232
- 13) MUR 4273
- 14) MUR 4290
- 15) MUR 4292
- 16) MUR 4293
- 17) MUR 4294
- 18) MUR 4299
- 19) MUR 4312
- 20) MUR 4316
- 21) MUR 4318
- 22) MUR 4324
- 23) MUR 4325
- 24) MUR 4329
- 25) MUR 4330
- 26) MUR 4333
- 27) MUR 4334

9 6 0 4 3 7 6 0 6 0 8

- 28) MUR 4336
- 29) MUR 4339
- 30) MUR 4348
- 31) MUR 4359
- 32) MUR 4360
- 33) MUR 4363
- 34) MUR 4364

C. Take no further action, close the file effective September 3, 1996, and approve the appropriate letters in MUR 3826.

8/14/96
Date


Lawrence M. Noble
General Counsel

96043760609

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Enforcement Priority.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 21, 1996, the Commission took the following actions on the General Counsel's August 14, 1996 report on the above-captioned matter:

1. Decided by a vote of 5-0:

A. Decline to open a MUR, close the file effective September 3, 1996, and approve the appropriate letters in each of the following matters:

- 1) Pre-MUR 293
- 2) Pre-MUR 311
- 3) Pre-MUR 328
- 4) RAD Referral 95L-03
- 5) RAD Referral 95L-11
- 6) RAD Referral 95L-16
- 7) RAD Referral 95L-22
- 8) RAD Referral 95NF-21

B. Take no action, close the file effective September 3, 1996, and approve the appropriate letters in each of the following matters:

- 1) MUR 4061
- 2) MUR 4074
- 3) MUR 4101
- 4) MUR 4146
- 5) MUR 4151
- 6) MUR 4175
- 7) MUR 4180
- 8) MUR 4184
- 9) MUR 4198

(continued)

96043760610

Federal Election Commission
Certification for Enforcement
Priority
August 23, 1996

Page 2

- 10) MUR 4227
- 11) MUR 4232
- 12) MUR 4273
- 13) MUR 4290
- 14) MUR 4292
- 15) MUR 4293
- 16) MUR 4294
- 17) MUR 4299
- 18) MUR 4312
- 19) MUR 4316
- 20) MUR 4318
- 21) MUR 4324
- 22) MUR 4325
- 23) MUR 4329
- 24) MUR 4330
- 25) MUR 4333
- 26) MUR 4334
- 27) MUR 4336
- 28) MUR 4339
- 29) MUR 4348
- 30) MUR 4359
- 31) MUR 4360
- 32) MUR 4363
- 33) MUR 4364

Commissioners Aikens, Elliott, McDonald,
McGarry, and Thomas voted affirmatively with
respect to each of the above-noted matters.

Attest:

8-26-96
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Wed., Aug. 14, 1996 4:56 p.m.
Circulated to the Commission: Fri., Aug. 16, 1996 12:00 p.m.
Deadline for vote: Wed., Aug. 21, 1996 4:00 p.m.

bjr

96043760611



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEP 06 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Barbara E. Helm
1503 First Street
Princeton, MN 55371

RE: MUR 4333

Dear Ms. Helm:

On April 1, 1996, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on September 3, 1996. This matter will become part of the public record within 30 days.

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

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

9 6 0 4 3 7 6 0 6 1 2

MUR 4333
WSB-TV

Barbara Helm filed a complaint alleging that on March 3, 1996, Atlanta's WSB-TV, an anchorman, and the Atlanta Police and Sheriff's Departments violated presidential candidate Alan Keyes' rights by withdrawing an invitation to debate other presidential candidates. When Mr. Keyes attempted to enter the television studio where the debate was to be held, officers from the Atlanta police department handcuffed him, placed him in a squad car, drove him around Atlanta for 20 minutes and then released him at a parking lot.

Counsel for Cox Broadcasting Inc., which operates WSB-TV, raises factual and legal issues with complainant's allegations. Counsel begins by stating that it was not WSB-TV, but the Atlanta Press Club, that apparently withdrew a debate invitation issued to Ambassador Keyes. It appears, therefore, that the Atlanta Press Club debate was never held and that WSB-TV organized a second, unrelated debate. In contrast to the Atlanta Press Club format, counsel contends that the WSB-TV debate was limited to the top four Republican candidates from the start. Counsel states that Ambassador Keyes was not one of the top four candidates at the time of the invitations and was aware that he had not been invited to the WSB debate. According to WSB-TV counsel, Ambassador Keyes nevertheless came to the television station the day before the event and stayed outside on the lawn in protest of his not having been invited. Counsel asserts that at the time of the scheduled debate, Ambassador Keyes sought to force his way physically into the studios and insisted on being allowed to participate. When Ambassador Keyes refused to leave after repeated requests, counsel states that "the matter was placed in the hands of law enforcement authorities." Counsel also notes that under Commission regulations, news media may sponsor and hold candidate debates and are not required to invite all candidates.

The City of Atlanta Police Department responds through counsel that the complainants have failed to allege any violation of equal election opportunity by the Atlanta Police Department or any of its officers. Counsel states that the officer who was named as a respondent, who was apparently answering the telephones at the local precinct on the night of the debate, had no contact with Ambassador Keyes. Counsel contends that no section of the FECA or Commission regulations addresses, or even contemplates, the issue of the detainment of a candidate during a debate. Counsel concludes by noting that on the night at issue, that the Atlanta Police Department was seeking to enforce Georgia criminal trespass law as the police are charged with doing.

This matter is less significant relative to other matters pending before the Commission.

96043760613



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

Susan B. Forsling
Fulton County Government
141 Pryor Street, S.W.
Atlanta, GA 30303

RE: MUR 4333
Atlanta Sheriff's Department

Dear Ms. Forsling:

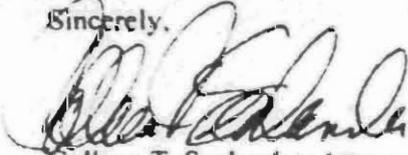
On April 4, 1996, the Federal Election Commission notified your client of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Atlanta Sheriff's Department. See attached narrative. Accordingly, the Commission closed its file in this matter on September 3, 1996.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact the Central Enforcement Docket at (202) 219-3400.

Sincerely,


Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

96045760614

MUR 4333
WSB-TV

Barbara Helm filed a complaint alleging that on March 3, 1996, Atlanta's WSB-TV, an anchorman, and the Atlanta Police and Sheriff's Departments violated presidential candidate Alan Keyes' rights by withdrawing an invitation to debate other presidential candidates. When Mr. Keyes attempted to enter the television studio where the debate was to be held, officers from the Atlanta police department handcuffed him, placed him in a squad car, drove him around Atlanta for 20 minutes and then released him at a parking lot.

Counsel for Cox Broadcasting Inc., which operates WSB-TV, raises factual and legal issues with complainant's allegations. Counsel begins by stating that it was not WSB-TV, but the Atlanta Press Club, that apparently withdrew a debate invitation issued to Ambassador Keyes. It appears, therefore, that the Atlanta Press Club debate was never held and that WSB-TV organized a second, unrelated debate. In contrast to the Atlanta Press Club format, counsel contends that the WSB-TV debate was limited to the top four Republican candidates from the start. Counsel states that Ambassador Keyes was not one of the top four candidates at the time of the invitations and was aware that he had not been invited to the WSB debate. According to WSB-TV counsel, Ambassador Keyes nevertheless came to the television station the day before the event and stayed outside on the lawn in protest of his not having been invited. Counsel asserts that at the time of the scheduled debate, Ambassador Keyes sought to force his way physically into the studios and insisted on being allowed to participate. When Ambassador Keyes refused to leave after repeated requests, counsel states that "the matter was placed in the hands of law enforcement authorities." Counsel also notes that under Commission regulations, news media may sponsor and hold candidate debates and are not required to invite all candidates.

The City of Atlanta Police Department responds through counsel that the complainants have failed to allege any violation of equal election opportunity by the Atlanta Police Department or any of its officers. Counsel states that the officer who was named as a respondent, who was apparently answering the telephones at the local precinct on the night of the debate, had no contact with Ambassador Keyes. Counsel contends that no section of the FECA or Commission regulations addresses, or even contemplates, the issue of the detainment of a candidate during a debate. Counsel concludes by noting that on the night at issue, that the Atlanta Police Department was seeking to enforce Georgia criminal trespass law as the police are charged with doing.

This matter is less significant relative to other matters pending before the Commission.

9604760615



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

Beverly Harbard, Chief
Atlanta Police Department
675 Ponce de Leon Avenue
Atlanta, GA 30309

RE: MUR 4333

Dear Ms. Harbard:

On April 4, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Atlanta Police Department. See attached narrative. Accordingly, the Commission closed its file in this matter on September 3, 1996.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact the Central Enforcement Docket at (202) 219-3400.

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

96043760616

MUR 4333

WSB-TV

Barbara Helm filed a complaint alleging that on March 3, 1996, Atlanta's WSB-TV, an anchorman, and the Atlanta Police and Sheriff's Departments violated presidential candidate Alan Keyes' rights by withdrawing an invitation to debate other presidential candidates. When Mr. Keyes attempted to enter the television studio where the debate was to be held, officers from the Atlanta police department handcuffed him, placed him in a squad car, drove him around Atlanta for 20 minutes and then released him at a parking lot.

Counsel for Cox Broadcasting Inc., which operates WSB-TV, raises factual and legal issues with complainant's allegations. Counsel begins by stating that it was not WSB-TV, but the Atlanta Press Club, that apparently withdrew a debate invitation issued to Ambassador Keyes. It appears, therefore, that the Atlanta Press Club debate was never held and that WSB-TV organized a second, unrelated debate. In contrast to the Atlanta Press Club format, counsel contends that the WSB-TV debate was limited to the top four Republican candidates from the start. Counsel states that Ambassador Keyes was not one of the top four candidates at the time of the invitations and was aware that he had not been invited to the WSB debate. According to WSB-TV counsel, Ambassador Keyes nevertheless came to the television station the day before the event and stayed outside on the lawn in protest of his not having been invited. Counsel asserts that at the time of the scheduled debate, Ambassador Keyes sought to force his way physically into the studios and insisted on being allowed to participate. When Ambassador Keyes refused to leave after repeated requests, counsel states that "the matter was placed in the hands of law enforcement authorities." Counsel also notes that under Commission regulations, news media may sponsor and hold candidate debates and are not required to invite all candidates.

The City of Atlanta Police Department responds through counsel that the complainants have failed to allege any violation of equal election opportunity by the Atlanta Police Department or any of its officers. Counsel states that the officer who was named as a respondent, who was apparently answering the telephones at the local precinct on the night of the debate, had no contact with Ambassador Keyes. Counsel contends that no section of the FECA or Commission regulations addresses, or even contemplates, the issue of the detainment of a candidate during a debate. Counsel concludes by noting that on the night at issue, that the Atlanta Police Department was seeking to enforce Georgia criminal trespass law as the police are charged with doing.

This matter is less significant relative to other matters pending before the Commission

96043760617



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

Bill Nigut, Anchor
c/o WSB-TV
1601 West Peachtree Street, N.E.
Atlanta, GA 30309

RE: MUR 4333

Dear Mr. Nigut:

On April 4, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against you. See attached narrative. Accordingly, the Commission closed its file in this matter on September 3, 1996.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact the Central Enforcement Docket at (202) 219-3400.

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

96043760618

MUR 4333
WSB-TV

Barbara Helm filed a complaint alleging that on March 3, 1996, Atlanta's WSB-TV, an anchorman, and the Atlanta Police and Sheriff's Departments violated presidential candidate Alan Keyes' rights by withdrawing an invitation to debate other presidential candidates. When Mr. Keyes attempted to enter the television studio where the debate was to be held, officers from the Atlanta police department handcuffed him, placed him in a squad car, drove him around Atlanta for 20 minutes and then released him at a parking lot.

Counsel for Cox Broadcasting Inc., which operates WSB-TV, raises factual and legal issues with complainant's allegations. Counsel begins by stating that it was not WSB-TV, but the Atlanta Press Club, that apparently withdrew a debate invitation issued to Ambassador Keyes. It appears, therefore, that the Atlanta Press Club debate was never held and that WSB-TV organized a second, unrelated debate. In contrast to the Atlanta Press Club format, counsel contends that the WSB-TV debate was limited to the top four Republican candidates from the start. Counsel states that Ambassador Keyes was not one of the top four candidates at the time of the invitations and was aware that he had not been invited to the WSB debate. According to WSB-TV counsel, Ambassador Keyes nevertheless came to the television station the day before the event and stayed outside on the lawn in protest of his not having been invited. Counsel asserts that at the time of the scheduled debate, Ambassador Keyes sought to force his way physically into the studios and insisted on being allowed to participate. When Ambassador Keyes refused to leave after repeated requests, counsel states that "the matter was placed in the hands of law enforcement authorities." Counsel also notes that under Commission regulations, news media may sponsor and hold candidate debates and are not required to invite all candidates.

The City of Atlanta Police Department responds through counsel that the complainants have failed to allege any violation of equal election opportunity by the Atlanta Police Department or any of its officers. Counsel states that the officer who was named as a respondent, who was apparently answering the telephones at the local precinct on the night of the debate, had no contact with Ambassador Keyes. Counsel contends that no section of the FECA or Commission regulations addresses, or even contemplates, the issue of the detainment of a candidate during a debate. Counsel concludes by noting that on the night at issue, that the Atlanta Police Department was seeking to enforce Georgia criminal trespass law as the police are charged with doing.

This matter is less significant relative to other matters pending before the Commission

96047760619



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEP 06 1996

James A. Treanor, Esquire
Dow, Lohnes & Albertson
1200 New Hampshire Ave., N.W.
Suite 800
Washington, DC 20036-6802

RE: MUR 4333
WSB-TV

Dear Mr. Treanor:

On April 4, 1996, the Federal Election Commission notified your client of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against WSB-TV. See attached narrative. Accordingly, the Commission closed its file in this matter on September 3, 1996.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact the Central Enforcement Docket at (202) 219-3400.

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

96043760620

MUR 4333
WSB-TV

Barbara Helm filed a complaint alleging that on March 3, 1996, Atlanta's WSB-TV, an anchorman, and the Atlanta Police and Sheriff's Departments violated presidential candidate Alan Keyes' rights by withdrawing an invitation to debate other presidential candidates. When Mr. Keyes attempted to enter the television studio where the debate was to be held, officers from the Atlanta police department handcuffed him, placed him in a squad car, drove him around Atlanta for 20 minutes and then released him at a parking lot.

Counsel for Cox Broadcasting Inc., which operates WSB-TV, raises factual and legal issues with complainant's allegations. Counsel begins by stating that it was not WSB-TV, but the Atlanta Press Club, that apparently withdrew a debate invitation issued to Ambassador Keyes. It appears, therefore, that the Atlanta Press Club debate was never held and that WSB-TV organized a second, unrelated debate. In contrast to the Atlanta Press Club format, counsel contends that the WSB-TV debate was limited to the top four Republican candidates from the start. Counsel states that Ambassador Keyes was not one of the top four candidates at the time of the invitations and was aware that he had not been invited to the WSB debate. According to WSB-TV counsel, Ambassador Keyes nevertheless came to the television station the day before the event and stayed outside on the lawn in protest of his not having been invited. Counsel asserts that at the time of the scheduled debate, Ambassador Keyes sought to force his way physically into the studios and insisted on being allowed to participate. When Ambassador Keyes refused to leave after repeated requests, counsel states that "the matter was placed in the hands of law enforcement authorities." Counsel also notes that under Commission regulations, news media may sponsor and hold candidate debates and are not required to invite all candidates.

The City of Atlanta Police Department responds through counsel that the complainants have failed to allege any violation of equal election opportunity by the Atlanta Police Department or any of its officers. Counsel states that the officer who was named as a respondent, who was apparently answering the telephones at the local precinct on the night of the debate, had no contact with Ambassador Keyes. Counsel contends that no section of the FECA or Commission regulations addresses, or even contemplates, the issue of the detainment of a candidate during a debate. Counsel concludes by noting that on the night at issue, that the Atlanta Police Department was seeking to enforce Georgia criminal trespass law as the police are charged with doing.

This matter is less significant relative to other matters pending before the Commission

9 6 0 4 3 7 6 0 6 2 1



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE END OF MUR # 4333

DATE FILMED 11-9-96 CAMERA NO. 2

CAMERAMAN JMH

96043760622