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Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of:

Petition for a Microstation Radio Broadcasting Service	RM No. 9208
Proposal for Creation of the Low Power FM (LPFM) Broadcast Service	RM No. 9242
Amendment of Part 73 of the Rules and Regulations to Establish Event Broadcast Stations	RM No. 9246

Petition For Rulemaking

submitted by James P. Graham, a.k.a. the Blanketman,

with Radio Mutiny, a.k.a. WPPR, West Philadelphia Pirate Radio,

July 20, 1998

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"Congress will make no law...abridging the freedom of speech,

or of the press...."

excerpted from the First Amendment of the U. S. Constitution

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1) Introduction

I, James P. Graham, a.k.a. the Blanketman, come before the Federal Communications Commission on the matter of RM Nos. 9208, 9242, & 9246 in support of the Proposal for a Community Based, Non-Commercial, Low Power FM Service, submitted by the Committee on Democratic Communications of the National Lawyers Guild, with amendments mentioned in Reply Comments to Argument Opposing the Legalization of a Micro Station Radio Broadcast Service. I also file in support of the Special Comments, Requesting a Suspension of Microbroadcasting Prosecutions, submitted by Nickolaus E. Leggett, Judith F. Leggett, and Donald J. Schellhardt on April 25, 1998. I furthermore endorse many of the arguments submitted by the Community Radio Coalition, J. Rodger Skinner and other supporters of a micropower broadcasting service and special event broadcasting, and I urge the Commission to implement one or a composite of these plans.

These proposals would address the growing consolidation of the broadcast media into few hands, open broadcasting to a larger and more diverse number of groups, and better serve to promote competition and diversity, the FCC's two main public interest concerns. The technical problems are addressed effectively in the Skinner petition and in several others and show that they are not insurmountable with the implementation of new technology. Finally, the human rights dimension of this issue should not be ignored; deprivation of accessible means of effectively communicating one's views in a politically meaningful way is a violation of the Bill of Rights, the Universal Declaration of Human Rights, and other tenets of international law and human rights. In the face of a severe lack of access to substantial methods

of expression, the FCC's prosecution of pirate radio operators imperils its legitimacy, moral authority, and organizational resources.

2) The Committee for Democratic Communications Proposal[1]

1) Non-commercial Service

2) Only one station per owner

3) Ownership must be local, no absentee owners

4) Stations shall be locally programmed. However recorded materials such as music, poetry, documentaries, features, etc. may be used. Sharing of program materials and resources among micro and community stations is strongly encouraged.

5) Owners may be individuals, unincorporated associations, or non-profit organizations. For-profit corporations, partnerships, joint ventures, or other organizations may not be owners.

6) Stations may be established on any locally unused frequency within the FM broadcast band down to 87.5. Second adjacent channel spacing would be the closest spacing allowed.

7) Maximum power shall be 100 watts. In the event of interference due to power level, a station shall have the option to reduce power to remedy the situation or else be shut down.

8) A microstation shall fill out a simple registration form, and send one copy with an appropriate registration fee to the FCC, and a second copy to a voluntary body set up by the local or regional micropower broadcast community to oversee micropower stations.

9) Equipment shall meet a set of basic technical criteria in respect to stability, filtering, modulation, control, etc.

10) Registration shall be valid for four years.

11) There shall be no specific public service requirements imposed by the FCC.

12) Problems, whether technical or otherwise, shall be first referred to the local or regional voluntary micropower organization for technical assistance or voluntary mediation. The FCC shall be the forum of last resort.

13) When television stations are converted to digital, leaving Channel 6 free, it shall be allotted as an extension of to the bottom of the FM band strictly for the low power community FM service. Radio receivers manufactured or entering the country after that allocation must meet this band extension.

14) Microbroadcasting of special events(demonstrations, rallies, festivals, concerts, etc.) do not need to be registered, but are encouraged to meet all technical requirements.

3) A Personal Perspective

I am associated with Radio Mutiny, also known as WPPR, West Philadelphia Pirate Radio, a "pirate" broadcasting collective. From November of 1996 until the FCC's seizure of our broadcasting equipment on June 22, 1998, we broadcasted at a frequency of 91.3 FM at 23 watts of power. Our programming was a collection of shows on progressive politics, eclectic music, local poetry, and simple free-form experimentation which probably would not have been aired on any licensed station in these bland and business-minded times. In fact, many of our DJs were refugees who were purged from WXPN, University of Pennsylvania's radio station, when station manager Mike Fuerst

"professionalized" the station, replacing volunteers with paid staff, homogenized the format, increased the number of syndicated shows, and began following Arbitron ratings.

I was the Blanketman[2] and hosted a show called "Incarceration Nation" which discussed issues and news concerning the criminal justice system. I chose this topic because I am a former Drug War P.O.W., having served a mandatory minimum sentence, one year in a federal prison for $5 worth of LSD, and a political activist, working on such issues as prisoner rights, the Drug War, the death penalty, the Mumia Abu-Jamal case, and other justice issues. Furthermore, I have been a victim of crime, having been robbed and/or assaulted about a dozen times and have had a friend of mine shot dead by another would-be robber in Richmond, Virginia. I began airing my show in February of 1997 until the FCC raid in June.

My show aimed to combat the ignorance and lack of deep understanding that stems from the sensationalistic and hate-mongering way network news covers crime. While much of the news is about crime, the story is usually just shots of a mangled body, the grieving family and the probable suspect. The news rarely gives any deeper analysis- no historical or sociological context is given. The public does not know that the current murder rate is lower than it was in the '30s or 1890s nor that the money lost to street crime is 2.5% the cost of "white-collar" crime.[3] The news never discusses the impact of the economy and the growing divide between rich and poor has on the crime rate. While the news talks about the criminal a great deal, it rarely talks to him/her. The perspective of the offender is not present in crime coverage, thus his/her motives seem mysterious. None of this helps the public to formulate a comprehensive solution to crime; it merely propagates fear and justifies neo-fascist law-enforcement policies. The media plays a distractionary role in the

alliance between law-and-order politicians, police and correctional agencies, and the companies, supplying the agencies with supplies and the politicians with campaign funds, which forms the prison-industrial complex which is systematically re-enslaving the young, African-American male population[4].

Also, the prison population, while it has more direct experience of the reality of crime and its causes than the general population, derives most of its information about itself as a whole from the same distorted media images that the public does. These negative self-images compound the obstacles which the trauma and stigmatization of incarceration present to rehabilitation. Also, the frustration that the prison population feels at the daily injustices of criminal justice system it experiences has no legitimate outlet of expression. 60% of prisoners in the U.S. are illiterate[5] and there is practically no access to the Internet for prisoners, so the only media which reach prisoners are television and radio. Prisoners have had little representation on their main sources for news. Mumia Abu-Jamal, Philadelphia's most internationally famous radio journalist who sits on Death Row for a murder he could not have committed[6], cannot get airplay because of the complicity of the major news networks, including National Public Radio, with the Philadelphia political establishment to keep him silent. In February of 1997, Temple University President Peter Liacouras went so far as to cut the Pacifica feed for WRTI and all 11 other Pennsylvania stations which receive Pacifica just a few hours before a Pacifica show, "Democracy Now", was going to air Mumia's radio essays.

The corporate-controlled media cannot be trusted to fulfill the role of watchdog of the Establishment when it is dependent on it for revenue, either in the form of advertising for commercial media or in the form of donations and grants for "public" broadcasting.

I have seen this played out again and again- first as an prisoner, then as an activist, and finally as a journalist. As the Blanketman, covering criminal trials and demonstrations, I saw mainstream reporters kiss up to authorities- never questioning their inconsistencies or denials and reporting their foul lies as gospel truth. I would come home from an event, turn on the network news, and see a story that had little resemblance to reality - another round of pillorying the villain of the week in a flashy five-minute hate that would put Orwell's Ministry of Truth to shame.

During several crises in Pennsylvania's supermaximum prison, SCI-Greene, last winter, I was the only reporter from Philadelphia to cover the stories. When I tried to interest other reporters, they felt that it "wasn't a Philadelphia story," even though a sizable part of the prisoner population in this institution in the western part of the state were from Philadelphia. If I hadn't covered the stories, none of the prisoners' relatives would have had any news about what was happening.

Marvin Wolfgang, who was the world's most renowned living criminologist until his recent death, said that the main motivation for criminal acts was the same one for political protest- a reaction against powerlessness[7]. Anger which cannot find a legitimate outlet will find an illegitimate one. This maxim has a double meaning when applied to my involvement with pirate radio; my reaction to powerlessness- specifically, voicelessness- was a political protest and a crime![8] However, am I expected to stand idly by while my country sinks into fascism or do I speak out by any means necessary?

3) The Decline of Diversity in the Media

A) The Consolidation of Commercial Broadcasting

The United States has many radio stations, over 12,000 of them, but the ownership of them has moved into fewer and fewer hands. The nature of radio as an information industry has a strong centralizing effect as an economy of scale if not actively checked[9]. Media conglomerates can run the same programming many times on different stations in different markets and even in different media while the independent operator must constantly produce new programming to run on one or only a few stations. The Telecommunications Act of 1996 by loosening ownership restrictions accelerated already existent consolidation of media into fewer and fewer hands, resulting in a loss of the diversity of perspectives in the public forum. In the year following the enactment of the Act, the FCC found an expansion of control of advertising revenue by the top four radio group owners from 80% to 90%, halving the available revenue for all other radio entities[10]. This has pushed minority and woman ownership which had already been unrepresentatively low, to even lower levels.

This centralization of media under corporate conglomerates has led to a homogenization of the material presented on radio, television, and other outlets. Replication of programming in media markets nationwide has robbed it of much of its local character and focus. Furthermore, as media megacorporations have sought the largest possible market shares, programming has been designed to appeal to the "lowest common denominator"; content is "dumbed down" to avoid alienating the dull consumer; and controversial views are eliminated from programming.

Also, concentration of the media allows greater corporate control of public information on such issues as the NAFTA and MAI treaties, cloning and the environment, labor struggles and the economy, and other matters in which the parent company of a news outlet may have a vested financial interest. Monsanto, a major biotechnology firm, was able to kill a story, through flexing its advertising muscle, that FOX was going to run on the use and effect of BGH (Bovine Growth Hormone), over the protestations of the award-winning reporters who had written the piece, and have the offending reporters fired. In many cases, as the corporate conglomerates which control most media grow through mergers into other fields, the financial interests of major networks can become direct- do you expect any exposes on nuclear power to come out of NBC which is owned by General Electric or CBS which is owned by Westinghouse, both companies with heavy investments in the nuclear industry?

Such homogenization and centralization severely impacts on the common citizen's means both to exercise free speech and to examine all available information on matters of public interest and thus undermines not only the First Amendment, but also the very function of democracy itself. The Supreme Court in Associated Press vs. U.S. , 326 U.S. 1, 20 (1945), held that the First Amendment calls for "the widest possible dissemination of information from diverse and antagonistic sources." Such a poverty of diverse views in media violates the FCC's mission to allow the public fair access to the airwaves. Chairman William Kennard himself[11] and other commissioners have expressed concern that the consolidation in the broadcast industry has undermined the FCC's two public interest objectives of promoting competition and diversity.

The National Association of Broadcasters has the temerity to claim that consolidated media conglomerates can better serve "niche" markets in its comments submitted in opposition to the proposals. They do not recognize (nor, rather, admit) that programming targeted at a market demographic is not the same as programming which is controlled and produced by members of subculture for its own needs. The NAB's conceives of serving small groups better as competitive bungee-jumping on ESPN-2 and programming for minorities as such Step'n Fetchit stereotypes as Martin. I suppose they would classify Der Jude Ewig (The Eternal Jew), a Nazi propaganda film, as Jewish cultural programming.

The Telecommunications Act of 1996 may be a product of just such media manipulation by the major media groups. A bill, which opened the floodgates on media merger frenzy, turned over hundreds of billions of dollars of public airwaves opened by digital radio and television to major corporation with no compensation to the public, saddled the United States with the inefficient and internationally incompatible IBOC digital broadcasting scheme, and was rife with unconstitutional restrictions on free speech such against broadcasting information on abortion, ought to have raised a hue and cry across the country, but it didn't because the major media corporations buried the story by covering it as a business story, not a matter of public policy[12]. It is hard to imagine a bill so actively against the public's interest passing both houses of Congress without such a massive cover-up.

B) The Failure of Public Broadcasting as an Alternative

Public broadcasting is not able to provide a sufficient, independent alternative to commercial media. While Canada, Britain, France, and most other Western democracies have made public broadcasting a major player in their

media and provided it with lucrative and independent sources of income, such as sale taxes on the sale of televisions and radios, the United States has left public broadcasting a marginalized boutique. Its government funding is tenuous and dependent on the political games of Congress. National Public Radio's backflip on airing Mumia Abu-Jamal's "Live from Death Row" commentaries after Senator Bob Dole's rumblings on Capitol Hill illustrate how vulnerable National Public Radio is. On the other hand, public broadcasting's listener support efforts have made it cater to a small number of wealthy benefactors, providing arts and educational programming which the commercial stations do not find profitable enough to pursue, but avoiding controversial topics which may upset its donor base. Corporate underwriting of programming is the remaining source of funds for public broadcasting, but this passes on to it the interests of the sponsoring corporations and thus makes it no real alternative to corporate media.

C) The "Professionalization" of Community Radio

The method and criteria by which the Corporation for Public Broadcasting disperses funds and advice to community radio stations has undermined the independence of these stations. Under funding schemes such as the Public Telecommunications Facilities Program (PTFP) and the Healthy Station Program, small community stations have been pushed to expand their paid staff, reduce volunteer input, institute strip programming, increase their dependence on syndicated programming, and follow Arbitron ratings, all in the name of "professionalization"[13]. The overall effect of this recalls another meaning of the term, "professional", connoting a prostitute[14]. Once higher budgets are in place and paid staff, who are dependent on such high budgets, are now in position to make the policy decisions for the entire stations, the

once independent station becomes "addicted" to this heavier cash flow. Originality begins to suffer as the station falls into a sad state of being a "fund-raising junkie" and has to homogenize their programming to maintain a wider audience for their donor base and to justify their PTFP grants (and to avoid any controversy which may offend a wealthy supporter or grant-making institution).

D) The Elitism of the Internet

The Internet is frequently suggested as an alternative to LPFM service by the proposal's opposition. While the Internet has great potential and can act as forum for groups of people who share similar interests while living great distances apart, it is not an adequate replacement for LPFM service as a means for communication within a neighborhood.

Firstly, the vast majority of poor people in this country have little to no access to the Internet[15]. The computer may be in more homes than ever before now, but they are not anywhere as common as radios which can be purchased for only a few dollars. The vast majority of those below the poverty line do not own a computer. Also to properly use the Internet, one does not only have to be literate, one has to be computer literate. The poor and disenfranchised already face higher illiteracy rates than the population as a whole- computer skills are relatively rare.

Secondly, the Internet may not stay as open as it is now. Already, the hardware infrastructure of the Internet is overburdened with users, causing delays in transmissions. What if after accepting the Internet as a panacea to our media access woes, we are faced with new restrictions on Internet broadcasting under some "memory scarcity" rationale. Such restrictions could come from the public or the private sector.

Also, the trend of private corporations taking over publicly developed means of communication, such as what happened with radio and television, is beginning to emerge in the Internet with the Telecommunications Act of 1996. The Internet broadcaster may be faced with a multitude of toll-booths on the information highway.

Finally, the structure of the Internet makes its easier to control. One could set up the means to monitor every transmission going through the system theoretically. It is far harder to track down individual radio transmitters which are decentralized.[16]

3) The Democratic Advantages of Low Power FM

In the face of unprecedented media concentration and loss of diverse outlets, the spread of hundreds of micropower pirate broadcasters illustrates the need and the desire for a Low Power FM service which would be cheap and accessible.

A) Wider Access to the Airwaves

The primary advantage of LPFM or any form of micropower broadcasting is the inexpensiveness of the operation. A station can be assembled for less than $500, opening the possibility of broadcasting to almost anyone. Free speech is the birthright of all persons, yet the means to exercise it has been restricted to the wealthy, the powerful, and the connected. The costs of starting a station under current FCC regulations, with application fees, legal expenses, technical engineering costs, etc., can run $100,000 to $250,000 which is prohibitive. Even if one can surmount this hurdle, the pressure of

funding such a high-cost operation can severely circumscribe the autonomy of programming.

This greater and cheaper access would go a long way towards increasing minority and female ownership of stations. The main hurdle they face in obtaining stations is economic. The advent of LPFM service would go a long way towards lowering this hurdle. This potential for a wider diversity in ownership would lead to more representation programming; minority programming would be from the viewpoint of minorities, instead of what white males think will target minorities as a marketing group. Also, by allowing minorities and women a venue to learn and demonstrate their broadcasting skills, LPFM service may open the door to careers in fullpower radio.

B)Would LPFM Broadcasters Be Reckless?

The National Association of Broadcasters in its comments[17] cites the low cost of the station along with reduced fines in the proposals as grounds to believe that micropower broadcasters would be frivolous and reckless. Firstly, the low cost of LPFM is supposed to allow more experimentation with programming, since it is the intent of the proposals to address the restrictions on the freedom of speech inherent within higher power (and higher cost) broadcasting. The NAB has cast this freedom in the most negative light in its petition so as to obscure the fact it has in effect taken a stand against the constitutional right of free speech. Another anti-free-speech petitioner, KCKN/KBCQ, in its comments asks, "What is to keep militiamen, religious fanatics, drug cultists, alternative lifestylists, and various and assorted crackpots, hucksters, and con artists from taking over the new service?" Well, why not? The very reason for implementing LPFM is the same reason our

ancestors fought and died to establish the First Amendment which was to protect the free speech rights of all, including the militiamen, religious fanatics, etc.

Secondly, in the Committee for Democratic Communications proposal for LPFM service, it is reserved for non-commercial operators. This would mean that anyone undertaking such a project would have to be strongly motivated in order to invest the time and money into a station which cannot be a source of income. I was deeply devoted to Radio Mutiny and was not only willing to invest my time and money, but also to risk prosecution and imprisonment. I doubt Rupert Murdoch is as equally concerned with any one of his radio stations. The NAB assertion that a large capital investment equates with responsibility is groundless, unless the mindless pursuit of profits is called "responsibility". Is the reduction of the evening news to sensationalistic tabloidism "responsible"? Is the concealment of any news story which may hurt the company's bottom line "prudent". Is the elimination of my competitors through my domination of the market "socially productive"? In fact, if I can wipe my corporate butt with a million dollars, can't I just pay lawyers and lobbyists to get me out of any legal trouble in which my reckless profiteering may result? Has Bill Gates' $50-plus billion made him a better citizen (or even come close to satisfying his rapacious greed)? Hell, the FCC would have less headaches from all the micropower broadcasters together than it has had because of that megalomaniacal geek.

C) Stronger Community Ties

In addition to expanding the public discourse to a wider number of people, LPFM stations would create greater community awareness within the neighborhoods in which they are located. As fullpower stations have been

driven by financial forces to seek larger and larger audience, they have quite often neglected the local concerns of their next-door neighbors. LPFM stations, as stations which can only cover a small area, would have stronger ties and commitments to their neighborhoods. Also, being smaller, they would be more accessible for the broadcasting of views from the common people and close the gap between the broadcaster and the listener.

The proposal submitted by the CDC includes a provision for local and regional boards from the micropower broadcasting community to oversee LPFM stations. This proposal would not only relieve the FCC of some of its administrative burden, but would also focus the stations on the needs of their communities. The advantages of the localism of LPFM stations would extend to the localism of local and regional boards.

The NAB points out that LPFM stations would not be able to broadcast to mobile listeners who may be driving through the neighborhood. To reverse that argument, wouldn't station which concerned itself mainly with residents of a neighborhood better serve that neighborhood than a station that doesn't care if you're a local resident or just someone speeding through the place at 70 miles per hour as long as you have a valid credit card? Furthermore, the low cost of running a LPFM station would remove the pressure of going after every potential listener. Let 'em drive on by!

D) Room for Experimentation

The proliferation of LPFM service would help involve a much greater number of individuals, groups, and viewpoints in media. This would not only benefit the richness of the public discourse and give both the broadcaster and listener a stronger link to their community, but it would also allow greater experimentation with programming and technical ideas that would not be

tried at a larger station. The NAB and other opponents of the proposed LPFM service assert that the quality of broadcasting would be inferior because of less resources. We should distinguish between "inferior' and "not always up to conventional standards" (which admittedly may include "inferior") which may be the case sometimes with micropower. This "inferior" programming is one of the freedoms allowed by the low-cost format, and again, is part of the experimentation process. Remember- every major art movement began with a "inferior" artist who did not conform to conventional standards.

D) Would LFPM Service Cause Economic Fragmentation?

Firstly, the CDC proposal calls for an entirely non-commercial service, so there would be no competition for advertising revenue. The only competition would be for listeners, but so be it. One of the FCC's stated goals is to promote competition, and one of the contentions of the micropower radio movement has been the failure of present service to satisfy the public's need. In fact, given the number of possible radio listener "drop-outs" who have stopped listening to radio because of disenchantment with the commercialization and homogenization of current programming and given the fact that LPFM service, because of its low cost and small range, is inclined towards serving small, under- or unserved markets, LPFM could draw its listeners largely from outside the current radio audience. The overall effect of LPFM service may be to expand the national radio audience which might have a beneficial spill-over to fullpower stations.

The current crisis which independent radio stations should not be pinned on micropower radio. It didn't cut the advertising revenue pool in half- the big four radio groups did. The problem, again, is not micropower radio or the effect of Docket 80-90, it is the unchecked economics of scale and

use of capital to dominate the media markets. The independent broadcasters should for protection from above, not from below. These concerns should be addressed by ownership rules which favor small independent fullpower stations (perhaps, graduating the fee and fine structure on a progressive scale, such as on a basis of station revenue, to favor smaller stations), but not by blocking LPFM service.

5) A Response to Technical Critiques of LPFM Service

A) Interference

Many of the opponents of the proposal argue that LPFM service would interfere with air traffic control and emergency broadcasting signals and fullpower radio stations. I would like to re-interate some of the arguments which the CDC, Skinner, and others submitted in their petitions. There is room in many underserved areas for hundreds of LPFM stations. The fact that hundreds of pirate broadcasters are operating presently without widespread interference indicates that this is true, and under the CDC proposal, there would be even less. I support all reasonable efforts to reduce any potential interference. Furthermore, the proposals would open side channels, allowed by the advent of digital radio, and convert the area of the spectrum occupied by television channel 6, once digital television is put into effect, for the use of LPFM service,

B) Problems in Implementing IBOC

I would first assert the argument which Skinner presents that interference into adjacent channels would be much reduced by the spread of digital radio and that this would allow a greater number of stations on the FM

band.[18] The CDC also points out that digital radio would use far less of the spectrum than analog radio and requests that the FCC set aside at least 20% of the digital spectrum for community based, micropower broadcasting[19].

Furthermore, if LPFM service delayed the implementation of IBOC and consequently forced public debate on its implementation- maybe even stopping the damned plan- this could be the single, greatest contribution the micropower broadcasting movement has made to American radio and the Republic as a whole. All other industrial nations (Europe, Canada, Australia, etc.) are moving their broadcast radio to the L Band and adopting the Eureka 147 system. The L Band is superior to the IBOC plan, and if the U.S. adopts IBOC, the U.S. will not only have an inferior, but also incompatible, digital radio system to the rest of the world!

Again, we must return to that act of insidious and Machiavellian treachery better known as the Telecommunications Act of 1996. The potential value of an enormous expansion of the broadcast spectrum through digital radio and digital television has been flushed down the toilet to benefit the present robber barons of the telecommunications industry. Rather than give someone a voice on the air to exercise their free speech rights, that space of the spectrum will instead be sending a side-stream message trying to peddle another damn Mariah Carey CD! Also, in implementing digital television, hundreds of Low Power TV stations will be forced off the air. Many of these are minority-owned and account for a large part of the minority-owned broadcasting industry. This is criminal! Finally, this public resource has been turned over to the major telecommunications players for nothing! This is high treason!

C) Spectrum Scarcity

This a totally invalid argument- a Trojan Horse in which the radio oligopoly hopes to hide its license to pillage the public airwaves for private profit. Firstly, there are large areas of the nation which are underserved by radio. Secondly, hundreds of pirate radio broadcasters have found spots on the FM dial without causing interference. Thirdly with the advent of digital radio, as Commissioner Harold Furchtgott-Roth and several of the petitions in favor of the proposal has said, spectrum scarcity is not a problem. Also, several of the proposals suggest converting the spectrum bandwidth for television channel 6 to community based micropower broadcasting.

As far as the NAB and other supporters of IBOC are concerned, can we take their claims of spectrum scarcity seriously? If spectrum scarcity is a real problem, why don't we move broadcast radio to the L Band and adopt the Eureka 147 system? It is patently obvious that spectrum scarcity is actually a goal, not a problem, for the NAB, so that they can further the domination of the nation's media by a few media giants. Also, if there are not any open spots on the spectrum and if it's alright for the FCC to kick LPTV stations off the air to make room for digital television, why can't we take a few bandwidths from the big boys and turn them over to small operators. Why is Rupert Murdoch's one-thousandth station have a greater right to exist than my first? This is bulls___ ![20]

D) Efficiency of Bandwidth Usage

The NAB includes a nifty picture[21] in its petition showing unusable areas created by micropower broadcasting. Firstly, this shows only 1-watt transmitters. Secondly, this is a worst-case scenario and does not account for improved transmitter and receiver technology.

Thirdly, so what!?! This argument totally discounts the utility, and the Constitutional imperative in fact, of diversity. Is having five major stations, all playing top 40 garbage, an efficient use of the spectrum? Who ever believes that is doing better drugs than I can find. Also, this argument could be escalated indefinitely- why don't we get rid of all the stations under 100,000 watts while we're at it?

Efficiency does not outweigh diversity. As I pointed out before, in the information industry, there are powerful economics of scale as programming can be re-run indefinitely. Along with financial arm-twisting, this has contributed to the concentration of media ownership and the subsequent homogenization of programming. One could argue that one needs only one newspaper in the country- why have more than one sports writer, etc.? This however does not fulfill the FCC's obligation to promote diversity nor does accord with the First Amendment mandate, as stated by the Supreme Court in Associated Press vs. U.S. (1945), for "the widest possible dissemination of information from diverse and antagonistic sources". Placing efficiency over human rights is the same justification that Joseph Stalin gave for killing ten million Kulaks in the Ukraine between 1932 and '33 when they resisted collectivization.

E) Technical Standards for Equipment

The CDC proposal provides for technical standards equipment for LPFM broadcasters. Most of the burden for certifying this would be the responsibility of the local or regional boards, not the FCC. Also, another way which would be more cost-effective than an entirely adversarial regulatory scheme would be provisions for local and regional boards to assist LPFM broadcasters in getting their equipment up to technical standards. Just setting

the standard and leaving the station to deal with bringing the equipment up to it as is the case with more professional stations may be less cost-efficient because then problems with interference or wandering frequencies would have to be detected and located and then the operator would have to be contacted. By offering assistance from the onset, voluntary compliance would be more common and regulatory costs lower.

F) Increased Administrative Burden for the FCC

In the CDC proposal, local and regional boards would take over most of the responsibility for implementing LPFM regulations, so that the new service would not substantially increase the administrative burden of the FCC. Secondly, what new responsibilities the FCC may have should be weighed against the trouble of pursuing and prosecuting pirate broadcasting which would be almost entirely eliminated by the availability of a legal LPFM service. Thirdly, increasing diversity is an agency and Constitutional mandate; not to allow micropower broadcasting and to deny thousands the means to exercise their free speech rights to avoid increased administrative burdens would be atrocious.

7) A Call for Amnesty for Pirate Broadcasters

I support the request for a suspension of prosecution and a retroactive amnesty proposed in the Special Comments, submitted by the Leggetts, within such, on pg. 4, it reads:

> We ask the Commission to take the following steps:
>
> 1. Suspend all ongoing microbroadcasting prosecutions until such time as the Commission has: (a) adopted a final rule

which legalizes some or all microbroadcasting stations; or (b) decided and announced that it will not legalize any such stations.

In other words, all ongoing prosecutions would be suspended while the Commission's current reconsideration of its microbroadcasting policy is in progress.

2. If the Commission does decide to legalize some or all microbroadcasting stations, grant amnesty to those charged with violation(s) of the currently applicable regulations. In this eventuality, charges against current Defendants would be dropped -- not just suspended -- and the Commission would advise the appropriate court authorities that previously imposed penalties, against previously convicted defendants , should be lifted.

A) A Crisis of Democracy

In light of the rapid consolidation of the broadcasting industry, the crisis in democracy created by the loss of diverse voices and the lack of access to the public discourse, the relative harmlessness of pirate broadcasters weighed against the high-level pillaging of the public airwaves, the FCC's own goals of promoting competition and diversity, the First Amendment of the U.S. Constitution, the Universal Declaration of Human Rights, and all that is just and fair and free, please stop prosecuting pirate broadcasters, stop Operation Gangplank, and grant an amnesty pending the resolution of the current confusion in the future of microbroadcasting regulation.

I have come before the FCC in this petition and present my views as one who has been part of a pirate radio station, Radio Mutiny in Philadelphia, and am admitting to such here, because I feel that my actions were justified in light of the practical denial of my First Amendment rights by corporate

domination of the media, the weight and importance of the information I was trying to present, the isolation of my audience, the importance of the protection of such communication to the function of democracy, and the relatively little harm my actions presented to others. The NAB in its petition again is willfully ignorant and disingenuous as it peddles the same old lies once again- that pirate radio operators are interfering with airline traffic, public safety transmissions, etc. when it knows that most unlicensed broadcasters are not interfering with anyone. Meanwhile, it's just fine if the robber barons of the NAB steal hundreds of billions of dollars of the public airwaves, saddle the Unites States with an inefficient digital radio system that is incompatible with the rest of industrialized world, kick small minority-owned stations off the air to make room for digital side streams so they can cram even more commercials into your living room, squelch public discussion of the Telecommunications Act, and cover up their subsidiaries' crimes against humanity!?! That doesn't interfere with anyone's communications. However, I'm the one who facing a $10,000 to $75,000 fine, criminal charges, seizure of all my equipment and music collection, and prison time if I go on the air without a license, exercise my freedom of speech, and tell the people about these corporate crimes!?! General Electric's and Westinghouse's anti-union and workplace safety violations have a body count, but they get to own as many stations as they please!?! If I go on the air and talk about their crimes, I go to jail!?! Big media is evil, but I'm the criminal. In what country am I living, anyway!?!

The FCC has to realize that if it ignores the media-concentration crisis, if it continues to prosecute pirate radio operators for trying to exercise the rights about which they were told in Civics class, if it continues to let the great democratic experiment we call the Unites States to fall into the pit of