



**CBS CORPORATION**  
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**HOWARD F. JAECKEL**  
VICE PRESIDENT, ASSOCIATE GENERAL COUNSEL

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Nov 2 3 06 PM '99

**BY FEDERAL EXPRESS**

Re: MUR 4929

Ladies and Gentlemen:

November 1, 1999

This is in response to a letter dated October 4, 1999, but not received by CBS Corporation ("CBS") until October 20, 1999, from John R. Velasquez, Jr., Acting Central Enforcement Supervisor for the Commission. Mr. Velasquez enclosed with his letter a complaint filed by Rhawn Joseph against CBS -- as well as ABC, NBC, *The New York Times*, *The Los Angeles Times*, and *The Washington Post*, among others -- alleging that coverage provided by these news organization to various presidential candidates constitutes "free advertising" for those candidates and therefore an illegal corporate campaign expenditure under the Federal Election Campaign Act.

These allegations are meritless on their face, since the Act expressly provides that

"[t]he term expenditure does not include --

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

2 U.S.C. § 431(9)(A)(i). It is clear, therefore, that the news coverage to which Mr. Joseph objects does not fall within the purview of the Federal Elections Campaign Act. To the extent that Mr. Joseph asserts that such news coverage does not reflect a *bona fide* journalistic judgment as to the newsworthiness of the candidates to whom coverage has been afforded, but rather an attempt to promote those candidacies, he provides no factual or evidentiary support for those allegations whatsoever.

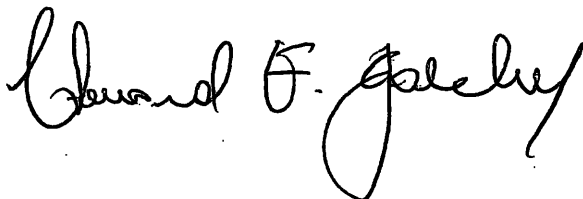
Moreover, if Mr. Joseph -- who apparently considers himself a candidate for the Republican presidential nomination -- believes that he has not received "equal opportunities" or fair coverage by CBS of his purported campaign, he should file a complaint with the Federal Communications Commission, which has exclusive primary jurisdiction over such matters. See, e.g., *Writers Guild of America v. FCC*, 609 F.2d 355 (9<sup>th</sup> Cir. 1979); *Morrisseau v. Mt. Mansfield Television*, 380 F. Supp. 512

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(D. Vt. 1974); *Gordon v. National Broadcasting Co.*, 287 F. Supp 452 (S.D.N.Y. 1968); *Ahmed v. Levi*, 414 F. Supp 597 (E.D. Pa. 1976).<sup>1</sup>

For these reasons, no further Commission action is warranted with respect to this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Edward F. Galt".

Office of the General Counsel  
Federal Elections Commission  
Washington, DC 20463

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<sup>1</sup> Such a complaint would likewise be clearly without merit. See, 47 U.S.C. § 315 (a) (1)-(4); see also *Chisholm v. FCC*, 538 F.2d 349 (D.C. Cir.), cert. denied, 429 U.S. 890 (1977).

**STATEMENT OF DESIGNATION OF COUNSEL**

MUR

4929

**NAME OF COUNSEL:** Howard F. Jaeckel

**ADDRESS:** CBS

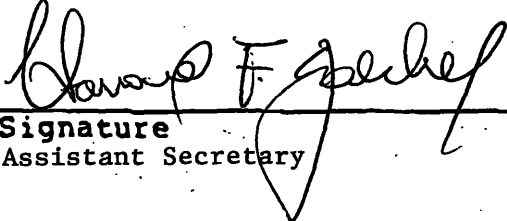
51 W 52 Street

New York, NY 10019

**TELEPHONE:** 212 975-4595

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.

November 1, 1999  
**Date**

  
**Signature**  
Assistant Secretary

**RESPONDENT'S NAME:** CBS Corporation

**ADDRESS:** 51 W 52 Street

New York, NY 10019

**HOME PHONE:** \_\_\_\_\_

**BUSINESS PHONE:** 212 975-4321