



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4318

DATE FILMED 10-9-96 CAMERA NO. 2

CAMERAMAN JMN

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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Mar 1 2 22 PM '96
RONALD RYAN
MICHAEL FLENNER
GEORGE O. REBENSCHKE

MCGILL, GOTSCHNER, WORKMAN & LEPP, P.C.

ATTORNEYS AT LAW

FIRST NATIONAL PLAZA - SUITE 500

11404 WEST DODGE ROAD

OMAHA, NEBRASKA 68154-2576

(402) 492-9200

FAX (402) 492-9222

March 1, 1996

STEPHEN T. MCGILL
RUTH THOMAS WORKMAN
CARY M. GOTSCHNER
ROBERT L. LEPP
HOWARD N. KAPLAN
PAUL D. KRATZ
MICHAEL S. MOSTER
PAUL R. ELDONSON
ROBERT J. KMECEK
KEITH A. GREEN
KEVIN M. KEEGAN
MARK A. PEPER
MARY L. HEWITT
NANCY L. CRAWFORD

Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Dear Sir:

The Nebraska Republican Party would like to file a formal complaint with the Federal Election Commission against Warner Enterprises Incorporated and the Patrick Combs for Congress campaign.

Warner Enterprises Incorporated of Lincoln, Nebraska, has violated the Federal Election Campaign Act of 1971 by giving an illegal contribution to the Patrick Combs for Congress campaign in Lincoln, Nebraska.

Patrick Combs ran for Congress in 1994 and was defeated by Congressman Doug Bereuter. After the 1994 election, Mr. Combs was hired by KLIN radio as a host of a political call-in talk show.

On Saturday, February 24, 1996, Mr. Combs announced he would once again be a candidate for Congress. KLIN radio plans to allow Patrick Combs to continue to serve as host of the program.

On February 26 and February 27, 1996, KLIN, a Warner Enterprises owned radio station, dedicated its 9:00 a.m. to 11:00 a.m. programming to the discussion and promotion of the candidacy of Patrick Combs. Sixty seconds of air time on KLIN during the 9:00 a.m. to 11:00 a.m. time slot costs \$26.10. Those four hours of KLIN air time used by Mr. Combs would cost \$6,264.00 to purchase.

According to the Federal Election Commission, an individual becomes a candidate for federal office when campaign activity exceeds \$5,000 in either contributions or expenditures.

The Federal Election Commission considers a contribution as anything of value given to influence a federal election. The Act further states that in-kind contributions count toward the threshold that determines when an individual has qualified as a candidate under the Federal Election Campaign Act.

MUR 4318

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FEDERAL ELECTION
COMMISSION
MAR 10 1996

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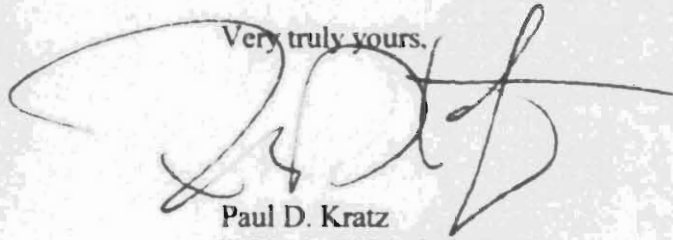
Office of General Counsel

March 1, 1996

Page 2

Thus, the \$6,264.00 of air time not only qualifies Patrick Combs as a candidate, but also constitutes an illegal corporate contribution to the Patrick Combs campaign by Warner Enterprises Incorporated.

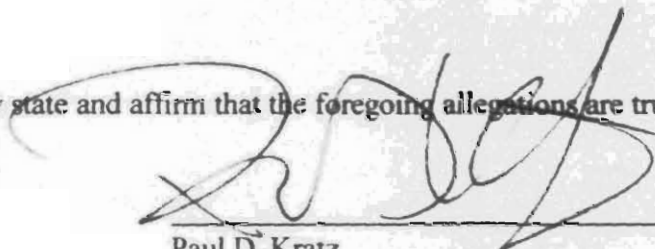
Very truly yours,



Paul D. Kratz
LEGAL COUNSEL FOR
THE NEBRASKA REPUBLICAN PARTY

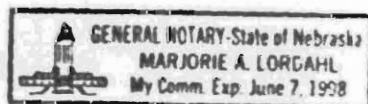
PDK:

I, Paul D. Kratz, hereby state and affirm that the foregoing allegations are true and correct as I verily believe.



Paul D. Kratz

Subscribed and sworn to before me this 1 day of March, 1996.




Notary Public



FEDERAL ELECTION COMMISSION

Washington, DC 20463

March 11, 1996

Paul D. Kratz, Esq.
MCGILL, GOTSDINER, WORKMAN & LEPP, P.C.
First National Plaza, Suite 500
11404 West Dodge Road
Omaha, NE 68154-2576

RE: MUR 4318

Dear Mr. Kratz:

This letter acknowledges receipt on March 4, 1996, of the complaint filed on behalf of the Nebraska Republican Party, alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4318. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

9604376021



FEDERAL ELECTION COMMISSION

Washington, DC 20463

March 11, 1996

Terrance A. Poppe, Treasurer
Patrick J. Combs for Congress
3101 Prescott Avenue
Lincoln, NE 68502

RE: MUR 4318

Dear Mr. Poppe:

The Federal Election Commission received a complaint which indicates that Patrick J. Combs for Congress ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4318. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

cc: Patrick J. Combs

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FEDERAL ELECTION COMMISSION

Washington, DC 20463

March 11, 1996

Norton E. Warner, Registered Agent
4343 O Street
Lincoln, NE 68502

RE: MUR 4318

Dear Mr. Warner:

The Federal Election Commission received a complaint which indicates that Warner Enterprises Incorporated may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4318. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Warner Enterprises Incorporated in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION

Washington, DC 20463

March 11, 1996

Lisa Warner, General Manager
KLIN Radio
4343 O Street
Lincoln, NE 68592

RE: MUR 4318

Dear Ms. Warner:

The Federal Election Commission received a complaint which indicates that KLIN Radio may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4318. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against KLIN Radio in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

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CARA EBERT CAMERON, P.

ATTORNEY AT LAW

2929 East Commercial Boulevard
Penthause C
Fort Lauderdale, Florida 33308

Telephone
Area Code (954)
736-7815
FAX (954)
938-0574

March 22, 1996

Via Facsimile Communication

Alva E. Smith, Esq.
General Counsel's Office

Reference: MUR 4318
Warner Enterprises, Inc. d/b/a Radio Station KLIN

Dear Ms. Smith:

This office serves as Communications Counsel to Warner Enterprises, Inc. and will be filing a response to the above-referenced complaint. Pursuant to my voice mail yesterday and your response, this letter is to respectfully request an extension to file the response.

My clients received the notification of complaint on March 15, 1996 which would necessitate a response no later than April 1, 1996. (March 30 is a Saturday.)

I had it in my possession for four days. Because of previously scheduled depositions and closings in California and Colorado, I will be out of my office until April 1 and will be unable to prepare a proper response that would be timely filed. Therefore, I respectfully request a seven day extension until April 8, 1996 to file an answer in this matter.

Very truly yours,

Cara Ebert Cameron

Cara Ebert Cameron

ry
dictated but
not signed

CEC:gg

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MUR 4318

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MAR 22 3 45 PM '96

NAME OF COUNSEL: Cara Ebert CameronFIRM: Cara Ebert Cameron P.A.ADDRESS: Penthouse C2929 E Commercial BlvdFt. Lauderdale, FL 33308

TELEPHONE: (954) 276-7815

FAX: (954) 938-0574

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

3/21/96
Date

Signature

RESPONDENT'S NAME: Warner Enterprises, Inc. dba KLIN RadioADDRESS: 4343 'O' St.Lincoln, NE 68510

TELEPHONE: HOME()

BUSINESS(402) 475-4567

W. MICHAEL MORROW
TERRANCE A. POPPE
ROBERT R. OTTE
DAVID W. WATERMEIER
TIMOTHY C. PHILLIPS
JOEL G. LONOWSKI

Law Offices

**MORROW, POPPE, OTTE,
WATERMEIER & PHILLIPS, P.C.**

TELEPHONE: (402) 474-1731
FACSIMILE: (402) 474-5020

Location:
201 N. 8TH STREET, SUITE 300
LINCOLN, NE 68508
Mailing Address:
P. O. BOX 83439
LINCOLN, NE 68501-3439

VIA FACSIMILE
202-219-3923

March 25, 1996

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

MAR 28 2 30 PM '96

Ms. Mary L. Taksar
Attorney at Law
Federal Election Commission
Central Enforcement Docket
Washington, DC 20463

Re: MUR 4318
Patrick J. Combs For Congress

Dear Ms. Taksar:

On Thursday, March 21 1996, I received the Federal Election Commission letter in the above matter dated March 11, 1996. I was able to speak with Mr. Combs on Friday, March 22, 1996. I have also been in communication with Cara Cameron who is counsel for Warner Enterprises, d/b/a Radio Station KLIN. I would anticipate incorporating all or parts of Ms. Cameron's response into my response and, accordingly, I would request, as has Ms. Cameron, until April 8, 1996 to file an answer in this matter.

I would advise the Commission at this point that I have no interest in Warner Enterprises, Inc. of Lincoln, Nebraska. As Treasurer, I have made no decision nor was asked for an opinion with regard to Mr. Combs's employment by KLIN Radio and/or Warner Enterprises and his service as a host of a radio talk show on February 26 and February 27, 1996.

Yours very truly,

MORROW, POPPE, OTTE,
WATERMEIER
& PHILLIPS, P.C.

By: 

Terrance A. Poppe

cc: Patrick Combs
Cara Ebert Cameron

TAP/pjh12/1.006

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 26, 1996

Terrance A. Poppe, Treasurer
Patrick J. Combs for Congress
MORROW, POPPE, OTTE, WATERMEIER & PHILLIPS, P.C.
201 N. 8th Street, Suite 300
Lincoln, NE 68508

RE: MUR 4318

Dear Mr. Poppe:

This is in response to your letter dated March 25, 1996, requesting an extension until April 8, 1996, to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on April 8, 1996.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alva E. Smith".

Alva E. Smith, Paralegal
Central Enforcement Docket

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 27, 1996

Cara Ebert Cameron, Esq.
2929 East Commercial Boulevard
Penthouse C
Fort Lauderdale, FL 33308

RE: MUR 4318
Warner Enterprises, Inc.
KLIN Radio

Dear Ms. Cameron:

This is in response to your letter dated March 22, 1996, requesting an extension until April 8, 1996, to respond to the complaint filed in the above-noted matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on April 8, 1996.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

A handwritten signature in cursive script that reads "Alva E. Smith".

Alva E. Smith, Paralegal
Central Enforcement Docket

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MCGILL, GOTSCHNER, WORKMAN & LEPP, P.C.

STEPHEN T. MCGILL
R. THOMAS WORKMAN
GARY M. GOTSCHNER
ROBERT L. LEPP
HOWARD N. KAPLAN
PAUL D. KRATZ
MICHAEL S. MOSTEK
PAUL R. ELOFSON
ROBERT J. KMECH
KEITH A. GREEN
KEVIN M. KEEGAN
MARK A. PIEPER
MARY L. HEWITT
NANCY L. CRAWFORD

ATTORNEYS AT LAW
FIRST NATIONAL PLAZA - SUITE 500
11404 WEST DODGE ROAD
OMAHA, NEBRASKA 68154-2576
(402) 492-9200
FAX (402) 492-9222

OF COUNSEL
RONALD R. VOLKMER
G. MICHAEL FENNER
GEORGE O. REBENSCHKE

March 20, 1996

Mary L. Taksar, Attorney
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

Re: MUR 4318

Dear Ms. Taksar:

Pursuant to your March 11, 1996 letter inviting supplemental information, I am now taking the opportunity to do so. Enclosed herewith please find verbatim transcripts of the Patrick Combs show on KLIN Radio in Lincoln, Nebraska. I believe that these transcripts demonstrate that KLIN is providing a corporate contribution to Patrick Combs, candidate for Congress from Nebraska's first Congressional District, by providing him the opportunity to voice his political views on a show paid for by KLIN. The enclosed transcripts were typed from recordings of the show and are accurate to my best knowledge.

Very truly yours,

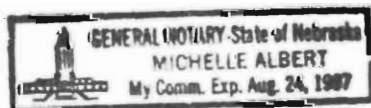
Paul D. Kratz

Legal Counsel - Nebraska Republican Party

I, Paul D. Kratz, hereby state and affirm that the foregoing allegations are true and correct as I verily believe.

Paul D. Kratz

Subscribed and sworn to before me this 20th day of March, 1996.



Michelle Albert
Notary Public

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
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Combs: ... at the other end of the spectrum, because I'm not in favor of vouchers. I don't think that's the solution. I think the solution is to find a compromise within the public education system and make it work. Get parents involved, get private companies involved, increase our involvement in ventures and partnerships and volunteer programs and volunteer tutoring programs. Let's look at some innovative ways to hone in the curriculum so everybody can agree. And I think that that's probably going to be the issue, next to being a deficit hawk, going to be the issue that I want to espouse is effective public education.

--- to break ---

Baylor: Patrick Combs, we need to clarify one thing, and that is: are you a Republican, are you a Democrat, are you an Independent?

Combs: You know that is a question, quite frankly, I'm often asked because I do espouse a, if you're going to label, slightly more conservative, in some areas, opinion on the issues. John, here's the bottom line: I feel more comfortable as a conservative Democrat than I would as a liberal Republican. It's very simple. I mean, it's not, this is not black and white alright? The Democrats probably disagree with a few of my positions and certainly the Republicans do. But I feel more comfortable as a conservative Democrat. And I don't mind saying that I am.

Baylor: Why?

Combs: Because I would feel more comfortable than that if you'd go down the list of the issues of how I feel. I'm slightly more of a conservative Democrat than a liberal Republican. I just feel more comfortable calling myself a conservative Democrat.

Baylor: Are you a tax and spend Democrat? A liberal? Are you the L word?

Combs: Absolutely not. Absolutely. And I think I've proven that time and time again. But some will never agree because they'll never believe it because of that D in front of my name.

Baylor: Exactly!

--- to caller and intro ---

(caller) Bob: I read the paper there this morning and I think that's real good. I think we need more people in here that have an interest in politics. I do have a couple questions, Pat, maybe you could help me out.

Combs: OK.

Bob: In the paper it said that, let's see, 'Combs said that he has been in contact with both agencies and he will not be allowed to use his talk show as a campaign platform or promote or even mention the contest'.

Combs: Mmm-mmm.

Bob: Now, when does that take effect?

Combs: After I am an official candidate, which is after I file with the Secretary of State's office later this week.

Bob: Oh, you haven't filed at all -

Combs: No, my speech and my intention were made clear that I intend to file before the March first deadline, which is Friday. So I will be going down probably Thursday or Friday to pay my fee and become an official candidate. And I'm going to follow that to the

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letter, Bob.

Bob: Well I understand that. The only thing, well, what are you going to do now though Pat?

Combs: What do you mean?

Bob: On the air - announcing that, you know, you're a candidate and those kinds of things.

Combs: I'm announcing my intention to file for office. I mean, I guess it's a technicality but that's the technicality for the FEC to wrestle with.

Bob: Yeah, well now here I've got, don't misunderstand me - I'm not opposed. The only thing is, you know, I believe in fairness both ways Pat.

Combs: Absolutely.

Bob: And it just sort of strikes me that your effectiveness on that show is going to be diminished a little bit because there's going to be questions coming into there and how can you respond to those?

Combs: I can't and I won't. I agree with you Bob, and we've talked at length about that at the Broadcast House, that my role is going to have to be diminished when we're talking about highly contested issues that do affect the campaign. And I'm going to revert to my very capable co-host John Baylor to handle those situations.

--- discussion about Bob ---

Bob: ...the only thing is that, what we're afraid of Pat, is that your effectiveness, you know, on that show though is going -

Baylor: Bob, Bob, let's all be honest. Is that your primary concern or are you most concerned that Doug Bereuter is short-changed by the availability of Patrick Combs on the KLIN airwaves?

Bob: Well I guess you'd have to say that yes, that's a little bit because how do you count the times? here, let me say this: I can't say that I'm totally for Doug Bereuter. You see, I can't say that because there are times when I probably did support Doug and there are times when I probably did not. But still, when it comes right down to it, you know, to me when we elect somebody to go to that office we want him to be not tarnished by any, let us say, loopholes in the law or anything that did occur whether they occurred by intention or just by accident.

Combs: Bob, thanks for the phone call. I will tell you that during the general election, in compliance with the FCC rules, Mr. Bereuter will have an open invitation to appear as much on these airwaves as I do.

--- goodbye ---

Baylor: As long as we're all honest.

Combs: But I'm going to see if he'll let me on his mailings and things that he - no, I'm just kidding.

Baylor: Don't get into that franking stuff.

--- to break and to caller and intro ---

(caller) Greg: ... OK Pat, you sound more like a moderate Democrat.

Combs: Alright, that's OK. I like the term moderate if you want to use a label.

Greg: Well, you're on both sides of the fence. I've got one question to ask you here. Say you are elected, you're up there, the big, high-powered Democrats come up to you and say that you're going to vote party, no matter what. 'If you don't we're not going to give you a head of a committee or whatever.' What will you do?

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Combs: Well, see Greg, I have a different mentality going out there because my intention is not to retire as a member of Congress. So I'm going to go out there and try to make some changes and assert my positions and espouse the things that I believe in right now. And I'm not going to be arm-twisted by party big-wigs. They're not going to like it, they're not going to help me get re-elected, but do you know what? I'm going to be doing my job. And as long as you go out there with the mentality of not trying to be a career politician I think you could do it. Yes, I have faith.

Greg: Well, that's good to hear. Plus the other problem is the unions, John

--- to break and other matters ---

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Baylor: Good morning ... it's time for To The Point. I'm John Baylor along with ... [pause] ... the candidate, Patrick Combs.

--- Lincoln discussion ---

It's also a launching pad - for your political career.

Combs: Do we have to talk about that today?

Baylor: Yes, yes. My goodness Patrick, I've never heard your name on other stations more. Nor have I seen it in the headlines more than this very weekend.

Combs: Yes indeed. Well, it's a really tough decision. A lot of people think I made that decision long ago and that's, actually John - being a friend of mine, you know that's not the case.

Baylor: That is true, that is not the case. And tell us why and how it all happened that you are now again a candidate for the First Congressional District in the State of Nebraska.

Combs: Well John, there are a couple of things. One is that I have received over the last several weeks many phone calls from supporters on, believe it or not, both sides of the aisle who have said, you know, your type of refreshing campaign, new attitudes, and non-political - um, is healthy and we need it -

--- got lost ---

But we need you back in the arena. Many of these people were supporters last time but many of them, quite frankly, weren't and decided that they should be and it is unhealthy to our political system to have a candidate run virtually unopposed. And even though, with the launch of a new career and something that I enjoy very much, something that I feel more strongly about is ideals that I set forth in my last campaign.

Baylor: And that is ...

Combs: We should have a more representative government. If you've listened to this program over the last several months you recognize that what I want to look out for is the tax dollar, we want to have commonsensical decisions made by our elected officials, and quite frankly, there's very few people that can say that those things are being done. This is not an attack campaign against Doug Bereuter. He has not, his tenure as a member of Congress has not been a disaster. I just think that it's time for a changing of the guard and some new ideas and quite frankly John, if it doesn't work that's what the election cycle is all about - let's elect somebody else. But to break this mentality that once you get in there it's a job for life, you're no longer accountable in many cases, I just feel, on a close call, there's a few more things in the pro-column than the con to run.

Baylor: Why didn't you consider running for mayor a year ago, when Mayor Johanns was unopposed?

Combs: Well, that's not where I'd started a base. My base has been started on a district-wide basis and I've already got a network of supporters across the district. I feel very strongly that I would be most effective as a member of Congress because that's an interesting body. You know, it is the lower house of Congress. That is more representative and it is truly supposed to be a body that represents the people. You know, the Senate is a higher body, there is lesser of them. It is more, it is just the elder body and

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the House of Representatives is a dynamic body. That's why I think, where I can be the most effective.

Baylor: Further, my guess is that you were still a bit bruised and not yet revived from your prior campaign.

Combs: Oh, there's no question about it. And those that think this decision was made in November of 1994 are very wrong. In fact, I'd started writing a book called "Never Again" in November of 94 because of the emotional and financial and other bruises and pains that I suffered in 94. I still feel very strongly John that representatives can kind of turn the tide of public apathy and cynicism and I think the only way to do that is to espouse positions and say "listen, I'm going to take a different attitude to the job, give me a chance, if you don't like it let's vote for someone else". I do not want to be a career politician. It's not my intention to get a long-term lease on piece of property along the Potomac. I will continue to live in Lincoln should I be successful and keep my home here as difficult as that is to do, arguably, having spoke to many members of Congress who have tried it. We just need a breath of fresh air blowing through the halls of Congress and the only way to do that is to change some of the stodgy mentality that's out there.

Baylor: Patrick, what we need to do before we discuss the Combs for Congress platform during this morning's To The Point show is hear the rules for this campaign and how you would be allowed still to remain on the air while you're running for Congress.

Combs: Yes, we've been in discussions at length over the last actually several weeks with the FEC, the Federal Election Commission, and the FCC, the Federal Communications Commission surrounding a candidate running for office. There has been many candidates across the country that have been news anchors or talk show hosts or the like, even celebrities, that have to abide by certain rules and one of the rules is that after I'm officially a candidate, which will be before this Friday or by this Friday, we cannot use this program as a soapbox for the campaign. A caller calls in and wants the phone number for my campaign headquarters, we cannot give it. If somebody wants to ask me a position on an issue or how I would vote on a certain piece of legislation, I can not address that. It's very crystal clear that we have to continue the same type of program that we've had for the last fifteen months.

Baylor: Even if someone asks how you would vote on a certain piece of legislation you cannot give an opinion anymore?

Combs: No - "that's not what this program is about, next caller". And it has to be that cut and dry. And I have agreed in writing with the FEC to not violate the laws and that I will not do that.

Baylor: Can you give positions at all from now on?

Combs: Yeah, I am, but i can't as a candidate. Which is a very fine line. When we talk about the blowing up of two Cessna aircraft from Cuba, I can say as a talk show host I think that was very wrong, we need to take harsh actions against Cuba. I'm not going to say that the Combs for Congress campaign platform is this, the Combs for Congress headquarters phone number is this, 1-800-GO-PAT-GO or whatever it is, I cannot do that. As I won't do that. John, quite frankly, that's going to upset some people, but we'll

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talk about that in a moment.

--- to the phones, caller not there ---

The people that are going to be upset about it weren't going to vote for me anyway. They're upset that I'm on the air anyway. But they're not upset at the fact that incumbent members of Congress can send out hundreds of thousands of dollars worth of self-promoting mail at our expense, that they have free access to the media whenever they want to make a speech or announcement. But that's OK. Incumbents, or challengers, don't have that opportunity. And even when they do have that opportunity such as I do, we have shackles on: that I can not talk about the campaign, which is fine - I'm more than willing to do that because this job means more to me than this election so ...

--- break ---

Baylor: Alright folks, be at ease. I have decided against running for the weed board.

Combs: Are you trying to belittle what I'm doing?

Baylor: No, not at all. I'm really, I'm excited. It's gutsy, it's very gutsy Patrick.

Combs: Well, a lot of people think it's politically motivated.

Baylor: What's politically motivated?

Combs: This run for Congress is, you know, that he wants to toe the Democrat line or be, whatever it is. Listen folks, I'm thirty years old. We're looking at a fiscal disaster as a country in the next twenty years. I'm very concerned about that. I hope someday to bring some children into this world. I hope someday to be a, continue to be, a thriving member of the Lincoln economy, economic structure. I'm very concerned. That's all. I don't hate Republicans, I don't hate Democrats, I don't hate Independents, you know. I don't hate what, I do hate what's going on in Washington because of this political polarization: we need a consensus builder. We need somebody that can walk that line and make compromise. Just one party's not right - there's elements of both that are correct. And I'm going to take a bit of heat, as all politicians do, but the bottom line premise of why I'm running are with the best intentions and I guess that's all that matters.

--- to caller ---

(caller) John: Good morning and congratulations and thank you for re-running.

Combs: Well thank you John.

John: Can we say thank you and congratulations?

Combs: You can say that until next week. All week it's kind of open game but next week we have to talk about the issues.

John: Oh, OK. So I can say that I had a chance to meet you for the first time at a LIBA Convention Seminar and heard you with an opponent and was very impressed with you and can say that?

Combs: Yes you can.

John: And I can say that I was really impressed and would like to, and I was always hoping you would run again after the outcome of the last election, I can say that?

Combs: Yes sir.

John: Oh, OK. Because I was afraid I couldn't say it. Now that that's clear I will go ahead and say that.

Combs: Great John, thanks very much.

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John: And if you do well I'll buy you a coffee mug.

Combs: I've already got one buddy, thanks a lot.

--- plug for callers ---

Baylor: Let's discuss the phenomenon of Doug Bereuter, for a moment. He's been in office now nine terms? Eighteen years? This is his eighteenth year.

Combs: In Congress. He's been, he's served a term or two at the legislature, he's, by anybody's definition, a career politician. He's, as someone who's spent a good portion of my life in Lincoln, not extremely well known. He's really not and I guess that not to say that he's not intelligent, that he's not doing a good job in certain circles because I think he is representing certain interests very well. He's a master at foreign policy. I don't always agree with his positions but he really knows it. He's got his masters degree in public planning -

Baylor: from Harvard -

Combs: Very impressive. The guy, and listen, he's accomplished. However, I think the lower body of Congress really needs to have an attitude, a representative needs to have an attitude about making things better, about being active in the community. Somebody who should be recognized, as doing something, as standing for something in this district and I think Doug Bereuter would be a great candidate to have on somebody's administration as a technical advisor because he, the man is very very smart. But I think when it comes down to representation, to going out, to going down to Fall City to see how their school system is running, to going down to Norfolk to see how the illegal immigration problem is going at some of their plants up there, we need somebody who has the energy and the vision and the enthusiasm to do that job. And John, I still have that. I think I'm even better equipped than I was two years ago to run.

Baylor: What has Doug Bereuter championed? What causes, besides banking interests, over the last eighteen years?

Combs: He has been a friend of banking, which is fine. Banking is a huge industry here in this state. You know, that's a really tough question to ask me because I personally don't think that he's been a strong leader or champion at many issues. He's been a little bit active, but not active enough, in some farmer's opinions, in the Farm Bill. He's been active in securing funds for the city, for overpasses and beltways and things and so forth so -

Baylor: Sure!

Combs: Which are all important things, but John I really think those are things that any representative could do but I think that to define a member of Congress you need to say 'this person stands for' - we had Congressman, former Congressman Tim Penny on here this program last week.

Baylor: Yes.

Combs: The representative, the people that he represented back in Minnesota knew that Tim Penny championed a conservative Democratic principle of balancing the budget. Means testing, looking for ways to carve the federal budget down to where we can eliminate this debt. That's what Tom Penny stands for, that's what John Kasich stands for, from Ohio. Those individuals are defined, they are leaders and they are powerful members of Congress. That's what we

need. We need somebody that's going to go out there and espouse a very direct, very powerful message.

Baylor: And yours will be?

Combs: Mine will be very similar to Tim Penny's. We need to get our fiscal house in order. We need to line up priorities of where we're going to spend money and we need to take a look at the profit and loss sheet, the P&L from this government and say where can we cut, folks. I've run a business, I've - and I hate to sound rhetorical because that's what so many of the politicians are saying now: "I've met a payroll, I've done it" - but I have. There's something about the business mentality. I'm very proud of my small business roots in this community. And I think that I can take that critical perspective to Washington and be very effective.

Baylor: Medicare. Is that an example?

Combs: It's gone, twenty years. Yeah, that's an example where we need to look at higher co-pays for those who can afford it and we have to look at means-testing.

Baylor: Yes.

Combs: I'm sorry, there's a lot of people out there that are saying "no, no, no" but folks, if you need it and you can't afford it, you're going to get covered. But those that are taking advantage of a system that right now that they don't need, they should look at some alternative forms of insurance and they're going to have to look, we're going to have to look at means testing.

Baylor: Are you then saying you're sympathetic to the Republican cause currently, namely to decrease the increase?

Combs: Yeah, I have to say that I am. We have to. John we have no choice. We have to take a critical look at everything including the defense budget -

Baylor: No! -

Combs: OK we talked about that -

Baylor: Don't go near that defense budget Patrick Combs!

Combs: Let me give you an example. We touched on it last week. We touched on it last week that the Defense Department received an additional, over the next two years, fourteen billion dollar allocation of funds.

Baylor: Why?

Combs: Because when the budget was made some years ago they, they predicted a higher increase in the inflation. So they built into the defense budget an inflationary increase that far exceeded real inflation. So all of a sudden there's fourteen billion dollars laying on the defense budget table. They are already getting an increased budget over the last five and the next five years. That fourteen billion dollars, ladies and gentlemen, should be sent back to the government. But no, the Defense Department officials say no, we're going to find a way to spend it.

Baylor: Patrick, I've seen my federal income tax bill for 1995.

Combs: I'm sorry.

Baylor: And my plan is to just send in a wrench and say keep the change.

--- to caller and intro ---

(Caller) Mike: I think you're right about most everything you said but I disagree with you regarding the banking interests.

Combs: OK.

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Mike: And I feel it's like the railroad interest of a hundred years ago. I, the other gentleman that you mentioned that presently represents me, I feel that he represents the banking interests above and beyond me. What other industry where there, other than our government, who holds the banking industry in check? I mean, you and I as taxpayers pay for all the mistakes. And I'm, I don't mean to sound like a sicko or anything, but just lately, you know, for all these years FirstTier Bank says we're here to help the community. We advertise out part, part, part and the first thing they do is sell for their stockholders and lay off a bunch of people.

Combs: Yeah.

Mike: I find that hypocritical and I'd be willing to bet the gentleman that's in office would hate to give an accounting of how much money he's collected from the banking industry.

Combs: Mike thanks for your comments a great deal and a great deal, certainly over half, of his contributions come from banking interests.

Baylor: Let's discuss the FirstTier/FirstBank takeover when we come back.

--- break ---

Baylor: Good morning! Patrick Combs has decided to do it again. If at first you don't succeed, try, try, try again. I'm John Baylor. His platform for Congress, why he's in this race. And for four, maybe five more days, we can discuss this. And then, it's off the table. We won't discuss it for five, four-five more days, but we can discuss it is what I'm saying.

--- bank discussion ---

Baylor: Hey Patrick, we're discussing mergers because there has been a bank merger in this city. Doug Bereuter, who is now your opponent for this race -

Combs: Not yet. Marlin Pals is my opponent for the next few months and then Doug Bereuter hopefully will be my opponent.

Baylor: That's correct. He's been closely allied with banking interests, and so we're discussing whether this merger with FirstBank and FirstTier is harmful or beneficial for Lincoln.

--- bank discussion ---

--- to caller ---

Chan: Hi, welcome back into the race Mr. Combs.

Combs: Thank you sir.

Chan: Can I change the subject for a moment?

Combs: Sure.

Chan: What's your position on abortion?

Combs: My position on abortion is very clear and unwavering. I was raised a Catholic, I am against abortion, but I am also against infringing a woman's right to choose. So I guess if you're going to label me, you're going to have to label me pro-choice. But I am going to spend a great deal of my time as a member of Congress trying to solve the problem the right way - through education and discouraging people from going that route.

---caller signing off ---

Baylor: Corporal punishment, for or against?

Combs: I'm against corporal punishment, John. At this point, we mentioned the other - , you agreed in our discussion of corporal

punishment that let's try for five years to change the system we have now to see that it's more of a deterrent. To see that our, that we actually try to rehabilitate people, that we actually try to deter crime. Because right now our criminal justice system is not providing that deterrent.

Baylor: You should get the gang vote with this anti-corporal punishment stance.

Combs: A gang-PAC, a new Washington PAC is going to be funding my - no, I'm kidding.

Baylor: You could get the, you know, these gangbangers to be out there on the streets for you, handing out leaflets. Look, we like this guy. He's not going to go that corporal punishment route. How about minimum driving age? Keep it at sixteen?

Combs: Keep it at sixteen. Absolutely. Especially in the, for our rural states it makes sense.

Baylor: How about expansion of gambling?

Combs: I, you know, interestingly enough, I've always been OK with a modest increase in gambling because people are going to do it anyway. I will not be, I will not advocate full-blown casinos in this area but I do, I would advocate a slight increase in gambling to compete with the dollars that are leaving the state to Iowa and South Dakota.

Baylor: Slot-machines. Draw the line right there.

Combs: Mmm-mmm. I would draw, and I would draw a very very dark big old black line, having spent some time in Las Vegas recently I recognize, as you pointed out, this is not something we want to transplant to downtown Lincoln and I would not advocate that, no. --- casino talk ---

Baylor: Negative campaigning, yea or nay?

Combs: It's not going to happen. I was, there were a few commercials last year, John, I have to admit, or last election cycle - I keep saying last year - that probably were on the border line of being negative. Bringing out things about bounced checks, bringing out things about travel expenses, bringing, wasting taxpayer dollars on mailing. It's not going to happen. I'm going to run for this office. I feel very strongly about this and negative campaigning works. They can show you statistic after statistic after statistic. More often than not, if you bash your opponent it increases your numbers, or actually hat it does John is bring down their numbers. And that effectively brings your numbers up. This is a race about a new attitude to the job. This is not about bounced checks are about some negative things that I will not be bringing in to my advertising. My advertising will be what will Patrick Combs do as your next representative. And give the people a choice. That's what this is all about. I think it's so unhealthy for somebody to run virtually unopposed. You need to have a, the differing ideas and that's exactly what I'm going to offer. So I'm making a pledge right now that the Combs for Congress campaign will not engage in negative advertising or mudslinging.

--- background on tenure issue ---

Baylor: ...Patrick Combs, you've taken money in the past from the state education association. What's your position?

Combs: And I will take it again if they still believe in what I

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believe in. I believe in revisiting this idea and I think that if, certainly if it comes from within the ranks of the people that are members of this organization, that that's what this organization -
--- cut ---

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--- current events discussion ---

Combs: [on the Internet] ... holy smokes, it's overwhelming. It's like another culture.

Baylor: Find the e-mail addresses, Pat Combs, of all Nebraska voters. Send them a message, once a day: 'this is PC checking in with you. I'm your candidate for Congress.'

Combs: There's an idea.

Baylor: One letter, boom. Hit a button, everybody receives it.

Combs: Everybody gets it.

--- continued discussion and to caller and intro ---

(caller) Greg: Glad that you're approaching this whole political attitude with such optimism and you're not taking a perfunctory look at it. And just glad to see you entered the race and wish you luck. I do have a couple questions on a couple of your opinions on things, since we can't get to that after this week.

Combs: Good!

Greg: One of them would be, being a parent and longtime resident of Lincoln, real concerned with something that seems to be getting overlooked lately because of the budget cutbacks. And I agree with our fiscal responsibility of cutting back and spending only the money we have, including actually giving some back and spending all that we currently have because I think taxes are too high. One of the, and that area is the environmental arena. I think that's kind of gotten brushed aside. Just wondering your opinion on the environment. I know Bereuter has been pretty, you know, pretty helpful in that one area.

Combs: I would agree and the Nebraska Project, and there's been cleanup projects, has been very supportive of - Greg and I'm a big supporter of environmental policy. And I'm very leery of some of the, it's very in vogue right now to say, to roll back regulation.

Greg: Right.

Combs: In some areas that's great. In the environment, Greg, it's not great. Because the, this is a commodity that we're not going to, this is not a replenishable resource is our environment. And I am a big advocate of environmental programs and that's one area of my, at least for the most part, that should not be cut back by the government. In fact, many areas should be enhanced, as you probably would agree.

Greg: Right, well, I pretty much agree with the Republican platform on everything but the environment. I feel that a consensus needs to be built between the Republican view of reform in the regulatory area, because I think that there are some ridiculous regulations that are environmentally oriented, that should be streamlined if nothing else. But I think that the wholesale cutback that the Republicans are proposing is a little overboard. I think if there's ever an area that there could be some compromise in it would be in an environmental area.

Combs: I couldn't agree more. Greg, what we need is very simple, two words: common sense. You're right, there are some right now that probably need to be revisited but let's just sit down at a table and have some common sense about the future of the environment.

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--- goodbye, Pres. politics discussion, to caller and intro ---
(caller) Chuck: ...in twenty-five words or less, why are you a Democrat?

Combs: Why am I, well ones I said earlier in the program -

Chuck: I'm just going to hang up and listen.

Combs: Ok Chuck, thanks. I've got about sixty seconds to do this but, and I have to say in many areas, John, it's a close call. It really is because I do have some moderate to conservative leanings on certain issues. I feel more comfortable, Chuck, as a moderate to conservative Democrat than I would as a liberal Republican. I think there's less latitude in the Republican party for diverse ideas, where I think Democrats are more open to a variety of ideas which is displayed by the number of candidates we have all over the spectrum. We have Ben Nelson, who's arguably a conservative Democrat, you have others, say Don Wesely, who's more on the liberal end of the Democratic party. I think they're more open to a variety of ideas that I espouse. And so I, and I have to say, I'm sure it could be a close call, but I feel more comfortable as a moderate Democrat.

Chuck: What are the traditional Democratic party ideas that you support?

Combs: That I support? Well, as I said earlier, I believe in the freedom for a woman to choose, I think that's an important distinction. The one that I don't, I mean the tax and spend liberal notion that Democrats have been labelled with, I'm very much on the other side of the camp on that one. I don't think the government has the solutions to our problems, I think we do. And that sounds a little bit moderate to conservative so Chuck, please be open minded and everybody else listening - for every candidate. Don't just vote based on the party, listen to what they have to say.

--- vocabulary discussion ---

--- end of program ---

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2-27-96 Side A

--- welcome back ---

Combs: Couple quick points for clarification. First of all, a friend of mine, a Republican, called me up here and said 'Pat, it only makes sense for me. I can't be on your program because I'm at work. If you resign your job because of the inherent advantage that you have being on the air, Doug Bereuter should resign his job because he has many times more advantages than you do'. Another VOR on TTP.

Baylor: Where will it end? Governor Nelson will be passing out a hat on the street, Don Stenberg will be looking for work. The unemployment line down at Nebraska Social Services look out.

Combs: We're all on our way.

Baylor: Their budget's already high enough Patrick!

Combs: That's something we don't need to do, is make the government figure with more unemployment claims. Folks, I need to keep my job. My mortgage holder is very concerned. Couple points of clarification on this lawsuit. A, I can't talk about it anymore so please don't call in to talk about it, it's still under litigation. But I will make this point. I did not say that the Republican party is paying an attorney. What they are doing is providing an attorney. This attorney did do this job, by his own admission, for political reasons. He is now, according to Andy Abboud, no longer affiliated with the Republican party, in fairness. But the lawsuit is still pending and when it is resolved I'll be more than happy to tout the airwaves with its results.

Baylor: Alright, with that let's bring back Andy Abboud. Let me start, Andy, by asking you your position with the Republican party.

Andy: I'm the Executive Director.

Baylor: We have heard reports that the Republican party, locally, has called up members within its ranks to organize a call-in effort on this very program in protest of Patrick Combs remaining on the air. Is that report a fact, or is the substance of that report, a fact or not?

Andy: Well, I have not called anybody and asked them to call in to this show.

Baylor: That wasn't my question.

Andy: Maybe call over and ask Paul Landou how many people maybe he's had call in and say they were registered Republicans.

Baylor: Andy, I don't want to turn this into a Republican-Democrat, has the Republican party - in isolation now, this issue alone - made any sort of organized effort to have its members call this program in protest of Patrick Combs remaining on this show?

Andy: Well I guess the proof would lie in this show. How many Republicans have called in and protested?

Baylor: Well, no, no, no. Andy, we've just come on the air in the second hour. This -

Andy: No, I'm sorry gentlemen. I have not called and organized anything.

Baylor: Has anyone -

Andy: And I can not say, to my knowledge, no one has called in and organized protest. And quite frankly, I've always been very straightfoward; I've talked to Lisa Warner and said, told her that there was going to be a fight on this issue. Not because, Patrick,

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that we are so concerned about you personally. There's a precedent that was set when we protested earlier, so you don't think that we're just picking on you, when Governor Nelson had a show called Good News Nebraska. Now, he's the governor - he can probably have a show. But probably what irked us more than anything, is that it was called Good News Nebraska and people could only call in with good news, which was nice and fluffy. We protested it to the Nebraska Broadcasters Association. Dick Palmquist told us that they would no longer, or they would say would be unfair for him to have that show once he became a filed candidate. And to my knowledge that has ended. So that was the rule that was set for us, how we were set straight, with Governor Nelson.

Combs: Andy let me respond to that. First of all, Governor Nelson did not agree to allow equal time. He was not going to allow Don Stenberg or Chuck Hagel, who right now appear to be his opponents, to have a Good News or a Bad News Nebraska program. That is quite the contrary to this situation. We have agreed not only to let any primary, any and all primary opponents that I may have, after Friday, to have two hour format on this program but we've also allowed the incumbent, Doug Bereuter, the same, or will be allowing after the general election starts, the same opportunity. So there's a huge distinction between the Governor Nelson situation and the Patrick Combs one.

Andy: Ok, let me ask you this then and I'm going to ask this question, a general question, and then maybe you guys can answer me or you can get back to it later. And I don't know if I have this straight or not - but some time ago didn't a member of the City Council, I think it was Cindy Johnson, have a talk show?

Combs: Yup.

Andy: And what were the rules that were laid down to her when she became a filed candidate?

Combs: She wasn't a filed candidate during her tenure on the air.

Andy: But was there every anything that was laid out that said if she became a filed candidate the show would have to end?

Combs: As a matter of fact, no. Cindy Johnson was given the same parameters of her employment here as I was.

Andy: Are you sure?

Combs: Well as being a manager of this radio station, Andy, and being very involved with her being hired and her program, yes - I'm quite sure thank you.

Andy: Alright. Then finally, it's practically, and I'm a political hack and you guys can kick me around for that - I don't run a radio station - but in a Presidential election year, how practically are you going to control people from calling in and talking about federal issues? Because you'll have a presidential campaign going on and to limit a talk show host, Patrick or whoever, from talking about any federal issues during the Presidential election year, I would think doesn't make for a great radio show. I mean, aside from all the politics, practically-

Baylor: Andy Abboud - hold on one second. You are taking a thinly veiled swipe at the capabilities of yours truly John Baylor.

Combs: I would agree.

Andy: No, no. You're not - you guys are - I think the problem is you guys are all good friends, which I respect, but you're taking

it awful personally and you're not seeing the real issue here.

Baylor: Now Andy, it isn't that we're -

Combs: No, no, we are seeing the real issue.

Baylor: We need to have that clarified, Patrick Combs. We need to have that clarified, we will have it clarified before Monday - exactly what you can respond to and not respond to.

Combs: I'll read the letter from the FEC. It says I can not talk about the 1996 Congressional race in the First District, bring up the candidate of either party, or give out the phone number of my campaign headquarters or use it to solicit funds which, Andy, I intend not to do.

--- goodbye and to caller and intro ---

(caller) Pat: Well Patrick, I've got music to your ears here.

Combs: I could use some.

Pat: I am RD and will vote for you.

Combs: Hey! There's light at the end of the tunnel. Pat, thank you. One to nothing.

Pat: And I am, I listen to your program every day, I heard last night on Mr. Barry's program a politically, you know, you're a political program. I've never picked up anything like that. You're not a Rush Limbaugh. You don't hack and hack and hack on the wacko liberals. I've never heard that. An issue might come up and it will be discussed, but - and in a very broad sense - you've never made any kind of political ramifications.

Baylor: Pat, were you encouraged to call in or did you call of your own volition?

Pat: I called on my own volition because I think right now what you are getting are a bunch of crybabies. They are scared of a little bit of competition.

Combs: Pat, thanks so very much. She's and RD, that's a VOR.

--- to break and caller and intro ---

(caller) Gregory: Well first of all, I'd like to say that it's too bad that you really can't talk about this issue aside from today or this week because this is the first, well I've called on this program several times, and this is the first times it's been difficult to get on the line.

Combs: Now hold on!

Baylor: There's been a few shows -

Gregory: I'm just kidding. And second of all, I'd like to say Andy Abboud it's always good to know you can bring some good opinions to the table and try to make things, you know, a balanced arena here. And for the most part I think that that's wonderful but there's one thing that was mentioned earlier, and this is something that Patrick can't discuss, and that is a lawsuit pending. And I think that that's negative campaigning already.

Combs: I agree.

Gregory: And I don't see that as a positive and I to you, Mr. Combs, see that as a challenge to you as not to do this, not to become a negative campaigner. And I'm sure that you will be less funded as your opponent. I think that you could maybe spend your money a little more wisely.

Combs: Greg, that's a great point and thank you, I've made the comment last week and I'll, uh yesterday, and I'll make it again today - there will be no mudslinging, negative ads run by the Combs

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for Congress campaign in 1996.

--- goodbye and to caller and intro ---

(caller) Perry: Well first of all I'm a registered Democrat -

Baylor: Oh, there's one of them!

Perry: And I call a lot.

Baylor: Yes you do, you're a lonely man.

Perry: I have a few things here on the thing. First of all -

--- about Baylor and the weed board ---

...the other thing is that Ronald Reagan's ads, or movies, were pulled during his campaigns.

Combs: Well, all the movies, I can assure all of the people that are detracting from my campaign, the plethora of cinema that I was involved in will be yanked from the airwaves.

Baylor: Well, that's a serious point - are you sure about that Perry?

Perry: Yes I am. And the big thing, of course, his movies were not getting a great deal of play then anyway. But what was getting quite a bit of play, and Saturdays and Sunday afternoons that took time, was his TV show and it, and the distributor was not too happy about having to pull that because it cost them quite a bit of money.

Baylor: But they did pull it? I take it this was in the state of California when he ran for governor the first time?

Perry: Yeah, it was - I don't know about the state of California but I do know that he ran, when he was running for President they were pulled then.

Combs: Perry, thank you for the phone call -

Perry: Oh, I've got one, two questions here. First of all, if I go down and file I'll get a talk show host job here?

Combs: You don't get a job - you don't get paid.

Perry: I don't get paid, no. That's all, that's what I would like to know about that.

Combs: No, but anybody else and they're going to get -

Perry: And one other thing - the real question about this is, what I really wanted to know is, has anybody else, there's been talk show hosts all over the country running for jobs; has anybody else ever tried to do this balancing act that you're going to do?

Combs: Yes, yes. I have an opinion from the FEC regarding an individual named Randall Terry who had the Randall Terry Live Show, which actually was much more political because he was a strong pro-life candidate and that's what his program was about. They allowed him to stay on the air but he, again, could not raise money and couldn't refer to the campaign.

Perry: I was just kind of curious to see if anybody - I know most of them do resign just because it's too tough of a balancing act.

Combs: Yeah, it's going to be difficult.

--- goodbye and to caller and intro ---

(caller) Todd: ... the comment from Mr. Abboud, it's amazing that I think is what continues to alienate more and more people ... [static] ... political arena. It's just amazing that they nit-pick at small stuff and not let an open forum continue to operate. I think you guys do a great job and have a good morning.

Combs: Todd thanks very much for the VOR: voice of reason for those not following along. Joan's up next ...

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--- to caller and intro ---

(caller) Joan: ... I'm calling because I'm wondering why you don't run, are you too young to run for Senate?

Combs: Actually no, I just celebrated my thirtieth birthday which now I could be, I could run for Senate.

Joan: Well maybe you ought to, is it too late to file? Maybe you ought to challenge Governor Nelson.

Combs: Why? I think I have a better chance of becoming a House of Representatives member beating Mr. Bereuter than I do beating Ben Nelson in a primary.

Joan: Well it would be a rough primary, this is true.

Baylor: Joan, do you really think that Governor Ben Nelson is beatable in the primary?

Joan: Well, I think, well, probably not. Yeah, you're right.

Combs: I don't, that's not an option at this point. But thanks for the vote of confidence Joan.

--- call-in plug ---

I'm not running for Senate, I'm not running for President, I'm running for the House of Representatives.

--- to caller and intro ---

(caller) Barbara: I do not believe that this is a political program at all because all kinds of things get talked about on your show that have nothing to do with politics. And I think that the bad apples out there haven't got anything better to do than to cry foul and they don't know what they're crying foul about. And as far as party affiliation is concerned I think that that should have nothing to do with anything. You should be able to vote for the person that you want to vote for regardless of where they're at. And if they expect you to resign your position because you are going to run for a political office, then Governor Nelson needs to resign as governor since he's going to, since he's announcing that he's going to run for the Senate.

Combs: Yup.

Barbara: And it should be that way across the board and down the line.

Combs: Don Stenberg, Doug Bereuter

Barbara: Absolutely, anyone who declares that they are going to run for political office needs to resign the position that they hold at that time.

Combs: Consistency Barbara, I like that.

--- goodbye and to break ---

--- to caller and intro ---

(caller) Jim: My call basically was this: you have learned the rules, you were told what you have to do, and there's no, in my opinion as a Republican - and I'm going to hurt some feelings and it won't be the last time I hurt some Republican feelings here - it's a fair game and as long as you abide by the rules I would feel very badly if you discontinue your use as what you're able to do. As far as the pamphlets that you said mail out, you have always basically said what you have on your mind and how you feel on whatever opinion it is, whether political or non. And it's amazing that the only time I hear from my representative, not only your opponent to be but any of the other ones, is when they send a letter out prior to election. It would be nice, if someone's going

to talk to me, if they talk throughout the year.

Combs: And Jim, I'd like to make two points about that. One is my Congressional office, should I be fortunate enough to be elected at some point, will not be sending out mass mailings. The second thing is I will ask radio stations, including KLIN, once I'm elected, to allow me this forum as a representative. And I think that that would be even more effective to be able to talk to your representative, that can really do things, that can really do something about things. I know it's a very politically risky thing to do but it's something I'm very interested in doing as a member of Congress.

Jim: Well, it's a risky thing to do but the public, with what we're running into now is that it's easier to take the easy way out than be - risk changes and start changing what's going on.

--- goodbye and to caller and intro ---

(caller) Jean: ... but I am somewhat disappointed that you are still electing to be on the talk show in that I think it could hurt you and the quality of the show. I think with the election coming up it will hurt perhaps some of the discussions that you could have or participate in because you're a candidate. So I think it's maybe not fair to the listeners being able to discuss some of the things.

Combs: - get as much out of the show. And Jean, thank you for that because there has been a discussion, both among my supporters and of the people here at Broadcast House, that that may happen and I guess we'll have to address that when it happens. But my response to that is I would rather be able to espouse my positions to the degree that I can as a candidate than not be on the air at all. And if it gets to the point where it's seriously degrading the quality of this program then I guess we'll have to revisit the idea. But my intention is right now to go forward, not have the program change its content or its level of entertainment and to go forward. But thanks for that.

Jean: Well, but I wanted to say, you know, I also think perhaps you are obeying the letter of the law but I wonder about the spirit of the law. And I wonder, I just don't know if this is really the high road. I don't want, you know, you to be questioned and I feel like you are leaving yourself open to that as evidenced by a lot of the calls today. And, you know, and realistically you're saying you would allow Bereuter to have time or any of the candidates to have time, two hours a day. You know realistically that's an impossibility and I think you realize that too. If they did that they would be criticized for not doing their job in Washington. I have a suggestion for you though, so that you can still keep your mortgage payments up or whatever: you know, keep the station management position and then, if you prefer to be on the air, why don't you change with Dan the Weatherman for awhile. You could do with Gladys Cherank (?) and the morning on Saturdays and do the garage sale and announce the weather and let Dan be with John for awhile. And then you'll either be moving to Washington or you can come back to your job, whatever you need to do.

Combs: I'm not a meteorologist first of all but thank you for the suggestion. I will disagree with on thing - Doug Bereuter or whoever the member of Congress is that would be allowed to have

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this forum on the airwaves, I fervently disagree that they wouldn't be doing their job as a representative. This is what they should be doing Jean. They should be on the airwaves, they should be communicating with the voters in their district and I think that that is one of your points that I very much disagree with. But thanks for the phone call. I think that people in this district and this city would applaud the opportunity to discuss issues with their elected representatives.

--- to caller and intro ---

(caller) Elizabeth: This comment is 'meow'.

Combs: Meow?

Elizabeth: Some claws and a pretty soft glove there. I am an RR but my father was a Protestant Republican and my mother was a Catholic Democrat and I, I really feel that I'm a pretty balanced and well-rounded person. And I know you won't bring this up but it seems to me, within the last few years if there was a problem at the House with people cashing checks -

Combs: There was. Many, many members of Congress had problems with that.

Elizabeth: - including one of ours -

Combs: Yes, but I'm, yeah. I'm not going to -

Elizabeth: No, no. But because I thought you were probably too much of a gentleman to bring that up I think maybe that some people in my party should remember some of those things when they're talking about what you should or should not do.

Baylor: Well, let's not discuss the merits of the opponents and the merits of Patrick. Let's just discuss this philosophical issue: should he remain on the air or not?

Elizabeth: I think certainly that he should. I'm not even sure that he can balance what our current Congressman has in benefits. I think he can't. Keep it up.

Combs: Thanks Elizabeth, thank you very much. People don't recognize what a battle this is going to be. If I can do this, if I can run for Congress, be a manager here, be on the air, imagine what a great member of Congress I'd be. Flying back and forth and voting on these things and talking to the public is going to be a breeze for me.

Baylor: You'll be multi-tasking.

--- to break ---

--- to caller and intro ---

(caller) Bill: ... the travesty of the situation is the way our Republican Attorney General has used his office for political gain for years and now all of a sudden the Republicans must be afraid of you because they're going to start talking out the other side of their mouth. I say go for it.

Combs: Bill, thanks so very much for that. There is some merit to that, not necessarily tempered with partisanship. I mean, there needs to be some consistency here.

--- to caller and intro ---

(caller) David: I'm calling of my own free will and volition and I'm a John, I'm a longtime R and R and I wanted to mention my views here on what you're discussing.

--- about John and Pat team ---

Listen Pat, I feel this. Debate is what the American people are

desperately waiting to have occur. A debate amongst the ones, and to have our, this way our incumbents, our candidates running will have a chance to get their views out and even they're in office this is what the American people want. They want to have answers from those people that are in position and in power.

Combs: David, I couldn't agree more. This type of discourse is so infrequent. Once you get in office you don't want the exposure. And again, I would invite Mr. Bereuter on this program or any other to discuss the issues. And if I'm fortunate enough to be elected I want to do the same.

Baylor: Well David, what only saddens me is when partisanship seems to get in the way of what's right and wrong.

David: Well, the hierarchy of my own party has incrementally, over the last five to six years, kind of disinterested me. I mean, their position you know, not having equal, well you know what I'm talking about I think.

Baylor: I'm not sure but we need to move on.

Combs: David thanks for the phone call and I think he makes, both parties, I mean the head - the leadership of each party speaks for the masses and people that have a D or an R behind their name are linked to those comments. And I think there's a lot of disgruntled people out there with parties because they're linked to all the positions and statements that the hierarchy of the party makes. And we're finding that to be very clear today.

Baylor: Let us return to the conversation during the John Stevens Barry Show yesterday between him and Andy Abboud, who is a speaker for -

Combs: Executive Director of Nebraska Republican Party.

**** recorded excerpt ****

Andy: ...now the rules have changed - all we want is a fair playing field.

Barry: Ok, a fair playing field. So - let's get, number one, we've offered Bereuter the two hours. Number two, Bereuter, let's agree that he will not use frank mail anymore. He will not use postageless mail anymore because we want a fair playing field. Number three, let's make sure that Bereuter never gets on the radio or television unless Pat's also there. If you, representing an incumbent for reelection are looking for a fair playing field, I think that Pat Combs would love it. I think he would love to have free franking privileges. I think he would love to be, to have the coverage that an incumbent has. I think we've got an agreement and I'll sit down with you and hammer out the terms of it.

**** end of excerpt ****

Baylor: That was yesterday.

Combs: That was on the John Stevens Barry Show and I just think, I find the irony in that statement that they want a fair playing field. I think it almost to be ludicrous.

--- to caller and intro ---

(caller) Charlie: I just feel that it's fair that, anything is fair in politics. Politics seems like it has strange bedfellows.

Combs: Isn't that the truth.

--- goodbye and to break ---

--- to caller and intro ---

(caller) Greg: ... well I've just been enjoying the last two days

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listening to all the labelling that's been going on and I just wan to say that I am both into research and development and rest and relaxation. I'm a member of both parties. I just here listened to everything and think that this is pretty straightforward. Pat has agreed to legally follow the guideline that are currently on the books, and I emphasize currently on the books because I personally don't agree with the franking privileges and on one hand I don't necessarily agree that pat's taking the right direction on this. But I could be convinced otherwise on both those. But right now, like I say, legally Pat is going forward the way that he needs to and quite frankly, I think he's going to determine his own future to a point. Because if he discusses political things, like he said, he's either going to have to get off the air -

Combs: I'm gone, one way or the other Greg, that's right.

Greg: Or, exactly, or either off the air or, and decide, you know, go full time with the political process or he'll have to get out of the political process and go straightforward with his current profession.

Combs: Greg you're absolutely right. You hit it right on the head.

Greg: The third thing I'd like to bring up is the fact that, while you - should you - decide to go on a sabbatical here in either direction, that I would offer my services to fill in for you just for a temporary time.

--- goodbye and to caller and intro ---

(caller) Carol: ... I don't think Pat should leave. I think that's pretty cruel to ask him to give up his job. I think Bereuter's just threatened by a lot of his good ideas that he brings across in the radio show in the mornings here. And I just think that it's silly, I mean, if you did step over the bounds you'd be cutting your own throat. So I think that you're a smart person and I think that you'll stick to the guidelines and I think you ought to stay.

--- goodbye and to caller and intro ---

(caller) Ben: ... anyway, talking about endangered species, what about an unborn child? What's more important?

Combs: Bald eagle or an unborn child? Well, any children. I'm a big fan of kids. Probably more so, I would probably rather have kids around than bald eagles.

Ben: Ok, well -

Combs: But I hate to draw that line because I love animals but I'm a big fan of kids.

Ben: Well wouldn't you rather see rights for an unborn child? Than rights from a bald eagle or another endangered species?

Combs: I'd like to see rights for everybody Ben. Thanks for the phone call. I'm going to fight very hard to see that life is the choice of people that have to make that decision.

--- call-in plug ---

Baylor: Couple things to clarify. I said we need to clarify what will be permissible after Friday. I should have said I need to clarify, Patrick. I am asking for a meeting with management to understand what will and will not be allowed. You, obviously, are aware of what is permitted, what is not permitted. That's one key clarification. Two, the Warner family and KLIN benefitting from this, I was - my immediate response was wow, I hadn't really thought of that. And I don't think that's the case. There might

be some merit to that. I hate to backpedal on a prior position. But I was adamantly against the idea that KLIN's profiting from your candidacy.

Combs: I don't think they're profiting.

Baylor: They are benefitting, from your candidacy. I think there is some residual benefit from having a Congressional candidate in a controversial issue.

Combs: Right.

Baylor: And the perpetuation of this controversial issue, should it be on the air, for the radio station.

Combs: Alright.

Baylor: So I backpedaled on one position.

Combs: You're a man of honor.

--- to caller and intro ---

(caller) Mike: ... I just want to say Pat, I'm a registered Republican, very conservative, and if you want to do whatever you want to do, I don't care. I want to talk about the issues. I'm sick and tired of this 'you're for Pat Buchanan, you're an extremist'. No one wants to debate his issues. The Republicans want to topple Clinton with Whitewater, let's just talk about issues: pro-life, pro-choice, gays in the military, no gays in the military, taxes. Let's stick to the issues.

Baylor: Hold up! Mike, don't go anywhere.

Combs: Mike, we're going to try to fill up some time here because we'd like to respond to what you had to say because I think that you too are, as many of our callers have been today, a voice of reason. I think we need a battle in the arena of ideas rather than partisan bickering.

Baylor: Mike, give us a quick ten second soundbite summarizing what you just said and then I'm going to give you a big cheer.

Mike: I just said let's talk about issues. Let's not talk about Whitewater, let's not call pro-life Republicans extremists, let's debate the issues and go at it from that.

--- goodbye ---

Combs: Everybody that called in today, those that are going to vote for me and not, thank you for participating in the program because this type of discourse is healthy. Agree, disagree, we need to energize this voting population and every one of us over the age of eighteen are voters, let's use our right

--- end of show ---

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2-27-96 Side B

--- opening and intro ---

--- basketball discussion ---

Baylor: Patrick Combs, last year at the state championship, Northeast alumnus Senator Bob Kerrey was on the bench. Might Malcolm Clipper alumnus Patrick Combs be on the bench?

Combs: Now see, you are putting me in the same light as Senator Bob Kerrey, which I'm flattered. Yesterday Andy Abboud from the Republican party put me on the same light as Tom Osborne, saying that if Tom Osborne had a talk show he'd have to talk about football, so he's putting me on the same playing field, so to speak. So thank you for that and I would sit anywhere. I'd just as soon be, have my hat pulled down and be sitting in the crowd.

Baylor: Patrick, this morning I called the station. Our fine receptionist Wilma answered the phone.

Combs: As she always does.

Baylor: "Combs for Congress"

Combs: [laughs] John, I simply want to go forth on a mission to better represent everybody in the district. I thought I wanted to do everyone a favor by representing mainstream ideas, be this consensus candidate.

Baylor: And now they're saying keep your favors to yourself. They're saying Pat we don't want you.

Combs: A few people are saying that. Actually, they're saying you can be in the race but not on the radio. I am just aghast at the flurry of phone calls on the John Stevens Barry program yesterday afternoon.

Baylor: Is he going to be a marketing director in the campaign?

Combs: I need to talk with Mr. Barry. And he's never voted for me, he doesn't know my platform, but I think he did a good job of critiquing a Republican request yesterday that I step down off the air.

Baylor: A good job?! He might as well have had a Combs for Congress bumper sticker plastered across his forehead! Talk about carrying water for the C for CC.

Combs: Combs for Congress campaign - C for CC.

Baylor: JSB yesterday, my goodness. And let it not be overlooked that people are concerned about your possible departure from this program.

Combs: I don't want to depart from this program. In fact I guess, I should now - let's go to a phone call first, shall we do that? We have somebody waiting.

Baylor: You are becoming more customer-driven now that -

Combs: I'm always committing -

Baylor: - now that you're in the campaign -

Combs: I'm always the one who wants to get the callers on the program.

--- to caller and intro ---

(caller) Doug: I'm a little bit offended, as a citizen, that you would carry this program yet after you announce your candidacy.

Combs: You're offended?

Doug: I'm very offended. For one it just sends me a message, and hopefully the other people out there, that this is the kind of arrogance and disregard for rules and fairness that you would carry

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into Congress. We complain about what the Congresspeople did writing bad checks, et cetera -

Combs: You're equating my -

Doug: Yes -

Combs: Wait a minute, you equating me -

Doug: Total disregard for what is correct -

Combs: - being on the air -

Doug: Running for Congress and then maintaining a radio show for free publicity - how many millions of dollars is that worth? What does Warner get out of this?

Combs: Thank you very much for thinking that my job is worth millions but -

Doug: Well Warner's getting something out of this.

Combs: Warners are paying my paycheck because I provide a service.

Doug: Yeah but look at the publicity they're going to get out of this -

Baylor: Now hold on -

Doug: Any news, just print my name correct. Isn't that the idea in politics?

Baylor: Doug, this is between you and Patrick but let me just say one thing here about the Warner family. I'm not sure the Warner family is receiving all sorts of free publicity. It's only a caption underneath Patrick's name - by the way he works at 1400 KLIN. That's not worth a whole lot. I think the benefit, to be fair, is primarily to Patrick.

Doug: Wink, wink. And Hillary tells the truth.

Combs: Just a second Doug. Are you claiming that the Warner family and KLIN is getting all sorts of benefit because Pat is running for Congress?

Doug: Oh, look at the controversy. They love it.

Baylor: Oh this, the discussion in the paper right now. Oh come on, that is so minimal. This, the benefit is primarily for Patrick.

Doug: I would encourage any businesspeople out there that are tired of the corruption to withdraw their advertising as long as he's on the radio.

Combs: Alright Doug thanks for your opinion, which is exactly what it is. And Doug, when I'm elected someday I will represent you with as much vigor as those who support me. John, people like Doug aren't going to vote for me anyway. All they want to do, they don't mind that members of Congress have the access to the US Postal Service to send out hundreds of thousands of free pieces of self-promoting mail at our expense. That's Ok. But one time when somebody tries to go against the established mentality and do something that's not quite what they think should be, they come out of the woodwork claiming partisan partis-itics politics and how, you know, it's completely unfair. And I think it's absolutely ridiculous. I have been in contact with the FEC and the FCC over the last month, received letters from them saying as long as you don't use this, after you're an announced candidate - let me make that clarification. Once I become an announced candidate we will not discuss the race, Doug Bereuter, Patrick Combs, or the First Congressional District race or a piece of legislation pending before that body on this program. Period. In addition to that,

any opponent that I have, in the primary or the general election, will be allowed to have a two hour talk show co-hosting position either at this program or the John Stevens Barry program any day they'd like. Every day if they'd like. So I am complying with the law. I apologize if it affects some people that aren't of any partisan persuasion which is, again, one of my pet peeves with the entire process. That's why we're in the mess that we're in. It's because people have that mentality, that just because I espouse my positions on this radio program, and I happen to have a D in front of my name, that all of a sudden I'm a criminal. And they make insinuation that being a radio talk show host and espousing my positions is like writing bad checks. I have a huge problem with that and Doug I fervently disagree. I've never written a bad check in my life, by the way.

--- to break ---

Combs: Last thing in the world that I want to do, John Baylor, is upset any callers, any of our listeners regarding my position on this program. All I want to do is give people choice on the ballot. My, I'm just inclined to think that people like Doug wouldn't have voted for me should I have been a garbage hauler or a car dealer.

Baylor: Patrick, the last thing I want to do is worry about whom I upset. What I'm about is what I believe and trying to send out there an idea of what is right and what is wrong.

Combs: Thank you.

Baylor: So on that regard we differ.

Combs: We differ.

--- to caller and intro ---

(caller) Greg: I guess your last caller's not living in the real world.

Combs: Say more.

Greg: Well, you know, you look at the - and I have to tell you I'm a registered Republican - but you look at the incumbent and you see campaign material coming into the state at taxpayers' expense under the guise of a Congressional newsletter and you see the kind of PAC money that somebody like that after eighteen years, in you know - Capitol Hill - is getting. And they say that it's not fair for you to be on the radio. You know, I just don't agree with that at all.

Combs: Well Greg, I think you bring up an interesting point and you're kind of developing an argument that I wanted to make today: is that it's kind of ironic. And yesterday on the John Stevens Barry Show Andy Abboud, a spokesman for the Republican Party, said 'we are searching for a level playing field and I don't think that having Patrick Combs host a, co-host, a two hour talk show is a level playing field'. And I think Greg that that is ironic and in fact ludicrous.

Greg: Yeah, I agree.

Combs: When you look at the incumbent advantage, that every incumbent has - not just Doug Bereuter, this is not personal about Doug Bereuter. This is about the system. And we challenged that system a teeny little bit by my presence on this airwaves and you can see what it's done. I think, Greg, you bring up a great point.

--- to caller and intro ---

(caller) Jeannie: I got up and read the newspaper this morning, and

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I'm a registered Republican by the way, and I'm outraged. I can not believe that they're all freaky about you being on the air and you should resign your job. That is nuts.

Combs: Well you want to know who's really freaky about it is my mortgage lender. They called me this morning and said 'listen, Patrick, we're a little concerned about this here loan we have'

Jeannie: Aww, this is ridiculous. For crying out loud, I listen to your show about every day. And I don't agree with you a lot of the time. It doesn't make any difference to me.

Combs: Yeah, but that's not what this is about.

Jeannie: Yes!

Combs: You don't have to even like me or vote for me. Let's we're here to bring out issues and opinions that affect this city and this program's not going to change.

Jeannie: And I have, I have already called the Republican headquarters here and voiced my opinion because they are certainly not speaking for me. I don't care whether you are a dog catcher or are on the radio or whatever it may be. You absolutely have the right to run for an office.

Combs: I think it's an obligation, but yeah I agree.

Jeannie: Absolutely.

Baylor: Let's draw a parallel here, Jeannie. Let us say that there was not a minimum age requirement for running for Congress. And Tommie Frazier, before the bowl game, decided he wanted to be a candidate. Would the Republicans be claiming, look, because of the publicity that Tommie Frazier would -

Combs: The number one football player in the world, in the country

Baylor: - necessarily receive, he should step aside because that is an unfair advantage?

Jeannie: Heavens no.

Combs: Yeah Jeannie, thanks so very much.

Jeannie: I appreciate your show and go for it. I'm not going to vote for you but go for it darnit.

Combs: Hey, that's alright. Jeannie thanks for the phone call because I too will represent Jeannie when I'm in the Congress someday.

--- to caller and intro ---

(caller) Bob: First of all, I just heard the Tommie Frazier analogy and I'd like to address that really quick. What people are talking about is not that if Tommie Frazier got a bunch of publicity that he couldn't run for Congress. The fact is that Patrick Combs talks about politics and issues that affect this community every single day on the program. And that completely relates to who gets free time and who gets extra time on the radio. Doug Bereuter does things in his job as Congressman to communicate with his district. What we're looking at here is, have you looked at the Federal Election Commission guidelines? I mean, KLIN seems to be giving you, seems to be a corporate contribution. They're putting you on the air each day to talk about politics.

Combs: As a matter of fact Bob we have, in fact, we've been in correspondence frequently with the FEC regarding this very matter. And not only is it not construed as a corporate contribution because it is my gainful employed job, but we also are offering an

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opponent that I have in the primary or the general election the opportunity to do the exact same thing for the same time frame that I do every single day. So that in itself eliminates this argument in my opinion.

Bob: Well we're talking about what's right and wrong and I heard you discuss that earlier. And regardless of whether you put another candidate on the air for two hours or you don't, is it right or is it wrong to use a media outlet, a media outlet trying to forward the political career of someone who wants to be a Congressman? And clearly our laws are written so that corporations can't do that type of thing unless they go out and people contribute a thousand dollars apiece. Maximum.

Combs: And that's the question today, I agree.

--- goodbye ---

Baylor: So I guess it's not the publicity or the use of a media outlet, it's the fact that we discuss politics. So if we were discussing a garden show or a food show -

Combs: I guarantee you they would complain. Those that are against this mission would complain about that too. So, we've done our homework on this stuff.

--- to break and to caller and intro ---

(caller) John Stevens Barry: ... I am one of those people who voted for the incumbent, therefore I assisted him in getting the enormous advantages of the incumbency so I thought I might make a few comments to some of your callers. May I do that?

Combs: Absolutely.

Baylor: JSB, at your service.

JSB: I do not know what is more delightfully absurd. Either the people who are offended that you hold an honest job and do it well or the people who are offended that you are up to date on current events. There was a time when holding an honest job and doing it well and being up to date on current events had something to do with being qualified for office. There was a time when that happened. Secondly, do you think any of these crybabies, who are so afraid, so terribly afraid, that you will gain something from this were calling their stations to ask that the Ronald Reagan movies not be shown while he was running for President?

--- Reagan movie discussion ---

JSB: Well anyway, I really, I really - you've got a lot of callers waiting. I just want to tell you that on my show yesterday and on your show today I'm seeing a peculiar mean-spiritedness. I see people who have the enormous advantages of incumbency, and they just can not stand the thought of this thing being anything like a campaign. They want it to be some kind of a rubber stamp and they don't want to fight fair, they don't want to fight at all.

Combs: John, JSB, yesterday on your program Andy Abboud, a spokesperson for the Republican party, said that all they want is a level playing field.

JSB: He did and I said to him fine, send somebody over and I'll negotiate it. We'll negotiate away the franking privileges, we'll negotiate away all the advantages of the incumbency and we'll make sure that names are heard equally and seen equally by everybody in the state. Now, I had no right to say that because I'm not working for your campaign, I'm not on your campaign committee. I have no

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right to negotiate anything with you but I noticed that nobody's been very interested in doing that.

Combs: So he doesn't truly want a level playing field. He just wants to serve the unbelievable inherent incumbent advantage.

JSB: Well, I think you should be flattered. These guys have heard your voice and -

--- nice voice discussion and to caller and intro ---

(caller) Brian: I just had a question real quick, and correct me if I'm wrong, but it seems to me that I read a while back ago, that you had a lawsuit against you for failing to pay a campaign bill from the last time around.

Combs: Yes, yes I do.

Brian: Has that been resolved yet and what's going on with that?

Combs: No it has not. We are still, it's still pending. And I will make this public Brian, that the Republican party has donated a lawyer to this individual who claims that I owe them money and they're basically dragging me through the court system free for this person. And making me incur the costs of an attorney. Which is just a side point. But the point is it, it's still in litigation. We're setting a court date and I don't owe the money and that will be proven in a court of law.

Brian: But there the question is have you paid the bill?

Combs: Yes.

Brian: You have paid -

Combs: Well I mean I'm not going to talk about the details of the agreement that I entered into. I feel the debt has been satisfied and it will be proven in court that that's the case.

Brian: And how long will that take to determine? Do you have any idea, I know that you're not -

Combs: That's up to our judicial system. It's been eighteen months Brian up to this point and I'd like to get it resolved as soon as possible because nobody likes to have court cases pending.

Brian: I have another real quick question if I could?

Combs: Yeah.

Brian: I remember last night on, I don't know if it was your show or Mr. Barry's show, but you had said that yours is not a political oriented show - it was a current events show.

Combs: No, I didn't say it - that was John Stevens Barry.

Brian: John Stevens Barry said that?

Combs: Yes.

Brian: Do you agree with that statement?

Combs: Well, and after talking to John Stevens Barry after he made that comment, his point was that this is not a political ideology, ideological show. Like a Rush Limbaugh. He espouses a certain very main, very strongline position regarding issues. In that sense no, I don't think this show is blatantly political. It is political in nature from the standpoint that we talk about political issues but I don't stand up here and beat the drums for the Republican or Democrat party and say this is the way it needs to be, I'm right and I have talent on loan from God. And I am espousing this particular direct position. In that sense, and that's the degree to which Mr. Barry thinks this is non-political. If somebody were to ask me 'do you have a political talk show?' I would say I have a variety/current events talk show that does deal

with political issues.

Brian: And current events drives politics and I think that's a very fine line. It's very hard to distinguish between the two.

Combs: I don't think you can.

--- goodbye and to caller and intro ---

(caller) Brad: ... I'm speaking as a Republican, registered Republican, who is not terribly impressed with anything my party has done in this state since they started calling politics. I think my party tends to be really inept. I, and so I don't want, I don't want you to think that I'm in agreement with, necessarily, with everything that's coming out of the Republican party office. Most of what they say I don't agree with.

Combs: You're open-minded. I appreciate that.

Brad: And the fact of the matter is I, if I was going to choose someone to go out to lunch with, I would much rather go out to lunch with you than with, than the incumbent.

Combs: Thank you for that.

Brad: You're, and I guess I'm not, I'm not particularly exercised one way or the other as to whether or not you stay on the talk show. But I guess I fell like I know you better than the incumbent. I feel like I know where you come from. I have yet to get a piece of frank mail from him that took more than about fifteen seconds worth of my attention before it gets file-thirteen'd. It's not particularly enlightening to me. And, but hear you talk on the radio is very enlightening to me. It tells me about your outlooks, you know, your world view.

Baylor: Well Brad, actually, your comments suggest that it is inappropriate and unfair for Patrick to remain on the talk show because we do get a three dimensional understanding of Patrick Combs.

Brad: I think unfair is too strong a word. I mean, I guess I leave fairness and unfairness to talk about issues that are a lot more substantive than this. Pat I guess I can see where people might be troubled. But no, not everybody who I guess can see that is necessarily mean-spirited or angry or anything like that.

--- goodbye ---

Combs: You think there's going to be a talk show after I'm elected?

Baylor: Unclear.

Combs: I'll ask.

--- to break and to caller and intro ---

(caller) Jacqueline: Last night I was listening to John Stevens Barry and the Republican guy, I'll let you know that I am a registered Republican -

Combs: I know that.

Baylor: Who isn't in this state?

Combs: Yeah really, are there any Democrats in this state?

Jacqueline: Anyway, I was really upset because John Stevens Barry was trying to talk to him about the franking privileges and he just blew it over. And -

Combs: Jacqueline, we're dealing with the sacred cow called incumbency and you just can not tip that barrel.

Jacqueline: Well I don't think it's fair that he has all those privileges. Should we, we should quit letting him do that.

Baylor: That's campaign finance reform.

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Combs: I'm a big fan. I'm a big fan. But see this is the other side of the issue. It's OK that they get to do all these things, but boy - a challenger comes up and tries to upset the status quo, starts trying to nuzzle their way up to the trough of public opinion.

Baylor: Not good.

Combs: Holy smokes, go back in your shell.

--- to caller and intro ---

(caller) Leon: ... I'd like to say i disagree with the whole thing that the Republican party has put out. As far as I'm concerned, during an election I want the best man to be elected. And to do that I need to know what type of man they are and how they think. I don't, and ideas and how they feel about things is very important. And these days we've made things so fair that we just get soundbites and basically just subterfuge -

Combs: Great word!

Leon: And I think it's depressing.

Combs: And I hear you bring up a really good point because it's impossible for me. In fact, I've got a bigger challenge being on the airwaves because I have to develop points.

Leon: That's right.

Combs: I can't just say partisan politics and turn off the mic. I need to develop my thoughts and, I agree, so I actually have a bigger challenge that those who deal in the arena of soundbites.

Leon: That's correct and your faced by the public every day. And you don't know who's going to be on the phone. For all you know I could have come on here and attacked you and then you'd have to respond.

--- goodbye and to caller, not there ---

Combs: You know, somebody called me last night at home, another Republican friend of mine, and said 'Pat this is so ironic that our party is doing this. This is like the David and Goliath story. This is like Goliath saying hey, wait a minute - you've got three rocks down there David! You can only have two'.

Baylor: Doug Bereuter is such an institution. I would think that he would welcome someone with some ability to challenge him.

Combs: Imagine the mileage he would get if he would stand up and say 'this is great, to battle in the arena of ideas. And I would accept his opportunity when I'm available, when I can work it in my busy Congressman's schedule, to come be on the program to discuss the issues'.

Baylor: This will bring him back more, encourage him to have more debates. He might get the old fire. You know, it's not fun being rubber-stamped every two years. You get a little apathetic.

--- to caller and intro ---

(caller) David: I'm another Republican. I just had one comment, probably about the same as the last caller. And that is I don't understand - what's the worst thing that can happen about being on a radio program is that everybody can find out exactly what you stand for. Are we supposed to hide that or what?

Combs: David, again, you bring up a really good point. My cloak is basically opened on this program.

David: Exactly, people can call in right now and nail you down on exactly what you stand for.

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Combs: Yes.

David: What's the problem with that?

Combs: I think it's healthy for the democratic system. With a small d.

--- goodbye and to caller and intro ---

(caller) Jim: I basically have the exact same point as the last caller. I think Pat's out showing his stuff every day and people that are going to like him are going to listen and no matter how many times you hear a view that you don't like, you're still not going to like it. So I don't think anybody's going to be voting, you know, listening to the views over and over and over and deciding whether they like or dislike on how many times they end up hearing them.

Combs: Yeah. And Jim, thank you for that. It's a great point. And, was it Jeannie that made the point earlier, that I listen to the show every day - I hope it's Jeannie, Jeanine?

Baylor: Jacqueline?

Combs: No, it was Jeannie or someone earlier. She said 'listen, I'm a Republican, I listen to the show every day. I disagree most of the time, in fact I don't even tend to vote for Pat. But I like his show.' That is a voice of reason. And I hear that's what, Jim, I don't know if, I hope you're not saying the exact same thing because I do need a few votes, but thank you for that point.

--- to break and to caller and intro ---

(caller) Scott: Listen, I was really - I thought it was the most ridiculous thing I ever heard, that statement that the party or Abboud whoever that was. I like your show. And I'm one of the guys that thinks you should stay on the air Pat even though I'm not going to vote for you.

Combs: Are you going to, like, open that up maybe and change your mind -

Scott: Well sure, if I hear something I like.

Combs: Alright, that's fair. I appreciate your voice of reason.

Scott: But to me, to me at this point, you kind of come across as a kind of big government kind of guy.

Combs: Alright.

Scott: Which I disagree with.

Combs: I do too. But that's another issue for another show.

Scott: OK. You know, the point is I'm here listening to you and I want to find out what you're about. And the franking privilege has been just a sore spot with me for a long time. It ought to be revoked, by my way of thinking.

Baylor: Let's define franking privileges.

Scott: It's when they get to send mail for free, isn't it?

Baylor: Basically.

Combs: What they do is put a facsimile of their signature on any piece of US mail, whatever size, and it gets sent for free, express mail, through the United States Postal Service, actually a division thereof - the United States Senate and Congress. Scott, thanks for the phone call.

Scott: Thanks.

Combs: Somebody said that last night, that I'm a big government guy. I thought that I, I'm a scale-down small government - I'm not going to talk about it.

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Baylor: You're against crime, you don't like taxes.

Combs: I love babies, I hate taxes, and I think government intervention is a bad thing in many arenas.

--- to caller and intro ---

(caller) Jason: I also probably won't vote for you but I just want to say that I think, you know, anybody should be able to run. If Ron Dean and Jack Kuvarook want to run too let them in it too. We should hear what everybody has to say. As far as the advantages they're concerned, for years ago George Bush had the incumbent advantage and Steve Forbes has more money than anybody I know that has what to do with it and it didn't, it hasn't done him any good and it didn't do George Bush a lot of good four years ago.

Baylor: What about these Presidential fireside chats too on the weekends that are heard across radio stations. There's another example of the power of the incumbency.

Combs: Yeah, yeah.

--- to caller and intro ---

(caller) Jess: I have a comment and then a question. It's just, it's kind of interesting to me that Pat, that you said that you're no way going to use this show as any campaign boost or anything like that. But today, the both of you keep joking around: Combs for Congress, Combs for Congress, all this kind of stuff.

Combs: Jess, let me make a distinction. As of this point -

Jess: But hold on, hold on. Explain to me though, if you can't control yourself today, doing this, how - what's going to happen a week from now, the week before the election, the day of the election?

Combs: If you'd let me explain I will tell you. As of right now I'm not an official candidate for the United States House of Representatives. I've not filed with Scott Moore, the Secretary of State yet, thus it's pretty much open field. I can talk about whatever I'd like before Friday. After Friday, if I do breach the topic of my Congressional candidacy or if my friend John Baylor, and co-host, does the same or if one of the callers does and we don't cut them off immediately, which we have the technical capability to do, I'm in violation of the FCC rules. Which govern the Congressional election and thus will either be asked to remove myself from the race or from the air. So it's very very crystal clear. I've got the ruling from the FEC sitting on my desk and I guess you'll have to listen next week.

Jess: Sure I understand that you say that you're not going to do this when are an announced candidate. But you're not giving us any confidence to believe you when you're doing it right now.

Combs: Jess, I don't have to do it yet. I'm trying to set the stage that, folks, everybody listening next week don't call in and talk about the race because Wilma's going to be asking you before you call into the show not to bring that up or what you want to talk about.

Baylor: And she's an RR.

Combs: She is. She's probably an RR and a VOR as well.

Baylor: But Jess, about the jokes I made at the top of the show. What, the reason those are jokes is that this is a very serious issue and we want to put it in a comic light so that we all relax a little bit and we don't bear torches down O St.

Combs: Take the edge off it a little bit.

Baylor: That's all Jess. And these jokes would also be highly inappropriate beginning on Monday.

Combs: And illegal.

--- to caller ---

(caller) Andy: Hi gentlemen, this is Andy Abboud over, your friend at Republican headquarters. How are you?

Combs: Hi Andy.

Andy: Question, Patrick, I just wanted to help you out with the facts here a little bit.

Combs: Thank you.

Andy: I'm trying to figure out, where on earth you ever heard that we are paying a lawyer to help out that poor person you haven't paid from your last campaign?

Combs: I didn't say - A, she's not a poor person and B, I didn't say you were paying I said you were providing.

Baylor: Alright Andy, now hold everything. I'm going to put you on hold. You think that is highly unfair but I promise you it's fair because we have about forty five seconds left. I have a sense this will become highly contentious. We're going to begin the next hour with you on the horn, with not limitless time but with probably more time than you'd have if you were allowed to continue at this point.

96043760281



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1996

Paul D. Kratz, Esq.
MCGILL, GOTSDINER, WORKMAN & LEPP P C
First National Plaza, Suite 500
11404 West Dodge Road
Omaha, NE 68154-2576

RE: MUR 4318

Dear Mr. Kratz:

This letter acknowledges receipt on March 25, 1996, of the supplement to the complaint you filed on March 4, 1996. The respondent(s) will be sent copies of the supplement. You will be notified as soon as the Federal Election Commission takes final action on your complaint.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

26043760238



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1996

Cara Ebert Cameron, Esq.
2929 East Commercial Boulevard
Penthouse C
Fort Lauderdale, FL 33308

RE: MUR 4318
Warner Enterprises, Inc.
KLIN Radio

Dear Ms. Cameron:

On March 11, 1996, your clients were notified that the Federal Election Commission received a complaint from Paul D. Kratz alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time they were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On March 25, 1996, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information.

If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 1996

Terrance A. Poppe, Treasurer
Patrick J. Combs for Congress
MORROW, POPPE, OTTE, WATERMEIER & PHILLIPS, P C
201 N. 8TH Street, Suite 300
Lincoln, NE 68508

RE: MUR 4318

Dear Mr. Poppe:

On March 11, 1996, you were notified that the Federal Election Commission received a complaint from Paul D. Kratz alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. At that time you were given a copy of the complaint and informed that a response to the complaint should be submitted within 15 days of receipt of the notification.

On March 25, 1996, the Commission received additional information from the complainant pertaining to the allegations in the complaint. Enclosed is a copy of this additional information.

If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure

CARA EBERT CAMERON, P.A.

ATTORNEY AT LAW

2929 East Commercial Boulevard
Penthouse C
Fort Lauderdale, Florida 33308

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

APR 8 11 13 AM '96

April 4, 1996

Telephone
Area Code (954)
776-7815
FAX (954)
938-0574

Via Overnight Delivery

Office of the General Counsel
Central Enforcement Division
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463

Attention: Mary L. Taksar, Esq.

Reference: MUR4318

Dear Ms. Taksar:

This office represents Warner Enterprises, Inc., licensee of radio station KLIN, Lincoln, Nebraska. I am responding herein to the above-referenced complaint filed by the Nebraska Republican Party.

Counsel for the Republican Party first contacted Warner Enterprises, Inc. on February 28, 1996 regarding its concern with Mr. Combs' candidacy relevant to his position as talk show host. At that time he made the same charges against Warner Enterprises as are alleged in the complaint. Enclosed herein as Exhibit I are copies of that correspondence.

Warner Enterprises denies making any contribution to Mr. Combs' campaign. On February 26 and 27, 1996 Patrick Combs was not a legally qualified candidate for Congress. See Affidavit of Patrick Combs enclosed herewith as Exhibit II. Mr. Combs was simply performing his regular duties as a talk show host on KLIN as an employee of the radio station. To characterize that time as a donation of air time valued in excess of \$5,000 and therefore elevating Mr. Combs to a legally qualified candidate for federal office is to say the least, disingenuous! It defies logic.

The value of the program time in question is a very small fraction of the value alleged in the complaint. See Affidavit of Lisa Warner enclosed as Exhibit III. Furthermore, if the value of air time given for use by broadcast stations to political candidates is considered to be an illegal campaign contribution, every broadcaster in the country who has ever devoted free public affairs

time to candidates for federal office has violated the Federal Election Campaign Act of 1971. As custodians of the public airwaves, broadcasters have a mandate to devote air time to controversial issues of public importance. What could be more important than the political contests for federal office?

§73.1931 of the FCC Rules governing political broadcasting requires that "while no station licensee is required to permit the use of its facilities by any legally qualified candidate for public office..." if a licensee does permit a candidate to use its facilities "it shall afford equal opportunities to all other candidates for that office to use such facilities." As Ms. Warner states, KLIN is and was always prepared to grant equal opportunities to any legally qualified candidates opposing Mr. Combs.

Neither Warner Enterprises nor Patrick Combs has violated the Federal Election Campaign Act of 1971 or the Federal Communications Commission's Rules, Part 73 by his "use" of the KLIN broadcast facilities, either before or after he became a legally qualified candidate.

Please direct questions or requests for additional information to the undersigned.

Respectfully submitted,



Cara Ebert Cameron

CEC:gg

Enclosures

STEFAN T. MOELL
L. THOMAS WORKMAN
DAVID B. GOTSCHER
ROBERT A. LEFF
MICHAEL A. KAPLAN
PAUL A. KRAE
MICHAEL J. MORTON
DAVID E. SAMPSON
ROBERT A. SHANKEN
KEITH A. CLARK
KEVIN M. KESLER
DAVID A. JENSEN
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NANCY L. CRAWFORD

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ATTORNEYS AT LAW
FIRST NATIONAL PLAZA - SUITE 200
11404 WEST DODGE ROAD
OMAHA, NEBRASKA 68134-1776
(402) 492-7200
FAX: (402) 492-9222

EXHIBIT I

OF 000-001
RONALD A. VOLKMER
G. MICHAEL FORTNER
GEORGE J. KRAMER

February 28, 1996

**VIA CERTIFIED MAIL -
RETURN RECEIPT REQUESTED**

Mr. Norton E. Warner
President
Warner Enterprises Incorporated
4343 O Street
Lincoln, Nebraska 68510

Re: Federal Election Campaign Act

Dear Mr. Warner:

The purpose of this letter is to inform you that Warner Enterprises Incorporated has violated the Federal Election Campaign Act of 1971 by giving an illegal contribution to the Patrick Combs for Congress campaign.

The Act prohibits corporations from making contributions or expenditures in connection with any federal candidate or campaign.

As you are aware, Mr. Combs announced his candidacy on February 24, 1996. On February 26 and February 27, 1996, KLIN, a Warner Enterprises owned radio station, dedicated its 9:00 a.m. to 11:00 a.m. programming to the discussion and promotion of the candidacy of Patrick Combs. Sixty seconds of air time on KLIN during the 9:00 a.m. to 11:00 a.m. time slot costs \$26.10. Those four hours of KLIN air time used by Mr. Combs would cost \$6,264.00 to purchase.

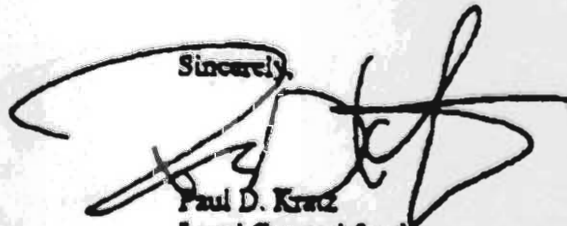
According to the Federal Election Commission, an individual becomes a candidate for federal office when campaign activity exceeds \$5,000 in either contributions or expenditures. The Federal Election Commission considers a contribution as anything of value given to influence a federal election. The Act further states that in-kind contributions count toward the threshold that determines when an individual has qualified as a candidate under the Federal Election Campaign Act.

Thus, the \$6,264.00 of air time not only qualifies Patrick Combs as a candidate but also constitutes an illegal corporate contribution to the Patrick Combs campaign by Warner Enterprises Incorporated.

Mr. Norton H. Warner
February 28, 1996
Page 2

Please be advised that upon Patrick Combs filing for candidacy, a complaint will be filed with the Federal Election Commission and with the Federal Communications Commission by the Nebraska Republican Party against Warner Enterprises Incorporated.

Sincerely,



Paul D. Kratz
Legal Counsel for the
Nebraska Republican Party

cc: Lisa Warner
Patrick Combs
Diane H. Warner

604376024

CARA EBERT CAMERON, P.

ATTORNEY AT LAW

2929 East Commercial Boulevard
Penthouse C
Fort Lauderdale, Florida 33308

EXHIBIT I

March 5, 1996

Telephone
Area Code (954)
776-7815
FAX (954)
938-0574

Via Facsimile Communication

Paul D. Kratz, Esq.
Legal Counsel for the Nebraska
Republican Party
McGill, Gotsdiner, Workman & Lepp, P.C.
Suite 500
11404 West Dodge Road
Omaha, Nebraska 68154-9223

RE: Warner Enterprises, Inc.
Radio Station KLIN, Lincoln, Nebraska

Dear Mr. Kratz:

Please be advised that this office serves as communications counsel to Warner Enterprises, Inc., licensee of Radio Station KLIN, Lincoln, Nebraska. This letter is in response to your letter of February 28, 1996 to Norton Warner, President.

Your unequivocal conclusion and accusation that Warner Enterprises has violated the Federal Election Campaign Act of 1971 by giving an illegal contribution to the Patrick Combs for Congress Campaign is not only reckless and without basis, it is false. Your client's subsequent dissemination of this false information to the news media and others who are at this time unknown to my clients is libelous per se.

The allegation that KLIN contributed \$6,264 of air time to the Patrick Combs for Congress Campaign on February 26 and 27, 1996, thus elevating him to the status of a legally qualified candidate based upon the value, as computed by you, of that air time is absurd! While KLIN certainly would like to be able to sell its air time by the hour based on its highest one minute spot rate, the published rate card rate for a one-hour program, less the time devoted to local and network news, a minimum of eight minutes commercial time and station identification and promos (approximately 44 minutes of usable program time) is \$325 per hour. A straight block of time without commercial and other station interruptions sells for \$200 per half hour.

The four hours in question were on February 26 and 27. Mr. Combs had not yet become

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a legally qualified candidate, either by virtue of filing or campaign activity which exceeded \$5,000 in contributions! During those four hours, he was performing his regular job function at KLIN.

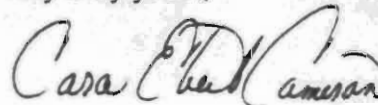
During the broadcast on Monday, February 26, Mr. Combs, as part of his regular program, discussed his possible candidacy. On Tuesday, February 27, the discussion centered around the press release sent out by the Nebraska Republican Party in which Party Chairman Chuck Sigerson demonstrated a disturbing lack of knowledge about political broadcasting law for a person in his position! It is the Republican Party who has made Mr. Combs a household word in Lincoln, not his radio program on KLIN.

Mr. Combs filed as a candidate for election to Congress on Friday, March 1, 1996. You may rest assured that he will comport himself within the purview of the Federal Election Campaign Act. In fact, Mr. Combs sought and received an opinion from the Federal Election Commission regarding his job related activities as relates to the conduct of a congressional campaign weeks before he filed as a candidate.

You may also be assured that Warner Enterprises, Inc. is a very experienced and responsible broadcaster. Station KLIN will conduct itself strictly within the parameters of Sections 312 and 315 of the Communications Act and the Federal Communications Commission Rules and Regulations governing political broadcasting and will execute its obligations in this area responsibly.

In closing, I refer you and the Nebraska Republican Party to the National Association of Broadcasters' publication entitled "Political Broadcast Catechism" (call 800-368-5644). While this area of law can be complex and confusing, ignorance of it is not only inexcusable on the state level of a political party, it is certainly not in the best interests of the party.

Very truly yours,



Cara Ebert Cameron

CEC:gg

cc: Ms. Lisa Warner, General Manager, KLIN
The Lincoln Journal Star

MCGILL, GOTSDINER, WORKMAN & LEPP, P.C.

STEPHEN T. MCGILL
R. THOMAS WORKMAN
GARY M. GOTSDINER
ROBERT L. LEPP
HOWARD N. KAPLAN
PAUL D. KRATZ
MICHAEL S. MOSTEK
PAUL R. ELOFSON
ROBERT J. KMIETEK
KEITH A. GREEN
KEVIN M. KEEGAN
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FIRST NATIONAL PLAZA - SUITE 900
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FAX: (402) 492-9222

OF COUNSEL
RONALD R. VOLKMER
G. MICHAEL FENNER
GEORGE O. REBENSORF

March 8, 1996

VIA FACSIMILE AND REGULAR MAIL

(954) 938-0574

Ms. Cara Ebert Cameron
Attorney at Law
2929 East Commercial Boulevard
Penthouse C
Fort Lauderdale, Florida 33308

RE: Warner Enterprises, Inc. d/b/a KLIN, Lincoln, Nebraska

Dear Ms. Cameron:

Thank you for your letter of March 5, 1996 regarding the violations of the Federal Election Campaign Act and Federal Communications Act. Rather than read what is probably a self-serving publication of the National Association of Broadcasters, as you suggested in your letter, I reread some of the case law in this area. As you know, there are a number of cases, both in the federal court and decisions by the FCC holding that political talk shows, such as the one engaged in by Patrick Combs, is considered a "use" of the airways and is not exempt from the equal opportunity provisions of 47 U.S.C. § 315.

Furthermore, by declaring his candidacy and satisfying the qualifications for Congress, Mr. Combs became a legally qualified candidate pursuant to the Act on February 26, 1996. In any event, by filing on March 1, 1996 for Congress, he clearly satisfies the requirement of a legally qualified candidate at that point. Thus, continued broadcast of his political talk show creates continued use.

KLIN cannot avoid the equal opportunity provisions simply by Mr. Combs' disclaimer that he will not discuss his positions while on the air. The fact that he is a candidate for public office discussing political issues will make the station subject to the equal opportunity requirement.

Since you represented, on behalf of KLIN, that it will follow the Federal Communications Act, I assume that KLIN is then ready, willing and able to provide equal opportunity to opposing candidates when so requested.

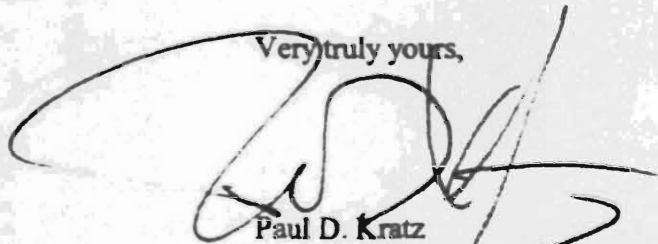
MCGILL, GOTSCHNER, WORKMAN & LEPP, P.C.

Ms. Cara Ebert Cameron
March 8, 1996
Page 2

While you do not refer to the Federal Election Campaign Act in your letter, it is still the Republican Party's position that free air time to Patrick Combs which satisfies the "use" requirement of the FCC and is not an exempt activity, will be considered a corporate contribution in violation of the FEC Act.

I urge your client to reconsider its position.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Paul D. Kratz', is written over the typed name.

Paul D. Kratz
LEGAL COUNSEL FOR THE
NEBRASKA REPUBLICAN PARTY

PDK:pck

200476028

STATE OF NEBRASKA
COUNTY OF LANCASTER

)
) SS.
)

EXHIBIT II

AFFIDAVIT OF PATRICK COMBS

BEFORE ME, the undersigned authority, personally appeared PATRICK COMBS, who after being duly sworn, deposes and states as follows:

I am the co-host and co-producer of "Two the Point", a two hour talk show which airs Monday through Friday from 9:00 to 11:00 a.m. on Radio Station KLIN, Lincoln, Nebraska. I have held this position since January 1995.

"Two the Point" is a call-in talk show that covers a wide variety of topics that are of interest to the Lincoln public. Although from time to time political issues may be discussed, the program would not be classified as "political". It is a public affairs program in the truest sense.

I am also the Operations Director of the station. As of March 27, 1996, I took a leave of absence from my on-air host duties. See Press Release attached herewith as Exhibit A.

In 1994 I ran an unsuccessful campaign for Congress on the Democratic ticket. When I considered running again in 1996 I contacted the Federal Election Commission regarding how I should conduct myself if I did run and continued my on-air host duties at KLIN. See Exhibit B. Station management also reviewed the situation with FCC counsel regarding following the political broadcasting rules in such a situation.

On February 24 at the annual Democratic Patriots' Dinner, I was asked at the last minute to make a few remarks regarding my potential run for House of Representatives. I made the comment that I was intending to file for office before the March 1st deadline. I gave an idealistic speech about the future of the country and how much a change was needed in Washington. I did not say that I was already an official candidate or that I had already filed. I only revealed that I had the present intention of filing on or before Friday, March 1st.

On Monday, February 26th, our talk show primarily centered around the prospect of my candidacy. My co-host, John Baylor, and I discussed a few issues: why I would run a second time, if I thought I could win or not, etc. I said, several times, that I had until March 1st to make a final decision. The question did arise about my staying on the air, to which I said that I had every intention of keeping my job on the air and had been in contact with both the FEC and FCC regarding a potential run. Both agencies gave me the impression that as long as I followed strict guidelines, I could stay on the air. We discussed the need for me to remain employed during the

campaign because I could not afford to be unemployed. Most of the calls supported my candidacy, but there were several that were upset about me remaining on the air.

That same day the Republican Party disseminated the News Release attached herewith as Exhibit C. This News Release prompted a great deal of media attention, particularly as to my professed intention to continue my show on KLIN if I did become a candidate.

The following day, February 27, two television news crews visited the KLIN studios during our broadcast and consequently the entire show was devoted to calls from listeners about the legality and/or appropriateness of my remaining on the air after becoming a legally qualified candidate. My co-host and I had no intention of focusing on the topic of my potential candidacy for two days. This show was merely a reaction to the Republican outrage and media blitz.

The rest of the week the topic of my campaign came up on very few occasions and only at the instigation of callers. Neither John nor I made reference to it except to make it clear that once I qualified as a candidate, we could no longer make any comments regarding my race, my opponent or anything relating to the First District race. I did, in fact, qualify as a candidate on March 1, 1996 and from that time forward until I removed myself from the air, we followed that requirement to the letter. The show was conducted in the way that it had been for the past fourteen months, with absolutely no mention of my candidacy.

FURTHER AFFIANT SAYETH NOT.


PATRICK COMBS

SWORN TO AND SUBSCRIBED before me this 5th day of April, 1996.


Notary Public



EXHIBIT A

March 27, 1996

PRESS RELEASE

KLIN TALK HOST
DEMOCRATIC CONGRESSIONAL CANDIDATE
PATRICK COMBS
TAKES LEAVE FROM ON-AIR DUTIES

KLIN General Manager, Lisa Warner, announced today that "Two-the-Point" host Patrick Combs will go on hiatus from his on-air duties at KLIN for the duration of his campaign for the U.S. House of Representative's District 1. "This was a decision Warner Enterprises and Mr. Combs made jointly", said Ms. Warner.

"We did our homework with the Federal Communications Commission and the Federal Election Commission to ensure that we knew how to conduct ourselves within the law as well as regulations of both agencies during the campaign. We did not anticipate the enormous amount of attention Mr. Combs' candidacy would generate as a result of his on-air duties at KLIN."

"The facilities of KLIN would have, of course, been available to give Mr. Combs' opponents an equal opportunity to be heard" she said, but added that no requests for air time have been received.

"My presence on the air, much to my surprise, has become the focal point of this race. After much discussion, we have concluded that it is in the best interest of everyone involved if I suspend my on-air duties. This race should not focus on one candidate's access to the media," Combs stated. Combs will continue to serve as Director of Operations for KLIN, Inc.

"KLIN wants to give fair coverage to all candidates for public office in the upcoming election. We don't want to find ourselves in the position of having to devote so much time to the 1st District Congressional race at the expense of our other programming obligations," said Warner.

KLIN is licensed to serve the public interest and Warner Enterprises, Inc. has been serving the people of Lincoln with its stations, KLIN-AM, KEZG-FM and KFGE-FM since 1971. "We will continue to do so to the best of our abilities."

Warner Enterprises Counsel, Cara Ebert Cameron, stressed that neither KLIN's nor Mr. Combs' conduct, to date, has violated any laws or rules of the FCC or the FEC, and as a licensee of the public airways, Warner Enterprises will continue to conduct itself in an exemplary fashion and will not cater to or be intimidated by any special interest groups.

KLIN
NewsRadio 1400

STAR
KEZG 107.3

March 27, 1996

PRESS RELEASE

KLIN TALK HOST
DEMOCRATIC CONGRESSIONAL CANDIDATE
PATRICK COMBS
TAKES LEAVE FROM ON-AIR DUTIES

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STATE OF NEBRASKA)
COUNTY OF LANCASTER)

EXHIBIT III

) SS.
)

AFFIDAVIT OF LISA WARNER

BEFORE ME, the undersigned authority, personally appeared LISA WARNER, who after being duly sworn, deposes and states as follows:

I am General Manager of Radio Station KLIN, Lincoln, Nebraska.

The published rate card rate for a one hour program on KLIN, less the time devoted to local and network news, a minimum of eight minutes of commercial time and station promotions and identification, (approximately 44 minutes of usable program time) is \$325.00 per hour. A straight block of time without commercial and other station interruptions sells for \$200.00 per half hour. The published rate for a one minute commercial between the hours of 9:00 a.m. and 11:00 a.m. Monday through Friday is 26.00. Copies of the published KLIN spot and hourly rate cards are attached herewith.

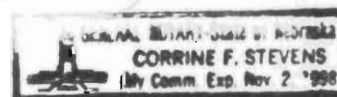
Warner Enterprises, Inc., as a licensee of the Federal Communications Commission, is compliant with the law and rules governing political broadcasts. It was and remains ready to grant any requests for equal opportunities from Mr. Combs' opposing candidates pursuant to the FCC rules. During the time Mr. Combs was on the air, no opposing candidate requested time.

FURTHER AFFIANT SAYETH NOT.

Lisa Warner
LISA WARNER

SWORN TO AND SUBSCRIBED before me this 5th day of April, 1996.

Corrine F. Stevens
Notary Public



KLIN NewsRadio 1400

OPEN RATE

Legend: AM Drive(AMD) Daytime(DT) PM Drive(PMD) Evening(EVE) Weekend Drive(WKD)					
Mon-Sun 5am-10am Mon-Fri 10am-3pm Mon-Fri 3pm-7pm Mon-Sun 7pm-12mid Sat & Sun 10am-7pm					
Per week:	1x	12x	18x	24x	30x
One Minute					
AMD/DT/PMD	26	25	24	23	22
EVE/WKD	21	20	19	18	17
30 seconds					
AMD/DT/PMD	21	20	19	18	17
EVE/WKD	17	16	15	14	13

PFP PACKAGES

KLIN's Computer-Controlled
Total Audience Plan

6A-7P PLANNED-FIXED-POSITION

30% AMD, 40% DT, 30% PMD

Per Week:	12x	18x	24x	30x
One Minute	24	23	22	21
30 Seconds	19	18	17	16

Deduct \$3 for PFP, 6a-12mid

ANNUAL PLAN

PLANNED-FIXED-POSITION*

5am-12mid

	:30	:60
\$3,000	12.50	17.60
6,000	12.10	17.20
12,000	11.70	16.70
15,000	11.30	16.30
20,000	10.90	15.90
25,000	10.50	15.50

*Equal distribution in all dayparts

5a-10a/10a-3p/3p-7p/7p-12mid

Add \$2.00 to each rate for 5a-7p annual PFP schedules

STAR 107.3/KEZG

OPEN RATE

Legend: AM Drive(AMD) Daytime(DT) PM Drive(PMD) Evening(EVE)					
Mon-Sun 5am-10am Mon-Fri 10am-3pm Mon-Fri 3pm-7pm Mon-Sun 7pm-12mid					
Per week:	1x	12x	18x	24x	30x
One Minute					
AMD/DT/PMD	32	31	30	29	28
EVE/WKD	30	29	28	27	26
30 seconds					
AMD/DT/PMD	28	27	26	25	24
EVE/WKD	26	25	24	23	22

PFP PACKAGES

KEZG's Computer-Controlled
Total Audience Plan

6A-7P PLANNED-FIXED-POSITION

30% AMD, 40% DT, 30% PMD

Per Week:	12x	18x	24x	30x
One Minute	30	29	28	27
30 Seconds	26	25	24	23

Deduct \$3 for PFP, 6a-12mid. Deduct \$2 for Weekends.

ANNUAL PLAN

PLANNED-FIXED-POSITION*

6am-7pm

	:30	:60
\$3,000	19.50	25.00
6,000	19.10	24.60
12,000	18.70	24.20
15,000	18.30	23.80
20,000	17.90	23.40
25,000	17.50	23.00
30,000	17.00	22.00
35,000	16.50	21.00

Deduct \$3.00 for 6a-12mid

KLIN/KEZG

OPEN COMBO RATE

(1 AM to 1 PM)

Legend: AM Drive(AMD) Daytime(DT) PM Drive(PMD) Evening(EVE) Weekend Drive(WKD)					
Mon-Sun 5am-10am Mon-Fri 10am-3pm Mon-Fri 3pm-7pm Mon-Sun 7pm-12mid Sat and Sun 10am-7pm					
Per week:	1x	12x	18x	24x	30x
One Minute					
AMD/DT/PMD	55	54	53	52	51
EVE/WKD	46	44	42	40	38
30 seconds					
AMD/DT/PMD	44	43	42	41	40
EVE/WKD	38	37	36	35	34

PFP PACKAGES

KLIN and KEZG's Computer-Controlled
Total Audience Plan

6A-7P PLANNED-FIXED-POSITION

30% AMD, 40% DT, 30% PMD

(1 AM to 1 PM)

Per Week:	12x	18x	24x	30x
One Minute	49	48	47	46
30 Seconds	41	40	39	38

Deduct \$3 for PFP, 6a-12mid. Deduct \$2 for Weekends.

4 0 2 0 9 7 2 4 0 9 6

ASK THE EXPERT

SALES BACKGROUND INFORMATION

KLIN DOLLAR BREAKOUT & CONVERSION TO STAR 107.3

One hour program plus 60 30-second announcements	\$1,000.00
Plus talent	25.00

One hour plus promos	\$250.00
*60 30-second announcements @ \$12.50	\$750.00

One hour program plus 24 30-second announcements	\$ 600.00
Plus talent	25.00

One hour plus promos	\$300.00
*24 30-second announcements @ \$12.50	\$300.00

One half-hour program plus 30 30-second announcements	\$ 600.00
Plus talent	25.00

One half-hour plus promos	\$225.00
*30 30-second announcements @ \$12.50	\$375.00

To convert AM ads to FM, divide dollar amount of outside spot package by \$16.50 (:30), or \$22.00 (:60), or client's earned rate.

(Outside commercials must run 6a-12mid, M-S. Add \$2.00 for KLIN and \$3.00 for KEZG if run 6a-7p.)

One half-hour program without commercial breaks	\$ 200.00
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If a client wants to purchase a one-hour program without the additional commercials	\$ 325.00
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EXHIBIT B

February 5, 1996

To: Brad Litchfield, General Counsel
Federal Election Commission
999 "E" St NW
Washington D.C. 20463

From: Patrick J Combs

RE: status of corporate contributions

* COPY *

Dear Mr Litchfield,

I am writing regarding my status as a potential candidate for the U.S. House of Representatives. I currently co-host a two hour variety talk show on Lincoln radio station KLIN from 9a.m. to 11a.m. weekdays. The program is called "To The Point" and covers a wide range of topics.

My question is whether or not my position as a talk show host would be seen as a corporate contribution by the F.E.C.. I do not and will not be allowed to use my air time to promote my candidacy or solicit contributions. The station is owned by KLIN inc. and they are adamant about this show not becoming a political soap box. The first district of Nebraska covers 24 counties and our program is heard only in the city of Lincoln.

I have seen a copy of the Randall Terry opinion and feel I have a similar situation.

As the filing deadline draws near, it is critical that I make a decision very soon. If you have any further questions regarding my candidacy, please do not hesitate to contact me.

Thank you for your consideration.

Patrick Combs
1300 "G" St. #305w
Lincoln, NE 68508
(402)475-4567 wk
(402)477-1340 hm
(402)479-1411 fax

960476036

**FEDERAL ELECTION COMMISSION**

Washington, DC 20463

February 9, 1996

Patrick Combs
1300 "G" Street #305w
Lincoln, NE 68508

Dear Mr. Combs:

This responds to your letter dated February 5, 1996, requesting guidance from me concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to your status as host of a radio "call-in" show during the same time you are a candidate for Congress in the 1996 election cycle.

You explain that you are considering a 1996 campaign for the United States House of Representatives in the 1st Congressional District of Nebraska. You are also employed by KLIN, a corporation, as a talk show host for a weekday, two hour variety show which is heard only in the city of Lincoln. (The 1st Congressional District covers 24 counties and includes Lincoln.) You explain that you do not, and will not be allowed to, use your air time "to promote my candidacy or solicit contributions." You add that your employer is "adamant about this show not becoming a political soap box."

You pose the question whether the Commission would view your position of talk show host as resulting in a contribution by your corporate employer to your Congressional campaign. As you know, corporations are prohibited from making contributions of money or anything of value to any candidate in a Federal election. 2 U.S.C. §441b.

You state that you are aware of Advisory Opinion 1992-37 which was issued to Randall Terry, a radio talk show host in New York State. You suggest that your situation is similar to that of Mr. Terry whose activity was permitted in the cited opinion. While there seem to be some significant differences in the facts; for example, Mr. Terry's program was not broadcast in the congressional district where he was a candidate; the opinion has some relevance nonetheless.

Letter to Patrick Combe
Page 2

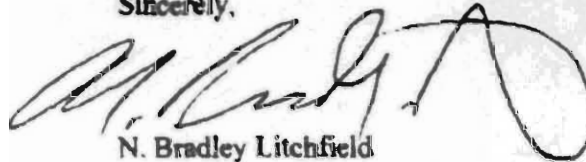
Some vital requirements in your situation would be that you and any other person who speaks on your program (including a caller) avoid any discussion of your campaign, of any other candidate in the 1996 election for the 1st congressional district, or of issues that you identify with your campaign. In addition, you should not refer any caller to another contact person with your campaign nor give the phone number where your campaign personnel can be reached; you should avoid such referrals while you are on the air with the caller or while in a side conversation off the air.

While the above points are not explicitly mentioned in the Terry opinion, I believe they are implicit. In addition, your description of the restrictions that you will follow during the period of your possible candidacy suggest that you intend to make a total separation between your campaign and your broadcasting duties. This separation would be achieved by observing the precautions indicated above.

This letter is for your information and guidance only and is not an advisory opinion of the Commission. To some extent your inquiry is answered by the cited Commission advisory opinion. The Act and regulations provide that any person may rely on an advisory opinion issued to another person if the activity or factual situation of the relying person is "indistinguishable in all its material aspects from" the activity presented in the opinion. 2 U.S.C. §437f(c), 11 CFR 112.5(a). Thus, an advisory opinion from the Commission may not be necessary in your situation. However, if you desire to seek one, you may do so. See in general the regulations at 11 CFR 112.1.

If you have any questions about this letter or the cited opinion, or if you still believe you need to seek an advisory opinion from the Commission on your question, please contact me. This letter (without the enclosures) is being sent by fax, given the stated urgency of your inquiry, with a first class mailing to follow.

Sincerely,



N. Bradley Litchfield
Associate General Counsel

Enclosures
AO 1992-37
Part 112 of Commission regulations

**ATTENTION:****NEWS FROM
THE NEBRASKA REPUBLICAN PARTY**421 SOUTH 9TH STREET, SUITE 283 • LINCOLN, NEBRASKA 68508
TELEPHONE (402) 475-2122 • FAX (402) 475-3541FOR IMMEDIATE RELEASE
Feb. 26, 1996

Contact: Andy Abboud

G.O.P. SAYS KLIN SHOULD GIVE EVERY CANDIDATE FREE AIR TIME

As a candidate for the U.S. House of Representatives, Patrick Combs should no longer continue to host a radio talk show that focuses heavily on politics.

"Patrick Combs is either a candidate for Congress or a radio broadcaster. He cannot be both at the same time. It is not appropriate for KLIN to provide one candidate with two hours a day of free radio time to discuss his politics," said Chuck Sigerson, chairman of the Nebraska Republican Party. "We call on Patrick Combs to step down from his radio show and to run his campaign for Congress without an unfair use of the public's airwaves."

Radio broadcasters argue that they should not have to pay for the licenses they are granted by the Federal Communications Commission which allows them to profit their use of this valued and limited broadcast system. In addition, broadcasters have argued that they should not be compelled to provide free radio time to all political candidates.

"KLIN is allowing its employee to use two hours each day of free time to promote his own political campaign," Sigerson said.

"If KLIN is willing to let one of its employees use this valuable public resource for ten hours each week to further his own

political ambitions, then the station should be prepared to give a similar amount of free air time to every candidate who is running for office in Nebraska this year."

"How do you separate Patrick Combs, the candidate, from Patrick Combs, the talk show host? That's an impossible distinction," Sigerson said.

"Of course, anyone can file a complaint about this matter with the Federal Communications Commission or the Federal Elections Commission."

96041760310

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4318

NAME OF COUNSEL: Cara Ebert Cameron

FIRM: Cara Ebert Cameron P.A.

ADDRESS: Penthouse C

2929 E Commercial Blvd

Ft. Lauderdale, FL 33308

TELEPHONE: (954) 776-7815

FAX: (954) 938-0574

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

3/21/96
Date

[Signature]
Signature

RESPONDENT'S NAME: Warner Enterprises, Inc. dba KLIN Radio

ADDRESS: 4343 'O' St.

Lincoln, NE 68510

TELEPHONE: HOME()

BUSINESS(402) 475-4567

26043760311

W MICHAEL MORROW
TERRANCE A. POPPE
ROBERT R. OTTE
DAVID W. WATERMEIER
TIMOTHY C. PHILLIPS
JOEL G. LONOWSKI

Law Offices

**MORROW, POPPE, OTTE,
WATERMEIER & PHILLIPS, P.C.**

TELEPHONE: (402) 474-1731
FACSIMILE: (402) 474-5020

Location:
201 N. 8TH STREET, SUITE 300
LINCOLN, NE 68508
Mailing Address:
P. O. BOX 83439
LINCOLN, NE 68501-3439

April 5, 1996

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

APR 10 9 48 AM '96

Ms. Mary L. Taksar
Attorney at Law
Federal Election Commission
Central Enforcement Docket
Washington, DC 20463

Re: MUR 4318
Patrick J. Combs For Congress

Dear Ms. Taksar:

I previously wrote to you concerning the above matter. I have reviewed your March 11, 1996 letter, your April 1, 1996 letter and the response to that complaint by Cara Ebert Cameron on behalf of Warner Enterprises, Inc., which response included the following:

1. Letter dated April 4, 1996 to the Office of General Counsel, Federal Election Commission from Cara Ebert Cameron;
2. Letter dated March 5, 1996 to Paul D. Kratz from Cara Ebert Cameron;
3. Affidavit of Patrick Combs;
4. Letter dated February 5, 1996 to the Federal Election Commission from Patrick Combs;
5. Letter dated February 9, 1996 to Patrick Combs from the Federal Election Commission;
6. Affidavit of Lisa Warner.

I would request that this letter and my letter of March 25, 1996 serve as my response, as Treasurer, to the complaint filed. I believe that Ms. Cameron's response of April 4, 1996 and the attachments referenced above are dispositive of the Complaint filed by the Nebraska Republican party and I would incorporate

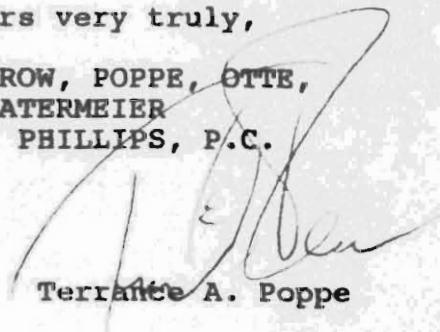
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Page 2
April 5, 1996

that response and the above reference attachments to that response in my response. In the event that the Commission wishes any further information from me, please advise.

Yours very truly,

MORROW, POPPE, OTTE,
WATERMEIER
& PHILLIPS, P.C.

By: 
Terrance A. Poppe

cc: Patrick Combs
Cara Ebert Cameron

TAP/pjh12/1.006

96040760313

CARA EBERT CAMERON, P.A.

ATTORNEY AT LAW

2929 East Commercial Boulevard
Penthouse C
Fort Lauderdale, Florida 33308

April 8, 1996

Telephone
Area Code (954)
776-7815
FAX (954)
938-0574

Via Fax and U.S. Mail

Mary L. Taksar, Esq.
Office of the General Counsel
Central Enforcement Division
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463

Reference: MUR4318

Dear Ms. Taksar:

I received the document alleged to be "verbatim transcripts" of the Patrick Combs Show on KLIN Friday, April 5, 1996, after I had sent my response to the complaint to your office. While there is no foundation laid for the accuracy of these transcripts nor is there any way to verify their accuracy since KLIN does not utilize an audio logger, their content is not the issue.

The issue is whether or not Warner Enterprises, Inc. made an illegal contribution to Mr. Combs campaign for Congress. Review of these transcripts does not alter or misstate Warner's position that broadcasters may at their discretion make time available to political candidates so long as equal opportunities are afforded all opponents who request them pursuant to the Federal Communications Commission Rules.

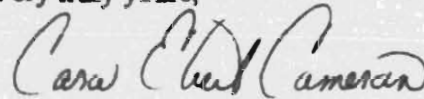
Moreover, although I have just been made aware of the Federal Election Commission's decision in the complaint filed against WBAP-AM, Dallas, Texas and talk hosts Mark Davis and Rush Limbaugh, I have not had the opportunity to review it within the time constraints of filing this answer. However, I believe the issue as to whether or not broadcast time which is used to promote political candidates whether by a talk host or as a "use" by a candidate is an illegal campaign contribution was addressed in this decision and found not be so. I cannot see how the Commission or the complainant could distinguish the KLIN situation so as to lead to a decision opposed to that rendered in the WBAP matter.

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

APR 15 10 33 AM '96

Warner Enterprises, Inc. is not controlled by any political party or committee and because radio station KLIN is a news organization, its news stories, commentary and editorials are exempt from the definition of campaign spending.

Very truly yours,



Cara Ebert Cameron

CEC:gg

cc: Warner Enterprises, Inc.
Terrance A. Poppe, Esq.

96043760315

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE GENERAL COUNSEL
WASHINGTON, D.C. 20543

BEFORE THE FEDERAL ELECTION COMMISSION

Aug 14 4 50 PM '96

In the Matter of

)
)
)

Enforcement Priority

SENSITIVE

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

In accordance with the objectives of the Enforcement Priority System ("EPS") adopted by the Commission in May 1993, the Office of the General Counsel has periodically recommended that the Commission not pursue cases that are stale or that, in comparison to other pending matters, do not appear to warrant the use of the Commission's limited resources. This General Counsel's Report recommends the Commission not pursue 43 cases that fall within these categories.

II. CASES RECOMMENDED FOR CLOSING

A. Cases Not Warranting Further Pursuit Relative to Other Cases Pending Before the Commission

A critical component of the Priority System is identifying those pending cases that do not warrant the further expenditure of Commission resources. Each incoming matter is evaluated using Commission-approved criteria and cases that, based on their rating, do not warrant pursuit relative to other pending cases are placed in this category. By closing such cases, the Commission is able to use its limited resources to focus on more important cases.

26043760316

Having evaluated incoming matters, this Office has identified 24 cases which do not warrant further pursuit relative to other pending matters.¹ A short description of each case and the factors leading to assignment of a relatively low priority and consequent recommendation not to pursue each case is attached to this Report. Attachments 1-24. As the Commission has previously requested, we have also attached responses and referral materials where that information has not been circulated previously to the Commission. Attachment 25.

B. Stale Cases

Investigations are severely impeded and require relatively greater resources when the activity, and the evidence of the activity, are old. Accordingly, the Office of the General Counsel recommends that the Commission focus its efforts on cases involving more recent activity. Such efforts will also generate more impact on the current electoral process and are a more efficient allocation of our limited resources. To this end, this Office has identified 19 cases that

this Office believes are

now too old to warrant the use of the Commission's resources.

¹ These matters are: MUR 4227 (Wellstone for Senate) (Attachment 1); MUR 4273 (Jesse Wineberry) (Attachment 2); MUR 4290 (Lincoln Club of Riverside County) (Attachment 3); MUR 4292 (Congressman Ron Packard) (Attachment 4); MUR 4293 (Willie Colon for Congress) (Attachment 5); MUR 4294 (Alan Keyes for President '96) (Attachment 6); MUR 4299 (JAW-V-CAP) (Attachment 7); MUR 4312 (Sonoma County Republicans) (Attachment 8); MUR 4316 (Ross Perot) (Attachment 9); MUR 4318 (Patrick Combs for Congress) (Attachment 10); MUR 4324 (Buchanan for President) (Attachment 11); MUR 4325 (Dan Garstecki for Congress '96) (Attachment 12); MUR 4329 (Golden Door) (Attachment 13); MUR 4330 (Trice Harvey) (Attachment 14); MUR 4333 (WSB-TV) (Attachment 15); MUR 4334 (Cox Communications) (Attachment 16); MUR 4336 (WSB-TV) (Attachment 17); MUR 4339 (WSB-TV) (Attachment 18); MUR 4348 (Soglin for Congress) (Attachment 19); MUR 4359 (Francis Thompson for Congress) (Attachment 20); MUR 4360 (Weygand Committee) (Attachment 21); MUR 4363 (WSB-TV) (Attachment 22); MUR 4364 (Friends of Jimmy Blake) (Attachment 23) and Pre-MUR 328 (Department of the Interior) (Attachment 24).

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Because our recommendation not to pursue these cases is based on their staleness, this Office has not prepared separate narratives for these cases. we have attached responses and referral materials in those instances where the information was not previously circulated. Attachments 26-45.

This Office recommends the Commission exercise its prosecutorial discretion and no longer pursue the cases listed below effective September 3, 1996. By closing the cases effective that day, CED and the Legal Review Team each will have the necessary time to prepare closing letters and case files for the public record.

26043760318

III. RECOMMENDATIONS

A. Decline to open a MUR, close the file effective September 3, 1996, and approve the appropriate letters in the following matters:

- 1) Pre-MUR 293
- 2) Pre-MUR 311
- 3) Pre-MUR 328
- 4) RAD Referral 95L-03
- 5) RAD Referral 95L-11
- 6) RAD Referral 95L-16
- 7) RAD Referral 95L-22
- 8) RAD Referral 95NF-21

B. Take no action, close the file effective September 3, 1996, and approve the appropriate letters in the following matters:

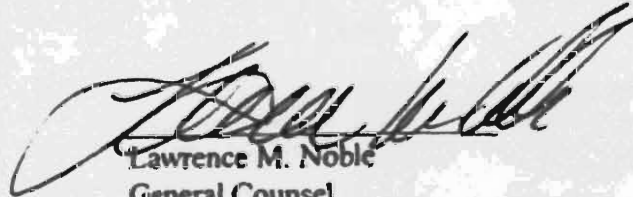
- 1) MUR 4061
- 2) MUR 4074
- 3) MUR 4101
- 4) MUR 4146
- 5) MUR 4151
- 6) MUR 4175
- 7) MUR 4180
- 8) MUR 4184
- 9) MUR 4198
- 10) MUR 4201
- 11) MUR 4227
- 12) MUR 4232
- 13) MUR 4273
- 14) MUR 4290
- 15) MUR 4292
- 16) MUR 4293
- 17) MUR 4294
- 18) MUR 4299
- 19) MUR 4312
- 20) MUR 4316
- 21) MUR 4318
- 22) MUR 4324
- 23) MUR 4325
- 24) MUR 4329
- 25) MUR 4330
- 26) MUR 4333
- 27) MUR 4334

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- 28) MUR 4336
- 29) MUR 4339
- 30) MUR 4348
- 31) MUR 4359
- 32) MUR 4360
- 33) MUR 4363
- 34) MUR 4364

C. Take no further action, close the file effective September 3, 1996, and approve the appropriate letters in MUR 3826.

8/14/96
Date


Lawrence M. Noble
General Counsel

26043760320

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Enforcement Priority.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 21, 1996, the Commission took the following actions on the General Counsel's August 14, 1996 report on the above-captioned matter:

1. Decided by a vote of 5-0:

A. Decline to open a MUR, close the file effective September 3, 1996, and approve the appropriate letters in each of the following matters:

- 1) Pre-MUR 293
- 2) Pre-MUR 311
- 3) Pre-MUR 328
- 4) RAD Referral 95L-03
- 5) RAD Referral 95L-11
- 6) RAD Referral 95L-16
- 7) RAD Referral 95L-22
- 8) RAD Referral 95NF-21

B. Take no action, close the file effective September 3, 1996, and approve the appropriate letters in each of the following matters:

- 1) MUR 4061
- 2) MUR 4074
- 3) MUR 4101
- 4) MUR 4146
- 5) MUR 4151
- 6) MUR 4175
- 7) MUR 4180
- 8) MUR 4184
- 9) MUR 4198

(continued)

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Federal Election Commission
Certification for Enforcement
Priority
August 23, 1996

Page 2

- 10) MUR 4227
- 11) MUR 4232
- 12) MUR 4273
- 13) MUR 4290
- 14) MUR 4292
- 15) MUR 4293
- 16) MUR 4294
- 17) MUR 4299
- 18) MUR 4312
- 19) MUR 4316
- 20) MUR 4318
- 21) MUR 4324
- 22) MUR 4325
- 23) MUR 4329
- 24) MUR 4330
- 25) MUR 4333
- 26) MUR 4334
- 27) MUR 4336
- 28) MUR 4339
- 29) MUR 4348
- 30) MUR 4359
- 31) MUR 4360
- 32) MUR 4363
- 33) MUR 4364

Commissioners Aikens, Elliott, McDonald,
McGarry, and Thomas voted affirmatively with
respect to each of the above-noted matters.

Attest:

8-26-96
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Wed., Aug. 14, 1996 4:56 p.m.
Circulated to the Commission: Fri., Aug. 16, 1996 12:00 p.m.
Deadline for vote: Wed., Aug. 21, 1996 4:00 p.m.

bjr



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul D. Kratz, Esq.
MCGILL, GOTSDINER, WORKMAN & LEPP P C
First National Plaza, Suite 500
11404 West Dodge Road
Omaha, NE 68154-2576

RE: MUR 4318

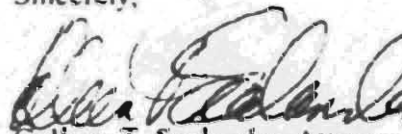
Dear Mr. Kratz:

On March 25, 1996, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on September 3, 1996. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,


Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4318

PATRICK J. COMBS FOR CONGRESS

Paul Kratz, counsel for the Nebraska Republican Party filed a complaint alleging that KLIN, a Warner Enterprises, Inc.-owned radio station, made an illegal corporate contribution to the Patrick J. Combs for Congress Committee ("Combs Committee"). He alleges that on the second and third day after Mr. Combs, host of a talk show on KLIN, publicly announced that he would be a candidate for Congress, KLIN allowed him to host (2) two-hour radio programs allegedly dedicated to the discussion and promotion of Combs' candidacy. Based on the cost of commercial air time on KLIN, Mr. Kratz believes that the four hours of KLIN air time used by Mr. Combs was worth \$6,264. Accordingly, Mr. Kratz also alleges that Mr. Combs became a candidate after the shows were aired because he had raised and spent \$5,000 in contributions and expenditures. Mr. Combs' Statement of Candidacy was filed with the Commission on March 1, 1996. Mr. Combs won his primary election with 82% of the vote.

In response, counsel for Warner Enterprises, Inc. invokes the FECA's press exemption and takes issue with complainant's valuation of the air time and his conclusion that Mr. Combs was a candidate at the time of the activity. Counsel acknowledges that on February 26, Mr. Combs, as part of his regular radio program, discussed his possible candidacy and that on February 27, the discussion centered around the press release sent out by the Nebraska Republican Party regarding its filing of the complaint in this matter. She states that Warner Enterprises is not controlled by any political party or committee and because radio station KLIN is a news organization, its news stories, commentary and editorials are exempt from the definition of campaign spending. She also asserts that KLIN has complied with the FCC's equal opportunity requirement and submits an affidavit from KLIN's General Manager that states that KLIN stands ready to grant requests for equal opportunity to Mr. Combs' opponents.

With regard to the value of the airtime, counsel provides a sworn statement and other documentation that indicates that the published rate card rate for a one-hour program on KLIN with regularly scheduled interruptions for commercials, news and station identification is \$325 per hour. A straight block of KLIN time without commercial and other station interruptions sells for \$200 per half hour. Thus, even if considered a contribution, counsel argues that the air time is only worth \$1600. She also notes that on February 26 and 27, 1996, Mr. Combs was not a legally qualified candidate because he had not raised or spent \$5000 and that he was simply performing his regular duties as a talk show host on KLIN as an employee of a radio station.

Terrance Poppe, treasurer of Combs Committee, adopts the response submitted by Warner Enterprises, Inc. He also states that as treasurer, he made no decision nor was he asked for an opinion with regard to Mr. Combs' employment by KLIN radio and his service as host of a radio talk show on February 26 and 27, 1996.

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This matter involves a limited amount of money and does not appear to have had a significant impact on the process. It is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

SEP 06 1996

Cara Ebert Cameron, Esq.
2929 East Commercial Boulevard
Penthouse C
Fort Lauderdale, FL 33308

RE MUR 4318
Warner Enterprises, Inc. and KLIN Radio

Dear Ms. Cameron:


On March 11, 1996, the Federal Election Commission notified your clients, Warner Enterprises, Inc. and KLIN Radio, of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against your clients. See attached narrative. Accordingly, the Commission closed its file in this matter on September 3, 1996.

The confidentiality provisions of 2 U.S.C. § 437(g)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,


Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

26043760326

96043760327

MUR 4318

PATRICK J. COMBS FOR CONGRESS

Paul Kratz, counsel for the Nebraska Republican Party filed a complaint alleging that KLIN, a Warner Enterprises, Inc.-owned radio station, made an illegal corporate contribution to the Patrick J. Combs for Congress Committee ("Combs Committee"). He alleges that on the second and third day after Mr. Combs, host of a talk show on KLIN, publicly announced that he would be a candidate for Congress, KLIN allowed him to host (2) two-hour radio programs allegedly dedicated to the discussion and promotion of Combs' candidacy. Based on the cost of commercial air time on KLIN, Mr. Kratz believes that the four hours of KLIN air time used by Mr. Combs was worth \$6,264. Accordingly, Mr. Kratz also alleges that Mr. Combs became a candidate after the shows were aired because he had raised and spent \$5,000 in contributions and expenditures. Mr. Combs' Statement of Candidacy was filed with the Commission on March 1, 1996. Mr. Combs won his primary election with 82% of the vote.

In response, counsel for Warner Enterprises, Inc. invokes the FECA's press exemption and takes issue with complainant's valuation of the air time and his conclusion that Mr. Combs was a candidate at the time of the activity. Counsel acknowledges that on February 26, Mr. Combs, as part of his regular radio program, discussed his possible candidacy and that on February 27, the discussion centered around the press release sent out by the Nebraska Republican Party regarding its filing of the complaint in this matter. She states that Warner Enterprises is not controlled by any political party or committee and because radio station KLIN is a news organization, its news stories, commentary, and editorials are exempt from the definition of campaign spending. She also asserts that KLIN has complied with the FCC's equal opportunity requirement and submits an affidavit from KLIN's General Manager that states that KLIN stands ready to grant requests for equal opportunity to Mr. Combs' opponents.

With regard to the value of the airtime, counsel provides a sworn statement and other documentation that indicates that the published rate card rate for a one-hour program on KLIN with regularly scheduled interruptions for commercials, news and station identification is \$325 per hour. A straight block of KLIN time without commercial and other station interruptions sells for \$200 per half hour. Thus, even if considered a contribution, counsel argues that the air time is only worth \$1600. She also notes that on February 26 and 27, 1996, Mr. Combs was not a legally qualified candidate because he had not raised or spent \$5000 and that he was simply performing his regular duties as a talk show host on KLIN as an employee of a radio station.

Jerrance Poppe, treasurer of Combs Committee, adopts the response submitted by Warner Enterprises, Inc. He also states that as treasurer, he made no decision nor was he asked for an opinion with regard to Mr. Combs' employment by KLIN radio and his service as host of a radio talk show on February 26 and 27, 1996.

This matter involves a limited amount of money and does not appear to have had a significant impact on the process. It is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

SEP 06 1996

Terrance A. Poppe, Treasurer
Patrick J. Combs for Congress
3101 Prescott Avenue
Lincoln, NE 68502

RE: MUR 4318

Dear Mr. Poppe:

On March 11, 1996, the Federal Election Commission notified you of a complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was enclosed with that notification.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against Patrick J. Combs for Congress and you, as treasurer. See attached narrative. Accordingly, the Commission closed its file in this matter on September 3, 1996.

The confidentiality provisions of 2 U.S.C. § 437g(a)(2) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record prior to receipt of your additional materials, any permissible submissions will be added to the public record when received.

If you have any questions, please contact Alva E. Smith at (202) 219-3400.

Sincerely,

Colleen T. Sealander, Attorney
Central Enforcement Docket

Attachment
Narrative

MUR 4318

PATRICK J. COMBS FOR CONGRESS

Paul Kratz, counsel for the Nebraska Republican Party filed a complaint alleging that KLIN, a Warner Enterprises, Inc.-owned radio station, made an illegal corporate contribution to the Patrick J. Combs for Congress Committee ("Combs Committee"). He alleges that on the second and third day after Mr. Combs, host of a talk show on KLIN, publicly announced that he would be a candidate for Congress, KLIN allowed him to host (2) two-hour radio programs allegedly dedicated to the discussion and promotion of Combs' candidacy. Based on the cost of commercial air time on KLIN, Mr. Kratz believes that the four hours of KLIN air time used by Mr. Combs was worth \$5,264. Accordingly, Mr. Kratz also alleges that Mr. Combs became a candidate after the shows were aired because he had raised and spent \$5,000 in contributions and expenditures. Mr. Combs' Statement of Candidacy was filed with the Commission on March 1, 1996. Mr. Combs won his primary election with 82% of the vote.

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With regard to the value of the airtime, counsel provides a sworn statement and other documentation that indicates that the published rate card rate for a one-hour program on KLIN with regularly scheduled interruptions for commercials, news and station identification is \$325 per hour. A straight block of KLIN time without commercial and other station interruptions sells for \$200 per half hour. Thus, even if considered a contribution, counsel argues that the air time is only worth \$1600. She also notes that on February 26 and 27, 1996, Mr. Combs was not a legally qualified candidate because he had not raised or spent \$5000 and that he was simply performing his regular duties as a talk show host on KLIN as an employee of a radio station.

Terrance Poppe, treasurer of Combs Committee, adopts the response submitted by Warner Enterprises, Inc. He also states that as treasurer, he made no decision nor was he asked for an opinion with regard to Mr. Combs' employment by KLIN radio and his service as host of a radio talk show on February 26 and 27, 1996.

9604376030

This matter involves a limited amount of money and does not appear to have had a significant impact on the process. It is less significant relative to other matters pending before the Commission.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

THIS IS THE END OF MUR # 4318

DATE FILMED 10-9-96 CAMERA NO. 2

CAMERAMAN JMN

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