

Kathryn Ross

July 24, 2018

wttw11

5400 N. St. Louis Ave
Chicago, IL 60625
(773) 583-5000

By Electronic Mail

**Jeff S. Jordan
Office of General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463**

**RE: Response to Complaint Against WTTW-Public Television Chicago
(MUR 7412)**

Dear Mr. Jordan:

Noncommercial public television station WTTW, Chicago ("WTTW") is the designated respondent in the Complaint. Window to the World Communications, Inc. ("WWCI"), is the 501(c)(3) nonprofit licensee of WTTW, and hereby submits this letter in response to the Complaint filed with the Federal Election Commission ("Commission") by the Libertarian National Committee.¹

For the reasons set forth below, the Complaint should be dismissed and the Commission should take no action against WTTW.

- 1. WTTW did not stage a debate, therefore the Federal Election Campaign Act Debate regulations do not apply.**

WTTW is a Public Broadcasting Service (PBS) member station, and has been for over 60 years. It broadcasts and produces both local and national educational and public affairs programming, including "Chicago Tonight", WTTW's one-hour news program providing coverage and reporting of Chicago news and national stories.

"Chicago Tonight" has never staged a debate, it is known for reporting on a wide range of newsworthy issues and newsmakers, including hosting local political round-tables, community discussions, and candidate interviews. Tammy Duckworth's October 26, 2016 appearance on "Chicago Tonight" was the result of an invitation to Ms. Duckworth

¹ The FEC's notification of the complaint, dated June 15, 2018, was erroneously addressed and sent to the Public Broadcasting Service ("PBS"), which is not the licensee of WTTW and which had no role in the production or broadcast of "Chicago Tonight".

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and Mark Kirk to be interviewed in-studio on a segment of the news program. Mr. Kirk declined, and the scheduled segment took place on October 26, 2016 with Tammy Duckworth interviewed in the "Chicago Tonight" studio.

Contrary to the Complaint's allegations, WTTW has not staged a debate nor was the "Chicago Tonight" October 26, 2016 segment portrayed or characterized as such.

Accordingly, the Federal Election Campaign Act does not apply to the facts of this case, and therefore WTTW has not violated the Act's debate regulations.

2. Complaint and its Exhibit B include errors, misleading information and fails to provide any objective evidence relating to the allegations against WTTW.

- Exhibit B of the complaint titled, "Communications with WTTW" is wholly misleading. It is nothing more than internal emails of the Libertarian Party, and emails sent by Ms. Walker to Mary Field. Exhibit B shows no email or communication from WTTW or Mary Field. Ms. Field had no obligation to respond to the pestering emails she received from Ms. Walker; WTTW viewed these insistent communications as an improper attempt to interfere in WTTW's journalistic decisions affecting its news program.
- Exhibit B of the complaint reflects communications that focus on a State Comptroller race, outside of the jurisdiction of the Commission, yet the Complaint points to these communications at length on Page. 6 Paragraph's 20 and 21.
- The Complaint Page. 7 Paragraph 23 states:

Ms. Walker sent additional emails to Ms. Linaberger, requesting that WTTW include Mr. McMillen in its debate, but neither Ms. Linaberger nor anyone else from WTTW responded.

WTTW does not have, nor has it ever had, a Ms. Linaberger in its employ in any capacity. Ms. Walker may have sent Ms. Linaberger additional emails, however, the only Ms. Linaberger WTTW is aware of is the Ms. Linaberger mentioned in the very same Complaint in the facts against respondent KDKA-CBS.

This error in the Complainants allegations against WTTW is concerning at best, but when taken together in totality with the two previous errors and/or misinformation, WTTW asks the Commission to give these significant weight in considering the veracity and dismissal of the Complaint against WTTW.

3. The Press Exemption Shields WTTW's October 26, 2016 Segment With Ms. Duckworth.

Beyond the Complaint's failure to support its allegation of violations of the Act, or even the existence of a debate, the program WTTW actually produced and aired containing the

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appearance of Ms. Duckworth, enjoys First Amendment protection under the "press exemption" two step analysis as follows.

WTTW is independent and acted within its legitimate press function when broadcasting the "Chicago Tonight" Segment. WTTW is not owned or operated by any political party, candidate or political committee.

WTTW is a broadcast facility licensed by the FCC, and is a PBS member station. *See Exhibit A.* WTTW broadcasts various PBS news and public affairs programming, and has produced its own news program "Chicago Tonight" for 30 years, broadcasting it Monday through Friday on WTTW 11. The "Chicago Tonight" news department is comprised of several award-winning hosts, journalists and producers, covering and reporting Chicago news and interviewing a wide range of newsmakers; including candidates for office. *See Exhibit B.* The October 26, 2016 segment aired in the ordinary course of "Chicago Tonight" news programming, and the "Chicago Tonight" news department exercised its journalistic and editorial discretion, from a newsgathering and public interest perspective, when it invited Mr. Kirk and Ms. Duckworth.

For all of these reasons above, we respectfully request that the Commission dismiss the Complaint against the Respondent WTTW-PBS (CHICAGO) and take no further action.

Respectfully submitted,

By: 

Sandra Cordova Micek | President & CEO
Window to the World Communications, Inc. / WTTW

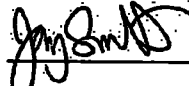
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DECLARATION of JAY SMITH

I, Jay Smith, hereby declare and say:

I am the Supervising Producer of WTTW's "Chicago Tonight", and have served in this role throughout the period of time addressed in the Complaint and the foregoing Response.

I have reviewed the foregoing Response in Federal Election Commission MUR 7412 and found the factual matter set forth herein to be true to the best of my knowledge, information, and belief.


Jay Smith

Date: 7/25/18

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DECLARATION of SANDRA CORDOVA MICEK

I, Sandra Cordova Micek , hereby declare and say:

I am the President & CEO of Window to the World Communications, Inc. licensee of noncommercial public television station WTTW.

I have reviewed the foregoing Response in Federal Election Commission MUR 7412 and found the factual matter set forth herein to be true to the best of my knowledge, information, and belief.

 Date: 7/24/18

Sandra Cordova Micek

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Exhibit A



United States of America
FEDERAL COMMUNICATIONS COMMISSION
TELEVISION BROADCAST STATION LICENSE

Authorizing Official:

Official Mailing Address:

WINDOW TO THE WORLD COMMUNICATIONS, INC.
5400 NORTH ST. LOUIS AVE

CHICAGO IL 60625

Facility Id: 10802

Analog TSID: 1006

Digital TSID: 1007

Call Sign: WTTW

License File Number: BLEDT-20020408ABK

Clay C. Pendarvis
Associate Chief

Video Division
Media Bureau

Grant Date: October 17, 2002

This license expires 3:00 a.m.
local time, December 01, 2005.

This license covers Digital Permit No.: BMPEDT-20000501AIR

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

Call sign: WTTW

License No.: BLEDT-20020408ABK

Name of Licensee: WINDOW TO THE WORLD COMMUNICATIONS, INC.

Station Location: IL-CHICAGO

Frequency (MHz): 668 - 674

Channel: 47

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Antenna type: (directional or non-directional): Directional.

Description: AND, ATW13H4-HSC1-47S

Beam Tilt: 1 Degrees Electrical

Major lobe directions 140
(degrees true):

Antenna Coordinates: North Latitude: 41 deg 52 min 44 sec
West Longitude: 87 deg 38 min 10 sec

Transmitter output power: 17.99 kW
12.55 DBK

Maximum effective radiated power (Average): 300 kW
24.8 DBK

Height of radiation center above ground: 465 Meters

Height of radiation center above mean sea level: 646 Meters

Height of radiation center above average terrain: 465 Meters

Antenna structure registration number: 1032959

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

*** END OF AUTHORIZATION ***

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LICENSE RENEWAL AUTHORIZATION

THIS IS TO NOTIFY YOU THAT YOUR APPLICATION FOR RENEWAL OF LICENSE, BREDT-20130725ACD, WAS GRANTED ON 10/10/2014 FOR A TERM EXPIRING ON 12/01/2021.

THIS IS YOUR LICENSE RENEWAL AUTHORIZATION FOR STATION WTTW.

FACILITY ID: 10802

LOCATION: CHICAGO, IL

WINDOW TO THE WORLD COMMUNICATIONS, INC.
5400 NORTH ST. LOUIS AVE
CHICAGO, IL 60625

THIS CARD MUST BE POSTED WITH THE STATION'S LICENSE CERTIFICATE AND ANY SUBSEQUENT MODIFICATIONS.

10802WTTW10802

PBS Member Stations

PBS is a private, nonprofit corporation whose members are America's public TV stations -- noncommercial, educational licensees that operate 350 PBS member stations and serve all 50 states, Puerto Rico, U.S. Virgin Islands, Guam and American Samoa.

Contact your local station using the below information. To learn more about PBS' value and importance to the American public, visit ValuePBS.org.

wttw11 WTTW11

Visit their site: <http://www.wttw.com/>

Address:

WTTW11
5400 N. St. Louis Ave.
Chicago, IL 60625

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Exhibit B



schedule watch programs events kids about support

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EDUCATION

CPS Watchdog Adding Staff for New Sex Abuse Investigations Team

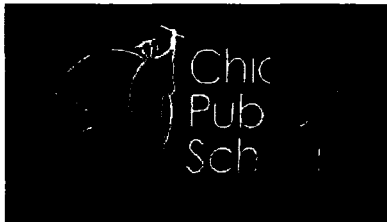
Jul 11, 2018 | Matt Masterson



CPS Inspector General Nicholas Schuler is looking to hire a dozen employees to staff a new dedicated unit tasked with investigating sexual abuse allegations made by district students. [Read More >>](#)

CPS Plans For New High School, Full-Day Pre-K and Facility Improvements in \$1B Capital Budget

Jul 6, 2018 | Matt Masterson



The school district says this will be its largest capital spending plan in more than two decades. But the Chicago Teachers Union believes it's



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Chicago Police Release Bodycam

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POLITICS

The Week in Review: Hate Crime Charges Follow Forest Preserve Rant

Jul 13, 2018 | Nick Blumberg



A man faces charges after confronting a woman at a Cook County forest preserve. The mayor and governor lead on Twitter over a controversial anti-

Attorney General Madigan Sues DOJ Over Withheld Federal Funding

Jul 13, 2018 | Matt Masterson



The U.S. Department of Justice is violating federal law by refusing to distribute millions in funding to Illinois due to a dispute over immigration policies.

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Behind the scenes

Mary Field

Mary Field is the Executive Producer of Chicago Tonight. She is responsible for all news and public affairs production at the station, including Chicago Tonight, Chicago Tonight: The Week in Review, and segments produced for PBS NewsHour.

In more than 35 years in the news business, Field has been a William Benton Fellow in broadcast journalism at the University of Chicago, an investigative/special projects producer for WGN-TV, an assistant news director for WIND Radio and a reporter for the legendary City News Bureau.

She has been honored with numerous journalism awards for investigative reporting, as well as a Peter Lisagor Award for public service and a National Silver Gavel Award for legal affairs reporting. She received a 2009 lifetime achievement award from the Chicago Headline Club, the Chicago chapter of the Society of Professional Journalists.

Jay T. Smith

Jay T. Smith is the Supervising Producer for Chicago Tonight. In more than 20 years at Channel 11, Smith has served as the producer of Chicago Week in Review and The Cheap Show, and produced a number of Chicago Stories documentaries. He also was the producer of WTTW's national (PBS) series HandyMa'am with Beverly DeJulio. Smith has received numerous awards for his work, including six Chicago/Midwest Emmys and two Peter Lisagor Awards from the Chicago chapter of the Society of Professional Journalists. Smith is a graduate of Indiana University in Bloomington.

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CHICAGO TONIGHT

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On camera

Phil Ponce



Phil Ponce, the Alexandra and John Nichols Chief Correspondent and Host of Chicago Tonight, began at WTTW in 1992 as a correspondent for the show and substitute for longtime host John Callaway. In 1997, Ponce joined the Washington, D.C.-based NewsHour with Jim Lehrer as an anchor. Two years later, Ponce returned to Chicago to host Chicago Tonight. Ponce grew up in neighboring East Chicago, Indiana. He began his career in broadcast journalism at WRTV in Indianapolis and spent 9 years as a reporter at WBBM-TV in Chicago. He has an undergraduate degree in English from Indiana University and a law degree from the University of Michigan. He and his artist wife, Ann, live in Chicago and have three grown children, a photographer daughter and two sons who also are Chicago broadcast journalists.

Carol Marin



Carol Marin is a Segment Host who joined the Chicago Tonight team in January 2006. Marin hosts discussions on local issues and news, conducting timely interviews with Chicago newsmakers. She has worked as an anchor and network correspondent, has been awarded two George Foster Peabody awards, two National Emmy awards, and two Alfred I. DuPont-Columbia University awards. She has worked for NBC-5, CBS-2, and CBS on 60 Minutes, 60 Minutes II, the CBS Evening News with Dan Rather, and 48 Hours. In addition to her role on Chicago Tonight, she continues as an

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Paris Schutz



Paris Schutz is a Correspondent and Segment Host. In 2011 and 2012, he received the Peter Lisagor Award as Chicago's "Best Television Reporter," an honor presented by the nation's largest chapter of the Society of Professional Journalists. Schutz began his career at WTTW as an intern after graduating Magna Cum Laude from the Newhouse School at Syracuse University. He has covered local politics, sports and even hit the corned beef beat. In addition, Schutz is a pianist, singer and songwriter. Along with Chicago Symphony Orchestra trumpet player John Hagstrom, Schutz composed and performed Chicago Tonight's theme music. Schutz also created, co-wrote, co-produced and wrote the theme music for "IL-Informed," a political satire special that aired on WTTW. He is a three-time Emmy nominee and an alumnus of St. Ignatius College Prep on the Near South Side.

Brandis Friedman



Brandis Friedman is a Correspondent and Segment Host. Friedman comes to WTTW from a two-year stint as a freelance anchor and reporter for WBBM Newsradio in Chicago. At WBBM Newsradio, she anchored radio broadcasts, produced, wrote and voiced daily news stories. Prior to that, she was a Special Projects Producer and Fill-In Reporter for WJLA-TV/ABC-7 in Washington, D.C.; served as Deputy Communications Director for the House Committee on Science and Technology; and worked as a Reporter for the NBC affiliates in Little Rock, AR and Wichita Falls, TX. Brandis grew up in Vicksburg, Mississippi, graduated from Dillard University in New Orleans, and received her Master's degree from The Journalism School at Columbia University in New York. She also earned three regional Emmy Awards during her time in DC, and she currently resides in Chicago with her husband and son.

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