

ABC, Inc.

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2003 DEC 15 A 10:52

John W. Zucker
Senior Vice President
Law & Regulation

December 5, 2003

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

Via fax: 202-219-3923

RE: MUR 5395
ABC News

Dear Mr. Jordan:

This letter responds to the complaint filed with the Commission by Lenora B. Fulani and the Committee for a Unified Independent Party on November 7, 2003, and to the letter from your office dated November 17, 2003, inviting our response.

To our knowledge, and as the complaint appears to acknowledge, Ms. Fulani is not now and has not been to date a candidate for the 2004 Democratic Party nomination for president. She thus appears to have no basis for arguing – and does not appear to be arguing -- that she has been improperly excluded from any of the debates cited by the complaint involving candidates for the Democratic Party nomination, including the May 3, 2003 debate at the University of South Carolina sponsored by ABC News. Nor does the complaint allege that any other candidate was improperly excluded from any debate, including the May 3 debate.

Nevertheless, the complaint appears to suggest that ABC News' sponsorship of the South Carolina debate, or its broadcast, may have violated the FEC's rules regarding candidate debates or constituted a campaign contribution. Any such suggestion is utterly without merit. The debate included candidates Dean, Edwards, Gephardt, Graham, Kerry, Kucinich, Lieberman, Moseley Braun, and Sharpton. The selection of the participants was based on reasonable, appropriate, and journalistically sound criteria. Both the selection of the participants and the conduct of the debate did not reflect any partisan desire to favor any particular candidacy.

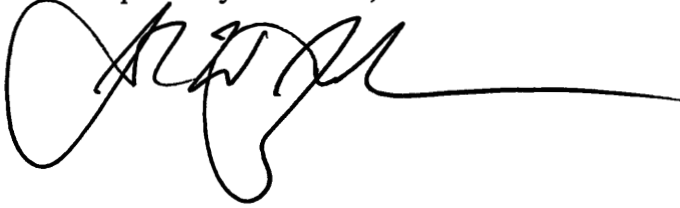
In all respects, the May 3 debate, its broadcast by ABC News, and its dissemination to C-SPAN and to ABC affiliated stations over the ABC Television Network for their

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broadcast complied with the rules of the Federal Election Commission and of the Federal Communications Commission regarding candidate debates. Future participation in and coverage of debates by ABC News – including next week's debate in Durham, New Hampshire¹ -- will also be in compliance with those rules. We expressly reserve all defenses and arguments, including defenses under the First Amendment.

We urge that the complaint be promptly dismissed as to ABC without any further proceedings. Please contact the undersigned directly if you have any further questions.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by several loops and a long horizontal line extending to the right.

¹ The Durham debate, sponsored by station WMUR and ABC News, will include candidates Clark, Dean, Edwards, Gephardt, Kerry, Kucinich, Lieberman, Moseley Braun, and Sharpton

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