



February 17, 2017

VIA First-Mail, Email, Fascimile and Federal Express

Mr. Ajit Pai
Chairman
Federal Communications Commission
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Chairman Ajit Pai
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Ms. Mignon Clyburn, Commissioner
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Mr. Michael O'Rielly, Commissioner
Email: Mike.O'Rielly@fcc.gov

Re: Complaint Freedom Watch v.
The Cable News Network

Dear Chairman Pai:

Freedom Watch and its Leftist Media Strike Force hereby respectfully demand regulatory enforcement action against CNN to fine, discipline and revoke any and all licenses from the Federal Communications Commission (FCC) for CNN, or any other legal and appropriate remedial action. Information on this important reform movement are available at:

<http://www.LeftistMediaStrikeForce.org>

Whatever it means for a television news network to operate in the public interest, it does not mean planning, suggesting, inciting, and drawing a road map for the assassination of both the President-Elect and Vice President-Elect and the Speaker of the House before 12:00 noon on January 20 with the hope that an assassin's bullets or bombs could make an Obama Administration Cabinet member the President.

Speaking as a former federal prosecutor, serving at the U.S. Department of Justice, and later founder of Judicial Watch, inciting assassination of the elected President and Vice President, and the Speaker of the House, amounts in effect to treason against the U.S. Constitution and the peaceful transition of power. This is an indictable criminal offense or series

of offenses, and it surely violates the regulatory right of CNN to operate under Federal Communications Commission, its enabling statute and regulations.

See, Jim Treacher, "CNN Devotes Entire Segment To Trump Assassination Fantasy," *Daily Caller*, January 19, 2017, accessible at: <http://dailycaller.com/2017/01/19/cnn-devotes-entire-segment-to-trump-assassination-fantasy/>

On YouTube alone, only one brief clip of CNN's segments encouraging the premeditated murder of Donald Trump, Mike Pence and Speaker of the House have been viewed 1,046,305 views to date, in addition to CNN's television broadcasts. See, "Disaster Could Put Obama Cabinet Member in Office," CNN, posted on YouTube by CNN as " Who is 'designated survivor' at inauguration? " on January 18, 2017, accessible at: <https://www.youtube.com/watch?v=qxIG4dduqy0>.

See also, Ryan Saavedra, "CNN: Assassinating Trump Could Keep Obama Administration in Power (Video), January, 19, 2017, accessible at: <http://www.thegatewaypundit.com/2017/01/cnn-assassinating-trump-keep-obama-administration-power-video/>

The description of this segment by CNN itself on YouTube says: " While security is in place and there is no specific, credible threat, a quirk in America's rules for succession raises questions about who would be in charge if an attack hit the incoming president, vice president and congressional leaders just as the transfer of power gets underway. CNN's Brian Todd reports." CNN's conclusion: President Obama's Under Secretary for Political Affairs Tom Shannon, who would continue the policies of the Obama Administration for another 4 years. (Note that the Constitution and implementing federal law do not provide for a special election of a president, so the Obama official would serve until January 20, 2020.)

It is important to view these broadcast segments in the context also of a persistent campaign of dangerous, incendiary, false, and libelous propaganda against now President Trump. Like crying "fire" in a crowded theater and as genuine incitement to imminent violence, CNN's incitement for some unhinged activist or activists to save the country and the world by killing an elected official portrayed as worse than Hitler had and has the real potential to convince radicalized activists to kill the President-Elect and now President Trump. CNN in particular has spent months demonizing Donald Trump, that is convincing its audience that President Trump is an evil and dangerous man who is a threat to the country. He thus should be assassinated, along with his Vice President and the Republican Speaker of the House, who is second in the line of succession.

Thus, the result of this campaign of incitement for months has produced hysterical, inflamed citizens who are primed and sensitized to play a perceived heroic role by assassinating the President. See, for example: Joshua Rhett Miller, "2016 election aftermath: Assassination threats against Trump flood Twitter," *New York Post*, November 11, 2016, accessible at: <http://nypost.com/2016/11/11/assassination-threats-against-trump-flood-twitter-after-election-shocker/> "Another user wrote that the 'only' remaining question after Tuesday's historic and

polarizing election is who will 'assassinate' Trump, who will be inaugurated on Jan. 20. Some users even cited that date as a deadline for the assassination."

And more generally CNN's President Jeff Zucker has turned CNN into an agent of the far, far left — and subverted and violated its certificate of public convenience and public interest. Zucker has led semi-responsible news anchors and commentators like Jake Tapper, Wolf Blitzer, Anderson Cooper, and Erin Burnett to tow the company line. In addition to “way out leftist” CNN lunatics Don Lemon and Van Jones (avowed communist who had to leave the Obama administration when his political ties were exposed), have now joined Zucker in propagating such radical leftist polemic that they are even further left than Russia’s RT Television Network. They have, in effect, morphed into the “Al Jazeera” of American cable news.

CNN has become part of an attempted *coup d'etat*. Working with subversives inside of government — likely holdovers from the Obama administration — the network has set out to destroy the Trump presidency and thus the nation in rapid order, with no bounds to CNN's dishonest, false, and destructive coverage. The ultra-leftist “fake news” that CNN spews is enough legally, in principle, to have the FCC yank any and all of its broadcast licenses or other government perks. There can be no worse act than suggesting how to assassinate an American president with the intent of having installed as president what ultra-leftist Zucker and his "yes men" anchors and commentators wished for; an Obama cabinet official.

18 U.S. Code § 871 specifies that (*emphasis added*):

(a) Whoever knowingly and willfully deposits for conveyance in the mail or for a delivery from any post office or by any letter carrier any letter, paper, writing, print, missive, or document containing any threat to take the life of, to kidnap, or to inflict bodily harm upon the President of the United States, the President-elect, the Vice President or other officer next in the order of succession to the office of President of the United States, or the Vice President-elect, ***or knowingly and willfully OTHERWISE makes any such threat against the President, President-elect, Vice President or other officer next in the order of succession to the office of President, or Vice President-elect, shall be fined under this title or imprisoned not more than five years, or both.***

(b) The terms “President-elect” and “Vice President-elect” as used in this section shall mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2. The phrase “other officer next in the order of succession to the office of President” as used in this section shall mean the person next in the order of succession to act as President in accordance with title 3, United States Code, sections 19 and 20.

Moreover, although CNN has not (at yet) offered cash in solicitation for murder (anything of pecuniary value under the murder-for-hire statute), CNN has clearly incited and solicited murder in exchange for extremely important intangible benefits of "saving the country," being a hero, and -- presumably -- getting massive news coverage on... CNN. This boosts the network previously poor ratings, which does in fact result in increased earnings and income for CNN. See 18 U.S. Code § 1117 - "Conspiracy to Murder" which provides:

If two or more persons conspire to violate section 1111, 1114, 1116, or 1119 of this title, and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.

It cannot go unnoticed that while CNN appealed to someone to assassinate the hated and frightening (to CNN) Donald Trump, those responsible would receive in return massive news coverage on CNN portraying them (with boiler plate caveats) as national heroes. At least after all the incendiary coverage by CNN, those unhinged individuals would perceive it that way.

The FCC has the authority and responsibility under the Communications Act of 1934, as amended, 47 U.S.C.A. § 318 47 U.S.C.A. § 312(c) (1952), as extended by the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (codified in scattered sections of 47 U.S.C. §§ 151-613 and amending the Communications Act of 1934), and various amendments and regulations over decades addressed to developing technology.

Provisions for the issuance of cease and desist orders were added to the Communications Act in 1952, 66 Stat. 716, to provide the Commission with a sanction less severe than license revocation. See S.Rep. 44, 82nd Cong., 1st Sess. 10 (1951). One may not operate "television broadcast stations" without a license issued by the FCC, from carrying on such operation "without a person holding an appropriate operator's license" from the Commission. When a violation of the Act has been shown, the Commission may revoke a broadcast license, but, under § 312(b), it also may impose a lesser sanction. It may issue a cease and desist order. By the same token, under § 312 (c) the Commission may consider grounds offered by a "person involved" in a § 312(b) complaint as to "why ... a cease and desist order should not be issued."

Since the initial enactment of the Communications Act of 1934, the government has awarded licenses to broadcasters in accordance with the "public interest, convenience, and necessity." 47 USC 303; Professor Cass R. Sunstein, "Private Broadcasters and the Public Interest: Notes toward a "Third Way," " John M. Olin Law & Economics Working Paper No. 65 (2d Series), The University of Chicago Law School.

The Federal Radio Commission early described the system as one in which broadcasters "must be operated as if owned by the public. . . . It is as if a community should own a station and turn it over to the best man in sight with this injunction: 'Manage this station in our interest . . .'" The Federal Radio Commission and the Public Service Responsibility of Broadcast Licensees, 11 Fed. Comm. B.J. 5, 14 (1950) (quoting Schaeffer Radio Co., an unpublished 1930 FRC decision).

Under this “public trustee” standard, the FCC has imposed a range of obligations on broadcasters. In its initial set of guidelines, the FCC required stations to meet the “tastes, needs and desires of all substantial groups among the listening public.” *Great Lakes Broadcasting Co. v. FRC*, 3 FRC Ann. Rep. 32, 34 (1929), modified on other grounds, 37 F.2d 993 (D.C. Cir.), cert. dismissed, 281 U.S. 706 (1930). This required “a well-rounded program, in which entertainment, consisting of music of both classical and lighter grades, religion, education and instruction, important public events, discussions of public questions, weather, market reports, and news, and matters of interest to all members of the family, find a place.” *Id.*

In 1960, however, the FCC went so far as to outline fourteen of the “major elements usually necessary to the public interest.” Report and Statement of Policy Res: Commission en banc Programming Inquiry, 44 F.C.C. 2303, 2314-15 (1960).

Therefore, the Leftist Media Strike Force project of Freedom Watch, Inc., hereby respectfully demands that the FCC open an investigation into not only the persistent abuse of the public interest by the rampant bias and incendiary broadcasts of CNN but furthermore revoke any and all licensing or broadcast rights, for television and radio, of CNN and/or fine and discipline CNN, including issuing a cease and desist order against such systematic campaigns against the elected President.

This complaint is also being forwarded to the United States Secret Service for appropriate action.

Sincerely,

/s/ Larry Klayman

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