



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

THIS IS THE BEGINNING OF MUR # 4334

DATE FILMED 10-9-98 CAMERA NO. 2

CAMERAMAN JM4

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Haver
4169 Kenneth Rd.
Stow, Ohio 44222



U.S. POSTAGE
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STOW, OH
44224
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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MAR 20 2 36 PM '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 Chuck Haver, Shirley Haver, Bob Haver
Address 4169 Kenneth Rd
City Stow State Ohio Zip 44224



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 21, 1996

Dear Concerned Citizen:

We have received your correspondence, regarding the possibility of a violation of the Federal Election Campaign Act of 1971, as amended ("the Act").

The 1976 amendments to the Act and Federal Election Commission regulations require that a complaint meet certain specific requirements. Your correspondence does not meet these requirements. Consequently, the Commission can take no action at this time unless the allegations are refiled meeting the requirements for a properly filed complaint.

If you desire the Commission to look into the matter discussed in your correspondence to determine if the Act has been violated, a formal complaint as described in 2 U.S.C. § 437g(a)(1) must be filed. Requirements of this section of the law, and Commission regulations at 11 C.F.R. § 111.4, which are a prerequisite to Commission action, are detailed below:

- (1) A complaint must be in writing. (2 U.S.C. § 437g(a)(1)).
- (2) Its contents must be sworn to and signed in the presence of a notary public and shall be notarized. (2 U.S.C. § 437g(a)(1)). The notary must indicate as part of the jurat that such swearing occurred. The preferred form is "Subscribed and Sworn to before me on this ___ day of ___, ___."
- (3) A formal complaint must contain the full name and address of the person making the complaint. (11 C.F.R. § 111.4).
- (4) A formal complaint should clearly identify as a respondent each person or entity who is alleged to have committed a violation. (11 C.F.R. § 111.4).
- (5) A formal complaint should identify the source of information upon which the complaint is based. (11 C.F.R. § 111.4).

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(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. (11 C.F.R. § 111.4).

(7) A formal complaint should be accompanied by supporting documentation if known and available to the person making the complaint. (11 C.F.R. § 111.4).

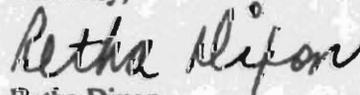
Finally, please include your telephone number, as well as the full names and addresses of all respondents.

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission.

Please note that this matter will remain confidential for a 15 day period to allow you to correct the defects in your complaint. If the complaint is corrected and refiled within the 15 day period, the respondents will be so informed and provided a copy of the corrected complaint. The respondents will then have an additional 15 days to respond to the complaint on the merits. If the complaint is not corrected, the file will be closed and no additional notification will be provided to the respondents.

If we can be of any further assistance, please do not hesitate to contact me at (202) 219-3410.

Sincerely,



Retha Dixon
Docket Chief

Enclosure

cc: WSB-TV

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

APR 3 10 46 AM '96

MUR 4334

ROBERT W HAVER
SHIRLEY M HAVER
CHARLES W HAVER
4169 Kenneth Road
Stow, Ohio 44224

March 30, 1996

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

Attention: Retha Dixon
Docket Chief

Subject: Violation re Alan Keyes

Dear Ms. Dixon:

In response to your letter dated March 21, 1996, we submit the following formal complaint of possible violation of the Federal Election Campaign Act of 1971, as amended:

On the evening of March 3, 1996, two days before the Georgia primary, Ambassador Alan Keyes was prevented from participating in a publicly televised debate held in the studios of WSB-TV, Atlanta for the Republican party candidates for the office of President of the United States.

CNN was a joint sponsor and televisor of this debate, and participant in the decision to exclude Ambassador Keyes.

The Secret Service requested that Dr. Keyes be detained when he tried to enter the WSB-TV building, and was placed in handcuffs and physically removed from the premises by the Atlanta Police, and taken away in a squad car. What a travesty that this could happen to such a man as Mr. Keyes. A common criminal is afforded more protection of his rights.

Dr. Keyes is a viable candidate for the position having declared so, having qualified for federal matching funds, and by being on the ballot in most states, including Georgia.

We have generously contributed our time and money for his candidacy and submit to you that our rights, too, were violated by this discriminatory act by an elite few to dilute and manipulate our efforts.

The electoral process in this nation is founded on the principle of one person having one vote. This principle was blatantly violated in this case by an elite few deciding for the electors who they should have information about when deciding their vote.

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The source of this information is the news accounts reported by the Associated Press, Reuter, CNN, and all other major news outlets.

Our complaint is registered against, but not limited to the following:

WSB-TV; Cox Communications, owner
Greg Stone, Vice President & General Manager
Jonathan Woodin, Station Manager
Lee Armstrong, Director of Programming
Bill Nigut, political reporter

CNN

The Secret Service: Mike Tarr

The Atlanta Police Department:
Bill Campbell, Mayor
Beverly J. Harvard, Chief of Police
J. Redlinger, the arresting officer
The Sergeant that released Amb. Keyes
Elizabeth Watson, the officer that implicated the Secret Service

We appreciate you and your service to your country. We trust that this matter will receive the justice due it.

Sincerely,

Robert W. Haver
Robert W. Haver

Shirley M. Haver
Shirley M. Haver

Charles W. Haver
Charles W. Haver

Subscribed and sworn to before me on
this 11 day of April, 2001:

Briette A. Nime

Notary Public

copies: Robert Dole, Senate Majority Leader
Newt Gingrich, Speaker of the House
George Gekas, U.S. House
David Funderburk, U.S. House
Haley Barbour, Chairman RNC

BRIJETTE A. NIME, Notary Public
Residence - Summit County
State: W.Va. Registration, Ohio
My Commission Expires March 3, 2001

9604760628



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 9, 1996

Greg Stone, Vice Pres. and General Manager
WSB-TV
1601 West Peachtree Street, NE
Atlanta, GA 30309

RE: MUR 4334

Dear Mr. Stone:

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 4334. 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.

96043760629

If you have any questions, please contact Alva E. Smith 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 (yes)

Lois G. Lerner
Associate General Counsel

Enclosures

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

9604376060



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 9, 1996

Robert W. Haver
Shirley M. Haver
Charles W. Haver
4169 Kenneth Road
Stow, OH 44224

RE: MUR 4334

Dear Messrs. & Ms. Haver:

This letter acknowledges receipt on April 3, 1996, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) 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 4334. 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 (128)

Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

9604376061



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 9, 1996

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

RE: MUR 4334

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that Cox Communications and 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 4334. 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 Cox Communications and 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.

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If you have any questions, please contact Alva E. Smith 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 (jls)

Lois G. Lerner
Associate General Counsel

Enclosures

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

9604376063



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 9, 1996

Jonathan Woodin, Station Manager
WSB-TV
1601 West Peachtree Street, NE
Atlanta, GA 30309

RE: MUR 4334

Dear Mr. Woodin:

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 4334. 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.

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If you have any questions, please contact Alva E. Smith 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 (20)

Lois G. Lerner
Associate General Counsel

Enclosures

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

96040760635



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 9, 1996

Lee Armstrong, Director of Programming
WSB-TV
1601 West Peachtree Street, NE
Atlanta, GA 30309

RE: MUR 4334

Dear Mr. Armstrong:

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 4334. 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.

96043760636

If you have any questions, please contact Alva E. Smith 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 (ALS)

Lois G. Lerner
Associate General Counsel

Enclosures

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

96043760637



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 9, 1996

Bill Nigut, Political Reporter
WSB-TV
1601 West Peachtree Street, NE
Atlanta, GA 30309

RE: MUR 4334

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 4334. 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.

96043760638

If you have any questions, please contact Alva E. Smith 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 (428)

Lois G. Lerner
Associate General Counsel

Enclosures

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

96043760609



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 9, 1996

Steven Korn, Registered Agent
Cable News Network
1 CNN Center
13th Floor, North Tower
Atlanta, GA 30303

RE: MUR 4334

Dear Mr. Korn:

The Federal Election Commission received a complaint which indicates that CNN 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 4334. 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 CNN 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.

96045760640

If you have any questions, please contact Alva E. Smith 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 (yes)

Lois G. Lerner
Associate General Counsel

Enclosures

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

960476061



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 9, 1996

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

RE: MUR 4334

Dear Ms. Harvard:

The Federal Election Commission received a complaint which indicates that the Atlanta Police Department and you, as Chief of Police, 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 4334. 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 and you, as Chief of Police, 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.

9604376062

If you have any questions, please contact Alva E. Smith 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 (ALS)

Lois G. Lerner
Associate General Counsel

Enclosures

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

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FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 9, 1996

J. Redlinger, Police Officer
Atlanta Police Department
675 Ponce de Leon Avenue
Atlanta, GA 30309

RE: MUR 4334

Dear Mr. Redlinger:

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 4334. 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.

9604376064

If you have any questions, please contact Alva E. Smith 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 (428)

Lois G. Lerner
Associate General Counsel

Enclosures

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

96043760615



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 9, 1996

Elizabeth Watson, Police Office
Atlanta Police Department
675 Ponce de Leon Avenue
Atlanta, GA 30309

RE: MUR 4334

Dear Ms. Watson:

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 4334. 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.

96043760646

If you have any questions, please contact Alva E. Smith 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 (ps)

Lois G. Lerner
Associate General Counsel

Enclosures

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

96044760647



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 9, 1996

Director
U.S. Secret Service
1800 G Street, NW
Washington, DC 20006

RE: MUR 4334

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that the Secret Service 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 4334. 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 Secret Service 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.

96043/60648

If you have any questions, please contact Alva E. Smith 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 (3/28)

Lois G. Lerner
Associate General Counsel

Enclosures

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

9604760649



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 9, 1996

Mike Tarr
U.S. Secret Service
1800 G Street, NW
Washington, DC 20006

RE: MUR 4334

Dear Mr. Tarr:

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 4334. 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.

96043760650

If you have any questions, please contact Alva E. Smith 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 (LS)

Lois G. Lerner
Associate General Counsel

Enclosures

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

96047/60651



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 9, 1996

The Honorable William Campbell
Mayor of Atlanta
55 Trinity Avenue, S.W.
Suite 2400
Atlanta, GA 30335

RE: MUR 4334

Dear Mayor Campbell:

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 4334. 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.

96043760652

If you have any questions, please contact Alva E. Smith 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 (428)

Lois G. Lerner
Associate General Counsel

Enclosures

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

9604376063

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

APR 24 5 16 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

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

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.

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

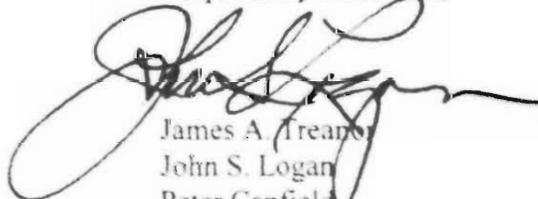
his not having been invited. At the time of the scheduled debate, Mr. Keyes sought physically to force his way into the WSB-TV studios and insisted upon being allowed to participate. When Mr. Keyes persisted in his refusal to leave and to permit the debates to take place without him, the matter was placed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

9604376065

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

96041760656

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

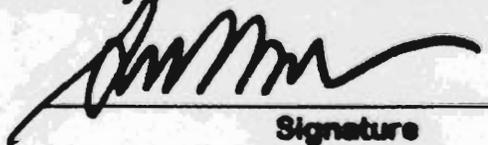
770/901-8857

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.

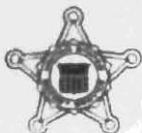
ADDRESS: 1400 Lake Hearn Drive, N.E.

Atlanta, Georgia 30319

TELEPHONE: HOME () _____

BUSINESS (404) 843-5000

96043760657



DEPARTMENT OF THE TREASURY
UNITED STATES SECRET SERVICE

APR 24 1996

APR 29 9 45 AM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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

Re: Complaint No.: MUR4334

Dear Ms. Lerner:

Reference is made to your letters dated April 9, 1996 to the Director of the Secret Service and to Michael Tarr, the Secret Service Deputy Assistant Director for Government Liaison and Public Affairs concerning the above-referenced Complaint.

Initially we note that the Secret Service has reviewed the Complaint and the provisions of the Federal Election Campaign Act of 1971 (the Act) and found nothing in the Complaint concerning the Secret Service or Mr. Tarr which falls under the purview of this Act. The Complaint is merely a reiteration of media accounts of this incident and does not point to any provision of the Act which was violated by the Secret Service or Mr. Tarr. Consequently, the Commission lacks jurisdiction over this Complaint and should take no action against either the Secret Service or Deputy Assistant Director Tarr in this matter.

Moreover, even if the Complaint had articulated a possible violation of the Act, no action should be taken on the Complaint as neither the Secret Service nor Mr. Tarr were in any way involved in this incident. The Complaint states with no specificity or support, other than a vague reference to media accounts, that the Secret Service participated in this incident by requesting that Mr. Keyes be detained. This allegation is simply not true. The Secret Service's involvement at this event was solely to ensure the safety of Presidential Candidates Patrick Buchanan and Malcolm Forbes. Secret Service employees present at the debate indicate that at no time did any Secret Service employee participate in detaining or removing Mr. Keyes from the WSB Studio.

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The Complainants' misrepresentation of the facts is particularly egregious with regard to Deputy Assistant Director Tarr, the only Secret Service employee named in the Complaint. Deputy Assistant Director Tarr was not at this event. He is assigned to the Office of Government Liaison and Public Affairs located at the headquarters for the Secret Service in Washington, D.C. and was in Washington, D.C. when this event occurred. Mr. Tarr's only involvement in this matter was responding to a telephone press inquiry concerning this incident after it occurred.

The Complainants in this matter are obviously relying on second hand information and do not have any basis in law or fact for their allegations against the Secret Service and Deputy Assistant Director Tarr. Therefore, we are requesting that your office make a recommendation to the Commission that no action be taken in this matter and that this Complaint be dismissed with regard to the Secret Service and Mr. Tarr.

Should you need additional information in this matter, please contact Kathy DiPippa of the Office of Chief Counsel at (202) 435-5771.

Sincerely,

Richard S. Miller

Richard S. Miller
Assistant Director
Protective Operations

9604376069

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

One Financial Center
Boston, Massachusetts 02111
Telephone: 617/542-6000
Fax: 617/542-2241

Telephone: 202/434-7300
Fax: 202/434-7400
Telex: 753689

Bruce D. Sokler

Direct Dial Number
202/434-7303

April 29, 1996

BY HAND

Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission
999 E Street, N.W.
Room 719
Washington, D.C. 20463

APR 30 4 12 PM '96
RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Re: **Complaint of Robert W. Haver, Shirley M. Haver and Charles W. Haver
Against Cable News Network, Inc.
No. MUR4334**

Dear Ms. Lerner:

Cable News Network, Inc., ("CNN"), by its attorneys, hereby responds to the above-referenced complaint, which was filed with the Federal Election Commission ("FEC") on April 9, 1996, and which CNN received on April 15, 1996. In their complaint, Robert W., Shirley M., and Charles W. Haver ("the Havers") claim that CNN participated as a "joint sponsor and televisor" of a Georgia Republican presidential primary debate held on the evening of March 3, 1996, in the studios of WSB-TV, Channel 2, Atlanta.¹ The Havers claim that, in its capacity of "joint sponsor" of the debate, CNN may have caused a "possible violation" of the Federal Election Campaign Act of 1971, as amended, by "participa[ting] in the decision to exclude Ambassador [Alan] Keyes," a candidate for the Republican presidential nomination, from the debate.²

The Havers' grievance against CNN is factually unfounded and legally misinformed. Contrary to the Havers' apparent misimpressions, CNN took no part in the planning or sponsoring of the March 3, 1996, debate. As CNN's Senior Vice President for Special Events, Jane Maxwell, states in her affidavit (attached), CNN in no way sponsored,

¹Complaint at 1.

²Id.

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Lois G. Lerner, Esq.
April 29, 1996
Page 2

organized or staged the debate, nor in any way participated in the decision to exclude Ambassador Keyes from the debate.³ Instead, CNN's involvement with the debate consisted only of televising it nationally, given its obvious newsworthiness.⁴ It is Ms. Maxwell's understanding that the debate was sponsored by and staged under the sole direction of WSB-TV.⁵

Contrary to the Havers' misunderstanding, the Federal Election Campaign Act and the FEC's rules provide no cause of action for a candidate (or his or her supporters) against a news organization that merely televises a debate from which the candidate was excluded.⁶ To the contrary, in amending the Federal Elections Campaign Act in 1974, Congress made clear that the Act should not be interpreted to hinder the legitimate news related activities of the free press, which include coverage of campaign events such as candidate debates.⁷ The Act's "news story" exemption, in fact, provides the statutory basis for this protection,⁸ and undergirds Congress' and the Commission's longstanding commitment to protect the right of news organizations, like CNN, to cover political campaign events, like the March 3, 1996, debate, without government interference. The Supreme Court, as well, has emphasized the importance of a free and unencumbered press in the American political process,⁹ and has recognized that cable programmers "engage in and

³Affidavit of Jane Maxwell, attached hereto, at ¶ 3.

⁴*Id.* at ¶ 2.

⁵*Id.* at ¶ 4.

⁶See 2 U.S.C. § 431 *et seq.*; 11 C.F.R. § 1 *et seq.*

⁷Congress recognized the "unfettered right" of the media to cover and comment on political campaigns. See H.R. Rep. No. 1239, 93d Cong., 2d Sess., at 4 (1974).

⁸See 2 U.S.C. 431 (9)(B)(i)(exempting "news stories" from the definition of expenditure).

⁹See *McIntyre v. Ohio Elections Commission*, 115 S.Ct. 1511, 1517 (1995); *Roth v. U.S.*, 354 U.S. 476, 484 (1957)(noting that "[d]iscussion of public issues and debate on the qualification of candidates are integral to the operation of the system of government established by our Constitution."); *Mills v. Alabama*, 384 U.S. 214, 218 (1966); *Times v. Sullivan*, 376 U.S. 254, 270 (1964).

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Lois G. Lerner, Esq.
April 29, 1996
Page 3

transmit speech, and...are entitled to the protection of the speech and press provisions of the First Amendment."¹⁰

The Commission itself underscores its commitment to preserving a free and unfettered press in its February 1, 1996, Notice of Proposed Rulemaking in which it proposes new rules clarifying that cable programmers, like CNN, may even stage candidate debates themselves or cover debates sponsored by other entities as part of their news activities.¹¹ In sum, CNN's coverage of the March 3, 1996, debate in no way violated the Federal Election Campaign Act, and, to the contrary, was fully consistent with the articulated commitment of the Commission, Congress and the Supreme Court, to protecting the free press right of media entities, like CNN, to cover newsworthy political events.

In addition, CNN was in no way responsible for the manner in which law enforcement officers present during the March 3, 1996, debate handled the expulsion of Ambassador Keyes from the studio. In their complaint, the Havers claim that the Secret Service and the Atlanta Police committed a "travesty" by forcibly removing Dr. Keyes, in handcuffs, from the site of the debate after Dr. Keyes demanded to participate in the debate.¹² The Havers appear to hold CNN partially responsible for the way in which Dr. Keyes was treated by these law enforcement officers. Given that CNN was in no way involved with the organization and execution of the debate, and played no part in the decision to exclude and remove Ambassador Keyes from the studio in which the debate took place, the Havers' implication that CNN was somehow responsible for the Ambassador's forcible removal is wholly unfounded.

¹⁰ Turner Broadcasting System, Inc. v. Federal Communications Commission, 114 S.Ct. 2445, 2456 (1994).

¹¹ See Candidate Debates and News Stories, FEC Notice of Proposed Rulemaking, Notice 1996-2, 61 Fed. Reg. 3621-23 (February 1, 1996) ("Notice") (proposing to clarify that cable television programmers may stage or cover candidate debates).

¹² Complaint at 1.

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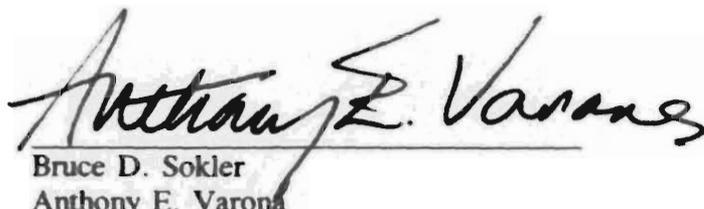
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

Lois G. Lerner, Esq.
April 29, 1996
Page 4

For the foregoing reasons, the Commission should dismiss the complaint of Robert W., Shirley M. and Charles W. Haver against CNN, Inc. Please address any inquiries to the undersigned.

CABLE NEWS NETWORK, INC.

By:



Bruce D. Sokler
Anthony E. Varona
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202/434-7333

Its attorneys

cc: Robert W. Haver
Shirley M. Haver
Charles W. Haver

April 29, 1996

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ADDENDUM

AFFIDAVIT OF JANE MAXWELL

I, Jane Maxwell, do hereby declare as follows:

1. I am Senior Vice President for Special Events of Cable News Network, Inc. ("CNN"). I am submitting this Affidavit in support of CNN's foregoing Reply to the Complaint filed with the Federal Election Commission ("FEC") by Robert W., Shirley M., and Charles W. Haver (the "Havers") against CNN on April 9, 1996 (No. MUR4334).

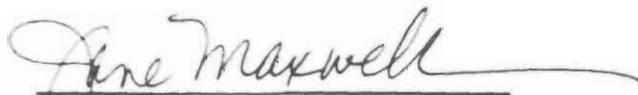
2. I declare that, given its newsworthiness, I pursued carriage of the March 3, 1996, Georgia Republican presidential primary candidate debate, and oversaw CNN's negotiations with WSB-TV, Channel 2, Atlanta, Georgia, for the acquisition by CNN of national cable television distribution rights for the debate.

3. I further declare that, besides acquiring the national cable television distribution rights for the March 3, 1996, debate, CNN had no involvement in the debate, played no role in the staging, organization or execution of the debate, and as a result, did not participate in the decision to exclude and remove Ambassador Alan Keyes from the debate.

4. I further declare that, to the best of my knowledge, the March 3, 1996, debate was sponsored and staged solely by WSB-TV, who was the only entity involved in selecting candidates for participation in the debate.

5. I have reviewed CNN's reply to the Havers' complaint and certify, under penalty of perjury, that the facts contained therein are true and correct to the best of my knowledge, information and belief.

Executed this 29 day of April, 1996.


Jane Maxwell

96018760664

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4334

NAME OF COUNSEL: Bruce D. Sokler

FIRM: Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

ADDRESS: 701 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

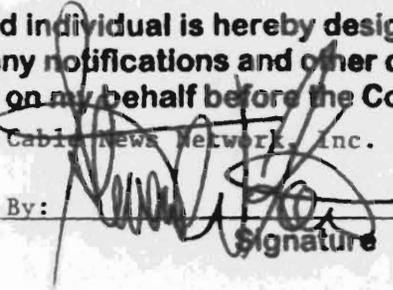
TELEPHONE: (202) 434-7300

FAX: (202) 434-7400

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.

Cable News Network, Inc.

4/18/96
Date

By: 
Signature

RESPONDENT'S NAME: Cable News Network, Inc.

ADDRESS: One CNN Center

Box 105366

Atlanta, Georgia 30348-5366

TELEPHONE: HOME() Not Applicable

BUSINESS(404) 827-1561

96043760665



CITY OF ATLANTA

BILL CAMPBELL
MAYOR

Suite 4100
City Hall Tower
68 Mitchell Street, S.W.
Atlanta, Georgia 30335-0332
(404) 330-8400
FAX (404) 658-6894

DEPARTMENT OF LAW
Clifford E. Hardwick, IV
City Attorney

May 14, 1996

Lois G. Lerner
Associate General Counsel
Office of the General Counsel
Enforcement Division
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 4334

Dear Ms. Lerner:

On behalf of my client, Officer Elizabeth Watson of the Atlanta Police Department, I am submitting this letter in response to a Complaint filed with the Federal Election Commission by Robert W. Haver, Shirley M. Haver, and Charles W. Haver. Although you apparently mailed a copy of this Complaint to Officer Watson on or about April 9, 1996, Ms. Watson routed the Complaint through her chain of command and I did not receive it until today. I am hopeful that you will consider this response even though the fifteen day period has expired. Enclosed with this letter is the completed Statement of Designation of Counsel form.

The Complaint states:

The Secret Service requested that Dr. Keyes be detained when he tried to enter the WSB-TV building, and was placed in handcuffs and physically removed from the premises by the Atlanta Police, and taken away in a squad car. What a travesty that this could happen to such a man as Mr. Keyes. A common criminal is afforded more protection of his rights.

The City of Atlanta submits that the Complaint has failed to allege any violation of equal election opportunity by the Atlanta Police Department or any of its officers, including Officer Watson. Indeed, no section of the relevant Act or

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Federal Election Commission
RE: MUR 4334
May 14, 1996
Page 2

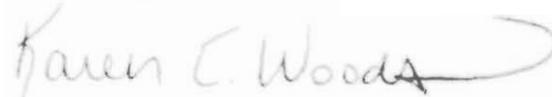
regulations addresses, or even contemplates, any such situation as detainment of a candidate during a debate. The conduct of the Atlanta police did not involve campaign contributions or expenditures. See 2 U.S.C. § 431, *et seq.*

The Code of Federal Regulations which sets forth the criteria for candidate debates refers only to the "staging organizations." 11 C.F.R. § 110.13. The regulation provides that "[f]or all debates, staging organization(s) must use pre-established objective criteria to determine which candidates may participate in a debate." 11 C.F.R. § 110.13(c). The Atlanta Police Department is not a broadcaster, newspaper, magazine, or other staging organization defined by subsection (a) of the regulation. Nor did the Atlanta Police Department or any of its officers play any role in candidate selection. Rather, the police merely sought to enforce Georgia law, as they are charged to do. See O.C.G.A. § 16-7-21(b) (Criminal Trespass). Any claim that the detention of Mr. Keyes violated his rights would have to be brought by Mr. Keyes himself pursuant to the Civil Rights Acts, or state tort law, not the Federal Election Campaigns Act.

Moreover, Officer Elizabeth Watson was assigned to the office detail at Zone 5 of the Atlanta Police Department on the evening of March 3, 1996. She was not assigned to the WSB-TV detail and she was never present at WSB-TV that evening. Rather, she answered the telephones at the Zone 5 precinct and referred all calls regarding the debate to the Special Operations Section (SOS) of the Atlanta Police Department, indicating that SOS and the Secret Service were handling this matter. Thus, Officer Watson had absolutely no contact with Mr. Keyes, nor did she have any personal involvement with the debate, with WSB-TV, or with Mr. Keyes' detainment.

Therefore, on behalf of Officer Elizabeth Watson, I respectfully request that the Commission dismiss the Havers' Complaint to the extent that she is implicated. If anyone in the Office of the General Counsel has any questions, I can be reached at 404-330-6753.

Sincerely yours,



Karen E. Woods
Assistant City Attorney

9604376067

Federal Election Commission

RE: MUR 4334

May 14, 1996

Page 3

Enclosure

cc **Overtis Hicks Brantley**
Deputy City Attorney

Beverly J. Harvard
Chief of Police

Elizabeth Watson
Officer, Zone 5 Evening Watch

96040760608

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4334

NAME OF COUNSEL: Karen E. Woods

FIRM: City of Atlanta Law Dept.

ADDRESS: 68 Mitchell Street, SW

Suite 4100

Atlanta, GA 30335-0332

TELEPHONE: (404) 330-6753

FAX: (404) 658-6894

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.

5/14/96
Date

Elizabeth Watson
Signature by KEW

RESPONDENT'S NAME: Elizabeth Watson

ADDRESS: Atlanta Police Department

Zone 5 Precinct

675 Ponce de Leon Avenue

Atlanta, GA. 30309

TELEPHONE: HOME() _____

BUSINESS (404) 658-7500

960437606-9

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S OFFICE
WASHINGTON, D.C. 20543

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.

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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).

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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.

960437606/2

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:

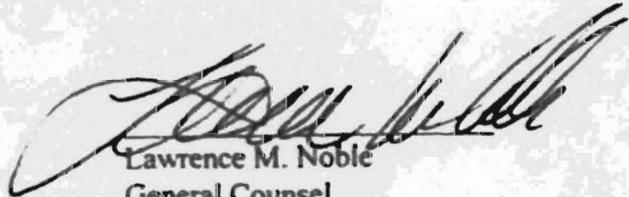
- 1) MUR 4061
- 2) MUR 4074
- 3) MUR 4101
- 4) MUR 4146
- 5) MUR 4151
- 6) MUR 4175
- 7) MUR 4180
- 8) MUR 4184
- 9) MUR 4198
- 10) MUR 4201
- 11) MUR 4227
- 12) MUR 4232
- 13) MUR 4273
- 14) MUR 4290
- 15) MUR 4292
- 16) MUR 4293
- 17) MUR 4294
- 18) MUR 4299
- 19) MUR 4312
- 20) MUR 4316
- 21) MUR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

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- 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

960437606/4

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)

960437606/5

Federal Election Commission
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August 23, 1996

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- 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

96043760616



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEP 06 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert W. Haver
Shirley M. Haver
Charles W. Haver
4169 Kenneth Road
Stow, OH 44224

RE: MUR 4334

Dear Messrs & Ms Haver

On April 9, 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

96043760617

MUR 4334
COX COMMUNICATIONS

Robert, Shirley and Charles Haver filed a complaint based on news accounts alleging that on March 3, 1996, former Ambassador Alan Keyes was prevented from participating in a publicly televised debate held in the broadcast studios of WSB-TV in Atlanta, Georgia. They contend that the U.S. Secret Service requested Ambassador Keyes be detained when he tried to enter the WSB-TV building, and that Ambassador Keyes was placed in handcuffs, physically removed from the premises and taken away in a squad car by the Atlanta Police. Complainants name CNN, WSB-TV and several of its employees, the Secret Service and one of its agents, the Atlanta Police Department, its Chief of Police and two officers, and the Mayor of Atlanta as respondents in the matter.

Counsel for Cox Broadcasting Inc., which operates WSB-TV, raises factual and legal issues with complainants' 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.

CNN, through a sworn affidavit from its Senior Vice President for Special Events, denies any role in the decision to exclude Ambassador Keyes from the debate or to remove him from the debate premises and states it was not a joint sponsor, organizer or stager of the event. Counsel states that CNN's role was limited to televising the debate and that it did so because of its "obvious newsworthiness." Accordingly, counsel relies on the FECA's "news story" exemption at 2 U.S.C. § 431(9)(B)(i) and argues that the FECA provides no cause of action against a news organization that merely televises a debate from which a candidate is excluded.

The City of Atlanta 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

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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.

The Secret Service responds that the complaint contains no allegation of a FECA violation by the Secret Service and is merely a reiteration of media accounts of this incident. According to the Secret Service, no Secret Service employee participated at any time in detaining or removing Ambassador Keyes from the WSB studio. The Secret Services states its involvement was limited to ensuring the safety of presidential candidates Pat Buchanan and Malcolm Forbes

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEP 06 1996

The Honorable William Campbell
Mayor of Atlanta
55 Trinity Avenue, S.W., Suite 2400
Atlanta, GA 30335

RE: MUR 4334

Dear Mayor Campbell:

On April 9, 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 Alva E. Smith at (202) 219-3400.

Sincerely

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

26043760630

MUR 4334
COX COMMUNICATIONS

Robert, Shirley and Charles Haver filed a complaint based on news accounts alleging that on March 3, 1996, former Ambassador Alan Keyes was prevented from participating in a publicly televised debate held in the broadcast studios of WSB-TV in Atlanta, Georgia. They contend that the U.S. Secret Service requested Ambassador Keyes be detained when he tried to enter the WSB-TV building, and that Ambassador Keyes was placed in handcuffs, physically removed from the premises and taken away in a squad car by the Atlanta Police. Complainants name CNN, WSB-TV and several of its employees, the Secret Service and one of its agents, the Atlanta Police Department, its Chief of Police and two officers, and the Mayor of Atlanta as respondents in the matter.

Counsel for Cox Broadcasting Inc., which operates WSB-TV, raises factual and legal issues with complainants' 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.

CNN, through a sworn affidavit from its Senior Vice President for Special Events, denies any role in the decision to exclude Ambassador Keyes from the debate or to remove him from the debate premises and states it was not a joint sponsor, organizer or stager of the event. Counsel states that CNN's role was limited to televising the debate and that it did so because of its "obvious newsworthiness." Accordingly, counsel relies on the FECA's "news story" exemption at 2 U.S.C. § 431(9)(B)(i) and argues that the FECA provides no cause of action against a news organization that merely televises a debate from which a candidate is excluded.

The City of Atlanta 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

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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.

The Secret Service responds that the complaint contains no allegation of a FECA violation by the Secret Service and is merely a reiteration of media accounts of this incident. According to the Secret Service, no Secret Service employee participated at any time in detaining or removing Ambassador Keyes from the WSB studio. The Secret Services states its involvement was limited to ensuring the safety of presidential candidates Pat Buchanan and Malcolm Forbes.

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

2604760632



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

Mike Tarr
U.S. Secret Service
1800 G Street, N.W.
Washington, D.C. 20006

RE: MUR 4334

Dear Mr. Tarr

On April 9, 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)(2) 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 Alva E. Smith at (202) 219-3400.

Sincerely

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

96043760633

MUR 4334
COX COMMUNICATIONS

Robert, Shirley and Charles Haver filed a complaint based on news accounts alleging that on March 3, 1996, former Ambassador Alan Keyes was prevented from participating in a publicly televised debate held in the broadcast studios of WSB-TV in Atlanta, Georgia. They contend that the U.S. Secret Service requested Ambassador Keyes be detained when he tried to enter the WSB-TV building, and that Ambassador Keyes was placed in handcuffs, physically removed from the premises and taken away in a squad car by the Atlanta Police. Complainants name CNN, WSB-TV and several of its employees, the Secret Service and one of its agents, the Atlanta Police Department, its Chief of Police and two officers, and the Mayor of Atlanta as respondents in the matter.

Counsel for Cox Broadcasting Inc., which operates WSB-TV, raises factual and legal issues with complainants' 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.

CNN, through a sworn affidavit from its Senior Vice President for Special Events, denies any role in the decision to exclude Ambassador Keyes from the debate or to remove him from the debate premises and states it was not a joint sponsor, organizer or stager of the event. Counsel states that CNN's role was limited to televising the debate and that it did so because of its "obvious newsworthiness." Accordingly, counsel relies on the FECA's "news story" exemption at 2 U.S.C. § 431(9)(B)(i) and argues that the FECA provides no cause of action against a news organization that merely televises a debate from which a candidate is excluded.

The City of Atlanta 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

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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.

The Secret Service responds that the complaint contains no allegation of a FECA violation by the Secret Service and is merely a reiteration of media accounts of this incident. According to the Secret Service, no Secret Service employee participated at any time in detaining or removing Ambassador Keyes from the WSB studio. The Secret Services states its involvement was limited to ensuring the safety of presidential candidates Pat Buchanan and Maicolm Forbes.

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

Richard S. Miller, Assistant Director
Protective Operations
U.S. Secret Service
1800 G Street, N.W.
Washington, D.C. 20006

RE: MUR 4334

Dear Mr. Miller

On April 9, 1996, the Federal Election Commission notified the Director 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 Secret Service. 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 Alva E. Smith at (202) 219-3400.

Sincerely


Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

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MUR 4334
COX COMMUNICATIONS

Robert, Shirley and Charles Haver filed a complaint based on news accounts alleging that on March 3, 1996, former Ambassador Alan Keyes was prevented from participating in a publicly televised debate held in the broadcast studios of WSB-TV in Atlanta, Georgia. They contend that the U.S. Secret Service requested Ambassador Keyes be detained when he tried to enter the WSB-TV building, and that Ambassador Keyes was placed in handcuffs, physically removed from the premises and taken away in a squad car by the Atlanta Police. Complainants name CNN, WSB-TV and several of its employees, the Secret Service and one of its agents, the Atlanta Police Department, its Chief of Police and two officers, and the Mayor of Atlanta as respondents in the matter.

Counsel for Cox Broadcasting Inc., which operates WSB-TV, raises factual and legal issues with complainants' 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.

CNN, through a sworn affidavit from its Senior Vice President for Special Events, denies any role in the decision to exclude Ambassador Keyes from the debate or to remove him from the debate premises and states it was not a joint sponsor, organizer or stage of the event. Counsel states that CNN's role was limited to televising the debate and that it did so because of its "obvious newsworthiness." Accordingly, counsel relies on the FECA's "news story" exemption at 2 U.S.C. § 431(9)(B)(i) and argues that the FECA provides no cause of action against a news organization that merely televises a debate from which a candidate is excluded.

The City of Atlanta 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

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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.

The Secret Service responds that the complaint contains no allegation of a FECA violation by the Secret Service and is merely a reiteration of media accounts of this incident. According to the Secret Service, no Secret Service employee participated at any time in detaining or removing Ambassador Keyes from the WSB studio. The Secret Services states its involvement was limited to ensuring the safety of presidential candidates Pat Buchanan and Malcolm Forbes.

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEP 06 1996

J. Redlinger, Police Officer
Atlanta Police Department
675 Ponce de Leon Avenue
Atlanta, GA 30309

RE: MUR 4334

Dear Mr. Redlinger:

On April 9, 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 Aiva E. Smith at (202) 219-3400.

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

96040760689

**MUR 4334
COX COMMUNICATIONS**

Robert, Shirley and Charles Haver filed a complaint based on news accounts alleging that on March 3, 1996, former Ambassador Alan Keyes was prevented from participating in a publicly televised debate held in the broadcast studios of WSB-TV in Atlanta, Georgia. They contend that the U.S. Secret Service requested Ambassador Keyes be detained when he tried to enter the WSB-TV building, and that Ambassador Keyes was placed in handcuffs, physically removed from the premises and taken away in a squad car by the Atlanta Police. Complainants name CNN, WSB-TV and several of its employees, the Secret Service and one of its agents, the Atlanta Police Department, its Chief of Police and two officers, and the Mayor of Atlanta as respondents in the matter.

Counsel for Cox Broadcasting Inc., which operates WSB-TV, raises factual and legal issues with complainants' 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.

CNN, through a sworn affidavit from its Senior Vice President for Special Events, denies any role in the decision to exclude Ambassador Keyes from the debate or to remove him from the debate premises and states it was not a joint sponsor, organizer or stager of the event. Counsel states that CNN's role was limited to televising the debate and that it did so because of its "obvious newsworthiness." Accordingly, counsel relies on the FECA's "news story" exemption at 2 U.S.C. § 431(9)(B)(1) and argues that the FECA provides no cause of action against a news organization that merely televises a debate from which a candidate is excluded.

The City of Atlanta 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

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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.

The Secret Service responds that the complaint contains no allegation of a FECA violation by the Secret Service and is merely a reiteration of media accounts of this incident. According to the Secret Service, no Secret Service employee participated at any time in detaining or removing Ambassador Keyes from the WSB studio. The Secret Services states its involvement was limited to ensuring the safety of presidential candidates Pat Buchanan and Malcolm Forbes.

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

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

RE: MUR 4334

Dear Ms. Harvard:

On April 9, 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 and you, as Chief of Police. 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 Alva E. Smith at (202) 219-3400.

Sincerely,


Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

96043760692

MUR 4334
COX COMMUNICATIONS

Robert, Shirley and Charles Haver filed a complaint based on news accounts alleging that on March 3, 1996, former Ambassador Alan Keyes was prevented from participating in a publicly televised debate held in the broadcast studios of WSB-TV in Atlanta, Georgia. They contend that the U.S. Secret Service requested Ambassador Keyes be detained when he tried to enter the WSB-TV building, and that Ambassador Keyes was placed in handcuffs, physically removed from the premises and taken away in a squad car by the Atlanta Police. Complainants name CNN, WSB-TV and several of its employees, the Secret Service and one of its agents, the Atlanta Police Department, its Chief of Police and two officers, and the Mayor of Atlanta as respondents in the matter.

Counsel for Cox Broadcasting Inc., which operates WSB-TV, raises factual and legal issues with complainants' 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.

CNN, through a sworn affidavit from its Senior Vice President for Special Events, denies any role in the decision to exclude Ambassador Keyes from the debate or to remove him from the debate premises and states it was not a joint sponsor, organizer or stager of the event. Counsel states that CNN's role was limited to televising the debate and that it did so because of its "obvious newsworthiness." Accordingly, counsel relies on the FECA's "news story" exemption at 2 U.S.C. § 431(9)(B)(i) and argues that the FECA provides no cause of action against a news organization that merely televises a debate from which a candidate is excluded.

The City of Atlanta 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

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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.

The Secret Service responds that the complaint contains no allegation of a FECA violation by the Secret Service and is merely a reiteration of media accounts of this incident. According to the Secret Service, no Secret Service employee participated at any time in detaining or removing Ambassador Keyes from the WSB studio. The Secret Services states its involvement was limited to ensuring the safety of presidential candidates Pat Buchanan and Malcolm Forbes.

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

Karen E. Woods, Esq.
City of Atlanta Law Dept.
68 Mitchell Street, S.W., Suite 4100
Atlanta, GA 30335-0332

RE: MUR 4334
Elizabeth Watson

Dear Ms. Woods:

On April 9, 1996, the Federal Election Commission notified your client, Elizabeth Watson, 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 your client. 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 Alva E. Smith at (202) 219-3400.

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

96043760695

**MUR 4334
COX COMMUNICATIONS**

Robert, Shirley and Charles Haver filed a complaint based on news accounts alleging that on March 3, 1996, former Ambassador Alan Keyes was prevented from participating in a publicly televised debate held in the broadcast studios of WSB-TV in Atlanta, Georgia. They contend that the U.S. Secret Service requested Ambassador Keyes be detained when he tried to enter the WSB-TV building, and that Ambassador Keyes was placed in handcuffs, physically removed from the premises and taken away in a squad car by the Atlanta Police. Complainants name CNN, WSB-TV and several of its employees, the Secret Service and one of its agents, the Atlanta Police Department, its Chief of Police and two officers, and the Mayor of Atlanta as respondents in the matter.

Counsel for Cox Broadcasting Inc., which operates WSB-TV, raises factual and legal issues with complainants' 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.

CNN, through a sworn affidavit from its Senior Vice President for Special Events, denies any role in the decision to exclude Ambassador Keyes from the debate or to remove him from the debate premises and states it was not a joint sponsor, organizer or stager of the event. Counsel states that CNN's role was limited to televising the debate and that it did so because of its "obvious newsworthiness." Accordingly, counsel relies on the FECA's "news story" exemption at 2 U.S.C. § 431(9)(B)(i) and argues that the FECA provides no cause of action against a news organization that merely televises a debate from which a candidate is excluded.

The City of Atlanta 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

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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.

The Secret Service responds that the complaint contains no allegation of a FECA violation by the Secret Service and is merely a reiteration of media accounts of this incident. According to the Secret Service, no Secret Service employee participated at any time in detaining or removing Ambassador Keyes from the WSB studio. The Secret Services states its involvement was limited to ensuring the safety of presidential candidates Pat Buchanan and Malcolm Forbes.

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

96043760677



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

Bill Nigut, Political Reporter
WSB-TV
1601 West Peachtree Street, NE
Atlanta, GA 30309

RE: MUR 4334

Dear Mr. Nigut

On April 9, 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 Alva E. Smith at (202) 219-3400.

Sincerely

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

96043760698

MUR 4334
COX COMMUNICATIONS

Robert, Shirley and Charles Haver filed a complaint based on news accounts alleging that on March 3, 1996, former Ambassador Alan Keyes was prevented from participating in a publicly televised debate held in the broadcast studios of WSB-TV in Atlanta, Georgia. They contend that the U.S. Secret Service requested Ambassador Keyes be detained when he tried to enter the WSB-TV building, and that Ambassador Keyes was placed in handcuffs, physically removed from the premises and taken away in a squad car by the Atlanta Police. Complainants name CNN, WSB-TV and several of its employees, the Secret Service and one of its agents, the Atlanta Police Department, its Chief of Police and two officers, and the Mayor of Atlanta as respondents in the matter.

Counsel for Cox Broadcasting Inc., which operates WSB-TV, raises factual and legal issues with complainants' 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.

CNN, through a sworn affidavit from its Senior Vice President for Special Events, denies any role in the decision to exclude Ambassador Keyes from the debate or to remove him from the debate premises and states it was not a joint sponsor, organizer or stager of the event. Counsel states that CNN's role was limited to televising the debate and that it did so because of its "obvious newsworthiness." Accordingly, counsel relies on the FECA's "news story" exemption at 2 U.S.C. § 431(9)(B)(i) and argues that the FECA provides no cause of action against a news organization that merely televises a debate from which a candidate is excluded.

The City of Atlanta 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

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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.

The Secret Service responds that the complaint contains no allegation of a FECA violation by the Secret Service and is merely a reiteration of media accounts of this incident. According to the Secret Service, no Secret Service employee participated at any time in detaining or removing Ambassador Keyes from the WSB studio. The Secret Services states its involvement was limited to ensuring the safety of presidential candidates Pat Buchanan and Malcolm Forbes.

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

96043760700



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEP 06 1996

Jonathan Woodin, Station Manager
WSB-TV
1601 West Peachtree Street, NE
Atlanta, GA 30309

RE: MUR 4334

Dear Mr. Woodin:

On April 9, 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 Alva E. Smith at (202) 219-3400.

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

96042760701

MUR 4334
COX COMMUNICATIONS

Robert, Shirley and Charles Haver filed a complaint based on news accounts alleging that on March 3, 1996, former Ambassador Alan Keyes was prevented from participating in a publicly televised debate held in the broadcast studios of WSB-TV in Atlanta, Georgia. They contend that the U.S. Secret Service requested Ambassador Keyes be detained when he tried to enter the WSB-TV building, and that Ambassador Keyes was placed in handcuffs, physically removed from the premises and taken away in a squad car by the Atlanta Police. Complainants name CNN, WSB-TV and several of its employees, the Secret Service and one of its agents, the Atlanta Police Department, its Chief of Police and two officers, and the Mayor of Atlanta as respondents in the matter.

Counsel for Cox Broadcasting Inc., which operates WSB-TV, raises factual and legal issues with complainants' 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.

CNN, through a sworn affidavit from its Senior Vice President for Special Events, denies any role in the decision to exclude Ambassador Keyes from the debate or to remove him from the debate premises and states it was not a joint sponsor, organizer or stage of the event. Counsel states that CNN's role was limited to televising the debate and that it did so because of its "obvious newsworthiness." Accordingly, counsel relies on the FECA's "news story" exemption at 2 U.S.C. § 431(9)(B)(i) and argues that the FECA provides no cause of action against a news organization that merely televises a debate from which a candidate is excluded.

The City of Atlanta 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

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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.

The Secret Service responds that the complaint contains no allegation of a FECA violation by the Secret Service and is merely a reiteration of media accounts of this incident. According to the Secret Service, no Secret Service employee participated at any time in detaining or removing Ambassador Keyes from the WSB studio. The Secret Services states its involvement was limited to ensuring the safety of presidential candidates Pat Buchanan and Malcolm Forbes.

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

Lee Armstrong, Director of Programming
WSB-TV
1601 West Peachtree Street, NE
Atlanta, GA 30309

RE: MUR 4334

Dear Mr. Armstrong:

On April 9, 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 Alva E. Smith at (202) 219-3400.

Sincerely

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

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MUR 4334
COX COMMUNICATIONS

Robert, Shirley and Charles Haver filed a complaint based on news accounts alleging that on March 3, 1996, former Ambassador Alan Keyes was prevented from participating in a publicly televised debate held in the broadcast studios of WSB-TV in Atlanta, Georgia. They contend that the U.S. Secret Service requested Ambassador Keyes be detained when he tried to enter the WSB-TV building, and that Ambassador Keyes was placed in handcuffs, physically removed from the premises and taken away in a squad car by the Atlanta Police. Complainants name CNN, WSB-TV and several of its employees, the Secret Service and one of its agents, the Atlanta Police Department, its Chief of Police and two officers, and the Mayor of Atlanta as respondents in the matter.

Counsel for Cox Broadcasting Inc., which operates WSB-TV, raises factual and legal issues with complainants' 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.

CNN, through a sworn affidavit from its Senior Vice President for Special Events, denies any role in the decision to exclude Ambassador Keyes from the debate or to remove him from the debate premises and states it was not a joint sponsor, organizer or stage of the event. Counsel states that CNN's role was limited to televising the debate and that it did so because of its "obvious newsworthiness." Accordingly, counsel relies on the FECA's "news story" exemption at 2 U.S.C. § 431(9)(B)(i) and argues that the FECA provides no cause of action against a news organization that merely televises a debate from which a candidate is excluded.

The City of Atlanta 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

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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

The Secret Service responds that the complaint contains no allegation of a FECA violation by the Secret Service and is merely a reiteration of media accounts of this incident. According to the Secret Service, no Secret Service employee participated at any time in detaining or removing Ambassador Keyes from the WSB studio. The Secret Services states its involvement was limited to ensuring the safety of presidential candidates Pat Buchanan and Malcolm Forbes

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

98043760706



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

Greg Stone, Vice Pres and General Manager
WSB-TV
1601 West Peachtree Street, NE
Atlanta, GA 30309

RE: MUR 4334

Dear Mr. Stone

On April 9, 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 Alva E. Smith at (202) 219-3400.

Sincerely

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

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MUR 4334
COX COMMUNICATIONS

Robert, Shirley and Charles Haver filed a complaint based on news accounts alleging that on March 3, 1996, former Ambassador Alan Keyes was prevented from participating in a publicly televised debate held in the broadcast studios of WSB-TV in Atlanta, Georgia. They contend that the U.S. Secret Service requested Ambassador Keyes be detained when he tried to enter the WSB-TV building, and that Ambassador Keyes was placed in handcuffs, physically removed from the premises and taken away in a squad car by the Atlanta Police. Complainants name CNN, WSB-TV and several of its employees, the Secret Service and one of its agents, the Atlanta Police Department, its Chief of Police and two officers, and the Mayor of Atlanta as respondents in the matter.

Counsel for Cox Broadcasting Inc., which operates WSB-TV, raises factual and legal issues with complainants' 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 state. 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.

CNN, through a sworn affidavit from its Senior Vice President for Special Events, denies any role in the decision to exclude Ambassador Keyes from the debate or to remove him from the debate premises and states it was not a joint sponsor, organizer or stager of the event. Counsel states that CNN's role was limited to televising the debate and that it did so because of its "obvious newsworthiness." Accordingly, counsel relies on the FECA's "news story" exemption at 28 S.C. § 431(9)(B)(i) and argues that the FECA provides no cause of action against a news organization that merely televises a debate from which a candidate is excluded.

The City of Atlanta 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

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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.

The Secret Service responds that the complaint contains no allegation of a FECA violation by the Secret Service and is merely a reiteration of media accounts of this incident. According to the Secret Service, no Secret Service employee participated at any time in detaining or removing Ambassador Keyes from the WSB studio. The Secret Services states its involvement was limited to ensuring the safety of presidential candidates Pat Buchanan and Malcolm Forbes.

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

Bruce D. Sokler, Esq.
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKI AND POPEO, P.C.
701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

RE: MUR 4334
Cable News Network, Inc.

Dear Mr. Sokler:

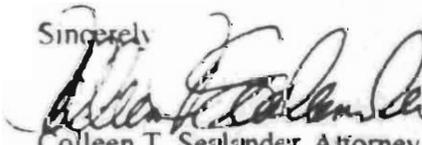
On April 9, 1996, the Federal Election Commission notified your client, Cable News Network, Inc., of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

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

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If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,


Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

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**MUR 4334
COX COMMUNICATIONS**

Robert, Shirley and Charles Haver filed a complaint based on news accounts alleging that on March 3, 1996, former Ambassador Alan Keyes was prevented from participating in a publicly televised debate held in the broadcast studios of WSB-TV in Atlanta, Georgia. They contend that the U.S. Secret Service requested Ambassador Keyes be detained when he tried to enter the WSB-TV building, and that Ambassador Keyes was placed in handcuffs, physically removed from the premises and taken away in a squad car by the Atlanta Police. Complainants name CNN, WSB-TV and several of its employees, the Secret Service and one of its agents, the Atlanta Police Department, its Chief of Police and two officers, and the Mayor of Atlanta as respondents in the matter.

Counsel for Cox Broadcasting Inc., which operates WSB-TV, raises factual and legal issues with complainants' 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.

CNN, through a sworn affidavit from its Senior Vice President for Special Events, denies any role in the decision to exclude Ambassador Keyes from the debate or to remove him from the debate premises and states it was not a joint sponsor, organizer or stager of the event. Counsel states that CNN's role was limited to televising the debate and that it did so because of its "obvious newsworthiness." Accordingly, counsel relies on the FECA's "news story" exemption at 2 U.S.C. § 431(9)(B)(1) and argues that the FECA provides no cause of action against a news organization that merely televises a debate from which a candidate is excluded.

The City of Atlanta 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

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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.

The Secret Service responds that the complaint contains no allegation of a FECA violation by the Secret Service and is merely a reiteration of media accounts of this incident. According to the Secret Service, no Secret Service employee participated at any time in detaining or removing Ambassador Keyes from the WSB studio. The Secret Services states its involvement was limited to ensuring the safety of presidential candidates Pat Buchanan and Malcolm Forbes.

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEP 06 1996

James Treanor, Esq
John Logan, Esq
DOW & LOHNES & ALBERTSON
1200 New Hampshire Ave., N.W., Suite 800
Washington, D.C. 20036-6802

RE MUR 4334
Cox Broadcasting, Inc. and WSB-TV

Dear Messrs Treanor and Logan

On April 9, 1996, the Federal Election Commission notified your clients, Cox Broadcasting, Inc. and WSB-TV, 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 your clients. See attached narrative. Accordingly, the Commission closed its file in this matter on September 3, 1996.

The confidentiality provisions of 2 U.S.C. § 437(g)(1)(2) 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 Alva E. Smith at (202) 219-3400.

Sincerely

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

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MUR 4334
COX COMMUNICATIONS

Robert, Shirley and Charles Haver filed a complaint based on news accounts alleging that on March 3, 1996, former Ambassador Alan Keyes was prevented from participating in a publicly televised debate held in the broadcast studios of WSB-TV in Atlanta, Georgia. They contend that the U.S. Secret Service requested Ambassador Keyes be detained when he tried to enter the WSB-TV building, and that Ambassador Keyes was placed in handcuffs, physically removed from the premises and taken away in a squad car by the Atlanta Police. Complainants name CNN, WSB-TV and several of its employees, the Secret Service and one of its agents, the Atlanta Police Department, its Chief of Police and two officers, and the Mayor of Atlanta as respondents in the matter.

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The City of Atlanta 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

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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.

The Secret Service responds that the complaint contains no allegation of a FECA violation by the Secret Service and is merely a reiteration of media accounts of this incident. According to the Secret Service, no Secret Service employee participated at any time in detaining or removing Ambassador Keyes from the WSB studio. The Secret Services states its involvement was limited to ensuring the safety of presidential candidates Pat Buchanan and Malcolm Forbes.

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SEP 06 1996

Peter Canfield
DOW, LOHNES & ALBERTSON
One Ravinia Drive, Suite 1600
Atlanta, GA 30346

RE: MUR 4334
Cox Broadcasting, Inc. and WSB-TV

Dear Mr. Canfield:

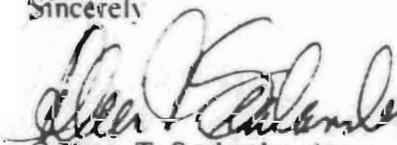
On April 9, 1996, the Federal Election Commission notified your clients, Cox Broadcasting, Inc. and WSB-TV, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. 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)(2) 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 Alva E. Smith at (202) 219-3400.

Sincerely


Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

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MUR 4334
COX COMMUNICATIONS

Robert, Shirley and Charles Haver filed a complaint based on news accounts alleging that on March 3, 1996, former Ambassador Alan Keyes was prevented from participating in a publicly televised debate held in the broadcast studios of WSB-TV in Atlanta, Georgia. They contend that the U.S. Secret Service requested Ambassador Keyes be detained when he tried to enter the WSB-TV building, and that Ambassador Keyes was placed in handcuffs, physically removed from the premises and taken away in a squad car by the Atlanta Police. Complainants name CNN, WSB-TV and several of its employees, the Secret Service and one of its agents, the Atlanta Police Department, its Chief of Police and two officers, and the Mayor of Atlanta as respondents in the matter.

Counsel for Cox Broadcasting Inc., which operates WSB-TV, raises factual and legal issues with complainants' 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.

CNN, through a sworn affidavit from its Senior Vice President for Special Events, denies any role in the decision to exclude Ambassador Keyes from the debate or to remove him from the debate premises and states it was not a joint sponsor, organizer or stager of the event. Counsel states that CNN's role was limited to televising the debate and that it did so because of its "obvious newsworthiness." Accordingly, counsel relies on the FECA's "news story" exemption at 2 U.S.C. § 431(9)(B)(i) and argues that the FECA provides no cause of action against a news organization that merely televises a debate from which a candidate is excluded.

The City of Atlanta 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

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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.

The Secret Service responds that the complaint contains no allegation of a FECA violation by the Secret Service and is merely a reiteration of media accounts of this incident. According to the Secret Service, no Secret Service employee participated at any time in detaining or removing Ambassador Keves from the WSB studio. The Secret Services states its involvement was limited to ensuring the safety of presidential candidates Pat Buchanan and Malcolm Forbes.

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

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WASHINGTON, D C 20463

THIS IS THE END OF MUR # 4334

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