From: "Joseph D'Alessandro" <jdman@magpage.com>
To: K1DOM.K1PO1(FCCINFO)
Date: Sat, Dec 5, 1998 10:57 PM
Subject: ?

RM-9242

EX PARTE OR LATE FILED

Date:December,7,1998
From: Mr.Joseph D'Alessandro
94 Angola Estates
Lewes,Delaware 19958
302-945-1554
Subject:Member # 8512 7568 1596 4858

Dear Ms.Mellen:

You have my Suit in front of Review Board:
Here is more Info on my Case:
Newsclipping #804

RECEIVED
JAN 27 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

U.S. Senator Jesse Helms' power is out of control
CHICAGO TRIBUNE [www.chicago.tribune.com] 435 N. Michigan Avenue, Chicago, Illinois 60611, USA (312) 222-3232 FAX: (312) 222-2598 E-mail: tribletter@aol.com October 18, 1997 - Section 1, Page 27

What other newspapers are saying [Item] >From Chicago Tribune wires

HELMS' POWER OUT OF CONTROL

Winston-Salem (N.C.) Journal:

After blocking William Weld's nomination as ambassador to Mexico, Sen. Jesse Helms threatened to hold up the nomination of William Kennard as chairman of the Federal Communications Commission unless Kennard helps Asheville (N.C.) broadcaster Zeb Lee get a new FM radio license worth an estimated $3 million to $6 million.

As a senator, Helms can block any nominee's confirmation on the floor as long as he is supported by the Senate's leadership -- and he has repeatedly shown his willingness to do so.

In what was described as a "very, very cordial meeting," Helms apparently got what he wanted from Kennard, and the nomination will proceed.

When such means of persuasion are used outside the Senate, the process is known as extortion. However, within the confines of the Senate and its archaic rules, such tactics are legal and, for Helms, a very effective way of getting what he wants.

It has gotten to the point that every federal nominee needing Senate confirmation must report, hat in hand, to Helms. No single senator should be so powerful that he can block the business of an entire federal agency to benefit one individual from his home state.

No. of Copies rec'd 0+1
List ABCDE

Shared with you by: infreader@aol.com (Stephen Hunt, Chicago, Illinois, USA)

<Picture: [UP]><Picture: [HOME]><Picture: [FEEDBACK]><Picture: [SEARCH]>

Australian Queer Resources Directory / AusQRD@queer.org.au / 20 October 1997

Sen. Helms and Kennard

James H. Johnston (jimjohn@erols.com)
Wed, 08 Oct 1997 10:33:55 -0400

*Messages sorted by: [date][thread][subject][author] *Next message: Kurt Wimmer: "Sen. Helms and Kennard -Reply" *Previous message: Neil J. Lehto: "NATOA Shares Rate Concerns"

I consider myself jaded after many years in Washington; however, I still find myself shocked by today's Washington Post report on the reason that Sen. Helms may hold up Bill Kennard's nomination:

> "Kennard may have trouble getting a [floor] vote. Sen. Jesse Helms (R-N.C.) may block a vote on Kennard's nomination as part of his efforts to help a constituent businessman get an FM radio license. Phone calls to Helms's office seeking comment were not returned; Commerce Committee Policy Director Mark Buse said, "We're working with Senator Helms's staff to see if we can get his concerns addressed."

http://www.washingtonpost.com/wp-srv/WPlate/1997-10/08/054l-100897-idx.html

Two things bother me about this. First, while political pressure is commonplace and is in fact often a good thing in FCC rulemaking proceedings, it is dicey in adjudications. I assume at least that the broadcaster, Zebulon Lee (identified in yesterday's New York Times and in Wired http://www.wired.com:80/news/news/politics/story/7450.html), is not involved in comparative hearings. Still, holding up a nomination in order to get a favorable ruling from an agency effectively destroys the administrative process.

Second, I am astounded that this kind of influence peddling seems to be deemed acceptable. Granted, Weld didn't get anywhere by standing up to Sen. Helms and the Senate procedures which permit one Senator to block a nomination. However, I would like to find out what others think.

Let me pose it as a legal question. Assuming a listener group had standing to bring a challenge to the award of the license and could establish that the license was awarded in exchange for confirmation, would the award stand up on appeal?

Jim Johnston
jimjohn@erols.com

*Next message: Kurt Wimmer: "Sen. Helms and Kennard -Reply" *Previous message: Neil J. Lehto: "NATOA Shares Rate Concerns"

Sen. Helms and Kennard -Reply

Kurt Wimmer (kwimmer@cov.com)
Wed, 08 Oct 1997 11:19:31 -0400

*Messages sorted by: [date][thread][subject][author] *Next message:
James H. Johnston: "Moderated Electronic Public Forums" *Previous message:
James H. Johnston: "Sen. Helms and Kennard
Jim -- Although I'm entirely unfamiliar with the FM case
in question, I, too, was taken aback by the press
characterization of the Helms potential "hold." If the
constituent urged Helms to take this action and the
proceeding is an adjudication, it seems almost
inevitable that an impermissible ex parte contact issue
would be raised. (Recall the Rainbow case in the Court
of Appeals from a few years back, in which a
constituent sought the help of Sen. Hollings' office to
obtain an extension of a CP and triggered an
investigation of the contacts by the company that led to
requests to the FCC by the Senator's office.) If the issue
is not an adjudication or is not currently opposed,
perhaps the contacts by Helms' office could be
permissible as expressions of concern for
administrative delay. But regardless of the narrow
legal issue, the spectre of the entire industry and
country being forced to wait for a spectacularly
qualified new FCC Chairman because of one FM radio
proceeding is enough to make even the jaded take
notice. (I thought the Weld hold was awful too, but at
least it was on quasi-substantive grounds.)

>>> "James H. Johnston" <jimjohn@erols.com>
10/08/97 10:33am >>>
I consider myself jaded after many years in
Washington; however, I still
find myself shocked by today's Washington Post report
on the reason that
Sen. Helms may hold up Bill Kennard's nomination:
"Kennard may have trouble getting a [floor]
vote. Sen. Jesse
Helms (R-N.C.) may block a vote on Kennard's
nomination as
part of his efforts to help a constituent
businessman get an FM
radio license. Phone calls to Helms's office
seeking comment
were not returned; Commerce Committee
Policy Director
Mark Buse said, "We're working with Senator
Helms's staff to
see if we can get his concerns addressed."
http://www.washingtonpost.com/wp-srv/WPlate/1997-10/08/054l-100897-idx.html
Two things bother me about this. First, while
political pressure is
commonplace and is in fact often a good thing in FCC
rulemaking

proceedings, it is dicey in adjudications. I assume at least that the broadcaster, Zebulon Lee (identified in yesterday's New York Times and in Wired http://www.wired.com:80/news/news/politics/story/7450.html), is not involved in comparative hearings. Still, holding up a nomination in order to get a favorable ruling from an agency effectively destroys the administrative process.

Second, I am astounded that this kind of influence peddling seems to be deemed acceptable. Granted, Weld didn't get anywhere by standing up to Sen. Helms and the Senate procedures which permit one Senator to block a nomination. However, I would like to find out what others think.

Let me pose it as a legal question. Assuming a listener group had standing to bring a challenge to the award of the license and could establish that the license was awarded in exchange for confirmation, would the award stand up on appeal?

Jim Johnston
jimjohn@erols.com

PS CONTACT ALL SENATORS AND CONGRESSMAN ASAP ON LPFM!

"