



November 22, 2000

Via DHL

Jeff S. Jordan
Supervisory Attorney
Central Enforcement Docket
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

NOV 24 11 45 AM '00

Re: MUR 5110 (Christian Broadcasting Network.)

Dear Mr. Jordan:

We are in receipt of a November 7, 2000 letter from the Federal Election Commission ("FEC") forwarded by the registered agent of The Christian Broadcasting Network, Inc. ("CBN"). The FEC letter states that a complaint has been filed against CBN alleging that it should have identified itself as an advertiser rather than the news entity with respect to a news broadcast on September 26, 2000.¹

At bottom, the complainant does not identify any violation of the Federal Election Campaign Act, as amended, 2 U.S.C. § 431 et. seq. Rather, the complainant simply states that he disagreed with the content of the CBN News story which was broadcast on KBHK in California as it applied to presidential candidate Al Gore. The news story in question was produced by CBN News and was broadcast by KBHK as part of the CBN News segment of *The 700 Club* program. However, the Federal Election Campaign Act ("Act") does not dictate the content of the news. Rather, the Act contains an explicit exemption regarding the news media so that it will not be subjected to complaints such as this one. Specifically, the Act exempts from the definition of the term "expenditure" "any

¹ We note that 2 U.S.C. § 437g(a)(1) requires the Federal Election Commission to notify any person alleged of wrongdoing within 5 days of receipt of the complaint. The Commission's letter dated November 7, 2000 admits that the Commission failed to meet this obligation "due to administrative oversight." Thus, this complaint should be dismissed on that basis alone.

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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." 2 U.S.C. § 431(9)(B)(i). In addition, the corresponding regulation explicitly recognizes that the media exemption applies to cable TV operators, programmers and producers. See 11 C.F.R. § 100.8(b)(2). CBN falls within this exemption. It is not "owned or controlled by any political party, political committee, or candidate," and it distributes its news stories through its facilities.²

Thus, we ask that this complaint be dealt with expeditiously and that the Commission find "no reason to believe a violation has occurred," and dismiss this matter.

Thank you for your attention to this matter.

Sincerely,



Joseph F. Fitzpatrick
Associate General Counsel

² While the news story in question was distributed by CBN, it was broadcast by Station KBHK in California.