



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4339

DATE FILMED 10-9-96 CAMERA NO. 2

CAMERAMAN JMK

96043760744

COMPLAINT

MU 4339

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
APR 15 2 39 PM '96

1. My name is James I. Hilliard, Jr. I reside at 49 Lynwood Road, Storrs, CT 06268. I am over the age of 18 and I understand the importance and obligations of an oath.
2. I am entering this complaint against television station WSB-TV in Atlanta, Georgia.
3. This complaint is based upon an electronic correspondence from WSB-TV (Attachment A), and a written correspondence from presidential candidate Alan Keyes (Attachment B). Additionally, reports from other media outlets, including WFAN-AM, New York, KDKA-AM, Pittsburgh, and C-SPAN cable network have informed this complaint.
4. I allege that WSB-TV denied fair media coverage to certain presidential candidates, including Mr. Alan Keyes, U.S. Rep. Robert K. Dornan, U.S. Sen. Richard Lugar and Mr. Morry Taylor. According to Mr. Keyes, a credentialed candidate in the Georgia Republican primary and other state primaries and caucuses, an invitation was issued by the Atlanta Press Club for a debate to be held Sunday, March 3, 1996. When the sponsorship of the debate was changed from the Atlanta Press Club to WSB-TV, Mr. Keyes and Mr. Dornan were excluded from the debate, and their invitations withdrawn. WSB-TV indicates that it is "common practice" at that stage in a campaign to include only the campaign "front-runners" in debates. In particular, Mr. Keyes was not included in this group, even though in previous primaries he had placed within a few thousand, and in some cases, a few hundred votes of those considered "front-runners," and had previously been invited to participate.

In this case, I suggest that Mr. Keyes requested a similar forum as the other candidates were given, free of charge, and that WSB-TV should have complied. Instead, when Mr. Keyes requested admittance to the debate, he was handcuffed and detained by Atlanta police. I allege that this denial and subsequent detainment constitutes a violation of equal election opportunity, and should be investigated further.

5. Supporting documentation is attached to this statement

Please contact with regard to this complaint

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

James I. Hilliard, Jr.  
James I. Hilliard, Jr.

L. Diane Stowe  
L. Diane Stowe  
Notary Public

My Commission Expires on  
August 31, 1997

cc: Mr. Alan Keyes

96043760745



na with the same four candidates. Ambassador Keyes did not agree with this process. Many of his supporters called our station to protest.

Then, over the weekend, Keyes supporters pitched tents on WSB-TV's front lawn. But we did not have them removed from the property.

Sunday night, only minutes before the debate was going to begin, Ambassador Keyes tried to enter WSB-TV studios forcibly and was blocked by station employees. When Ambassador Keyes continued to try to physically push his way into the building, a member of the Atlanta Police Department took him away from the doorway.

Channel 2 never asked police to arrest Ambassador Keyes and never asked police to press charges. In fact, police were already at the station to help us and the Secret Service provide security.

Our primary concerns Sunday night were to protect the integrity of the debate. More. [6D. [Kbate under its established guidelines and to provide a safe environment for the participants, media, invited guests and everyone concerned.

We felt it was important for you to have ALL the information about Sunday night's unfortunate turn of events. We hope this sets the record straight."

--PART.BOUNDARY.0.8468.mail02.mail.aol.com.826581661--

.[lm  
<W>ait, <B>ack, <C>ubby, <F>wd, <D>el, <R>eply, <A>gain, <N>ext, or <S>top?

96043760747

# Urgent Gram

PRIORITY MESSAGE FROM ALAN KEYES

HILLIARD  
49 LYNWOOD RD  
STORRS, CT 06268

March 7, 1996

Dear HILLIARD:

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

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

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

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

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

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

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

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

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

The media can't manipulate elections, keep candidates from (over...)

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speaking to you, the people, without destroying the integrity of our entire political process. You must not allow media dictators to preselect who's going to be heard by the people. That's the way the communists always did it in the Soviet Union!

So I'm again going to need your help if I am to keep up the fight against this kind of outrage -- and get the message you hold dear to every single American.

Quite frankly, we need to raise \$150,000 within the next week just to keep our bills and expenses paid, and keep up the grueling campaign schedule and numerous appearances ahead.

Please send the largest gift you possibly can. I'm really counting on you to send \$100 or even \$50. If you can send more than \$100 please do. If you can't send \$50, please send whatever you can -- even if it's only \$5 or \$10.

And together we will preserve American life as our Founding Fathers intended. An America where freedom requires constraint and respect for the laws of God. An America where you do not have the right to do wrong. And an America where a candidate for President, when he "gets in the way," is never "taken for a ride" as I was last Sunday night!

Do not allow the message to be shackled -- as was the messenger!

So please mail the postcards today. Then clip and return the reply form and return it with your gift letting me know you mailed the postcards. Please do it today.

Your friend and partner



Alan Keyes

-----  
**URGENT REPLY FORM**

**YES!** Alan. I will continue to stand with you in your battle to preserve American freedom and unity. I am mailing my postcards today. Enclosed is a gift to help you sound the message of true renewal throughout America:

\$250;     \$100;     \$50;     Other \$ \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

The Federal Election Commission requires this information. Providing it will help match your contribution dollar for dollar up to \$250!

Your occupation \_\_\_\_\_ Home Phone \_\_\_\_\_  
(If self-employed write "self-employed"; If retired or homemaker, please indicate)  
Name of employer \_\_\_\_\_  
(If none, put "none")

Make checks payable to:

Alan Keyes for President '96, 611 Pennsylvania Avenue, S.E., Suite 1150, Washington, DC 20003-4303  
1-500-4DR KEYES

96043760749

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 JAMES HILLIARD  
Address 49 LYNWOOD RD  
City STORRS State CT Zip 06268

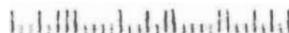
James and Christine Hilliard  
49 Lynwood Road  
Storrs, CT. 06268



RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

MAR 21 9 45 AM '96

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



96043760750



FEDERAL ELECTION COMMISSION

Washington, DC 20463

April 17, 1996

James I. Hilliard, Jr.  
49 Lynwood Road  
Storrs, CT 06268

RE: MUR 4339

Dear Mr. Hilliard:

This letter acknowledges receipt on April 15, 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 4339. 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. Lemer*

Lois G. Lemer  
Associate General Counsel

(by 70H)

Enclosure  
Procedures

96004160751



**FEDERAL ELECTION COMMISSION**

Washington, DC 20463

*April 17, 1996*

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

RE: MUR 4339

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that WSB-TV may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4339. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against WSB-TV in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This 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.

96045760752

If you have any questions, please contact a member of the Central Enforcement Docket 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*  
(by F.B.H.)

Lois G. Lerner  
Associate General Counsel

Enclosures

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

96043760753



**FEDERAL ELECTION COMMISSION**

Washington, DC 20463

April 17, 1996

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

RE: MUR 4339

Dear Chief Harbard:

The Federal Election Commission received a complaint which indicates that the Atlanta Police Department may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4339. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Atlanta Police Department in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This 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.

9604376074

If you have any questions, please contact a member of the Central Enforcement Docket 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*  
(by 70H)

Lois G. Lerner  
Associate General Counsel

Enclosures

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

9604760755

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
DOW, LOHMEYER & ALBERTSON  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

ORIGINAL

JOHN S. LOGAN  
DIRECT DIAL 202-776-2640

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

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

MAY 1 2 12 PM '96  
WASHINGTON, D.C.

May 1, 1996

**VIA HAND DELIVERY**

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

Re: Cox Broadcasting, Inc.: Complaint of James Hilliard  
MUR-4339

Dear Ms. Lerner:

Cox Broadcasting, Inc. ("Cox"), by its attorneys, hereby responds to the complaint filed with the Commission by James Hilliard under above-referenced MUR number. CT Corporation System, agent for process for Cox, received a copy of the complaint on April 23, 1996, by letter from you dated April 17, 1996. 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.

The complaint arises from the complainant's viewing of broadcast news coverage, press releases, and newspaper stories surrounding a Republican presidential candidate debate 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.<sup>1</sup> 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 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

<sup>1</sup> The 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.  
May 1, 1996  
Page 2

debates to take place without him, the matter was placed in the hands of law enforcement authorities.

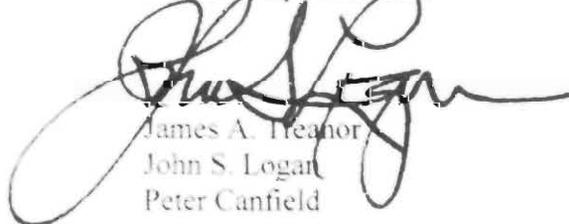
Although the complaint generally requests an investigation into violations of federal election laws arising from this event, the complaint does not describe any law or rule within the jurisdiction of the Commission that Cox Broadcasting, Inc. or its employees might have violated. Also, the facts recounted by the complainant, 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 an unlawful "denial of equal election opportunity." 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 to the top four 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 complainant does 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.

A statement of Designation of Counsel for an earlier-filed submissions in this matter is included with the response of Cox Broadcasting, Inc. to MUR-4333, and is incorporated by reference (copy attached).

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

Respectfully submitted,



James A. Treanor  
John S. Logan  
Peter Canfield

96043760757

**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

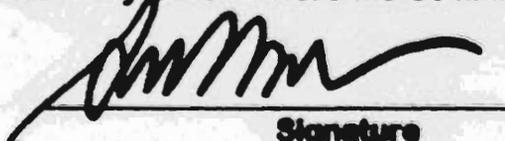
770/901-8857

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

96043760758



# CITY OF ATLANTA

BILL CAMPBELL  
MAYOR

Suite 4100  
City Hall Tower  
68 Mitchell Street, S.W.  
Atlanta, Georgia 30335-0332  
(404) 330-6400  
FAX (404) 658-6894

DEPARTMENT OF LAW  
Clifford E. Hardwick, IV  
City Attorney

May 1, 1996

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

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
Mar 8 12 17 PM '96

RE: MUR 4339

Dear Ms. Lerner:

Enclosed please find a Statement of Designation of Counsel authorizing Overtis Hicks Brantley and me to serve as counsel for Chief Beverly Harvard in the above-referenced matter. As your correspondence and the complaint attached thereto were received by the Atlanta Police Department on April 25, 1996, I understand that the Department's response is due by May 10, 1996.

If you have any questions, I can be reached at 404-330-6753.

Sincerely yours,

Karen E. Woods  
Assistant City Attorney

Enclosures

cc: Overtis Hicks Brantley  
Deputy City Attorney

Beverly J. Harvard  
Chief of Police

96043760799

**STATEMENT OF DESIGNATION OF COUNSEL**

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
MAY 8 12 18 PM '96

MUR 4339

NAME OF COUNSEL: Overtis Hicks Brantley/Karen E. Woods

FIRM: City of Atlanta Law Department

ADDRESS: 68 Mitchell Street, S.W.

Suite 4100

Atlanta, GA 30335-0332

TELEPHONE: (404) 330-6400

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.

5/1/96  
Date

Beverly J. Harvard  
Signature *with express permission by KEW*

RESPONDENT'S NAME: Chief Beverly Harvard

ADDRESS: Atlanta Police Department

175 Decatur Street, S.E.

Atlanta, GA 30335

TELEPHONE: HOME( ) \_\_\_\_\_

BUSINESS(404 ) 817-6900

960476070



# CITY OF ATLANTA

BILL CAMPBELL  
MAYOR

Suite 410G  
City Hall Tower  
68 Mitchell Street, S.W.  
Atlanta, Georgia 30335-0332  
(404) 330-6400  
FAX (404) 658-6894

DEPARTMENT OF LAW  
Clifford E. Hardwick, IV  
City Attorney

May 6, 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 4339

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
JUN 26 12 58 PM '96

Dear Ms. Lerner:

On behalf of my client, the City of Atlanta, I am submitting this letter in response to a Complaint filed with the Federal Election Commission by James I. Hilliard. Chief Beverly Harvard of the Atlanta Police Department received your correspondence of April 17, 1996, to which you attached a copy of the Complaint, on April 25, 1996. Therefore, the City's response is due May 10, 1996.

In paragraph 2 of the Complaint, Mr. Hilliard states that he is "entering this complaint against television station WSB-TV in Atlanta, Georgia." Nonetheless, I understand that your office is seeking a response from the Atlanta Police Department because Mr. Hilliard noted in paragraph 4 of his Complaint that Mr. Alan Keyes "was handcuffed and detained by Atlanta police" after WSB-TV refused to admit Mr. Keyes to a televised debate. Mr. Hilliard alleges that Mr. Keyes' detainment constituted a violation of equal election opportunity.

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

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Federal Election Commission

RE: MUR 4334

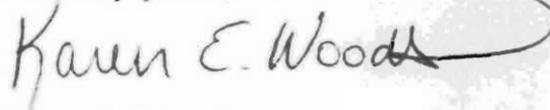
May 6, 1996

Page 2

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 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.

Therefore, the City of Atlanta respectfully requests that the Commission dismiss the Complaint filed by Mr. Hilliard to the extent that it involves the Atlanta Police Department. 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

cc: Overtis Hicks Brantley  
Deputy City Attorney

Beverly J. Harvard  
Chief of Police

96043780762

**BEFORE THE FEDERAL ELECTION COMMISSION**

AUG 14 4 50 PM '96

In the Matter of

)  
)  
)

Enforcement Priority

**SENSITIVE**

**GENERAL COUNSEL'S REPORT**

**I. INTRODUCTION**

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

**II. CASES RECOMMENDED FOR CLOSING**

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

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

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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.<sup>1</sup> 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

<sup>1</sup> 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.

9-60-43760765

**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:**

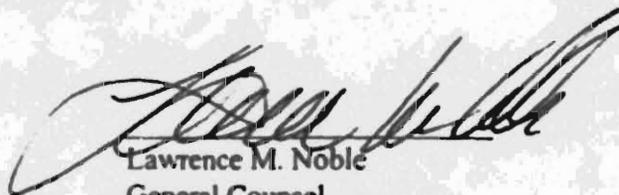
- 1) MUR 4061
- 2) MUR 4074
- 3) MUR 4101
- 4) MUR 4146
- 5) MUR 4151
- 6) MUR 4175
- 7) MUR 4180
- 8) MUR 4184
- 9) MUR 4198
- 10) MUR 4201
- 11) MUR 4227
- 12) MUR 4232
- 13) MUR 4273
- 14) MUR 4290
- 15) MUR 4292
- 16) MUR 4293
- 17) MUR 4294
- 18) MUR 4299
- 19) MUR 4312
- 20) MUR 4316
- 21) MUR 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

66043760767

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 95NP-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)

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Federal Election Commission  
Certification for Enforcement  
Priority  
August 23, 1996

Page 2

- 10) MUR 4227
- 11) MUR 4232
- 12) MUR 4273
- 13) MUR 4290
- 14) MUR 4292
- 15) MUR 4293
- 16) MUR 4294
- 17) MUR 4299
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- 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

96047760709



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

SEP 06 1996

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

James I. Hilliard, Jr.  
49 Lynwood Road  
Storrs, CT 06268

RE: MUR 4339

Dear Mr. Hilliard:

On April 15, 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

26043760770

**MUR 4339**  
**WSB-TV**

James T. Hilliard filed a complaint alleging that Atlanta's WSB-TV and the Atlanta Police Department denied fair media coverage to certain presidential candidates when Alan Keyes and three other Republican presidential candidates were denied access to a debate held on March 3, 1996. He further alleges that when the sponsorship of the debate was changed from the Atlanta Press Club to WSB-TV Mr. Keyes and others were excluded from the debate and their invitations withdrawn. He contends that this denial and subsequent detainment constitutes a violation of equal election opportunity.

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

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

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

304376071



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

SEP 06 1996

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

RE: MUR 4339  
Atlanta Police Department

Dear Ms. Woods:

On April 17, 1996, the Federal Election Commission notified your client of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

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

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

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

Sincerely,

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Attachment  
Narrative

96043760712

**MUR 4339**  
**WSB-TV**

James T. Hilliard filed a complaint alleging that Atlanta's WSB-TV and the Atlanta Police Department denied fair media coverage to certain presidential candidates when Alan Keyes and three other Republican presidential candidates were denied access to a debate held on March 3, 1996. He further alleges that when the sponsorship of the debate was changed from the Atlanta Press Club to WSB-TV Mr. Keyes and others were excluded from the debate and their invitations withdrawn. He contends that this denial and subsequent detainment constitutes a violation of equal election opportunity.

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

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

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

26043760773



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

SEP 06 1996

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

RE: MUR 4339  
WSB-TV

Dear Mr. Treanor:

On April 17, 1996, the Federal Election Commission notified your client of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

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

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

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

Sincerely,

Colleen T. Sealander, Attorney  
Central Enforcement Docket

Attachment  
Narrative

36043760774

**MUR 4339**  
**WSB-TV**

James T. Hilliard filed a complaint alleging that Atlanta's WSB-TV and the Atlanta Police Department denied fair media coverage to certain presidential candidates when Alan Keyes and three other Republican presidential candidates were denied access to a debate held on March 3, 1996. He further alleges that when the sponsorship of the debate was changed from the Atlanta Press Club to WSB-TV Mr. Keyes and others were excluded from the debate and their invitations withdrawn. He contends that this denial and subsequent detainment constitutes a violation of equal election opportunity.

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

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4339

DATE FILMED 10-9-96 CAMERA NO. 2

CAMERAMAN JMN

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