



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4717

DATE FILMED 7-24-98 CAMERA NO. 2

CAMERAMAN JMN

98043694437

2215 Margybeth
Evansville, IN 47714
Jan. 18, 1998

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JAN 26 2 22 PM '98

Federal Election Commission
Suite 657, 999 E Street, NW
Washington, DC 20463

Attn: Office of the General Counsel

Gentlemen:

I am enclosing an audio video tape of a commercial sponsored by the National Association of Broadcasters, which is really an illegal contribution of free air time to one political candidate now running for re-election, Rep. John Hostettler, R-Ind., Eighth District.

In order, also is this cover letter documenting the complete file, which contains:

Exhibit A--Letter to FCC

Exhibit B--Complaint to National Association of Broadcasters.

Exhibit C--Reply from NAB to Pres. Donald Walker of the Central Labor Council of Southern Indiana. NOTE THIS RESPONSE STATES commercials are done every two years during non-election years, so as to avoid the issue of free air time to candidates which we raised, and that local stations then can air these spots AS THEY SEE FIT. The stations named in a later exhibit DID see fit to broadcast them during Rep. Hostettler's campaign for re-election. This there fore DOES make it an illegal contribution of free air time. It also states the spot would only be misleading IF REP. HOSTETTLER OPPOSED WOMEN SEEKING SUCH CARE. By his votes against funding of this issue, stating that states, not the federal government, should take care of these matters, many women cannot seek such care because they simply can't afford it.

Exhibit D--Reply from FCC directing that illegal campaign contributions be directed to the Federal Election Commission, should that be charged.

Exhibit E--Master copy of the same letter sent to Channels 44, 25 & 63, and Ch. 14. Please note we started at a lower level asking, in the interests of fairness, commercials supporting one candidate be taken off the air.

Exhibits F, pages 1-5. Several newspaper clippings and letters filling in the background to support our belief that Rep. Hostettler does not support the breast cancer issue although the commercials lead people to believe he does.

We are asking the FEC investigate this matter thoroughly and reply to our charges. Thank you for your help, and we look forward to hearing from you.

Respectfully,

Mrs. Harriett B. Kimmel

Mrs. Harriett B. Kimmel

PS: I am a 66-year-old survivor of breast cancer.

98043894438

EXHIBIT
(A)

0046 Marybeth
Evansville, IN 47714
Nov. 3, 1997

2cc

Mass Media Bureau
Enforcement Division
Federal Communications Commission
2025 M Street, N.W. Room 8210
Washington, D.C. 20554

To Whom It May Concern:

I am writing to complain about TV ads now running on 3 Evansville, Ind. TV stations that purport to be about encouraging women to get a yearly breast exam and mammogram on their birthday.

That is really an illegal campaign contribution of free air time to 8th Dist. (Ind.) GOP Rep. John Hostettler, who faces a tough challenge from a woman Democrat, Gail Riecken.

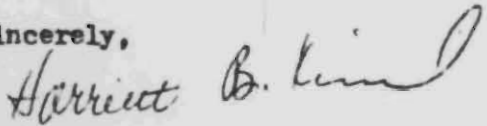
The ad urges women to get a breast exam, then a woman comes on--the wife of Rep. Hostettler, and says, "I'm Beth Hostettler, and Cong. John Hostettler and I want you to make your birthday count," etc. When it mentions Hostettler, who OPPOSES spending federal funds on breast cancer research and favors kicking women out of the hospital after only 48 hours after a mastectomy, (drive-through mastectomy, sometimes called), that would seem to constitute the National Association of Broadcasters, sponsors of the ad, giving an illegal, under-the-table campaign contribution.

I am enclosing copies of my letters to the offending stations and the NAB. Their addresses are:

National Association of Broadcasters, 1771 N St. N.W., Washington, D.C. 20036.
WTSN LP 63, 44 Main St., Evansville, IN 47708.
WEHT-TV, 800 Marywood Dr., Henderson, KY 42420.
WFIE-TV, 1115 Mt. Auburn Rd., Evansville, IN 47711.

I would like a response, if you would be so good, after your investigation. Thank you. I also add that Rep. Hostettler when running in 1996 complained about alleged inproprieties on the part of others, yet he seems to feel free to thumb his nose at the law himself.

Sincerely,



Harriett B. Kimmel.

93 U-4 309 4432

2215 Margybeth
Evansville, IN 47714
Nov. 3, 1997

EXHIBIT
B

NAB

National Association of Broadcasters
1771 N St. N.W.
Washington, D.C. 20036.

Gentlemen:

I am writing to complain about the TV ads you sponsored currently running on WEHT-TV, WFIE-TV and WTSN LP 63, all in Evansville, Ind. (well, WEHT-TV is in Henderson, KY and Evansville is in its broadcast range).

The ads urge women to get a breast exam and mammogram every year, certainly a good idea. The problem arises at the end, when Beth Hostettler, wife of present Rep. John Hostettler, R-8th Dist. Indiana, comes on and says:

"I'm Beth Hostettler, and Cong. John Hostettler and I want you to make your birthday count," etc. That appears to be an illegal, under-the-table contribution of free air time and misleads the public into thinking that Rep. Hostettler supports the breast cancer issue. In fact he stated publicly he OPPOSES spending any federal funds on this issue and supports kicking women out of the hospital only 48 hours after a mastectomy.

I have complained to the three stations in question and to the FCC. I think it would be in your best interests to pull these ads since their content is both misleading and partisan politically.

I would appreciate a reply from you.

Very truly yours,

Harriett B. Kissel

Harriett B. Kissel.

90043091440

James C. May

Executive Vice President
Government Relations
1771 N Street, NW
Washington, DC 20036-2891
(202) 429-5302
(800) 424-8806
Fax: (202) 775-2157
E-mail: jmay@nab.org

December 16, 1997

Mr. Donald Walker
President
Central Labor Council of Southern Indiana
210 N. Fulton Avenue
Evansville, IN 47710

Dear President Walker:

Thank you for your recent letter regarding the public service announcements taped by Beth Hostettler that local stations in Indiana are airing regarding breast cancer.

For many years, NAB has worked with the Congressional Club, the organization of congressional spouses, to tape and distribute public service announcements on a wide variety of topics. These are done every two years during non-election years, so as to avoid the issue of free airtime to candidates that you raise. Local stations then can air these spots as they see fit. The entire exercise is a bipartisan, non-partisan activity.

NOTE
THIS!

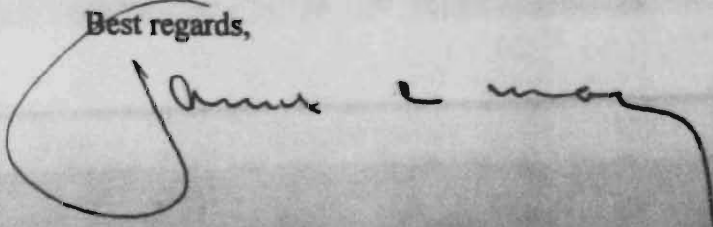
Hundreds of spouses and teenaged children of members of Congress have recorded these spots during that time from both parties. The issues raised are intended to raise the awareness of the public about various social concerns. NAB's involvement in this activity is neither an endorsement of any candidate nor any party, but is rather a chance to use recognizable figures in the community to focus attention on important social and health issues. All scripts are written by health communication experts to ensure that we are reaching the audience with the appropriate message.

Mrs. Hostettler's spot does one thing: it urges women to seek breast exams and mammograms. It would only be misleading if she or Rep. Hostettler opposed women seeking such care. I have seen no such evidence that either of them does. If you are concerned with the congressman's views on health care funding issues, I suggest you take those up directly with him.

NOTE
THIS-
HE
DOES.

Thank you again for your interest.

Best regards,



JCM:mw

EXHIBIT
D.P.1

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

IN REPLY REFER TO:
1800C1-SD
97110169

DEC 22 1997

Ms. Harriett B. Kimmel
2215 Margybeth
Evansville, Indiana 47714

Dear Ms. Kimmel:

This is in reference to your complaint regarding Stations WTSN(LPTV) and WFIE-TV, Evansville, IN, and WEHT-TV, Henderson, KY. Specifically, you contend that a public service announcement (PSA) promoting breast exams is an "illegal campaign contribution of free air time [sic]" to Congressman John Hostettler by the PSA's sponsor, the National Association of Broadcasters (NAB). You enclose a videotape of the PSA and maintain that the announcement reaches the level of an "under-the-table campaign contribution."

Having reviewed the tape, we find that the only rule implicated by the PSA is Section 73.1212 of the Commission's Rules regarding sponsorship identification. Section 73.1212 requires that when a station is paid to broadcast any material, the station must announce that the broadcast is paid for, and who paid for it. The PSA you provide accurately includes the appropriate sponsorship identification of its sponsor. With regard to your assertion that the announcement is an illegal contribution of free airtime to Congressman Hostettler by the NAB, please be advised that the Commission has no jurisdiction over campaign contributions. Therefore, I suggest you contact the Federal Election Commission regarding this issue.

To file a complaint with the Federal Election Commission please send your correspondence to the following address:

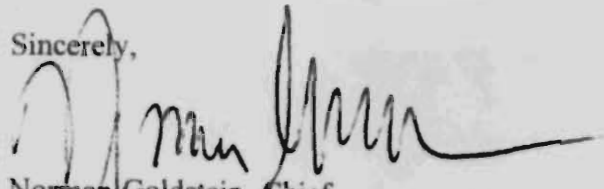
Federal Election Commission
Attention: Office of the General Counsel
Suite 657
999 E Street, NW
Washington, DC 20463

9804309442

EXHIBIT D,
PG. 2

We hope this information is of assistance to you.

Sincerely,



Norman Goldstein, Chief
Complaints & Political
Programming Branch
Enforcement Division
Mass Media Bureau

90043094443

EXHIBIT E

2215 Margybeth
Evansville, IN 47714
Nov. 3, 1997

SAME LETTER TO CH. 44, 25+63+41

I'm writing to object strenuously to the ads on your station alleging women should get breast cancer exams on their birthday. This is not at all the real purpose of these ads.

At the end it says, "I'm Beth Hostettler. Congressman John Hostettler and I want you to make your birthday count," etc.

This is in actuality a free campaign contribution by the National Assn. of Broadcasters in support of Hostettler, who is running for election. That would seem to be actionable and I am notifying the proper authorities to investigate why they choose to mention one candidate, and a candidate who voted AGAINST protecting women who have cancer by kicking them out of the hospital after only 48 hours.

In the interest of fairness, and to protect the integrity of your station and possibly a great deal of unpleasant results, please take these slanted commercials off the air until after proper investigation.

I would appreciate a reply. Thank you.

Harriett B. Kimmel

Harriett B. Kimmel

9004309444

TRI-STATE

Health

EXHIBITS F1
BGS. 1-5.

FOL

IS

"swept aside" and "replaced" mean generally mean when someone such as J. Robinson talks in movies such as "Caesar." I think it is well time for us Cro- and pro magnums, such as Clint d, to apologize to any Neanderthals, ex- politicians, who are left. rt L. Steinback (Page 5, same Press suggests a U.S. apology to all the black who were never slaves by all of the U.S. ment people who were never slavers be salutary. Therefore, why don't we agnons — blacks included — apologize to Neanderthals — politicians excepted — ling them? Or is history really only your ation and the two, three, or four genera- before you?

TOM MORTON
Evansville

Motorists punished unfairly

Yes, it was tragic that a young lady was ed on Old Petersburg Road. We all sympathize h her family and friends. I did not see or r of any report that the driver of the other icle was cited for any violation, which as the investigating officer felt it was the ung lady's fault. It then had to be the result of faulty vehicle, driving too fast for the condi- ons, or a careless moment.

Why punish the hundreds of motorists who ave negotiated this curve for decades by reduc- ing the speed limit, adding bumps, and the atest is we may all have to pay for a suit, buy property to straighten out the curve, and pay for a new road. Why?

BILL JOHNSON
Evansville

All deserve representation

I don't understand. When people (a founder of the Evansville Breast Cancer Coalition) travel all the way to Washington to ask for support of Rep. Hostettler to make it possible for women undergoing mastectomies to stay in the hospital more than 48 hours (sometimes called "drive-through" mastectomies), Hostettler spokes- man Michael Jahr said she presented herself just as a constituent. But all taxpayers and residents of the 8th District are his constituents. Don't they deserve representation?

Jahr said the congressman didn't know about the coalition. But that was given to him on a visit a week before the July 10 news conference outside Hostettler's Evansville office.

Ours is one of only a few cities which has a congressional office. How come Hostettler doesn't know what goes on in his district, even when efforts are made to bring it to his attention? Sounds like an awful lot of confusion to me.

Maybe they still don't know what they're doing. Of the 20 people at the news conference, he singled out only me for criticism. Wouldn't you think he'd have something better to do than pick on an elderly grandmother?

HARRIETT B. KIMMEL
Evansville

EDITOR'S NOTE: The Evansville Press en- courages readers to write to the editor. Send letters to The Editor, The Evansville Press, P.O. Box 454, Evansville, IN 47703. The Press reserves the right to edit letters for brevity, accuracy and good taste. All letters must be signed. Writers must include their phone num- bers for verification.

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Breast-cancer research logical

To the editor of The Courier:

Eighth District Rep. John Hostettler said in a recent article that shifting money from ineffective B-2 bombers to vital breast cancer research programs was "not logical," but it seems clear to me that transferring money from a wasteful program to a life-saving program is, on the contrary, extremely logical. The importance of breast cancer research cannot be underestimated in terms of improving the quality of life for women and their families. Does the representative think that delaying the discovery of a cure to cancer because extra airplanes that the Air Force doesn't even use are being built is "logical"?

Hostettler obviously doesn't understand the impact that losing a mother, sister or aunt has on a family. I hope that a cure to cancer is found before anyone else has to learn this, despite Hostettler's lack of support for research.

Carole Hook
Cynthiana, Ind.

Better to investigate funding of torture

To the editor of The Courier:

I'm getting pretty tired of hearing about possible improprieties in campaign financing. I'm not an economist, so it's hard to understand how it helps balance the budget — a favorite GOP rallying cry — when the investigating committee spends \$5 million (so far) to investi-

LETTERS

gate \$3 million in questionable contributions which have already been returned and which only come to a minor percent of the money in the '96 election anyway.

I read the papers carefully every day, but I guess I'm getting old. I must have overlooked the article about the Federal Election Commission's recent levy of the largest fine in history for a foreign contribution. No, not given to President Clinton — the fine went to a German man in Florida who gave a large wad of cash to the Dole campaign.

I haven't seen any cartoons of Robert Dole in a Nazi uniform, though; nor have I heard about Germany's government trying to influence our government.

But they are right that Vice President Al Gore did stick us taxpayers with a phone bill, and it seems only fair that he should repay us. Let's see; that comes to \$24.20. Hardly worth getting excited over.

They would do better investigating the House, which voted 217-210 to continue funding the torture school in St. Benning, Ga., which for years has instructed Latin American dictators in torture techniques, including killing priests and raping nuns.

The House did recently cut \$174,000 from the National Science Foundation's budget to punish it for

its study on why we aren't getting the best-qualified people to serve in Congress. Where did they ever get the idea that our congressmen aren't qualified? Well, next year we'll get to vote on that one.

Harriett B. Kimmel
Evansville

Where are unwanted babies to be adopted?

To the editor of The Courier:

While I was listening to the Jane Norris program on WHAS radio, when the topic was "What's Your Beef," a caller told Ms. Norris she did not want to buy a baby.

It seems that she went to an adoption agency and was told up front that the adoption would cost between \$10,000 and \$12,000.

Later I thought about a five- to seven-year waiting list and that 2 million couples are wanting to adopt a baby. Where are the unwanted babies?

Frank Webster
Scottsburg, Ind.

Write us

Letters to the editor are welcomed. Please keep them brief. Letters will be edited and may be condensed. Letters must be signed and names will be printed. Please include a phone number so that authenticity of the letter can be verified.

Send them to Letters, The Evansville Courier, P.O. Box 268, Evansville, Ind. 47702, or by fax, (812) 422-8196.

Letters may be submitted by e-mail to letters@evansville.net.

Congress adjourns on up beat

weekly size-up by the Washington News Service.

95th Congress drawing
on an upbeat

WASHINGTON CALLING

administration plans to contribute \$3 billion to an international bailout of Indonesia as a politically motivated move back to his old buddy James Riady and the Igo.

The administration announced Friday the creation of a new Emergency Stabilization Fund, the up the failing Mexican stability.

Let

As a high non, Ind., made by M (letter, Oct.

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METRO

Friday, July 11, 1997

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Breast cancer group irks Hostettler

ROBERTA HEIMAN
Senior staff writer

A group of Evansville breast cancer survivors was chastised by U.S. Rep. John Hostettler's office Thursday after the women staged a news conference at which they asked for his support on a bill he opposes.

"They at least could have made us aware of their concerns first," said Hostettler spokesman Michael Jahr. "This has a little of a political ring to it," he said.

Jahr said the group contacted no one in the congressman's office and he questioned "if this was a sincere effort to bring it to his attention."

The women are asking Hostettler to support the proposed Breast Cancer Patient Protection Act and several other pending bills affecting insurance coverage for treatment of the disease.

The act would ban so-called "drive-through" mastectomies. It requires insurers to pay for a minimum hospital stay of 48 hours for mastectomies and 24 hours for lymph node removals.

Carol Rogers, a founder of the Evansville Breast Cancer Alliance, said at the news conference that she visited Hostettler's office in Washington, D.C., last week to seek his support of the bills and was told by

his aide, Nancy Juday, that he does not support them.

Jahr acknowledged that Mrs. Rogers visited the office. "But she presented herself as a constituent," he said. "We had no knowledge of the Breast Cancer Alliance."

He noted that one of the women who spoke at the news conference was Harriet Kimmel, a retired labor leader who has been a staunch critic of Hostettler on a number of issues. Mrs. Kimmel is a breast cancer survivor.

The disease affects one in eight women in this country, striking more than 184,000 every year and claiming 44,300 lives annually.

Jahr said Hostettler "is defi-

nately supportive of their (the alliance's) cause and hopes someday we'll see a cure for breast cancer."

"This is a disease that has struck very close," he added. The congressman's mother, Esther Hostettler, is a breast cancer survivor. "So this is certainly something he can understand and empathize with," Jahr said. "However, whether the federal government should be intruding on the physician-patient relationship and mandating length of stays has been a concern to him."

Hostettler also questions the propensity in Congress to take on more and more mandates, Jahr said.

Mrs. Rogers and other alliance members said they think women throughout the country should have access to adequate treatment, not just those who live in the handful of states where the laws have been adopted.

Others participating in the news conference were Mary Rutherford, a nurse practitioner; Mary "Cookie" Smith; Marty Quakkelaar; Linda White, executive director of the Evansville Minority Health Coalition, and Mrs. Kimmel's husband, Charles.

Kimmel said he doesn't understand how Hostettler can claim to support family issues but not support the proposed bills. "If this isn't a family issue, nothing is."

Rides shut down in

D...

'Drive-through' surgery opposed

Rep. Hostettler objects group's news conference

By Polly Bigham
Staff reporter

JUL 11 1997

While 8th District Rep. John Hostettler believes "drive-through breast cancer surgeries" is a state, not a federal, issue he thinks a grassroots breast-cancer group could have invited him to a news conference held outside his local office.

"We are here to educate Hostettler," said Harriet Kimmel, a member of the new Evansville Breast Cancer Alliance at its news conference yesterday.

Many of its 20 members, who stood outside the Federal Building yesterday, said they were there to ask Hostettler to vote for new federal legislation; yet, they criticized his stands and didn't invite his response.

Michael Jahr, Hostettler's Washington press secretary, said, when informed of the event, "They didn't let us know about the news conference. We were right there but they didn't invite us."

The proposed federal legislation would forbid insurance companies from requiring "drive-through mastectomies."

The practice of ejecting patients from a hospital 12 hours after they have a breast surgically removed is something which happens locally, the group said.

But Hostettler, R-Ind., believes insurance issues should be handled at the state level, since the states regulate the insurance industry.

Jahr said the congressman was well aware of issues concerning cancer and supported cancer research but was hesitant to support federal legislation on length of hospital stays after a mastectomy.

"This disease has struck very close to home for the congressman," Jahr said. Hostettler's mother is a cancer survivor, he said, and Hostettler's father died from a cancer-related complication.

"So he's obviously aware of the issue. But in terms of federal government legislation, he's hesitant to support that."

The breast cancer survivors noted federal legislation was passed requiring insurance coverage for women to stay at least 48 hours after delivering a baby.

They said they needed similar protection after breast surgery.

"We're wanting this done at a national level, not only the state level," said Carol Roger, a local breast cancer activist who belongs to the national

alliance.

Another local member, Marty Quakkelaar, said she has "first-hand information from women" who attend a local support group that they are ejected from local hospitals only 12 hours after having a breast removed because of their insurance.

That can result in rehospitalization after infections or other complications develop so insurance companies, patients and doctors all lose by this practice, she said.

"The first person you want to talk to is another woman who has gone through it," said Quakkelaar, who said if the woman doesn't stay at least 48 hours, she misses the benefit of a cancer volunteer visiting in her hospital room and getting results of pathology tests when there are people to explain the results to her.

Kimmel, another breast cancer survivor, noted that breast cancer will hit one out of eight American women and is "the No. 1 killer of American women age 35 to 51."

Two federal bills, with bipartisan support, would guarantee minimum stay of 48 hours for a mastectomy and 24 hours for lymph node removal.

Jahr said Hostettler feels "that's a slippery slope" to start passing federal legislation on insurance issues and issues involving the patient-doctor relationship.

GUEST COLUMN

Congress in a position to side with breast cancer patients over HMOs

This guest column was written by Andrew Straw, a law student at IU-Bloomington

I want to briefly tell you my mother's story. In 1995, she was diagnosed — like more than 180,000 women each year — with breast cancer. My mom and our family were devastated. Cancer still carries that horror, that recognition that the "C word" often means a slow and painful death sentence. Breast cancer is the No. 1 killer of women between ages 35 and 51 in the United States.

It is still very hard for me to talk about it. On Feb. 26, my mom became one of the more than 44,000 women who die from this disease each year. She had great, compassionate doctors, but was expelled from the hospital after a mastectomy within 24 hours. This year, Congress can do something about breast cancer treatment, and Rep. Hostettler should support those efforts. Let me elaborate on what happened with Mom.

After learning the diagnosis, my wife and I went to the oncologist with my mom to see what he could do for us. After a very hard half hour of explanations, he said the best chance of preventing or slowing the cancer's spread was a complete mastectomy, and removal of lymph nodes on her left side to see if it had spread. Mom, Paola (my spouse) and I talked about it, and agreed that her life was the important thing, and the surgery was necessary to save her. Despite the hard choice, my mom was brave, braver than I would have been in her shoes. She didn't know, though, that less than 24

hours after this major surgery she would be ejected from the hospital to save money for her HMO.

This is the part that truly infuriated me. Still unable to stand unassisted because of the anesthesia, and with drainage tubes hanging from her absent breast and lymph area under her arm, she was told to go home and recuperate there. Paola and I were stunned. The politics of greed had just slapped my mom in the face.

I say "politics" because Congress has not acted before now to prevent these cruel expulsions. Luckily, there are two bills in Congress right now which would force HMOs to provide coverage for up to 48 hours in the hospital if doctors say it is necessary. One, H.R. 616, is sponsored by Rep. Minner (D-NV) and the other, H.R. 135, is by Rep. Delahunt (D-CT). Both bills would prevent what happened to my mom and to so many other women each year.

Unfortunately, Rep. Hostettler is having a hard time supporting either bill. In a WFHB interview in May, Hostettler expressed his reservations. He said that Congress should not act because "pretextuals would go up" and that the states should regulate, rather than the federal government. I would like to address Hostettler's concerns so he can more easily make the right choice and support these suffering women.

First, HMOs were set up to save money while providing appropriate levels of care to patients. Kicking out women who have had a major surgery in less than 24 hours is not appropriate. Since HMOs

are consistently ignoring the needs of these women by not living up to their mission, the system is failing and Congress needs to act.

Second, states are not regulating this outrageous practice. If there were regulation, outpatient mastectomies would not be happening. My mom lived in Indianapolis and underwent surgery there. Indiana has not regulated HMOs as it should, and many other states are also failing these women. I realize HMOs are wealthy and influential forces in politics, but breast cancer victims require serious treatment whether they live in California, New York or Indiana. Congress needs to side with women *wherever* they happen to live.

Let's turn our eye to lathum Hostettler's position. His fixation on costs is unjustified in the face of the victims' suffering. To me, the son of a breast cancer victim, Hostettler's resistance can only mean he has not talked with anyone who has experienced this horrible treatment. People need to educate him and help him vote the right way.

H.R. 616 was put forward by a Republican, and H.R. 135 was put forward by a Democrat; either would prevent "drive-through" mastectomies. Rep. Hostettler can choose either and stand up for women. Let's help Hostettler make the right choice for the tens of thousands of women who unfortunately need a mastectomy. His number is 334-1111. Ask him to co-sponsor either H.R. 616, H.R. 135 or both bills as hundreds of his colleagues already have.



FEDERAL ELECTION COMMISSION
Washington, DC 20463

January 27, 1998

Mrs. Harriett B. Kimmel
2215 Margybeth
Evansville, IN 47714

Dear Mrs. Kimmel:

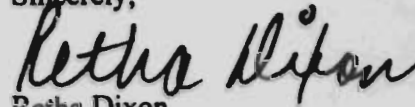
This is to acknowledge receipt on January 26, 1998 of your letter dated January 18, 1998. The Federal Election Campaign Act of 1971, as amended and Commission Regulations require that the contents of a complaint meet certain specific requirements. One of these requirements is that a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter did not contain a notarization on your signature and was not properly sworn to.

In order to file a legally sufficient complaint, you must swear before a notary that the contents of your complaint are true to the best of your knowledge. The notary must represent as part of the jurat that such swearing occurred. The preferred form is "Subscribed and sworn to before me on this ____ day of ____, 19__." A statement by the notary that the complaint was sworn to and subscribed before him/her also will be sufficient. We regret the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

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.

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. If you have any questions concerning this matter, please contact me at (202) 219-3410.

Sincerely,



Retha Dixon

Docket Chief

Enclosure

cc: National Association of Broadcasters

WTSN LP 63

WEHT-TV

WFIE-TV

Friends of John Hostettler

9 8 0 4 3 8 9 4 4 5 1

2215 Margybeth
Evansville, IN 47714
Feb. 2, 1998

MUR-4717

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

FEB 4 3 09 PM '98

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

Attn. Retha Dixon, Docket Chief

Dear Ms. Dixon:

The information in the complaint I filed with the FEC by letter Jan. 18, 1998 is true to the best of my knowledge.

Per your instructions, I am having this notarized. Thank you for the booklet detailing instructions on how to proceed.

Sincerely,

Harriett B. Kimmel

Harriett B. Kimmel.

Subscribed and sworn to before me on this 2nd day of February 1998. This sworn statement was made in Evansville, Indiana in Vanderburgh County.

My commission expires on 05 20 2001.

Doris L. Putman

NOTARY PUBLIC

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 11, 1998

Harriett B. Kimmel
2215 Margybeth
Evansville, IN 47714

RE: MUR 4717

Dear Ms. Kimmel:

This letter acknowledges receipt on February 4, 1998, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended. The respondent(s) will be notified of this complaint within five business 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 notarized and sworn to in the same manner as the original complaint. We have numbered this matter MUR 4717. 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 Tarley", is positioned above the typed name.

F. Andrew Tarley
Supervisory Attorney
Central Enforcement Docket

Enclosure
Procedures

98043824453



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 11, 1998

Edward O. Fritts,
President/CEO
National Association of Broadcasters
1771 N Street, NW
Washington, DC 20036

RE: MUR 4717

Dear Mr. Fritts:

The Federal Election Commission received a complaint which indicates that National Association of Broadcasters 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 4717. 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 National Association of Broadcasters 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 Jennifer H. Boyt at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

9 8 0 4 3 3 9 4 4 5 5



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 11, 1998

General Manager
WTSN LP 63
44 Main Street
Evansville, IN 47708

RE: MUR 4717

Dear Sir or Madam:

The Federal Election Commission received a complaint which indicates that WTSN LP 63 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 4717. 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 WTSN LP 63 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 Jennifer H. Boyt at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Tarley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

98043694457



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 11, 1998

General Manager
WEHT-TV
800 Marywood Drive
Henderson, KY 42420

RE: MUR 4717

Dear Sir or Madam:

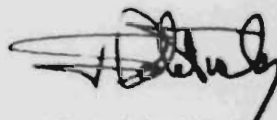
The Federal Election Commission received a complaint which indicates that WEHT-TV may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4717. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against WEHT-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.

If you have any questions, please contact Jennifer H. Boyt at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

90043374457



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 11, 1998

John Cottingham, Contact
WFIE-TV
1115 Mt. Auburn Road
Evansville, IN 47711

RE: MUR 4717

Dear Mr. Cottingham:

The Federal Election Commission received a complaint which indicates that WFIE-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 4717. 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 WFIE-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.

If you have any questions, please contact Jennifer H. Boyt at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Enclosures

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

96043091461

WILLIAMS & JENSEN
A PROFESSIONAL CORPORATION

GEORGE D. BAKER
BARBARA W. BONFIGLIO
WILLIAM B. CANFIELD III
BERTRAM W. CARP
WINFIELD P. CRIGLER
BUTLER DERRICK
TRACY E. DOHERTY*
DAVID E. FRANASIAK
ROBERT E. GLENNON
J. STEVEN HART
KEVIN B. KIMBLE
DIRKSEN J. LEHMAN*
KAREN JUDD LEWIS
ROBERT J. MARTINEZ
JOHN J. McMACKIN, JR.
GEORGE G. OLSEN

LAWYERS
1155 21ST STREET, N.W.

WASHINGTON, D.C. 20036-3308

TELEPHONE
(202) 659-8201
FACSIMILE
(202) 659-5249

JENNIFER L. PHARAOH*
ANTHONY J. RODA
JOSEPH L. SEIDEL
DAVID A. STARR
IAN S. THOMPSON
MARY LYNNE WHALEN
J. D. WILLIAMS
MARY B. ZETWICK*

OF COUNSEL
ROBERT E. JENSEN
BARNABY W. ZALL

*NOT ADMITTED IN D.C.

February 18, 1998

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

Re: Matter Under Review # 4717

Dear Ms. Boyt:

I represent the National Association of Broadcasters in the above captioned matter. A "Designation of Counsel" form authorizing that representation is being sent to you today, under separate cover, by my client.

The letter of the Federal Election Commission (the "Commission") enclosing a copy of the complaint in this matter was received by my client on February 13, 1998. Absent any intervening circumstances, our response to this complaint is due at the Commission on or before February 28, 1998. The complaint raises an issue concerning a public service announcement program which was initiated by my client approximately fifteen (15) years ago. In an effort to provide a complete and thorough response to the Commission, my client will be required to review its files on this public service announcement program and contact the broadcasters in Indiana who ran the announcement which is the subject of the complaint. These efforts will require longer than the time-frame for our response established by the Commission in its letter of February 13, 1998.

I therefore respectfully request that the Commission grant a one-time, thirty (30) day extension, from February 28, 1998, with respect to the time in which our response is due. The new deadline for filing our response would thus be March 27, 1998. We do not believe that such an extension would have any materially adverse effect on the adjudication of this matter by the Commission.

With best wishes,

Sincerely,

WILLIAMS & JENSEN, P.C.


William B. Canfield III

FEB 18 1 43 PM '98

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4717

NAME OF COUNSEL: William Canfield, Esq.

FIRM: Williams & Jensen

ADDRESS: 1155 21st St., N.W., Suite 300

Washington, DC 20036

TELEPHONE: (202) 973 5959

FAX: (202) 659 5249

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

FAXED
Feb 18 1998

Date

^{our} National Association of Broadcasters, By:

Steven A. Bookshester

Signature

Steven A. Bookshester
Associate General Counsel

RESPONDENT'S NAME: National Association of Broadcasters

ADDRESS: 1771 N. St., N.W.

Washington, DC 20036

Attention: S. Bookshester, Legal Department

TELEPHONE: HOME () _____

BUSINESS (202) 429-5430

FEB 20 1 17 PM '98

90043094463



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 19, 1998

William B. Canfield, III, Esq.
Williams & Jensen, P.C.
1155 21st St., NW, Ste. 300
Washington, DC 20036

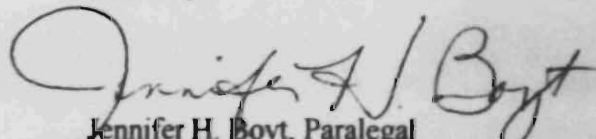
RE: MUR 4717
National Association of Broadcasters

Dear Mr. Canfield:

This is in response to your letter dated February 18, 1998, which we received on that day, requesting a 30 day extension to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on March 27, 1998.

If you have any questions, please contact me on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 219-3400.

Sincerely,


Jennifer H. Boyt, Paralegal
Central Enforcement Docket

9 8 0 4 3 3 2 1 4 6 4

DOW, LOHNES & ALBERTSON, PLLC
ATTORNEYS AT LAW

WASHINGTON, D.C.

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

February 23, 1998

VIA HAND DELIVERY

F. Andrew Turley, Esq.
Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Cosmos Broadcasting Corporation (WFIE-TV, Evansville, Indiana):
Complaint of Harriett B. Kimmel
FEC MUR-4717
Statement of Designation of Counsel and Request for Extension of Time to
Respond

On behalf of our client Cosmos Broadcasting Corporation ("*Cosmos*"), I am transmitting to you herewith the statement of Cosmos designating counsel for the above-referenced matter.

Cosmos hereby requests an extension of time to file through and including Thursday, March 5, 1998, to submit a response demonstrating that no action should be taken with respect to this matter. The FEC's notice letter dated February 11, 1998, has only recently been received by counsel. The present general manager of Cosmos' television station WFIE will be out of town and unavailable to consult with counsel until after Wednesday, February 25, 1998. Accordingly, so that Cosmos can respond to the complaint in an accurate and complete manner, Cosmos requests an extension of time through and including Thursday, March 5, 1998, to file its response with the Commission.

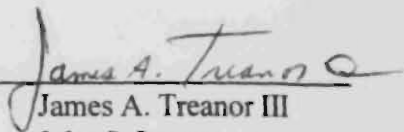
FEB 24 11 00 AM '98

F. Andrew Turley, Esq.
February 23, 1998
Page 2

Please inform the undersigned if any questions should arise in connection with this filing.

Respectfully submitted,

COSMOS BROADCASTING CORPORATION

By: 
James A. Treanor III
John S. Logan

cc: Ms. Jennifer Boyt

Enclosure

9604307466

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4717NAME OF COUNSEL: James A. Treanor III, John S. LoganFIRM: DOW, LOHNES & ALBERTSON, PLLCADDRESS: 1200 New Hampshire Avenue, N.W., Ste. 800Washington, D.C. 20036TELEPHONE: (202) 776-2640 (John Logan)FAX: (202) 776-2222

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.

Date

Signature

RESPONDENT'S NAME: WFIE-TVADDRESS: 1115 Mt. Auburn RoadEvansville, IN 47711TELEPHONE: HOME () CORPORATE RESPONDENTBUSINESS (812) 426-1414

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4717

NAME OF COUNSEL: Jan Witold Baran

FIRM: Wiley, Rein & Fielding

ADDRESS: 1776 K Street, N.W.

Washington, DC 20006

TELEPHONE: () _____

FAX: () _____

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

2/19/98

Date

Douglas A. Padgett

Signature

RESPONDENT'S NAME: Douglas A. Padgett - WEHT-TV

ADDRESS: P.O. Box 25

Evansville, IN 47701

TELEPHONE: HOME (812) 858-5198

BUSINESS (800) 879-6522

FEB 25 2 51 PM '98

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DOW, LOHNES & ALBERTSON, PLLC
ATTORNEYS AT LAW

WASHINGTON, D.C.

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

FEB 25 4 44 PM '98

February 25, 1998

F. Andrew Turley, Esq.
Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Cosmos Broadcasting Corporation (WFIE-TV, Evansville, Indiana):
Complaint of Harriett B. Kimmel
FEC MUR-4717
Amendment to Request for Extension of Time to Respond

On behalf of our client Cosmos Broadcasting Corporation ("Cosmos"), I am submitting an amended request for an extension of time to submit a response demonstrating that no action should be taken with respect to this matter. Cosmos understands that the Commission recently has granted other parties, including National Association of Broadcasters, an extension of time through and including Friday March 27, 1998 for their responses. Cosmos seeks to have its response date co-extensive with that of the other parties and accordingly requests an extension of time to file a response through and including Friday, March 27, 1998.

Please inform the undersigned if any questions should arise in connection with this filing.

Respectfully submitted,

COSMOS BROADCASTING CORPORATION

By: 

James A. Treanor III
John S. Logan

cc: Ms. Jennifer Boyt



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 26, 1998

James A. Treanor, III, Esq.
John S. Logan, Esq.
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Ave., NW, Ste. 800
Washington, DC 20036

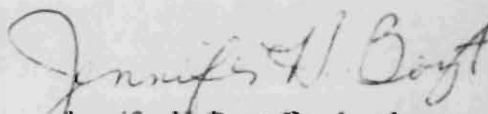
RE: MUR 4717
Cosmos Broadcasting Corporation (WFIE-TV)

Dear Messrs. Treanor and Logan:

This is in response to your letter dated February 25, 1998, which we received on that day, requesting a 26 day extension to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on March 27, 1998.

If you have any questions, please contact me on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 694-1650.

Sincerely,


Jennifer H. Boyt, Paralegal
Central Enforcement Docket

980449470

STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL

FEB 26 12:51 PM '98

MUR 4717NAME OF COUNSEL: SALLY BUCKMANFIRM: LEVENTHAL, SENTER & LERNANADDRESS: 2000 'K' STREET N.W.SUITE 600WASHINGTON, DC 20006TELEPHONE: (202) 429 8970FAX: (202) 293 7783

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.

2/26/98

Date

Joseph A. Simms

Signature

RESPONDENT'S NAME: JOSEPH A. SIMMS
V. P. / GENERAL MANAGERADDRESS: WTSN-LP44 MAIN STREETEVANSVILLE, IN 47708TELEPHONE: HOME (812) 476 9094BUSINESS (812) 464 4463

98043394471

LAW OFFICES
LEVENTHAL, SENTER & LERMAN P.L.L.C.

SUITE 600
2000 K STREET, N.W.
WASHINGTON, D.C. 20006-1809

TELEPHONE
(202) 429-8970

TELECOPIER
(202) 293-7783

February 26, 1998

WWW.LSL-LAW.COM

WRITER'S DIRECT DIAL
202-416-6762

WRITER'S E-MAIL
SBUCKMAN@LSL-LAW.COM

NORMAN P. LEVENTHAL
MEREDITH S. SENTER, JR.
STEVEN ALMAN LERMAN
RAUL R. RODRIGUEZ
DENNIS P. CORBETT
BRIAN M. MADDEN
BARBARA K. GARDNER
STEPHEN D. BARUCH
SALLY A. BUCKMAN
NANCY L. WOLF
DAVID S. KEIR
DEBORAH R. COLEMAN
NANCY A. ORY
WALTER P. JACOB
LINDA D. FELDMANN
RENEE L. ROLAND
ROSS C. GREENBERG
JOHN D. POITASSE
MATTHEW H. BRENNER

BY FACSIMILE -- (202) 219-3923

F. Andrew Turley, Esquire
Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
Washington, DC 20463

Re: **MUR 4717**

Dear Mr. Turley:

This letter is written on behalf of Evansville Low Power Partnership, licensee of low power television station WTSN-LP operating on Channel 63 in Evansville, Indiana. The licensee hereby requests an extension of time to and including March 20, 1998 to file its response to your letter dated February 11, 1998 with respect to MUR 4717.

In the event that there are any questions concerning this matter, please contact the undersigned.

Very truly yours,



Sally A. Buckman

SAB/gfe
cc: Mr. J. A. Skip Simms



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1998

Sally A. Buckman, Esq.
Leventhal, Senter & Lerman, P.L.L.C.
2000 K Street, NW, Ste. 600
Washington, DC 20006

RE: MJR 4717
WTSN-LP Channel 63

Dear Ms. Buckman:

This is in response to your letter dated February 26, 1998, which we received on that day, requesting an day extension to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on March 20, 1998.

If you have any questions, please contact me on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 694-1650.

Sincerely,

Jennifer H. Boyt
Jennifer H. Boyt, Paralegal
Central Enforcement Docket

98043894473

WILEY, REIN & FIELDING

1776 K STREET, N.W.
WASHINGTON, D. C. 20006
(202) 429-7000

JAN WITOLD BARAN
(202) 429-7330

February 24, 1998

FACSIMILE
(202) 429-7049

Jennifer H. Boyt, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4717 (WEHT-TV)

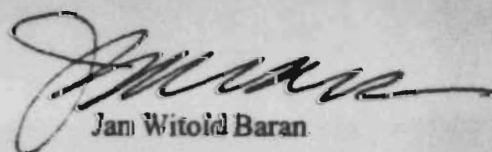
Dear Ms. Boyt:

This office has been retained to represent WEHT-TV in the above-captioned matter. We have transmitted the Statement of Designation of Counsel under separate cover.

We respectfully request an extension until March 27, 1998 to provide counsel sufficient time to consult with our clients and to prepare a response. Your favorable reply to this request would be appreciated.

If you have any questions, please do not hesitate to call me at the above number.

Sincerely,



Jan Witold Baran



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 4, 1998

Jan Witold Baran, Esq.
Wiley, Rein & Fielding
1776 K Street, NW
Washington, DC 20006

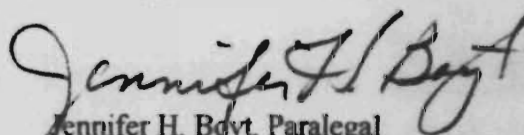
RE: MUR 4717
WEHT-TV

Dear Mr. Baran:

This is in response to your letter dated February 27, 1998, which we received on that day, requesting a 26 day extension to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on March 27, 1998.

If you have any questions, please contact me on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 694-1650.

Sincerely,


Jennifer H. Boyt, Paralegal
Central Enforcement Docket

98043894475

LAW OFFICES
LEVENTHAL, SENTER & LERMAN P.L.L.C.
SUITE 600

2000 K STREET, N.W.
WASHINGTON, D.C. 20006-1809

March 4, 1998

NORMAN P. LEVENTHAL
MEREDITH S. SENTER, JR.
STEVEN ALMAN LERMAN
RAUL R. RODRIGUEZ
DENNIS P. CORBETT
BRIAN M. MADDEN
BARBARA K. GARDNER
STEPHEN D. BARUCH
SALLY A. BUCKMAN
NANCY L. WOLF
DAVID S. KEIR
DEBORAH R. COLEMAN
NANCY A. ORY
WALTER P. JACOB
LINDA D. FELDMANN
RENEE L. ROLAND
KOSS C. GREENBERG
JOHN D. POUTASSE
MATTHEW H. BRENNER

TELEPHONE
(202) 426-8970

TELECOPIER
(202) 293-7783

WWW.LSL-LAW.COM

WRITER'S DIRECT DIAL
202-416-6762

WRITER'S E-MAIL
SBUCKMAN@LSL-LAW.COM

BY FACSIMILE -- (202) 219-3923

F. Andrew Turley, Esquire
Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
Washington, DC 20463

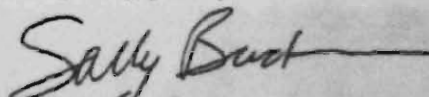
Re: **FEC Inquiry #MUR4717**

Dear Mr. Turley:

By letter dated February 26, 1998, the Federal Election Commission granted Evansville Low Power Partnership ("Evansville"), licensee of low power television Station WTSN-LP operating on Channel 63 in Evansville, Indiana, an extension of time until March 20, 1998, in which to file its response to FEC inquiry #MUR4717. Because Evansville intends to coordinate its response to the FEC's inquiry with the other parties to this proceeding, namely, the National Association of Broadcasters and Stations WEHT(TV) and WFIE-TV, and such parties have been granted an extension of time in which to respond until March 27, 1998, Evansville requests that the FEC grant it an additional extension of time until March 27, 1998 to respond to the FEC's referenced inquiry.

In the event that there are any questions concerning this matter, please contact the undersigned.

Very truly yours,


Sally A. Buckman

cc: Mr. J. A. Skip Simms



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 10, 1998

Sally A. Buckman, Esq.
Leventhal, Senter & Lerman, P.L.L.C.
2000 K Street, NW, Ste. 600
Washington, DC 20006

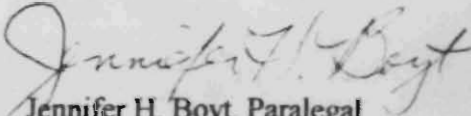
RE: MUR 4717
WTSN-LP Channel 63

Dear Ms. Buckman:

This is in response to your letter dated March 4, 1998, which we received on that day, requesting a 7 day extension to your previously granted extension to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on March 27, 1998.

If you have any questions, please contact me on our toll-free telephone number, (800) 424-9530. Our local telephone number is (202) 694-1650.

Sincerely,


Jennifer H. Boyt, Paralegal
Central Enforcement Docket

9 0 0 4 5 0 9 4 7 1

WILLIAMS & JENSEN
A PROFESSIONAL CORPORATION

GEORGE D. BAKER
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WILLIAM B. CANFIELD III
BERTRAM W. CARP
WINFIELD P. CRIGLER
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OF COUNSEL
ROBERT E. JENSEN
BARNABY W. ZALL

*NOT ADMITTED IN D.C.

March 24, 1998

Honorable Joan D. Aikens
Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

TAPE

Re: **Matter Under Review # 4717**
(National Association of Broadcasters)

Dear Madam Chairman:

This office represents the National Association of Broadcasters in the above captioned matter. For the reasons set forth below, we request that the Federal Election Commission find no reason to believe that a violation of the Federal Election Campaign Act of 1974, amended, 2 U.S.C. 431 et seq., has occurred with respect to this matter and, as a result, that this complaint be dismissed.

Introduction:

On January 18, 1998, Mrs. Harriett B. Kimmel brought an unsworn complaint to the Federal Election Commission (the "Commission") alleging that a "commercial sponsored by the National Association of Broadcasters" was being aired on several television stations in the greater Evansville, Indiana area and that the "commercial" constituted an "illegal contribution of free air time to one political candidate now running for re-election, Rep. John Hostettler, R-Ind., Eighth District." Subsequently, on February 2, 1998, Mrs. Kimmel filed a sworn complaint as required by the Regulations of the Commission.

On November 3, 1997, Mrs. Kimmel filed an identical complaint with the Federal Communications Commission (the "FCC"). The FCC dismissed that complaint on December 22, 1997 (see **Exhibit 1**, attached). The complaint was dismissed by the FCC for the reason that the only rule implicated by the PSA was Section 73.1212, a rule which requires sponsorship identification of a PSA. The FCC found that the PSA at issue in this matter contained the required sponsorship identification.

The complainant, Mrs. Kimmel, is publicly identified as being opposed to Congressman John Hostettler's position on legislation entitled the "Breast Cancer Patient Protection Act," (see **Exhibit 2**, letters to the National Association of Broadcasters and to local broadcasters from Mrs. Kimmel, both of which are dated November 3, 1997; and **Exhibit 3**, two local newspaper articles, both dated July 11, 1997 and two "Letters to the Editor" from Mrs. Kimmel which appeared in local Evansville, Indiana newspapers in late 1997).

Discussion - The Congressional Family "Public Service Announcement" Project:

The National Association of Broadcasters (the "NAB") is a trade association which represents the owners and operators of commercial radio and television stations in the United States. In 1985, NAB established a cooperative arrangement with the non-partisan Congressional Club, a Washington, D.C. based not-for-profit public service organization whose members include spouses of Members of Congress. Under this arrangement, NAB develops and distributes an on-going series of thirty (30) second public service announcements ("PSAs") which feature spouses of Members of Congress discussing matters of current public interest (see **Exhibit 4**, "Affidavit of Rory Benson," at paragraph 3). Over the years, these topics have included, for example, drunk driving awareness, child abuse prevention, and cancer detection programs.

Early in the year in which the PSA is to be broadcast by local NAB-member radio and television stations, the NAB staff develops an extensive list of public policy topics and scripts for presentation to participating congressional spouses or children. These individuals then independently select two topics from the list to serve as the text for the PSAs which they will record for subsequent airing in their local community. The taping of the announcements is generally completed by the end of May of that year (see **Exhibit 4**, at paragraph 4) and the announcements are intended by NAB to be aired by local broadcasters until the end of that particular, non-election, year. From its inception in 1985, NAB has sought, out of an abundance of caution, to restrict this PSA program to a non-election year format. It is also important to note that the NAB's role is exclusively that of the creator and distributor of these PSAs. It remains within the sole discretion of the local broadcaster whether or not to air the announcements and to determine when to run the announcements. In exercising editorial discretion whether or not to broadcast these PSAs, local broadcasters exercise their discretion as part of their news function.

The congressional PSA project, which is the subject of this MUR, is but one of a dozen PSA projects created by NAB in cooperation with various public service groups, such as the Advertising Council, that are distributed to local broadcasters each year as a part of NAB's organic mission (see **Exhibit 4**, at paragraph 8). NAB believes that the congressional PSAs are particularly effective because the congressional spouse-narrator generally enjoys a level of local community identification and respect which helps to ensure that the message underlying the PSA will be given unique consideration by the viewer or listener in the local community in which the message is to air.

In 1997, the year in which the PSA featuring the spouse of Congressman Hostettler was created by the NAB and aired by local broadcasters in Southern Indiana and Northern Kentucky, over one hundred (100) substantially similar PSAs featuring congressional spouses, both Democrats and Republicans, were aired in hundreds of local communities within thirty-nine (39) states (see **Exhibit 4**, at paragraph 4 and **Exhibit 5**, "1997 Congressional Family PSA Project").

The text of the PSA on breast cancer prevention which featured Mrs. Hostettler contains a straight-forward, non-electoral, non-partisan appeal to the listener/viewer to seek early breast cancer screening and detection so as to maximize that individual's chances for prevention of cancer in the first place (see **Exhibit 6**, a video of the PSA at issue in this MUR). The text of the announcement contains no "electioneering message" or "express advocacy" for or against any identified federal candidate. In fact, the only reference to Congressman Hostettler in the PSA is through a brief identification of Mrs. Hostettler as the spouse of the Congressman. This limited reference to the Congressman is identical to the limited identification references which are utilized in all other congressional PSAs.

The Law and Advisory Opinion Guidance:

The Federal Election Campaign Act of 1974, as amended (the "Act"), generally restricts "contributions" to and "expenditures" for federal candidates as to source and amount. Although it is difficult to determine from the complaint in this MUR the exact provision of the Act which the complainant believes has been violated, we assume from the general language used in the complaint that Mrs. Kimmel believes the broadcast of the PSA which featured Mrs. Hostettler was a "contribution" to the principal campaign committee of Congressman John Hostettler.

As the Commission knows, in order for there to be either a "contribution," as that term is defined in the Act at 2 U.S.C. 431(8)(A)(I), or an "expenditure," as that term is defined at 2 U.S.C. 431(9)(A)(I), the payment of money or gift of anything of value must be made "for the purpose of influencing any election for federal office." This statutory phrase has been interpreted by the Commission to mean, in the context of a public advertisement, the existence of the "express advocacy" of the election or defeat of a clearly identified federal candidate. The Commission has determined that such "express advocacy" would include the presence of an "electioneering message" with respect to that federal candidacy.

In the present instance, the PSA created by NAB and the Congressional Club and broadcast by radio and television stations in Southern Indiana and Northern Kentucky was intended exclusively to inform the public on a matter involving cancer prevention and the need for early detection as a matter of sound public health policy. The PSA did not have as its purpose the influencing of a federal election. As set forth above, in order to preclude any misimpression that this or any other congressional spouse's PSA was intended to influence a federal election, NAB has limited the production and distribution of these PSAs to non-election years.

Neither the content of this particular congressional spouse PSA, nor the content of any other congressional spouse PSA, contained either "express advocacy" or an "electioneering message." In deed, the complainant did not even allege, with respect to the facts and circumstances of the PSA at issue in this MUR, that the motivation for the creation and distribution of this PSA by NAB was, in any way, election motivated.

In creating and distributing these PSAs, NAB sought only to bring matters of national and local public policy importance to the attention of the viewers and listeners of its member stations. Out of an abundance of caution, and to preclude any argument that these congressional PSAs had any political purpose, NAB voluntarily limited the production and distribution of these PSAs to non-election years. In fact, the limitations adopted by NAB with respect to the production

and distribution of these PSAs is more stringent than the formal guidance given to Members of Congress by the Commission with respect to the appearance by such Members of Congress in television and radio broadcasts during the year of an election.

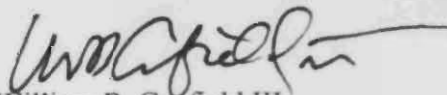
Over the last decade, the Commission has provided extensive guidance to Members of Congress who were considering appearing on radio/television broadcasts, generally, and in public service announcements, specifically. In that guidance, the Commission has consistently held that a "contribution" or "expenditure" would not occur, absent other facts, where the major purpose of the broadcast-related activity proposed by the Member of Congress/candidate was not intended to influence his or her nomination or election to federal office. These rulings have been conditioned on (a) the absence of any communication expressly advocating the nomination or election of the candidate involved or the defeat of any other candidate, and (b) the avoidance of any solicitation, making, or acceptance of campaign contributions for the candidate in connection with the proposed broadcast activity (see, for example, Advisory Opinions 1977-42, 1978-76, 1981-37, and 1992-5).

An analysis by the Commission of the text of the PSA at issue in this MUR will demonstrate that the narrator, the spouse of a Member of Congress, did not expressly advocate the election or defeat of any identified federal candidate, neither did she solicit any campaign contribution for any federal candidate. As a consequence, all of the conditions previously established by the Commission in the above cited Advisory Opinions were met by NAB in the development of the congressional spouse PSA which is the subject of this complaint. As a result, no "contribution" or "expenditure" was made by NAB in the preparation and distribution of these public service announcements.

Conclusion:

For the reasons set forth above, and pursuant to 11 C.F.R. 111.6(a), we ask that the Commission take no further action with respect to this matter and move forward, without further delay, to dismiss M.U.R. 4717.

WILLIAMS & JENSEN, P.C.



William B. Canfield III
Suite 300
1155 Twenty-First Street, N.W.
Washington, D.C. 20036

Attachments: Exhibits 1-6

EXHIBIT
D.P.1

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

IN REPLY REFER TO:
1800C1-SD
97110169

DEC 22 1997

Ms. Harriett B. Kimmel
2215 Margybeth
Evansville, Indiana 47714

Dear Ms. Kimmel:

This is in reference to your complaint regarding Stations WTSN(LPTV) and WFIE-TV, Evansville, IN. and WEHT-TV, Henderson, KY. Specifically, you contend that a public service announcement (PSA) promoting breast exams is an "illegal campaign contribution of free air time [sic]" to Congressman John Hostettler by the PSA's sponsor, the National Association of Broadcasters (NAB). You enclose a videotape of the PSA and maintain that the announcement reaches the level of an "under-the-table campaign contribution."

Having reviewed the tape, we find that the only rule implicated by the PSA is Section 73.1212 of the Commission's Rules regarding sponsorship identification. Section 73.1212 requires that when a station is paid to broadcast any material, the station must announce that the broadcast is paid for, and who paid for it. The PSA you provide accurately includes the appropriate sponsorship identification of its sponsor. With regard to your assertion that the announcement is an illegal contribution of free airtime to Congressman Hostettler by the NAB, please be advised that the Commission has no jurisdiction over campaign contributions. Therefore, I suggest you contact the Federal Election Commission regarding this issue.

To file a complaint with the Federal Election Commission please send your correspondence to the following address:

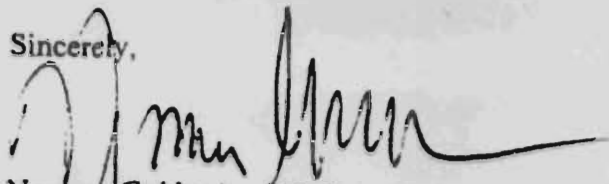
Federal Election Commission
Attention: Office of the General Counsel
Suite 657
999 E Street, NW
Washington, DC 20463

Ex. 1

We hope this information is of assistance to you.

EXHIBIT D.
PG. 2

Sincerely,


Norman Goldstein, Chief
Complaints & Political
Programming Branch
Enforcement Division
Mass Media Bureau

2215 Mangybeth
Evansville, IN 47714
Nov. 3, 1997

EXHIB
B

NAB

National Association of Broadcasters
1771 N St. N.W.
Washington, D.C. 20036.

Gentlemen:

I am writing to complain about the TV ads ~~you~~ sponsored currently running on WEHT-TV, WFIE-TV and WTSN ~~IP 63~~ in Evansville, Ind. (well, WEHT-TV is in Henderson, KY and Evansville is in its broadcast range).

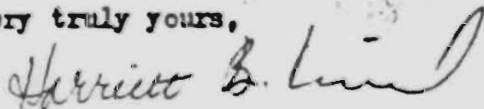
The ads urge women to get a breast exam and mammogram every year, certainly a good idea. The problem arises at the end, when Beth Hostettler, wife of present Rep. John Hostettler, R-8th Dist. Indiana, comes on and says:

"I'm Beth Hostettler, and Cong. John Hostettler and I want you to make your birthday count," etc. That appears to be an illegal, under-the-table contribution of free air time and misleads the public into thinking that Rep. Hostettler supports the breast cancer issue. In fact he stated publicly he OPPOSES spending any federal funds on this issue and supports kicking women out of the hospital only 48 hours after a mastectomy.

I have complained to the three stations in question and to the FCC. I think it would be in your best interests to pull these ads since their content is both misleading and partisan politically.

I would appreciate a reply from you.

Very truly yours,



Harriett B. Kimmel.

Ex. 2

2215 Margybeth
Evansville, IN 47714
Nov. 3, 1997

EXHIBIT E

SAME LETTER TO CH. 44, 25+63-141

I'm writing to object strenuously to the ads on your station alleging women should get breast cancer exams on their birthday. This is not at all the real purpose of these ads.

At the end it says, "I'm Beth Hostettler. Congressman John Hostettler and I want you to make your birthday count," etc.

This is in actuality a free campaign contribution by the National Assn. of Broadcasters in support of Hostettler, who is running for election. That would seem to be actionable and I am notifying the proper authorities to investigate why they choose to mention one candidate, and a candidate who voted AGAINST protecting women who have cancer by kicking them out of the hospital after only 48 hours.

In the interest of fairness, and to protect the integrity of your station and possibly a great deal of unpleasant results, please take these slanted commercials off the air until after proper investigation.

I would appreciate a reply. Thank you.

Harriett B. Kimmel

Harriett B. Kimmel

METRO

Friday, July 11, 1997

EX. 3

Breast cancer group irks Hostettler

By ROBERTA HEIMAN

Reporter staff writer

A group of Evansville breast cancer survivors was chastised by Rep. John Hostettler's office yesterday after the women staged a conference at which they asked his support on a bill he opposes. "They at least could have made aware of their concerns first," Hostettler spokesman Michael Jahr said. "This has a little of a political tinge to it," he said. Jahr said the group contacted no one in the congressman's office and questioned "if this was a sincere effort to bring it to his attention."

The women are asking Hostettler to support the proposed Breast Cancer Patient Protection Act and several other pending bills affecting insurance coverage for treatment of the disease.

The act would ban so-called "drive-through" mastectomies. It requires insurers to pay for a minimum hospital stay of 48 hours for mastectomies and 24 hours for lymph node removals.

Carol Rogers, a founder of the Evansville Breast Cancer Alliance, said at the news conference that she visited Hostettler's office in Washington, D.C., last week to seek his support of the bills and was told by

his aide, Nancy Juday, that he does not support them.

Jahr acknowledged that Mrs. Rogers visited the office. "But she presented herself as a constituent," he said. "We had no knowledge of the Breast Cancer Alliance."

He noted that one of the women who spoke at the news conference was Harriet Kimmel, a retired labor leader who has been a staunch critic of Hostettler on a number of issues. Mrs. Kimmel is a breast cancer survivor.

The disease affects one in eight women in this country, striking more than 184,000 every year and claiming 44,300 lives annually.

Jahr said Hostettler "is defi-

nately supportive of their (the alliance's) cause and hopes someday we'll see a cure for breast cancer."

"This is a disease that has struck very close," he added. The congressman's mother, Esther Hostettler, is a breast cancer survivor. "So this is certainly something he can understand and empathize with," Jahr said. "However, whether the federal government should be intruding on the physician-patient relationship and mandating length of stays has been a concern to him."

Hostettler also questions the propensity in Congress to take on more and more mandates, Jahr said.

Mrs. Rogers and other alliance members said they think women throughout the country should have access to adequate treatment, not just those who live in the handful of states where the laws have been adopted.

Others participating in the news conference were Mary Rutherford, a nurse practitioner; Mary "Cookie" Smith; Marty Quakkelaar; Linda White, executive director of the Evansville Minority Health Coalition; and Mrs. Kimmel's husband, Charles.

Kimmel said he doesn't understand how Hostettler can claim to support family issues but not support the proposed bills. "If this isn't a family issue, nothing is."

Rides shut down in

Down

Rep. Hostettler objects group's news conference

By Polly Bigham
Staff reporter

JUL 11 1997

While 8th District Rep. John Hostettler believes "drive-through breast cancer surgeries" is a state, not a federal, issue he thinks a grassroots breast-cancer group could have invited him to a news conference held outside his local office.

"We are here to educate Hostettler," said Harriet Kimmel, a member of the new Evansville Breast Cancer Alliance at its news conference yesterday.

Many of its 20 members, who stood outside the Federal Building yesterday, said they were there to ask Hostettler to vote for new federal legislation; yet, they criticized his stands and didn't invite his response.

Michael Jahr, Hostettler's Washington press secretary, said, when informed of the event, "They didn't let us know about the news conference. We were right there but they didn't invite us."

The proposed federal legislation would forbid insurance companies from requiring "drive-through mastectomies."

The practice of ejecting patients from a hospital 12 hours after they have a breast surgically removed is something which happens locally, the group said.

But Hostettler, R-Ind., believes insurance issues should be handled at the state level, since the states regulate the insurance industry.

Jahr said the congressman was well aware of issues concerning cancer and supported cancer research but was hesitant to support federal legislation on length of hospital stays after a mastectomy.

"This disease has struck very close to home for the congressman," Jahr said. Hostettler's mother is a cancer survivor, he said, and Hostettler's father died from a cancer-related complication.

"So he's obviously aware of the issue. But in terms of federal government legislation, he's hesitant to support that."

The breast cancer survivors noted federal legislation was passed requiring insurance coverage for women to stay at least 48 hours after delivering a baby.

They said they needed similar protection after breast surgery.

"We're wanting this done at a national level, not only the state level," said Carol Roger, a local breast cancer activist who belongs to the national

alliance.

Another local member, Marty Quakkelaar, said she has "first-hand information from women" who attend a local support group that they are ejected from local hospitals only 12 hours after having a breast removed because of their insurance.

That can result in rehospitalization after infections or other complications develop so insurance companies, patients and doctors all lose by this practice, she said.

"The first person you want to talk to is another woman who has gone through it," said Quakkelaar, who said if the woman doesn't stay at least 48 hours, she misses the benefit of a cancer volunteer visiting in her hospital room and getting results of pathology tests when there are people to explain the results to her.

Kimmel, another breast cancer survivor, noted that breast cancer will hit one out of eight American women and is "the No. 1 killer of American women age 35 to 51."

Two federal bills, with bipartisan support, would guarantee minimum stay of 48 hours for a mastectomy and 24 hours for lymph node removal.

Jahr said Hostettler feels "that's a slippery slope" to start passing federal legislation on insurance issues and issues involving the patient-doctor relationship.

FOI

All deserve representation

I don't understand. When people (a founder of the Evansville Breast Cancer Coalition) travel all the way to Washington to ask for support of Rep. Hostettler to make it possible for women undergoing mastectomies to stay in the hospital more than 48 hours (sometimes called "drive-through" mastectomies), Hostettler spokes- man Michael Jahr said she presented herself just as a constituent. But all taxpayers and residents of the 8th District are his constituents. Don't they deserve representation?

Jahr said the congressman didn't know about the coalition. But that was given to him on a visit a week before the July 10 news conference outside Hostettler's Evansville office.

Ours is one of only a few cities which has a congressional office. How come Hostettler doesn't know what goes on in his district, even when efforts are made to bring it to his attention?

Sounds like an awful lot of confusion to me. Maybe they still don't know what they're doing. Of the 20 people at the news conference, he singled out only me for criticism. Wouldn't you think he'd have something better to do than pick on an elderly grandmother?

HARRIETT B. KIMMEL
Evansville

EDITOR'S NOTE: The Evansville Press encourages readers to write to the editor. Send letters to The Editor, The Evansville Press, P.O. Box 454, Evansville, IN 47703. The Press reserves the right to edit letters for brevity, accuracy and good taste. All letters must be signed. Writers must include their phone numbers for verification.

TOM MORTON
Evansville

BILL JOHNSON
Evansville

"swept aside" and "replaced" mean generally mean when someone such as Robinson talks in movies such as "Caesar." I think it is well time for us Cro- and pro magnums, such as Clint to apologize to any Neanderthals, ex- politicians, who are left.

ert L. Steinback (Page 5, same Press suggests a U.S. apology to all the black who were never slaves by all of the U.S. ment people who were never slavers be salutary. Therefore, why don't we agnons — blacks included — apologize to Neanderthals — politicians excepted — ing them? Or is history really only your ation and the two, three, or four genera- before you?

Motorists punished unfairly

es, it was tragic that a young lady was ed on Old Petersburg Road. We all sympathize n her family and friends. I did not see or of any report that the driver of the other cle was cited for any violation, which ans the investigating officer felt it was the ung lady's fault. It then had to be the result of faulty vehicle, driving too fast for the condi- ns, or a careless moment.

Why punish the hundreds of motorists who ave negotiated this curve for decades by reduc- ing the speed limit, adding bumps, and the test is we may all have to pay for a suit, buy property to straighten out the curve, and pay for a new road. Why?

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Breast-cancer research logical

To the editor of The Courier:

Eighth District Rep. John Hostettler said in a recent article that shifting money from ineffective B-2 bombers to vital breast cancer research programs was "not logical," but it seems clear to me that transferring money from a wasteful program to a life-saving program is, on the contrary, extremely logical. The importance of breast cancer research cannot be underestimated in terms of improving the quality of life for women and their families. Does the representative think that delaying the discovery of a cure to cancer because extra airplanes that the Air Force doesn't even use are being built is "logical"?

Hostettler obviously doesn't understand the impact that losing a mother, sister or aunt has on a family. I hope that a cure to cancer is found before anyone else has to learn this, despite Hostettler's lack of support for research.

Carole Hook
Cynthiana, Ind.

Better to Investigate funding of torture

To the editor of The Courier:

I'm getting pretty tired of hearing about possible improprieties in campaign financing. I'm not an economist, so it's hard to understand how it helps balance the budget — a favorite GOP rallying cry — when the investigating committee spends \$5 million (so far) to investi-

LETTERS

gate \$3 million in questionable contributions which have already been returned and which only come to a minor percent of the money in the '96 election anyway.

I read the papers carefully every day, but I guess I'm getting old. I must have overlooked the article about the Federal Election Commission's recent levy of the largest fine in history for a foreign contribution. No, not given to President Clinton — the fine went to a German man in Florida who gave a large wad of cash to the Dole campaign.

I haven't seen any cartoons of Robert Dole in a Nazi uniform, though; nor have I heard about Germany's government trying to influence our government.

But they are right that Vice President Al Gore did stick us taxpayers with a phone bill, and it seems only fair that he should repay us. Let's see; that comes to \$24.20. Hardly worth getting excited over.

They would do better investigating the House, which voted 217-210 to continue funding the torture school in St. Benning, Ga., which for years has instructed Latin American dictators in torture techniques, including killing priests and raping nuns.

The House did recently cut \$174,000 from the National Science Foundation's budget to punish it for

its study on why we aren't getting the best-qualified people to serve in Congress. Where did they ever get the idea that our congressmen aren't qualified? Well, next year we'll get to vote on that one.

Harriett B. Kimmel
Evansville

Where are unwanted babies to be adopted?

To the editor of The Courier:

While I was listening to the Jane Norris program on WHAS radio, when the topic was "What's Your Beef," a caller told Ms. Norris she did not want to buy a baby.

It seems that she went to an adoption agency and was told up front that the adoption would cost between \$10,000 and \$12,000.

Later I thought about a five- to seven-year waiting list and that 2 million couples are wanting to adopt a baby. Where are the unwanted babies?

Frank Webster
Scottsburg, Ind.

Write us

Letters to the editor are welcomed. Please keep them brief. Letters will be edited and may be condensed. Letters must be signed and names will be printed. Please include a phone number so that authenticity of the letter can be verified.

Send them to Letters, The Evansville Courier, P.O. Box 268, Evansville, Ind. 47702, or by fax, (812) 422-8198.

Letters may be submitted by e-mail to letters@evansville.net.

Congress adjourns on up beat

weekly size-up by the Washington News Service.

95th Congress drawing on an upbeat

WASHINGTON CALLING

administration plans to contribute \$3 billion to an international bailout of Indonesia as a politically motivated back to his old buddy James Riady and the J. P. Morgan

The administration announced Friday the creation of a new Emergency Stabilization Fund, the up the failing Mexican stabilization

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Clear education lodges a "there are teachers "turn out teachers, have received. I public ta should al for this c

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**BEFORE THE FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463**

**In Re:
MUR 4717**

**AFFIDAVIT OF RORY BENSON
EXECUTIVE VICE PRESIDENT
NATIONAL ASSOCIATION BROADCASTERS
District of Columbia, ss:**

I, Rory Benson, being first duly sworn, do depose and say:

1. I am the Executive Vice President of the National Association of Broadcasters (NAB). In that capacity, my responsibilities include oversight of the NAB public service program.

2. NAB is a trade association based in Washington, DC, that represents owners and operators of America's commercial radio and television stations, as well as all major over-the-air networks. Since 1985, the National Association of Broadcasters has worked with the Congressional Club (the organization of congressional spouses) to create and distribute public service announcements (PSAs) for both radio and television.

3. Produced during the non-election years of each Congress, these 30-second PSAs have covered the gamut of issues, including cancer awareness, drunk driving prevention, and child abuse. They are aired at the station's sole discretion on local TV and radio stations across the nation.

4. The process begins with a letter sent to all House and Senate members' spouses from NAB, inviting them or their teenaged child to tape PSAs. That letter usually is sent to the spouses in the spring of the non-election year. Taping is then scheduled during a three-week period in May. In 1997, over 100 spouses and/or children recorded spots, representing 39 states and spouses of both Republican and Democratic lawmakers.

5. Each participant who signs up may choose two topics from a list of pre-written PSAs created and distributed by NAB. The topics for 1997 included the following:

- Anti-drug messages aimed at youth
- Messages urging pregnant women not to drink alcohol
- Breast cancer prevention through early screening and detection
- Prostate cancer prevention (for male spouses)
- Underage drinking warnings
- Stay in school messages aimed at high school students

Ex. 4

These messages are actually written with the assistance of communication and medical professionals to insure that they are effective with audiences and accurate in content.

6. Once the spots are taped, they are then produced. The TV PSAs are then distributed to NAB-member stations via a national satellite feed. Audio tracks for those same PSAs are then mailed to NAB-member radio stations. Each station has the sole authority to choose which PSAs to run or whether to participate at all

7. Over the years, literally hundreds and hundreds of spouses and teenaged children of Members of Congress have taped public service announcements. They have done so in a bipartisan, non-partisan way. The only passing mention of the lawmaker him or herself comes when the participants identify themselves during the final 10 seconds of each PSA.

8. I should add that NAB provides its stations with dozens of public service announcements each year on a variety of topics from a variety of sources. For example, we distribute all the PSAs produced by the Advertising Council, many of which have won national awards. The Congressional Club/NAB program is merely one more opportunity to provide local stations with public service material they can use in their local activities on social concerns.

9. I have overseen this program since its inception, and this FEC complaint to my memory is the first such complaint NAB has ever received on this program during its entire 12-year history.

Submitted with this affidavit are true and correct copies of the following:

- The invitation sent to congressional spouses for 1997
- The scripts recorded by Mrs. Hostettler in 1997
- A list of 1997 participants in the NAB/Congressional Club PSA campaign
- A list of participants from 1995
- A list of other PSAs distributed by NAB in recent years
- A video tape of the two spots which Mrs. Hostettler recorded in 1997

Rory Benson
Rory Benson

Subscribed and sworn to before me this 20 day of March, 1998.

Sheila Stapleton
Sheila Stapleton
Notary Public

District of Columbia

My commission expires 3/28/99

CALLING

Congressional Spouses & Teen Family Members!

● Congressional Club and the National Association of Broadcasters are again inviting all congressional spouses and teens to tape free, professionally produced public service announcements on issues of concern to your community. Our 1997 topics include drinking during pregnancy, underage drinking, breast cancer prevention, drug abuse and education.

● Taping will take place in Washington from May 7-22, 1997. The timing is great for those in town for the First Lady's Luncheon.

● All it takes is a half hour of your time.

● We'll do the rest — including make up,

production and distribution of the spots to radio and television stations in your district and state.

This is a wonderful opportunity to send a message to the folks back home. Now in its 12th year, hundreds of congressional spouses have already participated in this project. We hope **you** will this year.

Call NAB's Rose Desput at 202.429.5450 to schedule your taping today.

We look forward to hearing from you and hope that you will join us in this unique media project.

NABTM
BROADCASTERS

ADULT SCRIPT

4/1/97

Breast Cancer Prevention

30 second PSA pre-produced

"Make Your Birthday Count, #1"

(montage of business women walking, people in hurry, checking watches)

Narrator-vo

BREAST CANCER,,,ONE IN NINE AMERICAN WOMEN DEVELOP THE DISEASE IN THEIR LIFETIMES

(candles on birthday cake are blown out)

Narrator-vo

TAKE THE TIME TO MAKE YOUR BIRTHDAY COUNT THIS YEAR. USE YOUR DAY AS A REMINDER TO SCHEDULE AN APPOINTMENT FOR A BREAST EXAM.

Congressional Spouse-on camera

I'M _____.

CONGRESSMAN/SENATOR_____ AND I WANT YOU TO MAKE YOUR BIRTHDAY COUNT. CALL YOUR DOCTOR FOR THIS IMPORTANT EXAM.

Narrator-vo with NAB logo

THIS MESSAGE BROUGHT TO YOU BY THE NATIONAL ASSOCIATION OF BROADCASTERS.

ADULT

4/1/97

Drinking During Pregnancy

:30 second PSA pre-produced

"Baby's Bottle"

(tight shot of glass with baby crying in background, ice cubes drop in & liquor is poured into glass)

Narrator-vo

YOU WOULDN'T DREAM OF FEEDING YOUR BABY ALCOHOL.

(shot widens to reveal that the glass is in fact a baby bottle)

Narrator-vo

BUT IF YOU'RE PREGNANT AND YOU DRINK, SO DOES YOUR BABY.

Congressional Spouse-on camera

HELLO, I'M_____.

CONGRESSMAN/SENATOR_____ AND I WANT

YOU TO HAVE A HEALTHY BABY. IF YOU'RE PREGNANT,
DON'T DRINK ALCOHOL.

Narrator-vo with NAB logo & on screen "For More Information Call:
1-800-66NOFAS

THIS MESSAGE BROUGHT TO YOU BY THE NATIONAL
ASSOCIATION OF BROADCASTERS.

1997 Congressional Family PSA Project

	'97	'95
Total Participants:	104	97
States Represented:	39	42
House:	85	79
Senate:	19	18
Democrats:	40	41
Republicans:	64	54
Independents:	0	2
Wives:	84	87
Husbands:	1	0
Daughters:	16	6
Sons:	3	4
Total PSAs:	238	201

States w/Most Participants:

Texas: 13

Pennsylvania: 8

States w/Most Participants:

California: 9

Michigan: 8

'97 Statistics Continued...

Adults

Communicate (Anti-Drug): 14

Life Is Like A Highway (Anti-Drug): 16

Baby's Bottle (NOFAS): 38

Save the Celebration (NOFAS): 13

Healthy Choice, #1 (NOFAS): 27

Exercise for Health (Breast Cancer Prevention): 17

Take the Time, #1 (Breast Cancer Prevention): 20

Make Your Birthday Count, #1 (Breast Cancer Prevention): 31

Take the Time, #2 (Prostate Cancer Prevention): 2

Make Your Birthday Count, #2 (Prostate Cancer Prevention): 1

Dream Big (Underage Drinking): 4

Pickled (Underage Drinking): 3

The World Is Your Oyster (Education): 4

Education, Don't Leave Home Without It (Education): 15

Young Adults

Dream Big (Underage Drinking): 12

Pickled (Underage Drinking): 2

The World Is Your Oyster (Education): 3

Education, Don't Leave Home Without It (Education): 8

Life Is Like A Highway (Anti-Drug): 8

Most Popular Adult PSAs

Baby's Bottle (NOFAS): 38

Make Your Birthday Count, #1 (Breast Cancer Prevention): 31

Healthy Choice, #1 (NOFAS): 27

Most Popular Young Adult PSA

Dream Big (Underage Drinking): 12

States Represented (39)

Alabama: 5; Alaska: 1; Arkansas: 4; California: 3; Colorado: 1; Connecticut: 3;
Florida: 2; Georgia: 3; Idaho: 1; Illinois: 4; Indiana: 2; Iowa: 1; Kansas: 5; Kentucky: 4;
Louisiana: 5; Maine: 1; Maryland: 3; Massachusetts: 1; Michigan: 4; Minnesota: 3;
Mississippi: 4; Montana: 1; Nebraska: 1; Nevada: 1; New Jersey: 1; North Carolina: 2;
Ohio: 1; Oregon: 2; Pennsylvania: 8; South Carolina: 1; South Dakota: 2; Tennessee: 2;
Texas: 13; Utah: 2; Virginia: 1; Washington: 3; Wisconsin: 2; Wyoming: 1

The House of Representatives

Caroline Aderholt (Robert, R-AL)

Diana Allen (Thomas, D-ME)

Linda Bachus (Spencer, R-AL)

Vicki Barcia (James, D-MI)

Jeri Barr (Bob, R-GA)

Elsie Barrett (Bill, R-NE)

Ellen Bartlett (Roscoe, R-MD)

Laura Bateman (Herbert, R-VA)

Tamra Bentsen (Ken, D-TX)

Carolyn Berry (Marion, D-AR)

Patti Blagojevich (Rod, D-IL)

Cathy Brady (Kevin, R-TX)

Jennifer Canady (Charles, R-FL)

Julie Collins (Mac, R-GA)

Camille Cook (Merrill, R-UT)

Ann Cooksey (John, R-LA)

Georgia Costello (Jerry, D-IL)

Michelle Crapo (Michael, R-ID), (daughter)

Mary Emily Deal (Nathan, R-GA), (daughter)

Debbie Dingell (John, D-MI)

Brooke Dooley (Cal, D-CA), (daughter)

Linda Dooley (Cal, D-CA)

Lea Ann Edwards (Chet, D-TX)

Kendel Ehrlich (Robert, Jr., R-MD)

Chris English (Philip, R-PA)

Barbara Everett (Terry, R-AL)

Judi Fox (Jon, R-PA)

Dawn Gibbons (James, R-NV)

Helen Green (Gene, D-TX)
Earl Hilliard, Jr. (Earl, D-AL), (son)
Marty Hinojosa (Rubén, D-TX)
Carolyn Hobson (David, R-OH)
Elizabeth Hostettler (John, R-IN)
Sarah Hutchinson (Asa, R-AR), (daughter)
Sandi Jackson (Jesse, Jr., D-IL)
Andrea Jefferson (William, D-LA)
Payton John (Chris, D-LA)
Nancy Kanjorski (Paul, D-PA)
Beth Kennedy (Joseph, II, D-MA)
Sandie Knollenberg (Joseph, R-MI)
Hillary Lampson (Nicholas, D-TX), (daughter)
Stephanie Lampson (Nicholas, D-TX), (daughter)
Susan Lampson (Nicholas, D-TX)
Kayi Lewis (Ron, R-KY)
Adele Maloney (James, D-CT), (daughter)
Mary Maloney (James, D-CT)
Doris Matsui (Robert, D-CA)
Lori McInnis (Scott, R-CO)
Ruthie McIntosh (David, R-IN)
Dee McIntyre (Mike, D-NC)
Karen Minge (David, D-MN)
Meredith Nethercutt (George, Jr., R-WA), (daughter)
Katie Northup (Anne, R-KY), (daughter)
Robert Northup (Anne, R-KY)
Jean Oberstar (James, D-MN)
Joan Obey (David, D-WI)
Sarah Pallone (Frank, Jr., D-NJ)
Anne Petri (Thomas, R-WI)
Leisha Pickering (Chip, R-MS)
Carol Pitts (Joseph, R-PA), (daughter)
Ginny Pitts (Joseph, R-PA)
Karen Pitts Starkey (Joseph, R-PA), (daughter)
Patsy Riley (Bob, R-AL)
Anne Ryun (Jim, R-KS)
Catharine Ryun (Jim, R-KS), (daughter)
Sylvia Sabo (Martin Olav, D-MN)
Leslie Sandlin (Max, D-TX)
Jenny Sanford (Mark, R-SC)
Karen Shimkus (John, R-IL)
Cindy Stenholm (Charles, D-TX)
Cecile Tauzin (Billy, R-LA)
Michael Tauzin (Billy, R-LA), (son)
Sally Thornberry (Mac, R-TX)

Kimberly Thune (John, R-SD)
Vicki Tiaht (Todd, R-KS)
Ginny Turner (Jim, D-TX)
Susan Turner (Jim, D-TX), (daughter)
Amey Upton (Fred, R-MI)
Kim Wamp (Zach, R-TN)
Eulada Watt (Melvin, D-NC)
Andy Weldon (Curt, R-PA), (son)
Kristin Weldon (Curt, R-PA), (daughter)
Vikki White (Rick, R-WA)
Gayle Wicker (Roger, R-MS)
Margaret Wicker (Roger, R-MS), (daughter)

United States Senate

Joyce Bennett (Robert, R-UT)
Betty Bumpers (Dale, D-AR)
Phyllis Burns (Conrad, R-MT)
Elaine Chao (Mitch McConnell, R-KY)
Karyn Frist (Bill, R-TN)
Sally Gorton (Slade, R-WA)
Barbara Grassley (Charles, R-IA)
Donna Hutchinson (Tim, R-AR)
Barbara Johnson (Tim, D-SD)
Hadassah Lieberman (Joe, D-CT)
Patricia Lott (Trent, R-MS)
Priscilla Mack (Connie, R-FL)
Nancy Murkowski (Frank, R-AK)
Anne-Wesley Roberts (Pat, R-KS), (daughter)
Franki Roberts (Pat, R-KS)
Christine Sarbanes (Paul, D-MD)
Sharon Smith (Gordon, R-OR)
Susan Thomas (Craig, R-WY)
Laurie Wyden (Ron, D-OR)

1995 Congressional PSA Participants
May 10-24, 1995

House

Baker, Joann (Bill, R-CA)
Baker, Mary (Bill, R-CA) (daughter)
Baldacci, Karen (John, D-ME)
Barcia, Vicki (James, D-MI)
Barr, Jeri (Bob, R-GA)
Barrett, Elsie (Bill, R-NE)
Bateman, Laura (Herb, R-VA)
Beilenson, Delores (Tony, D-CA)
Brewster, Karel (Bill, D-OK) (daughter)
Brewster, Suzie (Bill, D-OK)
Bunn, Cindy (Jim, R-OR)
Christensen, Meredith (Jon, R-NE)
Chrysler, Katie (Dick, R-MI)
Clement, Mary (Bob, D-TN)
Collins, Julie (Mac, R-GA)
Cooley, Rosemary (Wes, R-OR)
Costello, Georgia (Jerry, D-IL)
Cremeans, Carol (Frank, R-OH)
DeLay, Dani (Tom, R-TX)
Dicks, Suzie (Norman, D-WA)
Dingell, Debbie (John, D-MI)
Doggett, Cathy (Lloyd, D-TX) (daughter)
Doggett, Libby (Lloyd, D-TX)
Driscoll, Carina (Bernard Sanders, I-VT) (step-daughter)
Edwards, LeeAnn (Chet, D-TX)
Ehrlich, Kendel (Robert, R-MD)
English, Chris (Phil, R-PA)
Everett, Barbara (Terry, R-AL)
Fields, Debra (Cleo, D-LA)
Gillmor, Karen (Paul, R-OH)
Hayes, Jonathan (James, D-LA) (son)
Hayes, Leslie (James, D-LA)
Hayworth, Mary (J.D., R-AZ)
Heineman, Linda (Fred, R-NC)
Herger, Pam (Wally, R-CA)
Hilliard, Earl (Earl, D-AL) (son)
Hobson, Carolyn (David, R-OH)
Hom, Nini (Stephen, R-CA)
Hutchinson, Donna (Tim, R-AR)
Johnson, Barbara (Tim, D-SD)
Kanjorski, Nancy (Paul, D-PA)
Kildee, Gayle (Dale, D-MI)
Knollenberg, Sandie (Joe, R-MI)

Lewis, Kay (Ron, R-KY)
Lucas, Linda (Frank, D-OK)
Martini, Gloria (William, R-NJ)
McHugh, Katie (John, R-NY)
McIntosh, Ruthie (David, R-IN)
McKeon, Patricia (Howard, R-CA)
Miller, Glenda (Dan, R-FL)
Mineta, Deni (Norman, D-CA)
Minge, Karen (David, D-MN)
Nethercutt, Mary Beth (George, R-WA)
Norwood, Gloria (Charles, R-GA)
Petri, Ann (Thomas, R-WI)
Romero, Kate (Carlos-D-PR)
Sabo, Sylvia (Martin, D-MN)
Salmon, Nancy (Matt, R-AZ)
Sanders, Jane (Bernard, I-VT)
Sanford, Jenny (Mark, R-SC)
Smith, Bonnie (Nick, R-MI)
Spratt, Jane (John, D-SC)
Spratt, Susan (John, D-SC) (daughter)
Stockman, Patti (Steve, R-TX)
Tanner, Betty Ann (John, D-TN)
Tate, Julie (Randy, R-WA)
Tauzin, Cecile (Billy, D-LA)
Tauzin, Kristie (Billy, D-LA) (daughter)
Tiahrt, Vicki (Todd, R-KS)
Tucker, Robin (Walter, D-CA)
Tucker, Walter (Walter, D-CA) (son)
Underwood, Ricardo (Robert, D-GU) (son)
Upton, Amey (Fred, R-MI)
Wamp, Kim (Zach, R-TN)
White, Vikki (Rick, R-WA)
Whitfield, Connie (Ed, R-KY)
Wicker, Gayle (Roger, R-MS)
Williams, Carol (Pat, D-MT)
Zeliff, Sydna (Bill, R-NH)

Senate

Abraham, Jane (Spencer, R-MI)
Biden, Jill (Joe, D-DE)
Bradley, Ernestine (Bill, D-NJ)
Burns, Phyllis (Conrad, R-MT)
Bumpers, Betty (Dale, D-AR)
DeWine, Fran (Mike, R-OH)
Dorgan, Kimberly (Byron, D-ND)
Grassley, Barbara (Charles, R-IA)
Harkin, Ruth (Tom, D-IA)
Hollings, Peatsy (Fritz, D-SC)

Lieberman, Hadassah (Joe-D-CT)
Lott, Tricia (Trent, R-MS)
Mack, Priscilla (Connie, R-FL)
McConnell, Elaine Chao (Mitch, R-KY)
Murkowski, Nancy (Frank, R-AK)
Robb, Lynda (Charles, D-VA)
Sarbanes, Christine (Paul, D-MD)
Thomas, Sharon (Craig, R-WY)

TO: Pavanne Veltman
FROM: Cassandra Holland
DATE: October 16, 1995
RE: October Telejournal

The following is the order for the October Telejournal:

STAR - 13 Alcohol Abuse PSAs with 800#

RADD - 5 Untagged RADD :30's

HHS Breast Cancer PSA w/Hillary Clinton - 1-:30

Ad Council

Breast Cancer PSAs 2-:30's, 1-:15

Gender Equity in Education :30

Individual Giving/Volunteering :30, :20, :25/:05

Second Harvest :30, :10, :15/:05

Crime Prevention :30, :30

Nebraska ETV Network PSAs (only 2)

Act Against Violence/Gore and Whitman 2-:30

TO: John Porter, Pat Branigan

FROM: Cassandra Holland

DATE: November 9, 1995

RE: November Telejournal

The following is the order for the November Telejournal feed for PSAs.

MADD

Holiday Designated Driver PSAs 4-:10's, 1:30

RADD

Holiday PSAs 3- :30's

Toys for Tots 1-:30

Ad Council

Drunk Driving Prevention 4-:30's

Fire Safety 2-:30's, 2-:60's

Organ & Tissue Donation 4-:30's, 1-:15, 1-10

Pediatric AIDs 1-:30, 1-:20

CDC

AIDS PSAs 1-:60, 1-:30

Spina Bifida Association 1-:60, 1-:30

TO: Carol Moore, Pat Branigan

FROM: Cassandra Holland

DATE: December 6, 1995

RE: December Telejournal

The following is the order for the December Telejournal feed for PSAs.

STAR PSAs 3-:30's, 3-:15's

MADD
Holiday Designated Driver PSAs 4-:10's, 1:30

RADD
Holiday PSAs 4-:30's

Toys for Tots (From Nov. TJ) 1-:30

Century Council
EOF/Jack Lawn Interview +
Joe Dumars PSA :30

Ad Council
Drunk Driving Prevention 4-:30's
Anti-Discrimination Campaign :30, :20, :25/:05
Employer Support of the Guard :30, :15, :10
Education Reform 2-:30, :20, 3-:15, :10
Understanding Mental Illness :30

Hillary Clinton
National Adoption Center PSA :30

Spina Bifida Association 1-:60, 1-:30

TO: Carole Moore
Pat Branigan

FROM: Cassandra Holland

DATE: January 12, 1996

RE: January Telejournal

Listed are the following for the January Telejournal feed:

1. **STAR - 3:30's, 3-15's**
2. **Washington State Association of Broadcasters (WSAB) PSAs**
See Attached list-- Only use highlighted spots - 13-:30
3. **Century Council PSA - Joe Dumars :30**
Promotion for Century Council Special Satellite Feed to include Billboard of Coordinates
4. **Ad Council PSAs**

United Negro College Fund	:60, :30, :20
Value of Math & Science	:30
Forest Fire Prevention Campaign	:30, :15
Child Abuse Prevention	2-:30, :10
5. **AIDS -**

How Do You Know	:30
Alcohol Stay in Control	:15
Gatekeeper	:20
Abstinence	:15
Abstinence (Spanish Version)	:10

TO: Carol Moore
Pat Branigan

FROM: Cassandra Holland

DATE: February 12, 1996

RE: **February Telejournal**

Listed are the following for the February Telejournal feed:

1. **STAR - 3:30's, 3-15's**
Please mention in the voice over that NAB encourages all stations to air the STAR PSAs.
2. **Washington State Association of Broadcasters (WSAB) PSAs (From January TJ)**
See Attached list-- Only use highlighted spots - 13-:30's
In voice over, thank WSAB for producing the spots and that stations may use their local tag.
3. **RADD - 5 Untagged RADD :30's (From September TJ)**
(Please use v/o or a slate at the beginning of RADD PSAs to indicate spots are available for use of your local tag)
4. **Advertising Council PSAs**

Gender Equity in Education	1-:30
Individual Giving/Volunteering	1-:30, 1-:20, 1-:25, 1-:05
Points of Light Foundation	1-:30, 4-:15's
Domestic Violence	1-:60, 1-:30

(Do not use Recycled PSAs this month, will use in March)
5. **RADD Kids: 1996 PSA** **1-:30 (Tape to arrive 2/13)**

Also, please make an extra dub of the January TJ and future TJ's for me to send to the Ad Council. (VHS)

Thank you.

TO: Carole Moore
Pat Braningan

FROM: Cassandra Holland

DATE: March 8, 1996

RE: March Telejournal

The following will be the March edition of Telejournal:

- **Bob Moss new PSAs - 3-:30's, 3-:15's (Chuck will have master)**
(Please do a voice over indicating that these are new STAR PSAs)
 - :30 Fetal Alcohol "Celebrate"
 - :30 Underage Drinking "Rejection"
 - :30 Alcohol Abuse "Not Healthy"
 - :15 Fetal Alcohol "Celebrate"
 - :15 Underage Drinking "Rejection"
 - :15 Alcohol Abuse "Not Healthy"
- **Washington State Association of Broadcasters - (Only the following six PSAs)**
 - :30 Spot #3 She's Drunk
 - :30 Spot #4 He's Drunk
 - :30 Spot #12 You Don't Want/Boy
 - :30 Spot #13 You Don't Want/Girl
 - :30 Spot #18 Penalty/Mom
 - :30 Spot #19 Penalty/Dad
- **Century Council - 1-:30**
 - Joe Dumars PSA - (From January Telejournal)**Please billboard coordinates for special satellite feed March 28 (See attached memo)**
- **RADD - Kids Safety PSAs - 3-:60's (From February Telejournal)**
- **Ad Council**
 - Vote '96 - 2-:30's
 - Earth Share - 1-:30
 - Crime Prevention - 1-:30
 - Breast Cancer Detection - 1-:30

TO: Carole Moore
Pat Braningan

FROM: Cassandra Holland

DATE: March 8, 1996

RE: April Telejournal

The following will be for this month's TELEJOURNAL:

- **Bob Moss new PSAs - (3-:30's, 3-:15's) (From March TJ)**
 - :30 Fetal Alcohol "Celebrate"
 - :30 Underage Drinking "Rejection"
 - :30 Alcohol Abuse "Not Healthy"
 - :15 Fetal Alcohol "Celebrate"
 - :15 Underage Drinking "Rejection"
 - :15 Alcohol Abuse "Not Healthy"
- **Beer Institute**
 - :30 License
 - :30 Message
- **Century Council - "Ready or Not: Talking With Kids About Alcohol" PSA**
 - :30 Chris Carter
- **RADD - 6 "Group 3" Drunk Driving PSAs**
 - :30 Julian Lennon
 - :30 Los Lobos
 - :30 Moon & Dweezil Zappa
 - :20 Leanza Cornett
 - :30 Little Richard
 - :30 Lady Smith Black Mombazo
- **RADD - Kids**
 - :30 Buckle Up (only)
- **Ad Council**
 - The College Fund/UNCF 1-:60, 1-:30, 1-:20
 - Buy Recycled 1-:60, 1-:30, 1-:20, 1-:10
 - Understanding Mental Illness 1-:30
 - Organ & Tissue Donation 1-:30, 1-:30, 1-:30, 1-:30, 1-:15, 1-:10

TO: Carole Moore
Pat Branningan

FROM: Cassandra Holland

DATE: May 10, 1996

RE: May Telejournal

The following will be for the May edition of Telejournal:

- **Bob Moss new PSAs - (3-:30's, 3-:15's) (From March TJ)**
 - :30 Fetal Alcohol "Celebrate"
 - :30 Underage Drinking "Rejection"
 - :30 Alcohol Abuse "Not Healthy"
 - :15 Fetal Alcohol "Celebrate"
 - :15 Underage Drinking "Rejection"
 - :15 Alcohol Abuse "Not Healthy"
- **NAB STAR PSA's**
 - :15 Healthy Choice I & II
 - :15 A Sober Approach
 - :15 Cool, Not Cool
- **Beer Institute**
 - :30 License
 - :30 Message
- **Ad Council**
 - 2-:30's - Drunk Driving
 - 1-:30, 1-:15 - Employer Support G & R
 - 1:30/:15 - EEP
 - 1:60/:30 - Crime Prevention
- **Special Olympics**
 - Training for Life - :60/:30/:10

TO: Carole Moore
Pat Braningan

FROM: Cassandra Holland

DATE: May 10, 1996

RE: June Telejournal

- **Bob Moss new PSAs - (3-:30's, 3-:15's) (From March TJ)**

- :30 Fetal Alcohol "Celebrate"
- :30 Underage Drinking "Rejection"
- :30 Alcohol Abuse "Not Healthy"
- :15 Fetal Alcohol "Celebrate"
- :15 Underage Drinking "Rejection"
- :15 Alcohol Abuse "Not Healthy"

- **NAB STAR PSAs (from May TJ)**

- :15 Healthy Choice I & II
- :15 A Sober Approach
- :15 Cool. Not Cool

- **RADD PSAs (5)**

- :30 Brooks & Dunn
- :30 Tracy Lawrence
- :30 Emilio
- :30 Neal McCoy
- :30 Martina McBride

- **Aid Council PSAs**

- 2-:30 Fathering Initiative
- 3-:30 Safety Belt Education
- 1-:30 Anti-discrimination
- 1-:30 Forest Fire Prevention
- 1-:30 Water Quality

TO: Carole Moore
Pat Braningan

FROM: Cassandra Holland

DATE: May 10, 1996

RE: July Telejournal

- **NAB STAR PSAs (from May TJ)**

- :15 Healthy Choice I & II
- :15 A Sober Approach
- :15 Cool. Not Cool

- **RADD PSAs (5)**

- :30 Brooks & Dunn
- :30 Tracy Lawrence
- :30 Emilio
- :30 Neal McCoy
- :30 Martina McBride

- **Ad Council**

- (:2-:60, 3-:30) Coalition for America's Children
- (:30, :15) Education Reform
- (:30, :10) Second Harvest
- ((2-:60, 2-:30) Fire Safety
- (:30, :15) Forest Fire Prevention

- **Special Olympics**

- Fitting In (:60, :30, :10)

TO: Carole Moore
Pat Braningan

FROM: Cassandra Holland

DATE: September 12, 1996

RE: September Telejournal

- **Bob Moss new PSAs - (3-:30's, 3-:15's) (From March TJ)**

- :30 Fetal Alcohol "Celebrate"
- :30 Underage Drinking "Rejection"
- :30 Alcohol Abuse "Not Healthy"
- :15 Fetal Alcohol "Celebrate"
- :15 Underage Drinking "Rejection"
- :15 Alcohol Abuse "Not Healthy"

- **RADD PSAs (5)**

- :30 Brooks & Dunn
- :30 Tracy Lawrence
- :30 Emilio
- :30 Neal McCoy
- :30 Martina McBride

- **Debate Watch '96**

- **AD Council PSAs**

- Child Abuse (2-:30's, 1-:10)
- Head Start (2-:15's, 1-:30)
- Healthy Start (5:30's)
- Junior Achievement (1-:30)
- Recruiting New Teachers (:60, :30, :10)

- **Breast Cancer (:30)**

- **National Mental Health**
(Use only the 2-:30's)

If you need to cut out PSAs, please cut the RADD PSAs.

Thank you.

TO: Carole Moore

Pat Braningan

FROM: Cassandra Holland

DATE: October 4, 1996

RE: October Telejournal

This month's TELEJOURNAL will include the following:

- **Ad Council - (Taped to be Fed. Exp. to Rose by Fri. Oct. 11)**
- **RADD - (Taped to be sent back from Radio Show via Rose)**
- Approx. 8 - :30 PSAs
- **Rock the Vote**
25 - :30 PSAs (run as many as possible)
- **Neurofibromatosis**
- 1 - :30

TO: Pat Braningan
FROM: Cassandra Holland
DATE: November 12, 1996
RE: November Telejournal

The following will be for this month's TELEJOURNAL.

- **NAB STAR PSAs (from May TJ)**

- :15 Healthy Choice I & II
- :15 A Sober Approach
- :15 Cool. Not Cool

- **RADD Holiday PSAs (5-:30's)**

- :30 Crystal Bernard
- :30 Jon Secada English
- :30 Jon Secada Spanish
- :30 Brooks & Dunn
- :30 John Larroquette

- **Please billboard the following: (see attachment)**

In preparation for Drunk & Drugged Driving (3D) Prevention Month a "virtual news conference will be held on December 19, with speakers in several different cities, linked via satellite. Speakers include Secretary Federico Pena (from Washington) Katherine Prescott, MADD National President and 3D Prevention Month Coalition chair Terry Schiavone, who will host the news conference. The coordinates are as follows:

December 19, 1996

1:00 p.m. EST (10:00 a.m. PST)

Galaxy K7

Transponder 17 upper, downlink frequency 12065(h)

Audio 6.2 and 6.8, analogue KU receiver

- **Ad Council**

- Second Harvest (2 spots)
- Individual Giving/Volunteering (3 spots)
- American Red Cross (1 spot)
- Gender Equity in Education (1 spot)
- Value of Math & Science (1 spot)
- Anti-Discrimination (1 spot)
- Employer Support of the Guard & Reserve (3 spots)

TO: Pat Braningan
FROM: Cassandra Holland
DATE: December 11, 1996
RE: December Telejournal

The following will be for this month's TELEJOURNAL.

- :30 - President Clinton Designated Driver PSA

TO: Pat Branigan
FROM: Cassandra Holland
DATE: January 9, 1997
RE: January TELEJOURNAL

The following will be for this month's feed:

- Bob Moss new PSAs - (3-:30's, 3-:15's) (From March 1996 T.J.)
 - :30 Fetal Alcohol "Celebrate"
 - :30 Underage Drinking "Rejection"
 - :30 Alcohol Abuse "Not Healthy"
 - :15 Fetal Alcohol "Celebrate"
 - :15 Underage Drinking "Rejection"
 - :15 Alcohol Abuse "Not Healthy"
- Advertising Council
 - Drunk Driving Prevention (4- :30's)
 - Infant Immunization (1- :30, 1-:15)
 - UNCF (1-:30)
 - Points of Light (1-:30)
 - Buy Recycled (1-:60, 1-:30, 1-:20, 1-:10)

Thank you.

TO: Pat Branigan
Carole Moore

FROM: Cassandra Holland

DATE: February 18, 1997

RE: February TELEJOURNAL

The following will be for this month's TELEJOURNAL:

- STAR PSAs from previous months

- RADD

Brooks & Dunn	:30
Melissa Etheridge	:30
Little Richard	:30
Jon Secada (Spanish)	:30
Trisha Yearwood	:30

- Ad Council

Children Now	4 (1-:60, 2-:30's)
Value of Math & Science	2 (1-:30, 1-:15)
Crime Prevention	2 (1-:60, 1-:30) Billboard as "Please view spots prior to scheduling") -- see Ad Council letter
Second Harvest	2 (1-:30, 1-:10)
Youth Fitness	1-:30
Anti-Discrimination	1-:30, 1-:90

Thank you.

**TO: Pat Branigan
Carole Moore**

FROM: Cassandra Holland

DATE: March 13, 1997

RE: March TELEJOURNAL

The March Telejournal should include the following:

- **RADD PSAs (to be sent to Rose on 3/15/97) -- part of the STAR campaign**
- **Ad Council**
 - President Clinton Remarks for the Ad Council PSA Promotion
 - The Toughest Job in the World - 5 (1:60, 1:30, 1:20, 1:15, 1:10)
- **Prostate Cancer**
 - Senator Dole 1-:30
- **Children's TV Workshop**
 - Earth Day PSAs** - English 2- :30's, 2- :15's
 - Spanish 2- :30's, 2- :15's
- **Air Force**
 - 50th Anniversary 2- :60's
- **NICHCY**
 - Get A Life 2: 30's, 1: 15

**TO: Pat Branigan
Carole Moore**

FROM: Jennifer Livengood

DATE: June 13, 1997

RE: June 20 TeleJournal

The June Telejournal should include the following:

- **Marijuana Project**

- Eddie/Shalala Intro - :60 (est.)
- Hairdryer w/800 Number - :15
- Drummer w/800 Number - :15
- Statistics (rev.) w/website - :30
- Cafeteria - Nat'l - :30
- Play-By-Play - :30
- Express Yourself - :15
- Average Kid - :30
- Jason/Mother - :30
- Duane/Ring - :30
- Joanne/Baseball hat - :30
- Joanne/Drug House - :30

- **STAR (monthly rotation)**

- **The Ad Council**

- Drunk Driving Prevention**

- Suto Mom - :30
- Delair Family/Easter - :30
- Baby - :30
- Willie Prom - :30

- Employer Support of the Guard & Reserve**

- Snow Rescue - :30
- Snow Rescue - :15

- Urban League/Youth Development**

- Clock/Beat the Street - :30

- Presidents Council on Physical Fitness**

- Sports "Get Off It" - :30

- **RADD Kids**

- Air Bag Safety - :30
- Boating/Camping Safety - :30

- **Special Olympics International**

- Around Here - :60
- Around Here - :30
- Around Here - :15
- Around Here - :10

TO: Pat Branigan; Carole Moore

FROM: Jennifer Livengood

DATE: August 6, 1997

RE: August 15 TeleJournal

The August TeleJournal should include the following:

- **STAR** (monthly rotation)
- **American Council on Alcoholism** (from July)
 - Help You Help Them - :30
 - Been There, Done That - :30
- **Marijuana Project** (from July)
 - Hairdryer w/800 Number - :15
 - Drummer w/800 Number - :15
 - Statistics (rev.) w/website - :30
 - Cafeteria - Nat'l - :30
 - Play-By-Play - :30
 - Express Yourself - :15
 - Average Kid - :30
 - Jason/Mother - :30
 - Duane/Ring - :30
 - Joanne/Baseball hat - :30
 - Joanne/Drug House - :30
- **United States Sentencing Commission** (from July)
 - List - :30
 - Surprise - :30
- **The Ad Council** (Rose will receive on 8/8 and bring to you)

TO: Rory Benson
CC: Rose Desput
FROM: Jennifer Livengood
DATE: September 14, 1997
RE: September 19 TeleJournal

Rory – Following is the schedule for the upcoming TeleJournal feed. Two things I wanted to point out: Jackie Nedell (HHS) has asked us to include the flu shot PSA. It focuses on the need for senior citizens to get the flu shot now. Secondly, although the RADD Kids "boating" spot is becoming out of season, we have just received over thirty requests for copies of it and the other RADD Kids spot from the June feed. For this reason, I have included them once again. Please make Rose aware of any changes you would like to this schedule. See you in New Orleans!

Rose – If Rory has any changes for this schedule, will you please contact Pat Branigan at ext. 5364 with them? Thank you!

The September Telejournal will include the following:

- **Congressional Satellite Feed Info Scroll**
- **STAR** (monthly rotation)
- **American Council on Alcoholism** (from August)
 - Help You, Help Them - :30
 - Been There, Done That - :30
- **Department of Health and Human Services**
 - Get the Flu Shot - :30
- **Marijuana Project** (monthly rotation)
- **Ad Council**
 - Pediatric AIDS 2 - :30
 - Organ & Tissue Donation 1 - :30
 - EDF/Buy Recycled 2 - :30
 - Child Abuse Prevention 1 - :30
 - Education Excellence 3 - :30
 - Youth Fitness 1 - :30
- **RADD Kids** (from June)
 - Air Bag Safety 1 - :30
 - Boating/Camping Safety 1 - :30

TO: Pat Branigan; Carole Moore

FROM: Jennifer Livengood

DATE: October 14, 1997

RE: October 17 Telejournal

The October Telejournal will include the following:

- **Chuck Sherman intro/Eddie footage from Radio Show dealing with Public Service (Hicks/Muse effort)**
- **STAR (monthly rotation)**
- **American Council on Alcoholism (from September)**
 - Help You, Help Them - :30
 - Been There, Done That - :30
- **Department of Health and Human Services**
 - Get the Flu Shot - :30 (from Sept. feed)
- **Marijuana Project (monthly rotation)**
- **Ad Council**
 - 4-H Council 1 - :30
 - Toughest Job 1 - :60, 1 - :30
 - Talking with Kids about Tough Issues 1 - :60, 1 - :30
 - Healthy Start 1 - :30
 - Fire Safety 3 - :30
- **America Recycles Day**
 - Press Conference segment and teasers

TO: Pat Branigan; Carole Moore

FROM: Jennifer Livengood

DATE: November 18, 1997

RE: November 21 Telejournal

The November Telejournal will include the following:

- **On-Air Initiatives Segment Intro (including 3D Prevention Month info)**
- **Bruce Cotter special message to broadcasters**
- **Bruce Cotter/American Council on Alcoholism (from October)**
 - Help You, Help Them 1 - :30
 - Been There, Done That 1 - :30
- **RADD**
 - Paul McCartney 1 - :30 (arriving Wednesday morning)
 - Trisha Yearwood 1 - :30 (arriving Wednesday morning)
 - John Secada 1 - :30 (Spanish version from last November)
- **STAR**
 - Baby Hears 1 - :30 (Bob Moss cut 1/Fetal Alcohol Syndrome)
 - Daycare 1 - :30 (Bob Moss cut 8/Alcohol at Work)
 - Trouble 1 - :30 (Bob Moss cut 6/underage Drinking)
- **Department of Health and Human Services**
 - Candice Bergen 1 - :30 (Medicare Mammography)
 - Baldwin Family 1 - :30 (Medicare Mammography)
- **Ad Council**
 - The College Fund/UNCF 1 - :30, 1 - :20
 - Safety Belt Education 1 - :30, 1 - :10
 - Infant Immunization 1 - :15
 - Anti-Discrimination 1 - :30
 - Recruiting New Teachers 1 - :30, 1 - :10
- **WABU**
 - It's An Honor... 1 - :60 (Salute the Flag w/o the station's logo)
- **Marine Corp**
 - Guard Duty 1 - :30, 1 - :20, 1 - :15

TO: Rory Benson
FROM: Jennifer Livengood
DATE: December 16, 1997
RE: December 19 Telejournal

Following is the proposed schedule for the December feed:

- **On-Air Initiatives Segment Intro**
- **President Clinton**
Designated Driver 1x :30; 1x:10 (New revised versions)
- **RADD**
Paul McCartney 1x :30
Trisha Yearwood 1x :30
John Secada 1x :30 (Spanish version from November 1996)
- **STAR**
Monthly rotation
- **Bruce Cotter/American Council on Alcoholism**
Help You, Help Them 1x :30
Been There, Done That 1x :30
- **Ad Council**
Drunk Driving Prevention 2x :30; 3x :15
Anti-Discrimination 1x :60, 1x :30
I Am Your Child 3x :30; 1x :10
Points of Light 1x :30
- **Department of Health and Human Services**
Candice Bergen 1x :30 (Medicare Mammography)
Baldwin Family 1x :30 (Medicare Mammography)
Ulcer Sufferers 2x :30 (One English, One Spanish)
- **NASA (NASA's own feed info on slate and footage)**
El Niño footage 1x :30
- **Information and B Roll from 3D Prevention Month News Conference**
(News Conference is Thursday morning. Will have tape immediately following to round out our feed)

TO: Pat Branigan; Carole Moore

FROM: Jennifer Livengood

DATE: January 7, 1998

RE: January 16 Telejournal

If necessary, you can reduce the number of STAR, MADD and HHS spots if you need more space to accommodate Board footage.

- **STAR** (Bob Moss spots)
 - Fetal Alcohol "Celebrate" 1x :30
 - Underage Drinking "Rejection" 1x :30
 - Alcohol Abuse "Not Healthy" 1x :30
 - Underage Drinking "Rejection" 1x :15
 - Alcohol Abuse "Not Healthy" 1x :15
- **MADD** (Tie One On For Safety Campaign featuring Joan Lunden)
 - Tie One On 1x :10
 - Change the Meaning 1x :15
 - Know the Facts 1x :30
 - Every 30 Seconds 1x :30
 - 17,000 Lives 1x :60
- **RADD** (from February 1997 feed, NOT the holiday spots obviously)
 - Brooks & Dunn 1x :30
 - Melissa Etheridge 1x :30
 - Jon Secada (Spanish) 1x :30
- **Ad Council** (BETA will be delivered to Carole Moore Fri., 1/9)
 - Fire Safety 5x
 - Employer Support of the Guard & Reserve 2x
 - Education Excellence 4x
 - Clean Water 1x
 - Earth Share 1x
- **Marijuana** (from August)
 - Hairdryer w/800# 1x :15
 - Drummer w/800# 1x :15
 - Statistics (rev.) w/Website 1x :30
 - Cafeteria (National) 1x :30
 - Average Kid 1x :30
- **Department of Health and Human Services** (from December)
 - Candice Bergen 1x :30 (Medicare Mammography)
 - Baldwin Family 1x :30 (Medicare Mammography)
 - Ulcer Sufferers 2x :30 (One English, One Spanish)

TO: Pat Branigan; Carole Moore
FROM: Jennifer Livengood
DATE: February 18, 1998
RE: February 20 *Telejournal* Schedule

- **STAR** (Bob Moss spots)
 - Fetal Alcohol "Night Bottle" 1x :30
 - Underage Drinking "Trouble" 1x :30
 - Alcohol Abuse "Health" 1x :30
 - Underage Drinking "Trouble" 1x :15
 - Alcohol Abuse "Birthday" 1x :15
- **RADD** (you already have)
 - Brooks & Dunn 1x :30
 - Melissa Etheridge 1x :30
 - Jon Secada (Spanish) 1x :30
- **Youth Development Hotline**
 - I Know 1x :30
 - Trouble 1x :30
 - 15 Years Old 1x :30
- **Ad Council**
 - Anti-Discrimination 1x :60, 1x :30, 1x :15, 1x :10
 - College Fund/UNCF 2x :30
 - Youth Fitness 1x :30, 1x :15
 - Healthy Start 2x :30
- **Marijuana** (you have)
 - Hairdryer w/800# 1x :15
 - Drummer w/800# 1x :15
 - Statistics (rev.) w/Website 1x :30
 - Cafeteria (National) 1x :30
 - Average Kid 1x :30
- **USO**
 - General Colin Powell 1x :30
- **Volunteers of America**
 - Volunteers of America 1x :60, 1x :30
- **Canine Companions for Independence**
 - Canine Companions 1x :60, 1x :30

TO: Pat Branigan; Carole Moore
FROM: Jennifer Livengood
DATE: March 18, 1998
RE: March *Telejournal* Schedule

Pat & Carole – I would like to look at a couple of these when you begin to compile them. Thanks! Jennifer

- **RADD** (new – Arriving Wednesday morning.)
First Things First 1x :30
- **Century Council** (new – Arriving Thursday Morning. *I have a VHS copy if we can't wait*)
Satellite Feed Slate w/coordinates to read:
NAB/Century Council Special Prom/Graduation Season Satellite Feed
Tuesday, March 31, 1998
11:00 – 11:45 a.m. ET
Galaxy C4, Transponder 22, Downlink Frequency 4140 Vertical, Audio 6.2 & 6.8.
Following is a sample of what the program will include...

Brandon Silveria program tease 1x 2:00
Brandon Silveria PSA 1x :30
- **STAR** (Bob Moss spots)
Underage Drinking "Rejection" 1x :30
Underage Drinking "Rejection" 1x :15
Underage Drinking "Trouble" 1x :30
Underage Drinking "Trouble" 1x :15
Alcohol Abuse "Birthday" 1x :15
- **Ad Council** (new)
Earth Share 1x :30
Children Now 2x :30
Fire Safety 2x :30, 2x :10 (there are two more spots, but I cannot tell the length)
4-H 1x :30
Safety Belts 1x :30, 1x :15, 1x :10
- **National Committee to Prevent Child Abuse** (new)
Stop That 1x :30
Andre Agassi 1x :30

- **Marijuana (you have)**
 - Hairdryer w/800# 1x :15
 - Drummer w/800# 1x :15
 - Statistics (rev.) w/Website 1x :30
 - Cafeteria (National) 1x :30
 - Average Kid 1x :30
- **HHS (new)**
 - Tipper Gore/SIDS 1x :30
- **CTFA (new)**
 - Look Good... Feel Better 1x :30
- **Salvation Army (new)**
 - Salvation Army Overview 1x :30

1997 Congressional Family PSA Project

	'97	'95
Total Participants:	104	97
States Represented:	39	42
House:	85	79
Senate:	19	18
Democrats:	40	41
Republicans:	64	54
Independents:	0	2
Wives:	84	87
Husbands:	1	0
Daughters:	16	6
Sons:	3	4
Total PSAs:	238	201

States w/Most Participants:

Texas: 13
Pennsylvania: 8

States w/Most Participants:

California: 9
Michigan: 8

'97 Statistics Continued...

Adults

Communicate (Anti-Drug): 14
Life Is Like A Highway (Anti-Drug): 16
Baby's Bottle (NOFAS): 38
Save the Celebration (NOFAS): 13
Healthy Choice, #1 (NOFAS): 27
Exercise for Health (Breast Cancer Prevention): 17
Take the Time, #1 (Breast Cancer Prevention): 20
Make Your Birthday Count, #1 (Breast Cancer Prevention): 31
Take the Time, #2 (Prostate Cancer Prevention): 2
Make Your Birthday Count, #2 (Prostate Cancer Prevention): 1
Dream Big (Underage Drinking): 4
Pickled (Underage Drinking): 3
The World Is Your Oyster (Education): 4
Education, Don't Leave Home Without It (Education): 15

Young Adults

Dream Big (Underage Drinking): 12
Pickled (Underage Drinking): 2
The World Is Your Oyster (Education): 3
Education, Don't Leave Home Without It (Education): 8
Life Is Like A Highway (Anti-Drug): 8

Most Popular Adult PSAs

Baby's Bottle (NOFAS): 38

Make Your Birthday Count, #1 (Breast Cancer Prevention): 31

Healthy Choice, #1 (NOFAS): 27

Most Popular Young Adult PSA

Dream Big (Underage Drinking): 12

States Represented (39)

Alabama: 5; Alaska: 1; Arkansas: 4; California: 3; Colorado: 1; Connecticut: 3;
Florida: 2; Georgia: 3; Idaho: 1; Illinois: 4; Indiana: 2; Iowa: 1; Kansas: 5; Kentucky: 4;
Louisiana: 5; Maine: 1; Maryland: 3; Massachusetts: 1; Michigan: 4; Minnesota: 3;
Mississippi: 4; Montana: 1; Nebraska: 1; Nevada: 1; New Jersey: 1; North Carolina: 2;
Ohio: 1; Oregon: 2; Pennsylvania: 8; South Carolina: 1; South Dakota: 2; Tennessee: 2;
Texas: 13; Utah: 2; Virginia: 1; Washington: 3; Wisconsin: 2; Wyoming: 1

The House of Representatives

Caroline Aderholt (Robert, R-AL)

Diana Allen (Thomas, D-ME)

Linda Bachus (Spencer, R-AL)

Vicki Barcia (James, D-MI)

Jeri Barr (Bob, R-GA)

Elsie Barrett (Bill, R-NE)

Ellen Bartlett (Roscoe, R-MD)

Laura Bateman (Herbert, R-VA)

Tamra Bentsen (Ken, D-TX)

Carolyn Berry (Marion, D-AR)

Patti Blagojevich (Rod, D-IL)

Cathy Brady (Kevin, R-TX)

Jennifer Canady (Charles, R-FL)

Julie Collins (Mac, R-GA)

Camille Cook (Merrill, R-UT)

Ann Cooksey (John, R-LA)

Georgia Costello (Jerry, D-IL)

Michelle Crapo (Michael, R-ID), (daughter)

Mary Emily Deal (Nathan, R-GA), (daughter)

Debbie Dingell (John, D-MI)

Brooke Dooley (Cal, D-CA), (daughter)

Linda Dooley (Cal, D-CA)

Lea Ann Edwards (Chet, D-TX)

Kendel Ehrlich (Robert, Jr., R-MD)

Chris English (Philip, R-PA)

Barbara Everett (Terry, R-AL)

Judi Fox (Jon, R-PA)

Dawn Gibbons (James, R-NV)

Helen Green (Gene, D-TX)
Earl Hilliard, Jr (Earl, D-AL), (son)
Marty Hinojosa (Rubén, D-TX)
Carolyn Hobson (David, R-OH)
Elizabeth Hostettler (John, R-IN)
Sarah Hutchinson (Asa, R-AR), (daughter)
Sandi Jackson (Jesse, Jr., D-IL)
Andrea Jefferson (William, D-LA)
Payton John (Chris, D-LA)
Nancy Kanjorski (Paul, D-PA)
Beth Kennedy (Joseph, II, D-MA)
Sandie Knollenberg (Joseph, R-MI)
Hillary Lampson (Nicholas, D-TX), (daughter)
Stephanie Lampson (Nicholas, D-TX), (daughter)
Susan Lampson (Nicholas, D-TX)
Kayi Lewis (Ron, R-KY)
Adele Maloney (James, D-CT), (daughter)
Mary Maloney (James, D-CT)
Doris Matsui (Robert, D-CA)
Lori McInnis (Scott, R-CO)
Ruthie McIntosh (David, R-IN)
Dee McIntyre (Mike, D-NC)
Karen Minge (David, D-MN)
Meredith Nethercutt (George, Jr., R-WA), (daughter)
Katie Northup (Anne, R-KY), (daughter)
Robert Northup (Anne, R-KY)
Jean Oberstar (James, D-MN)
Joan Obey (David, D-WI)
Sarah Pallone (Frank, Jr., D-NJ)
Anne Petri (Thomas, R-WI)
Leisha Pickering (Chip, R-MS)
Carol Pitts (Joseph, R-PA), (daughter)
Ginny Pitts (Joseph, R-PA)
Karen Pitts Starkey (Joseph, R-PA), (daughter)
Patsy Riley (Bob, R-AL)
Anne Ryun (Jim, R-KS)
Catharine Ryun (Jim, R-KS), (daughter)
Sylvia Sabo (Martin Olav, D-MN)
Leslie Sandlin (Max, D-TX)
Jenny Sanford (Mark, R-SC)
Karen Shimkus (John, R-IL)
Cindy Stenholm (Charles, D-TX)
Cecile Tauzin (Billy, R-LA)
Michael Tauzin (Billy, R-LA), (son)
Sally Thornberry (Mac, R-TX)

Kimberly Thune (John, R-SD)
Vicki Tiahrt (Todd, R-KS)
Ginny Turner (Jim, D-TX)
Susan Turner (Jim, D-TX), (daughter)
Amev Upton (Fred, R-MI)
Kim Wamp (Zach, R-TN)
Eulada Watt (Melvin, D-NC)
Andy Weldon (Curt, R-PA), (son)
Kristin Weldon (Curt, R-PA), (daughter)
Vikki White (Rick, R-WA)
Gayle Wicker (Roger, R-MS)
Margaret Wicker (Roger, R-MS), (daughter)

United States Senate

Joyce Bennett (Robert, R-UT)
Betty Bumpers (Dale, D-AR)
Phyllis Burns (Conrad, R-MT)
Elaine Chao (Mitch McConnell, R-KY)
Karyn Frist (Bill, R-TN)
Sally Gorton (Slade, R-WA)
Barbara Grassley (Charles, R-IA)
Donna Hutchinson (Tim, R-AR)
Barbara Johnson (Tim, D-SD)
Hadassah Lieberman (Joe, D-CT)
Patricia Lott (Trent, R-MS)
Priscilla Mack (Connie, R-FL)
Nancy Murkowski (Frank, R-AK)
Anne-Wesley Roberts (Pat, R-KS), (daughter)
Franki Roberts (Pat, R-KS)
Christine Sarbanes (Paul, D-MD)
Sharon Smith (Gordon, R-OR)
Susan Thomas (Craig, R-WY)
Laurie Wyden (Ron, D-OR)

EXHIBIT 6

VIDEO OF THE CONGRESSIONAL FAMILY

PUBLIC SERVICE ANNOUNCEMENT

AT ISSUE IN M.U.R. 4717

(NATIONAL ASSOCIATION OF BROADCASTERS)

WILEY, REIN & FIELDING

1776 K STREET, N.W.
WASHINGTON, D. C. 20006
(202) 429-7000

March 27, 1998

JAN WITOLD BARAN
(202) 429-7330

RECEIVED
FEDERAL ELECTION
COMMISSION MAIL ROOM

MAR 27 2 43 PM '98

FACSIMILE
(202) 429-7049

Lawrence W. Noble, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Attention: Jennifer H. Boyt

Re: MUR 4717 (WEHT-TV)

Dear Mr. Noble:

This response is submitted on behalf of television station WEHT-TV of Evansville, Indiana ("WEHT") in reply to the complaint filed by Ms. Harriett B. Kimmel which has been designated Matter Under Review ("MUR") 4717. As explained below, the Commission should find no reason to believe that WEHT violated the Federal Election Campaign Act of 1971, as amended ("FECA"). WEHT's conduct falls squarely within the press activities exempt from regulation under 2 U.S.C. § 431(9)(B)(i).

FACTS

WEHT is a television station broadcasting on channel 25 in Evansville, Indiana. It is the local ABC affiliate, and is licensed to Gilmore Broadcasting Corporation, whose corporate offices are in Kalamazoo, Michigan. Gilmore Broadcasting is owned by Gilmore Enterprises Corporation, and the majority of the stock in Gilmore Enterprises is held by James S. Gilmore of Kalamazoo. See Tab 1 (copy of March 1, 1996 FCC Form 323 detailing ownership of WEHT, and copy of March 25, 1997 certifying information).

As a normal part of WEHT's operations, it produces and broadcasts a number of news programs. For instance, its weekday schedule includes one hour of local news in the morning; one-half hour of local news at 12 noon, 5:00 p.m., and 6:00 p.m.; and 35 minutes of local news at 10:00 p.m. On weekends, it produces and broadcasts one-half hour of local news at 5:00 p.m. and at 10:00 p.m. Affidavit of Riley, ¶ 3, Tab 2A.

Broadcasting public service announcements ("PSAs") is also a normal part of WEHT's operations. WEHT receives PSAs from community groups, charities, and other organizations. *Id.* ¶ 4. Michael Riley, WEHT's station manager, and other staff at the station decide which PSAs merit broadcasting. *Id.* ¶ 5. This decision is based on their judgment of whether the public interest would be served by broadcasting the announcement. *Id.* WEHT usually declines to run PSAs that appear to be of

WILEY, REIN & FIELDING

Lawrence W. Noble, Esq.

March 27, 1998

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limited public interest. Id. ¶¶ 5, 7. Those that are selected are broadcast at no charge to the sponsoring organization.

In late September 1997, WEHT received a PSA regarding breast cancer awareness from the National Association of Broadcasters ("NAB") of which WEHT is a member. Id. ¶ 6. This PSA urged women viewers to "make your birthday count this year. Use your day as a reminder to schedule an appointment for a breast exam." See Script of PSA, Tab 3. At the end, Beth Hostettler, wife of Congressman John Hostettler (who represents Indiana's Eighth District), addressed the camera and stated: "I'm Beth Hostettler. Congressman John Hostettler and I want you to make your birthday count. Call your doctor for this important exam." Id.

After reviewing it, Michael Riley decided to broadcast the PSA. See Affidavit of Riley ¶ 7, Tab 2A. It was Riley's judgment that the PSA addressed an important issue of interest to the community and should be broadcast to the public. Id. Riley thought the PSA would create awareness about breast cancer, which Riley recognized as an important local concern because his wife had survived cancer and is active in the local cancer society. Id. ¶ 8.

The station had no contact with Congressman Hostettler, Mrs. Hostettler, the Hostettler campaign, or any agents of the Congressman or his campaign with regard to when or whether to broadcast the PSA. Id. ¶ 9.

The Hostettler PSA aired from October 3, 1997 to January 31, 1998. During that period, WEHT also broadcast numerous other PSAs. A sample list of these is provided as an attachment to Michael Riley's affidavit at Tab 2B. See Affidavit of Riley ¶ 11 (describing method used to compile list). As this list shows, these PSAs were provided by a wide variety of organizations, including Big Brothers/Big Sisters, Mothers Against Drunk Drivers ("MADD"), the American Heart Association, the Special Olympics, the Guide Dog Foundation, the Tri-State Food Bank, and the Humane Society. See Tab 2B.

DISCUSSION

Federal law exempts certain activities by broadcasters from FECA restrictions. Section 431(9)(B)(i) removes from the category of "expenditures":

any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate.

§ 431(9)(B)(i). The Commission's regulations also exempt from "contribution" and "expenditure" "any cost incurred in covering or carrying a news story, or editorial by any broadcasting station . . ." 11 C.F.R. §§ 100.7(b)(2) & 100.8(b)(2).

The legislative history of FECA underscores the broad nature of this media exemption:

WILEY, REIN & FIELDING

Lawrence W. Noble, Esq.

March 27, 1998

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[I]t is not the intent of the Congress in the present legislation to limit or burden in any way the first amendment freedoms of the press and of association. Thus the exclusion assures the unfettered right of the . . . media to cover and comment on political campaigns.

H.R. Rep. No. 93-1239, at 4 (1974) (emphasis added).

WEHT is a broadcasting station as specified under this exemption, and is not owned or controlled by a candidate, political party, or political committee. See FCC ownership report and related documents, Tab 1. Moreover, the PSA was broadcast (i.e. "distributed") through WEHT's "facilities."

Furthermore, the PSA at issue qualifies as a "news story, commentary, or editorial" subject to Section 431(9)(B)(i). The Commission has held that a PSA featuring an elected official was exempt from regulation under Section 431(9)(B)(i). In FEC Advisory Opinion 1978-76, Fed. Election Camp. Fin. Guide (CCH) ¶ 5370 (1978), the Commission determined that the broadcast of a film prepared by a Congressman, which described the services provided by the Congressman's office, was exempt as a "news story, commentary, or editorial distributed through the facilities of any broadcasting station." *Id.* at 10,373. The FEC noted that the exception "is available where in the exercise of its responsibility to serve the public interest, convenience, and necessity" the station broadcasts a PSA. WEHT's management similarly exercised its discretion and chose when and whether to broadcast the PSA at issue in MUR 4717. This decision was made based upon neutral factors, including the public interest in the subject matter. See Affidavit of Riley, ¶¶ 5, 7, Tab 2A.¹ The station manager determined this PSA provided important public health information to its viewers.

Notably, unlike the PSA in Advisory Opinion 1978-76, this PSA did not feature a Member of Congress, but only the Member's spouse. Since the FEC concluded in that Advisory Opinion that a Congressman's PSA fell within the news story exception, there is even more reason to expect that the PSA in MUR 4717 should be exempt from FEC regulation.

The Commission has recently found that even the broadcast of candidate commercials at no charge to the candidate was covered by the exemption for news, commentary, and editorial programming. FEC Advisory Opinion 1996-48, Fed. Election Camp. Fin. Guide (CCH) ¶ 6226 (1996). In that opinion, the Commission considered a plan by the National Cable Satellite Corporation to broadcast candidate biographies and campaign commercials as part of its coverage of campaigns. The

¹ The PSA would not qualify as an expenditure for FECA purposes even absent the news story exemption in Section 431(9)(B)(i). The PSA did not contain express advocacy or an electioneering message, and was therefore not an expenditure "for purposes of influencing any election for Federal office." 2 U.S.C. § 431(9)(A)(I); see also FEC Advisory Opinion 1992-5, Fed. Election Camp. Fin. Guide (CCH) ¶ 6049 (1992).

WILEY, REIN & FIELDING

Lawrence W. Noble, Esq.

March 27, 1998

Page 4

Commission determined that the broadcaster's use of this obviously political material was protected by the news and commentary exception:

[The] basic nature of the programs [was] news stories These materials would be aired because they have significant news value, and because they assist viewers in understanding the complex issues discussed by the candidates. Neither the campaign committees nor the candidates would have the ability to determine when or how their election advocacy messages are presented to the viewers.

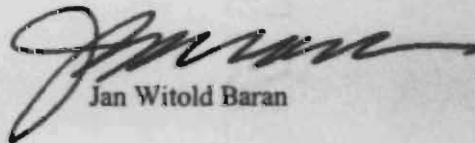
Id. at 12,262.

The manifest purpose of the PSA at issue here was to educate and encourage women viewing the message to make an appointment for a breast examination. It was the judgment of WEHT that this issue was of sufficient importance that the public interest was served by devoting broadcasting time to the PSA. No candidate or political committee, or agent of either, had any say in this decision, nor were any contacted about the broadcast.

CONCLUSION

In conclusion, WEHT's broadcast of the PSA featuring Beth Hostettler was an exercise of its legally protected discretion to structure its news, commentary, and editorial content. Accordingly, WEHT did not make a contribution or expenditure in any election by virtue of this broadcast. The Commission should find no reason to believe that WEHT violated FECA, and should dismiss the complaint in MUR 4717.

Respectfully submitted,


Jan Witold Baran

Enclosures

FCC 323

OWNERSHIP REPORT

SECTION I - FEE INFORMATION (For Annual Ownership Report Filers Only)

LICENSEE NAME Gilmore Broadcasting Corporation											
MAILING ADDRESS Line 1 (Maximum 35 characters) Wiley, Rein & Fielding (JVH)											
MAILING ADDRESS Line 2 (If required) (Maximum 35 characters) 1776 K Street, N.W.											
CITY Washington	STATE OR COUNTRY (if foreign address) DC		ZIP CODE 20006								
TELEPHONE NUMBER (include area code) 202-429-7000		CALL LETTERS WEHT-TV									
FOR MAILING THIS REPORT SEE GENERAL INSTRUCTION 2.											
2. A. Is a fee submitted with this application?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
3. If No, explain: _____ and go to Section II.											
C. If Yes, provide the following information:											
Enter in Column (A) the correct Fee Type Code for the services covered by this report. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).											
(A)	(B)	(C)									
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY								
(1) <table border="1" style="display: inline-table; width: 100px; text-align: center;"><tr><td>M</td><td>A</td><td>T</td></tr></table>	M	A	T	<table border="1" style="display: inline-table; width: 100px; text-align: center;"><tr><td> </td><td> </td><td> </td><td> </td></tr></table>					<table border="1" style="display: inline-table; width: 100px; text-align: center;"><tr><td>\$ 45.00</td></tr></table>	\$ 45.00	<table border="1" style="display: inline-table; width: 100px; height: 30px;"></table>
M	A	T									
\$ 45.00											
(A)	(B)	(C)	FOR FCC USE ONLY								
(2) <table border="1" style="display: inline-table; width: 100px; text-align: center;"><tr><td> </td><td> </td><td> </td></tr></table>				<table border="1" style="display: inline-table; width: 100px; text-align: center;"><tr><td> </td><td> </td><td> </td><td> </td></tr></table>					<table border="1" style="display: inline-table; width: 100px; text-align: center;"><tr><td>\$</td></tr></table>	\$	<table border="1" style="display: inline-table; width: 100px; height: 30px;"></table>
\$											
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.			FOR FCC USE ONLY								
			<table border="1" style="display: inline-table; width: 100px; text-align: center;"><tr><td>\$ 45.00</td></tr></table>	\$ 45.00							
\$ 45.00											

SECTION II - OWNERSHIP INFORMATION (for all filers)

1. All of the information furnished in this Report is accurate as of March 1, 1996
(Date must comply with Section 72.2615(a), i.e., information must be current within 60 days of the filing of this report, when that date is checked.)

This report is filed pursuant to instruction (check one):
 1(a) ☒ Annual 1(b) ☐ Transfer of Control or Assignment of License 1(c) ☐ Other

for the following stations:

Call Letters	Location	Class of Service
WEHT-TV	Evansville, IN	TV

EX. 1

SECTION II - Ownership Information (continued)

Gilmore Broadcasting Corporation		
162 E. Michigan Ave.		
Kalamazoo	MI	49007

Name of station: _____		
City: _____		
State	Zip	

1. Respondent:

- ☐ Sole proprietorship ☐ Non-profit corporation ☐ Limited partnership
☒ For-profit corporation ☐ General partnership ☐ Other: _____

If a limited partnership, a certification statement included as in instruction 2) ☐ Yes ☐ No

2. Give the name of any corporation or other entity for whom a separate Report is filed due to its interest in the licensee (see instruction 2).

Gilmore Enterprises Corporation

3. Show the attributable interests in any other broadcast station of the respondent. Also, show any interest of the respondent, whether or not attributable, which is 5% or more of the ownership of any other broadcast station or any newspaper or CATV entity in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 73.601 of the Commission's Rules.

See Exhibit No. 1

4. List all contracts and other instruments required to be filed by Section 73.3613 of the Commission's Rules and Regulations. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

Description of contract or instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
See Exhibit No. 2			

5. Capitalization (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

Class of Stock (preferred, common or other)	Voting or Non-voting	Number of Shares			
		Authorized	Issued and Outstanding	Treasury	Unissued
Common Series A	Voting	12,000	11,922		78
Common Series B	Non-voting	5,000	-0-		5,000
Preferred	Non-voting	3,000	-0-		3,000

Remarks concerning family relationships, attribution exemptions and certifications (see instructions 2, 5 and 6)

Gale Gilmore Smith, sister of James S. Gilmore, Jr., owns 961 shares (8.05% of Gilmore Broadcasting Corporation common stock (Series A)). James S. Gilmore, Jr., and James S. Gilmore, III are father and son.

SECTION 1 - Ownership Information (continued)

2. List all persons who own or control the stockholders and partners of the company. Use the following information to fill in the required information. See instructions 1, 5 and 6.

3. Read carefully. The numbered items below refer to the information in the following table.

1. Name and residence of officer, director, cognate stockholder or partner. If other than individual, also show name, address and citizenship of natural person authorized to vote the stock. List officers first, then directors and, thereafter, remaining stockholders and partners.

2. Citizenship.

3. Office or directorship held.

4. Number of shares or nature of partnership interest.

5. Number of votes.

6. Percentage of votes.

7. Other existing attributable interests in the company or broadcast station, including nature and size of such interest.

8. All other ownership interests of 5% or more, whether or not attributable, as well as any corporate directorship or directorship in broadcast, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3585 and 73.501 of the Commission's Rules, including the nature and size of such interests and the office held.

1	(a)	(b)	(c)
	See Exhibit No. 3		
2			
3			
4			
5			
6			
7			
8			

98043094540

SECTION III - CERTIFICATION

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that I am President and Chief Operating Officer

(Print name and title of respondent)

of Gilmore Broadcasting Corporation

(Exact legal title or name of respondent)

that I have examined this Report, that to the best of my knowledge and belief, all statements in the Report are true, correct and complete.

(Date of certification must be within 60 days of the date shown in Question 1, Section II and in no event prior to that date)

Signature

Date

March 20, 1996

Telephone number of respondent (include area code)

(800) 879-6522

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT OF 1980

The solicitation of personal information requested in this report is authorized by the Communications Act of 1934 as amended. The Commission will use the information provided in this report to assess compliance with the Commission's multiple ownership restrictions. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing may be delayed while a request is made to provide the missing information or the report may be returned without action pursuant to the Commission's rules. Your response is required to retain the requested authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a (a)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507

Public reporting burden for this collection of information is estimated to average 7.168 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Division, AMD-PRS, Washington, DC 20554, and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Paperwork Reduction Project (3060-0010), Washington, DC 20503.

Gilmore Broadcasting Corporation
FCC Form 323
March 1996
Exhibit No. 1

OTHER BROADCAST INTERESTS

Gilmore Enterprises Corporation is the parent of Gilmore Broadcasting Corporation. Gilmore Broadcasting Corporation is the licensee of the following station:

<u>Call Letters</u>	<u>Location</u>	<u>Class</u>
WEHT	Evansville, Indiana	TV

90040090542

Gilmore Broadcasting Corporation
FCC Form 323
March 1996
Exhibit No. 2

CONTRACTS AND OTHER INSTRUMENTS

<u>Contract/Instrument</u>	<u>With Person or Organisation</u>	<u>Executed</u>	<u>Expires</u>
Certificate of Incorporation		08/09/68	
Restated Certificate of Incorporation		02/21/69	
By-Laws, as Amended		02/20/69 05/15/73 10/01/75 10/01/81	
(WEHT-TV) Television Affiliation Agreement	ABC Television Network	12/04/95	12/03/06
Term Loan Agreement	Citizens National Bank	04/30/93	
First Amendment	Citizens National Bank	05/27/93	
Second Amendment	Citizens National Bank	02/28/94	

Contracts which have been filed previously with the
Commission.

Gilmore Broadcasting Corporation
FCC Form 323
March 1996
Exhibit No. 3, Page 1

OFFICERS, DIRECTORS AND STOCKHOLDERS

- Line 1 - Name and residence of officers, directors & stockholders.
Line 2 - Citizenship.
Line 3 - Office or directorship held.
Line 4 - Number of shares or nature of partnership interest.
Line 5 - Number of votes.
Line 6 - Percentage of votes.
Line 7 - Other attributable broadcast interests.
Line 8 - Cognizable cross-interests, whether attributable or not.

	(a)	(b)	(c)
1.	James S. Gilmore, Jr. 162 E. Michigan Ave. Kalamazoo, MI 49007	Gail Gilmore Smith 2205 Sheffield Dr. Kalamazoo, MI 49008	James S. Gilmore, III 317 W. Aurora St. Ithaca, NY 14851
2.	USA	USA	USA
3.	Chairman/CEO/Director	Director	Director
4.	10,961*	961*	0
5.	10,961*	961*	0
6.	91.94%	8.06%	0
7.	None	None	See Exhibit No. 4
8.	None	None	See Exhibit No. 4

* See Exhibit No. 3

Gilmore Broadcasting Corporation
FCC Form 323
March 1996
Exhibit No. 3, Page 2

OFFICERS, DIRECTORS AND STOCKHOLDERS

- Line 1 - Name and residence of officers, directors & stockholders.
Line 2 - Citizenship.
Line 3 - Office or directorship held.
Line 4 - Number of shares or nature of partnership interest.
Line 5 - Number of votes.
Line 6 - Percentage of votes.
Line 7 - Other attributable broadcast interests.
Line 8 - Cognizable cross-interests, whether attributable or not.

	(d)	(e)	(f)
1.	George H. Lennon III. 900 Comercia Bldg. Kalamazoo, MI 49007	Douglas A. Padgett 10088 Outer Lincoln Newburgh, IN 47630	Fred F. Fielding 1776 K Street, N.W. Washington, DC 20006
2.	USA	USA	USA
3.	Secretary/ Director	President/COO	Executive V.P. and General Counsel; Director
4.	0	0	0
5.	0	0	0
6.	0	0	0
7.	None	None	0
8.	None	None	0

Gilmore Broadcasting Corporation
FCC Form 323
March 1996
Exhibit No. 3, Page 3

OFFICERS, DIRECTORS AND STOCKHOLDERS

- Line 1 - Name and residence of officers, directors & stockholders.
Line 2 - Citizenship.
Line 3 - Office or directorship held.
Line 4 - Number of shares or nature of partnership interest.
Line 5 - Number of votes.
Line 6 - Percentage of votes.
Line 7 - Other attributable broadcast interests.
Line 8 - Cognizable cross-interests, whether attributable or not.

(g)	(h)
1. Gilmore Enterprises Corporation 162 E. Michigan Ave. Kalamazoo, MI 49007	Mariette Lemieux 162 E. Michigan Ave. Kalamazoo, MI 49007
2. USA	USA
3. --	Treasurer
4. 10,961*	0
5. 10,961*	0
6. 91.94%	0
7. None	None
8. None	None

* See Exhibit No. 5

Gilmore Broadcasting Corporation
FCC Form 323
March 1996
Exhibit No. 4

OTHER BROADCAST INTERESTS

James S. Gilmore, III, is President and a director of JSG 3 Co. d/b/a Gilmore Communications, licensee of WTKO(AM) and WQNY(FM), Ithaca, NY. Mr. Gilmore owns 100% of the stock of JSG 3 Co., a Michigan corporation.

98043321541

Gilmore Broadcasting Corporation
FCC Form 323
March 1996
Exhibit No. 5

VOTING SHARES HELD IN TRUST

All of the shares of voting common stock of Gilmore Broadcasting Corporation are directly or indirectly held by two trusts. First of America Bank - Michigan, N.A., holds 91.94 percent of the stock, which is issued to Gilmore Enterprises Corporation as Trustee of the James S. Gilmore, Jr. Revocable Trust. The shares held by the Trust are voted by Mr. Gilmore.

The remaining 8.06 percent of the shares is held by Citibank of New York as Trustee for Gail Gilmore Smith. These shares are voted by Mrs. Smith and Mr. Gilmore.

9 8 0 4 3 8 2 4 5 4 0

WILEY, REIN & FIELDING

1776 K STREET, N.W.
WASHINGTON, D. C. 20006
(202) 429-7000

Stang & Kelum
DUPLICATE

303-2-2

JERRY V. HAINES
(202) 429-7280

March 25, 1997

FACSIMILE
(202) 429-7049

William F. Caton, Secretary
Federal Communications Commission
c/o Mass Media Services
P.O. Box 358180
Pittsburgh, PA 15251-5180

Re: Gilmore Broadcasting Corporation
WEHT(TV), Evansville, Indiana
~~Annual~~ Ownership Report

Dear Mr. Caton:

On behalf of Gilmore Broadcasting Corporation, licensee of WEHT(TV), Evansville, Indiana, there is transmitted herewith for placement in the Commission's ownership files a certification in lieu of ownership report for the licensee and its corporate parent, Gilmore Enterprises Corporation. Also attached hereto is a check in the amount of \$45.00, representing the required filing fee. Certification should be directed to the undersigned.

Questions relating to the enclosure should be directed to the undersigned.

Respectfully submitted

Jerry V. Haines
Jerry V. Haines

Enclosure

cc w/Enc: Mr. Douglas A. Padgett

FEDERAL COMMUNICATIONS COMMISSION
FCC REMITTANCE ADVICE

Approved by OMB
 3060-0589
 Expires 2/28/97

PAGE NO. 1 OF

(RESERVED)

SPECIAL USE

FCC USE ONLY

(Read instructions carefully BEFORE proceeding.)

PAYOR INFORMATION

(1) FCC ACCOUNT NUMBER	Did you have a number prior to this? Enter it.	(2) TOTAL AMOUNT PAID (dollars and cents)
5 4 0 8 4 4 6 2 0		\$ 45.00

(3) PAYOR NAME (If paying by credit card, enter name exactly as it appears on your card)

Gilmore Broadcasting Corporation

(4) STREET ADDRESS LINE NO. 1
 P.O. Box 25

(5) STREET ADDRESS LINE NO. 2

(6) CITY
 Evansville

(7) STATE
 Indiana

(8) ZIP CODE
 47701

(9) DAYTIME TELEPHONE NUMBER (Include area code)
 800-879-8542

(10) COUNTRY CODE (if not U.S.A.)

ITEM #1 INFORMATION

(11A) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR	FCC USE ONLY
Gilmore Broadcasting Corporation	

(12A) FCC CALL SIGN/OTHER ID	(13A) ZIP CODE	(14A) PAYMENT TYPE CODE	(15A) QUANTITY	(16A) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14
WEHT (TV)	47701	M A T	1	\$ 45.00

(17A) FCC CODE 1

(18A) FCC CODE 2

(19A) ADDRESS LINE NO. 1

(20A) ADDRESS LINE NO. 2

(21A) CITY/STATE OR COUNTRY CODE

ITEM #2 INFORMATION

(11B) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR	FCC USE ONLY

(12B) FCC CALL SIGN/OTHER ID	(13B) ZIP CODE	(14B) PAYMENT TYPE CODE	(15B) QUANTITY	(16B) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14
				\$

(17B) FCC CODE 1

(18B) FCC CODE 2

(19B) ADDRESS LINE NO. 1

(20B) ADDRESS LINE NO. 2

(21B) CITY/STATE OR COUNTRY CODE

CREDIT CARD PAYMENT INFORMATION

(22) MASTERCARD/VISA ACCOUNT NUMBER:

☐ Mastercard

EXPIRATION DATE:

☐ Visa

Month Year

(23) I hereby authorize the FCC to charge my VISA or Mastercard for the service(s)/authorization(s) herein describe.

AUTHORIZED SIGNATURE

DATE

CERTIFICATION IN LIEU OF OWNERSHIP REPORT

I have reviewed the Ownership Report filed at the Federal Communications Commission on March 27, 1996 for Gilmore Enterprises Corporation and certify that it remains accurate in all respects as of the date of this certification, which is filed in lieu of the Annual Ownership Report on FCC 323.

Respectfully submitted,

GILMORE ENTERPRISES CORPORATION

By: 

Douglas A. Padgett
President/Chief Operating Officer

March 10, 1997

98043694551

CERTIFICATION IN LIEU OF OWNERSHIP REPORT

I have reviewed the Ownership Report filed at the Federal Communications Commission on March 27, 1996 for Gilmore Broadcasting Corporation and certify that it remains accurate in all respects as of the date of this certification, which is filed in lieu of the Annual Ownership Report on FCC 323.

Respectfully submitted,

GILMORE BROADCASTING CORPORATION

By:



Douglas A. Padgett
President/Chief Operating Officer

March 10, 1997

9 8 0 4 3 0 9 4 5 5 2

AFFIDAVIT OF MICHAEL RILEY

1. My name is Michael Riley, and I am the station manager of WEHT-TV. I have held this position for the last two and one-half years. I have been employed at WEHT for 20 years.
2. WEHT is an ABC affiliated television station serving Evansville, Indiana, and Henderson and Owensboro, Kentucky. It is operated by Gilmore Broadcasting Corporation and owned by Gilmore Enterprises Corporation.
3. WEHT provides a variety of news programming. It produces and broadcasts one hour of local news at 6:00 a.m., one half hour of local news at 12 noon, 5:00 p.m., 6:00 p.m. and thirty-five minutes of local news at 10:00 p.m.
4. WEHT also broadcasts public service announcements ("PSAs"). These are produced by charities, community groups, and associations such as the National Association of Broadcasters. Usually they are provided to us on tape, but some others, such as the PSA at issue here, are provided via satellite feed. WEHT receives many more PSAs than it has time available to run them.
5. To determine whether a PSA should run, either I or another staff member will screen the spot. We decide whether the public interest would be served by having the spot on the air. As station manager, I am ultimately responsible for the decisions made in this regard.
6. WEHT received the PSA featuring Beth Hostettler from NAB in late September 1997 via satellite feed. The spot informed the viewing audience that one in nine American women develop breast cancer in their lifetime. It asked women to use their birthday as a reminder to schedule an appointment for a breast exam. It also featured Beth Hostettler, who is the wife

of Congressman John Hostettler. Congressman Hostettler represents the Eighth District of Indiana, which includes Evansville.

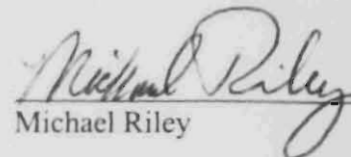
7. I viewed the PSA and decided that WEHT should run it. I believed that the spot addressed an important issue, and one that was of interest to our viewers.
8. I have a special interest in cancer issues, because my wife has survived cancer. She participates in a variety of community activities regarding cancer education and awareness, and serves on the Board of the Warrick County (Evansville) Cancer Society.
9. I did not discuss whether to run the PSA, or when it would run, or any other aspect of the PSA with Congressman Hostettler, Beth Hostettler, or any person representing or working with the Hostettler campaign. I have never been contacted by any of these people about this PSA or about any other aspect of this matter.
10. WEHT aired Beth Hostettler's PSA from October 3, 1997 to January 31, 1998.
11. During the period October 3, 1997 to January 31, 1998, WEHT aired numerous other PSAs. I have provided a sample list of these PSAs, which is attached to this affidavit at Tab 2B. This list was assembled from the official broadcast log for each Monday during this period. I chose Monday because it is typically the day when we have the most time available for PSA broadcasts. Accordingly, this list should provide a good representation of the PSAs we broadcast during this period.
12. WEHT received a complaint about Hostettler's PSA from a local viewer. I returned the call and spoke with the woman at some length about our reasons for airing the PSA. I cannot locate any record of the name of the caller, so I cannot say whether it was Harriett Kimmel. After polling others at the station, to my knowledge, this was the only complaint we received about this PSA.

13. In addition to this PSA, WEHT also ran a PSA featuring Beth Hostettler on alcohol abuse,
and three different PSAs featuring Kayi Lewis, wife of Congressman Ron Lewis.

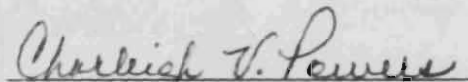
Congressman Lewis represents the Second District of Kentucky, which includes Owensboro.

To my knowledge WEHT has received no complaints about these other PSAs.

Further affiant sayeth not.


Michael Riley

Subscribed and sworn before me this
27 day of MARCH, 1998


Notary Public

PUBLIC SERVICE ANNOUNCEMENTS

MONDAY 11/3/97

4:16AM KAYI LEWIS/DRUGS
4:16AM SELECTIVE SERVICE
4:27AM BIG BROTHERS/SISTERS
4:29AM ENERGY STAR PROGRAM
4:29AM HOSTETTLER/CANCER
4:45AM S.W. IND DIET ASSN
4:57AM EARTH SHARE
4:58AM UPWARD BASKETBALL
5:26AM UNITED CARING SHELTER
5:43AM BIG BROTHERS/SISTERS
5:57AM EARTH SHARE
12:05AM BIG BROTHERS/SISTERS
12:14AM KAYI LEWIS/DRUGS
12:16AM ORGAN/TISSUE DONATION
12:17AM S.W. IND DIET ASSN
12:31AM ENERGY STAR PROGRAM
12:46AM YOUTH FITNESS
12:46AM KAYI LEWIS/ALCOHOL
12:56AM UPWARD BASKETBALL
12:56AM UNITED CARING SHELTER
12:59AM HOSTETTLER/ALCOHOL
1:00AM BIG BROTHERS/SISTERS
1:01AM KAYI LEWIS/DRUGS
1:14AM MADD/17,000 LIVES
1:16AM EARTH SHARE
1:38AM SELECTIVE SERVICE
1:59AM KAYI LEWIS/CANCER
2:00AM MADD/17,000 LIVES
2:14AM BIG BROTHERS/SISTERS
2:16AM NATIONAL CHILD SAFETY
2:16AM HOSTETTLER/CANCER
2:28AM EARTH SHARE
2:38AM HOSTETTLER/CANCER
3:27AM EARTH SHARE
3:59AM S.W. IND DIET ASSN

11/10/97

4:15AM KAYI LEWIS/DRUGS
4:27AM BIG BROTHERS/SISTERS
4:29AM S.W. IND DIET ASSN
4:29AM ORGAN/TISSUE DONATION
4:43AM NATIONAL CHILD SAFETY
4:44AM HOSTETTLER/CANCER
4:57AM EARTH SHARE
12:04AM HELMET SAFETY
12:20AM TEDDYBEAR TURNAROUND
12:22AM KAYI LEWIS/CANCER
12:35AM SAFE FOOD HANDLING
12:48AM HELMET SAFETY
12:50AM SELECTIVE SERVICE
12:50AM KAYI LEWIS/DRUGS

Ex 2B

12:52AM MADD/17,000 LIVES
 1:02AM EARTH SHARE
 1:03AM HOSTETTTLER/CANCER
 1:06AM BIG BROTHERS/SISTERS
 1:08AM S.W. IND DIET ASSN
 1:08AM YOUTH FITNESS
 1:08AM KAYI LEWIS/ALCOHOL
 1:20AM TEDDYBEAR TURNAROUND
 1:20AM HELMET SAFETY
 1:22AM KAYI LEWIS/CANCER
 1:23AM HOSTETTTLER/ALCOHOL
 1:43AM KAYI LEWIS/DRUGS
 1:49AM KAYI LEWIS/ALCOHOL
 1:50AM HELMET SAFETY
 1:51AM ORGAN/TISSUE DONATION
 1:53AM BIG BROTHERS/SISTERS
 2:08AM MADD/17,000 LIVES
 2:09AM S.W. IND DIET ASSN
 2:10AM KAYI LEWIS/CANCER
 2:20AM EARTH SHARE
 2:21AM S.W. IND DIET ASSN
 2:22AM KAYI LEWIS/DRUGS
 2:24AM KAYI LEWIS/ALCOHOL
 2:27AM TEDDY BEAR TURNAROUND
 2:58AM BIG BROTHERS/SISTERS
 3:27AM ORGAN/TISSUE DONATION
 3:29AM HELMET SAFETY
 3:57AM KAYI LEWIS/CANCER
 3:58AM TEDDY BEAR TURNAROUND

11/17/97
 4:27AM TEDDY BEAR TURNAROUND
 11:53PM BIG BROTHERS/SISTERS
 11:54PM SELECTIVE SERVICE
 12:03AM KAYI LEWIS/DRUGS
 12:04AM TEDDYBEAR TURNAROUND
 12:05AM UNITED CARING SHELTER
 12:22AM HOSTETTTLER/CANCER
 12:23AM MADD/17,000 LIVES
 12:24AM CHILD SAFETY
 12:25AM HOSTETTTLER/CANCER
 12:34AM ORGAN/TISSUE DONATION
 12:34AM ENERGY STAR PROGRAM
 12:37AM YOUTH FITNESS
 12:45AM EARTH SHARE
 12:49AM BIG BROTHERS/SISTERS
 12:51AM S.W. IND DIET ASSN
 12:50AM KAYI LEWIS/CANCER
 12:51AM NATIONAL CHILD SAFETY
 1:03AM EARTH SHARE
 1:04AM S.W. IN DIET ASSN
 1:06AM ORGAN/TISSUE DONATION
 1:20AM HELMET SAFETY
 1:20AM KAYI LEWIS/DRUGS

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1:27AM TEDDY BEAR TURNAROUND
 1:28AM UNITED CARING SHELTER
 1:28AM SHARE-A-SUIT
 1:35AM MADD/17,000 LIVES
 1:36AM HELMET SAFETY
 1:37AM TEDDY BEAR TURNAROUND
 1:52AM BIG BROTHERS/SISTERS
 1:53AM S.W. IN DIET ASSN
 2:04AM HOSTETTTLER/CANCER
 2:05AM EARTH SHARE
 2:57AM TEDDYBEAR TURNAROUND

11/24/97

4:27AM MADD/17,000 LIVES
 4:29AM BASKETBALL SHOOTOUT
 4:45AM NATIONAL CHILD SAFETY
 4:57AM BIG BROTHERS/SISTERS
 1:29PM ENERGY STAR PROGRAM
 12:37AM BIG BROTHERS/SISTERS
 12:38AM HOSTETTTLER/CANCER
 12:39AM S.W. IN DIET ASSN
 12:52AM EARTH SHARE
 12:53AM YOUTH FITNESS
 12:54AM S.W. IN DIET ASSN
 1:07AM OPERATION CITY BEAUTIFUL
 1:07AM BASKETBALL SHOOTOUT
 1:10AM YOUTH FITNESS
 1:23AM BIG BROTHERS/SISTERS
 1:26AM EARTH SHARE
 1:48AM HOSTETTTLER/ALCOHOL
 1:55AM MADD/17,000 LIVES
 1:57AM BASKETBALL SHOOTOUT
 2:10AM KAYI LEWIS/CANCER
 2:22AM KAYI LEWIS/DRUGS
 2:29AM HOSTETTTLER/CANCER
 3:28AM MADD/17,000 LIVES
 3:58AM EARTH SHARE

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PUBLIC SERVICE ANNOUNCEMENTS

MONDAY 12/1/97

4:27AM BIG BROTHERS/SISTERS
4:29AM BASKETBALL SHOOTOUT
11:44PM TRI STATE FOOD BANK
12:27AM ORGAN/TISSUE DONATION
12:36AM YOUTH FITNESS
12:38AM SHARE-A-SUTT
12:14AM BASKETBALL SHOOTOUT
12:57AM KAYI LEWIS/CANCER
12:51AM TEDDYBEAR TURNAROUND
1:05AM TRDDYBEAR TURNAROUND
1:14AM BREAST CANCER
1:29AM KAYI LEWIS/ALCOHOL
1:31AM ORGAN/TISSUE DONATION
1:59AM SELECTIVE SERVICE
2:00AM BIG BROTHERS/SISTERS
2:13AM BASKETBALL SHOOTOUT
2:26AM ORGAN/TISSUE DONATION
3:28AM EVN CHRISTIAN LIFE CENTER
3:29AM KAYI LEWIS/ALCOHOL
3:57AM TEDDYBEAR TURNAROUND

12/8/97

1:12AM EARTHSHARE
1:13AM INDIANA ADOPTION INTT.
1:48AM YOUTH FITNESS
1:54AM ENERGY STAR PROGRAM
2:29AM S.W. IN DIET ASSOC.
2:59AM KAYI LEWIS/DRUGS
3:29AM KAYI LEWIS/ALCOHOL
3:57AM TEDDYBEAR TURNAROUND

12/15/97

4:14AM KAYI LEWIS/ ALCOHOL
4:27AM KAYI LEWIS/DRUGS
4:29AM HOSTETTTLER/CANCER
4:57AM BIG BROTHERS/SISTERS
4:59AM YOUTH FITNESS
5:19AM AMERICAN HEART ASSN
5:21AM S.W. IN DIET ASSN
5:36AM KAYI LEWIS/CANCER
8:44AM ENERGY STAR PROGRAM
5:57AM MADD/17,000 LIVES
9:48AM SELECTIVE SERVICE
6:58P S.W. IN DIET ASSN
6:59P KAYI LEWIS/CANCER
12:24AM MADD/17,000 LIVES
12:25AM ENERGY STAR PROGRAM
12:32AM KAYI LEWIS/ALCOHOL
12:33AM KAYI LEWIS/DRUGS
12:45AM UNITED CARING SHELTER
1:01AM SHARE-A-SUTT

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1:01AM ORGAN/TISSUE DONATION
 1:13AM HOSTETTLER/ALCOHOL
 1:15AM BASKETBALL SHOOT-OUT
 1:16AM BIG BROTHERS/SISTERS
 1:17AM UNITED CARING SHELTER
 1:29AM EARTH SHARE
 1:30AM MADD/17,000 LIVES
 1:44AM KAYI LEWIS/ALCOHOL
 1:45AM HOSTETTLER/CANCER
 1:46AM KAYI LEWIS/CANCER
 1:58AM BASKETBALL SHOOTOUT
 1:59AM UNITED CARING SHELTER
 2:15AM KAYI LEWIS/ALCOHOL
 2:29AM TRI STATE FOOD BANK
 2:30AM ORGAN/TISSUE DONATION
 2:57AM BASKETBALL SHOOTOUT
 3:28AM KAYI LEWIS/ CANCER
 3:29AM S. W. IND. DIET ASSN
 3:30AM KAYI LEWIS/ALCOHOL
 3:57AM KAYI LEWIS/DRUGS
 3:59AM ORGAN/TISSUE DONATION

12/22/97

7:58AM AMERICAN HEART ASSN
 12:23AM MADD/17,000 LIVES
 12:24AM S.W. IN DIET ASSN
 12:25AM UNITED CARING SHELTER
 12:25AM KAYI LEWIS/CANCER
 1:04AM MADD/17,000 LIVES
 1:05AM YOUTH FITNESS
 1:06AM BIG BROTHERS/BIG SISTERS
 1:19AM KAYI LEWIS/ALCOHOL
 1:28AM KAYI LEWIS/DRUGS
 1:29AM HOSTETTLER/CANCER
 1:30AM KAYI LEWIS/CANCER
 1:35AM EARTH SHARE
 1:36AM S.W. IND DIET ASSN
 1:38AM BIG BROTHERS/SISTERS
 1:48AM KAYI LEWIS/CANCER
 1:49AM RITZY'S FANTASY LIGHTS
 1:49AM UNITED CARING SHELTER
 1:50AM HOSTETTLER/CANCER
 2:05AM S.W. IND DIET ASSN
 2:05AM BIG BROTHERS/SISTERS
 2:06AM YOUTH FITNESS
 2:08AM TRI STATE FOOD BANK
 2:29AM ORGAN/TISSUE DONATION
 2:59AM KAYI LEWIS/ALCOHOL
 3:27AM TEDDYBEAR TURNAROUND
 3:29AM YOUTH FITNESS
 3:57AM IND ADOPTION INIT.
 3:58AM HOSTETTLER/CANCER
 3:59AM KAYI LEWIS/CANCER

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12/29/97

4:16AM	ORGAN/TISSUE DONATION
4:27AM	BIG BROTHERS/BIG SISTERS
4:29AM	HOSTETTLER/CANCER
4:29AM	ENERGY STAR PROGRAM
4:45AM	KAYI LEWIS/DRUGS
4:57AM	MADD/17,000 LIVES
5:19AM	EARTH SHARE
5:20AM	HOSTETTLER/CANCER
5:36AM	UNITED CARING SHELTER
5:43AM	HOSTETTLER/ALCOHOL
5:44AM	KAYI LEWIS/ALCOHOL
5:57AM	EARTH SHARE
5:59AM	RITZY'S FANTASY LIGHTS
9:46AM	HOSTETTLER/ALCOHOL
9:51AM	TRI STATE FOOD BANK
9:52AM	EARTH SHARE
9:58AM	BIG BROTHERS/SISTERS
11:33PM	YOUTH FITNESS
11:46PM	ENERGY STAR PROGRAM
11:51PM	ORGAN/TISSUE DONATION
11:51PM	HOSTETTLER/CANCER
11:52PM	S.W. IN DIET ASSN
12:18AM	HOSTETTLER/CANCER
12:26AM	MADD/17,000 LIVES
12:34AM	BIG BROTHERS/SISTERS
12:36AM	KAYI LEWIS/ALCOHOL
12:49AM	EARTH SHARE
12:50AM	TRI STATE FOOD BANK
12:51AM	INDIANA ADOPTION INIT
1:03AM	SELECTIVE SERVICE
1:04AM	BIG BROTHERS/SISTERS
1:05AM	HOSTETTLER/CANCER
1:17AM	HOSTETTLER/ALCOHOL
1:28AM	TRI STATE FOOD BANK
1:29AM	BIG BROTHERS/SISTERS
1:29AM	YOUTH FITNESS
1:46AM	ORGAN/TISSUE DONATION
1:57AM	ENERGY STAR PROGRAM
1:58AM	BIG BROTHERS/SISTERS
1:59AM	HOSTETTLER/CANCER
2:14AM	S.W. IND DIET ASSN
2:15AM	YOUTH FITNESS
2:27AM	ENERGY STAR PROGRAM
2:28AM	MADD/17,000 LIVES
2:45AM	KAYI LEWIS/ALCOHOL
2:57AM	KAYI LEWIS/CANCER
2:58AM	RITZY'S FANTASY LIGHTS
2:59AM	KAYI LEWIS/DRUGS
3:17AM	TRI STATE FOOD BANK
3:27AM	SHARE-A-SUIT
3:28AM	MADD/17,000 LIVES
3:45AM	HOSTETTLER/CANCER
3:46AM	ORGAN/TISSUE DONATION

3:57AM
3:58AM
3:59AM

BIG BROTHERS/SISTERS
S.W. IND DIET ASSN
KAYI LEWIS/CANCER

9 8 0 4 3 8 9 4 5 6 2

PUBLIC SERVICE ANNOUNCEMENTS

MONDAY 10/6/97

4:15AM KAYI LEWIS/DRUGS
 4:27AM SPECIAL OLYMPICS
 4:29AM HOSTETTLE/CANCER
 4:44AM S.W. IND DIET ASSN
 4:57AM EVN ARC
 4:58AM SAFE HALLOWEEN
 4:59AM CHILDREN'S HEALTH FUND
 5:21AM NATIONAL CHILD SAFETY
 8:54AM WELBORN FOUNDATION
 9:26AM SHRINER'S HOSPITAL
 2:28PM SAFE HALLOWEEN
 3:42PM STUTTERING FOUNDATION
 4:28PM KAYI LEWIS/ALCOHOL
 6:45PM WELBORN FOUNDATION
 6:59PM SAFE HALLOWEEN
 12:14AM BIG BROTHERS/SISTERS
 12:16AM CHILDREN'S HEALTH FUND
 12:23AM BIG LEAGUE PARENT
 12:23AM MEDIC ALERT
 12:39AM OPERATION CITY BEAUTIFUL
 12:40AM BIG BROTHERS/SISTERS
 12:41AM BIG LEAGUE PARENT
 12:52AM GUIDE DOG FOUNDATION
 12:54AM S.W. IND DIET ASSN
 12:55AM MEDIC ALERT
 12:56AM KAYI LEWIS/ALCOHOL
 1:06AM MEDIC ALERT
 1:12AM SAFE HALLOWEEN
 1:30AM SPECIAL OLYMPICS
 1:31AM MEDIC ALERT
 1:36AM BIG BROTHERS/SISTERS
 1:37AM HOSTETTLE/CANCER
 1:55AM KAYI LEWIS/DRUGS
 1:47AM EVN ARC
 1:55AM WELBORN FOUNDATION
 1:58AM KAYI LEWIS/ALCOHOL
 2:10AM SPECIAL OLYMPICS
 2:12AM EVN ARC
 2:25AM WELBORN FOUNDATION
 2:25AM GUIDE DOG FOUNDATION
 2:37AM BOY SCOUTS/POPCORN
 2:38AM S.W. IND DIET ASSN
 2:59AM KAYI LEWIS/DRUGS
 3:28AM BIG BROTHERS/SISTERS
 3:29AM BIG LEAGUE PARENT
 3:59AM MEDIC ALERT
 3:59AM S.W. IND DIET ASSN

10/13/97

4:14AM AMERICAN HEART ASSN
 4:27AM BIG BROTHERS/SISTERS

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4:29AM HOSTETTTLER/CANCER
 4:57AM GUIDE DOG FOUNDATION
 4:59AM BIG LEAGUE PARENT
 3:56PM NATIONAL CHILD SAFETY
 11:47PM ENERGY STAR PROGRAM
 11:56PM BIG BROTHERS/SISTERS
 11:57PM S.W. IND DIET ASSN
 12:02AM WELBORN FOUNDATION
 12:04AM WARRICK HUMANE SOCIETY
 12:15AM SPECIAL OLYMPICS
 12:17AM CHILDREN'S HEALTH FUND
 12:17AM SPECIAL OLYMPICS
 12:31AM BIG BROTHERS/SISTERS
 12:32AM ORGAN/TISSUE DONATION
 12:32AM HOSTETTTLER/CANCER
 12:33AM ENERGY STAR PROGRAM
 12:34AM BIG LEAGUE PARENT
 12:35AM KAYI LEWIS/CANCER
 12:45AM WELBORN FOUNDATION
 12:50AM WARRICK HUMANE SOCIETY
 12:50AM BIG BROTHERS/SISTERS
 12:51AM RED RIBBON WEEK
 12:52AM WARRICK HUMANE SOCIETY
 1:00AM HOSTETTTLER/ALCOHOL
 1:01AM KAYI LEWIS/DRUGS
 1:02AM SAFE HALLOWEEN
 1:03AM KAYI LEWIS/CANCER
 1:15AM GUIDE DOG FOUNDATION
 1:22AM SPECIAL OLYMPICS
 1:30AM BIG BROTHERS/SISTERS
 1:31AM WELBORN FOUNDATION
 1:34AM WARRICK HUMANE SOCIETY
 1:47AM RED RIBBON WEEK
 1:48AM SPECIAL OLYMPICS
 2:01AM BIG BROTHERS/SISTERS
 2:03AM KAYI LEWIS/ALCOHOL
 2:16AM SAFE HALLOWEEN
 2:27AM HOSTETTTLER/ALCOHOL
 2:57AM RED RIBBON WEEK
 2:59AM KAYI LEWIS/CANCER
 3:13AM HOSTETTTLER/CANCER
 3:29AM S.W. IND DIET ASSN
 3:57AM BIG BROTHERS/SISTERS
 3:59AM RED RIBBON WEEK

10/20/97

4:14AM KAYI LEWIS/DRUGS
 4:27AM SAFE HALLOWEEN
 4:28AM SPECIAL OLYMPICS
 4:45AM HOSTETTTLER/CANCER
 4:46AM BIG LEAGUE PARENT
 4:57AM EARTH SHARE
 3:55PM HOSTETTTLER/CANCER
 3:56PM STUTTERING FOUNDATION

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3:58PM KAYI LEWIS/ALCOHOL
 11:50PM SAFE HALLOWEEN
 11:51PM KAYI LEWIS/CANCER
 12:03AM KAYI LEWIS/DRUGS
 12:05AM BIG BROTHERS/SISTERS
 12:19AM EARTH SHARE
 12:21AM S.W. IND DIET ASSN
 12:21AM OPERATION CITY BEAUTIFUL
 12:22AM ORGAN/TISSUE DONATION
 12:23AM BIG BROTHERS/SISTERS
 12:33AM OPERATION CITY BEAUTIFUL
 12:33AM S.W. IND DIET ASSN
 12:37AM HOSTETTLER/CANCER
 12:37AM SPECIAL OLYMPICS
 12:39AM ENERGY STAR PROGRAM
 12:39AM SAFE HALLOWEEN
 12:48AM BOY SCOUTS/POPCORN
 12:49AM WELBORN FOUNDATION
 12:49AM ORGAN/TISSUE DONATION
 12:52AM WARRICK HUMANE SOCIETY
 12:53AM KAYI LEWIS/CANCER
 12:53AM RED RIBBON WEEK
 1:06AM KAYI LEWIS/ALCOHOL
 1:15AM BOY SCOUTS/POPCORN
 1:16AM HOSTETTLER/CANCER
 1:22AM S.W. IND DIET ASSN
 1:22AM EARTH SHARE
 1:24A, SPECIAL OLYMPICS
 1:38AM BIG BROTHERS/SISTERS
 1:39AM S.W. IND DIET ASSN
 1:50AM WELBORN FOUNDATION
 1:51AM KAYI LEWIS/DRUGS
 1:51AM WARRICK HUME SOCIETY
 1:52AM SAFE HALLOWEEN
 1:54AM KAYI LEWIS/ALCOHOL
 2:28AM SAFE HALLOWEEN
 2:45AM OPERATION CITY BEAUTIFUL
 2:46AM HOSTETTLER/CANCER
 2:59AM S.W. IND DIET ASSN
 3:27AM BIG BROTHERS/SISTERS

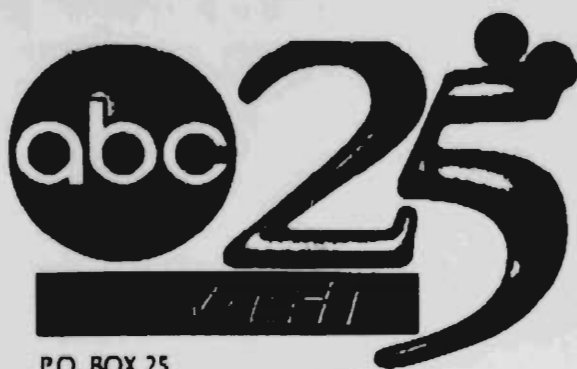
10/27/97

4:15AM KAYI LEWIS/DRUGS
 4:27AM BIG BROTHERS/SISTERS
 4:28AM HOSTETTLER/CANCER
 4:29AM KAYI LEWIS/CANCER
 4:45AM ORGAN/TISSUE DONATION
 4:57AM EARTH SHARE
 5:19AM KAYI LEWIS/DRUGS
 5:36AM ORGAN/TISSUE DONATION
 5:44AM YOUTH FITNESS
 11:27AM ORGAN/TISSUE DONATION
 12:28PM EARTH SHARE
 1:28PM ENERGY STAR PROGRAM

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1:58PM	YOUTH FITNESS
2:59PM	ORGAN/TISSUE DONATION
3:22PM	NATIONAL CHILD SAFETY
3:43PM	ORGAN/TISSUE DONATION
3:56PM	SELECTIVE SERVICE
3:56PM	KAYI LEWIS/ALCOHOL
7:34PM	UNITED CARING SHELTER
11:57PM	WELBORN FOUNDATION
11:58PM	KAYI LEWIS/DRUGS
12:07AM	SAFE HALLOWEEN
12:40AM	ORGAN/TISSUE DONATION
12:50AM	HOSTETTLER/CANCER
12:51AM	BIG BROTHERS/SISTERS
12:55AM	EARTH SHARE
12:56AM	UNITED CARING SHELTER
12:57AM	SAFE HALLOWEEN
1:06AM	KAYI LEWIS/ALCOHOL
1:06AM	RED RIBBON WEEK
1:09AM	KAYI LEWIS/CANCER
1:10AM	WELBORN FOUNDATION
1:32AM	SELECTIVE SERVICE
1:39AM	SAFE HALLOWEEN
1:52AM	KAYI LEWIS/ALCOHOL
1:53AM	S. W. IND DIET ASSN
1:53AM	BIG BROTHERS/SISTERS
2:05AM	EARTH SHARE
2:06AM	KAYI LEWIS/CANCER
2:29AM	YOUTH FITNESS
2:59AM	KAYI LEWIS/ALCOHOL
3:29AM	RED RIBBON WEEK
3:48AM	KAYI LEWIS/CANCER
3:59AM	ORGAN/TISSUE DONATION

98040091566



P.O. BOX 25
EVANSVILLE, IN 47701

JANUARY, 1998

1/05/98

4:18AM MADDY/17,000 LIVES
4:27AM EARTH SHARE
4:29AM KATI LEWIS/DRUG
4:48AM KHSAA
4:57AM BIG BROTHERS/SISTERS
4:58AM TRI STATE FOOD BANK
5:19AM MADDY/17,000 LIVES
5:20AM HOSTETTLE/ALCOHOL
5:21AM KATI LEWIS/ALCOHOL
5:24AM SHARE A SUTT
5:25AM KATI LEWIS/CANCER
5:25AM SHARE A SUTT
5:26AM KHSAA
5:34AM KATI LEWIS/DRUGS
5:35AM HOSTETTLE/CANCER
5:35AM EARTH SHARE
5:43AM TRI STATE FOOD BANK
5:43AM EARTH SHARE
5:44AM HOSTETTLE/ALCOHOL
5:57AM KATI LEWIS/ALCOHOL
5:57AM SHARE A SUTT
5:58AM EARTH SHARE
6:58AM ORGAN TISSUE DONATION
9:14AM EARTH SHARE
9:25AM MADDY/17,000 LIVES
9:37AM KATI LEWIS/ALCOHOL
9:54AM KHSAA
10:36AM BIG BROTHERS/SISTERS
10:37AM FAMILY ISN'T IT TIME
10:54AM HOSTETTLE/CANCER
11:28AM S.W. IN DIET ASSOCIATION
11:29AM ORGAN TISSUE DONATION
12:34PM ENERGY STAR PROGRAM
2:32PM ENERGY STAR PROGRAM
2:59PM ORGAN TISSUE DONATION
11:33PM TRI STATE FOOD BANK
11:46PM MADD
11:51PM EARTH SHARE
12:02AM BIG BROTHERS/SISTERS

1/16/98

4:15AM KATI LEWIS/ALCOHOL
4:27AM INDIANA LIBRARIES
5:19AM ORGAN TISSUE
5:21AM HOSTETTLE/CANCER
5:24AM MARION FOUNDATION
6:34AM GIRL SCOUT COOKIES
6:36AM DAR VOLUNTEER
11:48PM ORGAN TISSUE
12:03AM AM. RED CROSS
12:30AM ORGAN TISSUE
12:35AM GIRL SCOUT COOKIES
12:53AM IN BUREAU CHILD DEV
1:27AM HOSTETTLE/CANCER
1:29AM SHRINERS HOSPITAL
2:27AM ORGAN TISSUE
2:28AM KHSAA
2:29AM GIRL SCOUT COOKIES
3:57AM BOY SCOUTS
3:59AM UNITED CARING SHELTER

12:05AM MADD
 12:06AM TRI STATE FOOD BANK
 12:35AM MADD
 12:37AM BIG BROTHERS/SISTERS
 1:16AM TRI STATE FOOD BANK
 1:45AM EARTH SHARE
 1:57AM MADD
 2:27AM KAYI LEWIS/DRUGS
 2:38AM TRI STATE FOOD BANK
 2:28AM KAYI LEWIS/CANCER
 2:29AM S.W. IN DIET ASSOC.
 2:57AM KH5AA
 2:58AM UNITED CARING SHELTER
 2:58AM SHARE A SUTT
 2:59AM KAYI LEWIS/ALCOHOL
 3:16AM KAYI LEWIS/DRUGS
 3:27AM BIG BROTHERS/SISTERS
 3:44AM KAYI LEWIS/ALCOHOL
 3:57AM EARTH SHARE
 3:58AM HOSTETTLEW/CANCER
 3:59AM KAYI LEWIS/CANCER

1/12/98

1:02AM KAYI LEWIS/CANCER
 1:29AM YOUTH FITNESS
 1:29AM HOSTETTLEW/CANCER
 1:57AM AMERICAN RED CROSS
 1:59AM AD COUNCIL/4-H
 2:16AM ORGAN/TISSUE DONATION
 2:27AM MADD/17,000 LIVES
 2:58AM DAR VOLUNTEER
 2:59AM IN. BUREAU CHILD DEV.
 3:27AM YOUTH FITNESS
 3:59AM FAMILY ISN'T IT TIME

1/19/98

1:57AM YOUTH FITNESS
 2:27AM SELECTIVE SERVICE
 2:29AM GIRL SCOUT COOKIES
 3:27AM KAYI LEWIS/CANCER
 3:29AM KAYI LEWIS/DRUGS
 3:29AM YOUTH FITNESS
 3:59AM DAR VOLUNTEER
 3:59AM KAYI LEWIS/CANCER

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AUDIO:

BREAST CANCER
1 IN 9 AMERICAN WOMEN
DEVELOP THE DISEASE IN THEIR
LIFETIME. TAKE THE TIME TO
MAKE YOUR BIRTHDAY COUNT
THIS YEAR.

USE YOUR DAY AS A REMINDER TO
SCHEDULE AN APPOINTMENT FOR
A BREAST EXAM

I'M BETH HOSTETTLER, CONGRESSMAN
JOHN HOSTETTLER AND I WANT YOU
TO MAKE YOUR BIRTHDAY COUNT.
CALL YOUR DOCTOR FOR THIS
IMPORTANT EXAM

THIS MESSAGE BROUGHT TO YOU
BY THE NATIONAL ASSOCIATION
OF BROADCASTERS.

VIDEO:

SHOWS PEOPLE WALKING ON A
BUSY CITY STREET SIDEWALK.

SHOWS BIRTHDAY CAKE.

BETH HOSTETTLER SPEAKING
TO CAMERA.

BOX WITH NAB SYMBOL

DOW, LOHNES & ALBERTSON, PLLC
ATTORNEYS AT LAW

ORIGINAL

WASHINGTON, D.C.

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

March 27, 1998

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

Attention: Mr. F. Andrew Turley

Re: Response of Cosmos Broadcasting Corporation (WFIE-TV, Evansville, Indiana):
Complaint of Harriett B. Kimmel
FEC MUR-4717

Dear Mr. Turley:

Cosmos Broadcasting Corporation ("*Cosmos*"), by its attorneys, hereby responds to a letter dated February 11, 1998, from the Federal Election Commission ("*the Commission*") that a complaint had been filed against television station WFIE-TV licensed to Cosmos by Harriett B. Kimmel. On February 26, 1998, the Commission granted an extension of time to submit a response through and including Friday, March 27, 1998; thus this response is timely filed. 11 C.F.R. § 111.6(a) (1997).

Statement of Facts

Cosmos is authorized by the Federal Communications Commission ("*FCC*") to operate television broadcast station WFIE-TV, Channel 14, Evansville, Indiana. Affidavit of Stephen Langford, General Manager of WFIE-TV ("*Langford Affidavit*") at ¶ 2. No political party, political committee or candidate for political office holds any ownership interest in or control over Cosmos. *Id.*

Ms. Kimmel alleges in her complaint that an announcement urging women to schedule annual mammograms constitutes an unlawful political contribution because the final nine (9) seconds of the announcement include a statement by Beth Hostettler, the spouse of a Congressman, reiterating the need for mammograms. WFIE-TV ran a public service announcement ("*PSA*") which was provided to WFIE-TV by the National Association of Broadcasters ("*NAB*") from on or about October 1997 through on or about January 26, 1998. The announcement encourages women to obtain mammograms for the early detection of breast

cancer. Langford Affidavit at ¶ 3.^{1/} WFIE-TV decided to run the public service announcement to encourage public health as part of WFIE-TV's obligation to its community of license. Langford Affidavit at ¶ 4. Mrs. Beth Hostettler appeared in the announcement and stated that she and her husband, Congressman John Hostettler, encourage women to use their birthday as a reminder to schedule a mammogram. There was no mention in the PSA of Congressman Hostettler's campaign for reelection nor was there a solicitation of funds for his campaign or any appearance whatsoever by the Congressman. Langford Affidavit at ¶ 5. The PSA lasted approximately thirty (30) seconds and Mrs. Beth Hostettler appeared in the announcement for about nine (9) seconds. Langford Affidavit at ¶ 4; see also, Affidavit of Rory Benson, EVP of NAB, submitted by NAB ("*Benson Affidavit*") at ¶¶ 3 and 7. (A copy of the Benson Affidavit is attached for convenience of reference.) For the following reasons, Cosmos submits that the complaint of Ms. Kimmel should be dismissed and that the Commission should take no further action in this matter.

The Media Exemption Applies to WFIE's Decision to Run the Public
Service Announcement and the Complaint Should Be Dismissed

Section 301 of the FECA, in pertinent part, defines a contribution to include the following:

... (i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office ...

2 U.S.C. § 431(8)(A) (emphasis supplied).

The Commission's Rules specifically exempt a media entity's publication and promotion of commentary from being a "contribution." The exemption covers, in pertinent part:

[a]ny cost incurred in covering or carrying a news story, commentary, or editorial by any broadcasting station, newspaper, magazine, or other periodical publication ... unless the facility is owned or controlled by any political party, political committee, or candidate ...

Id. at § 100.7(b)(2).^{2/}

^{1/} WFIE-TV did not receive any payment for the broadcasting of the public service announcement. NAB was announced as the sponsor of the announcement in accordance with the FCC's rules because NAB provided the announcement.

^{2/} The Rules incorporate into the definition of "contribution" the statutory media exemption from the definition of "expenditure." See 2 U.S.C. § 431(9)(B)(i).

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Because Cosmos, as the licensee of television broadcast station WFIE-TV, is a member of the media, the Commission must dismiss the complaint unless it first determines that the media exemption does not apply to the public service announcement. Readers Digest Ass'n, Inc. v. Federal Election Com'n., 509 F. Supp. 1210, 1214-15 (S.D.N.Y. 1981) (to protect the First Amendment's distaste for government investigations of press functions, inquiry into the actions of a press entity is barred unless it is shown that the press exemption is not applicable). See Federal Election Com'n. v. Phillips Publishing, Inc., 517 F. Supp. 1308, 1313-14 (D.D.C. 1981) (applying the media exemption and two-step process to a newsletter that had been in existence for ten years and advocated the defeat of a candidate for federal office). The Commission has adopted the two-step process enunciated in Reader's Digest and, in an advisory opinion, applied it to a broadcast station. Donation of Television Air Time to Political Parties, Ad. Op. 1982-44, Fed. Elec. Camp. Fin. (CCH) ¶ 5691. Thus, prior to reviewing the merits of the complaint, the Commission first must determine whether the media exemption applies to Cosmos and, if it does, then dismiss the complaint. Readers Digest, 509 F. Supp. at 1215. The two-step procedure is necessary to protect the First Amendment liberties of the media. See Federal Election Com'n. v. Machinists Non-Partisan Political League, 655 F.2d 380, 396-97 n. 32 (D.C. Cir. 1981) (holding that, where the Commission has sufficient information to determine that it does not have jurisdiction, it cannot investigate further).

Whether the exemption applies, turns on two questions: (1) is the media entity owned or controlled by a political party or candidate, and, if not, (2) is the media entity merely functioning as a media entity in making the "contributions" that are the subject of the complaint. See Readers Digest, 509 F. Supp. at 1215. No political party, political committee or candidate holds any ownership interest in or control over Cosmos. Langford Affidavit at ¶ 2. Thus, if Cosmos is simply acting as a media entity when it broadcasts the public service announcement, the media exemption applies.

It is undeniable that a television station exercises its programming discretion when it determines who or what to broadcast. Programming discretion for a broadcast station is akin to editorial discretion for a newspaper, the most fundamental of the press functions. Programming discretion for a broadcast station includes the decision to broadcast public service announcements and programming even when -- as is not at all the case here -- the programming deals with political matters. Donation of Television Air Time to Political Parties, Ad. Op. 1982-44, Fed. Elec. Camp. Fin. (CCH) ¶ 5691 (holding that the donation of two hours of television and national cable airtime to the Democratic National Committee to program "is within the broadcaster's legitimate broadcast function and, therefore, within the purview of the media exemption"). Here, the announcement in question dealt squarely and specifically with the health of WFIE-TV's listeners, an issue that Cosmos has chosen to address in WFIE-TV's informational programming and announcements. Cosmos was conducting a legitimate broadcast function

when it decided to broadcast the public service message.^{3/} The PSA was not run for the purpose of influencing any federal election. Langford Affidavit at ¶ 5. The media exemption thus bars any further inquiry.

Cosmos' decision to run the public service announcement, moreover, was not a campaign contribution. "[A] growing body of decisions by the Commission . . . remove advertisements and other forms of publicity from the Act's prohibition if they have a purpose distinct from political assistance of candidates whose campaigns are covered by the Act." Purpose of Advertisement Determined Legality, Fed. Elec. Camp. Fin. (CCH) ¶ 9161 (D.D.C. 1981) at 51,244. For example, the Commission found that the broadcast or sponsorship of a radio program featuring interviews by a candidate are not contributions where the program is not for the purpose influencing the candidate's nomination. Sponsorship of Radio Program, Ad. Op. 1977-42, Fed. Elec. Camp. Fin. (CCH) ¶ 5313 (May 12, 1978). In 1978, the Commission found that there was no contribution when a television station telecasted, without charge, a film produced by a Congressman showing the facilities available through his office. Free Telecast of Congressman's Films, Ad. Op. 1987-76, Fed. Elec. Camp. Fin. (CCH) ¶ 5370 (November 3, 1978).^{4/}

Furthermore, the Commission has found that a candidate for re-election could participate in a discussion program on cable television in his role as a Congressman discussing various issues concerning his Congressional district. Candidate Participation in Cable TV Program, Ad. Op. 1992-5, Fed. Elec. Camp. Fin. (CCH) ¶ 6049 (March 13, 1992). Later, the Commission found that production and broadcasting of a half-hour public affairs cable series, entitled "Capital Conversation" did not result in a contribution or expenditure. Elected Official's Participation Did Not Give Rise to Contribution, Ad. Op. 1994-15, Fed. Elec. Camp. Fin. (CCH) ¶ 6118 (June 24, 1994). The Commission noted that the series did not appear to be controlled by

^{3/} In an advisory opinion, the Commission determined that in the absence of any communication expressly advocating the nomination or election of a candidate, and the avoidance of any solicitation, making, or acceptance of campaign contributions, there was no campaign related activity. Thus, under these circumstances, sponsorship and broadcasting of a radio program featuring interviews by a candidate are not contributions. Sponsorship of Radio Program, Ad. Op. 1977-42, Fed. Elec. Camp. Fin. (CCH) ¶ 5313 (May 12, 1978). In the instant case, the public service announcement does not expressly advocate the election or defeat of candidates and does not solicit, make, or accept contributions to Congressman Hostettler's campaign. See, Submission of NAB at 3.

^{4/} The courts have recognized the appropriateness of the "purpose test." See, Federal Election Com'n. v. Phillips Publishing Inc., 517 F. Supp. 1308, 1313-14 (D.D.C. 1981); Readers Digest Ass'n, Inc. v. Federal Election Com'n., 509 F. Supp. 1210, 1214-15 (S.D.N.Y. 1981).

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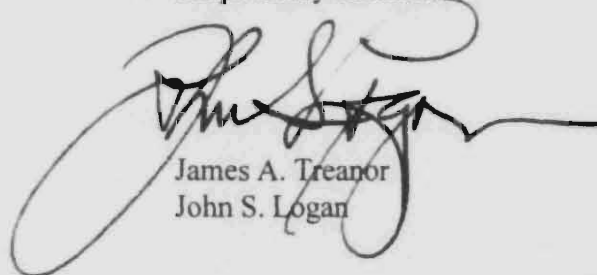
the candidate's campaign "and it will not include campaign or election related references. It will entail discussions on public issues moderated by a federal officeholder acting in her capacity as an officeholder, with the special purpose of focusing on one issue per segment in depth." Id.

In the instant case, the public service announcement was part of a National Association of Broadcasters series of localized public service announcements featuring spouses and children of members of Congress. The purpose of the PSA was to focus attention on such topics as: drinking during pregnancy, under-age drinking, breast cancer prevention, drug abuse and education. Mrs. Beth Hostettler appeared in one of the over one hundred public service announcements that the NAB produced and fed to stations on Thursday, September 25, 1997. See, Benson Affidavit at ¶ 6. The NAB fed the spots to stations again on Wednesday, October 15, 1997. WFIE-TV was unable to record the feed from the NAB and obtained a copy of the spot in which Mrs. Hostettler appeared from another station in the market. Langford Affidavit at ¶ 3.

Cosmos ran the NAB mammography PSA from about October 1997 through on or about January 26, 1998, to encourage public health as part of WFIE's role as a medium of news and information and as a part of its obligation as an FCC broadcast licensee to its community of license. Langford Affidavit at ¶¶ 3 and 4. Congressman Hostettler never appeared in the public service announcement and was only mentioned once in the entire announcement. The Commission found these factors to be determinative in an opinion letter to a former candidate. Diabetes Commercials by Former Candidate, Ad. Op. 1978-88, Fed. Elec. Camp. Fin. (CCH) ¶ 5377 (stating that a former candidate may make commercials appealing for funds to fight diabetes even though he is still raising funds to pay campaign debts). As a result, no "contribution" or "expenditure" was made by Cosmos running the public service announcement.

For the reasons stated above, Cosmos respectfully submits that no action should be taken with respect to this matter and that MUR 4717 should be dismissed.

Respectfully submitted,



James A. Treanor
John S. Logan

cc: Ms. Jennifer H. Boyt

AFFIDAVIT OF
STEPHEN LANGFORD
VICE PRESIDENT
AND
GENERAL MANAGER,
COSMOS WFIE-TV
CHANNEL 14

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BEFORE THE FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

In Re:
MUR 4717

AFFIDAVIT OF STEPHEN LANGFORD
VICE PRESIDENT AND GENERAL MANAGER, COSMOS WFIE-TV CHANNEL 14

I, Stephen Langford, being first duly sworn, do depose and say:

1. I am the General Manager of WFIE-TV Channel 14, Evansville, Indiana ("WFIE-TV").
2. Cosmos Broadcasting Corporation ("Cosmos") is licensed by the Federal Communications Commission to operate WFIE-TV, Channel 14, Evansville, Indiana. To the best of my personal knowledge, no political party, political committee or candidate for political office holds any ownership interest in or control over Cosmos.
3. WFIE-TV ran a public service announcement ("PSA") sponsored by the National Association of Broadcasters ("NAB") from about October 1997 through on or about January 26, 1998 encouraging women to receive mammograms. Mrs. Beth Hostettler appeared in a portion of the public service announcement. Because WFIE-TV was unable to record the feed from the NAB, we received a copy of spots from another station in the market.
4. WFIE-TV ran the PSA addressing breast cancer to encourage public health as part of WFIE-TV's obligation to its community of license. Mrs. Beth Hostettler appeared in the announcement and stated that she and her husband, Congressman John Hostettler, encourage women to use their birthday as a reminder to schedule a mammogram. The public service announcement lasted approximately thirty (30) seconds and Mrs. Beth Hostettler appeared in the announcement for approximately nine (9) seconds.
5. There was no mention in the PSA of Congressman Hostettler's campaign for reelection nor was there a solicitation of funds for his campaign. The PSA was not run for the purpose of influencing any federal election.


Stephen Langford

Subscribed and sworn before me this 26 day of March 1998.


Notary Public

My commission expires: 3-10-00

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**SUBMISSION OF NAB
(Matter Under Review #4717)**

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*NOT ADMITTED IN D.C.

March 24, 1998

Honorable Joan D. Aikens
Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: **Matter Under Review # 4717**
(National Association of Broadcasters)

Dear Madam Chairman:

This office represents the National Association of Broadcasters in the above captioned matter. For the reasons set forth below, we request that the Federal Election Commission find no reason to believe that a violation of the Federal Election Campaign Act of 1974, amended, 2 U.S.C. 431 et seq., has occurred with respect to this matter and, as a result, that this complaint be dismissed.

Introduction:

On January 18, 1998, Mrs. Harriett B. Kimmel brought an unsworn complaint to the Federal Election Commission (the "Commission") alleging that a "commercial sponsored by the National Association of Broadcasters" was being aired on several television stations in the greater Evansville, Indiana area and that the "commercial" constituted an "illegal contribution of free air time to one political candidate now running for re-election, Rep. John Hostettler, R-Ind., Eighth District." Subsequently, on February 2, 1998, Mrs. Kimmel filed a sworn complaint as required by the Regulations of the Commission.

On November 3, 1997, Mrs. Kimmel filed an identical complaint with the Federal Communications Commission (the "FCC"). The FCC dismissed that complaint on December 22, 1997 (see Exhibit 1, attached). The complaint was dismissed by the FCC for the reason that the only rule implicated by the PSA was Section 73.1212, a rule which requires sponsorship identification of a PSA. The FCC found that the PSA at issue in this matter contained the required sponsorship identification.

The complainant, Mrs. Kimmel, is publicly identified as being opposed to Congressman John Hostettler's position on legislation entitled the "Breast Cancer Patient Protection Act," (see Exhibit 2, letters to the National Association of Broadcasters and to local broadcasters from Mrs. Kimmel, both of which are dated November 3, 1997; and Exhibit 3, two local newspaper articles, both dated July 11, 1997 and two "Letters to the Editor" from Mrs. Kimmel which appeared in local Evansville, Indiana newspapers in late 1997).

Discussion - The Congressional Family "Public Service Announcement" Project:

The National Association of Broadcasters (the "NAB") is a trade association which represents the owners and operators of commercial radio and television stations in the United States. In 1985, NAB established a cooperative arrangement with the non-partisan Congressional Club, a Washington, D.C. based not-for-profit public service organization whose members include spouses of Members of Congress. Under this arrangement, NAB develops and distributes an on-going series of thirty (30) second public service announcements ("PSAs") which feature spouses of Members of Congress discussing matters of current public interest (see Exhibit 4, "Affidavit of Rory Benson," at paragraph 3). Over the years, these topics have included, for example, drunk driving awareness, child abuse prevention, and cancer detection programs.

Early in the year in which the PSA is to be broadcast by local NAB-member radio and television stations, the NAB staff develops an extensive list of public policy topics and scripts for presentation to participating congressional spouses or children. These individuals then independently select two topics from the list to serve as the text for the PSAs which they will record for subsequent airing in their local community. The taping of the announcements is generally completed by the end of May of that year (see Exhibit 4, at paragraph 4) and the announcements are intended by NAB to be aired by local broadcasters until the end of that particular, non-election, year. From its inception in 1985, NAB has sought, out of an abundance of caution, to restrict this PSA program to a non-election year format. It is also important to note that the NAB's role is exclusively that of the creator and distributor of these PSAs. It remains within the sole discretion of the local broadcaster whether or not to air the announcements and to determine when to run the announcements. In exercising editorial discretion whether or not to broadcast these PSAs, local broadcasters exercise their discretion as part of their news function.

The congressional PSA project, which is the subject of this MUR, is but one of a dozen PSA projects created by NAB in cooperation with various public service groups, such as the Advertising Council, that are distributed to local broadcasters each year as a part of NAB's organic mission (see Exhibit 4, at paragraph 8). NAB believes that the congressional PSAs are particularly effective because the congressional spouse-narrator generally enjoys a level of local community identification and respect which helps to ensure that the message underlying the PSA will be given unique consideration by the viewer or listener in the local community in which the message is to air.

In 1997, the year in which the PSA featuring the spouse of Congressman Hostettler was created by the NAB and aired by local broadcasters in Southern Indiana and Northern Kentucky, over one hundred (100) substantially similar PSAs featuring congressional spouses, both Democrats and Republicans, were aired in hundreds of local communities within thirty-nine (39) states (see Exhibit 4, at paragraph 4 and Exhibit 5, "1997 Congressional Family PSA Project").

The text of the PSA on breast cancer prevention which featured Mrs. Hostettler contains a straight-forward, non-electoral, non-partisan appeal to the listener/viewer to seek early breast cancer screening and detection so as to maximize that individual's chances for prevention of cancer in the first place (see Exhibit 6, a video of the PSA at issue in this MUR). The text of the announcement contains no "electioneering message" or "express advocacy" for or against any identified federal candidate. In fact, the only reference to Congressman Hostettler in the PSA is through a brief identification of Mrs. Hostettler as the spouse of the Congressman. This limited reference to the Congressman is identical to the limited identification references which are utilized in all other congressional PSAs.

The Law and Advisory Opinion Guidance:

The Federal Election Campaign Act of 1974, as amended (the "Act"), generally restricts "contributions" to and "expenditures" for federal candidates as to source and amount. Although it is difficult to determine from the complaint in this MUR the exact provision of the Act which the complainant believes has been violated, we assume from the general language used in the complaint that Mrs. Kimmel believes the broadcast of the PSA which featured Mrs. Hostettler was a "contribution" to the principal campaign committee of Congressman John Hostettler.

As the Commission knows, in order for there to be either a "contribution," as that term is defined in the Act at 2 U.S.C. 431(8)(A)(I), or an "expenditure," as that term is defined at 2 U.S.C. 431(9)(A)(I), the payment of money or gift of anything of value must be made "for the purpose of influencing any election for federal office." This statutory phrase has been interpreted by the Commission to mean, in the context of a public advertisement, the existence of the "express advocacy" of the election or defeat of a clearly identified federal candidate. The Commission has determined that such "express advocacy" would include the presence of an "electioneering message" with respect to that federal candidacy.

In the present instance, the PSA created by NAB and the Congressional Club and broadcast by radio and television stations in Southern Indiana and Northern Kentucky was intended exclusively to inform the public on a matter involving cancer prevention and the need for early detection as a matter of sound public health policy. The PSA did not have as its purpose the influencing of a federal election. As set forth above, in order to preclude any misimpression that this or any other congressional spouse's PSA was intended to influence a federal election, NAB has limited the production and distribution of these PSAs to non-election years.

Neither the content of this particular congressional spouse PSA, nor the content of any other congressional spouse PSA, contained either "express advocacy" or an "electioneering message." In deed, the complainant did not even allege, with respect to the facts and circumstances of the PSA at issue in this MUR, that the motivation for the creation and distribution of this PSA by NAB was, in any way, election motivated.

In creating and distributing these PSAs, NAB sought only to bring matters of national and local public policy importance to the attention of the viewers and listeners of its member stations. Out of an abundance of caution, and to preclude any argument that these congressional PSAs had any political purpose, NAB voluntarily limited the production and distribution of these PSAs to non-election years. In fact, the limitations adopted by NAB with respect to the production

and distribution of these PSAs is more stringent than the formal guidance given to Members of Congress by the Commission with respect to the appearance by such Members of Congress in television and radio broadcasts during the year of an election.

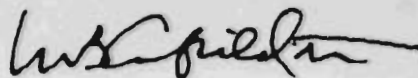
Over the last decade, the Commission has provided extensive guidance to Members of Congress who were considering appearing on radio/television broadcasts, generally, and in public service announcements, specifically. In that guidance, the Commission has consistently held that a "contribution" or "expenditure" would not occur, absent other facts, where the major purpose of the broadcast-related activity proposed by the Member of Congress/candidate was not intended to influence his or her nomination or election to federal office. These rulings have been conditioned on (a) the absence of any communication expressly advocating the nomination or election of the candidate involved or the defeat of any other candidate, and (b) the avoidance of any solicitation, making, or acceptance of campaign contributions for the candidate in connection with the proposed broadcast activity (see, for example, Advisory Opinions 1977-42, 1978-76, 1981-37, and 1992-5).

An analysis by the Commission of the text of the PSA at issue in this MUR will demonstrate that the narrator, the spouse of a Member of Congress, did not expressly advocate the election or defeat of any identified federal candidate, neither did she solicit any campaign contribution for any federal candidate. As a consequence, all of the conditions previously established by the Commission in the above cited Advisory Opinions were met by NAB in the development of the congressional spouse PSA which is the subject of this complaint. As a result, no "contribution" or "expenditure" was made by NAB in the preparation and distribution of these public service announcements.

Conclusion:

For the reasons set forth above, and pursuant to 11 C.F.R. 111.5(a), we ask that the Commission take no further action with respect to this matter and move forward, without further delay, to dismiss M.U.R. 4717.

WILLIAMS & JENSEN, P.C.



William B. Cantfield III
Suite 300
1155 Twenty-First Street, N.W.
Washington, D.C. 20036

Attachments: Exhibits 1-6

AFFIDAVIT OF
RORY BENSON
EXECUTIVE VICE PRESIDENT
OF
NATIONAL ASSOCIATION OF
BROADCASTERS

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**BEFORE THE FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463**

**In Re:
MUR 4717**

**AFFIDAVIT OF RORY BENSON
EXECUTIVE VICE PRESIDENT
NATIONAL ASSOCIATION BROADCASTERS
District of Columbia, ss:**

I, Rory Benson, being first duly sworn, do depose and say:

1. I am the Executive Vice President of the National Association of Broadcasters (NAB). In that capacity, my responsibilities include oversight of the NAB public service program

2. NAB is a trade association based in Washington, DC, that represents owners and operators of America's commercial radio and television stations, as well as all major over-the-air networks. Since 1985, the National Association of Broadcasters has worked with the Congressional Club (the organization of congressional spouses) to create and distribute public service announcements (PSAs) for both radio and television.

3. Produced during the non-election years of each Congress, these 30-second PSAs have covered the gamut of issues, including cancer awareness, drunk driving prevention, and child abuse. They are aired at the station's sole discretion on local TV and radio stations across the nation.

4. The process begins with a letter sent to all House and Senate members' spouses from NAB, inviting them or their teenaged child to tape PSAs. That letter usually is sent to the spouses in the spring of the non-election year. Taping is then scheduled during a three-week period in May. In 1997, over 100 spouses and/or children recorded spots, representing 39 states and spouses of both Republican and Democratic lawmakers.

5. Each participant who signs up may choose two topics from a list of pre-written PSAs created and distributed by NAB. The topics for 1997 included the following:

- Anti-drug messages aimed at youth
- Messages urging pregnant women not to drink alcohol
- Breast cancer prevention through early screening and detection
- Prostate cancer prevention (for male spouses)
- Underage drinking warnings
- Stay in school messages aimed at high school students

These messages are actually written with the assistance of communication and medical professionals to insure that they are effective with audiences and accurate in content.

6. Once the spots are taped, they are then produced. The TV PSAs are then distributed to NAB-member stations via a national satellite feed. Audio tracks for those same PSAs are then mailed to NAB-member radio stations. Each station has the sole authority to choose which PSAs to run or whether to participate at all.

7. Over the years, literally hundreds and hundreds of spouses and teenaged children of Members of Congress have taped public service announcements. They have done so in a bipartisan, non-partisan way. The only passing mention of the lawmaker him or herself comes when the participants identify themselves during the final 10 seconds of each PSA.

8. I should add that NAB provides its stations with dozens of public service announcements each year on a variety of topics from a variety of sources. For example, we distribute all the PSAs produced by the Advertising Council, many of which have won national awards. The Congressional Club/NAB program is merely one more opportunity to provide local stations with public service material they can use in their local activities on social concerns.

9. I have overseen this program since its inception, and this FEC complaint to my memory is the first such complaint NAB has ever received on this program during its entire 12-year history.

Submitted with this affidavit are true and correct copies of the following:

- The invitation sent to congressional spouses for 1997
- The scripts recorded by Mrs. Hostetler in 1997
- A list of 1997 participants in the NAB/Congressional Club PSA campaign
- A list of participants from 1995
- A list of other PSAs distributed by NAB in recent years
- A video tape of the two spots which Mrs. Hostetler recorded in 1997

Rory Benson
Rory Benson

Subscribed and sworn to before me this 20 day of March, 1998.

Sheila Stapleton
Sheila Stapleton
Notary Public
District of Columbia
My commission expires 3/28/99

Ref'd. to OGC Enforcement
Thru OCS

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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March 27, 1998

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FEDERAL ELECTION
COMMISSION
SECRETARIAT

The Honorable Joan D. Aikens
Chairman
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: **FEC Inquiry #MUR4717**
Reply of WTSN, Channel 63

Dear Madam Chairman:

By its attorneys, Evansville Low Power Partnership ("ELPP"), licensee of low power television Station WTSN-LP, Channel 63, Evansville, Indiana ("WTSN"), hereby responds to Federal Election Commission ("Commission") Inquiry #MUR4717. For the reasons set forth below, it is clear that WTSN's broadcast of a Public Service Announcement ("PSA") designed to increase breast cancer awareness featuring Mrs. Beth Hostettler, wife of Congressman John Hostettler, provided a service to the community of Evansville, and did not in any respect constitute a violation of Federal Election Campaign Act of 1974, 2 U.S.C. § 431 et seq., as amended (the "Act"). Accordingly, no further action should be taken by the Commission.

STATEMENT OF FACTS

Between October 1, 1997 and February 3, 1998, Station WTSN periodically broadcast a thirty second PSA produced by the National Association of Broadcasters ("NAB") featuring Mrs. Beth Hostettler, wife of Congressman John Hostettler, that was designed to increase awareness of breast cancer detection, prevention, and treatment practices. In the PSA, Mrs. Hostettler encourages viewers to get a breast exam and mammogram each year, on or near the time of their birthday. At the end of the PSA, Mrs. Hostettler makes the following brief statement of identification: "I'm Beth Hostettler, and Congressman John Hostettler and I want you to make your birthday count."

The Honorable Joan D. Aikens

March 27, 1998

Page -2 -

As explained in the response to #MUR 4717 filed on behalf of the NAB, the NAB develops and distributes to its member stations a series of thirty second PSAs which feature spouses of members of Congress discussing matters of current public interest. NAB member stations can select any of these PSAs to broadcast at times that they designate. The NAB believes that such messages are particularly effective because the Congressional spouse-narrator generally enjoys a level of local community identification and respect, which helps to ensure that the message underlying the PSA will be given unique consideration by viewers.

ELPP selected the PSA at issue because of its content — breast cancer awareness and prevention. ELPP is aware that the incidence of cancer in the Evansville area is higher than the national average and that this is an issue of concern to community residents. In an effort to respond to this concern, WTSN and Station WEVV(TV), Evansville, Indiana (a station owned by WEVV, Inc., one of the partners of ELPP), broadcast a significant amount of public affairs programming aimed at increasing awareness of cancer and cancer prevention. This effort is reflected by the fact that during 1997, Station WEVV's News Department (which produces WTSN's newscasts and some of WTSN's PSAs), produced thirty eight stories focusing upon the topic of cancer.

During the same time period that WTSN broadcast the breast cancer PSA, Stations WEVV and WTSN also broadcast two other PSAs distributed by the the NAB as part of the NAB's PSA series featuring spouses of members of Congress — one urging viewers not to drink alcohol when they are pregnant and the other aimed at combating teenage drinking. These PSAs were similarly selected because they addressed issues of concern to residents of the Evansville community.

In November, 1997, Harriet B. Kimmel submitted letters of complaint to the NAB, WTSN, television Stations WEHT(TV) and WFIE-TV, and the Federal Communications Commission ("FCC") alleging that the production and broadcast of the breast cancer PSA featuring Mrs. Hostettler constituted "an illegal, under-the-table contribution of free air time" to Congressman Hostettler. On January 18, 1998, Mrs. Kimmel submitted substantially identical allegations to the Commission.¹

¹ The complaint filed with the FCC on November 3, 1997 was dismissed by the FCC for lack of jurisdiction. See Letter from FCC to Harriett B. Kimmel of December 12, 1997, No. 1800C1-SD; 97110169.

ANALYSIS

Although the letters of complaint submitted by Ms. Kimmel do not allege that the breast cancer PSA violates any specific provision of the Act or the Commission's Rules, the letters appear to claim that the production and broadcast of the breast cancer PSA constitutes a "contribution" or "expenditure" subject to regulation under the Act.² However, well-established Commission precedent makes clear that the breast cancer PSA does not qualify as a contribution or an expenditure under the Act, and the letters of complaint therefore should be dismissed without further action by the Commission.

Section 431 of the Act states that in order to find a contribution or an expenditure, such gift or payment must be made "for the purpose of influencing any election for Federal office."³ The Commission has concluded that a contribution or expenditure does not necessarily occur in activities involving the appearance of a candidate for federal office if the major purpose of the appearance is not to influence the candidate's nomination or election. A candidate's appearance may not be deemed a contribution or an expenditure if (1) there is no communication expressly advocating the nomination or election of the candidate involved or the defeat of any other candidate, and (2) there is no solicitation, making, or acceptance of campaign contributions for the candidate in connection with the activity."⁴

Moreover, with specific reference to a candidate's involvement in public affairs programming, the Commission has held that although such involvement may indirectly benefit a candidate's future campaigns, a candidate's association with such programming does not mean that the major purpose of the activity is the election of the candidate to Federal office.⁵ More specifically, the Commission has found that a candidate's association with a PSA does not make the advocacy of the candidate's election to Federal office the major purpose of the PSA.⁶ The

² See 2 U.S.C. §431(8)(A)(i), (9)(A)(i).

³ Id.

⁴ See Advisory Opinion 1977-42 at 2 (citations omitted) (finding no contribution or expenditure where the candidate hosted two interview programs).

⁵ See Advisory Opinion 1981-37 at 3 (finding that the major purpose of candidate's participation as moderator of public affairs forums which may be broadcast on television or radio was not the advocacy of the candidate's election to Federal office).

⁶ See Advisory Opinion 1978-76 (holding that station's broadcast as a PSA of candidate's film depicting facilities available to constituents and services provided by the

(continued...)

The Honorable Joan D. Aikens

March 27, 1998

Page -4 -

Commission has found that advocacy of the candidate's election to federal office was not the major purpose of candidate participation in public affairs programming in cases where the candidate participated directly in the public affairs program, and the candidate's participation was far more extensive than the mere mention of his name at the end of a PSA as is the case with the PSA involved in this inquiry.⁷

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The text of the breast cancer PSA featuring Mrs. Hostettler contains a straightforward, non-electoral, non-partisan appeal to viewers to seek early breast cancer screening and detection to maximize viewers' chances for breast cancer prevention. Congressman Hostettler does not appear or directly participate in the PSA. The PSA does not advocate the nomination or election of Congressman Hostettler or the defeat of any other candidate. The PSA does not solicit campaign contributions on the Congressman's behalf. The only reference to Congressman Hostettler in the PSA is a single statement in which Mrs. Hostettler identifies herself as the Congressman's wife. The Congressman's involvement in the PSA, therefore, is certainly minimal and far less than in other cases where the Commission has concluded that a candidate's appearance in public affairs programming raised no Commission concerns. Based on this precedent, it is clear that WTSN's broadcast of the breast cancer PSA does not constitute a contribution or expenditure under the Act.

⁶(...continued)

candidate's office does not constitute a contribution or an expenditure under the Act).

⁷ See Advisory Opinion 1977-42 (permitting candidate to host radio interview program); Advisory Opinion 1981-37 (permitting candidate to moderate public affairs forum); Advisory Opinion 1992-5 (permitting candidate to participate in televised public affairs forums).

The Honorable Joan D. Aikens
March 27, 1998
Page -5 -

CONCLUSION

For the reasons set forth above, and pursuant to 11 C.F.R. § 116(a), ELPP respectfully requests the Commission to dismiss the complaints filed in FEC Inquiry #MUR4717 and take no further action in this matter.

Respectfully submitted,

EVANSVILLE LOW POWER PARTNERSHIP

by Sally A. Buckman

Sally A. Buckman

Colin D. Horst (admitted in CA only)

Leventhal, Senter & Lerman, P.L.L.C.
Suite 600
2000 K Street, N.W.
Washington, DC 20006
(202) 429-8970

March 27, 1998

Its Attorneys

cc: F. Andrew Turley, Esq.
Jennifer H. Boyt

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION
COMMISSION
WASHINGTON, D.C.

MAY 22 3 34 PM '88

In the Matter of

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CASE CLOSURES UNDER
ENFORCEMENT PRIORITY

GENERAL COUNSEL'S REPORT

SENSITIVE

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 14 cases that do not warrant further action relative to other pending matters.¹ The attachment to this report contains a factual summary 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.

¹ These cases are: Pre-MUR 360 (*First National Bank of Wheaton, IL*); Pre-MUR 361 (*Teresa Isaac for Congress*); MUR 4663 (*Rodriguez for Congress*); MUR 4698 (*Mayor Louis Bencardino*); MUR 4699 (*Warren County Democratic Committee*); MUR 4705 (*Fox for Congress*); MUR 4706 (*Carl Lindner*); MUR 4712 (*Fox for Congress*); MUR 4714 (*Mary Jane Garcia for Congress*); MUR 4717 (*Hostettler for Congress*); MUR 4718 (*Oxley for Congress*); MUR 4723 (*Oscar H. Flores*); MUR 4724 (*Feinberg for Congress*); and MUR 4727 (*Madison Magazine*).

We have identified cases that have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We recommend that these cases be closed.³

We recommend that the Commission exercise its prosecutorial discretion and direct closure of the cases listed below, effective June 3, 1998. Closing 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.

³ These cases are: MUR 4539 (*Sallie Mae Student Loan*); MUR 4543 (*Besicorp*); MUR 4625 (*Hinojosa for Congress*); MUR 4640 (*New Mexicans Accion del Pueblo Citizen Action*); RAD 97L-02 (*Cooksey for Congress*); RAD 97L-03 (*Maxfield for Congress*); RAD 97NF-03 (*Dan Hansen for Congress*); RAD 97NF-08 (*Congressional Accountability PAC*); RAD 97NF-16 (*America's Fund*); 97NF-18 (*Faith, Family & Freedom PAC*); and 97NF-19 (*Pro-Hispanic PAC*).

III. RECOMMENDATIONS.

A. Decline to open a MUR, close the file effective June 3, 1998, and approve the appropriate letters in the following matters

RAD 97L-02
RAD 97L-03
RAD 97NF-03

RAD 97NF-08
RAD 97NF-16
RAD 97NF-18

RAD 97NF-19
Pre-MUR 360
Pre-MUR 361

B. Take no action, close the file effective June 3, 1998, and approve the appropriate letters in the following matters:

MUR 4539
MUR 4543
MUR 4625
MUR 4640
MUR 4663

MUR 4698
MUR 4699
MUR 4705
MUR 4706
MUR 4712
MUR 4714
MUR 4717

MUR 4718
MUR 4723
MUR 4724
MUR 4727

5/22/98
Date

LM Noble (Z92)
Lawrence M. Noble
General Counsel

90043091593

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Case Closures Under) Agenda Document No. X98-31
Enforcement Priority)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on June 9, 1998, do hereby certify that the Commission took the following actions with respect to Agenda Document No. X98-31:

1. Decided by a vote of 5-0 to

A. Decline to open a MUR, close the file effective June 15, 1998, and approve the appropriate letters in the following matters:

- | | |
|----------------|----------------|
| 1. RAD 97L-02 | 6. RAD 97NF-18 |
| 2. RAD 97L-03 | 7. RAD 97NF-19 |
| 3. RAD 97NF-03 | 8. Pre-MUR 360 |
| 4. RAD 97NF-08 | 9. Pre-MUR 361 |
| 5. RAD 97NF-16 | |

(continued)

B. Take no action, close the file
effective June 15, 1998 and
approve the appropriate letters
in the following matters:

- | | |
|-------------|--------------|
| 1. MUR 4539 | 9. MUR 4706 |
| 2. MUR 4543 | 10. MUR 4712 |
| 3. MUR 4625 | 11. MUR 4714 |
| 4. MUR 4640 | 12. MUR 4717 |
| 5. MUR 4663 | 13. MUR 4718 |
| 6. MUR 4698 | 14. MUR 4723 |
| 7. MUR 4699 | 15. MUR 4724 |
| 8. MUR 4705 | 16. MUR 4727 |

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

Attest:

6-10-98
Date

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 16, 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Harriett B. Kimmel
2215 Margybeth
Evansville, IN 47714

RE: MUR 4717

Dear Ms. Kimmel:

On February 4, 1998, 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 June 15, 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. § 437g(a)(8).

Sincerely,

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

F. Andrew Tutley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

9 0 0 4 3 8 2 1 5 9 1
MUR 4717

HOSTETTLER FOR CONGRESS

Ms. Harriett B. Kimmel complains that the appearance of the wife of Rep. John Hostettler in a public service advertisement to encourage yearly breast examinations constituted unlawful corporate in-kind contributions to the congressman's reelection campaign by the National Association of Broadcasters ("NAB"), and three television stations (WTSN LP 63, WEHT-TV and WFIE-TV) that broadcasted these ads. The complainant further alleges that Mrs. Hostettler's mention of her husband in the ad further supported this conclusion, particularly since she believed that he opposes use of federal funds for breast cancer research.

Respondent NAB, a trade association, explains that it established a cooperative arrangement with the non-partisan Congressional Club, comprised of spouses of Members of Congress, to develop and distribute an ongoing series of 30-second public service announcements ("PSA") featuring congressional spouses discussing matters of current public interest. According to NAB, the spouses choose topics from a list of scripts developed for the PSAs. PSAs are intended to be aired by local broadcasters until the end of the non-election year in which they are taped, at the discretion of the local broadcasters. NAB denies that the text of the announcements contain electioneering messages or express advocacy, or that the ads are intended to influence any federal election or nomination. NAB states that the only reference to the Member of Congress in this PSA is "through a brief identification of Mrs. Hostettler as the spouse of the congressman," as is the case in all other congressional PSAs.

WTSN-LP 63 responds that its broadcast to promote breast cancer awareness provided a service to the community and did not in any respect constitute a violation of federal law.

WEHT-TV responds that it chose to air this PSA because of its content, and denies any affiliation with Rep. Hostettler, Mrs. Hostettler, the Hostettler campaign, or any agents of the congressman or his campaign.

WFIE-TV maintains in its response that its airing of the PSAs constituted a legitimate broadcast function, and denies that it was run for the purpose of influencing any federal election. The respondent also denies that its activity amounted to a contribution to the congressman's campaign, and asserts that its decision to run the PSA is protected by the media exemption.

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 16, 1998

William B. Canfield, III, Esq.
Williams & Jensen, P.C.
1155 21st St., NW, Ste. 300
Washington, DC 20036

RE: MUR 4717
National Association of Broadcasters

Dear Mr. Canfield:

On February 11, 1998, 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 your client. See attached narrative. Accordingly, the Commission closed its file in this matter on June 15, 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 Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 614-1650.

Sincerely,

A handwritten signature in dark ink, appearing to read "F. Andrew Turley", is positioned above the typed name.

F. Andrew Turley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4717

HOSTETTLER FOR CONGRESS

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Respondent NAB, a trade association, explains that it established a cooperative arrangement with the non-partisan Congressional Club, comprised of spouses of Members of Congress, to develop and distribute an ongoing series of 30-second public service announcements ("PSA") featuring congressional spouses discussing matters of current public interest. According to NAB, the spouses choose topics from a list of scripts developed for the PSAs. PSAs are intended to be aired by local broadcasters until the end of the non-election year in which they are taped, at the discretion of the local broadcasters. NAB denies that the text of the announcements contain electioneering messages or express advocacy, or that the ads are intended to influence any federal election or nomination. NAB states that the only reference to the Member of Congress in this PSA is "through a brief identification of Mrs. Hostettler as the spouse of the congressman," as is the case in all other congressional PSAs.

WTSN-LP 63 responds that its broadcast to promote breast cancer awareness provided a service to the community and did not in any respect constitute a violation of federal law.

WEHT-TV responds that it chose to air this PSA because of its content, and denies any affiliation with Rep. Hostettler, Mrs. Hostettler, the Hostettler campaign, or any agents of the congressman or his campaign.

WFIE-TV maintains in its response that its airing of the PSAs constituted a legitimate broadcast function, and denies that it was run for the purpose of influencing any federal election. The respondent also denies that its activity amounted to a contribution to the congressman's campaign, and asserts that its decision to run the PSA is protected by the media exemption.

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 16, 1998

Sally Buckman, Esq.
Leventhal, Senter & Lerman, P.L.L.C.
2000 K Street, NW, Ste. 600
Washington, DC 20006

RE: MUR 4717
WTSN-LP Channel 63

Dear Ms. Buckman:

On February 11, 1998, 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 your client. See attached narrative. Accordingly, the Commission closed its file in this matter on June 15, 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 Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 614-1650.

Sincerely,

F. Andrew Tarley
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

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MUR 4717

HOSTETTLER FOR CONGRESS

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Respondent NAB, a trade association, explains that it established a cooperative arrangement with the non-partisan Congressional Club, comprised of spouses of Members of Congress, to develop and distribute an ongoing series of 30-second public service announcements ("PSA") featuring congressional spouses discussing matters of current public interest. According to NAB, the spouses choose topics from a list of scripts developed for the PSAs. PSAs are intended to be aired by local broadcasters until the end of the non-election year in which they are taped, at the discretion of the local broadcasters. NAB denies that the text of the announcements contain electioneering messages or express advocacy, or that the ads are intended to influence any federal election or nomination. NAB states that the only reference to the Member of Congress in this PSA is "through a brief identification of Mrs. Hostettler as the spouse of the congressman," as is the case in all other congressional PSAs.

WTSN-LP 63 responds that its broadcast to promote breast cancer awareness provided a service to the community and did not in any respect constitute a violation of federal law.

WEHT-TV responds that it chose to air this PSA because of its content, and denies any affiliation with Rep. Hostettler, Mrs. Hostettler, the Hostettler campaign, or any agents of the congressman or his campaign.

WFIE-TV maintains in its response that its airing of the PSAs constituted a legitimate broadcast function, and denies that it was run for the purpose of influencing any federal election. The respondent also denies that its activity amounted to a contribution to the congressman's campaign, and asserts that its decision to run the PSA is protected by the media exemption.

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 16, 1998

Jan Witold Baran, Esq.
Wiley, Rein & Fielding
1776 K Street, NW
Washington, DC 20006

RE: MUR 4717
WEHT-TV

Dear Mr. Baran:

On February 11, 1998, 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 your client. See attached narrative. Accordingly, the Commission closed its file in this matter on June 15, 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 Jennifer H. Boyt on our toll-free number, (800)-424-9530. Our local number is (202) 614-1650.

Sincerely,

F. Andrew Tarley
Supervisor/Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4717

HOSTETTLER FOR CONGRESS

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 16, 1998

James A. Treanor, III, Esq.
John S. Logan, Esq.
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Ave., NW, Ste. 800
Washington, DC 20036

RE: MUR 4717
Cosmos Broadcasting Corporation (WFIE-TV)

Dear Messrs. Treanor and Logan:

On February 11, 1998, 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 your client. See attached narrative. Accordingly, the Commission closed its file in this matter on June 15, 1998.

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 Jennifer H. Boyd on our toll-free number, (800)-424-9530. Our local number is (202) 614-1650.

Sincerely,

F. Andrew Tuttle
Supervisory Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4717
HOSTETTLER FOR CONGRESS

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

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS
5TH DAY OF JULY, 1998. This sworn statement
was made in Evansville, Ind. in Vanderburgh County.

Lixie L. Patmore

Dixie L. Calmes
Notary Public

you.
Harriett B. Kimmel
Harriett B. Kimmel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4717

DATE FILMED 7-24-88 CAMERA NO. 2

CAMERAMAN JMS

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