

SINCLAIR BROADCAST GROUP

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VIA DHL

Lawrence Norton, Esq.  
General Counsel  
Federal Elections Commission  
999 E. Street, N.W.  
Washington, DC 20463

RE: MUR #5562

Dear Mr. Norton:

Pursuant to the provisions of 11 C.F.R. 111.6(a), I am writing to respond to the Complaint (the "Complaint") against Sinclair Broadcast Group, Inc. ("Sinclair") filed by the Democratic National Committee (the "DNC") with the Federal Election Commission (the "FEC") (MUR #5562).

The Complaint alleges that television stations owned by subsidiaries of Sinclair were about to make an unlawful corporate-funded electioneering communication and corporate in-kind contribution by airing a documentary (the "Documentary") entitled "Stolen Honor: Wounds That Never Heal." The Complaint further argued that broadcast of the Documentary would not qualify for the media exception to "electioneering communications" under 2 U.S.C. §434(f)(3)(B)(i).

Although we disagree with the Complaint's conclusion regarding the media exception,\* we also note that the entire matter is moot because Sinclair's television stations did not broadcast the Documentary. Rather a number of Sinclair's stations aired an internally produced news program, entitled "A POW Story: Politics, Pressure and the

\* Sinclair owns, programs and/or provides other services to 62 television stations located in 39 markets across the United States. Thirty-nine of these 62 stations currently broadcast news on a regular basis. Sinclair undeniably constitutes a legitimate news outlet and Sinclair, a publicly traded corporation, is neither owned or controlled by any political party.

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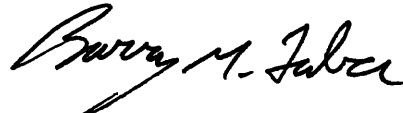
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Media," (the "Program") which discussed and included segments of the Documentary, but which also discussed and presented similarly lengthed segments from a documentary which was very favorable to Senator Kerry. The Program also focused on the controversy surrounding the Documentary, and included interviews of individuals with very disparate opinions about the subject matter of the news special. So that there is no doubt that the Program constituted a legitimate news program, I have enclosed a VHS dub of the Program for the FEC's review.

Given that the underlying premise of the Complaint was completely inaccurate, Sinclair respectfully requests that the Federal Election Commission dismiss the Complaint; frankly, we were surprised that the DNC did not voluntarily withdraw its complaint since Sinclair's presentation of a balanced news report, and not the Documentary, was widely reported in the press.\* If you need any additional information to grant Sinclair's request, please let me know.

Thank you.

Sincerely yours,



Barry M. Faber  
Vice President/General Counsel

BMF:emw

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\* See, e.g. USA Today (October 25, 2004), "Sinclair airs parts of anti-Kerry film," "Gene Kimmelman of Consumers Union said, 'In general, it appears Sinclair listened to the American people,' by presenting a more balanced program than first planned." See also California Yankee ([http://cayannee.blog.com/cayannee/2004/10/sinclair\\_airs\\_a.html](http://cayannee.blog.com/cayannee/2004/10/sinclair_airs_a.html)) (last visited November 5, 2004), "Media reactions indicate that the broadcast [by Sinclair] was more balanced than anticipated."

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