

The New York Times  
Company

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Christal Dennis  
Date: 2018.03.22  
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**BY E-MAIL**

March 16, 2018

Claudio J. Pavia  
Federal Election Commission  
Office of Complaints, Examination and Legal Administration  
999 E Street NW  
Washington, DC 20463  
CELA@fec.gov

Re: MUR 7153

Dear Mr. Pavia:

I write in response to your February 5, 2018 correspondence regarding a complaint filed by Mr. Tony Dane against a number of media organizations, including The New York Times and its reporter Maggie Haberman.

We believe it is apparent on the face of the Complaint that it is without merit. The exhibits attached to the Complaint do not support Mr. Dane's assertions and the two articles by Ms. Haberman identified in Mr. Dane's complaint plainly are not coordinated communications or contributions to the Clinton campaign subject to the Federal Election Campaign Act of 1971, as amended ("the Act").

In addition, the Act expressly exempts from its definition of expenditures "any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate." 52 U.S.C. § 30101(9)(B)(i); *see also* 11 C.F.R. § 100.132 (same). The New York Times is published by The New York Times Company. As set out in the company's public statements filed with the SEC, it is neither owned nor controlled by any political party, political committee, or candidate. Consequently, the Commission lacks jurisdiction to hear the Complaint. *See Federal Election Comm'n v. Phillips Publ'g, Inc.*, 517 F. Supp. 1308, 1312-14 (D.D.C. 1981) (Commission lacks subject matter jurisdiction to enforce investigation order against press entity engaged in ordinary press functions).

For the foregoing reasons, we respectfully request that the Commission dismiss the Complaint and close its file in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Dana", followed by a long horizontal flourish.

Dana Green