corporate fascism, it does so at the nation's peril which is ultimately its own peril. Operation Gangplank is an obscenity and an insult to the U.S. Constitution and international law. Stop it!

The NAB's assertion, that pirate broadcasters would continue operating illegally even if they had other operations, is ludicrous! I'm not dodging federal agents for my health- pirate radio is as widespread as it is because it is a reasonable response to the lack of legitimate outlets for politically meaningful expression.

When the Constitution was crafted, there were concerns by many, the Antifederalists, that the new federal government would lead to tyranny.[22] To assuage their fears, the crafters of the Constitution included a Bill of Rights. At the very beginning of this Bill of Rights was the First Amendment which included protections of the freedom of speech and of the press. These liberties were necessary to protect the rest.[23] How can one have a democracy without freedom of speech and of the press? How can we act as citizens without "the widest possible dissemination of information from diverse and antagonistic sources"? If you want to get an idea of what happens to the democratic process without the free exchange of ideas, under the tyranny of a media oligopoly, just look at the legislative horror called the Telecommunications Act of 1996. As Robert McChesney cites in "The Political Economy of Radio", "'I have never seen anything like the Telecommunications Bill,' one career lobbyist observed,' The silence of public debate is deafening. A bill with such astonishing impact on all of us is not even being discussed.'"[24] It is hard to imagine that in such tight budget times the wholesale give-away of hundreds of billions of dollars of public airwaves to one of the wealthiest industries in the country would have passed Congress if the media had served to inform the

public and stimulate debate rather than helping to sneak the Act through Congress like mobsters moving a dead body through a hotel lobby.

B) Pirate Broadcasting Is Justified

In the case which the FCC cites on its website as the grounds for its authority to regulate the airwaves, Red Lion vs. FCC, 395 U.S. 367 (1969), the Court goes on to clearly state, "It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which the truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee...."

Meanwhile, just such monopolization has been acknowledged by Commissioner Susan Hess in her March 12, 1998 statement. This Constitutional crisis of media control has been acknowledged by the FCC, but does the Commission step into the crisis and do something to address the problem? No! Who does? The pirate broadcasters- that's who! At the same time that the FCC is not doing anything about corporate control of the news, the FCC comes after the folks who are doing something!

Instead of congratulating these brave radio pirates for their action in a crisis, the FCC prosecutes them! What is their basis for depriving them of their Constitutional rights- there aren't enough bandwidths. However, in Commissioner Harold Furchtgott-Roth's statement of March 12, 1998, he refers to the fact that spectrum scarcity is 1) a questionable concept and 2) the basis for most of the FCC's regulatory power. Whether or not there is some degree of spectrum scarcity, the fact that many areas of the nation are underserved by radio, hundreds of pirate radio operations have not produced considerable interference, and digital radio can open up frequencies demonstrates that spectrum scarcity is not an obstacle to micropower operations. If the basis of

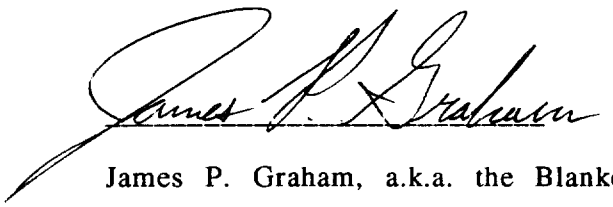
the FCC's regulatory power is based on spectrum scarcity, but that scarcity is not such as to preclude a greater and more diverse number of broadcasters, is not the FCC then obliged to open the airwaves under the First Amendment?

The FCC, as an entity of the U.S. Government, a signer of the Universal Declaration of Human Rights, is also obliged under international law to allow free and open access to airwaves. Article Nine states, "everyone has the right to seek, receive and impart information and ideas... through any media and regardless of frontiers." To continue to raid micropower broadcasters' homes, seize their equipment, and arrest them may violate international law as a crime against humanity.

Aside from any written law, simple common sense should dictate the right of the people to freedom of speech outweighs the right of corporate fatcats to maintain an unconstitutional stranglehold on the dissemination of information (with assistance from government thugs). If you find yourself breaking into my home to remove my means of free speech, do I have to tell you that you are doing wrong?

Do the right thing! Legalize LPFM service now!

Respectfully submitted,



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July 21, 1998

Endnotes

[1] Committee for Democratic Communications of the National Lawyers Guild, Proposal for a Community Based Non-commercial Low Power FM Service and Reply Comments to Arguments Opposing the Legalization of a Micro Station Radio Broadcast Service.

[2] I took this name in honor of Irish Republican P.O.W.s in the H-Blocks of Long Kesh prison in British-occupied Ireland who protested the cessation of political prisoner status for Republican P.O.W.s. They refused to wear prison uniforms and instead clothed themselves in blankets. This was called "going on the blanket" and the protesters were called the "blanketmen". This protest escalated to the 1981 hunger strike in which ten Republican P.O.W.s died.

[3] "Guilty until Proven Wealthy", Resistant Strains, 1998.

[4] Contrary to popular belief, slavery was never totally outlawed in the United States of America. The Thirteenth Amendment still allows involuntary servitude as "punishment for a crime", a loophole large enough to drive a generation through.

[5] U.S. Department of Education, 1995.

[6] Mumia Abu-Jamal was framed for the shooting of Philadelphia police officer Daniel Faulkner even though ballistics tests, powder tests, and several eyewitness accounts exculpate him. He attracted the ire of the police when he began to expose police brutality and corruption as a radio journalist for WDAS- an example to other radio journalists who may dare question authority.

[7] From the discussions and lectures of Marvin Wolfgang in Criminology 101, Fall Semester '97 at the University of Pennsylvania.

[8] This also has double meaning under Marshall McLuhan's axiom, "The medium is the message." For the radio pirate, the message is the medium!

[9] Incidentally, the same economics of scale have led to concentration of ownership in the print media (newspapers, magazines, book publishers, etc.). However, one still does not have get a license to run a press or to publish a zine...yet!

[10] Cited in the March 12, 1998 statement of Commissioner Susan Ness.

[11] Press Statement of FCC Chairman William E. Kennard Regarding Launch of Biennial Review of Broadcast Ownership Rules, March 12, 1998.

[12] Robert W. McChesney ,"The Political Economy of the Radio" in Seizing the Airwaves, edited by Ron Sakolsky and Stephen Dunifer, San Francisco, AK Press, 1998, p.23.

[13] The decline in the independence of community radio is discussed well in Jon Bekken's "Community Radio at the Crossroads: Federal Policy and the Professionalization of a Grassroots Medium" in Seizing the Airwaves, cited above, and Jesse Walker's "With Friends like These: Why Community Radio Does Not Need the Corporation for Public Broadcasting" in the Cato Institute's Policy Analysis, July 24, 1997.

[14] Such a comparison should not be taken to disparage the men and woman who perform an important public service, working in the sex industry, by equating them with the scalawags who have turned community radio stations into funding sluts.

[15] Prisoners are usually banned from having any Internet access whatsoever!

[16] Like I have to tell the FCC that.

[17] Comments of the National Association of Broadcasters, April 27, 1998.

[18] J. Rodger Skinner, Petition for Rulemaking, pg.14.

[19] CDC, Reply Comments, pg. 2.

[20] Since this is the FCC, I felt that this word would be alright if I "bleeped" it. This is so small children who may be reading this petition won't have their growth stunted. For a real obscenity though, refer to the NAB Petition in Opposition to the Proposals, submitted April 27, 1998.

[21] NAB Petition, Fig. 1.

[22] It is a matter of debate as to whether this has in fact happened. In fact, the new federal government was wiping its collective butt with the Constitution before the ink was dry, with the passage of the Alien and Sedition Acts. Some things never change.

[23] Others believe the other rights are protected by the Second Amendment, but I've always been a First Amendment man, myself.

[24] From Seizing the Airwaves.