

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In re Applications of

Multicultural Radio Broadcasting Licensee, LLC for Renewal of License of Stations)	FRN: 0010215812
)	
)	
WZRC (AM), New York, NY)	File no. 0000182573 ¹
WHWH (AM), Princeton, NJ)	File no. 0000182604
WPAT (AM), Paterson, NJ)	File no. 0000182686
WKDM (AM), New York, NY)	File no. 0000182689
WTTM (AM), Lindenwold, NJ)	File no. 0000182588
WWRU (AM), Jersey City, NJ)	File no. 0000182675

To: The Commission
Attn: Media Bureau

MOTION FOR LEAVE TO FILE SUPPLEMENT TO OPPOSITION TO PETITION TO DENY AND REVOKE

Multicultural Radio Broadcasting Licensee LLC (“Multicultural”), by its counsel, hereby requests leave to submit this Supplement in response to a new issue set forth in the Reply to Opposition to Petition to Deny and Revoke (“Reply”) filed by the Ukrainian Congress Committee of America, Inc. (“UCCA”) on May 18, 2022. In its Reply, UCCA claims that Multicultural failed to provide an affidavit in support of certain factual statements included in its Opposition pleading in violation of Section 309(d)(1) of the Communications Act. Those statements of fact related to the issues programs lists of Station WZHF(AM).

¹ The file numbers have been corrected.

1. Attached is the Affidavit of Arnold Ferolito, the Manager of RM Broadcasting LLC, which is the programmer of WZHF. He states that he has personal knowledge of the facts set forth in the Issues/Programs List that was provided in Multicultural's Opposition pleading. This Affidavit was inadvertently missing from the Opposition and Multicultural respectfully requests acceptance of this Affidavit as part of the attached Supplement.

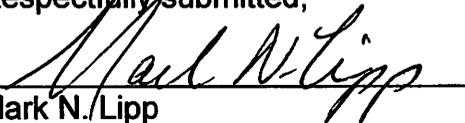
2. Please note that in its Petition to Deny and Revoke, UCCA relied on the WZHF 4th Quarter Issues/Programs List to make its argument that Station WZHF, licensed to Capital Heights, Maryland, is airing Russian propaganda.² However, UCCA failed to provide an affidavit from someone with personal knowledge that Station WZHF was indeed airing Russian programming and the basis for such factual information. Coincidentally this is what UCCA is accusing Multicultural of failing to provide. The only Affidavit provided by UCCA is from someone who states he is a regular listener of the six (6) stations listed in the heading to this pleading. That person is not a listener of WZHF. Furthermore, it is now clear that this individual does not even speak any of the languages aired on the six (6) stations. So not only does the UCCA Petition fail to satisfy standing, it also fails to support its factual assertions with an affidavit.

3. UCCA complains that the footnotes in Multicultural's Opposition were not in 12 point height. In order to make these footnotes more legible, Multicultural submits the Supplement with the footnotes in 12 point height. Multicultural respectfully requests acceptance of the Supplement for this purpose.

² See Petition p.8.

For the foregoing reasons, the Petition must be immediately dismissed and denied by the Commission. In the alternative, Multicultural respectfully requests acceptance of the Supplement.

Respectfully submitted,



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June 1, 2022

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In re Applications of

Multicultural Radio Broadcasting Licensee, LLC) FRN: 0010215812
for Renewal of License of Stations

WZRC (AM), New York, NY) Facility Id: 27398
WHWH (AM), Princeton, NJ) Facility Id: 47426
WPAT (AM), Paterson, NJ) Facility Id: 51661
WKDM (AM), New York, NY) Facility Id: 71137
WTTM (AM), Lindenwold, NJ) Facility Id: 87111
WWRU (AM), Jersey City, NJ) Facility Id: 87123

To: The Commission
Attn: Media Bureau

SUPPLEMENT TO OPPOSITION TO PETITION TO DENY AND REVOKE

Multicultural Radio Broadcasting Licensee, LLC (“Multicultural”), by its counsel, hereby opposes the Petition to Deny and Revoke (“Petition”)¹ filed by Ukrainian Congress Committee of America, Inc. (“UCCA”) against the above-captioned radio station licenses.² UCCA claims that Station WZHF(AM), Capitol Heights, Maryland (Facility ID No. 73306), licensed to Way Broadcasting Licensee, LLC, is airing Russian propaganda and that the FCC should revoke WZHF’s license as well as the licenses for all of the stations with common ownership. However, Section 326 of the Communications Act of 1934 as amended³ and the First Amendment of the U.S. Constitution prohibits government censorship. Moreover, Section 309(k)(1) of the

¹ Petition to Deny and Revoke filed by the Ukrainian Congress Committee of America, Inc., on April 6, 2022 (“Petition”).

² Pursuant to Section 73.3584(b), this Opposition is timely filed within the 30 day period from the filing of the Petition.

³ 47 U.S.C. §326

Communications Act of 1934, as amended⁴ forbids the Commission from attributing violations of one station to any other stations owned by or affiliated with the same licensee. UCCA fails to justify having the Commission even consider revoking the licenses. For these reasons, the Petition must be denied and dismissed.

I. THE PETITION IS OVERBROAD AND FAILS TO MEET ITS THRESHOLD BURDEN

1. UCCA fails to meet its threshold burden for the above referenced New York and New Jersey stations. UCCA includes a Declaration from Andrew Barak and states that Mr. Barak is a regular listener of these stations. However, each of these stations program in foreign languages:

Mandarin (WKDM);

Cantonese (WZRC);

Korean (WWRU);

Spanish (WTTM, WPAT and WHWH).⁵

Mr. Barak does not indicate that he is fluent in any of these languages.

2. Section 309(d)(1) of the Act requires that a petition against a license must present specific allegations of fact that are supported by an affidavit from a person with personal knowledge of those facts.⁶ UCCA presents a litany of purported “Russian lies and propaganda” it claims were broadcast on Station WZHF only.⁷ UCCA does not claim that any of the 6 stations that it opposes for renewal carries this type of programming. Furthermore, the Petition fails to

⁴ 47 U.S.C. §309(k)(1)

⁵ Although Mr. Barak’s Declaration says he listens to WHWH; the Petition states that he is not a listener of that station. See Note 3.

⁶ 47 C.F.R. § 309(d)(1).

⁷ Petition at 4-5.

meet Section 309(d)(1)'s specificity threshold, as it does not provide dates or quotes of the alleged false programming, nor does it present any evidence (beyond assertions of its own opinion) to prove the inaccuracy of the information or any knowledge of the owners of the licensee that such information was false. The sole Declaration supplied with the Petition is neither dated, nor does it state with particularity whether the Declarant, Andrew Barak, heard the specific "lies" allegedly aired on WZHF.⁸ UCCA failed to satisfy this most basic evidentiary threshold, and thus the Petition must be dismissed or denied.

3. Furthermore, Section 309(k)(1) provides that "if a licensee of a broadcast station submits an application to the Commission for renewal of such license, the Commission shall grant the application if it finds, **with respect to that station**, during the preceding term of its license---

- (a) the **station** has served the public interest, convenience and necessity;
- (b) there have been no serious violations by the licensee of this chapter or the rules and regulations of the Commission; and
- (c) there have been no other serious violations by the licensee of this chapter or the rules and regulations of the Commission which, taken together, would constitute a pattern of abuse." (Emphasis added)

UCCA has not shown or even alleged any violations by the stations that are at issue in this proceeding.

4. Knowing that Section 309(k)(1) does not allow allegations of violations to be considered if they do not involve the stations in question, UCCA nevertheless argues that the

⁸ *Id.* at Declaration of Andrew Barak.

alleged violations committed by Station WZHF, licensed to Way Broadcasting Licensee, LLC, are so egregious that any stations with similar ownership must be subject to revocation as well.

5. The Petition's allegations pertain *only* to programming aired on Station WZHF. The Multicultural stations listed in the caption did not air any of the programming at issue in the Petition. UCCA fails to cite any case in which the Commission denied a station's license renewal application based on another station's alleged violations.⁹ Because the Petition fails to identify any violations by the listed Multicultural stations, the Petition must be denied and dismissed.

II. THE PROGRAMMING AT ISSUE IS LEGITIMATE INFORMATION AND OPINION, AND IS PROTECTED BY THE FIRST AMENDMENT

6. In support of its position that the owners of these stations are unfit as licensees, UCCA only points to one program segment listed in the 4th Quarter of WZHF's 2021 Issues Program list. That program featured an interview with an individual who is described as an international affairs and security analyst and who voiced his views on the reasons Russia engaged in a war with Ukraine. UCCA fails to mention that none of the other 55 programs identified in that same quarterly issues programs list involves the war in Ukraine. Rather the topics range from high prescription drug prices, the impact that COVID-19 has had on the labor market in various industries, the topic of critical race theory to events taking place in various other countries.¹⁰ The guest speakers come from a variety of backgrounds. The programming is clearly not a Kremlin based propaganda outlet as suggested by UCCA. The programs are

⁹ See e.g., *TVT License Inc.*, Memorandum Opinion and Order, 22 FCC Rcd. 13591, 13598, ¶ 21 (2007) (citing 47 U.S.C. § 309(k)(1)); *RJM Communications, Inc.*, 21 FCC Rcd 7980 (MB 2006); *Aaron Shainis, Esq., et al.*, 28 FCC Rcd 5198 (MB 2013).

¹⁰ See the attached 2021 4th Quarter Issues Programs list in Exhibit 1.

produced in the United States, by journalists and broadcast professionals who, to Licensee's knowledge, are largely American citizens.

7. The programs airing on WZHF Monday-Friday for 2 hours included discussions on: (1) race and capitalism, with guest Dr. Charisse Burden-Stelly, Assistant Professor of Africana Studies and Political Science at Carleton College, and Visiting Scholar with the Race and Capitalism Project at the University of Chicago; (2) a proposal for New York City police to use autonomous drones to monitor crime, with guest technologist Chris Garaffa, the editor of TechforthePeople.org and co-host of the ReBoot podcast; and (3) the sharp rise in South Korean COVID-19 cases and why South Korea's "living with COVID" strategy has contributed to the recent outbreak, with guest Jia Hong from the group Nodutdol for Korean Community Development.¹¹ Recent episodes of the Monday-Friday "Political Misfits" program included discussions with: (1) Jon Jeter, author and two-time Pulitzer Prize finalist and former *Washington Post* bureau chief, about President Biden's new proposed wealth tax and the conversation we should be having about taxation in the United States; (2) Guy McPherson, scientist and Professor Emeritus of Natural Resources and Ecology and Evolutionary Biology at the University of Arizona, about clean energy storage and the White House budget's implications for addressing climate change; and (3) Kimberly Dvorak, investigative journalist and political analyst covering foreign policy, about the split in the Republican Party between anti-war conservatives and neoconservatives.¹²

8. The breadth of topics and information about guests appearing on WZHF's programs is detailed in the Issues and Programs Lists uploaded quarterly to WZHF's Online

¹¹ See *Radio, By Any Means Necessary*, SPUTNIK, <https://sputniknews.com/radio+radio+by+any+means>

¹² See *Radio, Political Misfits*, SPUTNIK, <https://sputniknews.com/radio+radio-political-misfits/>

Public File.¹³ Moreover, unlike other broadcast stations around the United States that air programming furnished or paid for by foreign governments that only recently became subject to broader foreign sponsorship identification requirements,¹⁴ WZHF has since 2017 aired at the top of every hour of Sputnik Radio programming a clear disclaimer identifying the source of programming – as required by the Foreign Agents Registration Act (“FARA”)¹⁵ and the FCC’s general broadcast programming sponsorship identification rules.¹⁶ Contrary to UCCA’s assertions that the programming aired on WZHF does not serve the public interest, there is a wealth of programming of interest to the needs and interests of the residents of the Washington DC market.

9. The FCC’s own public-facing guide to broadcast rules and regulations explains that:

The Constitution’s protection of free speech includes programming that may be objectionable to many viewers or listeners. Therefore, *the FCC cannot prevent the broadcast of any particular point of view*. In this regard, the Commission has observed that “the *public interest is best served by permitting free expression of views*.”¹⁷

¹³ See WZHF, *Issues Programs Lists*, FCC.GOV, <https://publicfiles.fcc.gov/am-profile/WZHF/Issues%20and%20Programs%20Lists/beb943bb-9b95-293d-7b82-c0de30d701db>

¹⁴ See *Media Bureau Announces March 15, 2022 Compliance Date of Sponsorship Identification Requirements for Foreign Government-Provided Programming on Broadcast Stations*, MB Docket No. 20-299, Public Notice, DA 22-277 (MB rel. Mar. 15, 2022) (stations must commence compliance with new foreign sponsorship disclosures on March 15, 2022). See also *Sponsorship Identification Requirements for Foreign Government-Provided Programming*, Report and Order, 36 FCC Rcd. 7702 (2021); 47 C.F.R. § 73.1212(j)-(k) (2022).

¹⁵ As noted, WZHF’s programmer, RM Broadcasting, LLC, is registered with the U.S. Department of Justice (“DOJ”) under FARA. DOJ’s FARA Unit has approved the sponsorship identification aired on WZHF since 2019. The ID reads as follows:

This radio programming is distributed by RM Broadcasting LLC on behalf of the federal state unitary enterprise Rossiya Segodnya International Information Agency on behalf of Russia. Additional information is on file with the Department of Justice.

¹⁶ 47 C.F.R. § 73.1212 (2021).

¹⁷ FCC, THE PUBLIC AND BROADCASTING 7 (Aug. 2019) (emphasis added),

This posture was reaffirmed in an April 6, 2020 decision co-signed by the Chief of the FCC’s Media Bureau and the FCC’s General Counsel:

[S]ection 326 of the Communications Act, reflecting First Amendment values, prohibits the Commission from interfering with freedom of the press or censoring broadcast communications. Accordingly, the Commission has recognized that ‘[b]roadcasters – not the FCC or any other government agency – are responsible for selecting the material they air’ and that ‘our role in overseeing program content is very limited.’¹⁸

Courts acknowledge very limited exceptions to this doctrine, one of which is the labeling required for programming provided by registered foreign agents to ensure transparency.¹⁹ As discussed above, Licensees endeavored throughout the time periods in question to ensure that Radio Sputnik’s programming on WZHF complied with all FARA and the FCC’s requirements so that their listeners may make an informed decision as to whether to listen or turn the dial.

10. This is not the first time that WZHF’s programming has come under scrutiny. As before, there is no basis for this scrutiny. In 2018, then-Chairman Ajit Pai opened an investigation of Way and WZHF in response to the request of members of Congress that the Commission enforce the public interest standard against stations that broadcast Radio Sputnik out of concern that the programming was related to Russian government interference in the 2016 election.²⁰ In 2020, the FCC’s Enforcement Bureau resolved this “extensive inquiry into the matter,” which included “issuing several letters of inquiry to the licensees that broadcasted

<https://www.fcc.gov/media/radio/public-and-broadcasting>.

¹⁸ *Free Press Emergency Petition for Inquiry Into Broadcast of False Information on COVID-19*, Letter Order, 35 FCC Rcd. 3032, 3033 (MB/OGC 2020) (emphasis added) (citing first 47 U.S.C. § 326; and then quoting FCC, *supra* note 7, at 7).

¹⁹ *See RM Broad. LLC v. U.S. Dep’t of Just.* 379 F.Supp.3d 1256, 1260-62 (S.D. Fla. 2019). *See also* 22 U.S.C. § 611.

²⁰ Letter from Ajit Pai, Chairman, FCC, to the Honorable Anna G. Eshoo, U.S. House of Representatives at 1 (Apr. 20, 2018), attached hereto as **Attachment A**. *See also* Letter from the Honorable Anna G. Eshoo, U.S. House of Representatives, to Ajit Pai, Chairman, FCC at 1-2 (Nov. 17, 2017).

[Sputnik Radio] programming”²¹ The Enforcement Bureau determined that under “the [] Act, the Commission’s rules, and judicial precedent, there is no enforcement action that could be taken against the licensees in question.”²²

11. Russia’s recent invasion of Ukraine and UCCA’s dislike of programming that may present an alternative, or even anti-Ukrainian, point of view does not alter the fact that:

Under the Constitution and the [] Act, *broadcast stations have broad discretion to decide what programming to air on their stations.* Absent very narrow circumstances, the government cannot and should not investigate stations or revoke licenses based on programming the station airs.²³

Licensees, exercising the discretion granted to them, believe that the programming aired on each of their stations is responsive to the needs and interests of their stations’ communities. The Washington, DC market is an international community comprised of highly intelligent, sophisticated listeners of all manner of news-talk formats spanning from Christian conservative to National Public Radio. Way believes that WZHF’s programming is high-quality news and opinion that appeals to the discerning audience of the market. UCCA failed to demonstrate otherwise. Thus, the Commission must deny the Petition.

III. PETITION FAILS TO MEET BURDENS FOR COMMISSION ACTION

12. A petition to deny or revoke a license must include specific allegations of fact sufficient to show that the continued licensing would be *prima facie* inconsistent with the public interest.²⁴ UCCA failed to satisfy its burdens.

²¹ Letter from Ajit Pai, Chairman, FCC, to the Honorable Anna G. Eshoo, U.S. House of Representatives at 1 (Mar. 25, 2020), attached hereto as **Attachment B**.

²² *Id.*

²³ Letter from Ajit Pai, Chairman, FCC, to the Honorable Frank Pallone, Chairman, Committee on Energy and Commerce, U.S. House of Representatives at 1 (Apr. 7, 2020) (emphasis added), attached hereto as **Attachment C**.

²⁴ See 47 U.S.C. § 309(d)(1); *Astroline Commc’ns Co. Ltd. P’ship v. FCC*, 857 F.2d 1556, 1561 (D.C. Cir. 1988).

13. UCCA cites a few cases which are unrelated to the issues in this case. In *Simmons v FCC*, 169 F.2d 670 (D.C. Cir. 1948), cert denied, 335 U.S. 846 (1948), the case involved two mutually exclusive applications for a power increase. The Court upheld the FCC's determination which was in part based on the amount of programming offered by one of the two stations but not its content. The Court indicated that by doing so it was not censoring the programming. Similarly in *Nondiscrimination in Employment Practices*, 13 FCC 2d 766 (1968) which was a rule making proceeding, there was no programming or First Amendment issues involved. The proceeding was strictly related to discrimination practices rather than censorship of programming. Finally in *Serafyn v. FCC*, 149 F.3d 1213 (D.C. Cir 1998) and *Hunger in America*, 20 F.C.C. 2d 143 (1969), Petitioner's primary argument is that the Commission should revoke the licenses for violation of the FCC's news distortion policy.²⁵ This rarely invoked and uncodified policy grants the Commission the ability to find that a station's license is contrary to the public interest where a licensee engaged in deliberate distortion or "staging" of news.²⁶ In evaluating a news distortion allegation for purposes of a public interest analysis, the Commission must analyze "both the 'substantiality' and the 'materiality' of the allegation."²⁷ A news distortion allegation is deemed "substantial" only if evidence demonstrates a deliberate attempt by the licensee to slant news or mislead the public about a significant event.²⁸ The allegation is "material" only if petitioner shows that the licensee participated in, directed, or knew of a pattern of news distortion in the programming.²⁹ Further, due to the limitations imposed on the FCC by

²⁵ Petition at 8-9.

²⁶ See *Application for Renewal of License, WXYZ-TV, Detroit, Michigan*, Letter Order, 22 FCC Rcd. 12744, 12746 (MB 2007) ("The Commission has not codified its news distortion policy and, therefore, for purposes of section 309(k)(1) of the Act, any violation is only relevant to the extent it indicates that grant of the application would not be in the public interest.").

²⁷ *TVT License Inc.*, 22 FCC Rcd. at 13595, ¶ 16 (citing *Serafyn v. FCC*, 149 F.3d 1213, 1216-17 (D.C. Cir. 1998)).

²⁸ *Id.* (citing *Serafyn*, 149 F.3d at 1217).

the First Amendment and Section 326 of the Act, the Commission requires news distortion allegations be supported by extrinsic evidence sufficient to satisfy the substantiality and materiality tests.³⁰ Petitioner failed to supply such evidence, and therefore the Petition must be denied.

14. Finally, UCCA argues that “when a radio station promotes antisocial or dangerous behavior, the FCC has the power to step in and punish the miscreant licensee.”³¹ UCCA cites broadcasters’ obligations to ascertain, before airing, whether any programming content would be physically harmful to their listeners based on their role as “public trustees.”³² While “a broadcast license is a public trust subject to the termination for breach of duty,”³³ UCCA failed to support its implication that the programming at issue here is causing actual harm to its listeners.³⁴ Accordingly, UCCA failed to demonstrate that Licensees breached any of their duties as public trustees and the Petition must be denied.

²⁹ *Id.*

³⁰ *Id.* at 13595, ¶ 17 (“Allegations of deliberate distortion must be supported by extrinsic evidence ‘such as written or oral instructions from station management, outtakes, or evidence of bribery.’ (quoting *Galloway v. FCC*, 778 F.2d 16, 20 (D.C. Cir. 1985)).

³¹ Petition at 9.

³² *See id.* (citing first *License Responsibility to Review Records Before Their Broadcast*, Public Notice, 28 F.C.C.2d 409 (1971) (broadcasters must ascertain whether particular programming depicts the dangers of drug use or promotes illegal drug use); and then citing *Entercom License, LLC*, Hearing Designation Order and Notice of Opportunity for Hearing, 31 FCC Rcd. 12196, 12211, ¶ 33 (2016) (“The fact that Entercom used its licensed broadcast facilities to entice its listeners to participate in the Contest that appear to have physically endangered them is a serious matter and must be carefully considered.”)).

³³ *Off. of Commc’n of the United Church of Christ v. FCC*, 359 F.2d 994, 1003 (D.C. Cir. 1966).

³⁴ *See* Petition at 10. *Cf. Entercom*, 31 FCC Rcd. at 12211, ¶ 33 (finding that there was *prima facie* evidence that Entercom’s conduct was contrary to the public interest duty and a breach of Entercom’s core obligations as a public trustee).

CONCLUSION

For the foregoing reasons, the Petition must be immediately dismissed and denied by the Commission.

May 4, 2022

Respectfully submitted,



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DECLARATION OF ARNOLD FEROLITO

I, Arnold Ferolito, hereby attest to the following:

1. I am making this Declaration voluntarily and without compensation.
2. I have personal knowledge of the facts set forth herein.
3. I am the sole owner and manager of RM Broadcasting, LLC.
4. Pursuant to a contract with Way Broadcasting, Inc. (the "Programming Agreement"), RM Broadcasting provides the programming of Sputnik Radio for broadcast over WZHF(AM), Capitol Heights, Maryland, which is licensed to Way Broadcasting Licensee, LLC.
5. Further, in accordance with the Programming Agreement, RM Broadcasting employs, and I personally oversee, a contractor to review the programming aired on WZHF each quarter and prepare a report reflecting programming responsive to issues of interest to the WZHF community. These issues programs reports are then provided to Way Broadcasting for upload to the WZHF online public inspection file.
6. I have reviewed the Opposition to Petition to Deny and Revoke (filed May 4, 2022).
7. The descriptions of WZHF programming included in the Opposition are true and correct to the best of my knowledge and belief.

I hereby certify under penalty of perjury that the foregoing statements are true and correct.



Arnold Ferolito

Dated: 5/27/2022

EXHIBIT 1

FCC ISSUES / PROGRAMS REPORT: WZHF 1390, CAPITOL HEIGHTS, MD

4th Quarter 2021: October 1st – December 31st

Program Title: “By Any Means Necessary”

Description: Daily, public affairs program that includes discussions covering national and international affairs, as well as social and legal issues including racial injustice, immigration, sex and gender issues, and crime and criminal justice reform.

Frequency: Daily, Monday – Friday

Duration: 2 Hours, 2:00 – 4:00 pm (Eastern)

Sample Programs

October 05, 2021

Pandora Papers Expose US Role in Wealth Hiding, Pharma Wages War on Drug Price Relief, The Many Saints of Newark Falls Short

Segment 1: In this episode of By Any Means Necessary, hosts Sean Blackmon and Jacquie Luqman are joined by international affairs and security analyst **Mark Sleboda** to discuss the revelations of the recently released Pandora papers and the curious absence of the US elite and politicians, the Guardian’s misleading implication of Vladimir Putin’s involvement, and the US participation in hiding wealth, particularly in Joe Biden’s home state of Delaware.

Segment 2: In the second segment, Sean and Jacquie are joined by **Dr. Mike Pappas**, a family medicine physician, activist, and frequent contributor to LeftVoice.org to discuss the super profits that the pharmaceutical industry makes off of necessary, life-saving drugs used for common illnesses, the moral bankruptcy of a system that rakes in billions of dollars from people being sick, and how the corporate political duopoly upholds such cruelty.

Segment 3: In the third segment, Sean and Jacquie are joined by **Bob Schlehuder**, co-host of Political Misfits, on from 12-2 PM EST to discuss The Many Saints of Newark, a prequel film to The Sopranos television series, the themes of the rot in American society that the Sopranos series and the Many

Saints of Newark reflects, how the show has aged well in representations of mental health and prescription drugs, and the hollow representations of Black people in the prequel film.

Segment 4: Special Guest - Later in the show, Sean and Jacquie are joined by **Walter Smolarek**, a journalist and activist editor of Liberation newspaper, and managing editor of LiberationNews.org to discuss Joe Manchin and Kyrsten Sinema's stonewalling of the budget bill and the Democrats' refusal to push for reforms that will provide much-needed benefits to working and poor people, the US continued economic and propaganda war on China, and how capitalism contributed to the now 700,000 dead from COVID-1905

October 13, 2021

Building a Labor Movement, Justice for Thomas Sankara, Tech and the Cold War Drive Against China

Segment 1: In this episode of By Any Means Necessary, hosts Sean Blackmon and Jacquie Luqman discuss the many ongoing labor struggles in various industries, how the social, political, and economic conditions created by the COVID-19 pandemic have exacerbated the already-existing issues that have contributed to this strike wave, the next steps in building a broader movement, and the need to join questions of race, labor, and class in organizing that broad labor movement.

Segment 2: In the second segment, Sean and Jacquie are joined by **Dr. Gnaka Lagoke**, Assistant Professor of History and Pan-Africana Studies at Lincoln University in Pennsylvania and a founding member of the Convention for Pan-Africanism and Progress to discuss the long past-due trial into the murder of Burkina Faso revolutionary Thomas Sankara, Sankara's significant contributions to Burkina Faso during his short time in power, and the counter-revolution which placed Burkina Faso back in the hands of France, led by Blaise Compaoré, former president and defendant in absentia.

Segment 3: In the third segment, Sean and Jacquie are joined by technologist **Chris Garaffa**, the editor of TechforthePeople.org to discuss Facebook's smear and minimization campaign against whistleblower Frances Haugen, the European Parliament's call for a ban on facial recognition technology and how it signals public opposition to weaponizing AI against people, the impact of the US targeting of Huawei and how it fits into the cold war drive against China.

Segment 4: Special Guest - Later in the show, Sean and Jacquie are joined by **Dr. Gabriel Rockhill**, an organizer, Founding Director of the Critical Theory Workshop and Professor of Philosophy at Villanova University to discuss the financial backing of the right-wing disinformation One America News Network by AT&T and the dark money behind the rise of right-wing politics in the United States, the ties between the media and the national security state, the similarities between the fascist 1934 "Business Plot" to overthrow the US government and the Capitol insurrection, and how movement and alternative media can connect the dots between the stories that dominate the headlines and the broader system of capitalism.

October 19, 2021

The Legacy of the Black Panther Party, Alex Saab Illegally Extradited, How Squid Game Reflects South Korean Society

Segment 1: In this episode of *By Any Means Necessary*, hosts Sean Blackmon and Jacquie Luqman are joined by **Marshall Eddie Conway**, former Black Panther, political prisoner, and Executive Producer of *The Real News Network* to discuss the anniversary of the founding of the Black Panther Party for Self-Defense, the importance of the Panthers' internationalist politics to its broader political orientation, and the Panthers' place in a long history of resistance for Black people.

Segment 2: In the second segment, Sean and Jacquie are joined by **Frederick Mills**, professor of philosophy at Bowie State University and co-director of the Council on Hemispheric Affairs to discuss the illegal extradition of Alex Saab, a Venezuelan official, to the United States, how this fits into the US economic war on Venezuela, the state of the opposition and Juan Guaido, and resistance against Monroeism.

Segment 3: In the third segment, Sean and Jacquie are joined by **Jia Hong** from Nodutdol for Korean Community Development to discuss the Korean Netflix show *Squid Game* and its reflection of the history and society of South Korea, the show's allusion to concentration camps and their historical use in South Korea, the exploitation and discrimination defectors from North Korea face in South Korea, the super-exploitation of migrant workers, and the reality behind the myth of South Korea as a shining bastion of democracy and capitalism.

Segment 4: Special Guest - Later in the show, Sean and Jacquie are joined by **Dr Gerald Horne**, Moores Professor of History and African American Studies at the University of Houston, and author of many books including "The Dawning of the Apocalypse: The Roots of Slavery, White Supremacy, Settler Colonialism, and Capitalism in the Long Sixteenth Century" and most recently "The Bittersweet Science: Racism, Racketeering , and the Political Economy of Boxing" to discuss the death of Colin Powell and the disparate treatment of Black immigrants and descendants of slaves in the United States that it exposes, the weaponization of memory and its manifestation as attacks on so-called critical race theory and its attempt to preserve the American foundation myths, how the US attempts to decouple the American economy from China has contributed to the supply chain and inflation crises, and US efforts to spread disinformation about China's involvement on the African continent.

October 27, 2021

Howard Students Fight for Safe Housing, Corporate Media Ignores Manchin and Sinema Financial Interests, Facebook Circumvents Privacy Measures

Segment 1: In this episode of *By Any Means Necessary*, hosts Sean Blackmon and Jacquie Luqman are joined by **Anthony Lane**, a student organizer at Howard University to discuss demonstrations at Howard University protesting unsafe housing conditions and a lack of shared governance, the repression that students are facing from Howard University administration, and the lack of student representation on and accountability from the university board of trustees.

Segment 2: In the second segment, Sean and Jacquie are joined by journalist **Spencer Snyder** to discuss the financial interests that Kyrsten Sinema and Joe Manchin hold that would happen to be affected by the reconciliation bill, the corporate media's lack of coverage on these financial interests, and its attacks and blame-shifting onto progressives.

Segment 3: In the third segment, Sean and Jacquie are joined by technologist **Chris Garaffa**, the editor of *TechforthePeople.org* to discuss Google's manipulation of the online advertising market, its partnership with Facebook to track the online activity of Apple users, and the new cold war

drive behind the proposition of a national research cloud by big tech companies that would profit from that project.

Segment 4: Special Guest - Later in the show, Sean and Jacquie are joined by **Manolo De Los Santos**, a member of the International People's Assembly, researcher for the Tri-Continental Institute and co-editor of the new book "Comrade of the Revolution: Selected Speeches of Fidel Castro" to discuss Cuba's success in vaccinating its population and contributing vaccines worldwide despite the US blockade, how the Cuban health care system has facilitated the proliferation of vaccines, the importance of internationalist perspectives in the struggle against capitalism and imperialism, and impending protests in Cuba on the day Cuba is slated to open back up to tourism.

November 4, 2021

The Truth About Ethiopia, Facebook Targets Nicaraguan Elections, The Political Character of HBCUs

Segment 1: In this episode of *By Any Means Necessary*, hosts Sean Blackmon and Jacquie Luqman are joined by **Bob Schlehuger**, co-host of *Political Misfits*, on from 12-2 PM EST to discuss the on-the-ground realities of the conflict in Ethiopia, the Tigray People's Liberation Front's brutal offensive campaign and its commitment of atrocities, and Washington's interests in the horn of Africa and meddling in the region and on the African continent.

Segment 2: In the second segment, Sean and Jacquie are joined by **Camilo Mejia**, an Iraq War veteran and resistor, writer, and activist based in Miami, and the author of "Road from art Ramadi - The Private Rebellion of Staff Sergeant Camilo Mejia" to discuss Facebook's deletion of over one thousand Nicaraguan accounts based on dubious claims of a "troll farm", Facebook's role in information wars in Nicaragua, and what's at stake in the upcoming Nicaraguan elections.

Segment 3: In the third segment, Sean and Jacquie are joined by **Rafiki Morris**, organizer with the All Africa People's Revolutionary Party, member of the Coordinating Committee for the Black Alliance for Peace to discuss the role of HBCUs in maintaining and reinforcing political and economic systems, how the material interests of these schools conflict with the narrative of

"changing the world" that many present, and how the struggles at Howard and the Atlanta University Centre fit into that role.

Segment 4: Special Guest - Later in the show, Sean and Jacquie are joined by **Dr Charisse Burden-Stelly**, assistant professor of Africana Studies and Political Science at Carleton College, Visiting Scholar with the Race and Capitalism Project at the University of Chicago, and author of the book, "W.E.B. Du Bois: A Life in American History" to discuss the Democrats' electoral defeat in Virginia and how their unclear centrist message contributed to the loss, the culture war waged by Republican politicians over the front of critical race theory, how the debate over critical race theory is a thinly veiled attempt by the ruling class at driving mass consciousness toward a racist orientation to distract from its role in economic scarcity, and how progressive politics and politicians are limited by the electoral system.

November 10, 2021

Debates on critical race theory, the Legacy of the October Revolution, and predictive policing rebranded.

Segment 1: In this episode of *By Any Means Necessary*, hosts Sean Blackmon and Jacquie Luqman are joined by **Nick Stender**, a member of the Chicago Teachers Union and an activist with Reds in Ed to discuss the growing culture war being waged in school board elections over critical race theory, the role of conservative superPACs pushing this issue and conservative candidates into school board races, and the need for grassroots community movements to combat this right-wing lurch in school boards.

Segment 2: In the second segment, Sean and Jacquie are joined by **Brian Becker**, host of the *Socialist Programme* to discuss the anniversary of the October Revolution, the astounding achievements of the Soviet Union, the impact of the people-led revolution, industrialization, and governance, and the lasting lessons that movements can continue to learn from the October Revolution.

Segment 3: In the third segment, Sean and Jacquie are joined by technologist **Chris Garaffa**, the editor of *TechforthePeople.org* to discuss the use of facial recognition technology in the metaverse, the LAPD's use of predictive policing technology and its role in surveillance of black communities, and the hacking of Palestinian human rights organizations with Pegasus NSO spyware.

Segment 4: Special Guest - Later in the show, Sean and Jacquie are joined by **Ted Rall**, award-winning editorial cartoonist and columnist, and author of the graphic novel, "The Stringer", to discuss Joe Biden and Kamala Harris' plummeting poll numbers and what they might mean for the 2022 midterms and beyond, Democrats failing to provide relief to working and poor people and how so-called moderates are hampering re-election efforts, how the so-called shortage of workers actually exposes the dictatorial and exorbitant powers that many employers wield over workers, and the flawed data that efforts at climate change mitigation are based on.

November 16, 2021

Segment 1: Infrastructure Bill Falls Short, Empty Promises Made At COP26, What Reparations Should Look Like

In this episode of *By Any Means Necessary*, hosts Sean Blackmon and Jacquie Luqman are joined by **Monica Cruz**, labor reporter with Breakthrough News to discuss the whittled down infrastructure bill and the issues facing working and poor people that are not addressed in the bill, the corporate giveaways that the ambiguity of much of this bill will provide, why this bill fundamentally cannot and will not lead to real solutions for poor and working people, and the need to organize a people's movement that pushes for real solutions.

Segment 2: In the second segment, Sean and Jacquie are joined by **Tina Landis**, organizer and author of the book, 'Climate Solutions: Beyond Capitalism' to discuss the greenwashing COP26 conference, the nonbinding and empty promises made at the COP26 climate conference, why Global North nations continue to demand emissions reductions from the Global South and how histories of colonialism and imperialism factor into climate, and how capitalism is the enemy of humanity in its driving of the climate crisis.

Segment 3: In the third segment, Sean and Jacquie are joined by **Nnamdi Lumumba**, Ujima People's Progress Party State Organizer to discuss a reparations commission on the ballot in Greenbelt, Maryland, the resurgence of interest in the question of reparations in the United States, the shortcomings that this and other municipal reparations initiatives have had, and what transformative reparations should look like.

Segment 4: Special Guest - Later in the show, Sean and Jacquie are joined by **James Early**, Former Director of Cultural Heritage Policy at the Center for Folklife and Cultural Heritage at the Smithsonian Institution and board member of the Institute for Policy Studies to discuss the trials of Kyle Rittenhouse and the killers of Ahmaud Arbery and their context in the American ethos of white supremacist violence, the anti-democratic nature of the criminal legal system, the planned protests in Cuba that coincide with the reopening with the Cuban economy, and the active participation of the Cuban people in defense of the revolutionary process.

November 25, 2021

Segment 1: In this episode of *By Any Means Necessary*, hosts Sean Blackmon and Jacquie Luqman are joined by **Jay Winter Nightwolf**, host of *American Indian Truths* on WOL 95.9FM/1450 AM originator and host of the television broadcast *Indigenous and American Indian Truths* to discuss the indigenous perspective on Thanksgiving, the long history of cultural genocide waged against the indigenous people of the United States, and the need for solidarity to fight the continuing genocide of indigenous and Black people today.

Segment 2: In the second segment, Sean and Jacquie are joined by **Dan Kovalik**, author of *The Plot to Overthrow Venezuela: How the US Is Orchestrating a Coup for Oil* to discuss Nicaragua's exit from the Organization of American States, the OAS' history with meddling in Nicaragua, western meddling and undermining of the Venezuelan elections, and the intensifying contradictions of imperialism laying the groundwork for another world order.

Segment 3: In the third segment, Sean and Jacquie are joined by **Paul Pumphrey**, Founding Board Member of Friends of The Congo to discuss Israeli defense and intelligence industry activity on the African continent, the history of the activities of the Zionist movement on the continent, and Israel's involvement in taking Africa's natural resources for its military and financial benefit.

Segment 4: Special Guest - Later in the show, Sean and Jacquie are joined by **Rachel Hu**, co-host of the podcast *It's Not You, It's Capitalism* to discuss the guilty verdicts in the trial of the killers of Ahmaud Arbery in the context of disparate results coming from the judicial system, the verdicts in the Kyle Rittenhouse and Charlottesville cases and the lack of attention to right-wing violence, and Joe Biden's culpability in the rise of right-wing violence through bipartisanship.

November 30, 2021

Honduras Sets A New Course, Imperialism In West Africa, The Importance of Solidarity

Segment 1: In this episode of *By Any Means Necessary*, hosts Sean Blackmon and Jacquie Luqman are joined by Sputnik News journalist and correspondent **Wyatt Reed** to discuss the apparent victory of Xiomara Castro in the elections in Honduras, how Castro's election represents a potential turn away from neoliberalism and toward sovereignty under the shadow of the US empire, and the open attempts at manipulation of the election by the ruling party.

Segment 2: In the second segment, Sean and Jacquie are joined by **Abayomi Azikiwe**, editor of the *Pan-African News Wire* to discuss deadly protests in Burkina Faso and Niger and their connections to US and French involvement in Western Africa, the jihadist violence that these powers claim to be fighting, how imperial and neocolonial powers have stoked the growth of Islamist groups and use that violence as a pretext for intervention, and the connections between imperialist meddling all across the African continent.

Segment 3: In the third segment, Sean and Jacquie discuss the *International Day of Solidarity With The Palestinian People*, the brutal and coercive natures of settler-colonialism and capitalism that attempts to suppress solidarity, and the importance of understanding struggles against settler-colonialism as connected.

Segment 4: Special Guest - Later in the show, Sean and Jacquie are joined by **Jon Jeter**, award-winning journalist and foreign correspondent, radio and television producer, Blues ologist and Decolonizer, and author of the book *"Flat Broke in the Free Market: How Globalization Fleeced Working People"* to discuss the emergence of the Omicron COVID-19 variant and how the interests of capital have contributed to the emergence of new variants, the

racism inherent in the travel bans placed on southern African countries in reaction to South Africa's alerting of the world about the variant, the death of Virgil Abloh and the suffering that Black people face in all sectors of society.

December 3, 2021

Iran Nuclear Talks Continue Without US, Imperialism and Exploitation In The Congo, Black Lives Matter Activist Targeted

Segment 1: In this episode of *By Any Means Necessary*, hosts Sean Blackmon and Jacquie Luqman are joined by **Richard Becker**, author of "Palestine, Israel and the U.S. Empire" to discuss continuing talks between Iran and European powers regarding a new nuclear deal, how and why the US could possibly derail a new agreement, and Israel's continued fear-mongering about Iran obtaining nuclear weapons.

Segment 2: In the second segment, Sean and Jacquie are joined by **T.J. Coles**, Postdoctoral researcher at Plymouth University in the UK and regular Counterpunch contributor to discuss the historical and contemporary exploitation of the Congo for minerals and how that exploitation connects to the cold war drive against China, the long history of western powers destabilizing the DRC in pursuit of natural resources, and how the US government supports corporate extraction through AFRICOM.

Segment 3: In the third segment, Sean and Jacquie are joined by **Dedan Waciuri**, an organizer with Mapinduzi to discuss state repression of the movement for Black lives, the importance of highlighting this struggle to prevent another generation of political prisoners, and the dubious circumstances surrounding Dedan's arrest.

Segment 4: Special Guest - Later in the show, Sean and Jacquie are joined by **Chuck Modiano**, justice journalist and Sports writer for Deadspin to discuss the Major League Baseball lockout and the greed of team owners and the league, the brutal violence of gentrification and how it connects to many struggles in Washington, DC, and the broken promises of the Biden administration on ICE detention and deportation.

December 8, 2021

Ghislaine Maxwell Portrayed As A Victim, US Hubris In Threats Against Russia Over Ukraine, Life360 Sells Location Data To Dangerous Customers

Segment 1: In this episode of *By Any Means Necessary*, hosts Sean Blackmon and Jacquie Luqman are joined by **Michelle Witte**, co-host of *Political Misfits*, which you can hear from 12 to 2 PM EST right here on Radio Sputnik to discuss the ongoing trial of Ghislaine Maxwell and the portrayal of Maxwell as a victim of Jeffrey Epstein rather than as an accomplice in sexual assault, the weaponization of gender stereotypes by sexual abusers to lure victims, the mysterious backgrounds of Epstein and Maxwell, and what this case shows about the value of girls and young women.

Segment 2: In the second segment, Sean and Jacquie are joined by international affairs and security analyst **Mark Sleboda** to discuss the so-called Russian military buildup on its border with Ukraine, the real aggressions of NATO in Ukraine and eastern Europe, the Cold War mentality that is driving this aggression and other actions against Russia, and the gall of Joe Biden and the US for presenting Russia as an aggressor in Eastern Europe as it masses troops on Ukraine's border.

Segment 3: In the third segment, Sean and Jacquie are joined by technologist **Chris Garaffa**, the editor of *TechforthePeople.org* to discuss the selling of data by location surveillance app Life360 and the dangerous history of selling location data, the hacking of US officials with spyware created by NSO Group, and the growing movement to restrict the use of artificial intelligence technology in broad sectors of society.

Segment 4: Special Guest - Later in the show, Sean and Jacquie are joined by **Daryle Lamont Jenkins**, Executive Director of One People's Project to discuss the rally held by right-wing group Patriot Front in Washington, DC and social media giants' complicity in the rise of white supremacist violence, the media's representation of anti-fascist activism as clashes between two fringe ideological groups instead of acknowledging the subtext of the opposition between the interests of capital and the interests of poor and working people, and the Department of Justice's closing of its inquiry into the murder of Emmett Till.

December 14, 2021

UK Court Overturns Assange Extradition Ruling, Report Confirms Israel's Slaughter of Gazan Civilians, Why Dr. Mutulu Shakur Remains In Prison

Segment 1: In this episode of *By Any Means Necessary*, hosts Sean Blackmon and Jacquie Lugman are joined by **Joe Lauria**, editor of Consortium News to discuss a UK appeals court ruling that Julian Assange can be extradited to the United States despite the danger extradition poses to him, the absurd reasoning behind the court's overturning of the previous ruling preventing Assange's extradition, and the cruelty of the UK and the US making an example out of Assange.

Segment 2: In the second segment, Sean and Jacquie are joined by **Miko Peled**, human rights activist and author of "The General's Son: Journey of an Israeli in Palestine," and "Injustice, the Story of the Holy Land Foundation Five." to discuss a recent report confirming Israel's targeting of civilians in Gaza in airstrikes conducted in May of 2021, the collaboration between politicians and pro-Zionist organizations and their complicity in human rights abuses in Palestine, and how so-called progressives fall in line with other imperialist politicians on issues of imperialism.

Segment 3: In the third segment, Sean and Jacquie are joined by **Maria Fernandez**, organizer with the DC Chapter of the Malcolm X Grassroots Movement and the Free Mutulu Now Campaign to discuss the political imprisonment of Dr. Mutulu Shakur, the contributions of Dr. Shakur to the health of overlooked working-class Black and brown communities in New York City, how the prison system continues to deny Dr. Shakur's release despite his spotless record to make an example out of him, and why the determination to keep political prisoners in prison is an effort by the state to disconnect the current Black liberation struggle from its history.

Segment 4: Special Guest - Later in the show, Sean and Jacquie are joined by **Dr. Jared Ball**, a father, husband, Professor of Africana Studies at Morgan State University in Baltimore, MD, the curator of imixwhatilike.org and author of the book, "The Myth and Propaganda of Black Buying Power" to discuss the role of the media in propagandizing against political prisoners and the importance of alternative media in combating that propaganda, how agents within the capitalist system work to cover up their complicity in the constant cycle of death and destruction they cause, and the use of accusations of bias

against alternative media as mainstream outlets disseminate the approved narrative.

December 23, 2021

How Progressives Scuttled Build Back Better, LAPD and Gentrifiers Hand In Hand, The Winter Solstice and Time Of Renewal

Segment 1: In this episode of *By Any Means Necessary*, hosts Sean Blackmon and Jacquie Luqman are joined by **Pascal Robert**, commentator with Black Agenda Report and Co-Host of the This Is Revolution Podcast to discuss the scuttling of the Build Back Better bill by the Congressional Progressive Caucus by caving to demands to decouple it from the infrastructure bill, how the Congressional Black Caucus and James Clyburn are also behind the failure of the Build Back Better bill, and how policies that purport to close the racial wealth gap often leave working and poor Black people behind.

Segment 2: In the second segment, Sean and Jacquie are joined by **Shakeer Rahman**, attorney and organizer with the Stop LAPD Spying Coalition to discuss the surveillance and policing of poor and working communities of color in Los Angeles, how the LAPD's surveillance program connects to real estate developers and gentrification, and the surveillance of Nipsey Hussle and his neighborhood by the LAPD.

Segment 3: In the third segment, Sean and Jacquie are joined by **Dr. Iyelli Icheli**, Director of the African American Studies Institute, and History professor in the Department of Social Sciences at Prince George's Community College to discuss how celebrations of Christmas and the winter solstice are connected to ancient traditions celebrating the return of light, how the winter has traditionally acted as a reset period and why values such as family are so deeply ingrained into our celebrations, and the importance of reconnecting with ideas of renewal and embracing hope.

Segment 4: Special Guest - Later in the show, Sean and Jacquie are joined by **Josh Gomez**, producer for *By Any Means Necessary* to discuss the extended pause of student loan debt repayment and why that isn't enough to stop the impending crisis, how the Biden administration shies away from spending money on an adequate COVID response or other essentials of life but gladly rains money on the US military to kill and maim working and poor

people abroad, and the reasons behind the decline in population growth and why the facts of life that we are presented with do not have to be.

12/31/2021

We Must Provide Hope In 2022, Somalia Faces Political Conflict, COVID-19 and Athlete Mental Health

Segment 1: In this episode of By Any Means Necessary, hosts Sean Blackmon and Jacquie Luqman discuss a clip from Mumia Abu-Jamal eulogizing the recently passed Archbishop Desmond Tutu and why we need hope in the coming new year.

Segment 2: In the second segment, Sean and Jacquie are joined by **Dr. Abdulahi Osman**, Executive Director of the New Dawn Education Group to discuss the current political conflict in Somalia and the illegal sacking of the prime minister by President Mohamed Abdullahi Mohamed, the US interest in the unrest in Somalia and in the horn of Africa, and how international geopolitical conflict has played out in the horn of Africa and Somalia.

Segment 3: In the third segment, Sean and Jacquie are joined by **Nate Wallace**, co-host of Red Spin Sports to discuss the impact of the COVID-19 pandemic in sports and the mental health of athletes and fans, the lifelong commitment that athletes make to team sports and how that is disrupted by issues like cancellations, the NFL's marijuana policy and substance abuse issues in the league, and the impact of John Madden on athletes and the sport of football.

Segment 4: Special Guest - Later in the show, Sean and Jacquie are joined by **Dr. Gerald Horne**, Moores Professor of History and African American Studies at the University of Houston, and author of dozens of books, most recently "The Bittersweet Science: Racism, Racketeering, and the Political Economy of Boxing" to discuss the talks between the US and Russia and the continued tensions between Washington and Moscow and Washington and Beijing, how the new Cold War drive against Russia and China is playing in the international arena, the record of Desmond Tutu on anti-imperialist causes, the role internationalism must play in striking at the core of empire historically and in 2022, and the reactionary origins of Texas and dispelling myths about Juneteenth.

Attachment A

**Letter from Ajit Pai, Chairman, FCC, to the Honorable Anna G. Eshoo,
U.S. House of Representatives (Apr. 20, 2018)**



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 20, 2018

The Honorable Anna Eshoo
U.S. House of Representatives
241 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Thank you for your letters concerning Federal Communications Commission (FCC) disclosure requirements for broadcast programming. I understand the importance of ensuring that consumers are aware of the sponsor of paid programming, and I am happy to address below the issues you have raised.

You ask that the Commission investigate FCC licensees to determine whether any may have aired broadcast programming by foreign agents—specifically, programming from RT and Sputnik—without proper sponsorship identification disclosure. You are correct that under our rules, broadcast stations must comply with the Commission's sponsorship identification rules. These rules generally require that when money or other consideration for the airing of program material has been received by or promised to a station, its employees, or others, the station must broadcast full disclosure of that fact at the time of the airing of the material, and identify who provided or promised to provide the consideration.

The Commission has not received any evidence that the stations that carry RT or Sputnik programming are in violation of those rules, beyond the references provided in your letters. (To be sure, the Commission has received a small number of complaints from listeners or viewers objecting to the broadcast of RT and Sputnik programming aired on FCC-licensed stations, but as you know, the First Amendment and the Communications Act generally bar the Commission from interfering with a broadcast licensee's choice of programming.)

Based on the information provided in your letters, I have instructed the Enforcement Bureau staff to contact the broadcast licensees that air RT and/or Sputnik programming to obtain additional information regarding any issue that may be within the FCC's jurisdiction. The Bureau will take the appropriate action depending on the facts that emerge during that inquiry. I would note that, without prejudging anything in the instant situation, violations of the sponsorship identification rules typically result in a forfeiture or fine for the licensee, as opposed to license revocation. Also, I should point out that the provisions of the Communications Act and the Commission's rules pertaining to sponsorship identification apply to broadcast station licensees and cable systems, but not to third-party programming providers.

I understand your request that the Commission take steps to monitor the airwaves for compliance with sponsorship identification rules, but I am unable to commit to doing so due to

resource constraints. Given its limited resources, the FCC historically has relied on a complaint-based system, rather than first-party monitoring, to help us detect potential violations. Dedicating a significant portion of enforcement resources solely to this issue would jeopardize our efforts to enforce our rules in several other areas. I can commit to you that we will review, and investigate as necessary, any complaints that are received on this issue.

Further, strong and recent agency action serves to put the entire broadcast industry on notice with respect to our sponsorship identification rules and our determination to enforce them. As you may be aware, we recently proposed a record fine for significant violations of our rules when paid programming lacked the required on-air disclosures. That decision incentivizes broadcast stations to ensure that all paid programming contains the disclosures required under Commission rules.

Incidentally, these same sponsorship identification rules apply to all broadcast licensees regardless of where the station gets its programming and whether or not the entity providing the content is a foreign agent under the Foreign Agents Registration Act (FARA). This sponsorship identification disclosure requirement applies to broadcast licensees and cable systems, and is distinct from FARA, which requires that registered foreign agents provide specific labels on any informational materials distributed by the foreign agent. The U.S. Department of Justice would be better suited to address how, and if, FARA's labeling requirements currently apply to the broadcast programming distributed by RT and Sputnik, as the FCC does not have separate enforcement authority over FARA requirements.

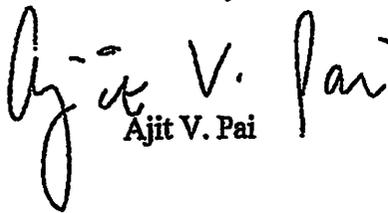
Your letters also raise the issue of whether the Commission's foreign ownership rules need review. Those rules have in fact been reviewed relatively recently; in September 2016, the previous Commission unanimously updated them. Additionally, these rules apply to the ownership and control of broadcast stations, not to the source of programming broadcast by such stations. Thus, it is unclear how such rules would be implicated based on the information currently available.

While the Commission's "secondary market" rules allow certain non-broadcast licensees to lease spectrum to third parties, these rules do not permit broadcast licensees to lease spectrum. In addition, Section 310(d) prohibits the de facto or de jure transfer of control of a broadcast licensee without the Commission's approval. This requires each licensee to retain control over essential station matters, such as personnel, programming, and finances. Although the Commission has authority to forbear from enforcing certain provisions of the Communications Act, this forbearance authority does not extend to broadcast licensees.

Finally, your January 30 letter proposes that the Commission require any foreign agents registered under FARA who seek time on broadcast and cable entities to file publicly with the FCC the same political file information currently required of broadcast and cable entities. However, as with sponsorship identification, the provisions of the Communications Act and the Commission's rules pertaining to political file information apply to broadcast station licensees and cable systems, but not to third-party programming providers.

I hope this has been helpful. Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Ajit V. Pai". The signature is written in a cursive style with a large initial "A" and a long tail on the "i".

Ajit V. Pai

Attachment B

**Letter from Ajit Pai, Chairman, FCC, to the Honorable Anna G. Eshoo,
U.S. House of Representatives (Mar. 25, 2020)**



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 25, 2020

The Honorable Anna G. Eshoo
U.S. House of Representatives
202 Cannon House Office Building
Washington, DC 20515

Dear Congresswoman Eshoo:

Thank you for your letter regarding the status of the Enforcement Bureau's inquiry regarding the broadcast of RT and/or Sputnik Radio programming by certain licensees. The Enforcement Bureau conducted an extensive inquiry into the matter, including issuing several letters of inquiry to the licensees that broadcasted this programming, and determined that under the Communications Act, the Commission's rules, and judicial precedent, there is no enforcement action that could be taken against the licensees in question. Therefore, I have directed the Media Bureau to explore whether the Commission should start a proceeding to review and modify our current sponsorship ID rules as they apply to programming provided by a foreign entity. I expect to have the Media Bureau's recommendations in the coming months for possible consideration by the full Commission.

Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink that reads "Ajit V. Pai". The signature is written in a cursive style with a large initial "A".

Ajit V. Pai

Attachment C

**Letter from Ajit Pai, Chairman, FCC, to the Honorable Frank Pallone, Chairman,
Committee on Energy and Commerce, U.S. House of Representatives (Apr. 7, 2020)**



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

April 7, 2020

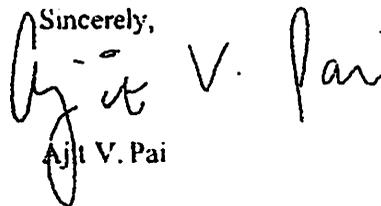
The Honorable Frank Pallone
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Pallone:

Thank you for your letter regarding a broadcast station's right to air legally protected speech. As you note, I have always stood firmly in the defense of the First Amendment for all Americans. Under the Constitution and the Communications Act, broadcast stations have broad discretion to decide what programming to air on their stations. Absent very narrow circumstances, the government cannot and should not investigate stations or revoke licenses based on programming the station airs.

This has been my long-standing position, and there should be no question as to my commitment to these ideals. In fact, just this week, the Commission's Media Bureau and Office of General Counsel denied an emergency petition filed by "Free Press" demanding that the Commission take action to curtail the freedom of the press and investigate, or at least guide, the editorial judgments of broadcast stations. (I have attached the letter denying Free Press's petition for your review.) Standing up for the constitutional rights of broadcast stations means that we must do so in all instances in which their rights appear threatened. I hope that you agree. Indeed, given your position on this powerful Committee and the unique opportunity you have to send a message in this particular case, I strongly encourage you to speak out publicly in favor of the First Amendment—and thus in opposition to this group's misguided petition.

Please let me know if I can be of any further assistance.

Sincerely,

Ajit V. Pai

CERTIFICATE OF SERVICE

I, Mark N. Lipp, of Fletcher, Heald & Hildreth, PLC, hereby certify that I caused a true copy of the foregoing Supplement to Opposition to Petition to Deny and Revoke to be sent on June 1, 2022, via email to the following individuals:

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Mark N. Lipp