

Thursday, July 07, 2005 If i am forced off the air by NUMBER TWO i am filing a Federal Lawsuit, i think i will file it now, to stop it, motion for injunction. This corporate greed and a Federal; Government monopoly.

Same old scam over and over

One of Two

1.

thought folks on this list might want to see this article, about longtime christian community broadcaster jim price and his struggle against encroachment. he's fighting at the congressional level to protect his station and others from losing their ability to broadcast. stay tuned for information about how you can advocate effectively to your legislators on protecting and expanding LPFM.

http://www.financialexpress.com/fe_full_story.php?content_id=93575

E Globe

Community radio lobbies to stay alive

For most of his working life, Jim Price has been helping others establish community radio stations in every state of the country. But now, as president of his own station in Ringgold, Ga., he could soon be out of a job.

Price runs WBFC-LP in northern Georgia, a low-powered radio station that serves his community through broadcasting local Southern gospel music and public service announcements.

But about 60 miles north of Ringgold in McMinnville, Tenn., Clear Channel Communications, which owns hundreds of radio stations across the country, is waiting for an application to go through the Federal

Communications Commission that would allow it to begin broadcasting on Price's frequency.

"They moved in on the channel that I chose back in 2000," Price said. "Two of us can't operate on the same channel. That is the threat, and I've got nowhere to go." For Price to continue broadcasting, he would have to reapply for an LPFM frequency and possibly move his station elsewhere.

Price, who established his LPFM station in March 2004, is among many local radio presidents, broadcasters and producers who are feeling the heat of conglomerates like Clear Channel.

On Thursday, Rep. Louise Slaughter, D-NY, announced plans to introduce legislation within two weeks to protect LPFM stations from corporate interference.

Slaughter championed LPFM alongside the band the Indigo Girls, who said they are concerned about the loss of community-oriented broadcasting, including in Atlanta.

"Atlanta has seen a lot of radio consolidation," said Amy Ray, one of the band's members. "We really need for those outlying areas of Atlanta, in the inner city of Atlanta, and all those areas to have opportunities because they have unique aspects of their community and unique things going on."

FCC spokeswoman Rebecca Fisher said the commission is reviewing the issue.

Congress mandated that LPFM has secondary status, which means commercial stations take precedence on the airwaves. "Unfortunately, full-power FM just has a higher status," Fisher said.

LPFM licenses were created in 2000 to allow community-oriented broadcasting within a 3- to 7-mile radius and are only available to "noncommercial educational entities and public safety and transportation organizations," according to the FCC. The licenses are free to those entities and not available to "individuals or for commercial

operations."

However, LPFM stations like Price's are increasingly being pushed out.

A similar case is under investigation by the FCC regarding three Idaho companies, which received 1,026 free translator stations that are low-power but are not required to broadcast noncommercial content. Radio Assist Ministry, Inc., Edgewater Broadcasting, Inc., and World Radio Link have sold 85 of those stations and have made close to \$800,000. There are currently no rules in place to prevent individuals from receiving large numbers of translator stations or selling them, said Harold Feld, a lawyer challenging the three groups. NYT

Eric Burns, a spokesman for Rep. Slaughter, said her legislation would direct the FCC to prevent future encroachment by large companies. Clear Channel was unavailable for comment.

A bill introduced to a Senate committee in February would ensure that licenses are available to both translator and LPFM stations based on the needs of each community.

Price said he doubts he will get what he ultimately wants anytime soon: primary status for LPFM. What would that mean for people like Price?

"I can't be bumped. I'm a real radio station," he said. "I dream about that."

--NY TIMES

2.

Respectfully To. Saturday, February 19, 2005

Mr. Joel KAUFMAN

General Counsel To The FCC

Dear Mr. Kaufmann thank you for you courtesy and letter i received today, i love everyone and respect everyone at the FCC, they have always been courteous to me.

I have nothing to keep out of sight, secrete, this is the original lawsuit to be filed.

You have no defense.

Annotation.

I was forced by The FCC to purchase thousands of dollars worth of equipment to broadcast under there jurisdiction, then they usurp my substantive rights by leaving me no protection aganist The NAB, by being able for The NAB to force WRBG-LP off the air LEGAL ABUSE SYNDROME and shocks-the-conscience.

In your letter you bear witness to the knowledge and/or information that proceeding (MB Docket No. 04-409), is under a administrative and/or judicial review OK.

I will not file this Lawsuit at this time until review is complete.

Thank You Sincerely,

May Jehovah God Bless all of you and your families.

This is the real original suit to be filed.
Discern.

You think you have a defense you do not.

IN THE UNITED STATES
DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

Joseph D'Alessandro and Class Action Pro Se & Pro Socia and alike
citizens of the Republic
Of The United States for example Frank Patterson's WFBP- LP/Taylors, SC
and WEES-LP 107.9 FM
Ocean City Maryland CLASS ACTION SUIT Plaintiff Joseph D'Alessandro
lawsuit in which Plaintiff Joseph D'Alessandro one files a complaint on
behalf of Plaintiff Joseph D'Alessandro himself and all other people who
are "similarly situated" (suffering from the same problem). A large
number of people have comparable complaints and/or claims. 23136 Prince
George Drive Angola Estates Lewes, Delaware 19958-9342
Plaintiffs'

Civil Docket No.

VERIFIED COMPLAINT DEMAND A

JURY TRIAL (seventh amendment)

v.

UNITED STATES OF AMERICA

through The Federal Communications Commission "de jure monopoly"
and federal employees in there official capacity
and individual capacity.
defendants

JOINDER OF PARTIES ONE LAWSUIT FEDERAL RULES OF CIVIL PROCEDURE

Rule 19-- Joinder of Persons Needed for Just Adjudication

JOINDER - The uniting of several causes of action or parties in one
civil lawsuit.

And JOINDER OF ACTIONS ex delicto

Defendant List as follows.

CXR Holdings, Inc. THROUGH a foreign corporation and/or entity under the
law.

Cox Television Atlanta, GA

Defendants

GREAT SCOTT BROADCASTING a foreign corporation and/or entity under the law
224 MAUGERS MILL ROAD
City POTTSTOWN PA.

Defendants

Dow Lohnes & Albertson THROUGH a foreign corporation and/or entity
under the law

kevin f. reed

1200 New Hampshire Avenue, NW

Suite 800

Washington, DC 20036 -6802

Defendants

Leventhal Senter & Lerman PLLC a foreign corporation and/or entity
under the law

dennis p. corbett

Suite 600

2000 K Street, N.W.

Washington, D.C. 2000

Defendants

Vinson & Elkins, LLP a foreign corporation and/or entity under the law

mark n. lipp

1455 Pennsylvania Avenue, N.W.

Defendants

Shainis & Peltzman, Chartered a foreign corporation and/or entity under
the law

lee j. peltzman

1850 M Street, N.W. Suite 240

Washington, DC 20036

Defendants

WOLC MARANATHA, INC. a foreign corporation and/or entity under the law
in its

official capacity as a full power FM Station and the
following individuals in their individual capacity.

President, Robert Shores, Vice President, Larry Davis Treasurer, Gordon Marsh
Secretary, Bruce Pape Donald Andrews Jeff Phillips Ralph Scott Bruce Ward
Roger Marino Harry Alexander Vernon Downes John Hopkins
MAILING ADDRESS P. O. BOX 130
P. O. BOX 130
PRINCESS ANNE STATE MD
Defendants

National Association of Broadcasters a foreign corporation and/or entity
under the law
1771 N Street, NW
Washington, DC 20036
and in their official capacity and as a individuals
Edward O. Fritts President and CEO Washington, DC
NAB Executive Offices

Andrew S. Fisher President Atlanta, GA
Cox Television a foreign corporation and/or entity under the law

Alan W. Frank President and CEO Detroit, MI Post-Newsweek Stations, Inc.
a foreign corporation and/or entity under the law

Dean Goodman President/COO West Palm Beach, FL
Paxson Communications Corporation a foreign corporation and/or entity
under the law

Bruce T. Reese President/CEO Salt Lake City, UT
Bonneville International Corporation a foreign corporation and/or entity
under the law

Benjamin W. Tucker Jr. Acting President/CEO Seattle, WA
Fisher Communications Company a foreign corporation and/or entity under
the law

W. Russell Withers Jr. Owner Mount Vernon, IL
Withers Broadcasting Companies a foreign corporation and/or entity under
the law

Northern Neck & Tidewater Communications a foreign corporation and/or
entity under the law
P.O. Box 1800 Raleigh N.C. 27602
Defendants

I. JURISDICTIONAL BASIS

Only Sec. 301 deals with radio and its pertinent sections read as follows:

Is the FCC enforcing the law when it prosecutes low-power broadcasters,
or is it engaged in perpetrating

a grievous fraud against the American people?

According to Federal Law 47 CFR Sec. 0.405 Statutory Provisions

The Federal Communications Commission was created by the Communications
Act of 1934, 48 Stat.

1064, June 19, 1934, as amended, 47 U.S.C. 151-609.

The FCC was created by an ACT OF CONGRESS. For the purpose of regulating
interstate and foreign

commerce. The power of law is in the details, especially the definitions
of words and phrases. Just what is

interstate and foreign commerce in communication by wire and radio"?

The common meaning of the word "interstate" is "of, connecting, or
existing between two or more states...."

"Commerce," in this context, means "the exchange or buying and selling
of commodities on a large scale

involving transportation from place to place."

"Foreign" means "situated outside a place or country."

This is The Law you just can not change it for your benefit. That is Mis
Prison Of a Felony.

UNDER FEDERAL LAW AND TITLE 15 COMMERCE AND TRADE CHAPTER 1--MONOPOLIES
AND COMBINATIONS THE FCC DOES NOT HAVE JURISDICTION OVER WRBG-LP OR ANY
LPFM STATION OR ANY CITIZEN OF THE REPUBLIC OF THE UNITED STATES WHO
WISHES TO EXERCISE
THERE UNITED STATES CONSTITUTIONAL RIGHTS AND/OR FIRST, NINTH, AND
FOURTEENTH
AMENDMENT RIGHTS. lpfm-lp Broadcast under "INTRASTATE" not "INTERSTATE".

"INTRASTATE" Relating to or existing within the boundaries of a state.

"INTERSTATE" Involving, existing between, or connecting two or more states.

The FCC exists solely to regulate "interstate and foreign commerce";
that is, commerce between states and other states and/or countries.
Pertaining to low-power radio broadcasters and stations, 47 U.S.C.
Chapter 5 applies ONLY to interstate and foreign communication or
transmission, and clearly does NOT apply to commerce, communication, or
transmissions taking place solely within the confines of one of the
several states of the Union.

II. Federal questions and diversity of
citizenship

FEDERAL TORT CLAIMS ACT IS VOID AND MOOT IN THIS JURISDICTION

III Plaintiffs claims federal jurisdiction pursuant to
Article II sec. 2 which extends the jurisdiction

to cases arising under The United States Constitution. And redressable
pursuant to Bivens v. Six

Unknown Narcotics Agents 403 U.S. And The "why" is substantive due process.

(shocks-the-conscience) Even if an unreasonable law is passed and signed
into law legally

(procedural due process), substantive due process makes the law unconstitutional.

Fed.R.Civ.P. 8(f) reads: "All pleadings shall be so construed as to do substantial justice."

Annotation

IV The United States to this date has not waved sovereign immunity for claims for damages.

See United States v. North Side Realty Associates 324 F. Supp. 287, 291 N. D. GA. 1971

Federal sovereign immunity is a defense to liability rather than a right to be free from trial.

The Supreme Court has ruled that in a case involving the government's sovereign immunity the statute in question must be strictly construed in favor of the sovereign and may not be enlarged beyond the waiver its language expressly requires. See United States v. Nordic Village, Inc., 503 U.S. 30, 33-35 (1992).

Young v. Pierce DCTEX. 544 F. Supp. 1010

Mackey v. Indiana Hospital DCPA 562 F. Supp. 1251

Gallegos v. Haggerty, Norther District of New York 689 F. Supp. 93

Williamson v. U.S. Department of Agriculture, 815 F. 2d. 369, ACLU Foundation

V. Barr 952 F. 2d. 457, 293 U.S. Ap. DC 101. (CA DC 1991)

United States v. Olmstead, 277 U.S. 438 (1928)

V U.S. Code Title 28 sec. 1331 DENIED EQUAL PROTECTION

VI The ADMINISTRATIVE PROCEDURES ACT

§ 556. Hearings; The provisions in Section II on eligibility to deal

with specific cases shall also apply to

civil law . (U. S. District Courts, 1789). ("quasi-statutory law")

pursuant to Title 28 sec. 1331, and ADMINISTRATIVE PROCEDURES ACT § 556.
Hearings;

VII Bivens v. Six Unknown Narcotics Agents 403 U.S.

VIII 18 USC Sec. 241, Conspiracy against rights, and 18
USC Sec. 242 Deprivation of rights under

color of law.

IX U.S Codes, Title 42, Chapter 21, Subchapter I,
Section 1983 - Civil Action for Deprivation

of Rights.

X The Federal Communications Commissions and The NAB
are under authority of The

TITLE 15 COMMERCE AND TRADE CHAPTER 1--MONOPOLIES AND COMBINATIONS

IN RESTRAINT OF TRADE Commerce.

The Federal and State Anti Trust Laws (monopoly & oligopoly & cartel)

§ 2. Monopolizing trade a felony § 7. "Person" or "persons" defined

Every person who shall monopolize, or attempt to monopolize, or combine
or conspire

with ny other person or persons, to monopolize any part of the trade or
commerce

among the several States, or with foreign nations, shall be deemed
guilty of a

felony, and, on conviction thereof, shall be punished by fine not exceeding \$10,000,000 if a corporation, or, if any other person, \$350,000, or by imprisonment not exceeding three years, or by both said punishments, in the discretion of the court.

The word "person", or "persons", wherever used in sections 1 to 7 of this title shall be deemed to include corporations and associations (NAB) existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country. 1914 - Clayton Antitrust Act.

ANNOTATION.

47 U.S.C. Sec. 151 Purposes of Chapter; Federal Communications Commission Created For the purpose of regulating interstate and foreign commerce in communication by wire and radio...there is created a commission to be known as the "Federal Communications Commission" The FCC was created by an ACT OF CONGRESS "for the purpose of regulating interstate and foreign commerce...." The power of law is in the details, especially the definitions of words and phrases. Just what is "interstate and foreign commerce in communication by wire and radio