

THE NEW YORK TIMES COMPANY

LEGAL DEPARTMENT
229 WEST 43 STREET
NEW YORK, N.Y. 10036

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

SOLOMON B. WATSON IV
Senior Vice President
and
General Counsel

RHONDA L. BRAUER
VERNON R. BYRD, JR.
LAURA J. CORWIN
MAGGIE R. DRUCKER
GEORGE FREEMAN
MARCIJANE KRAFT
ADAM LIPTAK
ELENA PRODANOV
KENNETH A. RICHIERI
LEE K. RIFFATERRE
ALISON C.M. ZOELLNER

OCT 21 3 07 PM '99 FAX NUMBER:
(212) 556-4634

SENDER'S DIRECT
TELEPHONE NUMBER:
(212) 556-1882

October 18, 1999

General Counsel's Office
Federal Election Commission
999 East Street N.W.
Washington, DC 20463

Re: MUR 4929 (Complaint of Rhawn Joseph)

Gentlemen/Ladies:

I write on behalf of The New York Times Company in response to a complaint filed with the Federal Election Commission by Rhawn Joseph. Dr. Joseph complains that "NBC inc. CBS Westinghouse, ABC inc., Gannett co Inc. The Washington Post Co. Chronicle Publishing Co., New York Post Inc. The Times Co., The Wall Street Journal Dow Jones & Co., Knight-Ridder, The Los Angeles Times Co., and Does 1-100" [sic] have violated federal law in reporting the news.

No action should be taken against The New York Times Company in this matter for two reasons. First, there is nothing in Dr. Joseph's complaint concerning any particular alleged conduct of The New York Times Company. Second, the Federal Election Commission's own enabling legislation, at 2 U.S.C. § 431(9)(B)(I), excludes the following from the definition of a campaign "expenditure":

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.

This provision is consistent with the Commission's regulations at 11 C.F.R. § 100.7(b)(2). The purpose of Congress in enacting this provision was clearly stated in its legislative history. Congress sought to "make it plain that it [was] not the intent of Congress in the present legislation to limit or burden in any way the first amendment freedoms of the press" but rather to assure "the unfettered right of newspapers, TV networks, and other media to cover and comment on political campaigns." H. Rep. No. 1239, 93d Cong., 2nd Sess. (1974), at 4.

I have enclosed a statement of designation of counsel and look forward to hearing from you should the FEC pursue this matter.

Sincerely,



Adam Liptak

/bc

Enclosure

cc: Solomon B. Watson IV

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4929

NAME OF COUNSEL: Adam Liptak, Esq.

ADDRESS: The New York Times Company

229 West 43d Street


New York, New York 10036

TELEPHONE: 212/556-1882

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
OCT 21 3 07 PM '99

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.

10/12/99
Date


Signature

RESPONDENT'S NAME: The New York Times Company

ADDRESS: 229 West 43d Street

New York, New York 10036

HOME PHONE: _____

BUSINESS PHONE: _____