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January 12, 2004

Jeff S. Jordan  
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Complaints Examination &  
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Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

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**Re: MUR 5395**

Dear Mr. Jordan:

This is to acknowledge and reply to the your recent correspondence (originally sent to Congressman Elijah Cummings). Your correspondence pertains to a complaint filed against the Congressional Black Caucus Political Education and Leadership Institute ("the Institute"). Designated as MUR 5395 by the Federal Election Commission ("FEC"), the complaint has been filed by Harry Kresky, Esq. on behalf of Lenora B. Fulani and the Committee for a Unified Independent Party (referred to hereafter as "the Complainant") and concerns two Institute-sponsored Presidential debates among candidates vying for the nomination of the national Democratic Party. In essence the Complainant alleges that the Institute did not follow FEC regulations in staging the debates and that they were coordinated by the National Democratic Committee ("DNC"). As further explained below, the Complainant's allegation(s) are erroneous and without merit and we urge the FEC to take no action with respect to this matter.

**Background on the Institute**

The Institute is a District of Columbia nonprofit organization and has filed an application with the Internal Revenue Service for recognition as a "social welfare" organization exempt for federal income tax.. The Institute is governed by a board of directors comprised of private sector members from academia, advocacy and public policy organizations, labor and business. Member of Congress serve on the board although they constitute a minority of the board. The mission of the Institute is to educate and train a new generation of African-American public and private sector leaders on key issues of national policy. To that end, the Institute has conducted conferences and symposia on topics such as health care, trade, and education. In partnership with a university, the Institute has co-sponsored a week-long seminar on campaigns. In addition, the Institute sponsors research on African-American voting patters and congressional redistricting. As a non profit organization, the Institute does not make contributions or

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expenditure in support of any candidate for Federal, state, or local public office, to any political parties, to any political party committee or agent thereof, nor to any political committees that support any such candidates or political party. All of the Institute's programs and activities are conducted in a nonpartisan manner and in accordance with applicable rules and regulations.

**Presidential Debates Sponsored by the Institute**

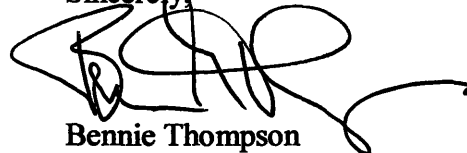
The debates sponsored by the Institute are consistent with, and further, the Institute's mission. Sponsoring and staging the debates was a decision of the Institute's board of directors after discussion, deliberation, and review of FEC rules pertaining to presidential debates (11 C.F.R. §110.13 and 114.4(f)). Following discussion and deliberation, the Institute's board of directors adopted a resolution that , among other matters, established the criteria for selecting candidates to be invited to participated in the debates (as per the FEC rules). A copy of the Institute's resolution is enclosed for your review. As stated previously, the decision to sponsor Presidential debates was taken by the Institute's board in furtherance of the organization's purposes. The decision was made solely by the Institute's Board and was not take in consultation with any other organization

The debates were staged in accordance with FEC regulations. The Institute solicited and received information and proposals from event planners and consultants regarding the logistics and resources required to stage the actual events. The Institute determined that it would market exclusive telecast rights to the debates and raise additional funds on its own to defray the costs of staging the debates. After review and deliberation of proposal from media organizations, the Institute entered into an agreement with Fox News Network L.L.C. ("Fox") granting Fox exclusive telecast rights. As part of the agreement, Fox obligated itself with respect to certain production matters and the Institute assumed responsibility for securing the participation of the candidates, for security and parking, and for ticketing for the debates. Also, contributions were solicited and received from various contributors in coordination with local steering committees set up in Baltimore, Maryland and Detroit, Michigan, the two cities where the debates were held (and chaired by an Institute board member). Again, the Institute did not receive, and has not received, any contribution or assistance of any kind from the DNC (or from any other political party), nor did the DNC (or any state party) play any role in organizing or staging the debates.

**Conclusion**

There is no truth or factual basis for the Complainant's allegations with respect to the two Presidential debates sponsored, organized and staged by the Institute. The Complainant's assertions are totally unfounded and they should be dismissed by the FEC. Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,



Bennie Thompson  
Chair

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**WRITTEN CONSENT IN LIEU OF A SPECIAL MEETING  
OF THE BOARD OF DIRECTORS OF  
CONGRESSIONAL BLACK CAUCUS POLITICAL AND EDUCATIONAL  
LEADERSHIP INSTITUTE, INC.**

The undersigned, being all of the members of the Board of Directors of Congressional Black Caucus Political and Educational Leadership Institute, Inc. (or, the "Institute"), for the purposes of taking action required or permitted to be taken at a Special Meeting of the Board of Directors, hereby adopt the following resolutions, all as of March 1, 2003, pursuant to section 29-599.1 of the District of Columbia Code, with the same force and effect as though such resolutions had been adopted at a duly convened Special Meeting of the Board of Directors of the Institute at which a quorum was present and acting, and hereby waive any requirements with respect to notice of the Special Meeting or of the matters referred to in such resolutions:

RESOLVED, that the Institute sponsor a series of debates among candidates for the Democratic nomination for President of the United States;

RESOLVED FURTHER, that the following persons are appointed as a Task Force to organize the logistics for, and stage the debates:

Carolyn C. Kilpatrick, Chair

Elijah E. Cummings

Bennie G. Thompson

RESOLVED FURTHER, that the following criteria for selecting candidates to be invited to participate in the Institute debates be, and they hereby are, adopted:

That, to be invited to participate in the Institute debates, a candidate must:

(1) Have formally declared his or her candidacy for the Democratic nomination for President by filing a Statement of Candidacy with the Federal Election Commission; and

(2) (a) Have garnered the support of at least one percent (1%) of the Democratic electorate as evidenced by a recent public opinion poll reasonably selected by the Task Force; or (b) have previously served in statewide elected office at the state or federal level.

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