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October 26, 1999

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COUNSEL

OCT 26 3 40 PM '99

John R. Velasquez, Jr.
Acting Central Enforcement Docket Supervisor
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4929: Fox Broadcasting Company

Dear Mr. Velasquez:

This letter is in response to a complaint dated September 27, 1999, filed by Rhawn Joseph. Enclosed please find a Designation of Counsel authorizing us as counsel on behalf of Fox Broadcasting Company ("Fox"). We request that the Federal Election Commission ("FEC") dismiss this complaint against Fox on the grounds that it is frivolous and fails to comply with the FEC's requirement that a complaint contain a clear and concise recitation of facts which describe a violation. 11 C.F.R. § 111.4(d)(3). In fact, Fox is mentioned only in passing and is not even identified in the caption of the complaint or in the final paragraph where certain entities are listed as alleged violators of the law.


Moreover, the complaint must be summarily dismissed because it makes vague and general accusations regarding legitimate press activities that are squarely protected under the First Amendment and specifically allowed in the "press exemption" contained in the Federal Election Campaign Act of 1971, as amended. 2 U.S.C. § 431(9)(B)(i) and 26 U.S.C. § 9012(f)(2)(A). The press exemption

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provides that a news story, commentary, or editorial distributed through the facilities of broadcasting stations does not constitute an expenditure on behalf of a political campaign and as such is not subject to the prohibitions and limitations that apply to corporate entities not protected by the press exemption. The coverage of candidates by Fox is part of its news function and is squarely covered by the press exemption.¹

For all those reasons, we respectfully request that the Federal Election Commission dismiss this complaint against Fox.

Sincerely,



Kenneth A. Gross

Enclosure

¹ The only exception is when candidates pay Fox at usual commercial rates for paid television commercials.

STATEMENT OF DESIGNATION OF COUNSEL

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MUR 4929

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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.

10/26/99
Date

Maureen A. O'Connell
Signature

RESPONDENT'S NAME: Maureen A. O'Connell, Esq.

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