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October 17, 2018

Sent via Regular Mail, & Electronic Mail

Mr. Neal Dikeman
P.O. Box 19088
Houston, TX 77224

Re: CNN Debate/Townhall

Dear Mr. Dikeman:

This letter is in response to your October 15, 2008 letter.

First, as you may be aware, the relevant objective criteria has long established that there are only two viable candidates for Texas' 2018 US Senate race -- Senator Ted Cruz, Republican, and Congressman Beto O'Rourke, Democrat. They are the only two candidates who registered in any of the polls that meet CNN's polling standards. No other persons registered in any poll conducted that is recognized by CNN. Indeed, in a poll recently conducted by CNN and published this week when respondents were given the option to choose a candidate "other" than Cruz and O'Rourke, that choice failed to register.

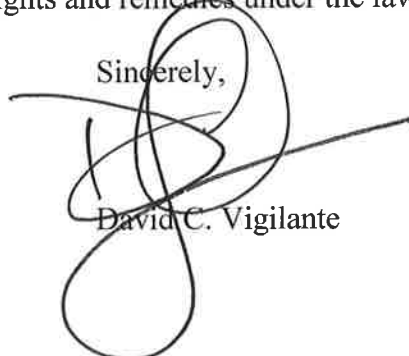
Second, your allegation that CNN is making unlawful and in-kind campaign contributions to the Beto O'Rourke campaign by conducting a town hall interview with him is simply wrong. CNN's activities here fall squarely within the "press exemption" to campaign finance laws. To claim the "press exemption", the FEC applies a two-part test: (1) whether the entity engaging in the activity is a "press entity" within the FEC's regulations, and (2) whether the entity is owned or controlled by a political party, committee, or candidate. Here, there is no doubt that CNN qualifies as a press entity as a worldwide 24-hour news and information television and internet outlet, and CNN is not owned or controlled by a political party, committee, or candidate. When an entity like CNN qualifies under the FEC's two-part test, it is exempt from the FEC Act's restrictions on contributions and expenditures when performing a legitimate press function, and any complaint to the contrary is without merit.

Indeed, in 2009, the FEC denied a complaint made by the Libertarian candidate for the US House of Representatives in Missouri under almost identical circumstances as you complain of here. There, a Missouri public television station planned a debate between the incumbent Republican Representative and his Democratic challenger. The Libertarian candidate previously requested to participate, but was denied based on objective criteria. When the incumbent candidate dropped out of the debate, the television station held an interview with the other candidate originally invited to the debate. The Libertarian candidate complained, but the FEC unanimously found in favor of the television station under the press exemption. *See* FEC MUR 6131 Public Television 19, Inc. (June 18, 2009).

Neal Dikeman
October 17, 2018

CNN respectfully requests that you withdraw any FEC complaint you may have filed. This letter is sent without waiving any of CNN's rights and remedies under the law.

Sincerely,

A handwritten signature in black ink, appearing to be "David C. Vigilante". The signature is highly stylized and scribbled, with multiple overlapping loops and a long horizontal stroke extending to the right.

David C. Vigilante