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January 19, 2000

## VIA FACSIMILE AND CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Lawrence Noble, General Counsel  
Federal Election Commission  
999 E. St. NW  
Washington, D.C. 20463

RE: MUR 4956

Dear Mr. Noble:

Please accept this letter in response to the complaint filed against New England Cable News for violations of Federal Election Commission Regulations.

The complaint charges that New England Cable News' sponsorship of the debate between the candidates for the Democratic nomination for President amounts to a corporate expenditure of funds in support of the participants. The LaRouche Committee for a New Bretton Woods charges that the expenditure works against Mr. LaRouche, as he was not invited to participate in the debate. Expenditures on behalf of a candidate for President by a corporation are prohibited under 2 U.S.C. § 441b.

As early as 1976, the Federal Election Commission realized that § 441b could be construed to bar the use of corporate funds to stage debates. To remove doubt about the legality of corporate sponsorship of debates, the FEC promulgated a regulation incorporating its view that nonpartisan debates are designed to educate and inform voters rather than influence the nomination or election of a particular candidate. Thus, funds expended in staging nonpartisan debates ought not run afoul of § 441b. Perot v. Federal Election Commission, 97 F.3d 553, 556, 321 U.S.App.D.C. 96, 99.

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The regulation states that broadcasters (including a cable television operator, programmer or producer) may stage candidate debates in accordance with 11 C.F.R. § 110.13 and 11 C.F.R. § 114.4(f), provided that they are not owned or controlled by a political party, political committee or candidate. 11 C.F.R. § 110.13. The debate shall include at least two candidates, the debate shall not favor one candidate over another, and the staging organization must use pre-established objective criteria to determine which candidates may participate in a debate. 11 C.F.R. § 110.13(b).

New England Cable News' sponsorship of the Democratic nomination debate for President was in compliance with Federal Election Commission Regulations. NECN is a broadcaster as defined by 11 C.F.R. § 110.13, and is not owned or controlled by a political party, political committee or candidate.

The debate included Vice President Al Gore and Senator Bill Bradley, thereby meeting the requirement of at least two candidates under, 11 C.F.R. § 110.13(b)(1).

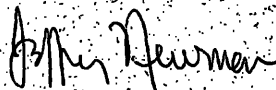
Mr. Charles Perkins, the executive director of the Manchester Union Leader, informed the Committee for a New Bretton Woods that the criteria would not be disclosed as the sponsors did not want the candidates to attempt to conform with the criteria. 11 C.F.R. § 110.13(c) does not require that the criteria used for candidate selection be disclosed; the section requires only that the staging organization use pre-established criteria in candidate selection. The sponsors did use pre-established criteria for the selection of candidates. The mere fact that Mr. LaRouche did not conform to the criteria does not result in a violation of Federal Election Commission Regulations.

A broadcaster (including a cable television operator, programmer or producer) may use its own funds to defray costs incurred in staging public candidate debates held in accordance with 11 C.F.R. § 110.13. 11 C.F.R. § 114.4(f)(2). New England Cable News was in compliance with 11 C.F.R. § 110.13, and as a result, they were allowed to use corporate funds to stage the public debate under 11 C.F.R. § 114.4(f)(2). NECN's sponsorship of the Democratic debate was not a violation of Federal Election Commission Regulations, nor was the use of its own funds to stage the debate prohibited by 2 U.S.C. § 441b.

New England Cable News requests that no action be taken against them for their participation in the sponsorship of the debate between candidates for the Democratic nomination for President.

Thank you for your kind attention to this matter.

Yours Truly,



Jeffrey A. Newman

cc: Phil Balboni