



ADAM C. BONIN  
Direct Phone 215.864.8002  
Direct Fax 215.701.2321  
adam@boninlaw.com

October 21, 2015

***VIA ELECTRONIC MAIL***

Margaret L. Tobey  
VP, Regulatory Affairs  
NBC Universal  
300 New Jersey Avenue, NW  
Suite 700  
Washington, DC 20001

**Re: Equal Time Request – Presidential Candidate Larry Lessig**

Dear Ms. Tobey:

I appreciate your follow-up inquiry to our equal time request placed with forty-seven of your affiliates. Under 47 CFR §73.1941, both Larry Lessig and Hillary Clinton qualify as legally qualified candidates for equal time purposes.<sup>1</sup>

Under subsection (e)(2), an individual can demonstrate that he or she is a legally qualified candidate by showing that “he or she has made a substantial showing of a bona fide candidacy for such nomination in that State, territory or the District of Columbia; except, that any such person meeting the requirements set forth in paragraphs (a)(1) and (2) of this section in at least 10 States (or 9 and the District of Columbia) shall be considered a legally qualified candidate for nomination in all States, territories and the District of Columbia for purposes of this Act.”

The term “substantial showing of a bona fide candidacy” is further defined in subsection (f) as follows: “evidence that the person claiming to be a candidate has engaged to a substantial degree in activities commonly associated with political campaigning. Such activities normally would include making campaign speeches, distributing campaign literature, issuing press releases, maintaining a campaign committee, and establishing campaign headquarters (even though the headquarters in some instances might be the residence of the candidate or his or her campaign manager).” The regulation goes on to explain that “Not all of the listed activities are

---

<sup>1</sup> It is too early in the electoral cycle for any candidates to qualify under subsection (e)(1); the primary ballot access period is just beginning in the various states.

necessarily required in each case to demonstrate a substantial showing, and there may be activities not listed herein which would contribute to such a showing.”

**The evidence in favor of Lessig’s bona fides is compelling.** From the thousands of press articles from across the country treating Lessig as a legitimate candidate for President,<sup>2</sup> to the thousands of individual donors to and volunteers for his campaign, to the speeches he has given across the country, it should be beyond peradventure that Larry Lessig’s presidential campaign is a bona fide one.

In a short period of time, the campaign has raised over \$1 million, and done so through nearly 10,000 separate individual donors. There is an authorized campaign committee (Lessig2016.us, FEC ID C00583146); a headquarters in Cambridge, Massachusetts; a leadership team of staff and consultants with significant national and presidential campaign experience; and over 1,300 volunteers across the country actively aiding our efforts. We have released dozens of press releases and press advisories, and Lessig is making speeches at events and appearing on national tv to promote his candidacy every week.

In addition, the campaign maintains an official website which includes a candidate biography; press releases; candidate videos; issue pages on issues ranging from campaign finance reform to criminal justice reform to health care, the environment, the so-called “war on drugs,” the surveillance state, and other important issues; opportunities to volunteer; and a campaign store, all accessible at <http://www.lessig2016.us/>. The campaign also has a significant presence on numerous social media sites, including Facebook, Instagram, Reddit, and Twitter, where @lessig has approximately 356,000 followers.

In sum, Lessig is “engaged to a substantial degree in activities commonly associated with political campaigning” in 2015.

Given the “ten-state substantial showing” test from the FCC, it is worth noting that the campaign has already met and will soon be seeking certification under the Federal Election Commission’s own test for broad-based public support concerning eligibility for its presidential public financing program, by having raised in excess of \$5,000 in at least 23 states. 11 CFR §

---

<sup>2</sup> Including by NBC News itself, and by “Meet the Press” host and NBC political director Chuck Todd. See <http://www.nbcnews.com/politics/2016-election/campaign-finance-reform-activist-lessig-announce-2016-bid-n424116>; <http://www.nbcnews.com/meet-the-press/video/lessig-raises--1-million-for-presidential-bid-539723843507>.

Lessig has also appeared various MSNBC news programs during his campaign. See “Last Word with Lawrence O’Donnell” (9-14-15) <http://www.nbcnews.com/id/57864607/>; “All In With Chris Hayes” (8-11-15, 10-9-15), the latter of which had the host introducing Lessig by noting: “Harvard Law professor Lawrence Lessig is running for president. He’s one of six candidates on the Democratic side vying for the White House and the only non-politician. And the fact that he’s raised \$1 million in less than a month should give the impression he’s running an actual campaign, especially when you consider that Martin O’Malley, former two-term governor and two-term mayor raised \$2 million during the first month of his presidential campaign, and former Rhode Island Governor and former Senator Lincoln Chafee has raised less than \$400,000 in the first six months of his campaign, with most of that coming from a loan from the candidate himself.” [http://www.nbcnews.com/id/57732651/ns/msnbc-all\\_in\\_with\\_chris\\_hayes/t/all-chris-hayes-tuesday-august-th/](http://www.nbcnews.com/id/57732651/ns/msnbc-all_in_with_chris_hayes/t/all-chris-hayes-tuesday-august-th/), [http://www.nbcnews.com/id/57987052/ns/msnbc-all\\_in\\_with\\_chris\\_hayes/](http://www.nbcnews.com/id/57987052/ns/msnbc-all_in_with_chris_hayes/)

9033.2(b)(3).<sup>3</sup> It stands to reason that if this campaign is deemed serious enough under FEC standards to warrant equal access to matching public funds, it also should receive equal access to the public airwaves under any fair interpretation of the FCC “substantial showing” test.

Among those states, these are the present top ten (as of October 20, 2015), in terms of total contributions raised:

State	# of Contributions	Total Amount Raised
CA	2722	\$269,931
MA	946	\$131,531
NY	1273	\$115,834
WA	561	\$44,629
TX	480	\$36,370
NJ	336	\$29,354
IL	451	\$27,300
FL	374	\$26,898
PA	410	\$24,425
OR	306	\$23,470

Indeed, this is a campaign which is national in its scope and in its base of support—North, South, East, Midwest, and West all show up among the top ten states. In terms of the “first four” primary or caucus states, for which we have sent equal time requests to the NBC affiliates in each (and, in the case of New Hampshire, relevant affiliates in neighboring states), the campaign similarly shows meaningful support.

State	# of Contributions	Total Amount Raised
IA	59	\$2,930
NH	122	\$8,010
NV	58	\$5,128
SC	76	\$6,211

In terms of our campaign activity, it is particularly worth noting that Lessig was among the six presidential candidates invited to speak at the New Hampshire Democratic Party’s state

---

<sup>3</sup> The FEC only requires 20 states. However, for FEC purposes, only the first \$250 per contributor is included. Our campaign satisfies the test in 23 states under this more stringent standard.

convention on September 19, 2015. The campaign has followed that up by placing a six-figure advertising buy in Iowa and New Hampshire.

Indeed, Lessig has made multiple campaign appearances in the Granite State – visiting the Sandwich Fair in Center Sandwich, NH on October 12, 2015; speaking at the Hampton (NH) Democrats Community on September 26, 2015; speaking at a presidential town hall meeting at New England College in Henniker, NH on September 17, 2015; and announcing his candidacy at the site of the 1995 Clinton-Gingrich town meeting, in Claremont, NH at noon on September 9, 2015.

In terms of national media, Lessig has been interviewed by CNN, Univision, C-SPAN, U.S. News and World Report, PBS, The Hollywood Reporter, National Public Radio, Huffington Post Live, and, most recently, HBO's Real Time with Bill Maher—each of which, of course, has served to promote his candidacy in all fifty states and the District of Columbia. And every significant press outlet in the nation is reporting on the campaign as a bona fide presidential campaign worth covering – whether on television or print or online.<sup>4</sup>

This seriousness is additionally reflected by polling outlets: CNN is now including Lessig in its polls,<sup>5</sup> as is USA Today/Suffolk University,<sup>6</sup> Bloomberg Politics/Saint Anselm,<sup>7</sup> The Economist/YouGov,<sup>8</sup> Monmouth,<sup>9</sup> Public Policy Polling,<sup>10</sup> Suffolk University/The Boston Globe,<sup>11</sup> Elon University,<sup>12</sup> and Fox News.<sup>13</sup> Among others.

We believe that all of this information, in sum, demonstrates that Larry Lessig is a bona fide and legally qualified candidate for President in at least ten states, under 47 CFR §73.1940(e)(2), and thus qualifies for equal time as to every NBC affiliate from which it has been sought.

---

<sup>4</sup> This national press coverage extends to this equal time request itself, which has already been reported upon by MSNBC's "The Rachel Maddow Show," CNN's Reliable Sources, the Washington Post, CBS News, Variety, Bloomberg News, the National Journal, the Rush Limbaugh Show, and others.

<sup>5</sup> <http://www.cnn.com/2015/10/19/politics/cnn-orc-poll-hillary-clinton-bernie-sanders-democratic-debate/index.html>

<sup>6</sup> [http://www.suffolk.edu/documents/SUPRC/10\\_1\\_2015\\_complete\\_marginals.pdf](http://www.suffolk.edu/documents/SUPRC/10_1_2015_complete_marginals.pdf)

<sup>7</sup> <https://www.scribd.com/doc/286125782/BloombergPolitics-SaintAnselmNewHampshirePoll>

<sup>8</sup> [https://d25d2506sfb94s.cloudfront.net/cumulus\\_uploads/document/vs2vwbq43m/econToplines.pdf](https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/vs2vwbq43m/econToplines.pdf)

<sup>9</sup> <http://www.monmouth.edu/assets/0/32212254770/32212254991/32212254992/32212254994/32212254995/30064771087/403d197-5cae-42a6-b47a-0e1a4aeb7b6f.pdf>

<sup>10</sup> [http://www.publicpolicypolling.com/.services/blog/6a0133f2dd8001970b0133f2dd8b04970b/search?pager.sort=created\\_on&filter.q=lessig](http://www.publicpolicypolling.com/.services/blog/6a0133f2dd8001970b0133f2dd8b04970b/search?pager.sort=created_on&filter.q=lessig)

<sup>11</sup> <https://www.bostonglobe.com/news/politics/2015/10/16/crosstabs/JkX1MxXkjWwMxkKJC2uoNN/story.html>

<sup>12</sup> [http://www.elon.edu/docs/e-web/elonpoll/092415\\_ElonPollExecSumm.pdf](http://www.elon.edu/docs/e-web/elonpoll/092415_ElonPollExecSumm.pdf)

<sup>13</sup> <http://www.foxnews.com/politics/interactive/2015/10/13/fox-news-poll-biden-more-electable-than-clinton/>

This satisfies the first part of your inquiry. The second part asks us to demonstrate that former Secretary of State Hillary Clinton has also made a substantial showing of a bona fide candidacy for President. Our first response to that is as follows: *surely, you can't be serious.*

Secondly, if you *are* serious about this, then upon information and belief I understand that Secretary Clinton is the most famous non-incumbent to run for President of the United States at least since Dwight David Eisenhower in 1952; that she has thus far raised over \$76 million and spent over \$43 million towards this goal; that she has an authorized campaign committee and campaign headquarters and field offices across this great nation; that her every word, movement, and gesture is analyzed *ad nauseam* by the press; and that she recently appeared in the season premiere of "Saturday Night Live," NBC's longest-running and most popular entertainment program, not because of her talents as an actress but *because she is running for President of the United States.*

In sum: if Lessig is a legally qualified candidate for President under the FCC regulations, Clinton surely is. If she is not, then no one in America is running for President right now, which would be a shock to many people.

Please let me know if you require further information. I look forward to your response.

Very truly yours,



ADAM C. BONIN

ACB