



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

THIS IS THE BEGINNING OF MUR # 4602

DATE FILMED 3/11/98 CAMERA NO. 2

CAMERAMAN EES

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# NATURAL LAW PARTY

OF CONNECTICUT

10 Mill Bank Road, Westport, CT 06880  
Telephone: (203) 221-1792 Fax: (203) 222-8507

DEC 23 2 37 PM '95

FEDERAL ELECTIONS  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

MUR 4602

December 17, 1996

Federal Elections Commission  
Office of the General Counsel  
999 E Street, N.W.  
Washington, D.C. 20463

Re FECA Complaint

To Whom It May concern

The Natural Law Party of Connecticut and Bernard Nevas (collectively "Complainants") hereby submit this complaint against WFSB TV Channel 3, 3 Constitution Plaza, Hartford, CT 06103 ("Respondent")

The Respondent has violated 11 CFR § 110.13(c) which states:

*Criteria for candidate selection.* For all debates, staging organizations(s) must use pre-established objective criteria to determine which candidates may participate in a debate. For general election debates, staging organization(s) shall not use nomination by a particular political party as the sole objective criterion to determine whether to include a candidate in the debate.

The Respondent staged and televised a series of debates for candidates of the 2<sup>nd</sup> and 3<sup>rd</sup> Congressional Districts to which it invited the Republican and Democratic candidates but refused to invite third party candidates including Tom Hall and Gail Dalby, Natural Law Party candidates for those offices. It had established no criteria in advance but arbitrarily chose only the two major party candidates. A letter informing them that they were violating the FEC regulations was delivered to them prior to the recording or airing of the debates.

Enclosed please find a copy of the letter and a videotape of part or all of the debates as aired by the Respondent.

If the FEC were to permit television stations to stage and air such programs the purpose of the above regulation and the FEC in giving third party candidates reasonable access to the media will be totally defeated.

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The complainant desires an opportunity to respond to arguments or allegations of the Respondent.

BERNARD NEVAS

THE NATURAL LAW PARTY  
OF CONNECTICUT

*Bernard Nevas*

By *Bernard A. Nevas*  
Bernard A. Nevas, Co-chair

Subscribed and sworn to before me  
this 17<sup>th</sup> day of December 1996

Subscribed and sworn to before me  
this 17<sup>th</sup> day of December 1996

*Janet DiPrisco*  
Janet DiPrisco  
Notary Public  
my commission expires: 7/31/99

*Janet DiPrisco*  
Janet DiPrisco  
Notary Public  
my commission expires: 7/31/99

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# NATURAL LAW PARTY

OF CONNECTICUT

10 Mill Bank Road, Westport, CT 06880  
Telephone: (203) 221-1792 Fax: (203) 222-8507

October 17, 1996

Dick Ahles  
Vice President for News  
and Public Affairs  
Chanel 3  
3 Constitution Plaza  
Hartford, CT 06103

Via Fax and Mail

Dear Mr. Ahles,

This letter is a result of a number of telephone calls between yourself, Gail and Richard Dalby and myself. I understand that you are going to be running a series of what will be debate type programs during your CT96 program that runs Sundays at 11:00 AM. You are claiming that this is just a news program and therefore exempt from FEC regulations. However, you are not merely covering an event, you are staging the event. This brings you into the area covered by the Federal Elections Commission's regulations concerning candidate debates and forums. The federal regulation 11 CFR § 110.13(c) states:

*Criteria for candidate selection.* For all debates, staging organizations(s) must use pre-established objective criteria to determine which candidates may participate in a debate. For general election debates, staging organization(s) shall not use nomination by a particular political party as the sole objective criterion to determine whether to include a candidate in the debate.

As you told me on the phone, you do not have pre-established selection criteria you merely decided to exclude all but the Republican and Democratic candidates because there were too many third party candidates. This clearly does not comply with the above regulation.

The role of third parties is vital in the history of the United States. Historians who have studied the matter state that 90% of the new ideas adopted in our country originate in third parties. Abolition of slavery, women suffrage, minimum wage, social security and many other ideas originated with third parties. Sponsors of debates should view its role as presenting the public with all the views expressed during the election and not act as a filter for only those ideas that the major party candidates choose to present. Recent polls show that 70% of the voters want to hear

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from third parties

In this year when so many people want to hear from third parties, I would hope that you would want to present the public with the new ideas they want to hear about, even if you were not under legal obligation to do so. It is obvious from the Republican primary debates that having more than 2 candidates is feasible. Many other staging organizations are doing so.

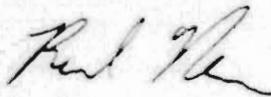
Please let me remind you of the statement of Chief Justice Earl Warren in a free speech case in 1968.

"All political ideas cannot and should not be channeled into the programs of our two major parties. History has amply proven the virtue of political activity by minority dissidents, which innumerable times have been in the vanguard of democratic thought and its programs are ultimately accepted. The absence of such voices would be a symptom of grave illness in our society." See *Sweezy v. New Hampshire*, 354 U.S. 234 (1957)

I am requesting that you reconsider your position on allowing Mr. Hall and Mrs. Dalby to participate in the debates you are sponsoring and broadcasting. I spoke to the Federal Election Commission today, which informed me that our recourse would be to file a complaint with them. I hope that it will not come to this.

If you do not grant that request and go forward with the programs without the Natural Law Party candidates then let this letter be a request for equal access before the election in addition to and not in substitution for the above request to participate in the debates.

Very truly yours,



Bernard Nevas  
Co-chair

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FEDERAL ELECTION COMMISSION  
Washington, DC 20463

December 30, 1996

Barnard Nevas, Co-Chair  
The Natural Law Party of Connecticut  
10 Mill Bank Road  
Westport, CT 06880

RE: MUR 4602

Dear Mr. Nevas:

This letter acknowledges receipt on December 23, 1996, of the complaint you filed 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 4602. 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,

A handwritten signature in black ink, appearing to read "F. Andrew Tutley".

F. Andrew Tutley  
Supervisor Attorney  
Central Enforcement Docket

Enclosure  
Procedures

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FEDERAL ELECTION COMMISSION

Washington, DC 20463

December 30, 1996

Christopher J. Rohrs, General Manager  
WFSB TV Channel 3  
3 Constitution Plaza  
Hartford, CT 06103

RE: MUR 4602

Dear Mr. Rohrs:

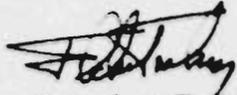
The Federal Election Commission received a complaint which indicates that WFSB TV Channel 3 may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4602. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against WFSB TV Channel 3 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.

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,



F. Andrew Tufley  
Supervisory Attorney  
Central Enforcement Docket

Enclosures

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

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January 10, 1997

F. Andrew Turley, Esq.  
Federal Election Commission  
Office of General Counsel  
999 E. Street, N.W.  
Washington, D.C. 20463

Re: MUR4602

Dear Mr. Turley:

I am in-house counsel for Post-Newsweek Stations, Connecticut, Inc. the owner/operator of television station WFSB TV Channel 3 (WFSB) in Hartford, Connecticut. This letter responds to your correspondence dated December 30, 1996 regarding the complaint filed by the Natural Law Party of Connecticut and Bernard Nevas. For the following reasons, WFSB has not violated 11 CFR §11D.13(c) or any other provision of the FEC rules.

CT 96 is a regularly scheduled weekly news interview program that has been broadcast on WFSB since 1993 on Sunday morning at 11. The program deals with issues of interest and concern to the people of Connecticut through interviews with newsmakers. Guests can include office holders, educators, religious leaders, persons involved in the arts, sports, the media and any other discipline that impacts upon Connecticut citizens. Selection of guests is made by the program's host, who is the station's political reporter, and the program's producer and executive producer.

Prior to the 1996 election, some incumbent members of Congress and their challengers were among the guests solely for their news value. A review of the polls and other media coverage, including newspaper coverage demonstrated that the candidates selected were the top contenders for office. The party affiliation was not the sole or even primary consideration used by the station to invite candidates. All of the Congressional candidates interviewed were Democrats or Republicans, but not every Democratic and Republican Congressional candidate was invited to appear.

WFSB is aware of its obligation to the public to stage fair and impartial debates. We chose not to place every conceivable candidate for office in CT 96. To do so would have been burdensome to the station. The recent Presidential debates between Senator Bob Dole and President Bill Clinton demonstrated that the majority of stations and others inviting candidates to

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F. Andrew Hurley, Esq.  
January 10, 1997  
Page 2

participate in similar programs, have opted only to focus on the top candidates. Clearly, the Natural Law Party of Connecticut's candidates were not among the top contenders for the office. If their candidates were considered among the top contenders, WFSB would have included them in the program.

For the foregoing reasons, WFSB believes no further action should be taken.

If you have any questions, please do not hesitate to contact me at (860) 493-6538.

Sincerely,



Robert E. Branson  
Vice President, Chief Legal Counsel

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OATH

I, Robert E. Branson, affirm that the above information is true and correct to the best of my knowledge, information and belief.

*Robert E. Branson*

Robert E. Branson

*K. Renee Littler*

*Notary Public*

K. RENEE LITTLER  
NOTARY PUBLIC  
MY COMMISSION EXPIRES APR 30, 2000

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# STATEMENT OF DESIGNATION OF COUNSEL

MUR 4602

NAME OF COUNSEL: Robert E. Branson

FIRM: Post-Newsweek Stations, Inc.

ADDRESS: 3 Constitution Plaza

Hartford, Connecticut 06103

TELEPHONE: (860) 493-6539

FAX: (860) 493-2490

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.

1-10-92  
Date

Robert E. Branson  
Signature

RESPONDENT'S NAME: Christopher J. Rohrs

ADDRESS: Post-Newsweek Stations, Connecticut, Inc. (WFSB)

3 Constitution Plaza

Hartford, Connecticut 06103

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

BUSINESS(860-) 244-1753

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BEFORE THE FEDERAL ELECTION COMMISSION

FEB 11 3 17 PM '03

In the Matter of

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)  
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CASE CLOSURES UNDER  
ENFORCEMENT PRIORITY

GENERAL COUNSEL'S REPORT

I. INTRODUCTION.

The cases listed below have been identified as either stale or of low priority based upon evaluation under the Enforcement Priority System (EPS). This report is submitted to recommend that the Commission no longer pursue these cases.

II. CASES RECOMMENDED FOR CLOSURE.

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

EPS was created to identify pending cases which, due to the length of their pendency in inactive status or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditure of resources. Central Enforcement Docket (CED) evaluates each incoming matter using Commission-approved criteria which results in a numerical rating of each case.

Closing cases permits the

Commission to focus its limited resources on more important cases presently

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pending before it. Based upon this review, we have identified 16 cases that do not warrant further action relative to other pending matters.<sup>1</sup> The attachment to this report contains summaries of each case, the EPS rating, and the factors leading to assignment of a low priority and recommendation not to further pursue the matter.

### B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources, primarily due to the fact that the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. In recognition of this fact, EPS provides us with the means to identify those cases which remained unassigned for a significant period due to a lack of staff resources for effective investigation. The utility of commencing an investigation declines as these cases age, until they reach a point when activation of a case would not be an efficient use of the Commission's resources

<sup>1</sup> These cases are: MUR 4631 (Petro/Al. Clure), MUR 4661 (Cox and Amplicon, Inc.), MUR 4667 (Specter & Greenwood), MUR 4668 (Schakowsky for Congress), MUR 4672 (Friends of John O'Toole), MUR 4673 (Papan for Assembly), MUR 4676 (Warren County Democratic Committee), MUR 4677 (Patrick Kennedy), MUR 4681 (Jack Block), MUR 4683 (Janice Schakowsky for Congress), MUR 4684 (Spartanburg County Republicans), MUR 4694 (Jan Schakowsky for Congress), MUR 4695 (Schakowsky for Congress), MUR 4696 (Janice Schakowsky for Congress), MUR 4703 (Dumont Institute / Robert M. Gee), and Pre-MUR 356 (Pritzker for Congress).

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We have identified cases which have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We recommend 27 of these cases be closed.<sup>3</sup> Nine of these cases were part of the so-called "Major 96" cases that have not been able to be activated due to a lack of resources to effectively pursue them in a timely fashion.<sup>4</sup> Since the time period rendering them stale has now passed, we recommend their closure at this time.

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective February 24, 1998. Closing

<sup>3</sup> These cases are MUR 4350 (Republican Party of Minnesota), MUR 4355 (Agriculture-Leisure Industries, Inc.), MUR 4372 (Nebraska Democratic Party), MUR 4394 (Americans for Term Limits), MUR 4472 (Committee to Elect Winston), MUR 4483 (Nebraska Democratic State Central Committee), MUR 4504 (NH Democratic State Party Committee), MUR 4507 (People for Boschwitz), MUR 4509 (Wellstone for Senate), MUR 4565 (Bell for Congress), MUR 4570 (Congresswoman Andrea Seastrand), MUR 4571 (Subert for Congress Committee), MUR 4572 (Friends of Dick B. Durbin), MUR 4575 (Dana Corrington), MUR 4585 (Hughes for Congress Committee), MUR 4589 (Congressman Bart Gordon), MUR 4592 (Howe Public Television), MUR 4593 (Public Interest Institute), MUR 4599 (Bruce S. Hironaka), MUR 4601 (Christians Nation of Oklahoma), MUR 4602 (NFSB-TV Channel 3), MUR 4604 (Dana Corrington), MUR 4605 (Christian Coalition), Pre-MUR 346 (Coalition of Politically Active Christians), RAD 96NF-09 (O'Sullivan for Congress), RAD 96L-12 (Alaska Democratic Party), and RAD 97NF-02 (Zien for Congress).

<sup>4</sup> These cases are MUR 4350 (Republican Party of Minnesota), MUR 4372 (Nebraska Democratic Party), MUR 4394 (Americans for Term Limits), MUR 4472 (Committee to Elect Winston), MUR 4483 (Nebraska Democratic State Central Committee), MUR 4504 (NH Democratic State Party Committee), MUR 4507 (People for Boschwitz), MUR 4509 (Wellstone for Senate), and MUR 4565 (Bell for Congress).

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these cases as of this date will permit CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective February 24, 1998, and approve the appropriate letters in the following matters:

- 1. RAD 96NF-09
- 2. RAD 96L-12
- 3. RAD 97NF-02
- 4. Pre-MUR 346
- 5. Pre-MUR 356

B. Take no action, close the file effective March 2, 1998, and approve the appropriate letters in the following matters:

- 1. MUR 4350
- 2. MUR 4355
- 3. MUR 4372
- 4. MUR 4394
- 5. MUR 4472
- 6. MUR 4483
- 7. MUR 4504
- 8. MUR 4507
- 9. MUR 4509
- 10. MUR 4565
- 11. MUR 4570
- 12. MUR 4571
- 13. MUR 4572
- 14. MUR 4575
- 15. MUR 4585
- 16. MUR 4589
- 17. MUR 4592
- 18. MUR 4593
- 19. MUR 4599
- 20. MUR 4601
- 21. MUR 4602
- 22. MUR 4604
- 23. MUR 4605
- 24. MUR 4631
- 25. MUR 4661
- 26. MUR 4667
- 27. MUR 4668
- 28. MUR 4672
- 29. MUR 4673
- 30. MUR 4676
- 31. MUR 4677
- 32. MUR 4681
- 33. MUR 4683
- 34. MUR 4684
- 35. MUR 4694
- 36. MUR 4695
- 37. MUR 4696
- 38. MUR 4703

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2/24/98  
Date

Lawrence M. Noble  
Lawrence M. Noble  
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) Agenda Document  
Case Closures Under ) No. X98-13  
Enforcement Priority )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on February 24, 1998, do hereby certify that the Commission took the following actions with respect to Agenda Document No. X98-13:

1. Failed in a vote of 3-2 to pass a motion to approve the General Counsel's recommendations, subject to amendment of the closing date in recommendation A to read March 2, 1998, and subject to deletion of those cases listed in footnote 4 on Page 3 of the staff report.

Commissioners McDonald, McGarry, and Thomas voted affirmatively for the motion. Commissioners Aikens and Elliott dissented.

2. Decided by a vote of 5-0 to

A. Decline to open a MUR, close the file effective March 2, 1998, and approve the appropriate letters in the following matters:

- |                |                |
|----------------|----------------|
| 1. RAD 96NF-09 | 4. Pre-MUR 346 |
| 2. RAD 96L-12  | 5. Pre-MUR 356 |
| 3. RAD 97NF-02 |                |

(continued)

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B. Take no action, close the file effective March 2, 1998, and approve the appropriate letters in the following matters:

- |              |              |
|--------------|--------------|
| 1. MUR 4350  | 20. MUR 4601 |
| 2. MUR 4355  | 21. MUR 4602 |
| 3. MUR 4372  | 22. MUR 4604 |
| 4. MUR 4394  | 23. MUR 4605 |
| 5. MUR 4472  | 24. MUR 4631 |
| 6. MUR 4483  | 25. MUR 4661 |
| 7. MUR 4504  | 26. MUR 4667 |
| 8. MUR 4507  | 27. MUR 4668 |
| 9. MUR 4509  | 28. MUR 4672 |
| 10. MUR 4565 | 29. MUR 4673 |
| 11. MUR 4570 | 30. MUR 4676 |
| 12. MUR 4571 | 31. MUR 4677 |
| 13. MUR 4572 | 32. MUR 4681 |
| 14. MUR 4575 | 33. MUR 4683 |
| 15. MUR 4585 | 34. MUR 4684 |
| 16. MUR 4589 | 35. MUR 4694 |
| 17. MUR 4592 | 36. MUR 4695 |
| 18. MUR 4593 | 37. MUR 4696 |
| 19. MUR 4599 | 38. MUR 4703 |

Commissioners Aikens, Elliott, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

2-25-98

Date

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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, DC 20461

March 2, 1998

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Barnard Nevas, Co-Chair  
The Natural Law Party of Connecticut  
10 Mill Bank Road  
Westport, CT 06880

RE MUR 4602

Dear Mr. Nevas:

On December 30, 1997, 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 exercised its prosecutorial discretion to take no action in the matter. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in this matter on March 2, 1998. 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. § 437(g)(4)(B).

Sincerely,

F. Andrew Turley  
Supervisory Attorney  
Central Enforcement Docket

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 2, 1998

Mr. Robert E. Branson, Esquire  
Post-Newsweek Stations, Inc  
3 Constitution Plaza  
Hartford, CT 06103

RE: MUR 4602  
WFSB-TV Channel 3

Dear Mr. Branson:

On December 30, 1996, the Federal Election Commission notified your client, WFSB-TV Channel 3, 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 exercised its prosecutorial discretion to take no action against your client. This case was evaluated objectively relative to other matters on the Commission's docket. In light of the information on the record, the relative significance of the case, and the amount of time that has elapsed, the Commission determined to close its file in the matter on March 2, 1998.

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 on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 694-1650.

Sincerely,

F. Andrew Tutley  
Supervisory Attorney  
Central Enforcement Docket

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4602  
DATE FILMED 3/11/98 CAMERA NO. Z  
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