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December 12, 2003

Dianne Brandi
Vice President
Legal Affairs

Via Facsimile: 202-219-3923
And Airborne Express

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

**Re: MUR 5395 / Lenora B. Fulani and Committee For a
Unified Independent Party v. Dow Jones & Co., et al.**

Dear Mr. Jordan:

The Fox News Channel received your letter with attachments regarding the above-referenced matter and submits the following response:

1. The Fox News Channel categorically denies that it in any way participated or participates in a "pattern and practice of violating the FEC's debates regulation . . ." in its staging and co-sponsoring of two debates among the 2004 Democratic Party candidates for President.
2. As background, the Fox News Channel co-sponsored two Democratic Presidential debates with the Congressional Black Caucus Institute (CBCI): The first debate was in Baltimore, Maryland at Morgan State University on September 9, 2003, and the second debate took place at the Fox Theatre in Detroit, Michigan on October 26, 2003.
3. The first debate included the following candidates: Howard Dean, John Kerry, Richard Gephardt, Joseph Lieberman, John Edwards, Bob Graham, Al Sharpton, Dennis Kucinich, and Carol Moseley-Braun.
4. The second debate included all of the candidates from the first debate with the exception of Bob Graham who had dropped out of the race, and with the addition of Wesley Clarke who entered the race subsequent to the first debate.
5. Neither of these two debates involved any input from the Democratic National Committee ("DNC"). Accordingly, contrary to what Ms. Fulani writes in her

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complaint, neither of these two debates were coordinated by the DNC nor did the DNC select the participants for either debate.

6. In conducting the two debates referenced above, Fox News entered into a written agreement with the CBCI and was reasonably assured by the CBCI that appropriate "pre-established objective criteria" as referenced in 11 CFR Sec.110.13 was in place and followed.
7. Further, to this date, Fox News has not received any letter at all from Ms. Fulani's counsel, Harry Kresky, including any letter similar to the one contained in Ms. Fulani's complaint. Fox News was not aware that Ms. Fulani was interested in seeking the Presidential nomination until receipt of your letter.
8. Fox News is also in compliance with 2 U.S.C. Sec. 441b which was referenced in Ms. Fulani's complaint and with 11 C.F.R. 114.4 (f)(2).

Please feel free to call me at 212 301-3441 if you have any questions or require further information.

Respectfully submitted,



Dianne Brandi

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