



**Jerald N. Fritz**  
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**Via Hand Delivery**

November 15, 2012

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Attn: Media Bureau

**Re: In re Complaint of Randall Terry for President Regarding WJLA-TV's  
violation of 47 U.S.C. §312 and §315**

Dear Ms. Dortch:

Attached please find the Opposition of Allbritton Communications Company to the above captioned complaint.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Jerald N. Fritz', is written over a horizontal line.

Jerald N. Fritz

Attach

cc w/attach via email:

Mr. Robert Baker ([Robert-Bobby.Baker@fcc.gov](mailto:Robert-Bobby.Baker@fcc.gov))

Ms. Hope Cooper ([Hope.Cooper@fcc.gov](mailto:Hope.Cooper@fcc.gov))

Mr. A. Wray Fitch III  
Mr. Patrick D. Purtill  
Gammon & Grange, P.C.  
Seventh Floor  
8280 Greensboro Drive  
McLean, VA 22102-3807  
([PDP@GG-Law.com](mailto:PDP@GG-Law.com))

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In re Complaint of )  
Randall Terry for President )  
Regarding WJLA-TV's violation )  
of 47 U.S.C. §312 and §315 )

To: Marlene Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554  
Attn: Media Bureau

**OPPOSITION TO COMPLAINT**

Jerald N. Fritz  
Sr. Vice President  
Legal and Strategic Affairs and General Counsel  
Allbritton Communications Company  
1000 Wilson Blvd.  
Suite 2700  
Arlington, VA 22209  
703-647-8747

November 15, 2012

Pursuant to Section 1.45 of the Commission's Rules, Allbritton Communications Company, on behalf of its wholly-owned subsidiary, ACC Licensee, Inc., licensee of WJLA-TV, Washington, D.C. ("**WJLA**") hereby opposes the above-referenced complaint filed by Randall Terry for President ("**Terry**") on November 5, 2012 ("**Complaint**").<sup>1</sup> The Complaint alleges that WJLA was required to grant reasonable access to Terry for broadcast of advertising prior to the 2012 Presidential Election based upon a Memorandum Opinion and Order released by the Media Bureau on October 31, 2012 with respect to another Washington, D.C. television station, WUSA(TV), licensed to Gannett Co., Inc. ("**Gannett**") ("**Bureau Order**").<sup>2</sup>

Procedurally, the Complaint is moot. It should be summarily dismissed. Filed at 3:00 in the afternoon, a mere nine hours before Election Day, the relief sought was and is a legal and practical impossibility. The 2012 Presidential Election is over; hence there is no case or controversy for which the Commission may fashion a remedy. WJLA had no opportunity to respond to the Complaint and distinguish the Bureau Order on which it was based as applied to WJLA. The 2012 Presidential Election will not be repeated. To hypothesize about potential, similar, future circumstances, while possibly appropriate for a notice and comment rulemaking proceeding, is not appropriate for an adjudicatory complaint proceeding where the specific factual predicate no longer exists.

Substantively, WJLA's rationale for denying reasonable access to Terry was not addressed in the Bureau Order. WJLA noted to the advertising buyer for the Terry campaign that Terry's avowed, published rationale for purchasing advertising time on WJLA was specifically crafted to influence the Presidential election in the Commonwealth of Virginia – a state in which Terry publically admitted he was not a legally qualified candidate.<sup>3</sup> As cogently discussed in the Gannett Petition for Reconsideration of the Bureau Order,<sup>4</sup> the statutory and constitutional rationale that undergirds the reasonable access obligations of WJLA in these unique circumstances is wholly-nonexistent. The Commission should not countenance the gaming of its rules to circumvent the statutory and First Amendment rights of broadcasters to determine whether and in what circumstances they may reasonably choose to grant access to the use of their licensed facilities.

WJLA concurs with and fully supports the Gannett Petition for Reconsideration and incorporates its procedural and substantive arguments herein.<sup>5</sup>

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<sup>1</sup> See email letter from A. Wray Fitch III and Patrick D. Purtill, Counsel to Randall Terry for President dated November 5, 2012.

<sup>2</sup> See *In re Complaint of Randall Terry for President and Pro-Life Candidates Against Station WUSA(TV) Washington, D.C.*, Memorandum Opinion and Order, DA 12-1734 (rel. October 31, 2012).

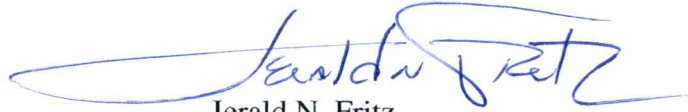
<sup>3</sup> See Randall Terry for President: A Voice for Unborn Babies, available at <http://www.terryforpresident.com/documents/WantObamaDefeated.pdf>, attached as Exhibit A.

<sup>4</sup> See *In re Complaint of Randall Terry for President and Pro-Life Candidates Against Station WUSA(TV) Washington, D.C.*, Petition for Reconsideration filed by Gannett Co., Inc., November 2, 2012.

<sup>5</sup> The Complaint's attempt to address WJLA's rationale for denying access to Terry's ads by reliance on *In re Pat Paulsen*, 33 FCC2d 835 (1972) for the proposition that stations may not base access decisions on advertising content is inapt. WJLA's decision was not content-based. Rather, it was specifically premised on Terry's publicly touted attempts to influence the election in a jurisdiction for which he was not a legally qualified candidate.

For these reasons, WJLA respectfully requests that the Media Bureau dismiss the complaint.

Respectfully submitted,

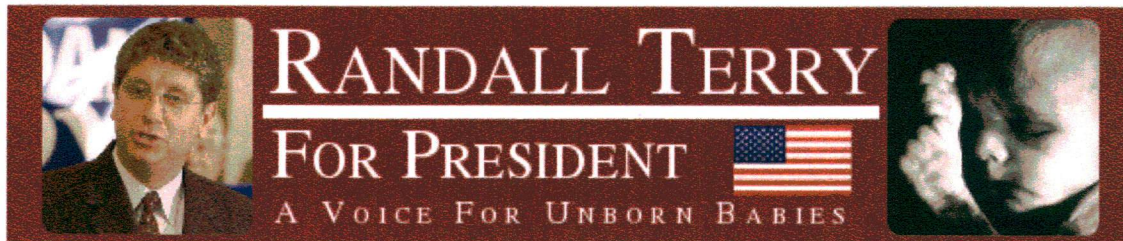


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November 15, 2012

**EXHIBIT A**





Dear Pro-Life Friend,

I beg you In Jesus' Name – with all my heart – to read this entire letter.

We Can Reach Over 50 Million Americans in 20 States with the Truth About Child killing

**WE WONT HURT ROMNEY** and *We May Cause Obama to Lose the Election!*

This may be the most important battle I have ever fought for God, unborn babies, and the survival of our nation. What follows is the plan whereby we can **cause Obama to lose** the “battleground” or “swing states” – **and to lose the White House...**because he promotes murder, attacks the Church, and assaults marriage. This strategy is proven...and we **WON'T hurt Romney!** The details of this strategy are CRITICAL so read this carefully. (If ANYONE writes me that I will “hurt Romney” or “split the vote” it means they did not read this letter carefully!)

On March 6, I Beat Obama in 12 Counties in the Oklahoma Democratic Primary. How? My TV Ads!

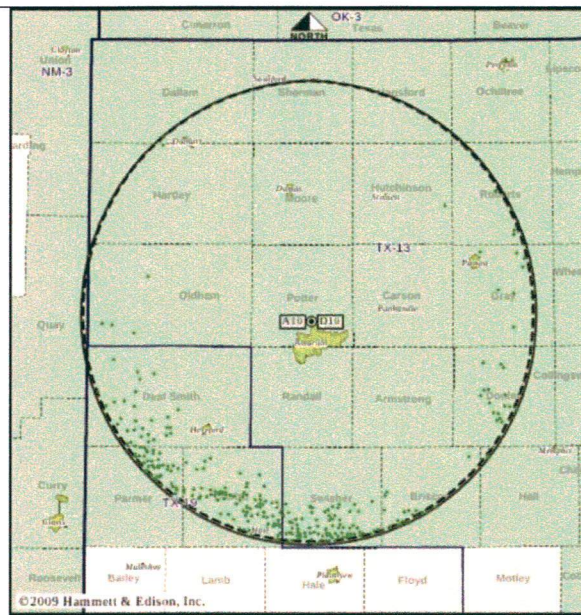
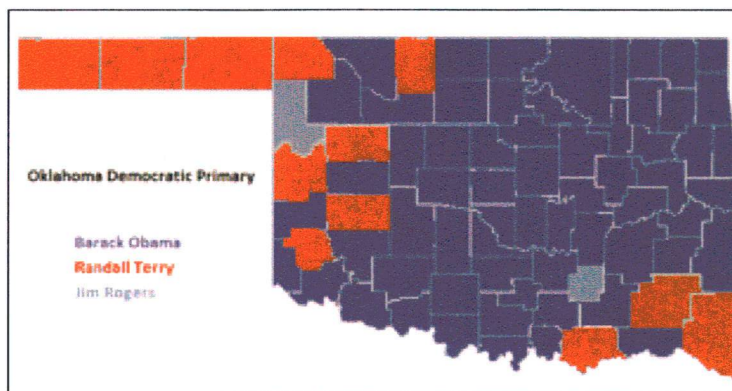
In 2011, I switched my party to Democrat in order to run against Obama in the primary. I did this – knowing I would lose – in order to be a voice for the babies, and weaken Obama for the general election. Our TV ads have run in 16 states so far!

The map shows the 12 counties where I beat Obama, including the entire Oklahoma panhandle. I beat him by airing TV spots that: 1) Showed babies murdered by abortion; 2) Said Obama is attacking the Church; 3) Said that if a Christian voted for Obama, they empowered him to kill babies and attack the Church. The ads worked!

### A Quick Lesson in FCC Law

TV stations are required by FCC law to run the TV ads of any federal candidate who is on the ballot in that state. FCC Law also requires stations that provide TV coverage to **neighboring states** to carry the TV ads of candidates. (See CBS story next page.)

This map is an FCC TV coverage map for KFDA-CBS in Amarillo TX. CBS is required to run the candidates' ads, in all green shaded areas shown on this map, even in New Mexico and Oklahoma. I won the Oklahoma panhandle by advertising in TX!





We Reached the Entire State of  
Oklahoma With TV Ads...And  
Tens of Thousands of Texans  
Saw the Ads as Well.

We Can Hurt Obama in the Swing States –  
And We WON'T hurt Romney!

Read this section closely. We were able to reach the entire state of Oklahoma with our ads because I was on the ballot in Oklahoma. But in addition to OK, tens of thousands of voters in Texas saw the ads – people who could not vote for me – because I was not on the ballot in TX. **Many Texas voters will not vote for Obama because they saw my TV ads in Amarillo TX.**

These ads have a strong impact on viewers. They affect how people vote. And we KNOW that these ads save babies lives! One teenager called to say she cancelled her abortion!

The Tulsa World reported in Tulsa Oklahoma: “Anti-abortion activist Randall Terry said Tuesday that he intends to turn Oklahoma's...March 6 Democratic presidential primary into a referendum on ‘dead babies.’” We did just that. Thousands of Oklahoma Democratic voters voted against Obama. Their consciences were pricked; they forsook Obama, and stood with the babies. **We can do the same thing this fall!**

How Can We Be Sure We Will Hurt Obama...and Not Romney?

Some say: “Randall, I’m no fan of Romney, but we must defeat Obama. If you run, won’t you take away votes from Romney too? How can you hurt Obama, and not hurt Romney?” Here is the amazing answer: **FCC Law.** I can run ads in states where I am not even on the ballot!

KFDA-TV, CBS (Texas) Issued Following Press Statement to Their Viewers:

AMARILLO, Texas---An Oklahoma democrat is stirring up controversy right here in the Panhandle tonight after a series of presidential attack ads hit the air.

Many find the ads offensive but as NewsChannel 10 discovered, there's little the Federal Communications Commission can do.

There are strict regulations when it comes to commercials and local advertisements, but it's a completely different ball game when dealing with political campaign ads.

The name Randall Terry may not ring a bell to many people when talking about presidential candidates until now...

Federal law requires all broadcast TV stations to accept and air--without editing--the paid advertising of all legally qualified candidates for president.

Federal law also requires TV stations to air campaign ads whenever the candidate for federal office requests them to run, that means any time of day.

The ads began airing Feb. 16 and will continue to run through Monday.





**We Can Run TV Ads in Swing States Where I am NOT on the Ballot. The Babies Will Be Front and Center, & I WON'T Hurt Romney, Because No Pro-lifer Will See My Name on the Ballot in those Swing States.**

Our plan focuses on suppressing Obama's vote in seven key states: Virginia, Ohio, Pennsylvania, Indiana, Iowa, Colorado and Florida. This is a targeted, low cost plan that allows "political sniper fire" from the three "safe Romney states" – West Virginia, Kentucky, and Nebraska – (where Romney will win by 12% or more) to suppress Obama's vote in six adjoining "swing states." We can reach tens of millions of people in swing states – and hurt Obama – by running in three "safe Romney states" where I WILL NOT hurt Romney. Look at this chart:

| On Ballot in 4 "Safe Romney States:"  | Reach population of: | Areas and <b>Swing States</b> reached in Ads      |
|---|----------------------|---|
| West Virginia (GOP won by 13% in '08)   | 20 million           | WV and VA, OH, PA, DC, MD (See attachment 1)      |
| Kentucky (GOP won by 16% in 2008)   | Over 10 million      | KY and IN, OH, TN, MO, AR, IL, NC (See attach. 2) |
| Nebraska (GOP won by 15% in 2008)   | Nearly 10 million    | NE and CO, IA, SD, KS, WY (See attachment 3)      |
| Florida (Running for US House Seat)   | Over 10 million      | Half the Population of Florida (See attach. 4)    |
| With Your Help We Could Reach Over 50 million people in 20 States – And Pummel Obama in 7 Swing States! |                      |   |

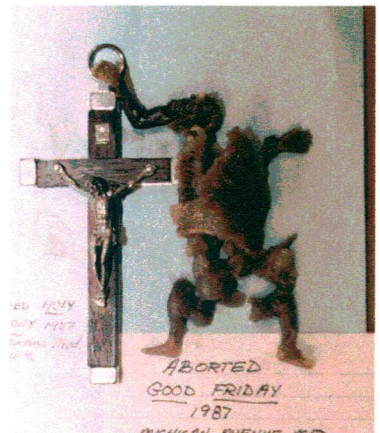
Let's be honest: Mitt Romney is NOT making dead babies and Obama's attack on the Church and marriage a key part of his campaign. (Thankfully, he has vowed to overturn Obama-Care, so he would be better than Obama.) But sadly, MANY powerful Republicans want the "social issues" to go away. They want elections to be about money, MONEY, and MONEY. But we – as Christ's servants – must have God's priorities. We must make MURDER the #1 issue of this election; we need Obama to lose because of his part in child killing and his attack on the Church. Then will child-killing take its place as the #1 "make or break" political issue that it truly is. If Romney does evil, we'll throw him out too!

It is a sad and tragic fact: 35% of Evangelicals and a whopping 55% of Catholics voted for Obama in 2008. That number is horrifying; it is a scandal here on earth, and must cause grief in heaven. Now that those Christians have seen Obama's evil agenda...some of them may repent.

My TV ads aim at the Christians who voted for Obama in 2008. My message is simple: *"The blood of babies cries out to God for vengeance!" If you vote for Obama again, you empower him to murder babies, attack the Church, and attack marriage...and you share the guilt of his sins, and perhaps help procure God's judgment on our nation.*

Some of these misguided Christians still have an active conscience. If we reach them with TV ads showing the babies being slaughtered because Obama is in office, and his attack on the Church and marriage – some of them will repent...and refuse to vote for Obama. If a small percentage of those Christians refuse to vote for Obama, he will lose the election.

*Please...grasp this reality: If this message is seen and heard in the swing states, Obama will lose the White House.* And the world will see that murdered babies and the Church caused Obama's defeat. I will now show you the details on how we can cause Obama to lose Ohio, Virginia, Indiana, Iowa, Colorado, Florida – and NOT hurt Romney. (Over)



This aborted baby in TV ads jolts the conscience of Christian voters far more than the economy. If they plan to vote for Obama, this baby might cause them to "wake up" and NOT vote for him. Go to [www.TerryForPresident.com](http://www.TerryForPresident.com) to see the ads. 3

**The New York Times...Covering Our Election Mission!**

"I am trying to cause a defeat [for Obama] by creating a crisis of conscience," said Mr. Terry, 52, the founder of Operation Rescue, in an interview from his home in West Virginia. "The goal is to drive child killing to the front and center of the political debate."... "I am going to try to run my ads in Florida, North Carolina, Ohio," he said. "I am going to try run them in all the swing states. Then on election night, when all the commentators are saying why he lost, it will be because of the images of those dead babies." [When the New York Times covers a story, you know it's serious...and big.]





On Ballot in Three “Safe States” as an **Independent**, and I Can Reach Into 21 States to be a Voice for the Babies and the Church!

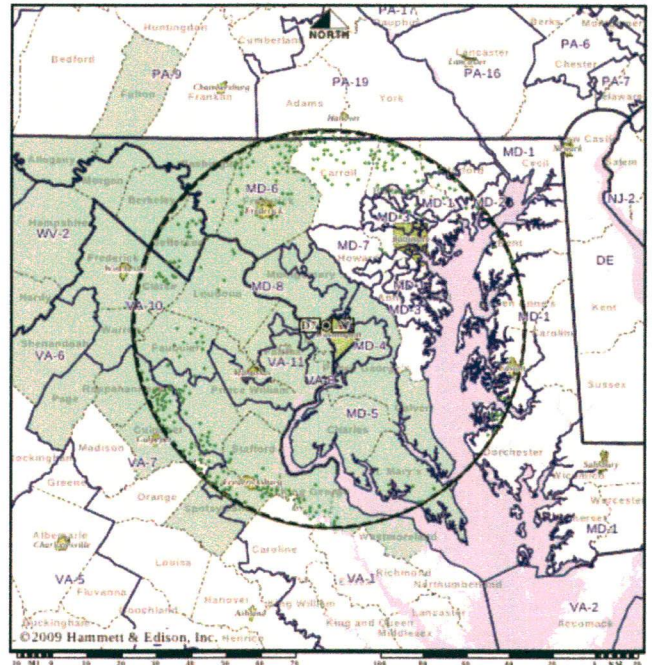
**Attachment #1:** On Ballot West Virginia. Our TV Ads Will Reach over 20,000,000 People (Twenty Million) including people who live VA, OH, MD, DC and PA.

The Total Population of West Virginia according to 2010 census is 1,855,364. (Less than 2 million.)

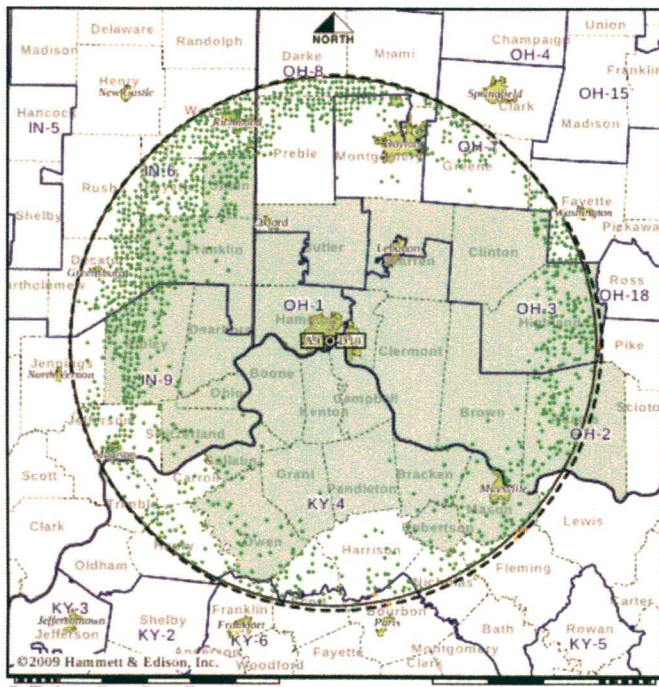
Study this FCC map. This ABC Wash. DC affiliate is required to run TV ads of candidates in WV. Those ads reach millions of people in Northern Virginia, which Obama carried in 2008. Obama must lose Northern VA if he is to lose the White House, and I can reach those voters by being on the ballot in WV. (Bush carried VA and OH in 2000 and 2004.)

1.8 million people live in WV, yet 20,000,000 people (**twenty million!**) live in areas covered by the ten TV markets that are required BY LAW to run the ads of a WV Candidate. The stations reach voters in the swing states of Virginia, Ohio, and the possible swing state of Pennsylvania. (PA has been won by the Democrat since ‘92, but could be “in play” in 2012.)

Hundreds of Thousands of Catholics in the Pittsburgh PA/Eastern OH area will see our ads. For example, in Pittsburg PA – which broadcasts into WV – a station reaches over 3.2 million people in PA and OH! By Running in WV I reach 20 million people in WV, VA, OH, PA, DC, & MD!



**Attachment #2:** On Ballot Kentucky. Our TV Ads Will Reach Kentucky, Plus Ten Million People in IN, OH, TN, MO, AR, IL, and NC



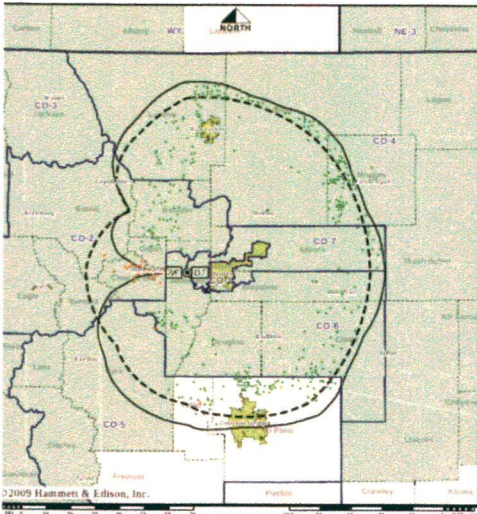
- **Cincinnati OH** reaches over 2,000,000 people in Ohio and Indiana;
- **Louisville KY** reaches a large population in southern Indiana;
- **Evansville IN** reaches hundreds of thousands of people in Indiana.

**Obama barely carried Indiana - by less than 1%. Obama only carried Ohio by 4%.** Bush won Indiana and Ohio in 2000 and 2004.

As this FCC map of Cincinnati OH, shows, our ads will be seen by nearly 3 million people – most living in Ohio and Indiana – with this message: “If you vote for Obama, you empower him to murder babies and attack the Church.” Obama must lose Indiana and Ohio to lose the White House. (Another city reaches N.C.!)



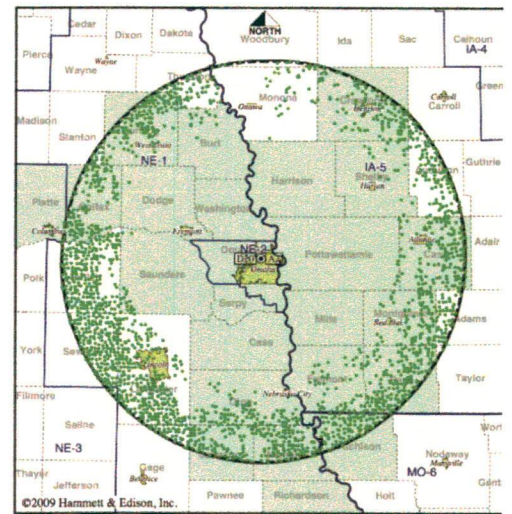
**Attachment #3: On Ballot Nebraska. Our TV Ads will Reach Nebraska, & Nearly 10,000,000 (Ten Million) People in CO, IA, SD, KS, and WY**



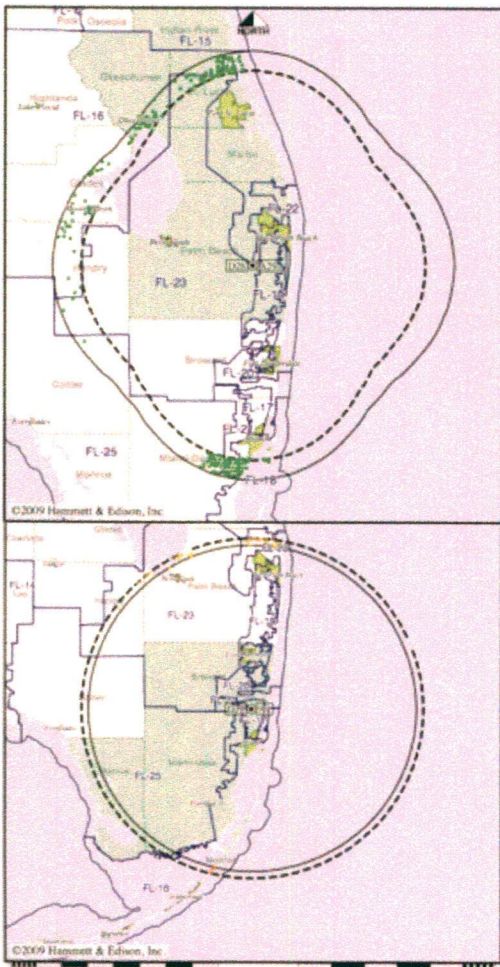
On left is the FCC map of ABC, Denver CO; right is the FCC map for Omaha. The stations reach Nebraska, as well as CO and IA respectively. By running in Nebraska, I will reach the voters of Colorado and Iowa.

Obama carried Colorado in 2008; Bush carried it in 2000 and 2004. Obama carried Iowa in 2008; Bush carried it in 2004.

Causing Obama to lose either of these states is critical if he is going to lose the White House.



**Attachment #4: On Ballot in Florida as an Independent Congressional Candidate Our TV Ads Will Reach Over 10,000,000 (Ten Million) People...  
...Over Half the Population of Florida!**



**Friend, Florida is perhaps our boldest, most daring effort, which could cost Obama the White House.** And again, as a Federal Candidate, I can say whatever I want in my TV ads...such as: "You cannot vote for Obama!"

In Florida, I will run for the 20<sup>th</sup> District House Seat against Alcee Hastings – a hard-core promoter of Planned Parenthood and child killing. He is one of the most corrupt, wicked Democrat House members to ever serve. You may know his name: Alcee Hastings was the Federal Judge who was impeached in 1989 for bribery. He then got elected to Congress, and is still beset by scandal and investigations.

Florida has 19,057,542 total residents. Florida House District 20 is split between the FCC maps for West Palm Beach, and Miami/Ft. Lauderdale (see maps on left). Those two TV markets reach **OVER TEN MILLION PEOPLE... over half the population of Florida!**

Bush carried Florida in 2000 and 2004. Obama won Florida by only 1%; most of his votes came from the three counties of south Florida – Miami-Dade, Broward, and Palm Beach Counties. I can run the same type of ads I run everywhere else, except they will be paid for and approved by Randall Terry for U.S. House.

Friend, we **MUST** cause Obama to lose Florida, and this is the best chance we have to do it...for the babies and the Church!

**This Section Paid for by Committee:  
Randall Terry for Congress**



# If Obama Loses FL, VA, OH, IN, and CO, He Loses the White House. Will You Help Cause His Defeat? Will You Sacrifice For God, the Babies & the Church?

Friend, if Obama loses even FIVE of these swing states, he will lose the White House. We have the chance – with this strategy – to show MILLIONS of Americans the truth about child killing, AND cause Obama to be defeated because he promotes murder and attacks the Church.

*We have shown in Oklahoma what this message will do if we have the resources. I took 18% of the vote statewide, and beat Obama in 12 counties and the entire panhandle of Oklahoma – with TV ads in TX!*

*We have shown our TV ads prick people's consciences, change how they vote, and create much media for the babies and religious liberty.*

*We have exposed Obama's Achilles Heel that could cause him to lose the election – his promotion of murder, and his attack on the Church.*

RIGHT NOW is when the battle for the babies is the most critical; NOW is when we need your most sacrificial gift for our TV ads.

**Our Lord Jesus Christ wants babies to be protected from murder; He hears the cry of their blood. He wants their voice and their plight to be FIRST – NOT LAST – in politics.** God wants His Church to be holy and free. God wants marriage protected from perversion. I am convinced in the core of my being that this message – this PRIORITY – matters to God Himself.

So the question is this: is it a priority to you? Will you INSIST that our political priorities reflect God's priorities? Will you SACRIFICE to see babies' lives and our liberty front and center in this election? If so, this campaign is arguably the most effective way to do so.

I ask you to sacrifice for God, for His Innocent Babies, for His Truth and Justice. I ask you to pour out from your earthly treasure ALL THAT YOU CAN to fund this campaign, so that we can run these hard-hitting ads in the swing states, and cause Obama to lose the election. I am not paid for this...my staff is all-volunteer. We are sacrificing, and we ask you to sacrifice with us...for God and His babies. You have stood with me in the past: please stand with me again.

Please give the maximum campaign contribution allowed by law: \$2,500. I am also asking you – if your conscience permits – to prepay your tithe money for the next six months, or the next year, and give to the life saving mission of this campaign and these TV ads.

If you cannot give \$2,500, I ask you to give every penny you can, and to commit to give what you can every month until the election.

For Christ, His Babies, His Truth, His Justice...and for the Survival of this Republic,

Randall Terry



P.S. Please go to my web site, and meet my fantastic VP running mate, Missy Smith. She is a post-abortive woman with incredible courage who ran for Congress in 2010. And please, give what you can today, and share this letter with friends. Tell EVERY Pro-lifer you know what we are doing!



**There are Six Congressional Candidates Using This Plan!**

Meet them and See Their  
Commercials at:  
[www.ProLifeCandidates.com](http://www.ProLifeCandidates.com)