

#9242

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

RM - 9242

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

EX PARTE OR LATE FILED

Dear Ms. Mellen:

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

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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.

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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: "NATO 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/1997-10/08/0541-100897-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: "NATO 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 >>>

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PS CONTACT ALL SENATORS AND CONGRESSMAN ASAP ON LPFM!

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