



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 4060

DATE FILMED 8-20-97 CAMERA NO. 4

CAMERAMAN JMH

97043831319

September 23, 1994

Federal Election Commission
Washington, D.C. 20463

MUR 4060

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
SEP 27 10 52 AM '94

Attention: Office of General Counsel

RE: Complaint

Gentlemen:

I hereby file the following complaint regarding certain activities carried on by WTIX Radio Station and its corporate owner Mr. George H. Buck, and station employee Mr. Robert Namer, a clearly identified candidate of the U.S. Congress, 2nd Congressional District of Louisiana.

WTIX Radio is an AM radio station located at 3313 Kingman Street, Metairie, Louisiana 70006. It is owned and operated by WTIX, Inc., a Louisiana corporation domiciled in the Parish of Orleans, State of Louisiana. Its principal officers are as follows according to the last-filed annual report of the corporation to the Louisiana Secretary of State: George H. Buck, Jr., President (and sole stockholder), June N. Phelps, Vice President; and Jacob E. Bogan, Secretary/Treasurer. The broadcast coverage area of WTIX Radio extends throughout and includes the 2nd Congressional District, State of Louisiana.

Candidate Robert Namer is the paid general manager of the station and is also a talk show host on WTIX Radio, while a candidate for United States Representative, 2nd Congressional District of Louisiana. WTIX has allowed and continues to allow candidate Namer to advocate his candidacy for Congress while acting as the host of his talk show.

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By letter dated September 2, 1994, a copy of which is attached and marked exhibit "A", Walter Dumas, Esquire, wrote to the sole stockholder of WTIX, Inc., Mr. George H. Buck, Jr., pointing out that Mr. Namer "is extolling his candidacy in an attempt to further his election to the United States Congress from the 2nd Congressional District of Louisiana by improperly utilizing the airwaves of your station as part of his regularly scheduled programs." The letter concluded with a "request that [WTIX] remove Mr. Namer from broadcasting on WTIX, Inc., unless he purchases the radio time at the regular price charged all other candidates." Mr. Namer as general manager of the station answered that all candidates were given an opportunity to discuss their candidacies on the radio. (See attached correspondence.) I request an immediate investigation of this activity on the grounds that:

1. That Mr. Namer is a clearly identified candidate for Congress and is not entitled to continue hosting an on-the-air talk show even though he may continue to manage the station during his candidacy.

2. That Mr. Namer's use (while a clearly identified candidate for Federal office) of the air waves of Station WTIX in his capacity as host of a talk show, including any reference to Namer's candidacy for Congress, or to the candidacy of his opponents, is an improper use of both the airwaves and of a Federal license in a political campaign, and, that it violates the Federal Communications Act of 1934 and the Federal Elections Campaign Act of 1971.

3. That the value of any on-the-air references to his candidacy, or to any of his opponents, constitutes a contribution in-kind from a corporation and is

prohibited; and that such prohibited contribution is a knowing acceptance, giving and receiving of corporate contributions by candidate Namer and the principal officers, directors and stockholders of WTIX, Inc.. 2USCA § 441b/a).

4. That the cumulative value of prohibited corporate contributions exceed applicable contribution limitations. 2USCA § 441a(a).

5. That WTIX, Inc., and candidate Namer failed to disclaim communications over the airwaves of Station WTIX as required by 2 USCA § 441d.

6. That Mr. Namer and the principals of WTIX Corporation also violated 2 USCA § 441h.

7. That Mr. Namer failed to report and disclose, and to timely report and disclose, the receipt and expenditure of prohibited corporate in-kind contributions.

I further request that this matter be expedited in view of illegal and improper use of the air waves and prohibited in-kind contributions.

Please do not hesitate to contact me should you require any additional information.

Very truly yours,

Michelle Roberts
Bonnie Sue Young

Deidra Jackson

SWORN TO AND SIGNED before me, Notary Public, this the ~~26~~ 27 day of September, 1994.

Nicolas Estiverne
Notary Public

NICOLAS ESTIVERNE
Notary Public, Orleans Parish, LA
My commission is for life

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

OCTOBER 4, 1994

Deidra Jackson
10500 Haynes Blvd.
New Orleans, LA 70127

RE: MUR 4060

Dear Ms. Jackson:

This letter acknowledges receipt on September 27, 1994, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). The respondent(s) will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 4060. Please refer to this number in all future communications. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosure
Procedures

97043031323



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

OCTOBER 4, 1994

George H. Buck, Jr., President
WTIX Radio, Inc.
61 French Market Place
New Orleans, LA 70116

RE: MUR 4060

Dear Mr. Buck:

The Federal Election Commission received a complaint which indicates that WTIX Radio, Inc. and you, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4060. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against WTIX Radio, Inc. and you, in this matter. Please submit any factual or legal materials which you believe are relevant to the commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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George H. Buck, Jr., President
WTIX Radio, Inc.
Page 2

If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

97043631325



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

OCTOBER 4, 1994

Robert Namer
Box 19977
New Orleans, LA 70179

RE: MUR 4060

Dear Mr. Namer:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4060. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

97043831326

Robert Namer
Page 2

If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

97043831327



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCTOBER 4, 1994

Barbara Namer, Treasurer
Friends of Robert Namer
Box 1997
New Orleans, LA 70179

RE: MUR 4060

Dear Ms. Namer:

The Federal Election Commission received a complaint which indicates that Friends of Robert Namer ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4060. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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Barbara Namer, Treasurer
Friends of Robert Namer
Page 2

If you have any questions, please contact Alva E. Smith at (302) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

OCTOBER 4, 1994

June N. Phelps, Vice President
c/o WTIK Radio, Inc.
3313 Kingman Street
Metairie, LA 70006

RE: MUR 4060

Dear Ms. Phelps:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4060. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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June N. Phelps, Vice President
Page 2

If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCTOBER 4, 1994

Jacob E. Bogan, Secretary
c/o WTIK Radio, Inc.
3313 Kingman Street
Metairie, LA 70006

RE: MUR 4060

Dear Mr. Bogan:

The Federal Election Commission received a complaint which indicates that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 4060. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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Jacob E. Bogan, Secretary
Page 2

If you have any questions, please contact Alva E. Smith at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Mary L. Taksar

Mary L. Taksar, Attorney
Central Enforcement Docket

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

97043331333

WTIX
AM • 690

“HOT TALK”
INFO-TAINMENT RADIO

October 10, 1994

Ms. Mary L. Taksar, Attorney
Central Enforcement Docket
Federal Elections Commission
999 E. Street N. W.
Washington, D.C. 20463

RE: MUR 4060

Dear Ms. Taksar:

We are in receipt of your letter of October 4, 1994 regarding a complaint referenced as MUR 4060. Any actions that have been taken by this radio station and Robert Namer were with full conformity to the information received from the FEC's General Counsel's office.

All candidates for the 2nd Congressional District as well as other federal, state and municipal candidates were given the opportunity to discuss and promote their candidacy on our radio station. Most accepted the offer. Because Robert Namer was also a talk show host on this station, the time allocated was that which he would be on the air so that the station would not have a program vacancy while he was a candidate for the office in question. This is something that we have always done, not just a exception to this election period. Except for Rep. William Jefferson all the candidates for the office in question made themselves available.

All candidates were verbally notified and a written notice was sent out. A copy of said notice of September 5, 1994 is enclosed. Prior to any action being taken, the FCC and FEC were contacted to assure that the radio station would be in conformity to all applicable laws.

Ms. Dorothy Yeager, an election specialist with the FEC was contacted and her verbal opinion was that we were in conformity with the "Act". We went one step further and contacted the General Counsel's Office both by telephone and letter (copy of September 8, 1994 letter enclosed). Mr. N. Bradley Litchfield advised that while he could not speak for the Commission, it was his opinion that we were in conformity with the "Act". Mr. Litchfield followed up with a letter date September 12, 1994 (copy enclosed).

With no commission formal agreement or ruling we followed the Advisory Opinion of the FEC General Counsel's Office. Therefore, we feel that there has been no violation and that we have made every reasonable attempt to understand and follow all FCC and FEC rules, regulations and laws.

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
OCT 20 1 24 PM '94

We feel that this letter and the supporting documents should put this matter to rest without further action. Naturally, we do reserve any and all rights to legal representation should it become necessary. If more information or explanation is necessary, please don't hesitate to contact us.


Robert Vamer
General Manager

cc: Mr. N. Bradley Litchfield
Mr. Dennis Begley

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WASO
"America Speaks Out"
AM • 730

"HOT TALK"
INFO-TAINMENT RADIO

September 5, 1994

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
OCT 20 1 24 PM '94

HON. William J. Jefferson
1912 Marengo Street
New Orleans, La 70115

Julius Leahman
3220 Delachaise Street
New Orleans, La 70125

John C. Lawrence
3325 Kansas Street
New Orleans, La 70114

Robert Namer
3313 Kingman Street
Metairie, La 70006

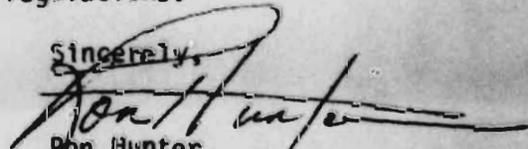
Candidates for U.S. Representative, 2nd Congressional District:

Since the 2nd Congressional District race is the most highly contested in this area and because WTIX and WASO General Manager and talk show host is a candidate in the race, in the public interest, we have made the following air time available to all the candidates in the herein mentioned race.

Each candidate will be allowed to produce a two minute "news" commentary which will be aired during our morning news and once on each program of the day. The commentary cannot be politically self serving, nor promote your candidacy. Our production studio will be made available for each candidate to produce the commentary. If you need engineering assistance, it would cost \$50 per hour, on a time used basis.

We have made available the hours of 4:05 to 5:00 pm and 6:05 to 7:00 pm for all candidates to either jointly or individually come on the air to either debate or discuss their candidacy. This time will be made available through September 30th. We expect all candidates to confirm the dates and times they would like to except this offer prior to September 9th. Conflicts in schedules will be decided by fairness of equal time provisions. We will not be able to make available "make up time" if you do not make yourself available for these particular times. It should be noted that these program times may be replayed during the weekend or other times of the day. Candidates who wish to come on the air individually will either have to do their own engineering or pay \$50 per hour for engineering assistance.

This policy is made to conform with both FEC and FCC equal time provisions for federal political candidates. After consultation with both the FEC and FCC it has been determined that it is in compliance with the spirit and intent of equal time provisions. Should you feel that it is not, please advise ASAP. We will review your opposition and direct it to the FEC and FCC for their determination. Rest assured that it is and will be our full intent and objective to abide by any and all FEC and FCC regulations.

Sincerely,

Ron Hunter
Program Director

AMERICA FIRST COMMUNICATION, INC.
15529 Highway 190 West • Covington, LA 70433 • (504) 892-1600
3313 Kingman St. • Metairie, LA 70006 • (504) 455-1583

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WTIX
AM • 690

“HOT TALK”
INFO-TAINMENT RADIO

September 8, 1994

Office of General Counsel
Federal Election Commission
999 E. Street N. W.
Washington, D.C. 20463

RE: Request for Advisory Opinion
Expedited Basis

This letter is submitted in the abundance of caution to comply with any and all FEC and FCC rules, regulations and laws. An expedited response would be appreciated.

WTIX and WASO Radio Stations have news talk formats. Both stations are very much politically oriented in their talk programs. During all elections we make considerable time available to political candidates in the form of interviews and debates. We do not charge the candidates for this time. We feel that it is of public interest.

Robert Namer is a candidate for the U.S. House of Representatives for 2nd Congressional District. Namer is also the General Manager of the radio stations and does a daily news commentary and hosts a news and political oriented call in talk show program each day from 4:05 to 5:00 pm and 6:05 to 7:00 pm on both stations in simulcast.

Namer qualified for the congressional race on August 16, 1994. At that time, the radio stations yielded his program for the use by all the candidates running for public office, especially those in the 2nd Congressional race. All candidates were offered the time equally to discuss their candidacy and debates between the candidates. Knowing that the 60 days prior to the general election would take effect this date, a letter was sent on September 5, 1994 to all candidates (copy enclosed).

We took this position after talking to legal counsel, FCC and FEC to assure that we were in compliance with all regulations. We received an inquiry from the Democratic Party that this could be a violation of 2 USCA Sec. 441b(a) and (b). The candidates could be receiving "anything of value" as a result of free air time.

Since Robert Namer is not the owner of the radio stations and control of same is vested with the licensee(s), and equal time is afforded to all candidates, we felt that 11 CFR 100.7 B2 clearly permits this activity and therefore does not violate 2 USCA Sec. 441b(a) and (d).

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The FEC was contacted this morning and we talked to a specialist, Ms. Dorothy Yaeger, who also felt that what we have done conforms with 11 CFR 100.7 B2 and that we would not be in any violation of FEC regulations. We submit this advisory opinion, again, in the abundance of caution. We would appreciate an expedited response.

While there may be more time given to the congressional candidates because the significance of the office, it would be unfair to charge them for the time and not other candidates. This is a programming decision for the public interest in getting as much information as possible and give all candidates, regardless of financial ability equal opportunity.

We have received an advisory letter dated October 30, 1994, to Randall A. Terry from Ms. Yaeger. While we feel that we are in compliance with the decision we made, while awaiting your response, we will follow the recommendation of the herein mentioned opinion by allowing Robert Namer to broadcast on news and issues and refraining from promoting his candidacy, seeking contributions and support, airing ads for those purposes as well as attacking his opponents.

Sincerely,



Robert Namer

97043831330



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 12, 1994

Robert Namer
WTIX AM 690
3313 Kingman St.
Metairie, LA 70006

Dear Mr. Namer:

This refers to your letter of September 8, 1994, and our telephone conversation of September 9, which both pertain to the granting of free radio broadcast time to 1994 candidates for Federal office in the 2nd Congressional District of Louisiana.

As we discussed, the Commission has an expedited 20 day advisory opinion procedure that is available to address inquiries such as the one you submitted. 2 U.S.C. §437f(a)(2). The Commission and its staff are prohibited by law from giving any other opinion "of an advisory nature." 2 U.S.C. §437f(b). During our conversation you indicated that you did not wish to proceed with the opinion process at this time.

I also explained that the Commission recently considered, but failed to agree, on a draft advisory opinion that presented the same issue as your letter. The file reference is Advisory Opinion Request 1992-26. There are several public documents in this file that I am enclosing for your information. As you will note, one of the documents is a recommendation from the General Counsel which a majority of the Commission declined to adopt.

If you have any further questions about the advisory opinion process, the enclosed materials, or this letter, please contact me.

Sincerely,

N. Bradley Litchfield/msj

N. Bradley Litchfield
Associate General Counsel

Enclosures

97043831339

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

FEB 23 2 32 PM '96

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

MUR 4060
DATE COMPLAINT FILED: 9/27/94
DATE OF NOTIFICATION: 10/4/94
DATE ACTIVATED: 1/9/95
STAFF MEMBER: Craig D. Reffner

COMPLAINANT: Deidra Jackson

RESPONDENTS: WTIx, Inc.
America First Communication, Inc.
d/b/a WASO AM
George H. Buck, Jr., President WTIx
June N. Phelps, Vice President WTIx
Jacob E. Bogan, Secretary WTIx
Robert Namer
Friends of Robert Namer and
Barbara Namer, as treasurer
Julius Leahman
John C. Lawrence

RELEVANT STATUTES: 2 U.S.C. § 441b
2 U.S.C. § 441d
2 U.S.C. § 441h

INTERNAL REPORTS CHECKED: Disclosure Reports
Contributor Indices

FEDERAL AGENCIES CHECKED: Federal Communications Commission

I. GENERATION OF MATTER

This matter was generated by a complaint from Deidra Jackson who alleges, inter alia, that WTIx, Inc., a Louisiana radio station, made a prohibited contribution to Robert Namer's campaign in Louisiana's 1994 Second Congressional District election. A response has been received. Attachment A.

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II. FACTUAL AND LEGAL ANALYSIS

A. The Complaint

According to the complaint, Robert Namer, the general manager of WTIK, "advocate[d] his candidacy for Congress while acting as the host of his talk show" on WTIK. Complaint at 1. The complainant avers that "the value of any on-the-air references to" Mr. Namer's candidacy or that of his opponents constitutes an in-kind contribution. Id. at 2. The complainant maintains that the owner of WTIK, George Buck, was informed, by letter dated September 2, 1994, that Mr. Namer was improperly "extolling his candidacy . . . [on] the airwaves of [WTIK] as part of his regularly scheduled programs" and notes that Mr. Namer's reply was that "all candidates were given an opportunity to discuss their candidacies." Id. The complainant also alleges violations of 2 U.S.C. §§ 441a(a), 441d and 441h. Id. at 2-3. Lastly, the complainant alleges that Mr. Namer failed to report and disclose the receipt of the prohibited in-kind contributions. Id. at 3.

B. The Response

Mr. Namer identifies himself as the general manager of WTIK, Inc., as well as a second radio station, WASO. Attachment A at 1.¹ He also states that he is the host of a talk show that is

1. The Federal Communication Commission ("FCC") has confirmed that WTIK and WASO are both licensed broadcast stations. According to the 1995 Gale Directory of Publications & Broadcast Media, WTIK and WASO are AM radio stations. WTIK broadcasts in New Orleans, Louisiana, and WASO broadcasts in Covington, Louisiana, which is situated approximately 40 miles north of New Orleans. The FCC also confirmed that the licensee for WASO is America First Communication, Inc., while the licensee for WTIK is the GHB Broadcasting Company, which owns WTIK, Inc.

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simultaneously aired on WTIx and WASO. With regard to the complainant's allegation that he advocated his candidacy, Mr. Namer acknowledges that he discussed his candidacy during his talk show and explains that "[a]ll candidates for the 2nd Congressional District . . . were given the opportunity to discuss and promote their candidacy." Id.²

From the available information, it appears that WTIx and WASO first offered the candidates free air time when Mr. Namer filed his statement of candidacy, on August 17, 1994. Later, on September 5, 1994, WASO extended the offer in writing. Attachment A at 3. Mr. Namer included a copy of WASO's September 5th letter, addressed to four candidates: Robert Namer, William Jefferson, John C. Lawrence and Julius Leahman. It provides as follows:

[b]ecause WTIx and WASO General Manager and talk show host is a candidate in the race, in the public interest. . . . [e]ach candidate will be allowed to produce a two minute 'news' commentary. . . . [and] to either jointly or individually come on the air to either debate or discuss their candidacy.

Id. at 3. According to the letter, the candidates could debate and discuss their candidacies during the hours of 4:05 to 5:00 pm and 6:05 to 7:00 pm, which is when Mr. Namer's talk show aired.

Id. The letter also stated that the candidates would be required to do their own engineering or pay \$50 per hour for engineering assistance. In his response, Mr. Namer notes that all but one of

2. Although not at issue here, disclosure reports filed by Mr. Namer's principal campaign committee show that disbursements were made to "WTIX/WASO" for "advertising" on September 15, 1994, in the amount of \$450 and again on October 1, 1994, in the amount of \$600.

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the candidates, William Jefferson, accepted the offer. Attachment A at 1.³

Mr. Namer further maintains that before making this offer, Respondents contacted the Federal Communications Commission and the Federal Election Commission "to assure that [WTIX and WASO] would be in conformity to all applicable laws." Id.⁴ Mr. Namer states that he spoke with staff in the Information Division as well as the General Counsel's Office, and that Respondents "followed the Advisory Opinion of the FEC General Counsel's Office." Id. Mr. Namer concludes that Respondents feel there has been no violation and that they made "every reasonable attempt to understand and follow all FCC and FEC rules, regulations and laws." Id.

C. Statement of the Law

The Act prohibits any corporation from making any contribution or expenditure in connection with a federal election and further prohibits any candidate or committee from knowingly accepting any such contribution. 2 U.S.C. § 441b. The Act also prohibits any person from making any contributions to any candidate and his or her authorized political committees with respect to any election for Federal office which, in the

3. Commission records show that Mr. Jefferson was successfully reelected in the 1994 Second Congressional District election with over 77% of the vote. Mr. Namer is shown to have received 19% of the vote and John Lawrence less than 4% of the vote. The official ballot results show that Mr. Leahman received even fewer votes than Mr. Lawrence.

4. This Office expresses no opinion as to whether WTIX and WASO were in compliance with Federal Communications Act of 1934, as amended, or the Federal Communication Commission's regulations.

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aggregate, exceed \$1,000. 2 U.S.C. § 441a(a)(1)(A). Candidates and their committees must properly and timely disclose all contributions received pursuant to Sections 434(a) and (b) of the Act.

The Act defines a contribution or expenditure to include "anything of value," which includes the provision of goods or services without charge, or at a charge which is less than the usual and normal charge for such goods or services. The Act, however, specifically excludes from the definition of contribution or expenditure "any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate." 2 U.S.C. § 431(9)(B)(i). 11 C.F.R. §§ 100.7(b)(2)(i)-(ii) and 100.8(b)(2)(i)-(ii).

Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, direct mailing, or any other type of general public political advertising, such communication, if paid for and authorized by the candidate, an unauthorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee. 2 U.S.C. § 441d. If the communication is paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, the communication shall clearly state that it is paid

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for by such other persons and authorized by such authorized political committee.

No person who is a candidate for Federal office or an employee or agent of such candidate shall fraudulently misrepresent himself or herself or any committee or organization under his or her control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof. 2 U.S.C. § 441h.

In addition to its enforcement duties, the Act authorizes the Commission to issue advisory opinions. 2 U.S.C. § 437f. Any advisory opinion rendered by the Commission may be relied upon by any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered and by any person involved in a specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered. 2 U.S.C. § 437f. The Act also specifically states that "[n]o opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of Section 437f." 2 U.S.C. § 437f(b).

D. Analysis

1. Reliance upon Advisory Opinion

A review of Commission records confirms that Mr. Wamer requested an advisory opinion on September 8, 1994, as to whether the provision of free or discounted air time to Federal candidates

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under the Federal Communications Act of 1934, as amended, would result in a prohibited contribution. In his request, Mr. Namer explained that he had received a copy of AO 92-37, in which the Commission determined that a candidate could continue hosting a talk show during his campaign without a prohibited contribution having been made. The Commission noted that the talk show would not air in the district where the candidate was campaigning and that the candidate had represented that during his show, he would neither expressly advocate his candidacy or the defeat of his opponents nor solicit contributions to his campaign. Mr. Namer concluded his request by noting that until he received a response from the Commission, he would continue hosting his talk show, but refrain from "promoting his candidacy, seeking contributions and support, airing ads for those purposes as well as attacking opponents" as provided for in AO 92-37.

On September 9, 1994, however, Mr. Namer withdrew his advisory opinion request. In a letter dated September 12, 1994, staff of this Office confirmed that Mr. Namer had withdrawn his request and explained that "the Commission recently considered, but failed to agree, on a draft advisory opinion [1992-26] that presented the same issue as your letter." Id. at 6. Draft AO 92-26 stated that a radio station's provision of free air time to a candidate under the Federal Communications Act would not result in a prohibited contribution. A copy of Draft AO 92-26 was included in the letter to Mr. Namer.

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Although it is unclear whether Mr. Namer is asserting reliance upon AO 92-37 or Draft AO 92-26, neither would afford Respondents the safe harbor provided under Section 437f. First, the Act specifically provides that "[n]o opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of Section 437f." Not only was Mr. Namer informed that the Commission failed to approve Draft AO 92-26, but, in this Office's September 12, 1994 letter to Mr. Namer, it was explained that the "Commission and its staff are prohibited by law from giving any other opinion 'of an advisory nature.'" That letter further noted that Mr. Namer "did not wish to proceed with the opinion process at this time." Moreover, unlike the radio stations involved in AO 92-37 and Draft AO 92-26, the available information in the matter at hand shows that Mr. Namer apparently controls WTIK and WASO. In fact, the available information shows that Mr. Namer is the general manager of both WTIK and WASO and, as such, apparently exerts control over the stations.⁵

Under the Act and Commission regulations the press exemption extends to any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication unless the facility is

5. It is presently unclear whether the candidate has any ownership interest in either station. As noted earlier, the licensee for WASO is America First Communication, Inc., which was incorporated by Barbara Namer, who also serves as treasurer of Mr. Namer's campaign committee. At this time, we do not know who are the shareholders of America First Communication, Inc.

owned or controlled by any political party, political committee, or candidate, in which case the press exemption extends only to news stories which represent bona fide news accounts communicated in a publication of general circulation or on a licensed broadcasting facility, and which are part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the circulation or listening area. 2 U.S.C. § 431(9)(B)(i). 11 C.F.R. §§ 100.7(b)(2)(i)-(ii) and 100.8(b)(2)(i)-(ii). Thus, candidate ownership or control over a media entity is a material fact in determining the applicability of the press exemption and, unlike the situation here, the radio stations involved in AO 92-37 as well as Draft AO 92-26 were neither owned nor controlled by a candidate or political party.⁶

2. Corporate Contribution

As noted, the Act excludes the costs associated with the production and dissemination of news stories, commentaries or editorials from the definitions of "contribution" and "expenditure" unless the media entity is owned or controlled by a candidate, political party or political committee." 2 U.S.C. § 431(9)(B)(i); 11 C.F.R. §§ 100.7(b)(2) and 100.8(b)(2). In

6. AO 92-37 is also distinguishable from the matter at hand in several other material aspects. First, unlike the situation in AO 92-37, Mr. Namer's talk show aired in the Congressional district where he was campaigning. Second, at some point during his campaign, he apparently advocated his candidacy on the talk show. In fact, in response to the complaint, Mr. Namer states that all the candidates in the Second Congressional District election were offered the opportunity to debate and discuss their candidacies and he acknowledges that all but one of the candidates accepted the offer.

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Readers' Digest Ass'n. v. FEC, 509 F. Supp. 1210, 1214 (S.D.N.Y. 1981), the court, interpreting the Act, applied a two prong test to the media exemption: the exemption applies when the distribution of news or commentary falls within the media entity's "legitimate press function," and when the entity is not owned or controlled by any political party, political committee or candidate.

Under the Commission's regulations, when a media entity is owned or controlled by a political party, political committee or candidate, the press exemption extends only to news stories which "(i) represent . . . bona fide news account[s] communicated in a publication of general circulation or on a licensed broadcasting facility, and which (ii) [are] part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the circulation or listening area" 11 C.F.R. §§ 100.7(b)(2)(i)-(ii) and 100.8(b)(2)(i)-(ii).

In MUR 2268 the Commission determined that the media exemption would not apply to various editorials that concerned such topics as the Strategic Defense Initiative and AIDS because they were presented by a candidate over the airwaves of a radio station he owned. Although the media exemption "generally covers news stories, commentaries or editorials," in those instances when the media entity is owned or controlled by a candidate, the exemption will only apply to "a news story that is a bona fide news account and part of a general pattern of campaign-related news accounts giving reasonably equal coverage to all opposing

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candidates in the listening area." MUR 2268, General Counsel's Report, signed March 11, 1987, at 17. As noted there, the Act and the Commission's regulations distinguish a news story from an editorial, "and if the facility is candidate-owned, editorial activity cannot qualify for the press exemption." Id. MUR 2268 was resolved when the Commission accepted conciliation agreements from the candidate's radio station and his authorized campaign committee.⁷

In the matter at hand, the available information shows that between August 17, 1994, the date Mr. Namer filed a statement of candidacy, and October 1, 1994, the date of the primary election, WTIx and WASO broadcast Mr. Namer's talk show twice daily, between 4:05 and 5:00 pm and again between 6:05 and 7:00 pm. Mr. Namer's talk show has been described as a "call in talk show program" and although it is unclear exactly what may have been discussed when his talk show aired, Mr. Namer has acknowledged that all but one of the candidates in the election accepted the offer to appear on his talk show "either jointly or individually . . . to debate or discuss their candidacies." Attachment A at 1. In addition, WTIx and WASO also aired a "two minute news commentary" that featured Mr. Namer as well as the other candidates who accepted the offer.

7.

AO 1976-29 ("[u]nlike news, commentaries and editorials are intended to reflect the subjective views of the publisher or broadcaster [and] [i]n the context of a political campaign, commentaries and editorials tend to be partisan in nature and to be disseminated for the purpose of influencing the outcome of an election").

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Under the terms of WTIK's and WASO's offer, these commentaries, which would be aired twice daily, could not "be politically self serving, nor promote [the candidate's] candidacy." Id. at 3.

Like the editorials at issue in MUR 2268, it does not appear that the broadcasts in the matter at hand would qualify for the press exemption. As noted, Mr. Namer has identified himself as the general manager of both WTIK and WASO. See supra pp 2-3. Attachment A at 1. Thus, it appears that he exercises some degree of control over the media entities in question under 11 C.F.R. §§ 100.7(b)(2) and 100.8(b)(2), despite his claims to the contrary.⁸ Accordingly, under the regulations, the press exemption would only apply to the broadcasts at issue in this matter if they qualify as news stories which represent bona fide news accounts which are part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the listening area" 11 C.F.R. §§ 100.7(b)(2)(i)-(ii) and 100.8(b)(2)(i)-(ii).

By Mr. Namer's own description, neither the "talk show" that he hosted nor the "two minute 'news' commentar[ies]" that featured him as well as the other candidates appear to be "news stories."

8. In his September 8, 1994 Advisory Opinion Request, Mr. Namer states that he "is not the owner of the radio stations [WTIX or WASO]" and "control of same is vested with the licensee(s)." Attachment A at 4. According to the Federal Communications Commission, however, there is no particular individual identified as the licensee for either WTIK or WASO. Rather, the licensee for WTIK is WTIK, Inc., while the licensee for WASO is America First Communication, Inc. In this regard, Mr. Namer's mere assertion that WASO and WTIK are controlled by their respective corporate licensees does little to overcome his own, self-acknowledged role as the general manager of both radio stations.

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much less news stories that represent bona fide news accounts which are part of a general pattern of campaign-related news accounts and which give reasonably equal coverage to all opposing candidates in the listening area. In fact, Mr. Namer describes WTIK and WASO as "very much politically oriented in their talk programs" and by his own account, he and the other candidates in the election appeared on his show to "debate and discuss their campaigns." Attachment A at 1 and 4.

In short, it does not appear that the broadcasts at issue in this matter would qualify for the press exemption. Since WTIK, Inc., and America First Communication, Inc., are corporations, it appears that they made prohibited contributions in connection with the campaigns of three Federal candidates in Louisiana's 1994 Second Congressional District election: Robert Namer, Julius Leahman and John Lawrence.

3. Other Violations

As noted above, the complainant alleged that Respondents violated other provisions of the Act. First, the complainant maintains that the value of the contributions in this matter exceed the contribution limitations set forth at 2 U.S.C. § 441a(a). The available information, however, shows that WTIK and America First Communication are incorporated and as such, they are subject to the prohibition set forth at Section 441b rather than the limitations set forth at Section 441a.

Second, the complainant alleged that Respondents failed to report the receipt of the contributions at issue in this matter. Although these contributions, if made, would be subject to the

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Act's reporting requirements, this Office believes it is more appropriate to pursue them as prohibited contributions. Accordingly, this Office makes no recommendation as to whether Respondents violated any of the Act's reporting requirements.

Third, the complainant alleged that "Mr. Namer and the principals of WTIX Corporation violated 2 U.S.C. § 441h." The complainant, however, did not provide any other information concerning this allegation and there is no indication from the available information which shows that Mr. Namer fraudulently misrepresented himself or acted on the behalf of any other candidate.

Lastly, the complainant alleged that the communications at issue in this matter did not contain a proper disclaimer in violation of 2 U.S.C. § 441d. Although the exact content of the statements made by Mr. Namer and the other candidates who appeared on his talk show is unclear, the available information shows that they apparently debated and discussed their candidacies. In this regard, it appears that the broadcasts in question may have included communications expressly advocating the election or defeat of clearly identified candidates. Although Mr. Namer's response is silent as to this particular allegation, he did confirm that he advocated his candidacy as the complainant alleged. Therefore, there appears to be reason to believe there was a violation of 2 U.S.C. § 441d.

4. Conclusion

Based upon the above discussion, it appears that WTIX and America First Communication, Inc., d/b/a WASO, broadcast

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communications in connection with the campaigns of three candidates in the 1994 election in Louisiana's 1994 Second Congressional District election. In addition, it appears that the broadcasts by WTIK and America First Communication may not have contained the disclaimers required under 2 U.S.C. § 441d(a).

Based upon the foregoing, this Office recommends that the Commission find reason to believe that WTIK, Inc., America First Communication, Inc., d/b/a WASO, Friends of Robert Namer and Barbara Namer, as treasurer, each violated 2 U.S.C. § 441b. This Office also recommends that the Commission find reason to believe that WTIK, Inc., and America First Communication, Inc., d/b/a WASO, violated 2 U.S.C. § 441d(a).

This Office further recommends that the Commission approve the attached subpoenas. Attachment C. These discovery requests seek information that will confirm the extent of Mr. Namer's ownership or control of WASO and WTIK. In addition, these subpoenas also include questions that will assist in determining the extent of the violations in this matter, including the identity of the officers or directors who approved the broadcasts, the frequency of the broadcasts and the apparent absence of the disclaimers required under Section 441d. These subpoenas will also clarify whether WTIK and WASO qualify for subchapter S tax status under the Internal Revenue Code.

Lastly, although Julius Leahman and John Lawrence appeared on Mr. Namer's talk show to debate and discuss their candidacies, neither Mr. Leahman nor Mr. Lawrence have filed Statements of Candidacy with the Commission and it is unclear whether either met

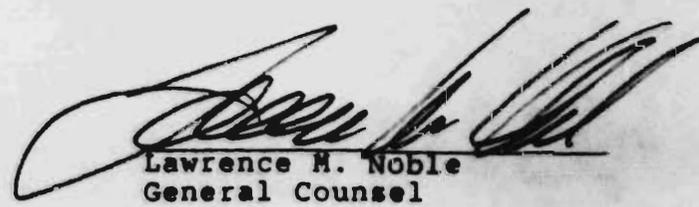
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the Act's threshold for candidacy. 2 U.S.C. § 432. The information received from the Commission's subpoenas may, however, clarify this issue. Accordingly, this Office recommends that the Commission take no action at this time with respect to Julius Leahman and John Lawrence.

III. RECOMMENDATIONS

1. Find reason to believe that WTIK, Inc., America First Communication, Inc., d/b/a WASO, and Friends of Robert Namer and Barbara Namer, as treasurer, each violated 2 U.S.C. § 441b.
2. Find reason to believe that WTIK, Inc., and America First Communication, Inc., d/b/a WASO, each violated 2 U.S.C. § 441d(a).
3. Take no action at this time with respect to Julius Leahman and John Lawrence.
4. Approve the attached Factual and Legal Analyses and Subpoenas and the appropriate letters.

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Date: 2/27/96


Lawrence M. Noble
General Counsel

Attachments

- A. Response from Robert Namer
- B. Proposed Factual and Legal Analyses (3)
- C. Proposed Subpoenas (2)



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/BONNIE J. ROSS 
COMMISSION SECRETARY

DATE: FEBRUARY 29, 1996

SUBJECT: MUR 4060 - FIRST GENERAL COUNSEL'S REPORT
DATED FEBRUARY 23, 1996.

The above-captioned document was circulated to the Commission on Monday, February 26, 1996 at 11:00 a.m.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens _____

Commissioner Elliott _____

Commissioner McDonald _____

Commissioner McGarry _____

Commissioner Potter _____

Commissioner Thomas XXX

This matter will be placed on the meeting agenda for Tuesday, March 5, 1996.

Please notify us who will represent your Division before the Commission on this matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 4060
WTIX, Inc.;)
America First Communication, Inc.)
d/b/a/ WASO AM;)
George H. Buck, Jr., President)
WTIX;)
June N. Phelps, Vice President)
WTIX;)
Jacob E. Bogan, Secretary WTIX;)
Robert Namer;)
Friends of Robert Namer and)
Barbara Namer, as treasurer;)
Julius Leahman;)
John C. Lawrence)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on March 5, 1996, do hereby certify that the Commission decided by a vote of 4-0 to take the following actions in MUR 4060:

1. Find reason to believe that WTIX, Inc., America First Communication, Inc., d/b/a/ WASO, and Friends of Robert Namer and Barbara Namer, as treasurer, each violated 2 U.S.C. § 441b.
2. Find reason to believe that WTIX, Inc., and America First Communication, Inc., d/b/a WASO, each violated 2 U.S.C. § 441d(a).

(continued)

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3. Take no action at this time with respect to Julius Leahman and John Lawrence.
4. Approve the Factual and Legal Analyses and Subpoenas and the appropriate letters as recommended in the General Counsel's February 23, 1996 report.

Commissioners Aikens, Elliott, McDonald, and Thomas voted affirmatively for the decision; Commissioner McGarry was not present.

Attest:

3/5/96
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 7, 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

George H. Buck, Jr., President
WTIX, Inc.
3313 Kingman Street
Metairie, LA 70006

RE: MUR 4060
WTIX, Inc.

Dear Mr. Buck:

On October 4, 1994, the Federal Election Commission notified WTIX, Inc., of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was enclosed with that notification.

Upon further review of the allegations contained in the complaint the Commission, on March 5, 1996, found that there is reason to believe WTIX, Inc., violated 2 U.S.C. §§ 441b and 441d(a), provisions of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's findings, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. All responses to the enclosed Order to Answer Questions and Subpoena to Produce Documents must be submitted to the General Counsel's Office within 30 days of your receipt of this letter. Any additional materials or statements you wish to submit should accompany the response to the order and subpoena. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this order and subpoena. If you intend to be represented by counsel, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notification or other communications from the Commission.

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

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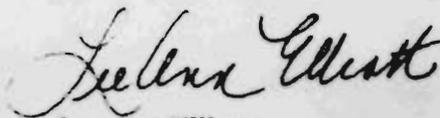
If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

If you have any questions, please contact Craig D. Reffner, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,



Lee Ann Elliott
Chairman

Enclosures

Order and Subpoena
Designation of Counsel Form
Factual and Legal Analysis

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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)
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MUR 4060

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: George Buck, President
WTIX, Inc.
3313 Kingman Street
Metairie, LA 70006

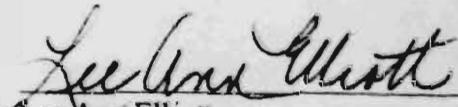
Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

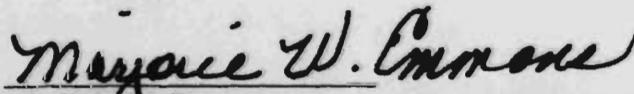
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WHEREFORE, the Chairman of the Federal Election Commission has hereunto set her
hand in Washington, D.C. on this 7th day of March, 1996.

For the Commission,


Lee Ann Elliott
Lee Ann Elliott
Chairman

ATTEST:


Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Attachment
Order to Submit Written Answers and
Subpoena to Produce Documents with
Instructions and Definitions

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**ORDER TO PRODUCE WRITTEN ANSWERS AND
SUBPOENA TO PRODUCE DOCUMENTS**

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1994, to December 31, 1994.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type, including any information maintained by computer, in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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ORDER TO SUBMIT WRITTEN ANSWERS

1.
 - a. State the total number of shares of stock that have been issued for WTIX, Inc. If more than one class of stock has been issued, identify each class of stock and state the total number of shares of stock that have been issued for each class.
 - b. Identify all shareholders of WTIX, Inc. For each shareholder identified, state the total number of shares owned by the shareholder and, if more than one class of stock has been issued, state which class(es) of stock the shareholder owns.
2. State whether WTIX, Inc., currently receives "S corporation" tax status under the Internal Revenue Code, 26 U.S.C. §§ 1361 et seq. If so, identify the year when WTIX, Inc., elected such tax status.
3. Identify all directors of WTIX, Inc. For each person identified, state the dates the person was a director.
4. Identify all employees and officers of WTIX, Inc. For each person identified:
 - a. state the position(s) he or she held;
 - b. state the dates when person held the position(s); and
 - c. describe the duties and responsibilities of the position(s).
5. With regard to the talk show hosted by Robert Namer which is the subject of the complaint in this matter:
 - a. state the number of times that this talk show was broadcast between August 1, 1994, and November 8, 1994, and describe in detail how this talk show is produced and broadcast, including the identity of each person involved in the production and broadcasting of the talk show; and

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- iii. describe the news commentary in detail, including all subjects or issues presented as well as any advertisements or other communications that were broadcast in connection with the news commentary;
- iv. state the total costs incurred in the production and broadcasting of the news commentary, and
- v. state whether any payments were received to cover the costs of producing and broadcasting the news commentary and, if so, identify each such payment, including the payor, the amount of the payment and the date the payment was made.

SUBPOENA TO PRODUCE DOCUMENTS

- 1. Produce the Articles of Incorporation and Corporate Bylaws for WTIX, Inc.
- 2. Produce all documents as well as any audio recordings that are referred to or relate to your answers to the Interrogatories set forth

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- b.. for each separate broadcast of the talk show:
- i. state the date the talk show was broadcast (e.g., September 6, 1994), the time the talk show was broadcast (e.g., 4:00 p.m.) and the duration of the broadcast (e.g., 30 minutes);
 - ii. describe each broadcast in detail, including all subjects or issues discussed as well as any advertisements or other communications that were broadcast in connection with the talk show;
 - iii. identify each person who appeared or spoke at any point during the talk show and, for each person identified, state the purpose of their appearance and describe all statements they made;
 - iv. state the total costs incurred in the production and broadcasting of the talk show; and
 - v. state whether any payments were received to cover the costs of producing and broadcasting the talk show and, if so, identify each such payment, including the payor, the amount of the payment and the date the payment was made.
6. With regard to the "two minute 'news' commentary" referenced in a September 5, 1994 letter to the candidates in the 1994 election in Louisiana's Second Congressional District:
- a. state the total number of news commentaries that were broadcast and describe in detail how these news commentaries were produced and broadcast, including the identity of each person involved in the production and broadcasting of the news commentaries; and
 - b. for each separate news commentary that was broadcast:
 - i. identify the commentator;
 - ii. state the date the news commentary was broadcast (e.g., August 29, 1994), the time the news commentary was broadcast (e.g., 10:00 a.m.) and the duration of the broadcast (e.g., 1 minute and 13 seconds);

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR: 4060

RESPONDENTS: WTIX, Inc.

I. GENERATION OF MATTER

This matter was generated by a complaint from Deidra Jackson who alleges, inter alia, that WTIX made a prohibited contribution in connection with Robert Namer's campaign in Louisiana's 1994 Second Congressional District election.

II. FACTUAL AND LEGAL ANALYSIS

A. Statement of the Law

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The Federal Election Campaign Act of 1971, as amended ("the Act") prohibits any corporation from making any contribution or expenditure in connection with a federal election. The Act further prohibits any officer or director of any corporation from consenting to any contribution or expenditure by the corporation. The Act defines a contribution or expenditure to include "anything of value," which includes the provision of goods or services without charge, or at a charge which is less than the usual and normal charge for such goods or services. The Act, however, specifically excludes from the definition of contribution or expenditure "any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate." 2 U.S.C. § 431(9)(B)(i). 11 C.F.R. §§ 100.7(b)(2)(i)-(ii) and 100.8(b)(2)(i)-(ii).

Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or

solicits any contribution through any broadcasting station, direct mailing, or any other type of general public political advertising, such communication, if paid for and authorized by the candidate, an unauthorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee. 2 U.S.C. § 441d. If the communication is paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, the communication shall clearly state that it is paid for by such other persons and authorized by such authorized political committee. Id.

In addition to its enforcement duties, the Act authorizes the Federal Election Commission (the "Commission") to issue advisory opinions. 2 U.S.C. § 437f. Any advisory opinion rendered by the Commission may be relied upon by any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered and by any person involved in a specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered. 2 U.S.C. § 437f. The Act also specifically states that "[n]o opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of Section 437f." 2 U.S.C. § 437f(b).

B. The Complaint

According to the complaint, Robert Namer "advocate[d] his candidacy for Congress while acting as the host of his talk show" on WTIX. The complainant avers that "the value of any on-the-air references to" Mr. Namer's candidacy or that of his opponents constitutes an in-kind contribution. The complainant maintains that the owner of WTIX, George Buck, was informed, by letter dated September 2, 1994, that Mr. Namer was improperly "extolling his

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candidacy . . . [on] the airwaves of [WTIX] as part of his regularly scheduled programs” and notes that Mr. Namer’s reply was that “all candidates were given an opportunity to discuss their candidacies.” The complainant also alleges that the communications broadcast by WTIX did not contain disclaimers as required under 2 U.S.C. § 441d.

C. The Response

Responding on behalf of himself and WTIX, Robert Namer identifies himself as the general manager of WTIX. Mr. Namer also acknowledges that he is the host of a talk show that is aired on WTIX. He further acknowledges discussing his candidacy during his talk show and explains that “[a]ll candidates for the 2nd Congressional District . . . were given the opportunity to discuss and promote their candidacy.” From the available information, it appears that WTIX and WASO first offered the candidates free air time when Mr. Namer filed his statement of candidacy, on August 17, 1994. Later, on September 5, 1994, this offer was extended in writing. Mr. Namer included a copy of a September 5th letter, addressed to four candidates: Robert Namer, William Jefferson, John C. Lawrence and Julius Leahman. It provides as follows:

[b]ecause WTIX . . . General Manager and talk show host is a candidate in the race, in the public interest. . . . [e]ach candidate will be allowed to produce a two minute ‘news’ commentary. . . . [and] to either jointly or individually come on the air to either debate or discuss their candidacy.

According to the letter, the candidates could debate and discuss their candidacies during the hours of 4:05 to 5:00 pm and 6:05 to 7:00 pm, which is when Mr. Namer’s talk show aired. The letter also stated that the candidates would be required to do their own engineering or pay \$50 per hour for engineering assistance. In his response, Mr. Namer notes that all but one of the candidates, William Jefferson, accepted the offer.

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Mr. Namer further maintains that before making this offer, the Federal Communications Commission and the Federal Election Commission were contacted "to assure that [WTIX] would be in conformity to all applicable laws." Mr. Namer further states that he "followed the Advisory Opinion of the [Federal Election Commission's] General Counsel's Office." Mr. Namer concludes that Respondents feel there has been no violation and that they made "every reasonable attempt to understand and follow all FCC and FEC rules, regulations and laws."

D. Analysis

1. Reliance upon Advisory Opinion

On September 8, 1994, Mr. Namer requested an Advisory Opinion, as to whether the provision of free or discounted air time to Federal candidates under the Federal Communications Act of 1934, as amended, would result in a prohibited contribution. In his request, Mr. Namer explained that he had received a copy of Advisory Opinion 1992-37, in which the Commission determined that a candidate could continue hosting a talk show during his campaign without a prohibited contribution having been made. The Commission noted that the talk show would not air in the district where the candidate was campaigning and that the candidate had represented that during his show, he would neither expressly advocate his candidacy or the defeat of his opponents nor solicit contributions to his campaign. Mr. Namer concluded his request by noting that until he received a response from the Commission, he would continue hosting his talk show, but refrain from "promoting his candidacy, seeking contributions and support, airing ads for those purposes as well as attacking opponents" as provided for in Advisory Opinion 1992-37.

On September 9, 1994, however, Mr. Namer withdrew his advisory opinion request. In a letter dated September 12, 1994, the Commission confirmed that Mr. Namer had withdrawn

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his request and explained that "the Commission recently considered, but failed to agree, on a draft advisory opinion [1992-26] that presented the same issue as your letter." Draft AO 92-26 stated that a radio station's provision of free air time to a candidate under the Federal Communications Act would not result in a prohibited contribution. A copy of Draft Advisory Opinion 1992-26 was included in the letter to Mr. Namer.

Although it is unclear whether Mr. Namer is asserting reliance upon Advisory Opinion 1992-37 or Draft Advisory Opinion 1992-26, neither would afford Respondents the safe harbor provided under Section 437f. First, the Act specifically provides that "[n]o opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of Section 437f." Not only was Mr. Namer informed that the Commission failed to approve Draft A) 92-26, but, in this Office's September 12, 1994 letter to Mr. Namer, it was explained that the "Commission and its staff are prohibited by law from giving any other opinion of an advisory nature." That letter further noted that Mr. Namer "did not wish to proceed with the opinion process at this time." Moreover, unlike the radio stations involved in AO 92-37 and Draft AO 92-26, the available information in the matter at hand shows that Mr. Namer apparently controls WTIK and WASO. In fact, the available information shows that Mr. Namer is the general manager of both WTIK and WASO.

Under the Act and Commission regulations the press exemption extends to any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication unless the facility is owned or controlled by any political party, political committee or candidate, in which case the press exemption extends only to news stories which represent bona fide news accounts communicated in a publication of general circulation or on a licensed broadcasting facility, and which are part of a

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general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the circulation or listening area. 2 U.S.C. § 431(9)(B)(i). 11 C.F.R. §§ 100.7(b)(2)(i)-(ii) and 100.8(b)(2)(i)-(ii). Thus, candidate ownership or control over a media entity is a material fact in determining the applicability of the press exemption and, unlike, the situation here, the radio stations involved in AO 92-37 as well as Draft AO 92-26 were neither owned nor controlled by a candidate or political party.

2. Corporate Contribution

As noted, the Act excludes the costs associated with the production and dissemination of news stories, commentaries or editorials from the definitions of "contribution" and "expenditure" unless the media entity is owned or controlled by a candidate, political party or political committee. 2 U.S.C. § 431(9)(B)(i); 11 C.F.R. §§ 100.7(b)(2) and 100.8(b)(2). Under the Commission's regulations, when a media entity is owned or controlled by a political party, political committee or candidate, the press exemption extends only to news stories which "(i) represent . . . bona fide news account[s] communicated in a publication of general circulation or on a licensed broadcasting facility, and which (ii) [are] part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the circulation or listening area" 11 C.F.R. §§ 100.7(b)(2)(i)-(ii) and 100.8(b)(2)(i)-(ii).

In Matter Under Review 2268 the Commission determined that the media exemption would not apply to various editorials that concerned such topics as the Strategic Defense Initiative and AIDS because they were presented by a candidate over the airwaves of a radio station he owned. Although the media exemption "generally covers news stories, commentaries or editorials," in those instances when the media entity is owned or controlled by a candidate, the

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exemption will only apply to "a news story that is a bona fide news account and part of a general pattern of campaign-related news accounts giving reasonably equal coverage to all opposing candidates in the listening area." Matter Under Review 2268, General Counsel's Report, signed March 11, 1987, at 17. As noted there, the Act and the Commission's regulations distinguish a news story from an editorial, "and if the facility is candidate-owned, editorial activity cannot qualify for the press exemption." *Id.* Matter Under Review 2268 was resolved when the Commission accepted conciliation agreements from the candidate's radio station and his authorized campaign committee.¹

In the matter at hand, the available information shows that between August 17, 1994, the date Mr. Namer filed a statement of candidacy, and October 1, 1994, the date of the primary election, WTIK broadcast Mr. Namer's talk show twice daily, between 4:05 and 5:00 pm and again between 6:05 and 7:00 pm. Mr. Namer's talk show has been described as a "call in talk show program" and although it is unclear exactly what may have been discussed when his talk show aired, Mr. Namer has acknowledged that all but one of the candidates in the election accepted the offer to appear on his talk show "either jointly or individually . . . to debate or discuss their candidacies." In addition, WTIK aired a "two minute news commentary" that featured Mr. Namer as well as the other candidates who accepted the offer. Under the terms of WTIK's offer, these commentaries, which would be aired twice daily, could not "be politically self serving, nor promote [the candidate's] candidacy."

¹ See also Advisory Opinion 1976-29 ("[u]nlike news, commentaries and editorials are intended to reflect the subjective views of the publisher or broadcaster [and] [i]n the context of a political campaign, commentaries and editorials tend to be partisan in nature and to be disseminated for the purpose of influencing the outcome of an election").

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Like the editorials at issue in Matter Under Review 2268, it does not appear that the broadcasts in the matter at hand would qualify for the press exemption. As noted, Mr. Namer identified himself as the general manager of WTIK. In this regard, it appears that Mr. Namer exercises some degree of control over WTIK under 11 C.F.R. §§ 100.7(b)(2) and 100.8(b)(2). Accordingly, under the regulations, the press exemption would only apply to the broadcasts at issue in this matter if they qualify as news stories which represent bona fide news accounts which are part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the listening area

11 C.F.R. §§ 100.7(b)(2)(i)-(ii) and 100.8(b)(2)(i)-(ii).

By Mr. Namer's own description, neither the "talk show" that he hosted nor the "two minute 'news' comment[aries]" that featured him as well as the other candidates appear to be "news stories," much less news stories that represent bona fide news accounts which are part of a general pattern of campaign-related news accounts and which give reasonably equal coverage to all opposing candidates in the listening area. In fact, Mr. Namer describes WTIK as "very much politically oriented in [its] talk programs" and by his own account, he and the other candidates in the election appeared on his show to "debate and discuss their campaigns."

In short, it does not appear that the broadcasts at issue in this matter would qualify for the press exemption. Since WTIK, Inc., is a corporation, it appears that it made prohibited contributions in connection with the campaigns of three Federal candidates in Louisiana's 1994 Second Congressional District election: Robert Namer, Julius Leahman, and John Lawrence.

3. Failure to Include a Disclaimer

The complainant also alleged that the communications at issue in this matter did not contain a proper disclaimer in violation of 2 U.S.C. § 441d. As noted above, whenever any

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person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate through any broadcasting station, direct mailing, or any other type of general public political advertising, such communication, if paid for by persons other than the candidate but authorized by the candidate, an authorized political committee of the candidate, or its agents, shall clearly state that it is paid for by such other persons and authorized by such authorized political committee. Id.

Although the exact content of the statements made by Mr. Namer and the other candidates who appeared on his talk show is unclear, the available information shows that they apparently debated and discussed their candidacies. In this regard, it appears that the broadcasts in question may have included communications expressly advocating the election or defeat of clearly identified candidates. Although Mr. Namer's response is silent as to this particular allegation, he did confirm that he and other Federal candidates advocated their candidacies, as the complainant alleged.

4. Conclusion

Based upon the above discussion, it appears that WTIK, Inc., broadcast communications in connection with the campaigns of three candidates in the 1994 election in Louisiana's 1994 Second Congressional District election. It also appears that the broadcasts in question did not have the disclaimers required under 2 U.S.C. § 441d(a).

Therefore, there is reason to believe that WTIK, Inc., violated 2 U.S.C. § 441b and 2 U.S.C. § 441d(a).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 7, 1996

Barbara Namer, Treasurer
Friends of Robert Namer
Box 19977
New Orleans, LA 70179

RE: MUR 4060
Friends of Robert Namer and
Barbara Namer, as treasurer

Dear Ms. Namer:

On October 4, 1994, the Federal Election Commission notified Friends of Robert Namer ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, the Commission, on March 5, 1996, found that there is reason to believe the Committee and you, as treasurer, violated 2 U.S.C. § 441b, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

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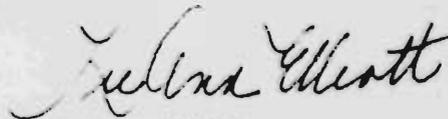
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Craig D. Reffner, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,



Lee Ann Elliott
Chairman

Enclosures

Designation of Counsel Form
Factual and Legal Analysis

cc: Robert Namer

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FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

MUR: 4060

RESPONDENTS: Friends of Robert Namer and
Barbara Namer, as treasurer

I. GENERATION OF MATTER

This matter was generated by a complaint from Deidra Jackson who alleges that WTIX, a Louisiana radio station, made a prohibited contribution to Robert Namer's authorized campaign committee, Friends of Robert Namer and Barbara Namer, as treasurer (the "Committee" or "Respondents"), during Louisiana's 1994 Second Congressional District election.

II. FACTUAL AND LEGAL ANALYSIS

A. Statement of the Law

The Federal Election Campaign Act of 1971, as amended (the "Act") prohibits any corporation from making any contribution or expenditure in connection with a federal election and further prohibits any candidate or committee from knowingly accepting any such contribution. 2 U.S.C. § 441b. The Act defines a contribution or expenditure to include "anything of value," which includes the provision of goods or services without charge, or at a charge which is less than the usual and normal charge for such goods or services. The Act, however, specifically excludes from the definition of contribution or expenditure "any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate." 2 U.S.C. § 431(9)(B)(i). 11 C.F.R. §§ 100.7(b)(2)(i)-(ii) and 100.8(b)(2)(i)-(ii).

In addition to its enforcement duties, the Act authorizes the Federal Election Commission (the "Commission") to issue advisory opinions. 2 U.S.C. § 437f. Any advisory opinion rendered by the Commission may be relied upon by any person involved in the specific

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transaction or activity with respect to which such advisory opinion is rendered and by any person involved in a specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

2 U.S.C. § 437f. The Act also specifically states that "[n]o opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of Section 437f." 2 U.S.C. § 437f(b).

B. The Complaint

According to the complaint, Robert Namer, the general manager of WTIK, "advocate[d] his candidacy for Congress while acting as the host of his talk show." The complainant avers that "the value of any on-the-air references to" Mr. Namer's candidacy or that of his opponents constitutes an in-kind contribution. The complainant maintains that the owner of WTIK, George Buck, was informed, by letter dated September 2, 1994, that Mr. Namer was improperly "extolling his candidacy . . . [on] the airwaves of [WTIK] as part of his regularly scheduled programs" and notes that Mr. Namer's reply was that "all candidates were given an opportunity to discuss their candidacies." The complainant also alleges violations of 2 U.S.C. §§ 441a(a), 441d and 441h. Lastly, the complainant alleges that Mr. Namer failed to report and disclose the receipt of the prohibited in-kind contributions.

C. The Response

Responding on behalf of the Committee, Robert Namer identifies himself as the general manager of WTIK, as well as a second radio station in Louisiana, WLSO. Mr. Namer also acknowledges that he is the host of a talk show that is simultaneously aired on WTIK and WLSO. He further acknowledges discussing his candidacy during his talk show and explains that "[a]ll candidates for the 2nd Congressional District . . . were given the opportunity to discuss and promote their candidacy." From the available information, it appears that WTIK and WLSO first offered the candidates free air time when Mr. Namer filed his statement of candidacy, on August 17, 1994. Later, on September 5, 1994, WLSO extended the offer in writing. Mr.

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Namer included a copy of WASO's September 5th letter, addressed to four candidates: Robert Namer, William Jefferson, John C. Lawrence and Julius Leahman. It provides as follows:

[b]ecause WTIX and WASO General Manager and talk show host is a candidate in the race, in the public interest. . . . [e]ach candidate will be allowed to produce a two minute 'news' commentary. . . . [and] to either jointly or individually come on the air to either debate or discuss their candidacy.

According to the letter, the candidates could debate and discuss their candidacies during the hours of 4:05 to 5:00 pm and 6:05 to 7:00 pm, which is when Mr. Namer's talk show aired. The letter also stated that the candidates would be required to do their own engineering or pay \$50 per hour for engineering assistance. In his response, Mr. Namer notes that all but one of the candidates, William Jefferson, accepted the offer.

Mr. Namer further maintains that before making this offer, the Federal Communications Commission and the Federal Election Commission were contacted "to assure that [WTIX and WASO] would be in conformity to all applicable laws." Mr. Namer further states that he "followed the Advisory Opinion of the [Federal Election Commission's] General Counsel's Office." Mr. Namer concludes that Respondents feel there has been no violation and that they made "every reasonable attempt to understand and follow all FCC and FEC rules, regulations and laws."

D. Analysis

1. Reliance upon Advisory Opinion

On September 8, 1994, Mr. Namer requested an advisory opinion as to whether the provision of free or discounted air time to Federal candidates under the Federal Communications Act of 1934, as amended, would result in a prohibited contribution. In his request, Mr. Namer explained that he had received a copy of Advisory Opinion 1992-37, in which the Commission determined that a candidate could continue hosting a talk show during his campaign without a prohibited contribution having been made. The Commission noted that the talk show would not air in the district where the candidate was campaigning and that the candidate had represented that during his show, he would neither expressly advocate his candidacy or the defeat of his

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opponents nor solicit contributions to his campaign. Mr. Namer concluded his request by noting that until he received a response from the Commission, he would continue hosting his talk show, but refrain from "promoting his candidacy, seeking contributions and support, airing ads for those purposes as well as attacking opponents" as provided for in Advisory Opinion 1992-37.

On September 9, 1994, however, Mr. Namer withdrew his advisory opinion request. In a letter dated September 12, 1994, the Commission confirmed that Mr. Namer had withdrawn his request and explained that "the Commission recently considered, but failed to agree, on a draft advisory opinion [1992-26] that presented the same issue as your letter." Draft AO 92-26 stated that a radio station's provision of free air time to a candidate under the Federal Communications Act would not result in a prohibited contribution. A copy of Draft Advisory Opinion 1992-26 was included in the letter to Mr. Namer.

Although it is unclear whether Mr. Namer is asserting reliance upon Advisory Opinion 1992-37 or Draft Advisory Opinion 1992-26, neither would afford Respondents the safe harbor provided under Section 437f. First, the Act specifically provides that "[n]o opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of Section 437f." Not only was Mr. Namer informed that the Commission failed to approve Draft A) 92-26, but, in this Office's September 12, 1994 letter to Mr. Namer, it was explained that the "Commission and its staff are prohibited by law from giving any other opinion of an advisory nature." That letter further noted that Mr. Namer "did not wish to proceed with the opinion process at this time." Moreover, unlike the radio stations involved in AO 92-37 and Draft AO 92-26, the available information in the matter at hand shows that Mr. Namer apparently controls WTIK and WASO. In fact, the available information shows that Mr. Namer is the general manager of both WTIK and WASO.

Under the Act and Commission regulations the press exemption extends to any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication unless the facility is owned or controlled by any political party, political committee or candidate, in which case the press exemption

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extends only to news stories which represent bona fide news accounts communicated in a publication of general circulation or on a licensed broadcasting facility, and which are part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the circulation or listening area. 2 U.S.C. § 431(9)(B)(i). 11 C.F.R. §§ 100.7(b)(2)(i)-(ii) and 100.8(b)(2)(i)-(ii). Thus, candidate ownership or control over a media entity is a material fact in determining the applicability of the press exemption and, unlike, the situation here, the radio stations involved in AO 92-37 as well as Draft AO 92-26 were neither owned nor controlled by a candidate or political party.

2. Corporate Contribution

As noted, the Act excludes the costs associated with the production and dissemination of news stories, commentaries or editorials from the definitions of "contribution" and "expenditure" unless the media entity is owned or controlled by a candidate, political party or political committee." 2 U.S.C. § 431(9)(B)(i); 11 C.F.R. §§ 100.7(b)(2) and 100.8(b)(2). Under the Commission's regulations, when a media entity is owned or controlled by a political party, political committee or candidate, the press exemption extends only to news stories which "(i) represent . . . bona fide news account[s] communicated in a publication of general circulation or on a licensed broadcasting facility, and which (ii) [are] part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the circulation or listening area" 11 C.F.R. §§ 100.7(b)(2)(i)-(ii) and 100.8(b)(2)(i)-(ii).

In Matter Under Review 2268 the Commission determined that the media exemption would not apply to various editorials that concerned such topics as the Strategic Defense Initiative and AIDS because they were presented by a candidate over the airwaves of a radio station he owned. Although the media exemption "generally covers news stories, commentaries or editorials," in those instances when the media entity is owned or controlled by a candidate, the exemption will only apply to "a news story that is a bona fide news account and part of a general pattern of campaign-related news accounts giving reasonably equal coverage to all opposing

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candidates in the listening area." Matter Under Review 2268, General Counsel's Report, signed March 11, 1987, at 17. As noted there, the Act and the Commission's regulations distinguish a news story from an editorial, "and if the facility is candidate-owned, editorial activity cannot qualify for the press exemption." *Id.* Matter Under Review 2268 was resolved when the Commission accepted conciliation agreements from the candidate's radio station and his authorized campaign committee.¹

In the matter at hand, the available information shows that between August 17, 1994, the date Mr. Namer filed a statement of candidacy, and October 1, 1994, the date of the primary election, WTIK and WASO broadcast Mr. Namer's talk show twice daily, between 4:05 and 5:00 pm and again between 6:05 and 7:00 pm. Mr. Namer's talk show has been described as a "call in talk show program" and although it is unclear exactly what may have been discussed when his talk show aired, Mr. Namer has acknowledged that all but one of the candidates in the election accepted the offer to appear on his talk show "either jointly or individually . . . to debate or discuss their candidacies." In addition, WTIK and WASO also aired a "two minute news commentary" that featured Mr. Namer as well as the other candidates who accepted the offer. Under the terms of WTIK's and WASO's offer, these commentaries, which would be aired twice daily, could not "be politically self serving, nor promote [the candidate's] candidacy."

Like the editorials at issue in Matter Under Review 2268, it does not appear that the broadcasts in the matter at hand would qualify for the press exemption. As noted, Mr. Namer identified himself as the general manager of WTIK and WASO. Thus, it appears that Mr. Namer exercises some degree of control over the media entities in question under 11 C.F.R. §§ 100.7(b)(2) and 100.8(b)(2). Accordingly, under the regulations, the press exemption would only apply to the broadcasts at issue in this matter if they qualify as news stories which represent

¹ See also Advisory Opinion 1976-29 ("[u]nlike news, commentaries and editorials are intended to reflect the subjective views of the publisher or broadcaster [and] [i]n the context of a political campaign, commentaries and editorials tend to be partisan in nature and to be disseminated for the purpose of influencing the outcome of an election").

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bona fide news accounts which are part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the listening area

11 C.F.R. §§ 100.7(b)(2)(i)-(ii) and 100.8(b)(2)(i)-(ii).

By Mr. Namer's own description, neither the "talk show" that he hosted nor the "two minute 'news' commentar[ies]" that featured him as well as the other candidates appear to be "news stories," much less news stories that represent bona fide news accounts which are part of a general pattern of campaign-related news accounts and which give reasonably equal coverage to all opposing candidates in the listening area. In fact, Mr. Namer describes WTIK and WASO as "very much politically oriented in their talk programs" and by his own account, he and the other candidates in the election appeared on his show to "debate and discuss their campaigns."

In short, it does not appear that the broadcasts at issue in this matter would qualify for the press exemption. Since WTIK, Inc., which owns WTIK, and America First Communication, Inc., which owns WASO, are corporations, it appears that they made prohibited contributions in connection with Robert Namer's campaign and that the Committee accepted these prohibited contributions.

Therefore, there is reason to believe that Friends of Robert Namer and Barbara Namer, as treasurer, violated 2 U.S.C. § 441b.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 7, 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Herman J. Lombas, President
America First Communication, Inc.
15529 Highway 190 West
Covington, LA 70433

RE: MUR 4060
America First Communication, Inc.,
d/b/a WASO

Dear Mr. Lombas:

On October 4, 1994, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was enclosed with that notification.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on March 5, 1996, found that there is reason to believe America First Communication, Inc., d/b/a WASO, violated 2 U.S.C. §§ 441b and 441d(a), provisions of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's findings, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. All responses to the enclosed Order to Answer Questions and Subpoena to Produce Documents must be submitted to the General Counsel's Office within 30 days of your receipt of this letter. Any additional materials or statements you wish to submit should accompany the response to the order and subpoena. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this order and subpoena. If you intend to be represented by counsel, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notification or other communications from the Commission.

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97040651386

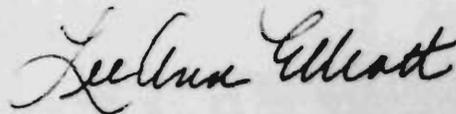
If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

If you have any questions, please contact Craig D. Reffner, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,



Lee Ann Elliott
Chairman

Enclosures

**Order and Subpoena
Designation of Counsel Form
Factual and Legal Analysis**

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
)
)

MUR 4060

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Herman J. Lombas, President
America First Communication, Inc., d/b/a WASO
15529 Highway 190 West
Covington, LA 70433

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

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WHEREFORE, the Chairman of the Federal Election Commission has hereunto set her
hand in Washington, D.C. on this *17th*, day of *March*, 1996.

For the Commission,

Lee Ann Elliott
Lee Ann Elliott
Chairman

ATTEST:

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Attachment
Order to Submit Written Answers and
Subpoena to Produce Documents with
Instructions and Definitions

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**ORDER TO PRODUCE WRITTEN ANSWERS AND
SUBPOENA TO PRODUCE DOCUMENTS**

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1994, to December 31, 1994.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type, including any information maintained by computer, in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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ORDER TO SUBMIT WRITTEN ANSWERS

1. a. State the total number of shares of stock that have been issued for America First Communication, Inc. If more than one class of stock has been issued, identify each class of stock and state the total number of shares of stock that have been issued for each class.
- b. Identify all shareholders of America First Communication, Inc. For each shareholder identified, state the total number of shares owned by the shareholder and, if more than one class of stock has been issued, state which class(es) of stock the shareholder owns.
2. State whether America First Communication, Inc., currently receives "S corporation" tax status under the Internal Revenue Code, 26 U.S.C. §§ 1361 et seq. If so, identify the year when America First Communication, Inc., elected such tax status.
3. Identify all directors of America First Communication, Inc. For each person identified, state the dates the person was a director.
4. Identify all employees and officers of America First Communication, Inc. For each person identified:
 - a. state the position(s) he or she held;
 - b. state the dates when person held the position(s); and
 - c. describe the duties and responsibilities of the position(s).
5. With regard to the talk show hosted by Robert Namer which is the subject of the complaint in this matter:
 - a. state the number of times that this talk show was broadcast between August 1, 1994, and November 8, 1994, and describe in detail how this talk show is produced and broadcast, including the identity of each person involved in the production and broadcasting of the talk show; and

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- iii. describe the news commentary in detail, including all subjects or issues presented as well as any advertisements or other communications that were broadcast in connection with the news commentary;
- iv. state the total costs incurred in the production and broadcasting of the news commentary; and
- v. state whether any payments were received to cover the costs of producing and broadcasting the news commentary and, if so, identify each such payment, including the payor, the amount of the payment and the date the payment was made.

SUBPOENA TO PRODUCE DOCUMENTS

- 1. Produce the Articles of Incorporation and Corporate Bylaws for America First Communication, Inc.
- 2. Produce all documents as well as any audio recordings that are referred to or relate to your answers to the Interrogatories set forth above.

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- b. for each separate broadcast of the talk show:
- i. state the date the talk show was broadcast (e.g., September 6, 1994), the time the talk show was broadcast (e.g., 4:00 p.m.) and the duration of the broadcast (e.g., 30 minutes);
 - ii. describe each broadcast in detail, including all subjects or issues discussed as well as any advertisements or other communications that were broadcast in connection with the talk show;
 - iii. identify each person who appeared or spoke at any point during the talk show and, for each person identified, state the purpose of their appearance and describe in detail all statements they made;
 - iv. state the total costs incurred in the production and broadcasting of the talk show; and
 - v. state whether any payments were received to cover the costs of producing and broadcasting the talk show and, if so, identify each such payment, including the payor, the amount of the payment and the date the payment was made.

6. With regard to the "two minute 'news' commentary" referenced in a September 5, 1994 letter from America First Communication, to the candidates in the 1994 election in Louisiana's Second Congressional District:

- a. state the total number of news commentaries that were broadcast and describe in detail how these news commentaries were produced and broadcast, including the identity of each person involved in the production and broadcasting of the news commentaries; and
- b. for each separate news commentary that was broadcast:
 - i. identify the commentator;
 - ii. state the date the news commentary was broadcast (e.g., August 29, 1994), the time the news commentary was broadcast (e.g., 10:00 a.m.) and the duration of the broadcast (e.g., 1 minute and 13 seconds);

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FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

MUR: 4060

RESPONDENTS: America First Communication, Inc. d/b/a WASO

I. GENERATION OF MATTER

This matter was generated by a complaint from Deidra Jackson who alleges, inter alia, that WASO made a prohibited contribution in connection with Robert Namer's campaign in Louisiana's 1994 Second Congressional District election.

II. FACTUAL AND LEGAL ANALYSIS

A. Statement of the Law

The Federal Election Campaign Act of 1971, as amended ("the Act") prohibits any corporation from making any contribution or expenditure in connection with a federal election. The Act further prohibits any officer or director of any corporation from consenting to any contribution or expenditure by the corporation. 2 U.S.C. § 441b. The Act defines a contribution or expenditure to include "anything of value," which includes the provision of goods or services without charge, or at a charge which is less than the usual and normal charge for such goods or services. The Act, however, specifically excludes from the definition of contribution or expenditure "any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate." 2 U.S.C. § 431(9)(B)(i). 11 C.F.R. §§ 100.7(b)(2)(i)-(ii) and 100.8(b)(2)(i)-(ii).

Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or

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solicits any contribution through any broadcasting station, direct mailing, or any other type of general public political advertising, such communication, if paid for and authorized by the candidate, an unauthorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee. 2 U.S.C. § 441d. If the communication is paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, the communication shall clearly state that it is paid for by such other persons and authorized by such authorized political committee. Id.

In addition to its enforcement duties, the Act authorizes the Federal Election Commission (the "Commission") to issue advisory opinions. 2 U.S.C. § 437f. Any advisory opinion rendered by the Commission may be relied upon by any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered and by any person involved in a specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered. 2 U.S.C. § 437f. The Act also specifically states that "[n]o opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of Section 437f." 2 U.S.C. § 437f(b).

B. The Complaint

According to the complaint, Robert Namer "advocate[d] his candidacy for Congress while acting as the host of his talk show." The complainant avers that "the value of any on-the-air references to" Mr. Namer's candidacy or that of his opponents constitutes an in-kind contribution. The complainant maintains that Respondents were informed, by letter dated September 2, 1994, that Mr. Namer was improperly "extolling his candidacy . . . [on] the

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airwaves as part of his regularly scheduled programs" and notes that Mr. Namer's reply was that "all candidates were given an opportunity to discuss their candidacies." The complainant also alleges that the communications broadcast by WASO did not contain disclaimers as required under 2 U.S.C. § 441d.

C. The Response

Responding on behalf of himself and WASO, Robert Namer identifies himself as the general manager of WASO. Mr. Namer also acknowledges that he is the host of a talk show that is aired on WASO. He further acknowledges discussing his candidacy during his talk show and explains that "[a]ll candidates for the 2nd Congressional District . . . were given the opportunity to discuss and promote their candidacy." From the available information, it appears that WASO first offered the candidates free air time when Mr. Namer filed his statement of candidacy, on August 17, 1994. Later, on September 5, 1994, WASO extended the offer in writing. Mr. Namer included a copy of WASO's September 5th letter, addressed to four candidates: Robert Namer, William Jefferson, John C. Lawrence and Julius Leahman. It provides as follows:

[b]ecause WASO . . . General Manager and talk show host is a candidate in the race, in the public interest. . . . [e]ach candidate will be allowed to produce a two minute 'news' commentary. . . . [and] to either jointly or individually come on the air to either debate or discuss their candidacy.

According to the letter, the candidates could debate and discuss their candidacies during the hours of 4:05 to 5:00 pm and 6:05 to 7:00 pm, which is when Mr. Namer's talk show aired. The letter also stated that the candidates would be required to do their own engineering or pay \$50 per hour for engineering assistance. In his response, Mr. Namer notes that all but one of the candidates, William Jefferson, accepted the offer.

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Mr. Namer further maintains that before making this offer, the Federal Communications Commission and the Federal Election Commission were contacted "to assure that [WASO] would be in conformity to all applicable laws." Mr. Namer further states that he "followed the Advisory Opinion of the [Federal Election Commission's] General Counsel's Office." Mr. Namer concludes that Respondents feel there has been no violation and that they made "every reasonable attempt to understand and follow all FCC and FEC rules, regulations and laws."

D. Analysis

1. Reliance upon Advisory Opinion

On September 8, 1994, Mr. Namer requested an advisory opinion as to whether the provision of free or discounted air time to Federal candidates under the Federal Communications Act of 1934, as amended, would result in a prohibited contribution. In his request, Mr. Namer explained that he had received a copy of Advisory Opinion 1992-37, in which the Commission determined that a candidate could continue hosting a talk show during his campaign without a prohibited contribution having been made. The Commission noted that the talk show would not air in the district where the candidate was campaigning and that the candidate had represented that during his show, he would neither expressly advocate his candidacy or the defeat of his opponents nor solicit contributions to his campaign. Mr. Namer concluded his request by noting that until he received a response from the Commission, he would continue hosting his talk show, but refrain from "promoting his candidacy, seeking contributions and support, airing ads for those purposes as well as attacking opponents" as provided for in Advisory Opinion 1992-37.

On September 9, 1994, however, Mr. Namer withdrew his advisory opinion request. In a letter dated September 12, 1994, the Commission confirmed that Mr. Namer had withdrawn

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his request and explained that "the Commission recently considered, but failed to agree, on a draft advisory opinion [1992-26] that presented the same issue as your letter." " Draft AO 92-26 stated that a radio station's provision of free air time to a candidate under the Federal Communications Act would not result in a prohibited contribution. A copy of Draft Advisory Opinion 1992-26 was included in the letter to Mr. Namer.

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Although it is unclear whether Mr. Namer is asserting reliance upon Advisory Opinion 1992-37 or Draft Advisory Opinion 1992-26, neither would afford Respondents the safe harbor provided under Section 437f. First, the Act specifically provides that "[n]o opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of Section 437f." Not only was Mr. Namer informed that the Commission failed to approve Draft A) 92-26, but, in this Office's September 12, 1994 letter to Mr. Namer, it was explained that the "Commission and its staff are prohibited by law from giving any other opinion of an advisory nature." That letter further noted that Mr. Namer "did not wish to proceed with the opinion process at this time." Moreover, unlike the radio stations involved in AO 92-37 and Draft AO 92-26 the available information in the matter at hand shows that Mr. Namer apparently controls WTIK and WASO. In fact, the available information shows that Mr. Namer is the general manager of both WTIK and WASO. Moreover, unlike the radio stations involved in AO 92-37 and Draft AO 92-26, the available information in the matter at hand shows that Mr. Namer apparently controls WTIK and WASO. In fact, the available information shows that Mr. Namer is the general manager of both WTIK and WASO.

Under the Act and Commission regulations the press exemption extends to any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication unless the facility is owned or controlled

by any political party, political committee or candidate, in which case the press exemption extends only to news stories which represent bona fide news accounts communicated in a publication of general circulation or on a licensed broadcasting facility, and which are part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the circulation or listening area. 2 U.S.C. § 431(9)(B)(i). 11 C.F.R. §§ 100.7(b)(2)(i)-(ii) and 100.8(b)(2)(i)-(ii). Thus, candidate ownership or control over a media entity is a material fact in determining the applicability of the press exemption and, unlike, the situation here, the radio stations involved in AO 92-37 as well as Draft AO 92-26 were neither owned nor controlled by a candidate or political party.

2. Corporate Contribution

As noted, the Act excludes the costs associated with the production and dissemination of news stories, commentaries or editorials from the definitions of "contribution" and "expenditure" unless the media entity is owned or controlled by a candidate, political party or political committee." 2 U.S.C. § 431(9)(B)(i); 11 C.F.R. §§ 100.7(b)(2) and 100.8(b)(2). Under the Commission's regulations, when a media entity is owned or controlled by a political party, political committee or candidate, the press exemption extends only to news stories which "(i) represent . . . bona fide news account[s] communicated in a publication of general circulation or on a licensed broadcasting facility, and which (ii) [are] part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the circulation or listening area" 11 C.F.R. §§ 100.7(b)(2)(i)-(ii) and 100.8(b)(2)(i)-(ii).

In Matter Under Review 2268 the Commission determined that the media exemption would not apply to various editorials that concerned such topics as the Strategic Defense

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Initiative and AIDS because they were presented by a candidate over the airwaves of a radio station he owned. Although the media exemption "generally covers news stories, commentaries or editorials," in those instances when the media entity is owned or controlled by a candidate, the exemption will only apply to "a news story that is a bona fide news account and part of a general pattern of campaign-related news accounts giving reasonably equal coverage to all opposing candidates in the listening area." Matter Under Review 2268, General Counsel's Report, signed March 11, 1987, at 17. As noted there, the Act and the Commission's regulations distinguish a news story from an editorial, "and if the facility is candidate-owned, editorial activity cannot qualify for the press exemption." *Id.* Matter Under Review 2268 was resolved when the Commission accepted conciliation agreements from the candidate's radio station and his authorized campaign committee.¹

In the matter at hand, the available information shows that between August 17, 1994, the date Mr. Namer filed a statement of candidacy, and October 1, 1994, the date of the primary election, WASO broadcast Mr. Namer's talk show twice daily, between 4:05 and 5:00 pm and again between 6:05 and 7:00 pm. Mr. Namer's talk show has been described as a "call in talk show program" and although it is unclear exactly what may have been discussed when his talk show aired, Mr. Namer has acknowledged that all but one of the candidates in the election accepted the offer to appear on his talk show "either jointly or individually . . . to debate or discuss their candidacies." In addition, WASO aired a "two minute news commentary" that featured Mr. Namer as well as the other candidates who accepted the offer. Under the terms of

¹ See also Advisory Opinion 1976-29 ("[u]nlike news, commentaries and editorials are intended to reflect the subjective views of the publisher or broadcaster [and] [i]n the context of a political campaign, commentaries and editorials tend to be partisan in nature and to be disseminated for the purpose of influencing the outcome of an election").

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WASO's offer, these commentaries, which would be aired twice daily, could not "be politically self serving, nor promote [the candidate's] candidacy."

Like the editorials at issue in Matter Under Review 2268, it does not appear that the broadcasts in the matter at hand would qualify for the press exemption. As noted, Mr. Namer has identified himself as the general manager of WASO. Thus, it appears that Mr. Namer exercises some degree of control over WASO under 11 C.F.R. §§ 100.7(b)(2) and 100.8(b)(2). Accordingly, under the regulations, the press exemption would only apply to the broadcasts at issue in this matter if they qualify as news stories which represent bona fide news accounts which are part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the listening area

11 C.F.R. §§ 100.7(b)(2)(i)-(ii) and 100.8(b)(2)(i)-(ii).

By Mr. Namer's own description, neither the "talk show" that he hosted nor the "two minute 'news' commentar[ies]" that featured him as well as the other candidates appear to be "news stories," much less news stories that represent bona fide news accounts which are part of a general pattern of campaign-related news accounts and which give reasonably equal coverage to all opposing candidates in the listening area. In fact, Mr. Namer describes WASO as "very much politically oriented in [its] talk programs" and by his own account, he and the other candidates in the election appeared on his show to "debate and discuss their campaigns."

In short, it does not appear that the broadcasts at issue in this matter would qualify for the press exemption. Since America First Communication, Inc., is a corporation, it appears that it made prohibited contributions in connection with the campaigns of three Federal candidates in Louisiana's 1994 Second Congressional District election: Robert Namer, Julius Leahman, and John Lawrence.

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3. Failure to Include a Disclaimer

The complainant also alleged that the communications at issue in this matter did not contain a proper disclaimer in violation of 2 U.S.C. § 441d. As noted above, whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate through any broadcasting station, direct mailing, or any other type of general public political advertising, such communication, if paid for by persons other than the candidate but authorized by the candidate, an authorized political committee of the candidate, or its agents, the communication shall clearly state that it is paid for by such other persons and authorized by such authorized political committee. Id.

Although the exact content of the statements made by Mr. Namer and the other candidates who appeared on his talk show is unclear, the available information shows that they apparently debated and discussed their candidacies. In this regard, it appears that the broadcasts in question may have included communications expressly advocating the election or defeat of clearly identified candidates. Although Mr. Namer's response is silent as to this particular allegation, he did confirm that he and other Federal candidates advocated their candidacies, as the complainant alleged.

4. Conclusion

Based upon the above discussion, it appears that America First Communication, Inc., d/b/a WASO, broadcast communications in connection with the campaigns of three candidates in the 1994 election in Louisiana's 1994 Second Congressional District election. It also appears that the broadcasts in question did not contain the disclaimers required under 2 U.S.C. § 441d(a).

Therefore, there is reason to believe that America First Communication, Inc., d/b/a WASO, violated 2 U.S.C. § 441b and 2 U.S.C. § 441c(a).

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RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

LAW OFFICES
REDDY, BEGLEY & McCORMICK
SUITE 350
1001 22ND STREET, N.W.
WASHINGTON, D.C. 20037-1803

APR 8 9 50 AM '96

DENNIS F. BEGLEY
MATTHEW H. McCORMICK

(202) 659-5700

EDWARD B. REDDY
(1915-1990)

FACSIMILE NUMBER
(202) 659-5711

April 3, 1996

Federal Election Commission
999 E Street
Washington, DC 20463

Re: MUR 4060
WTIX, Inc.

Dear Sir or Madam:

This office has recently been retained to represent WTIX, Inc. with respect to the above-styled matter. A response to the Commission's letter of March 7, 1996 is presently due to be filed on April 12, 1996. In order to review this matter and to prepare an appropriate response, additional time will be necessary.

Accordingly, it is requested that the Commission extend until May 2, 1996 the time in which to respond to its letter of March 7, 1996.

Attached is an executed copy of the Commission's Statement of Designation of Counsel.

Should any questions arise in connection with this matter, please communicate directly with this office.

Very truly yours,

DENNIS F. BEGLEY
Counsel for
WTIX, INC.

DFB/prm

cc: Craig Reffner, Esquire (via fax & first class mail)

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
APR 8 10 34 AM '96

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 4060

NAME OF COUNSEL: Dennis F. Bagley

ADDRESS: Reddy, Bagley & McCormick

1001 22nd Street, N.W., St. 350

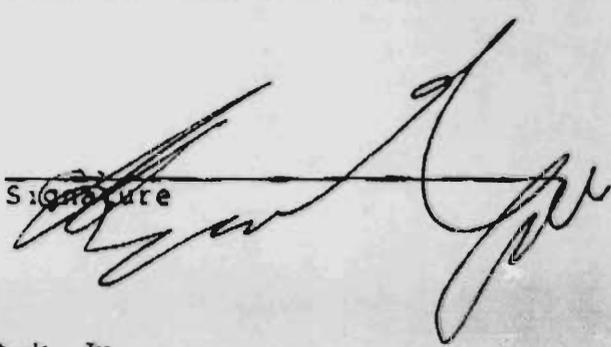
Washington, D.C. 20037

TELEPHONE: (202) 659-5700

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

April 3, 1996
Date

Signature



RESPONDENT'S NAME: George H. Buck, Jr.

ADDRESS: 1206 Decatur Street

New Orleans, LA 70116

HOME PHONE: _____

BUSINESS PHONE: (504) 525-1775

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 5, 1996

Dennis F. Begley, Esq.
Reddy, Begley & McCormick
1001 22nd Street, N.W.
Suite 350
Washington, DC 20037-1803

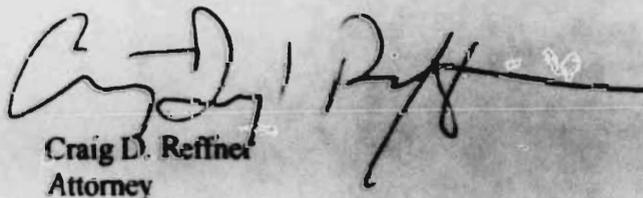
RE: MUR 4060
WTIX, Inc.

Dear Mr. Begley:

This is in response to your letter by facsimile dated and received April 3, 1996, requesting an extension of time until May 2, 1996, to respond to the Commission's Factual and Legal Analysis and discovery request in the above-captioned matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on May 2, 1996.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,


Craig D. Reffner
Attorney

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 8, 1996

Herman J. Lombas, President
America First Communications, Inc.,
3313 Kingman Street
Metairie, LA 70006

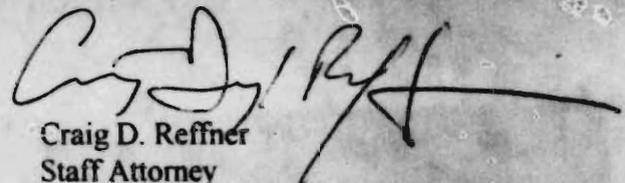
RE: MUR 4060
America First Communication, Inc., d/b/a WASO

Dear Mr. Lombas:

Enclosed please find a copy of the March 7, 1996, letter notifying you that the Federal Election Commission (the "Commission") found reason to believe that America First Communication, Inc., d/b/a WASO violated 2 U.S.C. §§ 441b(a) and 441d, provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"). This letter, along with the Factual and Legal Analyses, which formed a basis for the Commission's finding, as well as the Subpoena, which was issued by the Commission in connection with the investigation into this matter, were received by America First Communication, Inc., d/b/a WASO at 15529 Highway 190 West, Covington, Louisiana on March 11, 1996.

If you have any questions, please contact me at (202) 219-3690. I will be out of the office from April 8, 1996, through April 15, 1996. During this time, you should contact Lisa E. Klein, the Assistant General Counsel for Enforcement.

Sincerely,


Craig D. Reffner
Staff Attorney

Enclosure
March 7, 1996 Notification letter
with Factual and Legal Analysis and Subpoena

97043831407

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

LAW OFFICES
REDDY, BEGLEY & McCORMICK
SUITE 350
1001 22ND STREET, N.W.
WASHINGTON, D.C. 20037-1803

APR 12 12 42 PM '96

DENNIS F. BEGLEY
MATTHEW H. McCORMICK

(202) 659-5700

EDWARD B. REDDY
(1915-1990)

FACSIMILE NUMBER
(202) 659-5711

April 10, 1996

Federal Election Commission
999 E Street
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
APR 12 2 26 PM '96

Re: MUR 4060
America First Communications Incorporated

Dear Sir or Madam:

This office has recently been retained to represent America First Communications Incorporated with respect to the above-styled matter. A response to the Commission's letter of March 7, 1996 is presently due to be filed on April 12, 1996. In order to review this matter and to prepare an appropriate response, additional time will be necessary.

Accordingly, it is requested that the Commission extend until May 2, 1996 the time in which to respond to its letter of March 7, 1996.

Attached is an executed copy of the Commission's Statement of Designation of Counsel.

Should any questions arise in connection with this matter, please communicate directly with this office.

Very truly yours,

DENNIS F. BEGLEY
Counsel for
AMERICA FIRST
COMMUNICATIONS INCORPORATED

DFB/prm

cc: Craig Reffner, Esquire (via fax & first class mail)

97040001400

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4060

NAME OF COUNSEL: DENNIS BEGLEY

ADDRESS: REDDY, BEGLEY & McCORMICK

1001 22ND ST. NW, STE 350

WASHINGTON, DC 20037

TELEPHONE: 202-659-5700

APR 12 2 26 PM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

4/9/96
Date


Signature

RESPONDENT'S NAME: HERMAN J. LOMBAS, JR.

ADDRESS: 3313 KINGMAN ST.

METAIRIE, LA 70006

HOME PHONE: _____

BUSINESS PHONE: 504-892-1600

97043831409



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 10, 1996

VIA FACSIMILE AND FIRST CLASS MAIL

Dennis F. Begley, Esq.
Reddy, Begley & McCormick
1001 22nd Street, N.W.
Suite 350
Washington, DC 20037-1803

RE: MUR 4060
America First Communication, Inc.
d/b/a WASO

Dear Mr. Begley:

This is in response to your letter by facsimile dated and received April 10, 1996, requesting an extension of time until May 2, 1996, to respond to the Commission's Factual and Legal Analysis and discovery request in the above-referenced matter. After considering the circumstances presented in your letter, the Office of the General Counsel has granted the requested extension. Accordingly, your response is due by the close of business on May 2, 1996.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Eric S. Brown
Paralegal Specialist

9704303141C

LAW OFFICES
REDDY, BEGLEY & McCORMICK
SUITE 350
1001 22ND STREET, N.W.
WASHINGTON, D.C. 20037-1803

DENNIS F. BEGLEY
MATTHEW H. McCORMICK

(202) 659-5700

EDWARD R. REDDY
(1915-1990)

FACSIMILE NUMBER
(202) 659-5711

May 2, 1996

Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4060
American First Communication, Inc.
d/b/a WASO

Dear Sir or Madam:

America First Communication, Inc. ("AFC") herein responds to the questions set forth in the Subpoena to Produce Documents, Order to Submit Written Answers, dated March 7, 1996.¹

- 1.a. The total number of shares of stock that have been issued for AFC is 6,002. There is one class of stock -- common, voting.
- b. The stockholders of AFC are identified in Attachment A hereto.
2. AFC is not an "S" Corporation.
3. The directors of AFC are Herman J. Lombas, Sarah V. Brownlee, Raymond L. Hoffman, Janet T. Deubler and Angie Lowery. Each has been a director from 1992 to present. See Attachment A.
4. The officers of AFC are Herman J. Lombas, President; Raymond L. Hoffman, Vice-President; Janet T. Deubler, Treasurer; Barbara Namer, Secretary; and Angie Lowery, Vice-President. All have held these positions from February 1992 to present. See Attachment A.

¹ By the FEC's letter of April 5, 1996, the time in which to submit these answers was extended to May 2, 1996.

RECEIVED
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COMMISSION
OFFICE OF GENERAL
COUNSEL

MAY 2 5 20 PM '96

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Employees of AFC are Malcolm Vantuyl (board operator, 1994-present) and Curtis Short (board operator, 1992-present). Their duties include on-air announcing and board operations.

- 5.a. Robert Namer's talk show is scheduled on a live basis on WTIK between 4 p.m. and 7 p.m., Monday-Friday. It has also been rebroadcast on Station WTIK at various times on Saturdays and Sundays. Two hours of the program have been rebroadcast on Station WASO at various times during the periods 12 noon-2 p.m., 2 p.m.-4 p.m. and 4 p.m.-6 p.m. With respect to the period August 1, 1994 to November 8, 1994, while the program was presented during these time periods on WASO, AFC has no records to indicate the number of times the program was broadcast.

The program is produced on a live basis when it is broadcast on WTIK during the periods 4 p.m.-7 p.m., Monday-Friday. The host, which is generally Mr. Namer, appears live and produces the program to include operation of the board. No other staff is involved.

- b. i-iii. AFC has no way of providing the detailed information concerning each broadcast of the show. The time period in question is almost two years old and the station does not have records indicating programs presented during this period nor the detailed information concerning subjects discussed or persons appearing on the show. As a general rule, the program on WASO was a rebroadcast of a portion of the program presented on WTIK. As a general rule, Mr. Namer was a host although other individuals did host some shows if Mr. Namer was sick or had other commitments.

iv. The cost for production of the program were essentially zero since Mr. Namer - nor the other guest hosts - were paid for their appearance nor were other staff required. Other than the electrical bill, no significant expense was incurred.

v. No payments were received to cover the cost of producing or broadcasting the talk show.

- 6.a. None of the other candidates in the 1994 election for Louisiana's 2nd Congressional District accepted the offer to broadcast news commentaries. Robert Namer and other station talent continued their regular practice of preparing and presenting news commentaries on a daily or nearly daily basis. Mr. Namer was a candidate for the Republican nomination for U.S. Representative from August 16, 1994 until October 1, 1994. To the extent the Interrogatory 6 concerns commentaries broadcast outside of that period, AFC objects on the basis of relevancy.

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- b. i-iii. Copies of commentaries Robert Namer prepared and presented over WASO between August 16 and October 1, 1994 are attached. The date of each broadcast is indicated on each sheet. AFC has no record of when each news commentary was broadcast, or the exact duration.
- iv. The costs were negligible. Mr. Namer was not paid by AFC.
- v. No payments were received with respect to news commentaries prepared and presented by Mr. Namer.

PRODUCTION OF DOCUMENTS

1. The Articles of Incorporation and Corporate By-Laws of AFC are attached. AFC, at this moment, is unable to located a copy of the By-Laws. When located, a copy will be produced.
2. AFC does not have in its possession, or know of the existence, of any audio recordings that relate to answers to the interrogatories set forth above. Mr. Namer's news commentaries from August 16 to October 1, 1994 are attached. With respect to the officers, directors and shareholders of AFC, attached is a listing dated March 9, 1994 (referred to previously herein as Attachment A).

Very truly yours,



DENNIS F. BEGLEY
Counsel for
AMERICAN FIRST
COMMUNICATIONS, INC.

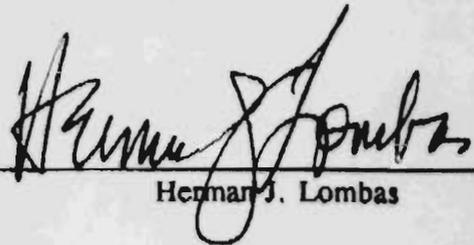
DFB/prm

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DECLARATION

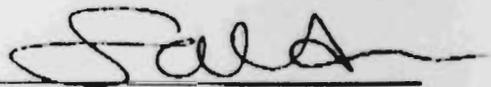
I, Herman J. Lombas, being duly sworn, do hereby declare and state that the foregoing Answers to Interrogatories are true and correct to the best of my information, knowledge and belief.

Signed this 2 day of May, 1996.



Herman J. Lombas

Subscribed and sworn to before me this 2 day of May, 1996.



Notary Public

My commission expires: AT DEATH

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ATTACHMENT A

AMERICA FIRST COMMUNICATIONS, INC. SHAREHOLDER (Revised 3/9/94)

NAME	ADDRESS	CITY	ST.	ZIP
<u>Herman J. Lombas</u>	4120 I Street	Metairie	La.	70001
Lloyd A. Faulstich	1240 Dauphine St. #1141	New Orleans	La.	70116
Sarah V. Brownlee	4221 Lottre Dr.	Kenner	La.	70065
Bernard Beckler	400 Jefferson Hgts.	Jefferson	La.	70121
Raymond L. Hoffman	1141 Phosphor Ave.	Metairie	La.	70005
Henry P. Deubler Jr.	5208 Trenton St.	Metairie	La.	70006
Janet T. Deubler	5208 Trenton St.	Metairie	La.	70006
Richard W. Malloy	3201 39th Street	Metairie	La.	70001
Joyce F. Malloy	3201 39th Street	Metairie	La.	70001
Ronald J. Igau	612 Glenwood Dr.	Metairie	La.	70001
Gerald L. Irwin	4605 Folse Dr.	Metairie	La.	70006
Jan B. Dupree	709 Colbert St.	Metairie	La.	70448
Donna Ash Murles	1309 Janann	Metairie	Tx.	76014
Eugene J. Abadie	524 Wade Dr.	Metairie	La.	70003
Orida F. Abadie	524 Wade Dr.	Metairie	La.	70003
Earl J. Jenevein	2926 Chippewa St.	New Orleans	La.	70115

UNITED STATES OF AMERICA
State of Louisiana



Fox McKeithen

SECRETARY OF STATE

In testimony whereof, I do hereby certify that
a copy of the Articles of Incorporation and Initial Report
of

AMERICA FIRST COMMUNICATIONS, INC.

Domiciled at Metairie, Louisiana, Parish of Jefferson,

A corporation organized under the provisions of R.S. 1950,
Title 12, Chapter 1, as amended,

By Act before a Notary Public in and for the Parish of
Jefferson, State of Louisiana, on February 13, 1992, the
date when corporate existence began,

Was filed and recorded in this office on February 13, 1992,
in the Record of Charters Book 344,

And all fees having been paid as required by law, the
corporation is authorized to transact business in this
State, subject to the restrictions imposed by law, including
the provisions of R. S. 1950, Title 12, Chapter 1, as
amended.

*In testimony whereof, I have hereunto set
my hand and caused the Seal of my Office
to be affixed at the City of Baton Rouge on
February 13, 1992*

Fox McKeithen

JA

Secretary of State



97043831416

United States of America
Parish of Jefferson-State of Louisiana

Articles of Incorporation
of
AMERICA FIRST COMMUNICATIONS, Inc.

BE IT KNOWN, that on this 13th day of February, 1992, a Notary Public, duly commissioned and qualified in the State of Louisiana and in the presence of the undersigned competent witnesses came and appeared:

Barbara D. Namer

a person of the full age of majority who declared that availing himself of the Louisiana Business Corporation Law, she does organize herself, her heirs, successors and assigns, into a corporation, under and in accordance with the following Articles of Incorporation.

1.

The name and title of this corporation is,
AMERICA FIRST COMMUNICATIONS, Inc.

2.

The purpose for which this corporation is organized is to engage in any lawful activity for which business corporations may be organized, either for its own account or the account of others and either as principal or agent; and to the extent not prohibited by the Louisiana Business Corporation Law, to enter upon and engage in any kind of business of any nature whatsoever.

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3.

The corporation shall have perpetual existence.

4.

The names and addresses of the incorporator is:

Barbara D. Namer
3301 Kingman Street
Metairie, Louisiana 70006

5.

The Board of Directors shall be charged with the management of all the affairs of the corporation and shall have the authority to exercise all powers of the corporation and shall have one (1) but not more than five (5) directors.

6.

The total authorized capital stock of this corporation is Ten thousand (10,000) shares of no par value stock.

7.

Shares of stock may be issued without the necessity of action by the shareholders, from time to time, by action of the Board of Directors. If the consideration fixed for such shares is paid, any and all shares so issued shall be considered fully-paid stock not liable for future assessment and shareholders shall not be liable for further payment on said stock. All or any authorized capital stock may be issued or sold, from time to time, for not less than the consideration fixed by the Board of Directors in the case of no par value stock. The capital stock shall be fully paid and non-assessable, and when issued, shall be represented by certificates signed by the President and Secretary.

8.

In the election of directors, each shareholder of record shall have the right to multiply the number of votes to which he is entitled by the number of directors to be elected and to cast all such votes for one candidate or distribute his votes among any two or more candidates.

9.

Shareholders shall have preemptive rights.

10.

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The Board of Directors shall have such power and authority with respect to capital, surplus and dividends, including allocation, increases, reductions, utilization, distribution and payment as is permitted and provided for in the Louisiana Business Corporation Law §§61, 62 and 63.

11.

The corporation may repurchase or redeem its own shares in a manner and on the conditions permitted and provided in the Louisiana Business Corporation Law §55 and as may be authorized by the Board of Directors; and shares so purchased may be reissued and disposed of as authorized by law or may be canceled and the capital stock reduced as the Board of Directors may, from time to time, determine.

12.

The corporation may issue convertible securities and rights to convert shares and obligations of the corporation into shares of any authorized class of stock and the right or option to purchase shares of any authorized class of stock in the manner or on the conditions permitted and provided in the Louisiana Business Corporation Law §56 and as may be authorized by the Board of Directors.

13.

Any amendments for which a larger vote is not specifically made mandatory by the Louisiana Business Corporation Law may be a majority of the voting power present of the shareholders entitled to vote under these articles, including an increase or reduction of capital stock. In addition, if an amendment adversely affects the rights of any class or classes of shareholders, a majority of the voting power present of that class or classes, whether or not that class is entitled to vote, is required.

14.

No stock in this corporation shall be transferred unless the stock shall have been first offered for sale to the corporation and if the corporation shall have or refuse to accept the offer, to each of the other shareholders of this corporation. This offeree shall have an option to purchase the stock to be transferred at the following price: At the same price and on the same terms and conditions as the offeror shall have been offered by

97043831419

a third person at arm's length, acting in good faith. The offer shall be in writing and shall set forth the price and terms on which the stock is offered. It shall be communicated to the President or Secretary of the corporation and to each shareholder at the business address listed on the corporate books. The right to transfer stock shall not exist until the corporation and all existing shareholders either refuse in writing the offer so made, or waive the requirement an offer in writing or until they fail for a period of thirty (30) days after communication of the offer to accept it by compliance with the terms therein set forth. Regulations as to the formalities and procedures to be followed in effecting the transfer may be prescribed in the By-Laws of this corporation.

Should the corporation be unwilling or unable for any reason to exercise its option as granted above, the option may be exercised by such shareholders as desire to exercise it, in the proportions in which these shareholders hold stock in the corporation.

The provisions of this article shall not apply to transfer on death or a gift of stock of a stockholder to his spouse or linear descendants and provisions as to such transfers being contained elsewhere either in these articles, the By-Laws or a Shareholders' Agreement, with these exceptions, however, no sale, mortgage, pledge, conveyance, transfer, seizure, donation, sale under legal process or attachment, or by virtue of any pledge or hypothecation and no other disposition of stock of any nature whatsoever shall have effect in any fashion, until the option provided above shall have expired.

15.

This corporation is a small business corporation as defined in §1244(c) of the Internal Revenue Code of 1954. Shares of this corporation shall be issued pursuant to §1244 of the Internal Revenue Code of 1954 within a period not to exceed two (2) years from date on which these articles of incorporation are signed or prior to the date when this corporation shall make a subsequent offering of any stock, whichever shall occur first. The corporation's stock may be issued for money or other property, not including stock or other securities, in the amount not to exceed the aggregate sum of One Million & no/100 (\$1,000,000.00) Dollars as determined in §1244 of

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the Internal Revenue Code of 1954. The purpose of this plan is to qualify the corporation's stock for treatment in accordance with the provisions of §1244 of the Internal Revenue Code of 1954 and is herewith considered adopted upon the signing of these Articles of Incorporation.

16.

This corporation shall have the power to indemnify and defend any person who was or is a party or is threatened to be made a party to any pending or threatened action, suit or proceeding, whether civil, criminal, administrative, or investigative (other than an action by the corporation) by reason of fact that he is or was a director, officer, or employee or is or was serving at the request of the corporation as a director, officer, employee, or agent of another corporation or entity, against expenses including attorney fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by him in connection with such action, if he acted in good faith and in a manner he reasonably believed to be in, or not opposed to, the best interest of the corporation and had no reasonable cause to believe his conduct was unlawful.

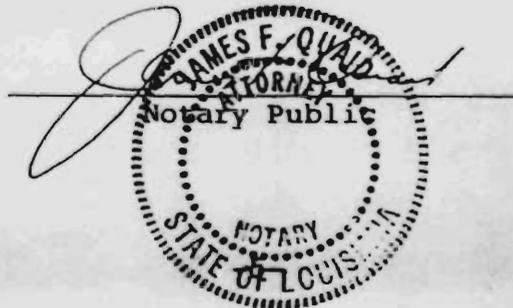
THUS DONE and PASSED in the presence of the undersigned competent witnesses on the day, month and year hereinabove set forth, who sign his name with said appearers and me, Notary, after a reading of the whole.

WITNESSES:

J. Lamb

Barbara D. Namer
BARBARA D. NAMER

M. J. Witham



9704331421

Aug 17 1994
~~December 15, 1993~~

A RECENT JUSTICE DEPARTMENT SURVEY FOUND THAT MORE THAN A FIFTH OF BOYS AT 10 INNER-CITY HIGH SCHOOLS SAY THEY OWN GUNS, AND 12 PERCENT REPORT CARRYING THEM ROUTINELY. THE STUDY FOUND THAT 22 PERCENT OF 758 MALE STUDENTS WHO COMPLETED QUESTIONNAIRES AT THE SCHOOLS IN 1991 POSSESSED GUNS.

THIS REPORT ALLEGES THAT 22 PERCENT OF THE STUDENTS IN THE INNER CITY SCHOOLS MAY BE TROUBLE MAKERS OR LAW BREAKERS BECAUSE THEY CARRY GUNS. THE WAY THE STUDY WAS STRUCTURED AND REPORTED IT WOULD LEAD MANY TO BELIEVE THAT THEY CARRIED THE GUNS IN SCHOOL. THE FACT THAT THE BOYS STATED THAT THEY OWNED GUNS AND CARRIED THEM, DOES NOT MEAN THEY HAD THE GUNS IN SCHOOL.

MY TWO OLDEST DAUGHTERS OWN GUNS. THEY CARRY THEM IN THE CAR. THEY WOULD ANSWER THE QUESTIONNAIRE AS DID THE OTHERS. THEY DON'T HOWEVER TAKE THE GUNS IN SCHOOL, NOR ARE THEY TROUBLE MAKERS OR LAW BREAKERS. THEY CARRY THE GUN IN THE CAR TO PROTECT THEMSELVES FROM THE TROUBLE MAKERS AND LAW BREAKERS.

WE MUST ALSO DISPEL ANOTHER ASSUMPTION. THE FACT THAT SOME STUDENTS CARRY GUNS IN SCHOOL DOESN'T MAKE THEM TROUBLE MAKERS. SOME SCHOOLS IN THIS COUNTRY ARE LIKE WAR ZONES AND GOOD BOYS AND GIRLS CARRY GUNS TO PROTECT THEMSELVES FROM THE TROUBLE MAKERS. THEREFORE NOT EVERY BOY OR GIRL THAT CARRIES A GUN IS BAD. *OF COURSE THIS DOES NOT MEAN THAT CHILDREN SHOULD BRING GUNS TO SCHOOL OR THAT I CONDONE OR APPROVE OF IT.*

MANY BOYS, GIRLS, MEN AND WOMEN CARRY GUNS BECAUSE THEY FEAR THE CRIMINAL ELEMENT AND DO NOT HAVE CONFIDENCE THAT OUR JUSTICE OR JUDICIAL SYSTEM CAN PROTECT THEM. THE REALITY AND FACT IS THAT THEY ARE RIGHT IN THEIR FEELINGS AND MOTIVE OF SELF PRESERVATION.

JOIN ME ROBERT NAMER WEEKDAYS FROM 4-7 PM HERE ON HOT TALK RADIO WASO AM-730 AND WTIX AM-690

97043831422

AUGUST 18, 1994

9 7 0 4 3 6 3 1 4 2 3

THIS COMMENTATOR RECEIVED THE FOLLOWING LETTER FROM AN INDIVIDUAL WHOSE NAME WILL REMAIN ANONYMOUS, FOR GOOD REASONS. "...THERE ARE MANY HONEST MEMBERS OF THE ALLIANCE [FOR GOOD GOVERNMENT]. UNFORTUNATELY AT THE PRESENT TIME, THE ALLIANCE IS HEADED BY A CHAIRMAN/PRESIDENT WHO CONSIDERS HIMSELF ABOVE THE VERY PRINCIPLES AND RULES OF HIS OWN ORGANIZATION. ATTACHED YOU WILL FIND DOCUMENTATION THAT AL GRAHAM, CHAIRMAN/PRESIDENT, OF THE ALLIANCE IS AN APPOINTED OFFICIAL--ORLEANS PARISH JURY COMMISSIONER--MAKING APPROXIMATELY \$700 PER MONTH FOR A PURE POLITICAL JOB. AGAIN, THERE ARE MEMBERS OF THE ALLIANCE WHO ARE INTERESTED IN GOOD GOVERNMENT. I HOPE YOU WILL HELP THESE MEMBERS EXPOSE AL GRAHAM TO THE PUBLIC FOR WHAT HE REALLY IS--A CLASSIC HOG AT THE POLITICAL TROUGH--AND DEMAND HIS RESIGNATION SO THAT THE ALLIANCE CAN RETURN AS A TRULY INDEPENDENT ORGANIZATION WITH A LEADER WHO DOES NOT CARRY ANY POLITICAL BAGGAGE OR SERVES FOR COMPENSATION AT THE PLEASURE OF A POLITICIAN. THANK YOU FOR ATTENDING THE ALLIANCE FORUM. IT'S HARD TO BEAT THE SYSTEM WITH AL GRAHAM IN CONTROL. MR. JEFFERSON HAS ENJOYED LONG TIME SUPPORT FROM THE ALLIANCE UNDER AL GRAHAM'S TENURE. HELP US EXPOSE OUR CURRENT PITIFUL LEADER. THE ALLIANCE DESERVES BETTER."

THE WRITER OF THE LETTER ALSO SUBMITTED A COPY OF THE BYLAWS OF THE ALLIANCE FOR GOOD GOVERNMENT. THE BYLAWS OF THE ALLIANCE, IN PART, STATES "IN ADDITION TO THE FOREGOING PREREQUISITES, ALL CANDIDATES FOR ADMISSION TO THE EXECUTIVE SESSION MUST DEMONSTRATE POLITICAL INDEPENDENCE AND A COMMITMENT TO THE PURPOSES OF THE ORGANIZATION. MEMBERSHIP SHALL NOT BE AVAILABLE TO ELECTED OFFICIALS OR APPOINTED OFFICIALS HOLDING OFFICE HIGHER THAN THAT OF STATE CENTRAL COMMITTEE NOR AN INDIVIDUAL APPOINTED TO AN ELECTIVE OFFICE, NOR THEIR RESPECTIVE SPOUSES SHALL BECOME OR REMAIN A MEMBER OF THIS ORGANIZATION."

IT SEEMS THAT THE SO-CALLED ALLIANCE FOR GOOD GOVERNMENT FALLS IN THE SAME CATEGORY OF THE SO-CALLED PUBLIC SERVANTS WHO ONLY ARE IN PUBLIC SERVICE TO SERVE THEMSELVES. THE SAD PART ABOUT THE PRESENT AMERICAN SOCIETY IS THAT IN WHOM DO WE PLACE OUR TRUST?

Aug 19 1994
~~DECEMBER 2, 1993~~

THE WORLD HEALTH ORGANIZATION HAS ISSUED A CALL FOR MORE SEX EDUCATION IN SCHOOLS TO TRY TO CURB THE SPREAD OF AIDS AMONG THE YOUNG. THE SAME ORGANIZATION ADMITS THAT MANY STUDIES HAVE SHOWED THAT EDUCATION HAD NO REAL IMPACT ON SEXUAL BEHAVIOR.

IT SEEMS THAT THE MORE THE GOVERNMENT GETS INVOLVED WITH ANYTHING THE WORSE THE PROBLEM BECOMES. SENSE GOVERNMENT GOT INVOLVED WITH SEX EDUCATION, THE PROBLEM HAS INCREASED. HOW FAR IS THE GOVERNMENT GOING TO GO IN REGULATING OUR LIVES?

I DON'T THINK IT IS THE RESPONSIBILITY OF GOVERNMENT TO GET INVOLVED WITH SEX EDUCATION. IT IS VERY DANGEROUS. I DON'T LIKE THE GOVERNMENTS WAY OF THINKING AND DOING THINGS.

WHAT ARE OUR CHILDREN GOING TO BE TAUGHT? WHAT INPUT OR RIGHTS DO WE HAVE AS PARENTS OVER WHAT GOVERNMENT WILL TEACH OUR CHILDREN. ARE THE CHILDREN GOING TO BE TAUGHT ABOUT HOMOSEXUAL ACTIVITIES AS PART OF SEX EDUCATION? AFTER ALL WE ARE NOW SAYING THAT HOMOSEXUALITY IS AN ALTERNATIVE SEX. THIS IS THE SAME MENTALITY THAT HAS STRICKEN SILENT OR NONDENOMINATIONAL PRAYER FROM OUR SCHOOLS.

WHAT HAVE WE BECOME AS A PEOPLE? ARE WE ADMITTING THAT PARENTS CAN'T DO THE JOB IN PROPERLY TEACHING OUR CHILDREN RIGHT FROM WRONG AND WE THEREFORE MUST RELY ON THE GOVERNMENT TO DO THE JOB FOR US? AT THE RATE WE ARE GOING, WE JUST AS WELL GIVE UP ALL OUR INDIVIDUAL FREEDOMS AND CONCEDE THAT WE AS A PEOPLE CAN'T LIVE WITHOUT GOVERNMENT INTERVENTION IN EVERY ASPECT OF OUR LIVES.

I FOR ONE FEEL THAT IT IS MY RESPONSIBILITY TO TEACH MY CHILDREN ABOUT SEX AND OPPOSE ANYONE ELSE INTERFERING. THOSE WHO ARE NOT GOOD PARENTS OR CANNOT SHOULD SEEK ADVISE AND HELP, BUT THAT ADVISE AND HELP SHOULD NOT BE FORCED ON MY CHILDREN.

JOIN ME ROBERT NAME WEEKDAYS FROM 4-7 PM HERE ON HOT TALK RADIO WASO AM-730 and WTIX AM-690.

8/19/94

9704331424

8/22/91
February 24, 1994

FOR THE PAST YEAR ALL WE HAVE BEEN HEARING FROM THE CLINTON ADMINISTRATION IS HOW MUCH THE GOVERNMENT HAS GIVEN AND/OR HOW MUCH THEY PLAN TO GIVE THE PEOPLE OF THIS COUNTRY. THE GOVERNMENT CANNOT GIVE YOU ANYTHING, SINCE THEY PRODUCE NOTHING. THE GOVERNMENT CAN ONLY ROB SOMEONE ELSE IN ORDER TO GIVE YOU SOMETHING FOR NOTHING.

SOME MAY SAY THAT THE GOVERNMENT MERELY GIVES BACK MONEY THAT YOU HAVE PAID THEM. THAT IS NOT TRUE. SOME PEOPLE RECEIVE, RECEIVE AND RECEIVE AND NEVER GIVE ANYTHING. THE GOVERNMENT SPENDS EVERYTHING THEY RECEIVE AND MORE. IN FACT THE GOVERNMENT COLLECTS 100% OF THE TAXES AND RETAINS 70% TO COVER THEIR COSTS OF MAKING THE TRANSFER.

TO ADD INSULT TO INJURY, THE GOVERNMENT DOES NOT SUPPORT THOSE THAT SUPPORT IT, BUT INSTEAD SUPPORTS THOSE WHO DON'T. THE ONLY LEGITIMATE NEED FOR GOVERNMENT IS TO PROVIDE FOR OUR NATIONAL DEFENSE, INSTEAD THEY HAVE VIOLATED OUR STATE AND INDIVIDUAL SOVEREIGNTY BY BECOMING AN SOCIALISTIC CHARITY AND BIG BROTHER TO OUR BUSINESS, PERSONAL AND MORAL ACTIVITIES.

WHAT IS SAD, IS THE FACT THAT GOVERNMENT DID NOT CREATE ITSELF, WE DID AND CONTINUE TO DO SO. WHAT WENT WRONG, YOU MAY ASK? OUR FOREFATHERS CREATED A CONSTITUTIONAL REPUBLIC, WE CHANGED IT TO A DEMOCRACY. A DEMOCRACY OPERATES TO NEGATE THE IMPORTANCE OF THE FAMILY UNIT AND SELF DEPENDENCE, AND RESTRUCTURES THAT UNIT WITH THE GOVERNMENT ACTING AS THE HEAD OF THE FAMILY AND MAKES US DEPENDENT ON IT.

files
REMEMBER HISTORY. ALL DEMOCRACIES HAVE FALLEN.

JOIN ME ROBERT NAMER WEEKDAYS FROM 4-7 PM HERE ON HOT TALK RADIO WASO AM-730 AND WTIX AM-690.

4/22/91

97043831425

8-23-77

May 6, 1994

"GUN CONTROLS IS A TRANSPLANTED NAZI CONCEPT THAT IS SUBVERSIVE OF OUR CIVIL AND CONSTITUTIONAL RIGHTS. THE NAZIS INHERITED "GUN CONTROL FROM GERMANY'S FREELY-ELECTED, CENTER AND CENTER-LEFT GOVERNMENTS OF THE 1920'S, ONE OF WHICH ENACTED A "LAW ON FIREARMS AND AMMUNITION" ON APRIL 12, 1928. THE 1928 LAW ON FIREARMS AND AMMUNITION HELPED THE NAZIS TO DESTROY DEMOCRACY IN GERMANY. AFTER THEY LEGALLY TOOK POWER IN MARCH 1933, THE NAZIS USED THE 1928 LAW ON FIREARMS AND AMMUNITION TO DISARM THE LAW-ABIDING MAJORITY, WHOM THEY FEARED.

THE 1928 LAW ON FIREARMS AND AMMUNITION REQUIRED REGISTRATION OF FIREARMS. AS A RESULT OF THE 1928 LAW, ALMOST ALL FIREARMS AND FIREARMS OWNERS WERE REGISTERED AND PERMITS WERE REQUIRED. TO TAKE FIREARMS FROM THOSE WHOM THEY DISTRUSTED, THE NAZIS SIMPLY DID NOT RENEW THE RELEVANT PERMITS, AND SO WERE ABLE UNDER THE LAW TO CONFISCATE THE FIREARMS AND AMMUNITION.

IN 1938 THE NAZIS ENACTED THEIR OWN, PERFECTED VERSION OF "GUN CONTROL". THEY INTRODUCED STRICT CONTROLS ON HANDGUN OWNERSHIP. THE NAZIS INHERITED FIREARM REGISTRATION AND TURNED IT INTO FIREARM CONFISCATION. ANYMORE NEED BE SAID. HISTORY IS REPEATING ITSELF RIGHT HERE IN THIS COUNTRY. WAKE UP AMERICA, CRIMINALS DON'T GIVE A DAM ABOUT ANY CONGRESSIONAL LAW BANNING ANY FORM OF ARMS. WE ARE BEING DISARMED AND LEFT UNPROTECTED BY AND FROM THE REAL CRIMINALS IN WASHINGTON. OUR FOREFATHERS CREATED THE SECOND AMENDMENT TO PREVENT WHAT HAPPENED IN GERMANY FROM HAPPENING HERE.

JOIN ME ROBERT NAMER WEEKDAYS HERE ON HOT TALK RADIO WASO AM-730 FROM 4-7 PM AND WTIx FROM 4-5 PM AND 6-7 PM.

9704331426

* CASTRO LIBERATED Cuba - THEN HE SAID HE WOULD PROTECT THE PEOPLE FROM COMMUNISM - HE TOOK ALL GUNS FROM THE PEOPLE - FINALLY HE TOLD THE PEOPLE THAT HE WAS A COMMUNIST DICTATOR.

August 23, 1994

LET THIS COMMENTARY SERVE AS AN EARLY PREDICTION OF A SOON-TO-BE CLINTON FOREIGN POLICY REVERSAL IN REGARD TO HIS LATEST POLICY TO DEAL WITH CUBAN REFUGEES. CLINTON'S NEW POLICY OF TRYING TO STOP THE TIDE OF CUBAN REFUGEES, AND AT THE SAME TIME TIGHTEN THE FLOW OF DOLLARS TO THE ISLAND, IS FILLED WITH PITFALLS, IGNORANCE, AND STUPIDITY AND WILL END UP PLAYING INTO FIDEL CASTRO'S HANDS.

MANY AMERICANS OF CUBAN DESCENT SEND MONEY TO FAMILY MEMBERS IN CUBA. THE POLICY TO CURTAIL VISITS TO THE ISLAND AND STOP THE FLOW OF THIS MONEY WILL INCREASE DESPERATION AND ENCOURAGE CUBANS TO TRY THEIR LUCK AT SEA.

THE MOST RIDICULOUS ASPECT OF CLINTON'S PLAN IS THE PROSPECT OF THE UNITED STATES DETAINING CUBANS AT THE UNITED STATES NAVAL BASE AT GUANTANAMO BAY. CASTRO CAN VERY EASILY HAVE HIS OWN INFILTRATORS AND SPIES SENT OUT TO SEA AND HAVE THEM PICKED UP TO BE TRANSFERRED TO A UNITED STATES MILITARY FACILITY. THIS CERTAINLY COULD CAUSE A SERIOUS BREACH OF MILITARY SECURITY ON THE BASE.

ASIDE FROM THE SECURITY BREACH, THE POLICY OF A FOREIGN POWER DETAINING CUBANS ON CUBAN SOIL WILL LEAVE A SERIOUS DILEMMA IN INTERNATIONAL LAW. THE CUBANS COULD LATER, VERY EASILY, ASK TO BE RELEASED AS CUBAN CITIZENS ON CUBAN SOIL.

THE IRONY IS THAT IF AMERICANS OF CUBAN DESCENT, OR OTHERWISE, WISH TO GO TO CUBA, THEY JUST WILL GO THROUGH OTHER LATIN AMERICAN COUNTRIES. AGAIN, THIS LATEST FOREIGN POLICY IS SO FLAWED, AS MANY OTHERS HAVE BEEN IN THE PAST, THAT CLINTON WILL HAVE TO MAKE A COMPLETE REVERSAL, EMBARRASSING UNITED STATES LEADERSHIP AGAIN.

97043831427

August 25, 1994

THE CLINTON ADMINISTRATION FOREIGN POLICY HAS BEEN BASED ON HOW MUCH TAXPAYERS' MONEY HE CAN SPEND TO BRIBE NATIONS WHO HAVE LONG BEEN UNFRIENDLY TO US ^{OR} ~~GIVE IN TO~~ ^{LESSER} NATIONAL AND WORLD SECURITY. WE HAVE SEEN CLINTON'S FAILED FOREIGN POLICY IN ACTION WITH KOREA, WITH CHINA, AND NOW JORDAN.

KOREA HAS STILL MANAGED TO EVADE SANCTIONS AND/OR MILITARY INTERVENTION AS A RESULT OF THEIR CONTINUOUS REFUSAL TO ALLOW NUCLEAR INSPECTIONS. CHINA WAS ~~AWARDED~~ ^{AWARDED} "MOST FAVORED NATION" TRADE STATUS WHILE HUMAN RIGHTS CONDITIONS THERE HAVE DETERIORATED FURTHER AND RELATIONS WITH WASHINGTON, INSTEAD OF MOVING TO A NEW AND MORE CONSTRUCTIVE STAGE, REMAIN STRAINED.

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THE LATEST FIASCO IS THAT CLINTON WILL CHANGE U.S. POLICY WITH JORDAN BY STOPPING THE INSPECTION OF SHIPS ENTERING AND DEPARTING JORDAN'S RED SEA PORT OF AQABA. CLINTON IS ALSO ASKING CONGRESS TO NULLIFY JORDAN'S DEBT OF MORE THAN \$600 MILLION DOLLARS AND APPROVE DELIVERY OF MILITARY SPARE PARTS. JORDAN IS THE SAME COUNTRY THAT CALLED THE 1991 U.S.-LED WAR AGAINST IRAQ TO LIBERATE KUWAIT, A WAR AGAINST ALL ARABS, AND JORDAN WAS SUSPECTED OF HELPING IRAQ DEFY AN EMBARGO OF THE BAGHDAD GOVERNMENT.

KOREA AND CHINA ARE COMMUNIST NATIONS, AND JORDAN IS A SUPPRESSIVE, SUBVERSIVE DICTATORSHIP. THIS ADMINISTRATION IS SUPPORTING AND FINDING FAVOR WITH NATIONS WHO HAVE LONG BEEN KNOWN FOR CIVIL AND HUMAN RIGHTS VIOLATIONS, YET IT MAKES DEMANDS AND THREATS ON A LITTLE COUNTRY LIKE HAITI. CLINTON'S FOREIGN POLICY CAN BE CONSIDERED HYPOCRITICAL, ONE THAT AIDES AND ABEITS OUR ENEMY, AND/OR JUST PLAIN STUPID.

WITH THE PASSING OF A *Aug 29*

March 15, 1994

~~WITH A 30 B.71-000 DOLLAR NOTE BILL, WE ALL NEED TO~~

HOW DOES THE UNITED STATES GOVERNMENT CREATE ^{JUST} ONE BILLION DOLLARS IN PAPER MONEY? THE TREASURER ADVISES THE FEDERAL RESERVE BANK CORPORATION OF THE NEED. THE TREASURER ADVISES THE BUREAU OF ENGRAVING TO PRINT ONE BILLION DOLLARS WORTH OF UNITED STATES BONDS.

THE FEDERAL RESERVE BANK ADVISES THE BUREAU OF ENGRAVING TO PRINT ONE BILLION DOLLARS IN FEDERAL RESERVE NOTES. THE FEDERAL RESERVE BANK PAYS THE COST OF THE INK AND PAPER - APPROXIMATELY ONE MILLION DOLLARS OR 2¢ PER NOTE, REGARDLESS OF ITS DENOMINATION. THE FEDERAL RESERVE SWAPS ITS FEDERAL RESERVE NOTES FOR UNITED STATES BONDS. THE INTEREST ON THE UNITED STATES BONDS IS PAYABLE TO THE FEDERAL RESERVE BANKERS.

SOUNDS SIMPLE, IT IS. THE GOVERNMENT CAN MAKE AND SPEND MONEY BY THE STROKE OF A PEN. UNFORTUNATELY, THE AMERICAN PEOPLE ARE A MIRROR IMAGE OF ITS GOVERNMENT. MOST AMERICANS PRACTICE THE SAME PRINCIPLE, BY LIVING ON CREDIT INSTEAD OF WHAT THEY CAN BUY WITH THE ACTUAL DOLLARS EARNED AND AVAILABLE.

WITH OUR GOVERNMENT OPERATING ON WORTHLESS PAPER AND MANY OF THE AMERICAN PEOPLE LIVING ON CREDIT, THE ENTIRE UNITED STATES ECONOMY IS ON A COLLISION COURSE TO DISASTER. ITS JUST A MATTER OF TIME.

MANY WHO HEAR THIS COMMENTARY WILL BE STUNNED FOR MAYBE A MINUTE, AN HOUR, OR EVEN A DAY OR TWO, BUT IT WILL BE FORGOTTEN AND EVERYONE WILL GO BACK TO BUSINESS AS USUAL. HOW UNFORTUNATE FOR OURSELVES, CHILDREN AND GRANDCHILDREN. IF ONLY WE HAD OUR FOREFATHERS HERE TO SAVE US.

JOIN ME ROBERT NAMER WEEKDAYS FROM 4-7 PM HERE ON HOT TALK RADIO WASO AM-730 AND WTIX AM-690.

97043831429

3-1-29 1994
Aug 16 1994

Aug 30 11
~~April 5, 1994~~

THE LOTTERY, VIDEO POKER MACHINES, GAMBLING BOATS, BIG TIME CASINO, NOT COUNTING THE EXISTING RACE TRACKS ARE CROWDING OUT COMMERCE FOR EXPENDABLE INCOME. WHAT DOES THIS MEAN? AS PEOPLE GAMBLE THEIR EXPENDABLE INCOME AWAY, THERE IS LESS SPENT IN FURNITURE STORES, JEWELRY STORES, CLOTHING STORES, RESTAURANTS AND OTHER TYPES OF BUSINESSES.

SOME MAY SAY SO WHAT, WHO CARES, THEY MAKE ENOUGH. AS THIS CYCLE CONTINUES, BUSINESSES WILL EITHER HAVE TO LAY OFF PERSONNEL OR CLOSE DOWN. THIS WILL LEAD TO HIGHER UNEMPLOYMENT. SINCE GOVERNMENT WILL RECEIVE LESS SALES TAXES AS A RESULT OF THE REDUCTION IN SALES REVENUES, THEY WILL SEEK TO INCREASE THEM. THE NEGATIVE IMPACT AND CYCLE WILL BE ENDLESS.

97043331430
SOME WILL ARGUE THAT GAMBLING WILL BE A BIG BOOM FOR THE STATE AND AREA, AS A RESULT OF NEW JOBS, CONSTRUCTION AND TOURISM. FOR THE SHORT TERM, THIS ARGUMENT HAS SOME VALIDITY, BUT NOT FOR THE LONG TERM ECONOMIC FUTURE OF THE STATE. GAMBLING AS A MAIN INDUSTRY WILL NOT ONLY HURT COMMERCE, BUT LOWER THE STANDARD OF LIVING OF MANY IN OUR STATE. IT IS THE LOWER INCOME PEOPLE WHO GAMBLE THE MOST AND WHO ARE THE LEAST WHO CAN AFFORD TO LOOSE WHAT LIMITED INCOME THEY HAVE.

A FEW GREEDY POLITICIANS AND WELL CONNECTED PEOPLE WILL GET VERY WEALTHY, WHILE MANY CITIZENS WILL SUFFER. WHO IS AT FAULT? YOU, IF YOU GAMBLE AND DON'T HAVE THE MEANS TO DO SO. EVEN THOUGH THE TEMPTATION IS BEING PUSHED DOWN YOUR THROAT, YOU CAN BE STRONG WILED ENOUGH TO SAY NO.

JOIN ME ROBERT NAMER WEEKDAYS FROM 4-7 PM HERE ON HOT TALK RADIO WASO AM-730 AND WTIX AM-690.

3/23/94

August 31, 1994

THE SMITHSONIAN'S NATIONAL AIR AND SPACE MUSEUM PLANNED AN EXHIBIT ON THE AMERICAN BOMBING OF JAPAN DURING WORLD WAR II. THERE WERE MANY COMPLAINTS THAT THE EXHIBIT WRONGLY PORTRAYS JAPAN AS AN INNOCENT VICTIM OF THE ATOMIC BOMB. THE ORIGINAL EXHIBIT INCLUDED GRAPHIC DEPICTIONS OF THE DESTRUCTION OF MORE THAN HALF OF HIROSHIMA AND THE DEATHS OF 130,000 JAPANESE.

THE ATOMIC BOMB EXHIBIT LACKED BALANCE BECAUSE IT FAILED TO PROVIDE ADEQUATE EXPLANATION OF THE EVENTS LEADING UP TO THE BOMBING. EVEN THE ENOLA GAY, THE B-29 THAT DROPPED THE ATOMIC BOMB ON HIROSHIMA ON AUGUST 6, 1945, ONLY INCLUDED ITS FRONT FUSELAGE. THIS WAS POLITICAL CORRECTNESS AT ITS BEST.

IT TOOK CONSIDERABLE AMOUNT OF PRESSURE FROM THE PUBLIC, VETERANS GROUPS, SERVICE MEN, AND MANY OTHERS, BUT FINALLY THE SMITHSONIAN INSTITUTE HAS AGREED TO EXPAND THE EXHIBIT. THE REVISION PLANS, IN MY OPINION, ARE NOT ENOUGH.

THE EXHIBIT SHOULD CONTAIN PHOTOGRAPHS AND DEPICTIONS OF THE ATROCITIES THAT JAPAN INITIATED IN ASIA AND AT PEARL HARBOR. THE UNITED STATES DID NOT START THAT WAR, BUT CERTAINLY FINISHED IT WITH THE ATOMIC BOMB. WHILE THERE MAY HAVE BEEN MANY INNOCENT JAPANESE KILLED AS A RESULT OF THAT BOMBING, THE ALTERNATIVE WOULD HAVE BEEN MANY MORE JAPANESE VICTIMS AND OTHER VICTIMS, ESPECIALLY AMERICANS, WITH A PROLONGED WAR.

AMERICA SHOULD NOT HAVE TO APOLOGIZE NOR FEEL EMBARRASSED TO EXHIBIT THE TRUTH OF THE NEED FOR THE BOMBING AND THE ENDING OF WORLD WAR II. REMEMBER, THE JAPANESE STILL HAVE NOT FORMALLY APOLOGIZED FOR THE WAR AND/OR ACKNOWLEDGED THE FULL EXTENT OF THE ATROCITIES THEY COMMITTED THEREIN.

97043031431

Recent

Sept 1 '34
April 13, 1994

A FEDERAL REPORT ~~JUST~~ CAME OUT WHICH STATES THAT THE SOCIAL SECURITY RETIREMENT TRUST FUND WILL BE EXHAUSTED BY THE YEAR 2036, THE SOCIAL SECURITY DISABILITY TRUST FUND COULD GO BROKE IN 1995 AND THE MEDICARE TRUST FUND WHICH COVERS THE HOSPITAL COSTS OF THE ELDERLY AND DISABLED WORKERS IS LIKELY TO GO BROKE BY THE YEAR 2000.

HOW CAN THIS HAPPEN? THE ANSWER IS THAT THE GOVERNMENT HAS BEEN BORROWING FROM SOCIAL SECURITY FOR YEARS. THEY HAVE BEEN USING THIS MONEY FOR OTHER MEANS OTHER THEN FOR WHAT IT WAS INTENDED FOR. THE FUTURE SECURITY OF THE AMERICAN WORKER. THIS IS WRONG AND ILLEGAL, BUT IT HAS BEEN DONE AND BOTH DEMOCRATS AND REPUBLICANS ARE AT FAULT.

THE GOVERNMENT HAS BURDENED BOTH THE AMERICAN WORKER AND BUSINESSES WITH CONSTANT INCREASES TO THE EXTENT THAT EVERY AMERICAN WORKER CONTRIBUTES 7.65% AND THE WORKERS EMPLOYER CONTRIBUTES 7.65% FOR A TOTAL OF 15.3% OF WAGES TO THE SOCIAL SECURITY PROGRAM. NOW WE FIND OUT THAT ALL THE MONEY THAT HAS BEEN TAKEN FROM THE AMERICAN WORKER TO BE HELD IN TRUST FOR THE FUTURE IS NOT GOING TO BE THERE WHEN THEY NEED IT.

WHAT WILL BE THE GOVERNMENTS SOLUTION TO THIS PROBLEM, INCREASE SOCIAL SECURITY RATES AGAIN. WE WILL BE FORCED TO PAY MORE WITH NO MORE ASSURANCE THAT WE HAD BEFORE THAT WE WILL EVER BE ABLE TO RECEIVE THE BENEFIT THEREOF. IT WILL GET TO THE POINT THAT OUR PAYMENTS WILL BE SO HIGH THAT WE WILL NOT HAVE ANY WAGES LEFT TO PROVIDE FOR OUR PRESENT NEEDS MUCH LESS FOR WHEN WE RETIRE.

THE GOVERNMENT HAS PROVEN THAT IT CAN NOT MANAGE OUR MONEY FOR RETIREMENT. AMERICANS SHOULD NOT HAVE TO BE FORCED INTO A GOVERNMENT PLAN. WE HAVE A BETTER CHANCE WITH PRIVATE RETIREMENT PROGRAMS. AT LEAST WE WILL HAVE THE SATISFACTION OF SOMEONE GOING TO JAIL IF THEY EMBEZZLE THE MONEY LIKE OUR OFFICIALS DID WITH SOCIAL SECURITY.

JOIN ME ROBERT NAMER WEEKDAYS FROM 4-7 PM HERE ON HOT TALK RADIO WASO AM-730 AND WTIW AM-690.

Sept 1

97043831432

9/5/94

A FORMER SECRETARY OF THE WORLD'S LARGEST LAW FIRM WHO SAID SHE HAD BEEN SEXUALLY HARASSED BY A PARTNER WAS AWARDED \$7.1 MILLION IN PUNITIVE DAMAGES. THE JUDGMENT AGAINST THE LAW FIRM OF BAKER & MCKENSIE, AND ONE OF ITS FORMER PARTNERS, MARTIN GREENSTEIN IS BELIEVED TO BE THE LARGEST EVER IN A SEXUAL HARASSMENT CASE.

WHAT IS STAGGERING IS NOT ONLY THE AMOUNT OF THE JUDGMENT, BUT THE FACT IT IS TWICE WHAT THE PLAINTIFF SOUGHT. RENA WEEKS, 40 THE PLAINTIFF, ONLY WORKED AT THE FIRM FOR LESS THAN TWO MONTHS. THE JURY FOUND THAT BAKER AND MCKENZIE KNEW OF GREENSTEIN'S BEHAVIOR AND DID NOTHING TO STOP IT DESPITE PREVIOUS COMPLAINTS AGAINST HIM BY OTHER WOMEN EMPLOYED AT THE FIRM.

THESE TYPES OF JUDGMENTS MAKES IT DIFFICULT FOR MEN AND WOMEN TO WORK TOGETHER IN THE WORK PLACE. THERE SHOULD BE NO SEXUAL HARASSMENT, HOWEVER, EMPLOYERS ARE FACED WITH A DOUBLE DELEMA. FIRE A MALE EMPLOYEE FOR PERSONAL ACTIONS OR FEAR LEGAL ACTION FROM A FEMALE EMPLOYEE. THE ONLY OTHER PROTECTION THAT A EMPLOYER MAY HAVE IS TO NOT HIRE WOMEN IN FEAR OF THE POSSIBLE LIABILITY, BUT THEN FACE SEXUAL HIRING DISCRIMINATION. A NO WIN BATTLE.

IT IS DIFFICULT TO BELIEVE THAT CLUMSY GROPINGS AND CRUDE REMARKS IS WORTH \$7.1 MILLION. THESE TYPES OF JUDGMENTS WILL MAKE WORKING RELATIONS BETWEEN MEN AND WOMEN STRAINED. A MAN WILL NEVER KNOW WHEN A WOMEN MAY SET HIM UP FOR SOME TYPE OF ALLEGATION. WOMEN ARE DEMANDING EQUALITY, YET CAN'T FIGHT THEIR OWN BATTLES IN THE WORK PLACE LIKE MEN WOULD HAVE TO DO.

THE ULTIMATE LOSERS ARE SOCIETY AS A WHOLE AND THE AMERICAN CONSUMER WHO WILL HAVE TO PAY FOR THESE TYPES OF JUDGMENTS IN SERVICES AND PRODUCTS. THIS PROBLEM HAS JUST SCRATISHED THE SURFACE. WOMEN SHOULD HAVE TO PUT THEIR COMPLAINT IN WRITING AND THE WRITEN COMPLAINT SHOULD BE GIVEN TO THE MALE EMPLOYEE. IF THE COMPLAINT IS UNFOUNDED, THEN THE MALE EMPLOYEE SHOULD BE ABLE TO RECEIVE DAMAGES FOR DEFAMATION OF CHARACTER. BUT DON'T HOLD YOUR BREATH FOR PAYMENT OF EVEN ONE DOLLAR MUCH LESS \$7.1 MILLION, YOU ARE AN UNEQUAL MALE.

97040831433

9/8/94

October 20, 1993 COMMENTARY

PRESIDENT CLINTON'S ACTION TO SEND U.S. WARSHIPS ^{+ militarily To INVOLVE} ~~TO ENFORCE A NEW U.N.~~
~~EMBARGO~~ OF HAITI PUTS THE U.S. DEEPER AND DEEPER IN THIS NEW WORLD BIG
BROTHER ROLE. AMERICAN TAX PAYER'S DOLLARS AND THE LIVES OF AMERICAN
MILITARY ARE NOT EXPENDABLE.

WE ARE INVOLVED IN SOMALIA, BOSNIA AND NOW IN HAITI. THERE ARE ALSO OTHER
TROUBLE SPOTS IN THE WORLD. HOW FAR WILL WE GO? THIS IS THE SAME PRESIDENT
THAT PROTESTED THE VIET NAM WAR AND DODGED THE DRAFT.

WHO ARE WE TO DICTATE TO OTHER SOVEREIGN NATIONS? HOW WOULD WE RESPOND
IF OTHER NATIONS ^{FEEL} FEEL THAT OUR PRESENT GOVERNMENT IS NOT GOVERNING IN THE
BEST INTEREST OF ITS CITIZENS AND THEY TOOK SOME MILITARY ACTION AGAINST
US? THE FACT IS THAT OUR GOVERNMENT ISN'T AND THE MAJORITY OF AMERICANS
FEEL THAT WAY. THE ONLY DIFFERENCE IS THAT THERE IS NO OTHER NATION THAT
IS POWERFUL ENOUGH TO DO ANYTHING ABOUT IT.

THE FACT IS THAT WE DO NOT HAVE THE RIGHT TO INTERFERE IN THE INTERNAL
AFFAIRS OF OTHER NATIONS MILITARILY. WE CAN PROMOTE ECONOMIC SANCTIONS,
BUT SHOULD NOT BE THE POLICEMEN OF THE WORLD AT THE EXPENSE OF AMERICAN
LIVES AND HARD WORKING TAX PAYER'S DOLLARS.

~~IF WE ARE SO FEAR BEHIND OF RISING~~ ^{THE WORLD IS SCREAMING}
~~THEY SAY WE LIVE IN A SAFER WORLD SINCE THE BREAK UP OF THE SOVIET UNION.~~
~~I SAY THAT THE WORLD HAS NEVER BEEN MORE EXPLOSIVE.~~ ^{LET'S} WE HAVE MANY PROBLEMS
HERE WITH CRIME, DRUGS AND POVERTY. ~~THAT~~ ^{LET'S} GET OUR HOUSE TOGETHER BEFORE
WE START DICTATING TO OTHER NATIONS AS TO HOW THEY SHOULD BUILD AND MAINTAIN
THERE'S.

97043031434

TO: GOP Candidates, Campaign Managers, and Press Secretaries
FROM: National Republican Congressional Committee
RE: Sample News Releases on Haiti
DATE: Thursday, September 15, 1994

9/9/94

Attached are two releases you may want to consider today concerning the imminent U.S. invasion of Haiti. Since these releases are being distributed to GOP candidates nationwide, re-write them -- particularly the quotes attribute to you -- to avoid embarrassment!

FOR IMMEDIATE RELEASE
[TODAY'S DATE]

CONTACT: [YOUR NAME HERE]
TEL.: [YOUR PHONE HERE]

[DEMOCRAT] GAVE CLINTON A FREE HAND FOR HAITI INVASION

[YOUR CITY AND STATE HERE] ([TODAY'S DATE]) - Incumbent Congressman [DEMOCRAT] ^{helped} was accused today of helping give President Clinton a free hand to invade Haiti and the financial resources to wage the invasion -- irrespective of U.S. interests, and without Congressional approval." ^{Two OTHER LA DEMOCRATS: Jeffrey & Fields}

[YOUR NAME HERE] said [DEMOCRAT] helped defeat a proposal that would have restricted the use of military force in Haiti unless the President first certified a "clear and present danger" to U.S. citizens or interests. [YOUR NAME HERE] explained that the House first approved the requirement, but ^{Jefferson & Fields} ~~itself~~ ^{two weeks later} after pressure from the Clinton Administration led 54 Democrats to change it. ^{Roll} ~~Call Vote 197, H.R. 4301, Fiscal Year 1995 Defense Authorization Act, Goss [R-FL] amend.~~ ^{expressing} the sense of Congress that the U.S. should not undertake an invasion of Haiti without Presidential certification of a clear and present danger to the citizens or interests of the United States, and urging the establishment of a safe haven for Haitian refugees on the Haitian island of Ile de la Gonave; Adopted, 223-201, May 24, 1994; [DEMOCRAT] voted "Nay." See also Roll Call Vote 224, Dellums [D-CA] request for a separate vote on the Goss [R-FL] amendment on June 9, 1994; on the second vote, the Goss Amendment was defeated, 195-226; [DEMOCRAT] voted "Nay".

[DEMOCRAT] also helped secure funding for the Haiti invasion, by helping kill a measure that would have reduced \$25 million from the U.S. "peacekeeping" contribution to the United Nations, the amount anticipated for UN "peacekeeping" operations in Haiti (Roll Call Vote 290, H.R. 4603, Fiscal Year 1995 Commerce, Justice, State Department Appropriations Act, Lightfoot [R-TX] motion to recommit the bill with instructions to remove \$25 million, the amount for operations in Haiti in Fiscal Year 1995. Defeated, June 28, 1994, 185-214, [DEMOCRAT] voted "Nay").

"Bill Clinton, and [DEMOCRAT] wanted free rein to invade Haiti, irrespective of U.S. national interests and without having to obtain the consent of the American people through their elected Representatives in Congress," [YOUR NAME HERE] charged. "That's not the way American troops are supposed to be put into combat in our Constitutional democracy." ^{Jefferson & Fields}

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Sept 13
APR 17, 1994

DURING THE 1992-93 SCHOOL YEAR, UNDER LOCAL EVALUATION , 99 PERCENT OF THE 16,306 EVALUATED PUBLIC SCHOOL TEACHERS WITH FOUR OR MORE YEARS OF EXPERIENCE RECEIVED SATISFACTORY RATINGS AND NOT NEEDING IMPROVEMENT. THESE STATISTICS HAVE SOME EDUCATION OFFICIALS AND OTHERS CONCERNED WHETHER THE EVALUATION PROGRAM IS DOING AN ADEQUATE JOB IN FINDING TEACHERS IN NEED OF HELP , "D) HELPING THEM.

THIS PROBLEM IS NOT NEW. IT HAS BEEN GOING ON FOR SOME TIME. ELECTED OFFICIALS SIDE STEP THE PROBLEM FOR POLITICAL REASONS. THEY SEEK THE SUPPORT OF THE TEACHERS AND THEIR UNION FOR ELECTION AT THE EXPENSE OF THE CHILDREN OF THE STATE GETTING AN ADEQUATE EDUCATION BY COMPETENT AND CONCERNED TEACHERS. NOT ONLY IS THIS HURTING THE CHILDREN, BUT IT FRUSTRATES THOSE TEACHERS WHO ARE COMPETENT AND TRY THEIR BEST TO TEACH THEIR STUDENTS.

970431436
SCHOOL TEACHERS SHOULD BE PROPERLY AND EFFECTIVELY TRAINED AND COMPENSATED. STANDARD PAY FOR SCHOOL TEACHERS SHOULD BE CHANGED TO PAY BY MERIT, NOT SIMPLY TENURE. THE PERFORMANCE AND EFFICIENCY OF SCHOOL TEACHERS SHOULD BE EVALUATED AND COMPENSATION PAID ACCORDING TO THE OUT COME OF THE EVALUATION.

THE METHOD OF EVALUATION MUST BE EFFECTIVE AND NOT JUST A SHAM. THE FUTURE OF OUR STATE AND COUNTRY RESTS WITH THE CHILDREN OF TODAY AND TOMORROW. PLAYING POLITICS MUST STOP AND IT MUST START BY PROFESSIONAL TEACHERS DEMANDING PROPER AND EFFECTIVE EVALUATION. THE TEACHERS UNION MUST TAKE A ROLE BY DEMANDING CHANGE AND NOT PROTECT INCOMPETENT TEACHERS. PUBLIC TRUST IN THE PUBLIC EDUCATION SYSTEM CAN ONLY BE EARNED WITH PERFORMANCE.

PARENTS WHO SEND THEIR CHILDREN TO PRIVATE SCHOOLS DON'T LIKE PAYING THE HIGH TUITIONS, BUT THEY DO BECAUSE OF THE LACK OF FAITH IN THE EDUCATION STANDARDS OF THE PUBLIC SCHOOL SYSTEM. THAT FAITH MUST BE RETURNED.

JOIN ME ROBERT NAMER WEEKDAYS FROM 4-7 PM HERE ON HOT TALK RADIO WASO AM-730 AND WTIX AM-690.

Sept 13

September 14, 1994

ACCORDING TO A NEW STUDY, THE UNITED STATES HAS THE HIGHEST RATE OF INCARCERATION THAN ANY OTHER COUNTRY IN THE WORLD EXCEPT RUSSIA. THE STUDY FOUND THAT THERE ARE 1.3 MILLION INMATES IN AMERICAN PRISONS. THAT IS A 22 PER CENT INCREASE SINCE 1989.

THE \$30 BILLION CRIME BILL THAT PRESIDENT CLINTON SIGNED INTO LAW INCLUDES MORE THAN \$10 BILLION TO BUILD NEW STATE AND FEDERAL PRISONS. FACTS DICTATE THAT DESPITE THE DOUBLING OF THE INMATE POPULATION SINCE 1960, THERE HAS BEEN NO CONSISTENT IMPACT ON VIOLENT CRIME. THEREFORE, REASON WILL DICTATE THAT MORE PRISONS WON'T REDUCE VIOLENT CRIME.

WHILE THE UNITED STATES HAS BEHIND BARS 519 per 100,000 POPULATION, ENGLAND HAS 93, FRANCE 84, GERMANY 80, JAPAN 36 AND INDIA 23. THEY ARE TOUGH ON CRIME. OUR SOLUTION IS NOT MORE PRISONS, BUT STIFFER PENALTIES FOR FIRST TIME OFFENDERS AND LESS LIBERAL JUDGES.

HOW MANY PEOPLE WOULD COMMIT A THEFT IF THEY KNEW THAT THEY WOULD HAVE THEIR HAND CUT OFF IF FOUND GUILTY? HOW MANY PEOPLE WOULD COMMIT A SECOND CRIME IF THEY KNEW THAT THEY WOULD REMAIN IN PRISON AT HARD LABOR FOR LIFE IF CAUGHT, NO AIR CONDITIONING, TV, MOVIES, ETC. AND IF THEY CAUSE PROBLEMS WHILE IN PRISON, THEY WOULD BE EXECUTED?

THAT IS GETTING TOUGH ON CRIME AND IT WOULD DEFINITELY HAVE AN IMPACT ON VIOLENT CRIME. WHY DO OUR ELECTED OFFICIALS NOT KNOW IT?

97043831437

April 27, 1994

IN THIS DAY AND AGE OF WARNING LABELS ON EVERYTHING, THERE SHOULD BE WARNING SIGNS ALL OVER LOUISIANA WHICH STATE THAT WE ARE A DANGER TO THE HEALTH AND WELFARE OF INFANTS AND CHILDREN.

RELEASED STATISTICS FROM THE 1991 CENSUS BUREAU AND OTHER SOURCES SHOW THAT LOUISIANA RANKS 43rd. IN INFANT MORTALITY, 41st. IN CHILD DEATH RATE, 49th IN PERCENT OF ALL BIRTHS TO SINGLE TEENS, 40th IN ARREST RATE FOR VIOLENT CRIMES COMMITTED BY THOSE AGES 10-17, 50th IN PERCENT GRADUATING FROM HIGH SCHOOL ON TIME, 50th IN PERCENT NOT IN SCHOOL OR NOT IN LABOR FORCE BETWEEN THE AGES OF 16-19, 46TH IN TEEN VIOLENT DEATH RATE BETWEEN THE AGES OF 15-19, 50TH IN CHILDREN IN POVERTY, AND 48TH IN CHILDREN IN SINGLE PARENT FAMILIES.

MOST WOULD AGREE THAT WE SHOULD ADD A WARNING LABEL ON ALL OUR ELECTED OFFICIALS STATING THAT THEY ARE A DETRIMENT TO OUR WELL BEING. IF THAT IS THE CASE, WE SHOULD GO ONE STEP FURTHER, PUT A WARNING LABEL ON ALL THE CITIZENS IN LOUISIANA WHICH ARE RESPONSIBLE FOR ELECTING THESE DANGEROUS ELECTED OFFICIALS IN THE FIRST PLACE.

JOIN ME ROBERT NAMER WEEKDAYS FROM 4-7 PM HERE ON HOT TALK RADIO WASO AM-730 AND WTIW AM-690.

9704331433

S. J. ...

May 23, 1994

THE PRESS AND THE REPORTING OF SURVEY AND POLL RESULTS HAVE BEEN INFLUENTIAL IN WHAT CAN BE CALLED "DIRECTIONAL CONTROL". MANY AMERICANS FOLLOW THE CROWD OR WHAT THEY PERCEIVE IS THE DESIRE OR INTENT OF THE MAJORITY. ASSUMING THAT IF SO MANY FEEL THE SAME WAY OR AGREE WITH THE SAME THING, IT MUST BE GOOD OR RIGHT. THIS ACTION MANIPULATES THE PEOPLE TO DO A CERTAIN THING OR THINK A CERTAIN WAY, WITHOUT THEIR KNOWLEDGE THAT THEY ARE BEING MANIPULATED OR DIRECTED. MANY TIMES HALF TRUTHS, MISIMPRESSIONS, DISTORTED INFORMATION AND REPETITION OF SAME ARE USED TO ACHIEVE THE DESIRED RESULTS.

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THERE ARE CLEAR EXAMPLES OF HOW THIS "DIRECTIONAL CONTROL" IS BEING APPLIED. RETAILERS USE IT BY HAVING MANY SALES PERSONNEL ON THE FLOOR WALKING AROUND AS IF SHOPPERS. WHEN A CONSUMER IS WALKING THROUGH A MALL AND PASSES A STORE THAT HAS MANY PEOPLE, THEIR CURIOSITY IS AROUSED AND THEY TEND TO GO IN THAT STORE TO SEE WHAT THE BIG DEAL IS ALL ABOUT. ADVERTISERS LIKE TO USE WORDS LIKE "THE LEADING BRAND", "AMERICA'S BEST SELLER", "THE NUMBER ONE CHOICE" AND OF COURSE CONSUMERS WANT TO FOLLOW THE MOST DESIRED BY THE MAJORITY.

THE GOVERNMENT AND POLITICIANS USE STATISTICS, POLLS AND SURVEYS. THEY USE WORDS AND SUBMIT REPORTS THAT SAY "LATEST STUDY SHOWS THE ECONOMY IS ON THE UP", "MOST PEOPLE AGREE", "IN THE INTEREST OF THE MAJORITY", "FEW WILL BE EFFECTED", "THE LEADING CANDIDATE", "THE MAJOR CANDIDATE", "THE PEOPLE'S CHOICE", ALL DESIGNED TO OBTAIN ACCEPTANCE AND CREDIBILITY.

THE MEDIA ITSELF IS ALSO FREQUENTLY GUILTY OF THE SAME TACTICS TO DIRECT THEIR AGENDA AND PHILOSOPHY. THE USE WORDS, HEADLINES AND RESERVED PHRASES SUCH AS "LEADING INDICATORS SHOW", "TODAY'S TOP STORY", "CONCERNED REPORTS", "EXPERTS SAY", "IN ALL INDICATIONS", "STANDS LITTLE CHANCE", "THE ODDS ARE", "POPULAR HIM OR HER", "RESPECTED HIM OR HER", "LONG TIME ADVOCATE", "POLLS SHOW", "FORMER KLAN LEADER", "ONCE RESPECTED", "TOP CONTENDER" AND SO ON.

IF THIS IS NOT BAD ENOUGH, WHAT IS WORSE IS THAT WE FALL FOR IT AND FOLLOW AND BELIEVE IT LIKE SHEEP.

JOIN ME ROBERT NAMER WEEKDAYS HERE ON HOT TALK RADIO WASO AM-730 FROM 4-6 PM AND WTIX AM-690 FROM 4-5 PM AND AGAIN FROM 6-7 PM

Sept 21

SEPTEMBER 22, 1994

U.S. SURGEON GENERAL JOYCELYN ELDERS SAID, "SOCIETY WANTS TO KEEP ALL SEXUALITY IN THE CLOSET. WE HAVE TO BE MORE OPEN ABOUT SEX, AND WE NEED TO SPEAK OUT TO TELL PEOPLE THAT SEX IS GOOD, SEX IS WONDERFUL. IT'S A NORMAL AND HEALTHY PART OF OUR BEING, WHETHER IT IS HOMOSEXUAL OR HETEROSEXUAL."

TODAY LIBERAL EDUCATORS AND HOMOSEXUAL ACTIVISTS ARE PUSHING FOR WHAT THEY ARE CALLING RESPONSIBLE "SEX EDUCATION." THE PROBLEM IS WHAT LIBERAL EDUCATORS AND THE HOMOSEXUALS CALL RESPONSIBLE, IS NOTHING LESS THAN IRRESPONSIBLE! THE APPROACH ON WHICH THEY BUILD THEIR CURRICULUM IS THE DECEPTIVE PREMISE THAT ALL KIDS ARE GOING TO HAVE SEX ANYWAY.

THE QUESTION MUST BE ASKED: ARE KIDS BECOMING MORE SEXUALLY ACTIVE? IF SO, WHY? COULD THE PROBLEM BE THE MESSAGE THAT IS BEING SENT TO KIDS ABOUT SEX? THAT THEIR SEXUAL ACTIVITY IS PERFECTLY ALL RIGHT AND ALL THEY NEED TO DO IS TO BE SURE TO HAVE PROTECTED SEX. IS IT POSSIBLE THAT TODAY'S "SEX EDUCATION" IS SENDING A MESSAGE THAT ADVOCATES OR AT LEAST ENCOURAGES SEXUAL EXPERIMENTATION, INCLUDING HIGH RISK BEHAVIOR? IT IS NOT ONLY "POSSIBLE" IT IS HAPPENING--AND EVEN OUR NATION'S SUPPOSED HEALTH GUARDIAN IS TELLING KIDS THAT DANGEROUS SEX IS HEALTHY.

TODAY'S "PROGRESSIVE" EDUCATION ADVOCATES PROMISCUOUS BEHAVIOR BASED ON THE FALSE ASSUMPTION THAT THE MAJORITY OF THE KIDS WANT TO BE SEXUALLY ACTIVE. LIBERAL ENLIGHTENED EDUCATION ALSO TEACHES THAT HOMOSEXUALITY IS NOT WRONG. HOMOSEXUALITY IS JUST DIFFERENT AND WE NEED TOLERANCE AND SHOULD RESPECT DIVERSITY.

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COMMENTARY FOR THE WEEK OF SEPTEMBER 26, 1994

FOR TOO LONG, OUR ELECTED OFFICIALS HAVE NOT REPRESENTED THE TRUE INTEREST AND FEELINGS OF THE MAJORITY. WE THE PEOPLE MUST TAKE AN ACTIVE AND INFORMATIVE ROLE IN ASSURING THAT OUR ELECTED OFFICIALS REPRESENT THE WILL OF THE MAJORITY.

THE UNITED STATES IS A GOVERNMENT OF THE PEOPLE, BY THE PEOPLE FOR THE PEOPLE. WE THE PEOPLE, MUST WORK TOGETHER TO VOICE OUR INTERESTS AND NEVER ALLOW THE GOVERNMENT TO DICTATE OR CONTROL THE CITIZENS OF OUR COUNTRY. WE MUST REVERSE THE AMOUNT OF CONTROL AND POWER THE GOVERNMENT HAS OVER US. CHANGES ARE NEEDED NOW, NOT YEARS FROM NOW.

THIS SATURDAY, IS A VERY IMPORTANT ELECTION DAY. VOTING IS AN AMERICAN RIGHT, OBLIGATION AND RESPONSIBILITY. IT IS AN AMERICAN'S DUTY TO REGISTER THEIR VOTE. YOUR VOTE CAN MAKE THE DIFFERENCE. UNITED WE STAND, DIVIDED WE WILL CONTINUE TO LOSE.

WASO AND WTIX RADIO STATIONS ARE COMMITTED TO COMMUNITY SERVICE BY INFORMING THE PUBLIC. WE URGE ALL AMERICAN CITIZENS TO VOTE THIS SATURDAY, OCTOBER 1ST. SO IMPORTANT IS THIS MESSAGE THAT IT WILL BE OUR COMMENTARY FOR THE WEEK. DON'T TAKE YOUR RIGHT TO VOTE AND OUR FREEDOM FOR GRANTED. VOTE!

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LAW OFFICES
REDDY, BEGLEY & McCORMICK
SUITE 350
1001 22ND STREET, N.W.
WASHINGTON, D.C. 20037-1803

DENNIS F. BEGLEY
MATTHEW H. McCORMICK

(202) 659-5700

EDWARD B. REDDY
(1915-1990)

FACSIMILE NUMBER
(202) 659-5711

May 2, 1996

Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4060
WTIX, Inc.

Dear Sir or Madam:

WTIX, Inc. herein responds to the questions set forth in the Subpoena to Produce Documents, Order to Submit Written Answers, dated March 7, 1996.¹

- 1.a. The total number of shares of stock that have been issued from WTIX, Inc. is 1,000. There is one class of stock -- common, voting.
- b. The sole stockholder of WTIX, Inc. is GHB Broadcasting Corporation, 1776 Briarcliff Road, NE, Atlanta, Georgia 30306, a South Carolina corporation. All of GHB's stock in WTIX, Inc. is voted by George H. Buck, Jr., 1206 Decatur Street, New Orleans, Louisiana 70116 who is the sole stockholder of GHB.
2. WTIX, Inc. is not an "S" Corporation.
3. The directors of WTIX, Inc. are:

George H. Buck, Jr. 1206 Decatur Street
New Orleans, Louisiana 70116

¹ By the FEC's letter of April 5, 1996, the time in which to submit these answers was extended to May 2, 1996.

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
MAY 3 10 01 AM '96

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June N. Phelps

5801 Eastdale Drive
Apartment #112
Montgomery, Alabama 36117

Jacob E. Bogan

1530 Beachcliff Drive, NE
Atlanta, Georgia 30329

Each was a director throughout 1994.

4. The officers of WTIX, Inc. are: George H. Buck, Jr., President; June N. Phelps, Vice President; and Jacob E. Bogan, Secretary/Treasurer. Each held their respective positions throughout 1994.

Employees of WTIX, Inc. were Jeff Hug, talk show host (June 1993 to present); George H. Buck, Jr., general manager (1992 to present), Lisa Abadid, secretary (May 1994 to present), and Jennifer H. Gugliuzza, secretary (June 1, 1993 to present).

- 5.a. The talk show hosted by Robert Namer was presented on a live basis on WTIX during the period 4 p.m.-7 p.m., Monday-Friday. It was also rebroadcast on Saturdays and Sundays at various times depending on the need for fill programming. The program, while generally hosted by Mr. Namer, may have had other hosts when Mr. Namer was unavailable due to sickness or other commitments. The program was produced by the host who is sitting at a microphone and operating the station's board. No other staff was involved. WTIX is unable to identify the number of times the program was broadcast between August 1, 1994 and November 8, 1994 since program logs do not exist.

- b. i-iii. As the requested period is almost two years ago, WTIX is unable to provide the detailed information requested in this question. The program was in general a discussion of local and national news and public interest matters. The following is a list of some of the guests who appeared on the 4 p.m.-7 p.m. timeslot on WTIX:

- (1) Judge Lawrence LaGarde, Juvenile Court
- (2) Russell Kelly, State Senator (District 4) candidate
- (3) Linda Russo, 4th Circuit Court of Appeals (District F) candidate

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- (4) State Representative Arthur Morrel, Traffic Court (Division B) candidate
- (5) Ed Handy, Harahan Alderman candidate
- (6) Kennedy Garrett, State Representative (District 102) candidate
- (7) Evon Grubb, State Representative (District 102) candidate
- (8) Charles Jones, Court of Appeals Judge candidate
- (9) Paul Linstrom, Christian Academy Satellite Schools
- (10) Paulette Irons, State Senator (District 4) candidate
- (11) Alma Woodfork, Neighborhood Organization of Treme
- (12) Bonnie Krowl, Republican Women's Club
- (13) Larry Pratt, Gun Owners of America
- (14) Diana O'Hearn, WRBH Radio for the Blind
- (15) John Lawrence, candidate, 2nd Congressional District
- (16) Julius "Chip" Lehman, candidate, 2nd Congressional District
- (17) Congressman Robert Livingston, candidate, 1st Congressional District

iv. The costs for the program were negligible. Mr. Namer was not paid by WTIK and the only significant cost incurred was the electrical bill for the transmitter.

v. No payments were received to cover the cost of producing and broadcasting the show.

6.a. None of the other candidates in the 1994 election for Louisiana's 2nd Congressional District accepted the offer to broadcast news commentaries. Robert Namer and other station talent continued their regular practice of preparing and presenting news commentaries on a daily or nearly daily basis. Mr. Namer was a candidate for the Republican nomination for U.S.

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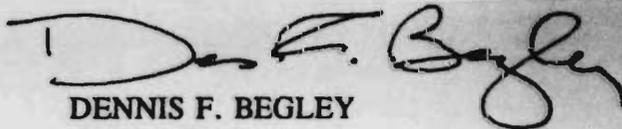
Representative from August 16, 1994 until October 1, 1994. To the extent the Interrogatory 6 concerns commentaries broadcast outside of that period, WTIX, Inc. objects on the basis of relevancy.

- b. i-iii. Copies of commentaries prepared and presented by Robert Namer between August 16 and October 1, 1994 are attached. The date of each broadcast is indicated on each sheet. WTIX, Inc. has no record of when each news commentary was broadcast, or the exact duration.
- iv. The costs were negligible. Mr. Namer was not paid by WTIX.
- v. No payments were received with respect to news commentaries prepared and presented by Mr. Namer.

PRODUCTION OF DOCUMENTS

1. The Articles of Incorporation and Corporate By-Laws of WTIX, Inc. are attached.
2. WTIX, Inc. does not have in its possession, or know of the existence, of any audio recordings that relate to answers to the interrogatories set forth above. Mr. Namer's news commentaries from August 16 to October 1, 1994 are attached. With respect to the officers, directors and shareholders of WTIX, attached is an Ownership Report filed with the Federal Communications Commission on February 4, 1994.

Very truly yours,



DENNIS F. BEGLEY
Counsel for
WTIX, INC.

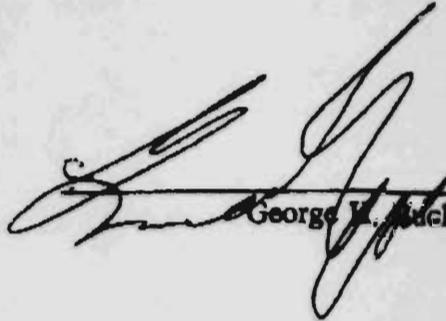
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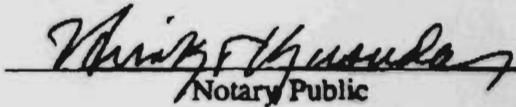
DECLARATION

I, George H. Buck, being duly sworn, do hereby declare and state that the foregoing Answers to Interrogatories are true and correct to the best of my information, knowledge and belief.

Signed this 2nd day of May, 1996.


George H. Buck, Jr.

Subscribed and sworn to before me this 2nd day of May, 1996.


Notary Public

My commission expires: upon death

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UNITED STATES OF AMERICA
State of Louisiana
DUPLICATE

Box McKeithen

SECRETARY OF STATE

In testimony whereof, I have hereunto set my hand and caused the Seal of my Office to be affixed at the City of Baton Rouge on
a copy of the Articles of Incorporation and Initial Report
of

WTIX, INC.

Domiciled at New Orleans, Louisiana, Parish of Orleans,

A corporation organized under the provisions of R.S. 1950,
Title 12, Chapter 1, as amended,

By Act before a Notary Public in and for the Parish of
Orleans, State of Louisiana, on February 28, 1992, the date
when corporate existence began,

Was filed and recorded in this office on March 2, 1992, in
the Record of Charters Book 344,

And all fees having been paid as required by law, the
corporation is authorized to transact business in this
State, subject to the restrictions imposed by law, including
the provisions of R. S. 1950, Title 12, Chapter 1, as
amended.

*In testimony whereof, I have hereunto set
my hand and caused the Seal of my Office
to be affixed at the City of Baton Rouge on*

March 2, 1992

Box McKeithen

CG

Secretary of State



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UNITED STATES OF AMERICA
State of Louisiana



Fox McKeithen

SECRETARY OF STATE

*To Secretary of State, of the State of Louisiana, I do hereby Certify that
the annexed transcript of*

WTIX, INC.

Was prepared by and in this office from the record on file,
of which purports to be a copy, and that it is full, true
and correct.

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*In testimony whereof I have hereunto set
my hand and caused the Seal of my Office
to be affixed at the City of Baton Rouge on*

April 8, 1992

Fox McKeithen



CG

Secretary of State

W. Fox McKeithen
Secretary of State



ARTICLES OF INCORPORATION

(RS. 17:24,

Domestic Business Corporation
Enclose \$80.00 filing fee
Make remittance payable to
Secretary of State
Do not send cash

Return to:

Corporations Division
P.O. Box 94125
Baton Rouge, LA 70804-9125
Phone (504) 925-4704

STATE OF LOUISIANA
PARISH OF Orleans

- The name of this corporation is: WTIX, Inc.
- This corporation is formed for the purpose of: (check one)
 Engaging in any lawful activity for which corporations may be formed.

- The duration of this corporation is: (may be perpetual) Perpetual
- The aggregate number of shares which the corporation shall have authority to issue is:
One Thousand
- The shares shall consist of one class only and the par value of each share is \$ 1.00 (shares may be without par value) per share.
- The full name and post office address of each incorporator is: _____
George H. Buck, Jr.,
61 French Market Place
New Orleans, LA 70116
- Other provisions _____

- The corporation's federal tax identification number is: _____

THIS DONE AND PASSED in my office in New Orleans
on this the 25 day of February, 19 92 in my presence and in the
presence of the undersigned witnesses who sign their names with me. Notary after due reading of the whole:

[Signature]
Witness
[Signature]
Witness

[Signature]
Incorporator
[Signature]
Incorporator
[Signature]
Incorporator

[Signature]
Notary

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DOMESTIC BUSINESS CORPORATION INITIAL REPORT
(R.S. 12:25 and 12:101)

1. The name of this corporation is: WTIX, Inc.

2. The location and municipal address (not a P.O. Box only) of this corporation's registered office

61 French Market Place

New Orleans, LA 70116

3. The full name and municipal address (not a P.O. Box only) of each of this corporation's registered agent(s) is/are:

George H. Buck, Jr.

61 French Market Place

4. The names and municipal addresses (not a P.O. Box only) of the first directors are:

George H. Buck, Jr.,

(sole stockholder)

61 French Market Place

Incorporator(s) signature(s):

X George H. Buck, Jr.

AGENT'S AFFIDAVIT AND ACKNOWLEDGEMENT OF ACCEPTANCE

I hereby acknowledge and accept the appointment of registered agent for and on behalf of the above named corporation.

Registered agent(s) signature(s):

X George H. Buck, Jr.

Sworn to and subscribed before me this 25 day of April, 1968

Notary

BY-LAWS

OF

WTIX, Inc.

ARTICLE I - OFFICES

The office of the Corporation shall be located in the City and State designated in the Articles of Incorporation. The Corporation may also maintain offices at such other places within or without the United States as the Board of Directors may, from time to time, determine.

ARTICLE II - MEETING OF SHAREHOLDERS

Section 1 - Annual Meetings:

The annual meeting of the shareholders of the Corporation shall be held within five months after the close of the fiscal year of the Corporation, for the purpose of electing directors, and transacting such other business as may properly come before the meeting.

Section 2 - Special Meetings:

Special meetings of the shareholders may be called at any time by the Board of Directors or by the President, and shall be called by the President or the Secretary at the written request of the holders of ten per cent (10%) of the shares then outstanding and entitled to vote thereat, or as otherwise required under the provisions of the Business Corporation Act.

Section 3 - Place of Meetings:

All meetings of shareholders shall be held at the principal office of the Corporation, or at such other places as shall be designated in the notices or waivers of notice of such meetings.

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Section 4 - Notice of Meetings:

(a) Except as otherwise provided by Statute, written notice of each meeting of shareholders, whether annual or special, stating the time when and place where it is to be held, shall be served either personally or by mail, not less than ten or more than fifty days before the meeting, upon each shareholder of record entitled to vote at such meeting, and to any other shareholder to whom the giving of notice may be required by law. Notice of a special meeting shall also state the purpose or purposes for which the meeting is called, and shall indicate that it is being issued by, or at the direction of, the person or persons calling the meeting. If, at any meeting, action is proposed to be taken that would, if taken, entitle shareholders to receive payment for their shares pursuant to Statute, the notice of such meeting shall include a statement of that purpose and to that effect. If mailed, such notice shall be directed to each such shareholder at his address, as it appears on the records of the shareholders of the Corporation, unless he shall have previously filed with the Secretary of the Corporation a written request that notices intended for him be mailed to some other address, in which case, it shall be mailed to the address designated in such request.

(b) Notice of any meeting need not be given to any person who may become a shareholder of record after the mailing of such notice and prior to the meeting, or to any shareholder who attends such meeting, in person or by proxy, or to any shareholder who, in person or by proxy, submits a signed waiver of notice either before or after such meeting. Notice of any adjourned meeting of shareholders need not be given, unless otherwise required by statute.

Section 5 - Quorum:

(a) Except as otherwise provided herein, or by statute, or in the Certificate of Incorporation (such Certificate and any amendments thereof being hereinafter collectively referred to as the "Certificate of Incorporation"), at all meetings of shareholders of the Corporation, the presence at the commencement of such meetings in person or by proxy of shareholders holding of record a majority of the total number of shares of the Corporation then issued and outstanding and entitled to vote,

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shall be necessary and sufficient to constitute a quorum for the transaction of any business. The withdrawal of any shareholder after the commencement of a meeting shall have no effect on the existence of a quorum, after a quorum has been established at such meeting.

(b) Despite the absence of a quorum at any annual or special meeting of shareholders, the shareholders, by a majority of the votes cast by the holders of shares entitled to vote thereon, may adjourn the meeting. At any such adjourned meeting at which a quorum is present, any business may be transacted at the meeting as originally called if a quorum had been present.

Section 6 - Voting:

(a) Except as otherwise provided by statute or by the Certificate of Incorporation, any corporate action, other than the election of directors, to be taken by vote of the shareholders, shall be authorized by a majority of votes cast at a meeting of shareholders by the holders of shares entitled to vote thereon.

(b) Except as otherwise provided by statute or by the Certificate of Incorporation, at each meeting of shareholders, each holder of record of stock of the Corporation entitled to vote thereat, shall be entitled to one vote for each share of stock registered in his name on the books of the Corporation.

(c) Each shareholder entitled to vote or to express consent or dissent without a meeting, may do so by proxy; provided, however, that the instrument authorizing such proxy to act shall have been executed in writing by the shareholder himself, or by his attorney-in-fact thereunto duly authorized in writing. No proxy shall be valid after the expiration of eleven months from the date of its execution, unless the person executing it shall have specified therein the length of time it is to continue in force. Such instrument shall be exhibited to the Secretary at the meeting and shall be filed with the records of the Corporation.

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(d) Any resolution in writing, signed by all of the shareholders entitled to vote thereon, shall be and constitute action by such shareholders to the effect therein expressed, with the same force and effect as if the same had been duly passed by unanimous vote at a duly called meeting of shareholders and such resolution so signed shall be inserted in the Minute Book of the Corporation under its proper date.

ARTICLE III - BOARD OF DIRECTORS

Section 1 - Number, Election and Term of Office:

(a) The number of the directors of the Corporation shall be one (1), unless and until otherwise determined by vote of a majority of the entire Board of Directors. The number of Directors shall not be less than three, unless all of the outstanding shares are owned beneficially and of record by less than three shareholders, in which event the number of directors shall not be less than the number of shareholders permitted by statute.

(b) Except as may otherwise be provided herein or in the Certificate of Incorporation, the members of the Board of Directors of the Corporation, who need not be shareholders, shall be elected by a majority of the votes cast at a meeting of shareholders, by the holders of shares, present in person or by proxy, entitled to vote in the election.

(c) Each director shall hold office until the annual meeting of the shareholders next succeeding his election, and until his successor is elected and qualified, or until his prior death, resignation or removal.

Section 2 - Duties and Powers:

The Board of Directors shall be responsible for the control and management of the affairs, property and interests of the Corporation, and may exercise all powers of the Corporation, except as are in the Certificate of Incorporation or by statute expressly conferred upon or reserved to the shareholders.

Section 3 - Annual and Regular Meetings; Notice:

(a) A regular annual meeting of the Board of Directors shall be held immediately following the annual meeting of the shareholders, at the place of such annual meeting of shareholders.

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(b) The Board of Directors, from time to time, may provide by resolution for the holding of other regular meetings of the Board of Directors, and may fix the time and place thereof.

(c) Notice of any regular meeting of the Board of Directors shall not be required to be given and, if given, need not specify the purpose of the meeting; provided, however, that in case the Board of Directors shall fix or change the time or place of any regular meeting, notice of such action shall be given to each director who shall not have been present at the meeting at which such action was taken within the time limited, and in the manner set forth in paragraph (b) Section 4 of this Article III, with respect to special meetings, unless such notice shall be waived in the manner set forth in paragraph (c) of such Section 4.

Section 4 - Special Meetings; Notice:

(a) Special meetings of the Board of Directors shall be held whenever called by the President or by one of the directors, at such time and place as may be specified in the respective notices or waivers of notice thereof.

(b) Except as otherwise required by statute, notice of special meetings shall be mailed directly to each director, addressed to him at his residence or usual place of business, at least two (2) days before the day on which the meeting is to be held, or shall be sent to him at such place by telegram, radio or cable, or shall be delivered to him personally or given to him orally, not later than the day before the day on which the meeting is to be held. A notice, or waiver of notice, except as required by Section 3 of this Article III, need not specify the purpose of the meeting.

(c) Notice of any special meeting shall not be required to be given to any director who shall attend such meeting without protesting prior thereto or at its commencement, the lack of notice to him, or who submits a signed waiver of notice, whether before or after the meeting. Notice of any adjourned meeting shall not be required to be given.

Section 5 - Chairman:

At all meetings of the Board of Directors, the Chairman of the Board, if any and if present, shall preside. If there shall be no Chairman, or he shall be absent, then the President shall preside, and in his absence, a Chairman chosen by the directors shall preside.

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Section 6 - Quorum and Adjournments:

(a) At all meetings of the Board of Directors, the presence of a majority of the entire Board shall be necessary and sufficient to constitute a quorum for the transaction of business, except as otherwise provided by law, by the Certificate of Incorporation, or by these By-Laws.

(b) A majority of the directors present at the time and place of any regular or special meeting, although less than a quorum, may adjourn the same from time to time without notice, until a quorum shall be present.

Section 7 - Manner of Acting:

(a) At all meetings of the Board of Directors, each director present shall have one vote, irrespective of the number of shares of stock, if any, which he may hold.

(b) Except as otherwise provided by statute, by the Certificate of Incorporation, or by these By-Laws, the action of a majority of the directors present at any meeting at which a quorum is present shall be the act of the Board of Directors. Any action authorized, in writing, by all of the directors entitled to vote thereon and filed with the minutes of the corporation shall be the act of the Board of Directors with the same force and effect as if the same had been passed by unanimous vote at a duly called meeting of the Board.

Section 8 - Vacancies:

Any vacancy in the Board of Directors occurring by reason of an increase in the number of directors, or by reason of the death, resignation, disqualification, removal (unless a vacancy created by the removal of a director by the shareholders shall be filled by the shareholders at the meeting at which the removal was effected) or inability to act of any director, or otherwise, shall be filled for the unexpired portion of the term by a majority vote of the remaining directors, though less than a quorum, at any regular meeting or special meeting of the Board of Directors called for that purpose.

Section 9 - Resignation:

Any director may resign at any time by giving written notice to the Board of Directors, the President or the Secretary of the Corporation. Unless otherwise specified in such written notice, such resignation shall take effect upon receipt thereof by the Board of Directors or such officer, and the acceptance of such resignation shall not be necessary to make it effective.

Section 10 - Removal:

Any director may be removed with or without cause at any time by the affirmative vote of shareholders holding of record in the aggregate at least a majority of the outstanding shares of the Corporation at a special meeting of the shareholders called for that purpose, and may be removed for cause by action of the Board.

Section 11 - Salary:

No stated salary shall be paid to directors, as such, for their services, but by resolution of the Board of Directors a fixed sum and expenses of attendance, if any, may be allowed for attendance at each regular or special meeting of the Board; provided, however, that nothing herein contained shall be construed to preclude any director from serving the Corporation in any other capacity and receiving compensation therefor.

Section 12 - Contracts:

(a) No contract or other transaction between this Corporation and any other Corporation shall be impaired, affected or invalidated, nor shall any director be liable in any way by reason of the fact that any one or more of the directors of this Corporation is or are interested in, or is a director or officer, or are directors or officers of such other Corporation, provided that such facts are disclosed or made known to the Board of Directors.

(b) Any director, personally and individually, may be a party to or may be interested in any contract or transaction of this Corporation, and no director shall be liable in any way by reason of such interest, provided that the fact of such interest be disclosed or made known to the Board of Directors, and provided that the Board of Directors shall authorize, approve or ratify such contract or transaction by the vote (not counting the vote of any such director) of a majority of a quorum, notwithstanding the presence of any such director at the meeting at which such action is taken. Such director or directors may be counted in determining the presence of a quorum at such meeting. This Section shall

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not be construed to impair or invalidate or in any way affect any contract or other transaction which would otherwise be valid under the law (common, statutory or otherwise) applicable thereto.

Section 13 - Committees:

The Board of Directors, by resolution adopted by a majority of the entire Board, may from time to time designate from among its members an executive committee and such other committees, and alternate members thereof, as they may deem desirable, each consisting of three or more members, with such powers and authority (to the extent permitted by law) as may be provided in such resolution. Each such committee shall serve at the pleasure of the Board.

ARTICLE IV - OFFICERS

Section 1 - Number, Qualifications, Election and Term of Office:

(a) The officers of the Corporation shall consist of a President, a Secretary, a Treasurer, and such other officers, including a Chairman of the Board of Directors, and one or more Vice Presidents, as the Board of Directors may from time to time deem advisable. Any officer other than the Chairman of the Board of Directors may be, but is not required to be, a director of the Corporation. Any two or more offices may be held by the same person.

(b) The officers of the Corporation shall be elected by the Board of Directors at the regular annual meeting of the Board following the annual meeting of shareholders.

(c) Each officer shall hold office until the annual meeting of the Board of Directors next succeeding his election, and until his successor shall have been elected and qualified, or until his death, resignation or removal.

Section 2 - Resignation:

Any officer may resign at any time by giving written notice of such resignation to the Board of Directors, or to the President or the Secretary of the Corporation. Unless otherwise specified in such written notice, such resignation shall take effect upon receipt thereof by the Board of Directors or by such officer, and the acceptance of such resignation shall not be necessary to make it effective.

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Section 3 - Removal:

Any officer may be removed, either with or without cause, and a successor elected by a majority vote of the Board of Directors at any time.

Section 4 - Vacancies:

A vacancy in any office by reason of death, resignation, inability to act, disqualification, or any other cause, may at any time be filled for the unexpired portion of the term by a majority vote of the Board of Directors.

Section 5 - Duties of Officers:

Officers of the Corporation shall, unless otherwise provided by the Board of Directors, each have such powers and duties as generally pertain to their respective offices as well as such powers and duties as may be set forth in these by-laws, or may from time to time be specifically conferred or imposed by the Board of Directors. The President shall be the chief executive officer of the Corporation.

Section 6 - Sureties and Bonds:

In case the Board of Directors shall so require, any officer, employee or agent of the Corporation shall execute to the Corporation a bond in such sum, and with such surety or sureties as the Board of Directors may direct, conditioned upon the faithful performance of his duties to the Corporation, including responsibility for negligence and for the accounting for all property, funds or securities of the Corporation which may come into his hands.

Section 7 - Shares of Other Corporations:

Whenever the Corporation is the holder of shares of any other Corporation, any right or power of the Corporation as such shareholder (including the attendance, acting and voting at shareholders' meetings and execution of waivers, consents, proxies or other instruments) may be exercised on behalf of the Corporation by the President, any Vice President, or such other person as the Board of Directors may authorize.

ARTICLE V - SHARES OF STOCK

Section 1 - Certificate of Stock:

(a) The certificates representing shares of the Corporation shall

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be in such form as shall be adopted by the Board of Directors, and shall be numbered and registered in the order issued. They shall bear the holder's name and the number of shares, and shall be signed by (i) the Chairman of the Board or the President or a Vice President, and (ii) the Secretary or Treasurer, or any Assistant Secretary or Assistant Treasurer, and shall bear the corporate seal.

(b) No certificate representing shares shall be issued until the full amount of consideration therefor has been paid, except as otherwise permitted by law.

(c) To the extent permitted by law, the Board of Directors may authorize the issuance of certificates for fractions of a share which shall entitle the holder to exercise voting rights, receive dividends and participate in liquidating distributions, in proportion to the fractional holdings; or it may authorize the payment in cash of the fair value of fractions of a share as of the time when those entitled to receive such fractions are determined; or it may authorize the issuance, subject to such conditions as may be permitted by law, of scrip in registered or bearer form over the signature of an officer or agent of the Corporation, exchangeable as therein provided for full shares, but such scrip shall not entitle the holder to any rights of a shareholder, except as therein provided.

Section 2 - Lost or Destroyed Certificates:

The holder of any certificate representing shares of the Corporation shall immediately notify the Corporation of any loss or destruction of the certificate representing the same. The Corporation may issue a new certificate in the place of any certificate theretofore issued by it, alleged to have been lost or destroyed. On production of such evidence of loss or destruction as the Board of Directors in its discretion may require, the Board of Directors may, in its discretion, require the owner of the lost or destroyed certificate, or his legal representatives, to give the Corporation a bond in such sum as the Board may direct, and with such surety or sureties as may be satisfactory to the Board, to indemnify the Corporation against any claims, loss, liability or damage it may suffer on account of the issuance of the new certificate. A new certificate may be issued without requiring any such evidence or bond when, in the judgment of the Board of Directors, it is proper so to do.

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Section 3 - Transfers of Shares:

(a) Transfers of shares of the Corporation shall be made on the share records of the Corporation only by the holder of record thereof, in person or by his duly authorized attorney, upon surrender for cancellation of the certificate or certificates representing such shares, with an assignment or power of transfer endorsed thereon or delivered therewith, duly executed, with such proof of the authenticity of the signature and of authority to transfer and of payment of transfer taxes as the Corporation or its agents may require.

(b) The Corporation shall be entitled to treat the holder of record of any share or shares as the absolute owner thereof for all purposes and, accordingly, shall not be bound to recognize any legal, equitable or other claim to, or interest in, such share or shares on the part of any other person, whether or not it shall have express or other notice thereof, except as otherwise expressly provided by law.

Section 4 - Record Date:

In lieu of closing the share records of the Corporation, the Board of Directors may fix, in advance, a date not exceeding fifty days, nor less than ten days, as the record date for the determination of shareholders entitled to receive notice of, or to vote at, any meeting of shareholders, or to consent to any proposal without a meeting, or for the purpose of determining shareholders entitled to receive payment of any dividends, or allotment of any rights, or for the purpose of any other action. If no record date is fixed, the record date for the determination of shareholders entitled to notice of or to vote at a meeting of shareholders shall be at the close of business on the day next preceding the day on which notice is given, or, if no notice is given, the day on which the meeting is held; the record date for determining shareholders for any other purpose shall be at the close of business on the day on which the resolution of the directors relating thereto is adopted. When a determination of shareholders of record entitled to notice of or to vote at any meeting of shareholders has been made as provided for herein, such determination shall apply to any adjournment thereof, unless the directors fix a new record date for the adjourned meeting.

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ARTICLE VI - DIVIDENDS

Subject to applicable law, dividends may be declared and paid out of any funds available therefor, as often, in such amounts, and at such time or times as the Board of Directors may determine.

ARTICLE VII - FISCAL YEAR

The fiscal year of the Corporation shall be fixed by the Board of Directors from time to time, subject to applicable law.

ARTICLE VIII - CORPORATE SEAL

The corporate seal, if any, shall be in such form as shall be approved from time to time by the Board of Directors.

ARTICLE IX - AMENDMENTS

Section 1 - By Shareholders:

All by-laws of the Corporation shall be subject to alteration or repeal, and new by-laws may be made, by the affirmative vote of shareholders holding of record in the aggregate at least a majority of the outstanding shares entitled to vote in the election of directors at any annual or special meeting of shareholders, provided that the notice or waiver of notice of such meeting shall have summarized or set forth in full therein, the proposed amendment.

Section 2 - By Directors:

The Board of Directors shall have power to make, adopt, alter, amend and repeal, from time to time, by-laws of the Corporation; provided, however, that the shareholders entitled to vote with respect thereto as in this Article IX above-provided may alter, amend or repeal by-laws made by the Board of Directors, except that the Board of Directors shall have no power to change the quorum for meetings of shareholders or of the Board of Directors, or to change any provisions of the by-laws with respect to the removal of directors or the filling of vacancies in the Board resulting from the removal by the shareholders. If any by-law regulating an impending election of directors is adopted, amended or repealed by the Board of Directors, there shall be set forth in the notice of the next meeting of shareholders for the election of directors, the by-law so adopted, amended or repealed, together with a concise statement of the changes made.

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ARTICLE X - INDEMNITY

(a) Any person made a party to any action, suit or proceeding, by reason of the fact that he, his testator or intestate representative is or was a director, officer or employee of the Corporation, or of any Corporation in which he served as such at the request of the Corporation, shall be indemnified by the Corporation against the reasonable expenses, including attorney's fees, actually and necessarily incurred by him in connection with the defense of such action, suit or proceedings, or in connection with any appeal therein, except in relation to matters as to which it shall be adjudged in such action, suit or proceeding, or in connection with any appeal therein that such officer, director or employee is liable for negligence or misconduct in the performance of his duties.

(b) The foregoing right of indemnification shall not be deemed exclusive of any other rights to which any officer or director or employee may be entitled apart from the provisions of this section.

(c) The amount of indemnity to which any officer or any director may be entitled shall be fixed by the Board of Directors. except that in any case where there is no disinterested majority of the Board available, the amount shall be fixed by arbitration pursuant to the then existing rules of the American Arbitration Association.

The undersigned Incorporator certifies that he has adopted the foregoing by-laws as the first by-laws of the Corporation.

Dated: March 26, 1992

George H. Buck, Jr.

Incorporator

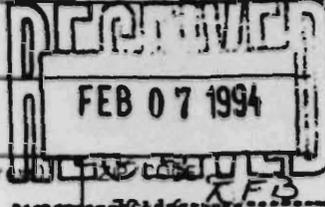
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*New Orleans
Am
Owner Con*

FCC 323

OWNERSHIP REPORT

SECTION I - FEE INFORMATION (For Annual Ownership Report Filers Only)

1. LICENSEE NAME WTIX, Inc.		STAMP IN AND RETURN TO Reddy, Begley & Martin  70116 KFB
MAILING ADDRESS (Line 1) (Maximum 35 characters) 1206 Decatur Street		
MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)		
CITY New Orleans	STATE OR COUNTRY (if foreign address) LA	
TELEPHONE NUMBER (include area code) (504) 525-1776	CALL LETTERS	

FOR MAILING THIS REPORT, SEE GENERAL INSTRUCTION 2.

2. A. Is a fee submitted with this application? Yes No

B. If No, explain: _____; and go to Section II.

C. If Yes, provide the following information:

	(A)	(B)	(C)	
	FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1)	M A R	0 0 0 1	\$ 35.00	
(2)			\$	
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.			TOTAL AMOUNT REMITTED WITH THIS APPLICATION	FOR FCC USE ONLY
			\$ 35.00	

SECTION II - OWNERSHIP INFORMATION (for all filers)

All of the information furnished in this Report is accurate as of January 15, 1994.
(Date must comply with Section 73.3615(a), i.e., information must be current within 90 days of the filing of this report, when 1(a) below is checked.)

This report is filed pursuant to instruction *(check one)*

1(a) Annual 1(b) Transfer of Control or Assignment of License 1(c) Other

for the following stations:

Call Letters	Location	Class of service
WTIX	New Orleans, LA	AM

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SECTION II - Ownership Information (Continued)

2. Name of Licensee or Permittee
WTIX, Inc.

Mailing Address
1206 Decatur Street

City New Orleans	State LA	ZIP Code 70116
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3. Name of entity, if other than licensee or permittee, for which report is filed (see instruction 3):
Does Not Apply

Mailing Address

City	State	ZIP Code
------	-------	----------

4. Respondent is:

- Sole proprietorship
 Not-for-profit corporation
 Limited partnership
 For-profit corporation
 General partnership
 Other

If a limited partnership, is certification statement included as in instruction 2? Yes No

5. Give the name of any corporation or other entity for whom a separate Report is filed due to its interest in the subject licensee (see instruction 3):
GHB Broadcasting Corporation

6. Show the attributable interests in any other broadcast station of the respondent. Also, show any interest of the respondent, whether or not attributable, which is 5% or more of the ownership of any other broadcast station or any newspaper or CATV entity in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 76.501 of the Commission's Rules.

None

7. List all contracts and other instruments required to be filed by Section 73.3613 of the Commission's Rules and Regulations. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

Description of contract or instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
ON FILE - NO CHANGE			

8. Capitalization (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

Class of Stock (preferred, common or other)	Voting or Non-voting	Number of Shares			
		Authorized	Issued and Outstanding	Treasury	Unissued
Common	Voting	1,000	1,000	0	0

Remarks concerning family relationships, attribution exemptions and certifications: (see instructions 2, 5 and 6)

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SECTION II - Ownership Information (Continued)

9. List officers, directors, cognizable stockholders and partners. Use one column for each individual or entity. Attach additional pages, if necessary. See instructions 2, 5 and 6.

Note (Read carefully - The numbered items below refer to line numbers in the following table.)

- 1. Name and residence of officer, director, cognizable stockholder or partner (if other than individual, also show name, address and citizenship of natural person authorized to vote the stock). List officers first, then directors and, thereafter, remaining stockholders and partners.
- 2. Citizenship.
- 3. Office or directorship held.
- 4. Number of shares or nature of partnership interest.
- 5. Number of votes.
- 6. Percentage of votes.
- 7. Other existing attributable interests in any other broadcast station, including nature and size of such interest.
- 8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 75.501 of the Commission's Rules, including the nature and size of such interests and the position held.

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	(a)	(b)	(c)
1	GHB Broadcasting Corporation 1776 Briarcliff Road, NE Atlanta, Georgia 30306	George H. Buck, Jr. 1206 Decatur Street New Orleans, LA 70116	June N. Phelps 5801 Eastdale Drive Apartment #112 Montgomery, AL 36117
2	South Carolina Corporation	U.S.A.	U.S.A.
3	----	President/Director	Vice President/Director
4	1000	0	0
5	1000	0	0
6	100% ^{*/}	0%	0%
7	See Exhibit No. 1	See Exhibit No. 1	See Exhibit No. 1
8	None	None	None

*/ Stock voted by George H. Buck, Jr.

SECTION II - Ownership Information (continued)

9. List officers, directors, cognizable stockholders and partners. Use one column for each individual or entity. Attach additional pages, if necessary. See instructions 2, 5 and 6.

Line (Read carefully - The numbered items below refer to line numbers in the following table.)

- | | |
|--|---|
| <p>1. Name and residence of officer, director, cognizable stockholder or partner (if other than individual, also show name, address and citizenship of natural person authorized to vote the stock). List officers first, then directors and, thereafter, remaining stockholders and partners.</p> <p>2. Citizenship.</p> <p>3. Office or directorship held.</p> <p>4. Number of shares or nature of partnership interest.</p> <p>5. Number of votes.</p> <p>6. Percentage of votes.</p> | <p>7. Other existing attributable interests in any other broadcast station, including nature and size of such interest.</p> <p>8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3556 and 76.501 of the Commission's Rules, including the nature and size of such interests and the position held.</p> |
|--|---|

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1	(a)	(b)	(c)
	Jacob E. Bogan 1530 Beachcliff Dr., N.E. Atlanta, GA 30329		
2	USA		
3	Sec'y/Treasurer/Director		
4	0		
5	0		
6	0%		
7	See Exhibit No. 1		
8	None		

SECTION III - CERTIFICATION

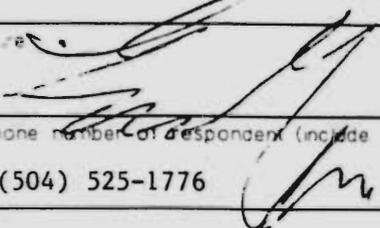
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that I am President (Official title, see instruction 1)

of WTIX, Inc. (Exact legal title or name of respondent)

that I have examined this Report, that to the best of my knowledge and belief, all statements in the Report are true, correct and complete.

(Date of certification must be within 60 days of the date shown in Question 1, Section II and in no event prior to that date):

Signature 	Date January 25, 1994
Telephone number of respondent (include area code) (504) 525-1776	

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT OF 1980

The solicitation of personal information requested in this report is authorized by the Communications Act of 1934 as amended. The Commission will use the information provided in this report to assess compliance with the Commission's multiple ownership restrictions. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing may be delayed while a request is made to provide the missing information or the report may be returned without action pursuant to the Commission's rules. Your response is required to retain the requested authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PL. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a (a)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, PL. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507

Public reporting burden for this collection of information is estimated to average 7.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Reporting Burden Division, AFD-PRS, Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0010), Washington, DC 20503.

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BROADCAST INTERESTS

George H. Buck, Jr. is:

1. President, Director and 100% owner of WNAP, Inc., licensee of Station WNAP, Norristown, Pennsylvania.
2. President, Director and 100% owner of GHB Broadcasting Corporation, licensee of Station WOLS, Florence, South Carolina and 100% owner of (a) GHB of Little Rock, Inc.; (b) GHB of Augusta, Inc.; and (c) GHB of Lake City, Inc.; (d) GHB of Clearwater, Inc.; and (e) WTIK, Inc.
3. President, Director and 100% owner of WHVN, Inc., licensee of Station WHVN, Charlotte, North Carolina and Station WAVO, Rock Hill, South Carolina.
4. President, Director and 100% owner of Muscogee Broadcasting Company, licensee of Station WEAM, Columbus, Georgia.
5. President, Director and 100% owner of WYZE Radio, Inc., licensee of Station WYZE, Atlanta, Georgia.
6. President, Director and 100% owner of WMGY Radio, Inc., licensee of Station WMGY, Montgomery, Alabama.
7. President and Director of GHB of Little Rock, Inc., licensee of Stations KURB and KURB-FM, Little Rock, Arkansas and KEZR, Sheridan, Arkansas.
8. Vice President, Director and 50% owner of H&B Broadcasting, Inc., licensee of Station WHYM and Station WZGO, Portage, Pennsylvania.
9. President and Director of WTIK, Inc., licensee of Station WTIK, New Orleans, Louisiana.
10. President and Director of GHB of Augusta, Inc., licensee of Station WKXC, Aiken, South Carolina.
11. President and Director of GHB of Clearwater, Inc., licensee of Station WSLT(FM), Clearwater, South Carolina.
12. President and Director of GHB of Lake City, Inc., licensee of Station WRIP, Lake City, South Carolina.
13. The owner of 50% of the non-voting stock of Statesville Family Radio Corporation, licensee of Station WAME, Statesville, North Carolina.

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Jacob Bogan is Secretary/Treasurer of WNAP, Inc.; GHB Broadcasting Corporation; WHVN, Inc.; Muscogee Broadcasting Company; WYZE Radio, Inc.; WMGY Radio, Inc.; GHB of Little Rock, Inc.; WTIK, Inc.; GHB of Augusta, Inc.; GHB of Lake City, Inc.; GHB of Clearwater, Inc.; and H&B Broadcasting, Inc.

June Phelps is Vice President of WNAP, Inc.; WHVN, Inc.; Muscogee Broadcasting Company; WMGY Radio, Inc.; WYZE Radio, Inc.; WTIK, Inc.; GHB of Augusta, Inc.; GHB of Lake City, Inc.; GHB of Clearwater, Inc.; and GHB Broadcasting Corporation.

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Approved by OI-3
 3060-0010
 Expires 06/30/95

FEDERAL COMMUNICATIONS COMMISSION
 WASHINGTON, D.C. 20554

FOR
 FCC
 USE
 ONLY

FCC 323

OWNERSHIP REPORT

SECTION I - FEE INFORMATION (For Annual Ownership Report Filers Only)

1. LICENSEE NAME			
MAILING ADDRESS (Line 1) (Maximum 35 characters)			
MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)			
CITY	STATE OR COUNTRY (if foreign address)		ZIP CODE
TELEPHONE NUMBER (include area code)		CALL LETTERS	
FOR MAILING THIS REPORT, SEE GENERAL INSTRUCTION 2			
2. A. Is a fee submitted with this application?			<input type="checkbox"/> Yes <input type="checkbox"/> No
B. If No, explain: _____, and go to Section II.			
C. If Yes, provide the following information:			
Enter in Column (A) the correct Fee Type Code for the services covered by this report. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).			
	(A)	(B)	(C)
(1)	FEE TYPE CODE 	FEE MULTIPLE (if required) 	FEE DUE FOR FEE TYPE CODE IN COLUMN 1A \$
			FOR FCC USE ONLY
(2)	(A) 	(B) 	(C) \$
			FOR FCC USE ONLY
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE. →			TOTAL AMOUNT REMITTED WITH THIS APPLICATION \$
			FOR FCC USE ONLY

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SECTION II - OWNERSHIP INFORMATION (for all filers)

1. All of the information furnished in this Report is accurate as of January 15, 1994
(Date must comply with Section 73.3675(a), i.e., information must be current within 60 days of the filing of this report, when that below is checked.)

This report is filed pursuant to instruction *(check one)*

(a) Annual (b) Transfer of Control or Assignment of License (c) Other

for the following stations:

Call Letters	Location	Class of service
WTIX	New Orleans, LA	AM

SECTION II - Ownership Information (continued)

2. Name of Licensee or Permittee
WTIX, Inc.

Mailing Address
1206 Decatur Street

City New Orleans	State LA	ZIP Code 70116
----------------------------	--------------------	--------------------------

3. Name of entity, if other than licensee or permittee, for which report is filed (see instruction 3):
GHB Broadcasting Corporation

Mailing Address
1776 Briarcliff Road, N.E.

City Atlanta	State GA	ZIP Code 30306
------------------------	--------------------	--------------------------

4. Respondent is:

- Sole proprietorship
 Not-for-profit corporation
 Limited partnership
 For-profit corporation
 General partnership
 Other:

If a limited partnership, is certification statement included as in instruction 2? Yes No

5. Give the name of any corporation or other entity for whom a separate Report is filed due to its interest in the subject licensee (see instruction 3):

WTIX, Inc.

6. Show the attributable interests in any other broadcast station of the respondent. Also, show any interest of the respondent, whether or not attributable, which is 5% or more of the ownership of any other broadcast station or any newspaper or CATV entity in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 76.501 of the Commission's Rules. Licensee of Station WOLS, Florence, SC, and 100% stockholder of (a) GHB of Augusta, Inc., licensee of Station WKXC-FM, Aiken, SC; (b) WTIX, Inc., licensee of Station WTIX(AM), New Orleans, LA; (c) GHB of Lake City, Inc., licensee of Station WRIP(AM), Lake City, SC; (d) GHB of Little Rock, Inc., licensee of Stations KURB and KURB-FM, Little Rock, Arkansas and KEZQ, Sheridan, AR; (e) GHB of Clearwater, Inc., licensee of Station WSLT, Clearwater, SC.

7. List all contracts and other instruments required to be filed by Section 73.3613 of the Commission's Rules and Regulations. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

Description of contract or instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
ON FILE -- NO CHANGE			

8. Capitalization (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

Class of Stock (preferred, common or other)	Voting or Non-voting	Number of Shares			
		Authorized	Issued and Outstanding	Treasury	Unissued
Common	Voting	1,000	53	0	947

Remarks concerning family relationships, attribution exemptions and certifications: (see instructions 2.5 and 6)

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SECTION II - Ownership Information (Continued)

3. List officers, directors, cognizable stockholders and partners. Use one column for each individual or entity. Attach additional pages, if necessary. See Instructions 2, 5 and 6.

Line (Read carefully - The numbered items below refer to line numbers in the following table.)

- 1. Name and residence of officer, director, cognizable stockholder or partner (if other than individual, also show name, address and citizenship of natural person authorized to vote the stock). List officers first, then directors and, thereafter, remaining stockholders and partners.
- 2. Citizenship.
- 3. Office or directorship held.
- 4. Number of shares or nature of partnership interest.
- 5. Number of votes.
- 6. Percentage of votes.
- 7. Other existing attributable interests in any other broadcast station, including nature and size of such interest.
- 8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 76.501 of the Commission's Rules, including the nature and size of such interests and the position held.

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1	(a)	(b)	(c)
	George H. Buck, Jr. 1206 Decatur Street New Orleans, LA 70116	Jacob E. Bogan 1530 Beachcliff Dr., N.E. Atlanta, GA 30329	June N. Phelps 5801 Eastdale Drive Apartment #112 Montgomery, AL 36117
2	USA	USA	USA
3	President/Director	Secretary/Treasurer	Vice President
4	53	0	0
5	53	0	0
6	100%	0%	0%
7	See Exhibit No. 1	See Exhibit No. 1	See Exhibit No. 1
8	None	None	None

SECTION III - CERTIFICATION

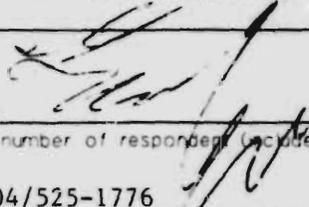
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that I am President
(Official title, see instruction 1)

of GHB Broadcasting Corporation
(Exact legal title or name of respondent)

that I have examined this Report, that to the best of my knowledge and belief, all statements in the Report are true, correct and complete.

(Date of certification must be within 60 days of the date shown in Question 1, Section II and in no event prior to that date):

Signature 	Date January 25, 1994
Telephone number of respondent (include area code) 504/525-1776	

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT OF 1980

The solicitation of personal information requested in this report is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this report to assess compliance with the Commission's multiple ownership restrictions. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing may be delayed while a request is made to provide the missing information, or the report may be returned without action pursuant to the Commission's rules. Your response is required to retain the requested authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a (e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Registry, General Services Administration, Paperwork Reduction Project (3050-0010), Washington, DC 20503.

97043831474

BROADCAST INTERESTS

George H. Buck, Jr. is:

1. President, Director and 100% owner of WNAP, Inc., licensee of Station WNAP, Norristown, Pennsylvania.
2. President, Director and 100% owner of GHB Broadcasting Corporation, licensee of Station WOLS, Florence, South Carolina and 100% owner of (a) GHB of Little Rock, Inc.; (b) GHB of Augusta, Inc.; and (c) GHB of Lake City, Inc.; (d) GHB of Clearwater, Inc.; and (e) WTIK, Inc.
3. President, Director and 100% owner of WHVN, Inc., licensee of Station WHVN, Charlotte, North Carolina and Station WAVO, Rock Hill, South Carolina.
4. President, Director and 100% owner of Muscogee Broadcasting Company, licensee of Station WEAM, Columbus, Georgia.
5. President, Director and 100% owner of WYZE Radio, Inc., licensee of Station WYZE, Atlanta, Georgia.
6. President, Director and 100% owner of WMGY Radio, Inc., licensee of Station WMGY, Montgomery, Alabama.
7. President and Director of GHB of Little Rock, Inc., licensee of Stations KURB and KURB-FM, Little Rock, Arkansas and KEZR, Sheridan, Arkansas.
8. Vice President, Director and 50% owner of H&B Broadcasting, Inc., licensee of Station WHYM and Station WZGO, Portage, Pennsylvania.
9. President and Director of WTIK, Inc., licensee of Station WTIK, New Orleans, Louisiana.
10. President and Director of GHB of Augusta, Inc., licensee of Station WKXC, Aiken, South Carolina.
11. President and Director of GHB of Clearwater, Inc., licensee of Station WSLT(FM), Clearwater, South Carolina.
12. President and Director of GHB of Lake City, Inc., licensee of Station WRIP, Lake City, South Carolina.
13. The owner of 50% of the non-voting stock of Statesville Family Radio Corporation, licensee of Station WAME, Statesville, North Carolina.

97043031475

Jacob Bogan is Secretary/Treasurer of WNAP, Inc.; GHB Broadcasting Corporation; WHVN, Inc.; Muscogee Broadcasting Company; WYZE Radio, Inc.; WMGY Radio, Inc.; GHB of Little Rock, Inc.; WTIK, Inc.; GHB of Augusta, Inc.; GHB of Lake City, Inc.; GHB of Clearwater, Inc.; and H&B Broadcasting, Inc.

June Phelps is Vice President of WNAP, Inc.; WHVN, Inc.; Muscogee Broadcasting Company; WMGY Radio, Inc.; WYZE Radio, Inc.; WTIK, Inc.; GHB of Augusta, Inc.; GHB of Lake City, Inc.; GHB of Clearwater, Inc.; and GHB Broadcasting Corporation.

97043631476

Aug 17 1994

~~December 15, 1993~~

A RECENT JUSTICE DEPARTMENT SURVEY FOUND THAT MORE THAN A FIFTH OF BOYS AT 10 INNER-CITY HIGH SCHOOLS SAY THEY OWN GUNS, AND 12 PERCENT REPORT CARRYING THEM ROUTINELY. THE STUDY FOUND THAT 22 PERCENT OF 758 MALE STUDENTS WHO COMPLETED QUESTIONNAIRES AT THE SCHOOLS IN 1991 POSSESSED GUNS.

THIS REPORT ALLEGES THAT 22 PERCENT OF THE STUDENTS IN THE INNER CITY SCHOOLS MAY BE TROUBLE MAKERS OR LAW BREAKERS BECAUSE THEY CARRY GUNS. THE WAY THE STUDY WAS STRUCTURED AND REPORTED IT WOULD LEAD MANY TO BELIEVE THAT THEY CARRIED THE GUNS IN SCHOOL. THE FACT THAT THE BOYS STATED THAT THEY OWNED GUNS AND CARRIED THEM, DOES NOT MEAN THEY HAD THE GUNS IN SCHOOL.

MY TWO OLDEST DAUGHTERS OWN GUNS. THEY CARRY THEM IN THE CAR. THEY WOULD ANSWER THE QUESTIONNAIRE AS DID THE OTHERS. THEY DON'T HOWEVER TAKE THE GUNS IN SCHOOL, NOR ARE THEY TROUBLE MAKERS OR LAW BREAKERS. THEY CARRY THE GUN IN THE CAR TO PROTECT THEMSELVES FROM THE TROUBLE MAKERS AND LAW BREAKERS.

WE MUST ALSO DISPEL ANOTHER ASSUMPTION. THE FACT THAT SOME STUDENTS CARRY GUNS IN SCHOOL DOESN'T MAKE THEM TROUBLE MAKERS. SOME SCHOOLS IN THIS COUNTRY ARE LIKE WAR ZONES AND GOOD BOYS AND GIRLS CARRY GUNS TO PROTECT THEMSELVES FROM THE TROUBLE MAKERS. THEREFORE NOT EVERY BOY OR GIRL THAT CARRIES A GUN IS BAD. *OF COURSE THIS DOES NOT MEAN THAT CHILDREN SHOULD BRING GUNS TO SCHOOL OR THAT I CONDONE OR APPROVE OF IT.*

MANY BOYS, GIRLS, MEN AND WOMEN CARRY GUNS BECAUSE THEY FEAR THE CRIMINAL ELEMENT AND DO NOT HAVE CONFIDENCE THAT OUR JUSTICE OR JUDICIAL SYSTEM CAN PROTECT THEM. THE REALITY AND FACT IS THAT THEY ARE RIGHT IN THEIR FEELINGS AND MOTIVE OF SELF PRESERVATION.

JOIN ME ROBERT NAMER WEEKDAYS FROM 4-7 PM HERE ON HOT TALK RADIO WASO AM-730 AND WTIX AM-690

97043631477

AUGUST 18, 1994

9 / 0 4 0 0 3 1 4 7 0

THIS COMMENTATOR RECEIVED THE FOLLOWING LETTER FROM AN INDIVIDUAL WHOSE NAME WILL REMAIN ANONYMOUS, FOR GOOD REASONS. "...THERE ARE MANY HONEST MEMBERS OF THE ALLIANCE [FOR GOOD GOVERNMENT]. UNFORTUNATELY AT THE PRESENT TIME, THE ALLIANCE IS HEADED BY A CHAIRMAN/PRESIDENT WHO CONSIDERS HIMSELF ABOVE THE VERY PRINCIPLES AND RULES OF HIS OWN ORGANIZATION. ATTACHED YOU WILL FIND DOCUMENTATION THAT AL GRAHAM, CHAIRMAN/PRESIDENT, OF THE ALLIANCE IS AN APPOINTED OFFICIAL--ORLEANS PARISH JURY COMMISSIONER--MAKING APPROXIMATELY \$700 PER MONTH FOR A PURE POLITICAL JOB. AGAIN, THERE ARE MEMBERS OF THE ALLIANCE WHO ARE INTERESTED IN GOOD GOVERNMENT. I HOPE YOU WILL HELP THESE MEMBERS EXPOSE AL GRAHAM TO THE PUBLIC FOR WHAT HE REALLY IS--A CLASSIC HOG AT THE POLITICAL TROUGH--AND DEMAND HIS RESIGNATION SO THAT THE ALLIANCE CAN RETURN AS A TRULY INDEPENDENT ORGANIZATION WITH A LEADER WHO DOES NOT CARRY ANY POLITICAL BAGGAGE OR SERVES FOR COMPENSATION AT THE PLEASURE OF A POLITICIAN. THANK YOU FOR ATTENDING THE ALLIANCE FORUM. IT'S HARD TO BEAT THE SYSTEM WITH AL GRAHAM IN CONTROL. MR. JEFFERSON HAS ENJOYED LONG TIME SUPPORT FROM THE ALLIANCE UNDER AL GRAHAM'S TENURE. HELP US EXPOSE OUR CURRENT PITIFUL LEADER. THE ALLIANCE DESERVES BETTER."

THE WRITER OF THE LETTER ALSO SUBMITTED A COPY OF THE BYLAWS OF THE ALLIANCE FOR GOOD GOVERNMENT. THE BYLAWS OF THE ALLIANCE, IN PART, STATE: "IN ADDITION TO THE FOREGOING PREREQUISITES, ALL CANDIDATES FOR ADMISSION TO THE EXECUTIVE SESSION MUST DEMONSTRATE POLITICAL INDEPENDENCE AND A COMMITMENT TO THE PURPOSES OF THE ORGANIZATION. MEMBERSHIP SHALL NOT BE AVAILABLE TO ELECTED OFFICIALS OR APPOINTED OFFICIALS HOLDING OFFICE HIGHER THAN THAT OF STATE CENTRAL COMMITTEE NOR AN INDIVIDUAL APPOINTED TO AN ELECTIVE OFFICE, NOR THEIR RESPECTIVE SPOUSES SHALL BECOME OR REMAIN A MEMBER OF THIS ORGANIZATION."

IT SEEMS THAT THE SO-CALLED ALLIANCE FOR GOOD GOVERNMENT FALLS IN THE SAME CATEGORY OF THE SO-CALLED PUBLIC SERVANTS WHO ONLY ARE IN PUBLIC SERVICE TO SERVE THEMSELVES. THE SAD PART ABOUT THE PRESENT AMERICAN SOCIETY IS THAT IN WHOM DO WE PLACE OUR TRUST?

Aug 19 1994
~~DECEMBER 2, 1993~~

THE WORLD HEALTH ORGANIZATION HAS ISSUED A CALL FOR MORE SEX EDUCATION IN SCHOOLS TO TRY TO CURB THE SPREAD OF AIDS AMONG THE YOUNG. THE SAME ORGANIZATION ADMITS THAT MANY STUDIES HAVE SHOWED THAT EDUCATION HAD NO REAL IMPACT ON SEXUAL BEHAVIOR.

IT SEEMS THAT THE MORE THE GOVERNMENT GETS INVOLVED WITH ANYTHING THE WORSE THE PROBLEM BECOMES. SENSE GOVERNMENT GOT INVOLVED WITH SEX EDUCATION, THE PROBLEM HAS INCREASED. HOW FAR IS THE GOVERNMENT GOING TO GO IN REGULATING OUR LIVES?

I DON'T THINK IT IS THE RESPONSIBILITY OF GOVERNMENT TO GET INVOLVED WITH SEX EDUCATION. IT IS VERY DANGEROUS. I DON'T LIKE THE GOVERNMENTS WAY OF THINKING AND DOING THINGS.

WHAT ARE OUR CHILDREN GOING TO BE TAUGHT? WHAT INPUT OR RIGHTS DO WE HAVE AS PARENTS OVER WHAT GOVERNMENT WILL TEACH OUR CHILDREN. ARE THE CHILDREN GOING TO BE TAUGHT ABOUT HOMOSEXUAL ACTIVITIES AS PART OF SEX EDUCATION? AFTER ALL WE ARE NOW SAYING THAT HOMOSEXUALITY IS AN ALTERNATIVE SEX. THIS IS THE SAME MENTALITY THAT HAS STRICKEN SILENT OR NONDENOMINATIONAL PRAYER FROM OUR SCHOOLS.

WHAT HAVE WE BECOME AS A PEOPLE? ARE WE ADMITTING THAT PARENTS CAN'T DO THE JOB IN PROPERLY TEACHING OUR CHILDREN RIGHT FROM WRONG AND WE THEREFORE MUST RELY ON THE GOVERNMENT TO DO THE JOB FOR US? AT THE RATE WE ARE GOING, WE JUST AS WELL GIVE UP ALL OUR INDIVIDUAL FREEDOMS AND CONCEDE THAT WE AS A PEOPLE CAN'T LIVE WITHOUT GOVERNMENT INTERVENTION IN EVERY ASPECT OF OUR LIVES.

I FOR ONE FEEL THAT IT IS MY RESPONSIBILITY TO TEACH MY CHILDREN ABOUT SEX AND OPPOSE ANYONE ELSE INTERFERING. THOSE WHO ARE NOT GOOD PARENTS OR CANNOT SHOULD SEEK ADVISE AND HELP, BUT THAT ADVISE AND HELP SHOULD NOT BE FORCED ON MY CHILDREN.

JOIN ME ROBERT NAME WEEKDAYS FROM 4-7 PM HERE ON HOT TALK RADIO WASO AM-730 and WTIX AM-690.

8/19/94

97043831479

8/22/94

February 24, 1994

FOR THE PAST YEAR ALL WE HAVE BEEN HEARING FROM THE CLINTON ADMINISTRATION IS HOW MUCH THE GOVERNMENT HAS GIVEN AND/OR HOW MUCH THEY PLAN TO GIVE THE PEOPLE OF THIS COUNTRY. THE GOVERNMENT CANNOT GIVE YOU ANYTHING, SINCE THEY PRODUCE NOTHING. THE GOVERNMENT CAN ONLY ROB SOMEONE ELSE IN ORDER TO GIVE YOU SOMETHING FOR NOTHING.

SOME MAY SAY THAT THE GOVERNMENT MERELY GIVES BACK MONEY THAT YOU HAVE PAID THEM. THAT IS NOT TRUE. SOME PEOPLE RECEIVE, RECEIVE AND RECEIVE AND NEVER GIVE ANYTHING. THE GOVERNMENT SPENDS EVERYTHING THEY RECEIVE AND MORE. IN FACT THE GOVERNMENT COLLECTS 100% OF THE TAXES AND RETAINS 70% TO COVER THEIR COSTS OF MAKING THE TRANSFER.

TO ADD INSULT TO INJURY, THE GOVERNMENT DOES NOT SUPPORT THOSE THAT SUPPORT IT, BUT INSTEAD SUPPORTS THOSE WHO DON'T. THE ONLY LEGITIMATE NEED FOR GOVERNMENT IS TO PROVIDE FOR OUR NATIONAL DEFENSE, INSTEAD THEY HAVE VIOLATED OUR STATE AND INDIVIDUAL SOVEREIGNTY BY BECOMING AN SOCIALISTIC CHARITY AND BIG BROTHER TO OUR BUSINESS, PERSONAL AND MORAL ACTIVITIES.

WHAT IS SAD, IS THE FACT THAT GOVERNMENT DID NOT CREATE ITSELF, WE DID AND CONTINUE TO DO SO. WHAT WENT WRONG, YOU MAY ASK? OUR FOREFATHERS CREATED A CONSTITUTIONAL REPUBLIC, WE CHANGED IT TO A DEMOCRACY. A DEMOCRACY OPERATES TO NEGATE THE IMPORTANCE OF THE FAMILY UNIT AND SELF DEPENDENCE, AND RESTRUCTURES THAT UNIT WITH THE GOVERNMENT ACTING AS THE HEAD OF THE FAMILY AND MAKES US DEPENDENT ON IT.

files

REMEMBER HISTORY. ALL DEMOCRACIES HAVE FALLEN.

JOIN ME ROBERT NAMER WEEIKDAYS FROM 4-7 PM HERE ON HOT TALK RADIO WASO AM-730 AND WTIX AM-690.

4/22/94

9704331480

8-23-77

May 6, 1994

"GUN CONTROLS IS A TRANSPLANTED NAZI CONCEPT THAT IS SUBVERSIVE OF OUR CIVIL AND CONSTITUTIONAL RIGHTS. THE NAZIS INHERITED "GUN CONTROL FROM GERMANY'S FREELY-ELECTED, CENTER AND CENTER-LEFT GOVERNMENTS OF THE 1920'S, ONE OF WHICH ENACTED A "LAW ON FIREARMS AND AMMUNITION" ON APRIL 12, 1928. THE 1928 LAW ON FIREARMS AND AMMUNITION HELPED THE NAZIS TO DESTROY DEMOCRACY IN GERMANY. AFTER THEY LEGALLY TOOK POWER IN MARCH 1933, THE NAZIS USED THE 1928 LAW ON FIREARMS AND AMMUNITION TO DISARM THE LAW-ABIDING MAJORITY, WHOM THEY FEARED.

THE 1928 LAW ON FIREARMS AND AMMUNITION REQUIRED REGISTRATION OF FIREARMS. AS A RESULT OF THE 1928 LAW, ALMOST ALL FIREARMS AND FIREARMS OWNERS WERE REGISTERED AND PERMITS WERE REQUIRED. TO TAKE FIREARMS FROM THOSE WHOM THEY DISTRUSTED, THE NAZIS SIMPLY DID NOT RENEW THE RELEVANT PERMITS, AND SO WERE ABLE UNDER THE LAW TO CONFISCATE THE FIREARMS AND AMMUNITION.

IN 1938 THE NAZIS ENACTED THEIR OWN, PERFECTED VERSION OF "GUN CONTROL". THEY INTRODUCED STRICT CONTROLS ON HANDGUN OWNERSHIP. THE NAZIS INHERITED FIREARM REGISTRATION AND TURNED IT INTO FIREARM CONFISCATION. ANYMORE NEED BE SAID. HISTORY IS REPEATING ITSELF RIGHT HERE IN THIS COUNTRY. WAKE UP AMERICA, CRIMINALS DON'T GIVE A DAM ABOUT ANY CONGRESSIONAL LAW BANNING ANY FORM OF ARMS. WE ARE BEING DISARMED AND LEFT UNPROTECTED BY AND FROM THE REAL CRIMINALS IN WASHINGTON. OUR FOREFATHERS CREATED THE SECOND AMENDMENT TO PREVENT WHAT HAPPENED IN GERMANY FROM HAPPENING HERE.

JOIN ME ROBERT NAMER WEEKDAYS HERE ON HOT TALK RADIO WASO AM-730 FROM 4-7 PM AND WTIX FROM 4-5 PM AND 6-7 PM.

* CASTRO LIBERATED CUBA - THEN HE SAID HE WOULD PROTECT THE PEOPLE FROM COMMUNISM, AND TOOK ALL GUNS FROM THE PEOPLE. FINALLY HE SAID THE PEOPLE THAT HE WAS A COMMUNIST IN THE END.

97043031481

August 23, 1994

LET THIS COMMENTARY SERVE AS AN EARLY PREDICTION OF A SOON-TO-BE CLINTON FOREIGN POLICY REVERSAL IN REGARD TO HIS LATEST POLICY TO DEAL WITH CUBAN REFUGEES. CLINTON'S NEW POLICY OF TRYING TO STOP THE TIDE OF CUBAN REFUGEES, AND AT THE SAME TIME TIGHTEN THE FLOW OF DOLLARS TO THE ISLAND, IS FILLED WITH PITFALLS, IGNORANCE, AND STUPIDITY AND WILL END UP PLAYING INTO FIDEL CASTRO'S HANDS.

MANY AMERICANS OF CUBAN DESCENT SEND MONEY TO FAMILY MEMBERS IN CUBA. THE POLICY TO CURTAIL VISITS TO THE ISLAND AND STOP THE FLOW OF THIS MONEY WILL INCREASE DESPERATION AND ENCOURAGE CUBANS TO TRY THEIR LUCK AT SEA.

THE MOST RIDICULOUS ASPECT OF CLINTON'S PLAN IS THE PROSPECT OF THE UNITED STATES DETAINING CUBANS AT THE UNITED STATES NAVAL BASE AT GUANTANAMO BAY. CASTRO CAN VERY EASILY HAVE HIS OWN INFILTRATORS AND SPIES SENT OUT TO SEA AND HAVE THEM PICKED UP TO BE TRANSFERRED TO A UNITED STATES MILITARY FACILITY. THIS CERTAINLY COULD CAUSE A SERIOUS BREACH OF MILITARY SECURITY ON THE BASE.

ASIDE FROM THE SECURITY BREACH, THE POLICY OF A FOREIGN POWER DETAINING CUBANS ON CUBAN SOIL WILL LEAVE A SERIOUS DILEMMA IN INTERNATIONAL LAW. THE CUBANS COULD LATER, VERY EASILY, ASK TO BE RELEASED AS CUBAN CITIZENS ON CUBAN SOIL.

THE IRONY IS THAT IF AMERICANS OF CUBAN DESCENT, OR OTHERWISE, WISH TO GO TO CUBA, THEY JUST WILL GO THROUGH OTHER LATIN AMERICAN COUNTRIES. AGAIN, THIS LATEST FOREIGN POLICY IS SO FLAWED, AS MANY OTHERS HAVE BEEN IN THE PAST, THAT CLINTON WILL HAVE TO MAKE A COMPLETE REVERSAL, EMBARRASSING UNITED STATES LEADERSHIP AGAIN.

97043631482

August 25, 1994

THE CLINTON ADMINISTRATION FOREIGN POLICY HAS BEEN BASED ON HOW MUCH TAXPAYERS' MONEY HE CAN SPEND TO BRIBE NATIONS WHO HAVE LONG BEEN UNFRIENDLY TO US ^{and} OR ~~GIVE IN TO~~ ^{LESS EN} NATIONAL AND WORLD SECURITY. WE HAVE SEEN CLINTON'S FAILED FOREIGN POLICY IN ACTION WITH KOREA, WITH CHINA, AND NOW JORDAN.

KOREA HAS STILL MANAGED TO EVADE SANCTIONS AND/OR MILITARY INTERVENTION AS A RESULT OF THEIR CONTINUOUS REFUSAL TO ALLOW NUCLEAR INSPECTIONS. CHINA WAS ^(AWARDED) "MOST FAVORED NATION" TRADE STATUS WHILE HUMAN RIGHTS CONDITIONS THERE HAVE DETEKIORATED FURTHER AND RELATIONS WITH WASHINGTON, INSTEAD OF MOVING TO A NEW AND MORE CONSTRUCTIVE STAGE, REMAIN STRAINED.

THE LATEST FIASCO IS THAT CLINTON WILL CHANGE U.S. POLICY WITH JORDAN BY STOPPING THE INSPECTION OF SHIPS ENTERING AND DEPARTING JORDAN'S RED SEA PORT OF AQABA. CLINTON IS ALSO ASKING CONGRESS TO NULLIFY JORDAN'S DEBT OF MORE THAN \$600 MILLION DOLLARS AND APPROVE DELIVERY OF MILITARY SPARE PARTS. JORDAN IS THE SAME COUNTRY THAT CALLED THE 1991 U.S.-LED WAR AGAINST IRAQ TO LIBERATE KUWAIT, A WAR AGAINST ALL ARABS, AND JORDAN WAS SUSPECTED OF HELPING IRAQ DEFY AN EMBARGO OF THE BAGHDAD GOVERNMENT.

KOREA AND CHINA ARE COMMUNIST NATIONS, AND JORDAN IS A SUPPRESSIVE, SUBVERSIVE DICTATORSHIP. THIS ADMINISTRATION IS SUPPORTING AND FINDING FAVOR WITH NATIONS WHO HAVE LONG BEEN KNOWN FOR CIVIL AND HUMAN RIGHTS VIOLATIONS, YET IT MAKES DEMANDS AND THREATS ON A LITTLE COUNTRY LIKE HAITI. CLINTON'S FOREIGN POLICY CAN BE CONSIDERED HYPOCRITICAL, ONE THAT AIDES AND ABEITS OUR ENEMY, AND/OR JUST PLAIN STUPID.

9704331483

WITH THE PASSING OF A

Aug 29

March 15, 1994

~~WITH A 20 BILLION DOLLAR CREDIT BILL, WE ARE NEAR TO~~

HOW DOES THE UNITED STATES GOVERNMENT CREATE ^{JUST} ONE BILLION DOLLARS IN PAPER MONEY? THE TREASURER ADVISES THE FEDERAL RESERVE BANK CORPORATION OF THE NEED. THE TREASURER ADVISES THE BUREAU OF ENGRAVING TO PRINT ONE BILLION DOLLARS WORTH OF UNITED STATES BONDS.

THE FEDERAL RESERVE BANK ADVISES THE BUREAU OF ENGRAVING TO PRINT ONE BILLION DOLLARS IN FEDERAL RESERVE NOTES. THE FEDERAL RESERVE BANK PAYS THE COST OF THE INK AND PAPER - APPROXIMATELY ONE MILLION DOLLARS OR 2¢ PER NOTE, REGARDLESS OF ITS DENOMINATION. THE FEDERAL RESERVE SWAPS ITS FEDERAL RESERVE NOTES FOR UNITED STATES BONDS. THE INTEREST ON THE UNITED STATES BONDS IS PAYABLE TO THE FEDERAL RESERVE BANKERS.

SOUNDS SIMPLE, IT IS. THE GOVERNMENT CAN MAKE AND SPEND MONEY BY THE STROKE OF A PEN. UNFORTUNATELY, THE AMERICAN PEOPLE ARE A MIRROR IMAGE OF ITS GOVERNMENT. MOST AMERICANS PRACTICE THE SAME PRINCIPLE, BY LIVING ON CREDIT INSTEAD OF WHAT THEY CAN BUY WITH THE ACTUAL DOLLARS EARNED AND AVAILABLE.

WITH OUR GOVERNMENT OPERATING ON WORTHLESS PAPER AND MANY OF THE AMERICAN PEOPLE LIVING ON CREDIT, THE ENTIRE UNITED STATES ECONOMY IS ON A COLLISION COURSE TO DISASTER. ITS JUST A MATTER OF TIME.

MANY WHO HEAR THIS COMMENTARY WILL BE STUNNED FOR MAYBE A MINUTE, AN HOUR, OR EVEN A DAY OR TWO, BUT IT WILL BE FORGOTTEN AND EVERYONE WILL GO BACK TO BUSINESS AS USUAL. HOW UNFORTUNATE FOR OURSELVES, CHILDREN AND GRANDCHILDREN. IF ONLY WE HAD OUR FOREFATHERS HERE TO SAVE US.

JOIN ME ROBERT NAMER WEEKDAYS FROM 4-7 PM HERE ON HOT TALK RADIO WASO AM-730 AND WTIX AM-690.

97043031484

Aug 16 1994

Aug 30 TV
~~April 5, 1994~~

THE LOTTERY, VIDEO POKER MACHINES, GAMBLING BOATS, BIG TIME CASINO, NOT COUNTING THE EXISTING RACE TRACKS ARE CROWDING OUT COMMERCE FOR EXPENDABLE INCOME. WHAT DOES THIS MEAN? AS PEOPLE GAMBLE THEIR EXPENDABLE INCOME AWAY, THERE IS LESS SPENT IN FURNITURE STORES, JEWELRY STORES, CLOTHING STORES, RESTAURANTS AND OTHER TYPES OF BUSINESSES.

SOME MAY SAY SO WHAT, WHO CARES, THEY MAKE ENOUGH. AS THIS CYCLE CONTINUES, BUSINESSES WILL EITHER HAVE TO LAY OFF PERSONNEL OR CLOSE DOWN. THIS WILL LEAD TO HIGHER UNEMPLOYMENT. SINCE GOVERNMENT WILL RECEIVE LESS SALES TAXES AS A RESULT OF THE REDUCTION IN SALES REVENUES, THEY WILL SEEK TO INCREASE THEM. THE NEGATIVE IMPACT AND CYCLE WILL BE ENDLESS.

97043831485

SOME WILL ARGUE THAT GAMBLING WILL BE A BIG BOOM FOR THE STATE AND AREA, AS A RESULT OF NEW JOBS, CONSTRUCTION AND TOURISM. FOR THE SHORT TERM, THIS ARGUMENT HAS SOME VALIDITY, BUT NOT FOR THE LONG TERM ECONOMIC FUTURE OF THE STATE. GAMBLING AS A MAIN INDUSTRY WILL NOT ONLY HURT COMMERCE, BUT LOWER THE STANDARD OF LIVING OF MANY IN OUR STATE. IT IS THE LOWER INCOME PEOPLE WHO GAMBLE THE MOST AND WHO ARE THE LEAST WHO CAN AFFORD TO LOOSE WHAT LIMITED INCOME THEY HAVE.

A FEW GREEDY POLITICIANS AND WELL CONNECTED PEOPLE WILL GET VERY WEALTHY, WHILE MANY CITIZENS WILL SUFFER. WHO IS AT FAULT? YOU, IF YOU GAMBLE AND DON'T HAVE THE MEANS TO DO SO. EVEN THOUGH THE TEMPTATION IS BEING PUSHED DOWN YOUR THROAT, YOU CAN BE STRONG WILED ENOUGH TO SAY NO.

JOIN ME ROBERT NAMER WEEKDAYS FROM 4-7 PM HERE ON HOT TALK RADIO WASO AM-730 AND WTIX AM-690.

3/2/95

August 31, 1994

THE SMITHSONIAN'S NATIONAL AIR AND SPACE MUSEUM PLANNED AN EXHIBIT ON THE AMERICAN BOMBING OF JAPAN DURING WORLD WAR II. THERE WERE MANY COMPLAINTS THAT THE EXHIBIT WRONGLY PORTRAYS JAPAN AS AN INNOCENT VICTIM OF THE ATOMIC BOMB. THE ORIGINAL EXHIBIT INCLUDED GRAPHIC DEPICTIONS OF THE DESTRUCTION OF MORE THAN HALF OF HIROSHIMA AND THE DEATHS OF 130,000 JAPANESE.

THE ATOMIC BOMB EXHIBIT LACKED BALANCE BECAUSE IT FAILED TO PROVIDE ADEQUATE EXPLANATION OF THE EVENTS LEADING UP TO THE BOMBING. EVEN THE ENOLA GAY, THE B-29 THAT DROPPED THE ATOMIC BOMB ON HIROSHIMA ON AUGUST 6, 1945, ONLY INCLUDED ITS FRONT FUSELAGE. THIS WAS POLITICAL CORRECTNESS AT ITS BEST.

IT TOOK CONSIDERABLE AMOUNT OF PRESSURE FROM THE PUBLIC, VETERANS GROUPS, SERVICE MEN, AND MANY OTHERS, BUT FINALLY THE SMITHSONIAN INSTITUTE HAS AGREED TO EXPAND THE EXHIBIT. THE REVISION PLANS, IN MY OPINION, ARE NOT ENOUGH.

THE EXHIBIT SHOULD CONTAIN PHOTOGRAPHS AND DEPICTIONS OF THE ATROCITIES THAT JAPAN INITIATED IN ASIA AND AT PEARL HARBOR. THE UNITED STATES DID NOT START THAT WAR, BUT CERTAINLY FINISHED IT WITH THE ATOMIC BOMB. WHILE THERE MAY HAVE BEEN MANY INNOCENT JAPANESE KILLED AS A RESULT OF THAT BOMBING, THE ALTERNATIVE WOULD HAVE BEEN MANY MORE JAPANESE VICTIMS AND OTHER VICTIMS, ESPECIALLY AMERICANS, WITH A PROLONGED WAR.

AMERICA SHOULD NOT HAVE TO APOLOGIZE NOR FEEL EMBARRASSED TO EXHIBIT THE TRUTH OF THE NEED FOR THE BOMBING AND THE ENDING OF WORLD WAR II. REMEMBER, THE JAPANESE STILL HAVE NOT FORMALLY APOLOGIZED FOR THE WAR AND/OR ACKNOWLEDGED THE FULL EXTENT OF THE ATROCITIES THEY COMMITTED THEREIN.

9704331486

Recd

Sept 1 '94

April 13, 1994

A FEDERAL REPORT ~~JUST~~ CAME OUT WHICH STATES THAT THE SOCIAL SECURITY RETIREMENT TRUST FUND WILL BE EXHAUSTED BY THE YEAR 2036, THE SOCIAL SECURITY DISABILITY TRUST FUND COULD GO BROKE IN 1995 AND THE MEDICARE TRUST FUND WHICH COVERS THE HOSPITAL COSTS OF THE ELDERLY AND DISABLED WORKERS IS LIKELY TO GO BROKE BY THE YEAR 2000.

HOW CAN THIS HAPPEN? THE ANSWER IS THAT THE GOVERNMENT HAS BEEN BORROWING FROM SOCIAL SECURITY FOR YEARS. THEY HAVE BEEN USING THIS MONEY FOR OTHER MEANS OTHER THEN FOR WHAT IT WAS INTENDED FOR. THE FUTURE SECURITY OF THE AMERICAN WORKER. THIS IS WRONG AND ILLEGAL, BUT IT HAS BEEN DONE AND BOTH DEMOCRATS AND REPUBLICANS ARE AT FAULT.

THE GOVERNMENT HAS BURDENED BOTH THE AMERICAN WORKER AND BUSINESSES WITH CONSTANT INCREASES TO THE EXTENT THAT EVERY AMERICAN WORKER CONTRIBUTES 7.65% AND THE WORKERS EMPLOYER CONTRIBUTES 7.65% FOR A TOTAL OF 15.3% OF WAGES TO THE SOCIAL SECURITY PROGRAM. NOW WE FIND OUT THAT ALL THE MONEY THAT HAS BEEN TAKEN FROM THE AMERICAN WORKER TO BE HELD IN TRUST FOR THE FUTURE IS NOT GOING TO BE THERE WHEN THEY NEED IT.

WHAT WILL BE THE GOVERNMENTS SOLUTION TO THIS PROBLEM, INCREASE SOCIAL SECURITY RATES AGAIN. WE WILL BE FORCED TO PAY MORE WITH NO MORE ASSURANCE THAT WE HAD BEFORE THAT WE WILL EVER BE ABLE TO RECEIVE THE BENEFIT THEREOF. IT WILL GET TO THE POINT THAT OUR PAYMENTS WILL BE SO HIGH THAT WE WILL NOT HAVE ANY WAGES LEFT TO PROVIDE FOR OUR PRESENT NEEDS MUCH LESS FOR WHEN WE RETIRE.

THE GOVERNMENT HAS PROVEN THAT IT CAN NOT MANAGE OUR MONEY FOR RETIREMENT. AMERICANS SHOULD NOT HAVE TO BE FORCED INTO A GOVERNMENT PLAN. WE HAVE A BETTER CHANCE WITH PRIVATE RETIREMENT PROGRAMS. AT LEAST WE WILL HAVE THE SATISFACTION OF SOMEONE GOING TO JAIL IF THEY EMBEZZLE THE MONEY LIKE OUR OFFICIALS DID WITH SOCIAL SECURITY.

JOIN ME ROBERT NAMER WEEKDAYS FROM 4-7 PM HERE ON HOT TALK RADIO WASO AM-730 AND WTIX AM-690.

Rob Namer

97043831487

9/5/94

A FORMER SECRETARY OF THE WORLD'S LARGEST LAW FIRM WHO SAID SHE HAD BEEN SEXUALLY HARASSED BY A PARTNER WAS AWARDED \$7.1 MILLION IN PUNITIVE DAMAGES. THE JUDGMENT AGAINST THE LAW FIRM OF BAKER & MCKENSIE, AND ONE OF ITS FORMER PARTNERS, MARTIN GREENSTEIN IS BELIEVED TO BE THE LARGEST EVER IN A SEXUAL HARASSMENT CASE.

WHAT IS STAGGERING IS NOT ONLY THE AMOUNT OF THE JUDGMENT, BUT THE FACT IT IS TWICE WHAT THE PLAINTIFF SOUGHT. RENA WEEKS, 40 THE PLAINTIFF, ONLY WORKED AT THE FIRM FOR LESS THAN TWO MONTHS. THE JURY FOUND THAT BAKER AND MCKENZIE KNEW OF GREENSTEIN'S BEHAVIOR AND DID NOTHING TO STOP IT DESPITE PREVIOUS COMPLAINTS AGAINST HIM BY OTHER WOMEN EMPLOYED AT THE FIRM.

THESE TYPES OF JUDGMENTS MAKES IT DIFFICULT FOR MEN AND WOMEN TO WORK TOGETHER IN THE WORK PLACE. THERE SHOULD BE NO SEXUAL HARASSMENT, HOWEVER, EMPLOYERS ARE FACED WITH A DOUBLE DELEMA. FIRE A MALE EMPLOYEE FOR PERSONAL ACTIONS OR FEAR LEGAL ACTION FROM A FEMALE EMPLOYEE. THE ONLY OTHER PROTECTION THAT A EMPLOYER MAY HAVE IS TO NOT HIRE WOMEN IN FEAR OF THE POSSIBLE LIABILITY, BUT THEN FACE SEXUAL HIRING DISCRIMINATION. A NO WIN BATTLE.

IT IS DIFFICULT TO BELIEVE THAT CLUMSY GROPINGS AND CRUDE REMARKS IS WORTH \$7.1 MILLION. THESE TYPES OF JUDGMENTS WILL MAKE WORKING RELATIONS BETWEEN MEN AND WOMEN STRAINED. A MAN WILL NEVER KNOW WHEN A WOMEN MAY SET HIM UP FOR SOME TYPE OF ALLEGATION. WOMEN ARE DEMANDING EQUALITY, YET CAN'T FIGHT THEIR OWN BATTLES IN THE WORK PLACE LIKE MEN WOULD HAVE TO DO.

THE ULTIMATE LOSERS ARE SOCIETY AS A WHOLE AND THE AMERICAN CONSUMER WHO WILL HAVE TO PAY FOR THESE TYPES OF JUDGMENTS IN SERVICES AND PRODUCTS. THIS PROBLEM HAS JUST SCRATISHED THE SURFACE. WOMEN SHOULD HAVE TO PUT THEIR COMPLAINT IN WRITING AND THE WRITEN COMPLAINT SHOULD BE GIVEN TO THE MALE EMPLOYEE. IF THE COMPLAINT IS UNFOUNDED, THEN THE MALE EMPLOYEE SHOULD BE ABLE TO RECEIVE DAMAGES FOR DEFAMATION OF CHARACTER. BUT DON'T HOLD YOUR BREATH FOR PAYMENT OF EVEN ONE DOLLAR MUCH LESS \$7.1 MILLION, YOU ARE AN UNEQUAL MALE.

97043031480

9/8/94

October 20, 1993 COMMENTARY

+ military To INVADE
TO ENFORCE A NEW U.N.

PRESIDENT CLINTON'S ACTION TO SEND U.S. WARSHIPS
~~EMBARGO~~ OF HAITI PUTS THE U.S. DEEPER AND DEEPER IN THIS NEW WORLD BIG BROTHER ROLE. AMERICAN TAX PAYER'S DOLLARS AND THE LIVES OF AMERICAN MILITARY ARE NOT EXPENDABLE.

WE ARE INVOLVED IN SOMALIA, BOSNIA AND NOW IN HAITI. THERE ARE ALSO OTHER TROUBLE SPOTS IN THE WORLD. HOW FAR WILL WE GO? THIS IS THE SAME PRESIDENT THAT PROTESTED THE VIET NAM WAR AND DODGED THE DRAFT.

WHO ARE WE TO DICTATE TO OTHER SOVEREIGN NATIONS? HOW WOULD WE RESPOND IF OTHER NATIONS ^{FEEL} FEEL THAT OUR PRESENT GOVERNMENT IS NOT GOVERNING IN THE BEST INTEREST OF ITS CITIZENS AND THEY TOOK SOME MILITARY ACTION AGAINST US? THE FACT IS THAT OUR GOVERNMENT ISN'T AND THE MAJORITY OF AMERICANS FEEL THAT WAY. THE ONLY DIFFERENCE IS THAT THERE IS NO OTHER NATION THAT IS POWERFUL ENOUGH TO DO ANYTHING ABOUT IT.

THE FACT IS THAT WE DO NOT HAVE THE RIGHT TO INTERFERE IN THE INTERNAL AFFAIRS OF OTHER NATIONS MILITARILY. WE CAN PROMOTE ECONOMIC SANCTIONS, BUT SHOULD NOT BE THE POLICEMEN OF THE WORLD AT THE EXPENSE OF AMERICAN LIVES AND HARD WORKING TAX PAYER'S DOLLARS.

~~IF WE ARE SO FEAR BEHIND C. READING~~ ^{THE WORLD IS BEING} ~~CONSIDER~~
THEY SAY WE LIVE IN A SAFER WORLD SINCE THE BREAK UP OF THE SOVIET UNION.
~~OR SOMETHING - WHY NOT OR THE IDEA OF CAPITALISM - WHICH IS AN~~
I SAY THAT THE WORLD HAS NEVER BEEN MORE EXPLOSIVE. WE HAVE MANY PROBLEMS
HERE WITH CRIME, DRUGS AND POVERTY. ^{LET'S} ~~THAT~~ GET OUR HOUSE TOGETHER BEFORE
WE START DICTATING TO OTHER NATIONS AS TO HOW THEY SHOULD BUILD AND MAINTAIN
THERE'S.

97043631489

Sept 13
APR 17, 1994

DURING THE 1992-93 SCHOOL YEAR, UNDER LOCAL EVALUATION , 99 PERCENT OF THE 16,306 EVALUATED PUBLIC SCHOOL TEACHERS WITH FOUR OR MORE YEARS OF EXPERIENCE RECEIVED SATISFACTORY RATINGS AND NOT NEEDING IMPROVEMENT. THESE STATISTICS HAVE SOME EDUCATION OFFICIALS AND OTHERS CONCERNED WHETHER THE EVALUATION PROGRAM IS DOING AN ADEQUATE JOB IN FINDING TEACHERS IN NEED OF HELP, AND HELPING THEM.

THIS PROBLEM IS NOT NEW. IT HAS BEEN GOING ON FOR SOME TIME. ELECTED OFFICIALS SIDE STEP THE PROBLEM FOR POLITICAL REASONS. THEY SEEK THE SUPPORT OF THE TEACHERS AND THEIR UNION FOR ELECTION AT THE EXPENSE OF THE CHILDREN OF THE STATE GETTING AN ADEQUATE EDUCATION BY COMPETENT AND CONCERNED TEACHERS. NOT ONLY IS THIS HURTING THE CHILDREN, BUT IT FRUSTRATES THOSE TEACHERS WHO ARE COMPETENT AND TRY THEIR BEST TO TEACH THEIR STUDENTS.

SCHOOL TEACHERS SHOULD BE PROPERLY AND EFFECTIVELY TRAINED AND COMPENSATED. STANDARD PAY FOR SCHOOL TEACHERS SHOULD BE CHANGED TO PAY BY MERIT, NOT SIMPLY TENURE. THE PERFORMANCE AND EFFICIENCY OF SCHOOL TEACHERS SHOULD BE EVALUATED AND COMPENSATION PAID ACCORDING TO THE OUT COME OF THE EVALUATION.

THE METHOD OF EVALUATION MUST BE EFFECTIVE AND NOT JUST A SHAM. THE FUTURE OF OUR STATE AND COUNTRY RESTS WITH THE CHILDREN OF TODAY AND TOMORROW. PLAYING POLITICS MUST STOP AND IT MUST START BY PROFESSIONAL TEACHERS DEMANDING PROPER AND EFFECTIVE EVALUATION. THE TEACHERS UNION MUST TAKE A ROLE BY DEMANDING CHANGE AND NOT PROTECT INCOMPETENT TEACHERS. PUBLIC TRUST IN THE PUBLIC EDUCATION SYSTEM CAN ONLY BE EARNED WITH PERFORMANCE.

PARENTS WHO SEND THEIR CHILDREN TO PRIVATE SCHOOLS DON'T LIKE PAYING THE HIGH TUITIONS, BUT THEY DO BECAUSE OF THE LACK OF FAITH IN THE EDUCATION STANDARDS OF THE PUBLIC SCHOOL SYSTEM. THAT FAITH MUST BE RETURNED.

JOIN ME ROBERT NAMER WEEKDAYS FROM 4-7 PM HERE ON HOT TALK RADIO WASO AM-730 AND WTIX AM-690.

Sept 13

97043831491

September 14, 1994

ACCORDING TO A NEW STUDY, THE UNITED STATES HAS THE HIGHEST RATE OF INCARCERATION THAN ANY OTHER COUNTRY IN THE WORLD EXCEPT RUSSIA. THE STUDY FOUND THAT THERE ARE 1.3 MILLION INMATES IN AMERICAN PRISONS. THAT IS A 22 PER CENT INCREASE SINCE 1989.

THE \$30 BILLION CRIME BILL THAT PRESIDENT CLINTON SIGNED INTO LAW INCLUDES MORE THAN \$10 BILLION TO BUILD NEW STATE AND FEDERAL PRISONS. FACTS DICTATE THAT DESPITE THE DOUBLING OF THE INMATE POPULATION SINCE 1980, THERE HAS BEEN NO CONSISTENT IMPACT ON VIOLENT CRIME. THEREFORE, REASON WILL DICTATE THAT MORE PRISONS WON'T REDUCE VIOLENT CRIME.

WHILE THE UNITED STATES HAS BEHIND BARS 519 per 100,000 POPULATION, ENGLAND HAS 93, FRANCE 84, GERMANY 80, JAPAN 36 AND INDIA 23. THEY ARE TOUGH ON CRIME. OUR SOLUTION IS NOT MORE PRISONS, BUT STIFFER PENALTIES FOR FIRST TIME OFFENDERS AND LESS LIBERAL JUDGES.

HOW MANY PEOPLE WOULD COMMIT A THEFT IF THEY KNEW THAT THEY WOULD HAVE THEIR HAND CUT OFF IF FOUND GUILTY? HOW MANY PEOPLE WOULD COMMIT A SECOND CRIME IF THEY KNEW THAT THEY WOULD REMAIN IN PRISON AT HARD LABOR FOR LIFE IF CAUGHT, NO AIR CONDITIONING, TV, MOVIES, ETC. AND IF THEY CAUSE PROBLEMS WHILE IN PRISON, THEY WOULD BE EXECUTED?

THAT IS GETTING TOUGH ON CRIME AND IT WOULD DEFINITELY HAVE AN IMPACT ON VIOLENT CRIME. WHY DO OUR ELECTED OFFICIALS NOT KNOW IT?

97043631492

April 27, 1994

IN THIS DAY AND AGE OF WARNING LABELS ON EVERYTHING, THERE SHOULD BE WARNING SIGNS ALL OVER LOUISIANA WHICH STATE THAT WE ARE A DANGER TO THE HEALTH AND WELFARE OF INFANTS AND CHILDREN.

RELEASED STATISTICS FROM THE 1991 CENSUS BUREAU AND OTHER SOURCES SHOW THAT LOUISIANA RANKS 43rd. IN INFANT MORTALITY, 41st. IN CHILD DEATH RATE, 49th IN PERCENT OF ALL BIRTHS TO SINGLE TEENS, 40th IN ARREST RATE FOR VIOLENT CRIMES COMMITTED BY THOSE AGES 10-17, 50th IN PERCENT GRADUATING FROM HIGH SCHOOL ON TIME, 50th IN PERCENT NOT IN SCHOOL OR NOT IN LABOR FORCE BETWEEN THE AGES OF 16-19, 46TH IN TEEN VIOLENT DEATH RATE BETWEEN THE AGES OF 15-19, 50TH IN CHILDREN IN POVERTY, AND 48TH IN CHILDREN IN SINGLE PARENT FAMILIES.

MOST WOULD AGREE THAT WE SHOULD ADD A WARNING LABEL ON ALL OUR ELECTED OFFICIALS STATING THAT THEY ARE A DETRIMENT TO OUR WELL BEING. IF THAT IS THE CASE, WE SHOULD GO ONE STEP FURTHER, PUT A WARNING LABEL ON ALL THE CITIZENS IN LOUISIANA WHICH ARE RESPONSIBLE FOR ELECTING THESE DANGEROUS ELECTED OFFICIALS IN THE FIRST PLACE.

JOIN ME ROBERT NAMER WEEKDAYS FROM 4-7 PM HERE ON HOT TALK RADIO WASO AM-730 AND WTIX AM-690.

97043631493

S. J. ...

May 23, 1994

THE PRESS AND THE REPORTING OF SURVEY AND POLL RESULTS HAVE BEEN INFLUENTIAL IN WHAT CAN BE CALLED "DIRECTIONAL CONTROL". MANY AMERICANS FOLLOW THE CROWD OR WHAT THEY PERCEIVE IS THE DESIRE OR INTENT OF THE MAJORITY. ASSUMING THAT IF SO MANY FEEL THE SAME WAY OR AGREE WITH THE SAME THING, IT MUST BE GOOD OR RIGHT. THIS ACTION MANIPULATES THE PEOPLE TO DO A CERTAIN THING OR THINK A CERTAIN WAY, WITHOUT THEIR KNOWLEDGE THAT THEY ARE BEING MANIPULATED OR DIRECTED. MANY TIMES HALF TRUTHS, MISIMPRESSIONS, DISTORTED INFORMATION AND REPETITION OF SAME ARE USED TO ACHIEVE THE DESIRED RESULTS.

9704331494
THERE ARE CLEAR EXAMPLES OF HOW THIS "DIRECTIONAL CONTROL" IS BEING APPLIED. RETAILERS USE IT BY HAVING MANY SALES PERSONNEL ON THE FLOOR WALKING AROUND AS IF SHOPPERS. WHEN A CONSUMER IS WALKING THROUGH A MALL AND PASSES A STORE THAT HAS MANY PEOPLE, THEIR CURIOSITY IS AROUSED AND THEY TEND TO GO IN THAT STORE TO SEE WHAT THE BIG DEAL IS ALL ABOUT. ADVERTISERS LIKE TO USE WORDS LIKE "THE LEADING BRAND", "AMERICA'S BEST SELLER", "THE NUMBER ONE CHOICE" AND OF COURSE CONSUMERS WANT TO FOLLOW THE MOST DESIRED BY THE MAJORITY.

THE GOVERNMENT AND POLITICIANS USE STATISTICS, POLLS AND SURVEYS. THEY USE WORDS AND SUBMIT REPORTS THAT SAY "LATEST STUDY SHOWS THE ECONOMY IS ON THE UP", "MOST PEOPLE AGREE", "IN THE INTEREST OF THE MAJORITY", "FEW WILL BE EFFECTED", "THE LEADING CANDIDATE", "THE MAJOR CANDIDATE", "THE PEOPLES CHOICE", ALL DESIGNED TO OBTAIN ACCEPTANCE AND CREDIBILITY.

THE MEDIA ITSELF IS ALSO FREQUENTLY GUILTY OF THE SAME TACTICS TO DIRECT THEIR AGENDA AND PHILOSOPHY. THE USE WORDS, HEADLINES AND RESERVED PHRASES SUCH AS "LEADING INDICATORS SHOW", "TODAYS TOP STORY", "CONCERNED REPORTS", "EXPERTS SAY", "IN ALL INDICATIONS", "STANDS LITTLE CHANCE", "THE ODDS ARE", "POPULAR HIM OR HER", "RESPECTED HIM OR HER", "LONG TIME ADVOCATE", "POLLS SHOW", "FORMER KLAN LEADER", "ONCE RESPECTED", "TOP CONTENDER" AND SO ON.

IF THIS IS NOT BAD ENOUGH, WHAT IS WORSE IS THAT WE FALL FOR IT AND FOLLOW AND BELIEVE IT LIKE SHEEP.

JOIN ME ROBERT NAMER WEEKDAYS HERE ON HOT TALK RADIO WASO AM-730 FROM 4-6 PM AND WTIX AM-690 FROM 4-5 PM AND AGAIN FROM 6-7 PM

Sept 21

SEPTEMBER 22, 1994

U.S. SURGEON GENERAL JOYCELYN ELDERS SAID, "SOCIETY WANTS TO KEEP ALL SEXUALITY IN THE CLOSET. WE HAVE TO BE MORE OPEN ABOUT SEX, AND WE NEED TO SPEAK OUT TO TELL PEOPLE THAT SEX IS GOOD, SEX IS WONDERFUL. IT'S A NORMAL AND HEALTHY PART OF OUR BEING, WHETHER IT IS HOMOSEXUAL OR HETEROSEXUAL."

TODAY LIBERAL EDUCATORS AND HOMOSEXUAL ACTIVISTS ARE PUSHING FOR WHAT THEY ARE CALLING RESPONSIBLE "SEX EDUCATION." THE PROBLEM IS WHAT LIBERAL EDUCATORS AND THE HOMOSEXUALS CALL RESPONSIBLE, IS NOTHING LESS THAN IRRESPONSIBLE! THE APPROACH ON WHICH THEY BUILD THEIR CURRICULUM IS THE DECEPTIVE PREMISE THAT ALL KIDS ARE GOING TO HAVE SEX ANYWAY.

THE QUESTION MUST BE ASKED: ARE KIDS BECOMING MORE SEXUALLY ACTIVE? IF SO, WHY? COULD THE PROBLEM BE THE MESSAGE THAT IS BEING SENT TO KIDS ABOUT SEX? THAT THEIR SEXUAL ACTIVITY IS PERFECTLY ALL RIGHT AND ALL THEY NEED TO DO IS TO BE SURE TO HAVE PROTECTED SEX. IS IT POSSIBLE THAT TODAY'S "SEX EDUCATION" IS SENDING A MESSAGE THAT ADVOCATES OR AT LEAST ENCOURAGES SEXUAL EXPERIMENTATION, INCLUDING HIGH RISK BEHAVIOR? IT IS NOT ONLY "POSSIBLE" IT IS HAPPENING--AND EVEN OUR NATION'S SUPPOSED HEALTH GUARDIAN IS TELLING KIDS THAT DANGEROUS SEX IS HEALTHY.

TODAY'S "PROGRESSIVE" EDUCATION ADVOCATES PROMISCUOUS BEHAVIOR BASED ON THE FALSE ASSUMPTION THAT THE MAJORITY OF THE KIDS WANT TO BE SEXUALLY ACTIVE. LIBERAL ENLIGHTENED EDUCATION ALSO TEACHES THAT HOMOSEXUALITY IS NOT WRONG. HOMOSEXUALITY IS JUST DIFFERENT AND WE NEED TOLERANCE AND SHOULD RESPECT DIVERSITY.

9704331495

11

COMMENTARY FOR THE WEEK OF SEPTEMBER 26, 1994

FOR TOO LONG, OUR ELECTED OFFICIALS HAVE NOT REPRESENTED THE TRUE INTEREST AND FEELINGS OF THE MAJORITY. WE THE PEOPLE MUST TAKE AN ACTIVE AND INFORMATIVE ROLE IN ASSURING THAT OUR ELECTED OFFICIALS REPRESENT THE WILL OF THE MAJORITY.

THE UNITED STATES IS A GOVERNMENT OF THE PEOPLE, BY THE PEOPLE FOR THE PEOPLE. WE THE PEOPLE, MUST WORK TOGETHER TO VOICE OUR INTERESTS AND NEVER ALLOW THE GOVERNMENT TO DICTATE OR CONTROL THE CITIZENS OF OUR COUNTRY. WE MUST REVERSE THE AMOUNT OF CONTROL AND POWER THE GOVERNMENT HAS OVER US. CHANGES ARE NEEDED NOW, NOT YEARS FROM NOW.

THIS SATURDAY, IS A VERY IMPORTANT ELECTION DAY. VOTING IS AN AMERICAN RIGHT, OBLIGATION AND RESPONSIBILITY. IT IS AN AMERICAN'S DUTY TO REGISTER THEIR VOTE. YOUR VOTE CAN MAKE THE DIFFERENCE. UNITED WE STAND, DIVIDED WE WILL CONTINUE TO LOSE.

WASO AND WTIK RADIO STATIONS ARE COMMITTED TO COMMUNITY SERVICE BY INFORMING THE PUBLIC. WE URGE ALL AMERICAN CITIZENS TO VOTE THIS SATURDAY, OCTOBER 1ST. SO IMPORTANT IS THIS MESSAGE THAT IT WILL BE OUR COMMENTARY FOR THE WEEK. DON'T TAKE YOUR RIGHT TO VOTE AND OUR FREEDOM FOR GRANTED. VOTE!

97043631495

Federal Communications Commission
Fax Transmittal Memo

No. of Pages 18

Date: 5/15/96

Time: 3:35

To: ERC

MAY 15 4 23 PM '96

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Company: _____

Location: _____

Fax # _____

Telephone # _____

From: Office of Public Affairs

Div/Branch _____

Sender's Name: Robin Jackson

Location: _____

Fax #: 202/418-2841

Sender's Telephone # _____

Comments

FYI We are located at
1919 M St. N.W. Room 221.
Come by anytime to do research
and view files from 9:00AM to
4:15

97043631497

LAW OFFICES
REDDY, BEGLEY & McCORMICK
SUITE 350
1001 22ND STREET, N.W.
WASHINGTON, D.C. 20037-1803

DENNIS F. BEGLEY
MATTHEW H. McCORMICK

(202) 659-5700

EDWARD B. REDDY
(1919-1990)

FACSIMILE NUMBER
(202) 659-5711

January 18, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: America First Communications, Inc.
Ownership Certification

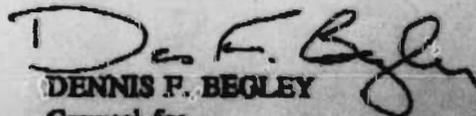
Dear Mr. Caton:

Transmitted herewith on behalf of America First Communications, Inc., licensee of Standard Broadcast Station WASO, Covington, Louisiana, are the following:

1. Its annual Ownership Certification.
2. A check in the amount of \$45 made payable to the Federal Communications Commission for the required filing fee.

Should any questions arise in connection with this matter, please communicate directly with this office.

Very truly yours,



DENNIS F. BEGLEY
Counsel for
AMERICA FIRST COMMUNICATIONS, INC.

DFB/prm

8682

97043831499

(RESERVED)

FEDERAL COMMUNICATIONS COMMISSION
FCC REMITTANCE ADVICE

Approved by OMB
5000-0600
Expires 2/28/97

PAGE NO. 1 OF 1

SPECIAL USE
FCC/MELLON MAR 31 1995

FCC USE ONLY

(Read instructions carefully BEFORE proceeding.)

PAYOR INFORMATION

Do you have a number prior to this? Enter it.

(2) TOTAL AMOUNT PAID (dollars and cents)

\$ 45.00

(3) PAYOR NAME (If paying by credit card, enter name exactly as it appears on your card)

AMERICA FIRST COMMUNICATIONS, INC.

(4) STREET ADDRESS LINE NO. 1

P.O. BOX 568

(5) STREET ADDRESS LINE NO. 2

(6) CITY
COVINGTON,

(7) STATE
LA

(8) ZIP CODE
70434

(9) DAYTIME TELEPHONE NUMBER (Includes area code)
504-892-1600

(10) COUNTRY CODE (if not U.S.A.)

ITEM #1 INFORMATION

(11A) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DESTOR

FCC USE ONLY

(12A) FCC CALL SIGN/OTHER ID
WASO AM 730

(13A) ZIP CODE

(14A) PAYMENT TYPE CODE
M A R

(15A) QUANTITY
1

(16A) FEE DUE FOR
PAYMENT TYPE CODE
IN BLOCK 14
\$ 45.00

(17A) FCC CODE 1

(18A) FCC CODE 2

(19A) ADDRESS LINE NO. 1
15529 HWY 190 WEST

(20A) ADDRESS LINE NO. 2

(21A) CITY/STATE OR COUNTRY CODE
COVINGTON, LA 70433

ITEM #2 INFORMATION

(11B) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DESTOR

FCC USE ONLY

(12B) FCC CALL SIGN/OTHER ID

(13B) ZIP CODE

(14B) PAYMENT TYPE CODE

(15B) QUANTITY

(16B) FEE DUE FOR
PAYMENT TYPE CODE
IN BLOCK 14
\$

(17B) FCC CODE 1

(18B) FCC CODE 2

(19B) ADDRESS LINE NO. 1

(20B) ADDRESS LINE NO. 2

(21B) CITY/STATE OR COUNTRY CODE

CREDIT CARD PAYMENT INFORMATION

(22) MASTERCARD/VISA ACCOUNT NUMBER:

Mastercard _____

EXPIRATION DATE: _____

Visa

(23) I hereby authorize the FCC to charge my VISA or Mastercard
for the service(s)/authorization(s) herein describe.

AUTHORIZED SIGNATURE _____ NAME _____

See public burden estimate on reverse.

FCC FORM 159
April 1994

97043831500

WASO
"America Speaks Out"
AM • 730

"HOT TALK"
INFO-TAINMENT RADIO

January 27, 1995

ECC/MEM... JAN 30 1995

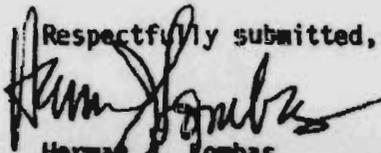
Federal Communications Commission
Mass Media Services
P.O. Box 358180
Pittsburgh, Pennsylvania 15251-5180

CERTIFICATE IN LIEU OF OWNERSHIP REPORT

WASO AM-730, Covington, Louisiana

The undersigned hereby certifies that he has reviewed the Ownership Report for America First Communications, Inc., licensee of WASO AM-730 in Covington, Louisiana, filed with the Federal Communications Commission on May 12, 1992. The information in that Ownership Report remains accurate in all respects. Accordingly, this certification is filed in lieu of submission of a new Ownership Report.

Respectfully submitted,


Herman J. Lombas
President

AMERICA FIRST COMMUNICATION, INC.
15529 Highway 190 West • Covington, LA 70433 • (504) 892-1600
3313 Kingman St. • Metairie, LA 70006 • (504) 455-1583

97043631501

WASO
"America Speaks Out"
AM • 730

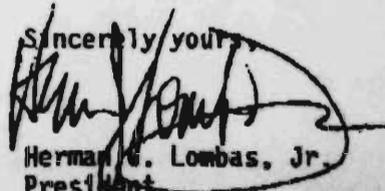
"HOT TALK"
INFO-TAINMENT RADIO

January 29, 1993

Federal Communications Commission
Mass Media Services
P.O. Box 358180
Pittsburgh, PA. 15251-5180

Re: Station WASO (AM 730) Covington, Louisiana
Ownership Report

This letter will serve as our ownership report in lieu of FCC form 323.
As President of America First Communications, Inc., I have examined our
previously filed report and find it currently accurate and complete.

Sincerely yours,


Herman C. Lombas, Jr.
President
America First Communications, Inc.

cc: Public Service Files



AMERICA FIRST COMMUNICATION, INC.
15529 Highway 190 West • Covington, LA 70433 • (504) 892-1600
3313 Kingman St. • Metairie, LA 70006 • (504) 455-1583



Handwritten signature/initials

97043831502

Approved by OMB
3015C-0440
Expires 2/28/93

FEDERAL COMMUNICATIONS COMMISSION
FEE PROCESSING FORM

FOR
FCC
U:
ON
02-05-93 8180549 001

/MELLON FEB 04 1993

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

SECTION I

APPLICANT NAME (Last, first, middle initial)

America First Communications, Inc.

MAILING ADDRESS (Line 1) (Maximum 65 characters - refer to Instruction (2) on reverse of form)

3313 Kinmont Street

MAILING ADDRESS (Line 2) (if required) (Maximum 65 characters)

CITY

Metairie

STATE OR COUNTRY (if foreign address)

Louisiana

ZIP CODE

70006

CALL SIGN OR OTHER FCC IDENTIFIER (if applicable)

WASO (AM 730)

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1)	M A R	0 0 0 1	\$ 35.00	

SECTION II — To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(2)			\$	
(3)			\$	
(4)			\$	
(5)			\$	
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE			TOTAL AMOUNT REMITTED WITH THIS APPLICATION ON FILING \$ 35.00	

This form has been authorized for reproduction

FCC Form 158
March 1991

97043851503



Congregation Chevra Thilim

Conservative

4429 South Claiborne Avenue • New Orleans, Louisiana 70126
Telephone (504) 895-7367 • Fax (504) 895-7302

RABBI
Scott A. Hoffman

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Moshe Warden

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Levinson Milton
Isid Pickler
Jeffrey Powell
Charles Puffin
D. Percy Rosenbaum
S. Harold Singer
D. Nathan Schramm

September 18, 1992

20 Elul 5752

Jane Hinckley
Federal Communications Commission
1919 M Street
Washington, D.C. 20554

Dear Ms. Hinckley:

Could you please furnish for me the names of the owner(s) of radio station WASO in New Orleans. The matter is of some interest to me because I believe that a prominent congregant, Mr. Robert Namer, is a co-owner of WASO along with two local Nazi sympathizers, Messrs. Rush and Farrell. If it became known that one of our congregants was directly involved in business relations with these men whose names are synonymous with racial hatred, the potential exists for damaging publicity. Before taking action on this matter, however, I would like full information which I trust you can provide me.

Thank you in advance for your time and attention to this matter.

Kindest personal regards,

Scott A. Hoffman
Rabbi Scott A. Hoffman
SAH/llp

cc: Charles Anish

called
9/29/92

97043631504



Affiliated With The United Synagogue Of America

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

AUG 20 11 26 AM '92 AUG 19 1992

IN REPLY REFER TO:

DISPATCHED BY

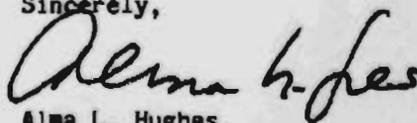
America First Communications, Inc.
Station WARB
3313 Kingman Street
Metairie, LA 70006

RE: America First Communications, Inc. (PN-189)

Dear Licensee:

This is in reference to your request for a new or modified call sign assignment filed on July 22, 1992. Review of the Commission's records indicated that the requested call sign is available for assignment. In view thereof, the call letters of AM broadcast station WARB located in Covington, Louisiana is hereby changed to WASO effective August 18, 1992. This letter is considered part of your station license or construction permit pending issuance of an authorization incorporating the new call sign.

Sincerely,



Alma L. Hughes
Chief, Call Sign Desk
Video Services Division
Mass Media Bureau

cc: Marjorie Esman
FOB: New Orleans, LA
Emergency Broadcasting System, Rm 720
Records Section (2) , Rm 363
Data Management Staff , Rm 356
Ownership , Rm 234
Enforcement Division , Rm 8210
EEO Branch , Rm 7218
AM Branch , Rm 344
Cable TV Branch , Rm 244
Call Sign Desk , RM 701

97043831505



BORDELOON, HAMLIN, THEBRIOT AND HARDY

ATTORNEYS AT LAW

704 SOUTH PETERS STREET, SUITE 100
NEW ORLEANS, LOUISIANA 70130

ALVIN J. BORDELOON, JR.
WILLIAM S. HAMLIN
DONALD E. THEBRIOT*
ANTON R. HARDY
BRADFOUR D. CARR
REGINA S. WEDON

WILLIAM C. ELLISON
MARJORIE R. ESMAN
CRAIG E. FROSCHE
LAUREN S. WANDLER
KATHERINE D. HARDY
DONALD F. GASS, JR.

*LL.M. IN TAXATION

TELEPHONE 504-584-8808
TELEFAX 504-588-1071
OUR FILE NO.

August 4, 1992

2146-001

via Federal Express

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Mass Media Services
P. O. Box 358180
Pittsburgh, PA 15251-5180

Re: Ownership Report
America First Communications, Inc.
Licensee of WASO(AM), Covington, Louisiana

Dear Ms. Searcy:

Enclosed is an original and one (1) copy of Ownership Report (FCC Form 323) for America First Communications, Inc., licensee of WASO(AM), Covington, Louisiana, which we request that you accept for filing on behalf of our client, America First Communications, Inc.

Also enclosed is a check in the amount of \$35.00 to cover the cost of this filing this report. In addition, we are enclosing an extra copy which would appreciate you date-stamping and returning to us in the self-addressed stamped envelope which is also enclosed for your convenience.

If you have any questions, please feel free to contact me.

Sincerely,



Marjorie R. Esman

MRE/bgc
Enclosures

cc: Herman J. Lombas

97043831506

United States of America
Federal Communications Commission
Washington, D. C. 20541

I certify that I am President
(Official title, see instruction 1)
of America First Communications, Inc.
(Exact legal title or name of respondent)

Ownership Report

NOTE: Before filling out this form, read attached instructions

that I have examined this Report, that to the best of my knowledge and belief, all statements in the Report are true, correct and complete.

Section 310(d) of the Communications Act of 1934 requires that consent of the Commission must be obtained prior to the assignment or transfer of control of a station license or construction permit. This form may not be used to report or request an assignment of license/permit or transfer of control (except to report an assignment of license/permit or transfer of control made pursuant to prior Commission consent).

(Date of certification must be within 90 days of the date shown in item 1 and in no event prior to last date).

[Signature]
(Signature)

August 4, 1992
(Date)

1. All of the information furnished in this Report is accurate as of

Telephone No. of respondent (include area code):

July 23, 1992

(504) 455-1583

(Date must comply with Section 73.2615(a), i.e., information must be current within 90 days of the filing of this report, when 1(a) below is checked.)

Any person who willfully makes false statements on this report can be punished by fine or imprisonment. U.S. Code, Title 18, Section 1001.

This report is filed pursuant to instruction (check one)

Name and Post Office Address of respondent:

1(a) Annual 1(b) Transfer of Control or Assignment of License 1(c) Other

America First Communications, Inc.
3313 Kingman Street
Metairie, LA 70006

for the following stations:

4. Name of entity, if other than licensee or permittee, for which report is filed (see instruction 3):

Call Letters	Location	Class of service
<u>WARB 11560</u>	<u>Covington, LA</u>	<u>AM</u>

N/A

2. Give the name of any corporation or other entity for whom a separate Report is filed due to its interest in the subject license (see instruction 3):

5. Respondent is:

N/A

- Sole Proprietorship
- For-profit corporation
- Non-for-profit corporation
- General Partnership
- Limited Partnership
- Other: _____

3. Show the attributable interests in any other broadcast station of the respondent. Also, show any interest of the respondent, whether or not attributable, which is 5% or more of the ownership of any other broadcast station or any newspaper or CATV (only in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.2655 and 73.2601 of the Commission's Rules).

N/A

If a limited partnership, is certification statement included as in instruction 4?

- Yes
- No
- N/A

97043831507
11-1-92

[Handwritten signature]
8-11-92

6. List all contracts and other instruments required to be filed by Section 23.2613 of the Commission's Rules and Regulations. (Only licenses, permits, or a reporting entity with a majority interest in or otherwise exercises de facto control over the subject license or permit shall respond.)

Description of contract or instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
Articles of Incorporation	America First Communications, Inc.	2/13/92	Perpetual
By-Laws	America First Communications, Inc.	2/13/92	Perpetual

7. Capitalization (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject license or permittee, shall respond.)

Class of Stock (preferred, common or other)	Voting or Non-voting	Number of Shares			
		Authorized	Issued and Outstanding	Treasury	Unissued
Common	Voting	10,000	4,552	0	5,448

Remarks concerning family relationships, attribution exemptions and certifications: (See instructions 4, 5 and 6)

See Exhibit A

B. List officers, directors, cognizable stockholders and partners. Use one column for each individual or entity. Additional pages, if necessary. See instructions 4, 5, and 6.

Line (Read carefully - The numbered items below refer to line numbers in the following table.)

- | | |
|--|--|
| <p>1. Name and residence of officer, director, cognizable stockholder or partner (If other than individual also show name, address and citizenship of natural person authorized to vote the stock). (List officers first, then directors and, thereafter, remaining stockholders and partners.)</p> <p>2. Citizenship.</p> <p>3. Office or directorship held.</p> <p>4. Number of shares or nature of partnership interest.</p> <p>5. Number of votes.</p> | <p>6. Percentage of votes.</p> <p>7. Other existing attributable interests in any other broadcast station, including nature and size of such interest.</p> <p>8. All other ownership interests of 5% or more (whether or not attributable) as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 76.501 of the Commission's Rules, including the nature and size of such interest and the position held.</p> |
|--|--|

1	(a)	(b)	(c)
	Herman J. Lombas 4120 I Street Metairie, LA 70001	Lloyd A. Faulstich 1260 Dauphine Street New Orleans, LA 70116	Sarah V. Brownlee 4221 Loire Drive Kenner, LA 70065
2	USA	USA	USA
3	President/Director	None	Director
4	1750	340	534
5	1750	340	534
6	38.5%	7.5%	11.7%
7	None	None	None
8	None	None	None

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The collection of personal information requested in this Report is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to assess compliance with the Commission's multiple ownership restrictions. The staff, consisting variously of attorneys and examiners, will use this information to determine such compliance. If all the information requested is not provided, processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to retain your authorization.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-502, DECEMBER 31, 1974, 5 U.S.C. 552 AND THE PAPERWORK REDUCTION ACT P.L. 95-611, DECEMBER 11, 1978, 41 U.S.C. 507.

97043031509

1	() James T. Deubler 5208 Trenton Street Metairie, LA 70006	() Richard W. Malloy 3201 39th Street Metairie, LA 70001	() Bernard Beckler 400 Jefferson Heights Jefferson, LA 70121
2	USA	USA	USA
3	Vice President/Director	Director	None
4	190	170	236
5	190	170	236
6	4.2%	3.7%	5.2%
7	None	None	None
8	None	None	None

97043031510

97043831511

1	Raymond L. Hoffman 1141 Phosphor Avenue Metairie, LA 70005	Orida F. Abadie 524 Wade Drive Metairie, LA 70003	Barbara D. Namer 5028 Ithaca Street Metairie, LA 70006
2	USA	USA	USA
3	None	Director	Secretary
4	200	85	0
5	200	85	0
6	4.4%	1.9%	0
7	None	None	None
8	None	None	None

97043831512

1	(1) Other shareholders each with less than 5%	(1)	(1)
2			
3			
4			
5			
6			
7			
8			

AMERICA FIRST COMMUNICATIONS, INC.
Covington, Louisiana

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Station WASO, Covington, Louisiana

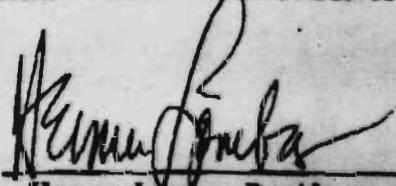
Dear Mr. Caton:

America First Communications, Inc., licensee of Broadcast Station WASO, Covington, Louisiana, hereby certifies that the Ownership Report presently on file with the Commission is complete, current and accurate.

Dated this 16th day of January, 1996.

AMERICA FIRST COMMUNICATIONS, INC.

By:


Herman Lombas, President

Attachment

97043031513



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 24, 1996

Dennis F. Begley, Esq.
Reddy, Begley & McCormick
1001 22nd Street, N.W.
Suite 350
Washington, DC 20037-1803

RE: MUR 4060
WTIX, Inc., and America First Communication, Inc. d/b/a WASO

Dear Mr. Begley:

This will confirm our May 20, 1996, telephone conversation concerning the above-referenced matter. As I explained, this Office has reviewed your clients' responses to the subpoenas issued by the Commission. Although the information provided by your clients thus far has been useful, this Office needs additional information from your clients to complete the investigation in this matter. Enclosed are additional discovery requests for WTIX, Inc., and America First Communication d/b/a WASO. In an effort to resolve this matter without further delay, the responses to the enclosed discovery requests should be submitted to this Office within ten days from the date you receive this letter.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Craig D. Reffner
Staff Attorney

Enclosure

97043831514

QUESTIONS AND REQUEST FOR PRODUCTION
OF DOCUMENTS FOR WTIX, INC.

1. Describe in detail Robert Namer's duties and responsibilities in connection with the management, administration and operation of WTIX, Inc. Your response should include a detailed description of Mr. Namer's role with respect to WTIX's programming. Your response should also state the amount of compensation that Mr. Namer receives in connection with his duties and responsibilities at WTIX as well as an explanation of how his compensation is calculated. If Mr. Namer receives compensation from a source other than WTIX, Inc., then your response should include the identity of that source as well as the identity of all other persons who receive compensation from that source in connection with the operation of WTIX, including the amount of compensation they receive and a detailed description of their duties and responsibilities with respect to the operation of WTIX.

2. With regard to the talk show hosted by Robert Namer which is the subject of the complaint in this matter:

a. describe in detail the manner in which this talk show is produced;

b. identify each person involved in the production and airing of the talk show, including each person who is in any way involved in selecting and approving the subject matter that is discussed during the talk show;

c. state the costs that would be incurred by WTIX or the costs that WTIX would charge any person to produce and air a program like the talk show hosted by Mr. Namer, i.e., a program with a "call in" format that airs for one hour and which is broadcast twice a day; and

d. state whether any recordings were made of Mr. Namer's talk show. If so, identify the person(s) who made such recordings and the location where such recordings are maintained. In the event that such recordings no longer exist, describe in detail the circumstances surrounding the disposition of such recordings.

3. State whether there is a policy, either written or oral, or practice concerning the recording of programs that are broadcast over the airwaves of WTIX. If so, describe the policy or practice in detail, including the purpose of the policy or practice, the person(s) who established the policy or practice, the location where such recordings are made and maintained and whether such recordings may be sold. If the policy or practice involves the disposal or destruction of such recordings, explain the purpose for disposing of such recordings and describe in detail the manner in which such recordings are disposed of or destroyed.

Produce all documents that are referred to or relate to your answers to the questions set forth above.

97043851515

**QUESTIONS AND REQUEST FOR PRODUCTION
OF DOCUMENTS FOR AMERICA FIRST COMMUNICATION d/b/a WASO**

1. Describe in detail Robert Namer's duties and responsibilities in connection with the management, administration and operation of WASO. Your response should include a detailed description of Mr. Namer's role with respect to WASO's programming. Your response should also state the amount of compensation that Mr. Namer receives in connection with his duties and responsibilities at WASO as well as an explanation of how his compensation is calculated. If Mr. Namer receives compensation from a source other than WASO, then your response should include the identity of that source as well as the identity of all other persons who receive compensation from that source in connection with the operation of WASO, including the amount of compensation they receive and a detailed description of their duties and responsibilities with respect to the operation of WASO.

2. With regard to the talk show hosted by Robert Namer which is the subject of the complaint in this matter:

- a. describe in detail the manner in which this talk show is produced;
- b. identify each person involved in the production and airing of the talk show, including each person who is in any way involved in selecting and approving the subject matter that is discussed during the talk show;
- c. state the costs that would be incurred by WASO or the costs that WASO would charge any person to produce and air a program like the talk show hosted by Mr. Namer, i.e., a program with a "call in" format that airs for one hour and which is broadcast twice a day; and
- d. state whether any recordings were made of Mr. Namer's talk show. If so, identify the person(s) who made such recordings and the location where such recordings are maintained. In the event that such recordings no longer exist, describe in detail the circumstances surrounding the disposition of such recordings.

3. State whether there is a policy, either written or oral, or practice concerning the recording of programs that are broadcast over the airwaves of WASO. If so, describe the policy or practice in detail, including the purpose of the policy or practice, the person(s) who established the policy or practice, the location where such recordings are made and maintained and whether such recordings may be sold. If the policy or practice involves the disposal or destruction of such recordings, explain the purpose for disposing of such recordings and describe in detail the manner in which such recordings are disposed of or destroyed.

Produce all documents that are referred to or relate to your answers to the questions set forth above.

97043831516



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 5, 1996

Dennis F. Begley, Esq
Reddy, Begley & McCormick
1001 22nd Street, N.W.
Suite 350
Washington, D.C. 20037-1803

RE: MUR 4060
WTIX, Inc., and America First Communication, Inc., d/b/a WASO

Dear Mr. Begley:

This will confirm our June 4, 1996 telephone conversation concerning the above-referenced matter. As we discussed, the responses to the additional discovery requests issued to your clients on May 24, 1996, will now be due by the close of business on Monday, June 17, 1996.

If this does not accurately reflect our conversation or if you have any questions, please do not hesitate to contact me at (202) 219-3690.

Sincerely,

Craig D. Reffner
Staff Attorney

97043831517

ROBERT L. LIVINGSTON
1ST DISTRICT, LOUISIANA

CHAIRMAN,
APPROPRIATIONS COMMITTEE



RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

OGC

Congress of the United States
House of Representatives
Washington, DC 20515-1801

June 5, 1996

PLEASE RESPOND TO:
WASHINGTON OFFICE:
Room 2408
RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20518
(202) 226-3016
FAX: (202) 225-0738
DISTRICT OFFICES:
METAIRIE OFFICE
111 VETERANS BOULEVARD
SUITE 700
METAIRIE, LA 70005
(504) 886-2783
FAX: (504) 887-2807
HAMMOND OFFICE
300 EAST THOMAS STREET
HAMMOND, LA 70401
(504) 144-2616
FAX: (504) 542-8877
NORTHSHORE ONLY
(800) 241-3973

Mr. Danny L. McDonald
Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

MUR 4060

Dear Mr. McDonald:

Enclosed please find communication I have recently received from one of my constituents for your consideration. I would greatly appreciate your complying with their request, if possible.

I would appreciate your advising me of your action in this matter and returning the letters to me with your reply to my WASHINGTON office.

Sincerely,

ROBERT L. LIVINGSTON
Member of Congress

RLl/ss

Enclosure

97043631510

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
JUN 6 1 20 PM '96

WTIX
AM • 690

“HOT TALK”
INFO-TAINMENT RADIO

March 13, 1996

Honorable Robert Livingston
U.S. House of Representatives
2406 Rayburn Building
Washington, DC 20515

MAR 18 1996

Dear Congressman Livingston:

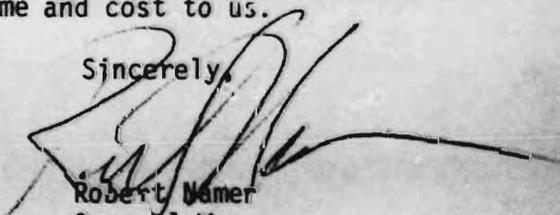
Enclosed please find information regarding a problem that we are having with the FEC. What is happening does not make any sense. This will cost us a considerable amount of money in legal fees to resolve. It will also cost the taxpayers a considerable amount of money.

It is very clear that there is no violation possible. One cannot violate a governmental policy on which the agency itself does not have a clear position. By the materials enclosed, you can see that we have done everything possible to comply with any FEC and FCC rules, regulations, and laws.

The only rationale behind the Commission's present action is politically motivated harassment and intimidation. To proceed a year and a half later on a matter that is, at this point, totally moot, makes no sense. I strongly believe that Congressman Bill Jefferson is willfully, wrongfully, and illegally attempting to intimidate us at time in which he seeks reelection.

I would appreciate your looking into this matter and see if it can possibly be resolved without further time and cost to us.

Sincerely,


Robert Namer
General Manager

97043831519
* Called 5-6-96 → please call back tomorrow.

WTIX
AM • 690

“HOT TALK”
INFO-TAINMENT RADIO

October 10, 1994

Ms. Mary L. Taksar, Attorney
Central Enforcement Docket
Federal Elections Commission
999 E. Street N. W.
Washington, D.C. 20463

RE: MUR 4060

Dear Ms. Taksar:

We are in receipt of your letter of October 4, 1994 regarding a complaint referenced as MUR 4060. Any actions that have been taken by this radio station and Robert Namer were with full conformity to the information received from the FEC's General Counsel's office.

All candidates for the 2nd Congressional District as well as other federal, state and municipal candidates were given the opportunity to discuss and promote their candidacy on our radio station. Most accepted the offer. Because Robert Namer was also a talk show host on this station, the time allocated was that which he would be on the air so that the station would not have a program vacancy while he was a candidate for the office in question. This is something that we have always done, not just a exception to this election period. Except for Rep. William Jefferson all the candidates for the office in question made themselves available.

All candidates were verbally notified and a written notice was sent out. A copy of said notice of September 5, 1994 is enclosed. Prior to any action being taken, the FCC and FEC were contacted to assure that the radio station would be in conformity to all applicable laws.

Ms. Dorothy Yeager, an election specialist with the FEC was contacted and her verbal opinion was that we were in conformity with the "Act". We went one step further and contacted the General Counsel's Office both by telephone and letter (copy of September 8, 1994 letter enclosed). Mr. N. Bradley Litchfield advised that while he could not speak for the Commission, it was his opinion that we were in conformity with the "Act". Mr. Litchfield followed up with a letter date September 12, 1994 (copy enclosed).

With no commission formal agreement or ruling we followed the Advisory Opinion of the FEC General Counsel's Office. Therefore, we feel that there has been no violation and that we have made every reasonable attempt to understand and follow all FCC and FEC rules, regulations and laws.

9704383152C

We feel that this letter and the supporting documents should put this matter to rest without further action. Naturally, we do reserve any and all rights to legal representation should it become necessary. If more information or explanation is necessary, please don't hesitate to contact us.


Robert Hamer
General Manager

cc: Mr. N. Bradley Litchfield
Mr. Dennis Begley

97043831521

WTIX
AM • 690

“HOT TALK”
INFO-TAINMENT RADIO

March 13, 1996

TO WHOM IT MAY CONCERN:

RE: FEDERAL ELECTION COMMISSION
MUR 4060 WTIX, INC.

List of documented facts:

- 97043831522
1. Notice of candidacy dated August 16, 1994.
 2. Based on information provided by the FCC and FEC, a letter was sent to all candidates on September 5, 1994, by the then-program director. The letter itself details that the policy was to conform with both FEC and FCC provisions, based on the information provided by them.
 3. As a result of threats made by members of the state Democratic Party, Namer contacted the FCC and the FEC again by phone on September 8, 1994. Again the advice given by phone was that WTIX was not in violation of any FEC provision or regulation. In an abundance of caution, a letter for a written advisory opinion was sent. The details in the letter are very clear.
 4. A letter was received from Mr. N. Bradley Litchfield, representing the FEC. The letter stated that "the Commission recently considered, but failed to agree, on a draft advisory opinion that presented the same issue as your letter." It also stated that it would take at least 20 days to obtain an advisory opinion. It was mutually agreed that with the election being on October 8th, it would be moot to proceed. The date of the letter was September 12, 1994, and received several days later.
 5. Notice of an official complaint dated October 4, 1994, was received.
 6. Response to the FEC letter of October 4, was made on October 10, 1994.
 7. Receipt of the FEC's March 7, 1996, "further review and opinion."

CONCLUSION

The Commission seeks information 1½ years later. The Commission itself admitted in their letter of September 12, 1994, that they themselves failed to agree on a draft advisory opinion that presented the same issue. How could WTIX, Namer, or anyone be found at fault for violating a policy which an agency is not in agreement with or have an agreed position on? No candidate has made a complaint. No candidate requested equal time; therefore, no equal time was denied by the station.

If Namer were not a candidate himself, he would have been able to have invited the candidates appear on his program every day. If only one appeared, there would have been no foul. Namer could have only asked one candidate to appear and the only recourse to the other candidates would be equal time.

The whole matter at this point sounds like a politically motivated witch hunt for the benefit of the present empowered congressman William Jefferson at a time that he seeks re-election. Political intimidation.

9704331523

STATE OF LOUISIANA — NOTICE OF CANDIDACY

(Qualifying Form)

This Notice of Candidacy must be executed before a notary public OR witnessed by two persons who are registered to vote on the office the candidate seeks. If the candidate is serving outside the state with the armed forces of the United States, the Notice of Candidacy shall be witnessed by a commissioned officer in the armed forces of the United States. This Notice of Candidacy must be filed with the appropriate qualifying official.

I,

Name Robert Namer

Address 3313 Kingman St.

Metairie, LA 70006

Telephone _____

(include area code)

Statistical Information

RACE W

W=White B=Black O=Other

I am the incumbent N Y=Yes N=No

(OPTIONAL)

SEX M

M=Male F=Female

hereby certify that:

1. I will be a candidate in the Primary Election to be held on October 1, 19 94
for election to the office of U. S. Representative 2nd Congressional District

Instructions for Line 2:

(Failure to follow these instructions may result in your being disqualified as a candidate)

R.S. 18:463 provides that you may designate your given, first and middle name, the initial of your given, first and middle name, a nickname, or any combination thereof, but you cannot designate a deceptive name. You cannot designate a title or an occupation or professional description or abbreviation. If your nickname is included, it must be set off with quotation marks and must be placed immediately preceding your surname. You must include your surname in your designation.

2. I designate that my name be printed on the ballot as follows: (titles will not be printed on the ballot)

Robert "Bob" Namer

3. I attach cash
 certified or cashier's check on a state or national bank
 U.S. Postal money order
 money order issued by a state or national bank

in the sum of

TOTAL AMOUNT RECEIVED \$ 900.00

(includes qualifying fee, plus additional fees, if any)

OR _____ nominating petition

4. I am a duly qualified elector of the following Parish = = > Jefferson

Ward/Dist/Pct = = >

WARD/DIST

PRECINCT

20

5. My Party affiliation is Democratic Party

Republican Party

Not affiliated with a recognized political party

6. I acknowledge that I am subject to the provisions of the Louisiana Election Campaign Finance Disclosure Act (R.S. 18:481, et seq.) if I am a candidate for any office other than United States Senator, Representative in Congress, or member of a committee of a political party.

7. If I am a candidate for the office of governor, I hereby certify that I have attached to this Notice of Candidacy the financial statement as required by R.S. 18:463B.

8. I realize that I am prohibited from erecting, displaying or posting any political campaign signs within any highway right-of-way, on any publicly owned property or right-of-way or to or on any public utility pole or stanchion under penalty of fine or imprisonment. (R.S. 18:469A(3)).

9. I have read this Notice of Candidacy and all the statements contained in it are true and correct. I am aware that as a candidate for office I cannot be under order of imprisonment, for conviction of a felony. (R.S. 18:463A(2)).

Signature of Candidate

WITNESSES:

Sworn to and subscribed before me this

16th day of August, 19 94
John D. Durand
Notary Public

NOTICE: This is to inform you that copies of the forms and pamphlets of explanation and instruction which are distributed by the Election Campaign Finance Committee are available from the Clerk of Court or the Committee.

RECEIVED \$ 600.00 qualifying fee and \$ 300.00 additional fee. OR _____ nominating petition, on this 16 day

of August, 19 94, at 10:12 o'clock A.M.

Wade D. Hunter, Jr.
Signature of Officer

John D. Durand
Notary Public

97043631524

WTIX
AM • 690

“HOT TALK”
INFO-TAINMENT RADIO

September 5, 1994

HON. William J. Jefferson
1912 Marengo Street
New Orleans, La 70115

Julius Leahman
3220 Delachaise Street
New Orleans, La 70125

John C. Lawrence
3325 Kansas Street
New Orleans, La 70114

Robert Namer
3313 Kingman Street
Metairie, La 70006

Candidates for U.S. Representative, 2nd Congressional District:

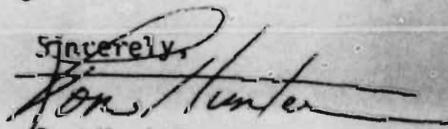
Since the 2nd Congressional District race is the most highly contested in this area and because WTIX and WASO General Manager and talk show host is a candidate in the race, in the public interest, we have made the following air time available to all the candidates in the herein mentioned race.

Each candidate will be allowed to produce a two minute "news" commentary which will be aired during our morning news and once on each program of the day. The commentary cannot be politically self serving, nor promote your candidacy. Our production studio will be made available for each candidate to produce the commentary. If you need engineering assistance, it would cost \$50 per hour, on a time used basis.

We have made available the hours of 4:05 to 5:00 pm and 6:05 to 7:00 pm for all candidates to either jointly or individually come on the air to either debate or discuss their candidacy. This time will be made available through September 30th. We expect all candidates to confirm the dates and times they would like to except this offer prior to September 9th. Conflicts in schedules will be decided by fairness of equal time provisions. We will not be able to make available "make up time" if you do not make yourself available for these particular times. It should be noted that these program times may be replayed during the weekend or other times of the day. Candidates who wish to come on the air individually will either have to do their own engineering or pay \$50 per hour for engineering assistance.

This policy is made to conform with both FEC and FCC equal time provisions for federal political candidates. After consultation with both the FEC and FCC it has been determined that it is in compliance with the spirit and intent of equal time provisions. Should you feel that it is not, please advise ASAP. We will review your opposition and direct it to the FEC and FCC for their determination. Rest assured that it is and will be our full intent and objective to abide by any and all FEC and FCC regulations.

Sincerely,



Ron Hunter
Program Director

97043031525

WTIX
AM • 690

“HOT TALK”
INFO-TAINMENT RADIO

September 8, 1994

Office of General Counsel
Federal Election Commission
999 E. Street N. W.
Washington, D.C. 20463

RE: Request for Advisory Opinion
Expedited Basis

This letter is submitted in the abundance of caution to comply with any and all FEC and FCC rules, regulations and laws. An expedited response would be appreciated.

WTIX and WASO Radio Stations have news talk formats. Both stations are very much politically oriented in their talk programs. During all elections we make considerable time available to political candidates in the form of interviews and debates. We do not charge the candidates for this time. We feel that it is of public interest.

Robert Namer is a candidate for the U.S. House of Representatives for 2nd Congressional District. Namer is also the General Manager of the radio stations and does a daily news commentary and hosts a news and political oriented call in talk show program each day from 4:05 to 5:00 pm and 6:05 to 7:00 pm on both stations in simulcast.

Namer qualified for the congressional race on August 16, 1994. At that time, the radio stations yielded his program for the use by all the candidates running for public office, especially those in the 2nd Congressional race. All candidates were offered the time equally to discuss their candidacy and debates between the candidates. Knowing that the 60 days prior to the general election would take effect this date, a letter was sent on September 5, 1994 to all candidates (copy enclosed).

We took this position after talking to legal counsel, FCC and FEC to assure that we were in compliance with all regulations. We received an inquiry from the Democratic Party that this could be a violation of 2 USCA Sec. 441b(a) and (b). The candidates could be receiving "anything of value" as a result of free air time.

Since Robert Namer is not the owner of the radio stations and control of same is vested with the licensee(s), and equal time is afforded to all candidates, we felt that 11 CFR 100.7 B2 clearly permits this activity and therefore does not violate 2 USCA Sec. 441b(a) and (d).

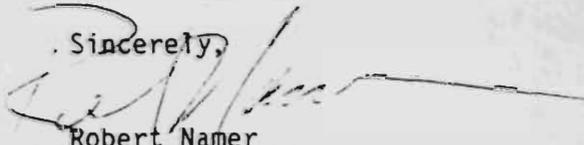
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The FEC was contacted this morning and we talked to a specialist, Ms. Dorothy Yaeger, who also felt that what we have done conforms with 11 CFR 100.7 B2 and that we would not be in any violation of FEC regulations. We submit this advisory opinion, again, in the abundance of caution. We would appreciate an expedited response.

While there may be more time given to the congressional candidates because the significance of the office, it would be unfair to charge them for the time and not other candidates. This is a programming decision for the public interest in getting as much information as possible and give all candidates, regardless of financial ability equal opportunity.

We have received an advisory letter dated October 30, 1994, to Randall A. Terry from Ms. Yaeger. While we feel that we are in compliance with the decision we made, while awaiting your response, we will follow the recommendation of the herein mentioned opinion by allowing Robert Namer to broadcast on news and issues and refraining from promoting his candidacy, seeking contributions and support, airing ads for those purposes as well as attacking his opponents.

Sincerely,



Robert Namer

97043031527

LAW OFFICES
REDDY, BEGLEY & McCORMICK
SUITE 350
1001 22ND STREET, N.W.
WASHINGTON, D.C. 20037-1803

DENNIS F. BEGLEY
MATTHEW H. McCORMICK

(202) 659-5700

EDWARD B. REDDY
(1915-1990)

FACSIMILE NUMBER
(202) 659-5711

June 17, 1996

Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4060
WTIX, Inc.

Dear Sir or Madam:

WTIX, Inc. herein responds to the further discovery requests of the Federal Election Commission ("FEC") dated May 24, 1996.¹

1. Robert Namer, through Voice of American, Inc. ("VOA"), provides management services with respect to the operation of WTIX(AM), New Orleans. VOA, under the supervision and control of WTIX, Inc., organizes the station's programming and selects, subject to WTIX, Inc.'s review, program hosts and other personnel. VOA receives as compensation a portion of the station's revenue as a monthly fee.

WTIX, Inc. does not know what compensation, if any, Mr. Namer receives from a source other than WTIX, Inc. Mr. Namer has stated he believes the FEC's inquiry as to his other sources of income is irrelevant to the matter at hand and may violate his legal rights. For that reason, Mr. Namer declines to provide that information to WTIX, Inc.

2. a. VOA produces the talk show on which Mr. Namer is the host.
- b. Mr. Namer is the person involved in the production and in the airing of the talk show and is the individual who selects and approves the subject matter that is discussed during the talk show.

¹ The time in which to respond to the additional request was extended to June 17 by a letter from FEC staff attorney Craig D. Reffner.

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OFFICE OF GENERAL
COUNSEL

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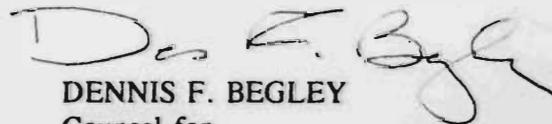
Office of the General Counsel
June 17, 1996
Page Two

c. WTIX, Inc.'s costs in producing and broadcasting its "call in" programs is nominal. WTIX, Inc. receives its revenue by the sale of spot advertisements. WTIX is not paid by Mr. Namer or any other individual for airing its talk shows, such as that hosted by Mr. Namer. In certain instances, the talk show hosts' services are traded for commercial spot time which the host is permitted to sell and collect on his own account. In other instances, the individual is paid by salary. The maximum salary paid to any individual at this time is approximately \$6.50/hour.

d. WTIX, Inc. makes no recordings of its programming. From time to time, a talk show host or the producer may opt to tape its program. Any such tape would be the property of the talk show host or producer unless WTIX, Inc. made other arrangements. WTIX, Inc. has no direct knowledge as to which programs, if any, were taped; whether any tapes now exist; and, whether any tapes have been disposed of. It is aware that Mr. Namer has taped his programs for later broadcast and may have copies of some programs. Of course, WTIX, Inc. would have no knowledge if a listener taped a program.

3. There is no written or oral policy regarding the recording of WTIX programs.

Very truly yours,



DENNIS F. BEGLEY
Counsel for
WTIX, INC.

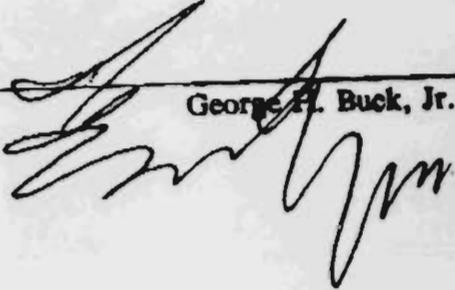
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DECLARATION

I, George H. Buck, do hereby declare under penalty of perjury that the foregoing Answers to Interrogatories are true and correct to the best of my information, knowledge and belief.

Signed this 17th day of June, 1996.


George H. Buck, Jr.

9704530

LAW OFFICES
REDDY, BEGLEY & McCORMICK
SUITE 350
1001 22ND STREET, N.W.
WASHINGTON, D.C. 20037-1803

DENNIS F. BEGLEY
MATTHEW H. McCORMICK

(202) 659-5700

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COMMISSION
OFFICE OF GENERAL
COUNSEL

JUN 18 9 14 AM '96

EDWARD B. REDDY
(1915-1990)

FACSIMILE NUMBER
(202) 659-5711

June 17, 1996

Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 4060
America First Communication, Inc.

Dear Sir or Madam:

America First Communication, Inc. ("AFC") herein responds to the further discovery requests of the Federal Election Commission ("FEC") dated May 24, 1996.¹

1. Robert Namer, through Voice of American, Inc. ("VOA"), provides management services with respect to the operation of WASO, Covington, Louisiana. VOA, under the supervision and control of AFC, organizes the station's programming and selects, subject to AFC's review, program hosts and other personnel. VOA receives as compensation a monthly fee from AFC. Mr. Namer has also received commissions for his sale of commercial spots on WASO.

AFC does not know what compensation, if any, Mr. Namer receives from a source other than AFC. Mr. Namer has stated he believes the FEC's inquiry as to his other sources of income is irrelevant to the matter at hand and may violate his legal rights. For that reason, Mr. Namer declines to provide that information to AFC.

2. a. VOA produces the talk show on which Mr. Namer is the host.

b. Mr. Namer is the person involved in the production and in the airing of the talk show and is the individual who selects and approves the subject matter that is discussed during the talk show.

¹ The time in which to respond to the additional request was extended to June 17 by a letter from FEC staff attorney Craig D. Reffner.

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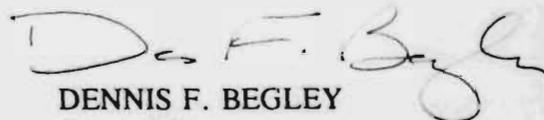
Office of the General Counsel
June 17, 1996
Page Two

c. AFC's costs in producing and broadcasting its "call in" programs is nominal. AFC receives its revenue by the sale of spot advertisements. AFC is not paid by Mr. Namer or any other individual for airing its talk shows, such as that hosted by Mr. Namer. In certain instances, the talk show hosts' services are traded for commercial spot time which the host is permitted to sell and collect on his own account. In other instances, the individual is paid by salary. The maximum salary paid to any individual at this time is approximately \$6.50/hour.

d. AFC makes no recordings of its programming. From time to time, a talk show host or the producer may opt to tape its program. Any such tape would be the property of the talk show host or producer unless AFC made other arrangements. AFC has no direct knowledge as to which programs, if any, were taped; whether any tapes now exist; and, whether any tapes have been disposed of. Of course, AFC would have no knowledge if a listener taped a program.

3. There is no written or oral policy regarding the recording of WASO programs.

Very truly yours,



DENNIS F. BEGLEY
Counsel for
AMERICA FIRST COMMUNICATION, INC.

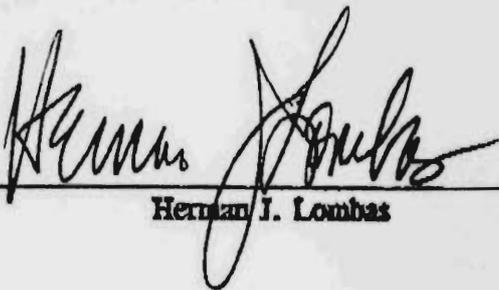
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DECLARATION

I, Herman J. Lombas, hereby declare under penalty of perjury that the foregoing Answers to Interrogatories are true and correct to the best of my information, knowledge and belief.

Signed this 17th day of June, 1996.



Herman J. Lombas

BEFORE THE FEDERAL ELECTION COMMISSION

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FEDERAL ELECTION
COMMISSION
SECRETARIAT

In the Matter of)
)
WTIX, Inc.)
America First Communications, Inc., d/b/a WASO)
Friends of Robert Namer and Barbara Namer, as treasurer)

MUR 4060 Mar 7 11 12 AM '97

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On March 5, 1996, the Commission found that there is reason to believe that WTIX, Inc. ("WTIX"), America First Communications, Inc., d/b/a WASO ("WASO"), and Friends of Robert Namer and Barbara Namer, as treasurer ("Committee"), each violated 2 U.S.C. § 441b. The Commission also found that WTIX and WASO each violated 2 U.S.C. § 441d(a). The basis of the Commission's findings concerned broadcasts aired by two radio stations, WTIX and WASO, during Louisiana's 1994 Second Congressional District election. Robert Namer, an unsuccessful candidate in that election,¹ held himself out as General Manager of both stations and hosted a talk show on which he apparently discussed his candidacy. He also invited other candidates in the election to appear on his talk show to "discuss and promote their candidacy [sic]," as stated in his response to the complaint.² In order to clarify the circumstances surrounding the broadcasts at issue, the Commission approved Subpoenas for the Production of

¹ As mentioned in the First General Counsel's Report, Mr. Namer received 19% of the vote in the October 1, 1994 Primary Election. In Louisiana's all-party primary system, a run-off election is held when no candidate receives at least 50% of the vote. Incumbent William Jefferson received 77% of the vote, making a run-off with Mr. Namer unnecessary.

² See Attachment "A" of First General Counsel's Report. Mr. Namer's response was apparently sent on behalf of WTIX. The actual offer of free air time was sent to the candidates by Ron Hunter, then Program Director of WASO.

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Documents and Orders to Answer Interrogatories directed to WTIK and WASO. This Office requested and received additional information after reviewing the initial responses. We believe that depositions are appropriate at this juncture in order to flesh out the details concerning certain issues, as discussed below.

II. DISCUSSION

A. Review of Discovery

1. WASO

WASO's initial and follow-up responses are included as Attachment 1.

According to the responses, Robert Namer is not an officer, director, shareholder or employee of WASO. However, Barbara Namer, the candidate's wife and the Committee's treasurer, is listed as Secretary and Incorporator of WASO. See Attachment 1 at 4, 10-11. The licensee of WASO on file with the FCC is America First Communications, Inc. Respondents state that WASO is not an "S-corporation."

Respondents assert that Mr. Namer, "through Voice of American [sic]³, Inc. ("VOA"), provides management services with respect to the operation of WASO." See Attachment 1 at 36. VOA is a Louisiana corporation. According to the Louisiana Secretary of State, Mr. Namer is President and Chief Executive Officer of VOA. Respondents state that Mr. Namer's company, "under the supervision and control [of WASO] organizes the station's programming and selects, subject to [WASO's] review, program hosts and other personnel." *Id.* VOA receives a monthly fee for these services.

³ The corporation is identified as "Voice of America, Inc." in Dun & Bradstreet reports and with the Louisiana Secretary of State. The D&B report indicates that VOA's address is the same address as given for WASO.

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During the period in question, VOA produced Mr. Namer's two-hour talk show live at WTIX, which was then rebroadcast on WASO during the periods 12:00 P.M. to 2:00 P.M., 2:00 P.M. to 4:00 P.M., and 4:00 P.M. to 6:00 P.M. See Attachment 1 at 5.

Respondents claim that WASO makes no recordings of its programs and has no direct knowledge of the existence of any tapes of Mr. Namer's talk show. They have "no way of providing the detailed information concerning each broadcast of the show." *Id.* However, Respondents have submitted transcripts of some of Mr. Namer's commentaries aired by WASO during his candidacy from August 16, 1994 to the election on October 1, 1994. Attachment 1 at 15-34. The commentaries generally discuss issues of the day, such as gun control, Social Security, education, and President Clinton's foreign policy.

2. WTIX

WTIX's initial and follow-up responses are included as Attachment 2.⁴

Respondents state that it is not an "S-corporation." It is wholly owned by GHB Broadcasting, Inc. ("GHB"), which is also listed as the radio station's licensee for the period in question. Respondents claim that GHB is wholly owned by George H. Buck, Jr., who is also President and General Manager of WTIX. See Attachment 2 at 4-5. Robert Namer is not listed an officer, director, shareholder or employee of WTIX. As with WASO, Respondents claim that Mr. Namer, through VOA, provides management services at WTIX. He organizes the station's programming and selects program hosts and other personnel, "subject to WTIX's review." See Attachment 2 at 10. VOA receives as compensation a portion of WTIX's revenue as a monthly fee.

⁴ This attachment does not include WTIX's Articles of Incorporation and related documents, which are available for review in the Office of General Counsel.

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Mr. Namer's talk show appears to have been broadcast live on WTIK on weekdays from 4:00 P.M. to 5:00 P.M. and from 6:00 P.M. to 7:00 P.M.⁵ It was "rebroadcast on Saturdays and Sundays at various times depending on the need for fill programming." See Attachment 2 at 5. The program was produced by the host (Mr. Namer or his chosen replacement) "who is sitting at a microphone and operating the station's board. No other staff is involved." *Id.*

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Respondents have supplied a list of names of "some of the guests" who appeared on Mr. Namer's show, which includes two other candidates in the Second Congressional District election and First District Congressman Robert Livingston.⁶ See Attachment 2 at 5-6. However, Respondents have not included the dates when the guests appeared and have asserted that they cannot provide any "detailed information" about what was discussed, since they make no recordings of the broadcasts. See Attachment 2 at 5, 11. They note, however, that a talk show host or the producer "may opt to tape" them. *Id.* at 11. Respondents state that "[n]one of the other candidates . . . accepted the offer to broadcast news commentaries," but Mr. Namer continued his "regular practice of preparing news commentaries on a daily or near daily basis." See Attachment 2 at 6.

⁵ The responses from WTIK actually state that Mr. Namer's talk show was broadcast live from 4:00 P.M. to 7:00 P.M. (see Attachment 2 at 5), but other documents (e.g., the commentary transcripts) indicate that there was a break in the live show from 6:00 P.M. to 7:00 P.M. It is not clear at this time what program was aired during this hour.

⁶ On June 6, 1996, Congressman Livingston requested in writing that the Commission inform him of the status of this case. On June 11, 1996, the Commission notified the Congressman of our procedures in these matters.

B. Analysis

As set forth in the First General Counsel's Report, the term "expenditure" does not include any news story, commentary, or editorial distributed through the facilities of any broadcasting station unless such facilities are "owned or controlled" by a candidate or his or her committee. 2 U.S.C. § 431(9)(B)(i). There is no definition of "control" or "owned or controlled" anywhere in the Act or its legislative history or regulations. Aside from the press exemption statute, the word "control" appears only twice in the Act.⁷ Because "control" in those instances refers to committees, it does not appear to be used the same way as in the press exemption. However, the regulations dealing with relationships between different sponsoring organizations of committees state that one factor in determining whether the committees are affiliated is "[w]hether a sponsoring organization owns a controlling interest in the voting stock or securities in the sponsoring organization of another committee." 11 C.F.R. § 100.5(g)(4)(ii)(A). "Control" in this sense appears to be synonymous with stock ownership.⁸ Another relevant factor is

⁷ 2 U.S.C. § 441a(a)(5) defines affiliated committees as those "established or financed or maintained or controlled by any corporation, labor organization, or any other person" and 2 U.S.C. § 441h prohibits misrepresentation of authority by a candidate or a committee/organization under his or her "control."

⁸ Generally, federal statutes that define the term "owned or controlled" make reference to some form of stock ownership. See, e.g. 41 U.S.C. § 10b-1(g)(1) ("a contractor or subcontractor is owned or controlled directly or indirectly by citizens or nationals of the foreign country if [*inter alia*] 50 percent or more of [its] voting stock is owned by one or more citizens or nationals of a foreign country").

The FCC's multiple ownership rule is related to the press exemption insofar as both deal with the ownership or control of broadcast facilities. The multiple ownership rule disqualifies any licensee applicant that "own[s], operate[s] or control[s]" more than one broadcast station in the same broadcast area. 47 C.F.R. § 73.3555. Note 1 of that regulation states that "[t]he word 'control' as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised." However, cases interpreting the term "working control" as found in the FCC regulations still contemplate some degree of direct or indirect stock ownership. See, e.g., *Cleveland Television Corp. v. F.C.C.*, 732 F.2d 962, 966-67 (1984).

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“[w]hether a sponsoring organization . . . has the authority or ability to hire, appoint, demote or otherwise control the officers, or other decisionmaking employees or members of another sponsoring organization” 11 C.F.R. § 100.5(g)(4)(ii)(C). “Control” in this sense appears to refer to one’s authority over an organization’s key personnel.⁹

The plain meaning of “control” -- the power to manage or direct¹⁰ -- would seem to apply to the matter at hand, since Mr. Namer has held himself out as General Manager of the radio stations, and Respondents admit that he has provided management services for them. Although Respondents claim that “no other staff was involved” in the production of Mr. Namer’s talk show, they admit that he selects program hosts and other personnel, implying some degree of authority over others at the radio stations as well as the stations’ day-to-day operations. Significantly, they further explain that Mr. Namer “approves the subject matter that is discussed during the talk show.” See Attachment 1 at 36; Attachment 2 at 10. Accordingly, Mr. Namer’s management services at the radio facilities would appear to fall within a reasonable interpretation of the term “owned or controlled” as it is used in the press exemption. Moreover, since the treasurer of the Committee is listed as an officer of WASO, it appears that the Committee may also exercise sufficient control so as to deny WASO the protection of the press exemption.

Assuming the radio stations are “owned or controlled” by Mr. Namer or the Committee, the press exemption will cover only the costs of “news stor[ies] (i) which

⁹ The term “control” also appears in 11 C.F.R. § 110.6(d), which deals with earmarked contributions. However, since that regulation refers to “direction or control over the choice” of candidates who receive those contributions, the term does not appear to be used in the same way as in the press exemption. See *Federal Election Com’n v. NRSC*, 996 F.2d 1471, 1475-78 (D.C. Cir. 1992).

¹⁰ See BLACK’S LAW DICTIONARY, 6th ed., 1990.

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represent . . . bona fide news account[s] communicated in a publication of general circulation . . . and (ii) which [are] part of a general pattern of campaign-related news accounts which give reasonably equal coverage to all opposing candidates in the circulation or listening area" 11 C.F.R. §§ 100.7(b)(2)(i)-(ii), 100.8(b)(2)(i)-(ii).

Since the broadcasts at issue appear to have been in the form of commentaries rather than news stories, they are not protected by the press exemption. See First General Counsel's Report, dated February 23, 1996. Although the broadcast transcripts submitted by Respondents do not expressly advocate Mr. Namer's election or make reference to his candidacy, they appear to contain his opinions on issues that may have been discussed or debated during the campaign. See Attachment 1 at 15-34. The Commission has held that when there is coordination with the candidate or the campaign, such communications may constitute "campaign-related" activity within the purview of the Act. See Advisory Opinion 1990-5 (CCH ¶ 5982); MUR 2268 (Epperson, *et al.*)

Accordingly,

since the Committee apparently did not pay for this use of air time, the radio stations appear to have made an in-kind contribution to Mr. Namer's campaign.

As mentioned, the responses are unclear as to the circumstances surrounding the appearances of other candidates as guests on Mr. Namer's talk show. However, it seems likely that the candidacies of Mr. Namer and his guests would have been the central topic of discussion in light of the invitation by the radio stations to the candidates to "discuss and promote" their campaigns on the air. Without the protection of the press exemption,

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the donating of free air time to the candidates would constitute an in-kind corporate contribution by the radio stations, at least with respect to Mr. Namer.¹¹

C. Conclusion

This Office believes that further discovery is necessary to resolve the issue of Mr. Namer's control of the radio stations, including the relationships between the candidate, his company, his committee and the radio stations. In addition, Respondents have provided little detail regarding the actual broadcasts aired by the radio stations during Mr. Namer's candidacy, limiting our ability to gauge the nature and extent of the alleged contributions. We believe that taking the sworn testimony of key individuals is the most efficient means of securing the above information, allowing us to move ahead with the enforcement process. We propose to depose the following persons: Barbara Namer (Secretary of WASO and the Committee's treasurer); Robert Namer, George H. Buck, Jr. (President of WTIX); and Herman J. Lombas (President of WASO). The attached Subpoenas to Messrs. Buck and Lombas also seek documents concerning the relationships between the radio stations and Mr. Namer and VOA. Attachment 3 at 9-16. In addition, the attached Subpoena to Mr. Namer seeks documents and information evidencing these relationships and the possible taping of the broadcasts. *Id.* at 7-8.

Based on the foregoing, this Office recommends that the Commission approve the four attached Subpoenas.

¹¹ With respect to the other candidates who appeared on Mr. Namer's talk show, the Commission determined to take no action pending the receipt of additional information clarifying the circumstances surrounding the broadcasts.

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III. RECOMMENDATIONS

- 1. Authorize the attached Subpoenas directed to Barbara Namer, Robert Namer, George H. Buck, Jr., and Herman J. Lombas.
- 2. Approve the appropriate letters.

Lawrence M. Noble
General Counsel

3/6/97
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

- 1. Responses to discovery: WASO
- 2. Responses to discovery: WTIX
- 3. Subpoenas (4)

Staff Assigned: Thomas J. Andersen

97043831542

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
WTIX, Inc.;)	
America First Communications, Inc.,)	MUR 4060
d/b/a WASO;)	
Friends of Robert Namer and Barbara)	
Namer, as treasurer.)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 13, 1997, the Commission decided by a vote of 5-0 to take the following actions in MUR 4060:

1. Authorize the Subpoenas directed to Barbara Namer, Robert Namer, George H. Buck, Jr., and Herman J. Lombas, as recommended in the General Counsel's Report dated March 6, 1997.
2. Approve the appropriate letters, as recommended in the General Counsel's Report dated March 6, 1997.

Commissioners Aikens, Elliott, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

3-13-97
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat:	Fri.,	Mar. 07, 1997	11:12 a.m.
Circulated to the Commission:	Mon.,	Mar. 10, 1997	11:00 a.m.
Deadline for vote:	Thurs.,	Mar. 13, 1997	4:00 p.m.

bjr

97043031543



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 28, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dennis F. Begley, Esq.
Reddy, Begley & McCormick
1001 22nd Street, N.W.
Suite 350
Washington, D.C. 20037-1803

RE: MUR 4060
WTIX, Inc.
America First Communications, Inc.,
d/b/a WASO

Dear Mr. Begley:

On March 7, 1996, your clients, WTIX, Inc. and America First Communications, Inc., d/b/a WASO, were notified that the Federal Election Commission had found reason to believe they each violated 2 U.S.C. §§ 441b and 441d(a), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

Pursuant to its investigation of this matter, the Commission has issued the attached subpoenas requiring George H. Buck, Jr., Herman J. Lombas, and Barbara Namer to appear and give sworn testimony on May 14 and 15, 1997, at the Hale Boggs Federal Building in New Orleans, Louisiana, Room 364, at 501 Magazine Street, and to provide information which will assist the Commission in carrying out its statutory duty of supervising compliance with the Act.

Pursuant to 11 C.F.R. § 111.14, a witness summoned by the Commission shall be paid \$40.00, plus mileage. Subsequent to the depositions, each of your clients will be sent a check for the witness fee and mileage.

Within two days of your receipt of this notification, please confirm the scheduled appearances with me at (202) 219-3690. Messrs. Buck and Lombas are also required to submit responses to the attached requests for production of documents within 20 days of your receipt of these subpoenas.

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If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Thomas J. Andersen

Thomas J. Andersen
Attorney

Enclosure
Subpoenas (3)

97043831545

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
) MUR 4060
)

SUBPOENA

TO: George H. Buck, Jr., President
WTIX, Inc.

c/o Dennis F. Begley, Esq.
Reddy, Begley & McCormick
1001 22nd Street, N.W.
Suite 350
Washington, D.C. 20037-1803

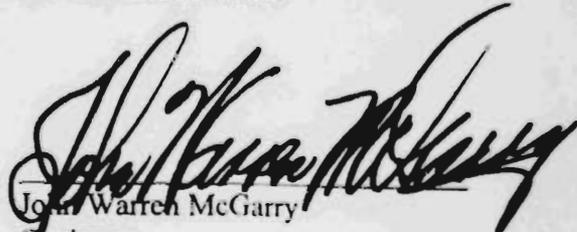
Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas George H. Buck, Jr., to appear for deposition with regard to MUR 4060. Notice is hereby given that the deposition is to be taken on May 14, 1997, in Room 364 of the Hale Boggs Federal Building at 501 Magazine Street, New Orleans, Louisiana, beginning at 2:00 P.M. and continuing that day as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(3), WTIX, Inc. and George H. Buck, Jr., are hereby subpoenaed to produce the documents listed on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals. The documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 20 days of your receipt of this Subpoena.

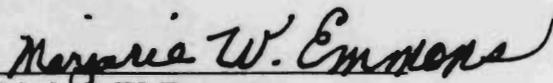
97043831546

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his
hand in Washington, D.C. on this *27th* day of *March*, 1997.

For the Commission,


John Warren McGarry
Chairman

ATTEST:


Marjorie W. Emmons
Secretary to the Commission

Attachment

Request for Production of Documents with
Instructions and Definitions

97043831547

INSTRUCTIONS

In answering this request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1994 to January 1, 1995.

The following requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental responses the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" and "your" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

9704331548

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, electronic mail messages, computer diskettes and any information stored on software, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Identify and produce all documents related to any goods or services provided to you by Voice of America, Inc. or any of its agents, including but not limited to oral or written agreements or contracts, checks, check ledgers, check registers, invoices, financial statements, correspondence, memoranda, notes, electronic mail messages, information generated or stored on diskettes or computer.
2. Identify and produce all documents related to any goods or services provided directly or indirectly to you by Robert Namer or Barbara Namer, including but not limited to oral or written agreements or contracts, checks, check ledgers, check registers, payroll statements, financial statements, correspondence, memoranda, notes, electronic mail messages, information generated or stored on diskettes or computer.
3. Identify and produce all documents related to your advertising rates, including but not limited to rates for 30 second advertisements, rates for 60 second advertisements, rates for advertisements of longer duration, rates for advertisements appearing at different times during the day including the period from 4:00 P.M. to 7:00 P.M., weekend rates, rates for political advertisements, rates for non-political advertisements.

97043031542

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
) MUR 4060
)

SUBPOENA

TO: Herman J. Lombas, President
America First Communications, Inc., d/b/a WASO

c/o Dennis F. Begley, Esq.
Reddy, Begley & McCormick
1001 22nd Street, N.W.
Suite 350
Washington, D.C. 20037-1803

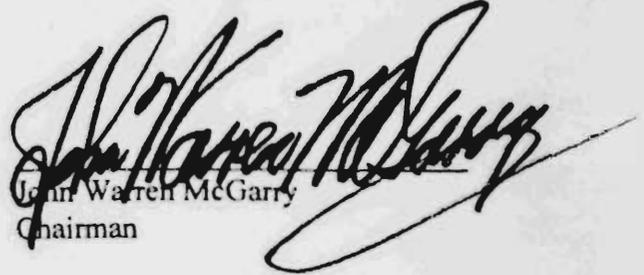
Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas Herman J. Lombas to appear for deposition with regard to MUR 4060. Notice is hereby given that the deposition is to be taken on May 15, 1997, in Room 364 of the Hale Boggs Federal Building at 501 Magazine Street, New Orleans, Louisiana, beginning at 9:00 A.M. and continuing that day as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(3), America First Communications, Inc., d/b/a WASO, and Herman J. Lombas are hereby subpoenaed to produce the documents listed on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals. The documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 20 days of your receipt of this Subpoena.

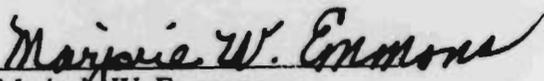
97043031550

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his
hand in Washington, D.C. on this *27th* day of *March*, 1997.

For the Commission,


John Warren McGarry
Chairman

ATTEST:


Marjorie W. Emmons
Secretary to the Commission

Attachment

Request for Production of Documents with
Instructions and Definitions

97043831551

INSTRUCTIONS

In answering this request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1994 to January 1, 1995.

The following requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental responses the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" and "your" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

9704331552

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, electronic mail messages, computer diskettes and any information stored on software, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Identify and produce all documents related to any goods or services provided to you by Voice of America, Inc. or any of its agents, including but not limited to oral or written agreements or contracts, checks, check ledgers, check registers, invoices, financial statements, correspondence, memoranda, notes, electronic mail messages, information generated or stored on diskettes or computer.
2. Identify and produce all documents related to any goods or services provided directly or indirectly to you by Robert Namer or Barbara Namer, including but not limited to oral or written agreements or contracts, checks, check ledgers, check registers, payroll statements, financial statements, correspondence, memoranda, notes, electronic mail messages, information generated or stored on diskettes or computer.
3. Identify and produce all documents related to your advertising rates, including but not limited to rates for 30 second advertisements, rates for 60 second advertisements, rates for advertisements of longer duration, rates for advertisements appearing at different times during the day including the period from 12:00 P.M. to 6:00 P.M., weekend rates, rates for political advertisements, rates for non-political advertisements.

97043153

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
) MUR 4060
)

SUBPOENA

TO: Barbara Namer, Secretary
America First Communications, Inc., d/b/a WASO

c/o Dennis F. Begley, Esq.
Reddy, Begley & McCormick
1001 22nd Street, N.W.
Suite 350
Washington, D.C. 20037-1803

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas Barbara Namer to appear for deposition with regard to MUR 4060. Notice is hereby given that the deposition is to be taken on May 15, 1997, in Room 364 of the Hale Boggs Federal Building at 501 Magazine Street, New Orleans, Louisiana, beginning at 1:30 P.M. and continuing that day as necessary.

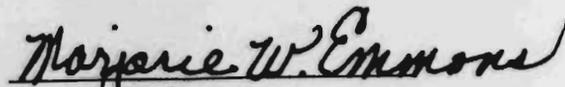
97043031554

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his
hand in Washington, D.C. on this *27th* day of *March*, 1997.

For the Commission,


John Warren McGarry
Chairman

ATTEST:


Marjorie W. Emmons
Secretary to the Commission

97043031555



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 28, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Namer, President
Voice of America, Inc.
3313 Kingman St.
Metairie, LA 70006

RE: MUR 4060

Dear Mr. Namer:

The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended. The Commission has issued the attached subpoena which requires you to appear and give sworn testimony on May 16, 1997, at the Hale Boggs Federal Building in New Orleans, Louisiana, Room 364, at 501 Magazine Street, and to provide certain information in connection with an investigation it is conducting. The Commission does not consider you a respondent in this matter, but rather a witness only.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney present with you at the deposition. If you intend to be so represented, please advise us of the name and address of your attorney prior to the date of the deposition.

Pursuant to 11 C.F.R. § 111.14, a witness summoned by the Commission shall be paid \$40.00 plus mileage. Subsequent to the deposition, you will be sent a check for the witness fee and mileage.

Within two days of your receipt of this notification, please confirm your scheduled appearance with me at (800) 424-9530.

97043031556

You may consult with an attorney and have an attorney assist you in the preparation of your responses to the attached questions and request for production of documents. However, you are required to submit the information within 20 days of your receipt of this subpoena. All answers to questions must be submitted under oath.

If you have any questions, please contact me at (800) 424-9530.

Sincerely,

Thomas J. Andersen

Thomas J. Andersen
Attorney

Enclosure
Subpoena

97043031557

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
) MUR 4060
)

SUBPOENA

TO: Robert Namer, President
Voice of America, Inc.
3313 Kingman St.
Metairie, LA 70006

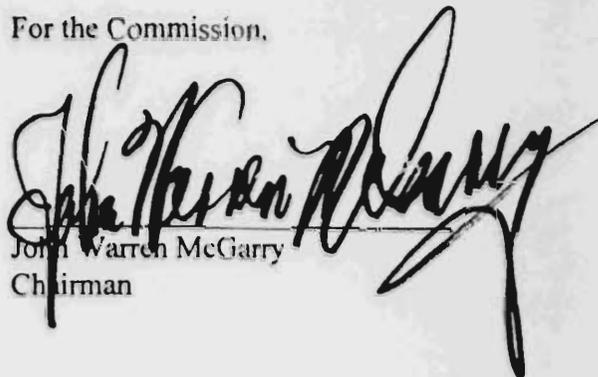
Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas Robert Namer to appear for deposition with regard to MUR 4060. Notice is hereby given that the deposition is to be taken on May 16, 1997, in Room 364 of the Hale Boggs Federal Building at 501 Magazine Street, New Orleans, Louisiana, beginning at 9:00 A.M. and continuing that day as necessary.

Further, pursuant to 2 U.S.C. § 437d(a)(3), Voice of America, Inc., and Robert Namer are hereby subpoenaed to answer the questions and produce the documents listed on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents, may be substituted for originals. The documents and responses must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 20 days of your receipt of this Subpoena.

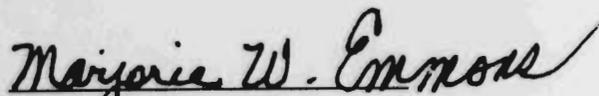
97043031550

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his
hand in Washington, D.C. on this 27th day of March, 1997.

For the Commission,


John Warren McGarry
Chairman

ATTEST:


Marjorie W. Emmons
Secretary to the Commission

Attachment

Questions and Request for Production of Documents with
Instructions and Definitions

97043831559

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information. With respect to any date required, provide the approximate date if the actual date is not ascertainable.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1994 to January 1, 1995.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

9704303156C

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, electronic mail messages, computer diskettes and any information saved on software, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

QUESTIONS AND REQUEST FOR PRODUCTION OF DOCUMENTS

1. Produce the Articles of Incorporation and Bylaws of Voice of America, Inc. ("VOA").
2. State the total number of shares of stock issued to date by VOA. Identify all shareholders of VOA, past and present, and:

97043031561

- a. State the number of shares each shareholder held or holds.
 - b. State when the shares were acquired, and if applicable, when the shares were relinquished.
 - c. State whether each shareholder was or is a director, officer, or employee of VOA. If so, indicate the dates during which the shareholder held any of these positions.
3. Identify all persons who are or who have been officers, directors and/or employees of VOA. For each person identified:
- a. state the position(s) he or she held;
 - b. state the dates when person held the position(s); and
 - c. describe the duties and responsibilities of the position(s).
4. State whether VOA is organized as a subchapter S corporation pursuant to the Internal Revenue Code. If so, state when the corporation elected this status. Produce a copy of IRS form 2553 and the IRS letter granting the subchapter S tax status.
5. Identify and produce all documents related to any goods or services provided by you to WTIK, Inc. ("WTIK") or any of its agents, including but not limited to oral or written agreements or contracts, checks, check ledgers, check registers, invoices, financial statements, correspondence, memoranda, notes, electronic mail messages, information generated or stored on diskettes or computer.
6. With regard to the talk show hosted by Robert Namer and broadcast by WTIK between August 1, 1994 and October 1, 1994:
- a. State whether any written transcripts or audio recordings of the show exist.
 - b. Provide copies of all such transcripts and recordings.
7. Identify and produce all documents related to any goods or services provided by you to America First Communications, Inc., d/b/a WASO ("WASO"), or any of its agents, including but not limited to oral or written agreements or contracts, checks, check ledgers, check registers, invoices, financial statements, correspondence, memoranda, notes, electronic mail messages, information generated or stored on diskettes or computer.
8. With regard to the talk show hosted by Robert Namer and broadcast by WASO between August 1, 1994 and October 1, 1994:

97043031562

- a. State whether any written transcripts or audio recordings of the show exist.
 - b. Provide copies of all such transcripts and recordings.
9. Provide copies of all documents referred to in your responses to the above interrogatories, all documents related to your responses to the above interrogatories, and all documents used to prepare your responses to the above interrogatories.

97043831563

LAW OFFICES
REDDY, BEGLEY & McCORMICK
SUITE 350
1001 22ND STREET, N.W.
WASHINGTON, D.C. 20037-1803

DENNIS F. BEGLEY
MATTHEW H. McCORMICK
LISA M. CHANDLER*

(202) 659-5700

Mem 4060

EDWARD B. REDDY
(1915-1990)

FACSIMILE NUMBER
(202) 659-5711

* ADMITTED IN ILLINOIS ONLY

April 21, 1997

VIA FACSIMILE & HAND DELIVERY

Thomas J. Andersen, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

APR 22 11 45 AM '97
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Re: George H. Buck, Jr., President WTIx, Inc.
Production of Documents

Dear Mr. Andersen:

In response to the March 27, 1997 subpoena directed to me and served on my counsel on March 31, 1997, the following documents are being produced:

Document Request No. 1

- a. Transaction Entry Lists dated February 2, February 7, February 19 and March 4, all 1994. With respect to each Transaction Entry List, a copy of the pertinent deposit slip is also included.
- b. WTIx, Inc. Detail Trial Balance, Dated December 31, 1994.

Document Request No. 2

- a. Transaction Entry List dated October 20, 1994, with copy of pertinent deposit slip.
- b. WTIx, Inc. Detail Trial Balance, dated December 31, 1994.

97040031504

Thomas J. Andersen, Esquire
April 21, 1997
Page 2

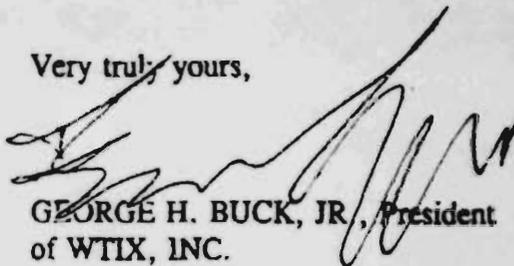
Document Request No. 3

WTIX Gross Rate Card no. 7, effective July 1, 1994. Comparable rates were in effect throughout 1994.

In locating the attached documents, I was assisted by my bookkeeper and assistant, Joyce McIlwain.

If other documents falling within the scope of the document request are located, they will be produced.

Very truly yours,



GEORGE H. BUCK, JR., President
of WTIX, INC.

97043831565

WTIX Document Request No. 1

97043031566

11:18 AM RUN DATE: 02-07-1994 TIME: 04:23
TRANSACTION ENTRY LIST

PAGE: 1
Acct-Dept/

Customer Number and Name	Date	Trans Code	Age Period	Amount	Time/Chk Len	Contr-Id	Prj	Cart	Sales Tax
14312 VOICE OF AMERICA	02-05-94	31 PAYMENTS	1 Current	1090.00-	1417				
14318 SOUTH MISS. GUN ASSOC.	02-08-94	31 PAYMENTS	1 Current	500.00-	1269				
14319 DAVID BARD/CANDIDATE	02-08-94	31 PAYMENTS	1 Current	300.00-	1131				
1 PAYMENTS				1,890.00-					

031567

PLEASE PRINT OR TYPE ALL CHECKS

031567

1890.00

300.00

1890.00

WITNEY NATIONAL BANK

WTDI, INC.

101 FRENCH MARKET PLACE

NEW ORLEANS, LA 70116

DEPOSIT TO ACCOUNT OF

XXXXXXXXXX

TRANSACTION ENTRY LIST

Acct-Dept/

Per Number and Name	Date	Trans Code	Age Period	Amount	Time/Chk	Len	Contr-Id	Prg	Cart	Sales Tax
38 VOICE OF AMERICA	02-03-94	31 PAYMENTS	1 Current	2457.23-	1412					
1P DOROTHY J. FERHAULT	02-03-94	31 PAYMENTS	1 Current	624.00-	77					
PAYEE'S				3,081.23-						

031560

PLEASE ENDORSE ALL CHECKS

DATE: 02-03-94

PLEASE LIST EACH CHECK SEPARATELY

Check #	Amount	Payee	Account #
10	2457.23	VOICE OF AMERICA	1412
11	624.00	DOROTHY J. FERHAULT	77
12	3081.23	TOTAL DEPOSIT	

WHITNEY NATIONAL BANK
NEW ORLEANS, LOUISIANA

DEPOSIT TO ACCOUNT OF
WTD, INC.
81 FRENCH MARKET PLACE
NEW ORLEANS, LA 70112

Customer Number and Name	Date	Trans Code	Age Period	Amount	Time/Chk Len	Contr-In	Prg	Cart	Sales Tax
VC40:0 VOICE OF AMERICA	03-02-94	31 PAYMENTS	1 Current	417.50-	1443				
LAL0:0 LA. LOUISIANE RESAURANT	03-02-94	31 PAYMENTS	4 61 to 90	3000.00-	1886				
31 PAYMENTS				3,417.50-					

69

PLEASE ENDORSE ALL CHECKS
 DATE 3/2/94
 PLEASE LIST EACH CHECK SEPARATELY

AMOUNT	DOLLARS	CENTS
417.50	417	50
3000.00	3000	00
3417.50	3417	50

WHITNEY NATIONAL BANK
 NEW ORLEANS, LOUISIANA

WTIX, INC.
 81 FRENCH MARKET PLACE
 NEW ORLEANS, LA 70116

RUN DATE: 12/31/94
RUN TIME: 4:11 PM

WTIX, Inc.

PAGE 17

DETAIL TRIAL BALANCE

ALL ACCOUNTS		PERIOD ENDING 12/31/94					ENDING
ACCOUNT NUMBER	DESCRIPTION	BEGINNING BALANCE	DESCRIPTION	TRANSACTION DATE	REFERENCE	AMOUNT	BALANCE

1210 Customer A/C Receivable (Continued)

97043831571

** Payments from
Voice of America*

~~voice of America 02/03 02 02 1 1412 2,457.00~~

~~voice of America 02/03 02 02 1 1417 1,070.00~~

~~voice of America 02/28 02 02 1 1440 2,963.70~~

~~voice of America 03/02 03 03 1 1443 417.00~~

WTIX Document Request No. 2

97040031572

ALL INFORMATION PRINT LIST

PAGE: 1

Customer Number and Name	Date	Trans Code	Age Period	Amount	Time/Chk	Len	Contr-In	Prog	Cart	Sales Tax	Acct-Dept/
MAR010 MARY'S HELPERS	10-14-94	31	PAYMENTS	2	1 to 30	1100.00-	884				
COR010 CORDORA TELEVISION REPAIR	10-14-94	31	PAYMENTS	3	31 to 60	100.00-	1700				
PAR020 GARNER TED ARMSTRONG SHOW	10-14-94	31	PAYMENTS	3	31 to 60	510.00-	3618				
BUI010 BUILDING INSPECTION SERVI	10-14-94	31	PAYMENTS	3	31 to 60	600.00-	3618				
DOO010 DOOKY CHASE RESTAURANT	10-14-94	31	PAYMENTS	2	1 to 30	50.00-	1253				
FRN010 ROBERT NAYER -- POLITICAL	10-14-94	31	PAYMENTS	1	Current	600.00-	1012				
MAV010 CRIMEHAVE	10-14-94	31	PAYMENTS	1	Current	2200.00-	850675				

31 PAYMENTS 4,960.00-

831573

PLEASE ENDORSE ALL CHECKS
 DATE 10/14/94
 CHECKS AND OTHER ITEMS RECEIVED FOR DEPOSIT SUBJECT TO THE RULES AND REGULATIONS OF THIS FINANCIAL INSTITUTION. DEPOSITS MAY NOT BE AVAILABLE FOR WITHDRAWAL.

PLEASE LIST EACH CHECK SEPARATELY		DOLLARS	CENTS
CURRENCY			
COINS			
BUILDING INC.			
#3618	400	00	
#5515	510	00	
#1250	50	00	
#1700	100	00	
#384	1100	00	
#500	600	00	
#2200	2200	00	
TOTAL DEPOSIT	4960	00	

WHITNEY NATIONAL BANK
 NEW ORLEANS, LOUISIANA

WTIX, INC.
 61 FRENCH MARKET PLACE
 NEW ORLEANS, LA 70116

DEPOSIT TO ACCOUNT OF

Handwritten signature or initials

RUN DATE: 12/31/94
RUN TIME: 4:11 PM

WTIX, Inc.

PAGE 22

DETAIL TRIAL BALANCE

ALL ACCOUNTS		PERIOD ENDING 12/31/94				
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	BEGINNING BALANCE	PERIOD DESCRIPTION	TRANSACTION DATE PP DE S REFERENCE	AMOUNT	ENDING BALANCE

1210 Customer A/C Receivable (Continued)

97043031574

Payment from Robert Namer

* Robert Namer - Political	10/14 10 10 : 1012	500.00
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WTIX Document Request No. 3

97043031575

WTIX GROSS RATE CARD NO. 7
EFFECTIVE: July 1, 1994

	15 second	30 second	60 second
AAA --- (6 am - 10 am)	\$45.00	\$55.00	\$70.00
AAA --- (4 pm - 7 pm)	\$45.00	\$60.00	\$80.00
AA --- (10 am - 4 pm)	\$35.00	\$50.00	\$60.00
A --- (7 pm - 12 am)	\$30.00	\$40.00	\$50.00
A --- (SAT. and Sun.)	\$25.00	\$30.00	\$40.00

LIVE COMMERCIALS BY HOSTS

These commercials are aired live by the talk show host of your choice during the regular program (not at a commercial break). Subject to the discretion of Management and Host. Cost: 20% additional, no political.

COMBO RATES WITH WASO (AM - 730)

You can benefit with double exposure on two radio stations. For only 40% more, you can have the same advertising schedule aired on WASO.

REMOTES AND LONG TERM CONTRACTS

Remote prices given upon request. Consistent advertising generates the best results. Long term contract prices given upon request.

SPONSORSHIP TAGS

Live, 10 second tags that sponsor the News at the top of the hour, weather reports, traffic reports, special bulletins, time updates, and public service announcements (ROS). Cost: \$25 each

Cash Discount: 10% discount for payment in advance (entire contract)

Agency Discount: 15% with production prepared by agency.

Special Note: We give all advertisers extra commercials based on the current flow of paid commercial times. All advertising contracts are subject to management approval. No liability is assumed, or accepted for errors or omissions in advertiser broadcast copy. Our talk show hosts occasionally enhance commercials with live commentary or tags, at no extra charge.

97043831576

LAW OFFICES
REDDY, BEGLEY & McCORMICK
SUITE 350
1001 22ND STREET, N.W.
WASHINGTON, D.C. 20037-1803

DENNIS F. BEGLEY
MATTHEW H. MCCORMICK
LISA M. CHANDLER*

(202) 659-5700

EDWARD B. REDDY
(1918-1990)

FACSIMILE NUMBER
(202) 659-5711

* ADMITTED IN ILLINOIS ONLY *

April 21, 1997

VIA FACSIMILE & HAND DELIVERY

Thomas J. Andersen, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

APR 23 1 10 PM '97
RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Re: Herman J. Lombas, President,
America First Communications, Inc. d/b/a WASO
Document Production

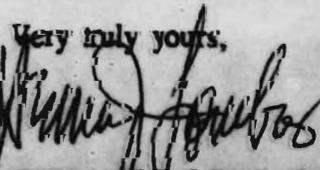
Dear Mr. Anderson:

In response to the document production requests in the March 27, 1997 subpoena directed to me and served on my counsel on March 31, 1997, I respond as follows:

Document Request No. 1 - No documents

Document Request No. 2 - No documents

Document Request No. 3 - No documents, but a rate card dated March 1, 1995, for WASO is attached. Comparable rates were in effect during 1994.

Very truly yours,


HERMAN J. LOMBAS, President of
AMERICA FIRST COMMUNICATIONS, INC.

97043031577

WASO Document Request No. 3

97043831576

WASO GROSS RATE CARD NO. 7
EFFECTIVE: March 1, 1995

	15 second	30 second	60 second
AAA --- (6 am - 10 am)	\$20.00	\$40.00	\$50.00
AAA --- (4 pm - 7 pm)	\$25.00	\$50.00	\$60.00
AA --- (10 am - 4 pm)	\$20.00	\$35.00	\$45.00
A --- (SAT. and Sun.)	\$15.00	\$20.00	\$25.00

LIVE COMMERCIALS BY HOSTS

These commercials are aired live by the talk show host of your choice during the regular program (not at a commercial break). Subject to the discretion of Management and Host. Cost: 20% additional, no political

REMOTES AND LONG TERM CONTRACTS

Remote prices given upon request. Consistent advertising generates the best results. Long term contract prices given upon request.

SPONSORSHIP TAGS

Live, 10 second tags that sponsor the News at the top of the hour, weather reports, traffic reports, special bulletins, time updates, and public service announcements (ROS). Cost: \$15 each

Cash Discount: 10% discount for payment in advance (entire contract)

Agency Discount: 15% with production prepared by agency.

Special Note: We give all advertisers extra commercials based on the current flow of paid commercial times. All advertising contracts are subject to management approval. No liability is assumed, or accepted for errors or omissions in advertiser broadcast copy. Our talk show hosts occasionally enhance commercials with live commentary or tags, at no extra charge.

97043031579



Voice of America, Inc.

April 18, 1997

APR 25 9 54 AM '97

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Mr. Thomas J. Andersen
Federal Election Commission
Washington, D.C. 20463

RE: MUR 4060

Dear Mr. Andersen:

This letter is in response to your letter of March 28 and a follow-up of our conversation of April 1. As I stated in our telephone conversation, I do not wish to be confrontational, but this entire matter is insane. There is no reason for you or anyone from Washington to come here for that many days, unless you wish a vacation in New Orleans at the taxpayers expense. The depositions will not last more than 30 minutes each. I have already advised you, that no one has any more information to offer you than what has already been offered, or that cannot be submitted by mail.

It seems that you are on some fishing expedition. You seek broad intrusive discovery, but do not express any reason for same. You expect us to freely testify under oath, but yet we could say something that could later be held against us (not that we have anything to hide or fear). This could leave us open to some sort of self-incrimination which we are protected from by the constitution.

You are costing us all (including the American taxpayers) a considerable amount of time and money. What is the point. No one has done anything wrong and there is nothing to gain from something that occurred three year ago. I will however attempt to respond to your questions.

1. You may not believe this, but I have searched the office and have not been able to find the VOA Articles of Incorporation. We will seek copies from the Secretary of State, as you can.
2. VOA was set up as a non-stock nonprofit corporation therefore there can be no response to this question.
3. I have been the president since the beginning and my wife has been the secretary. There are no employees. Regardless this information has no relevance to anything.
4. VOA is not a subchapter S.
5. Services provided by VOA to WTIK are those of programming, advertising and management. The rest of the information is very broad and has no relevance to anything and proprietary. If you seek specific relevant information, please advise.

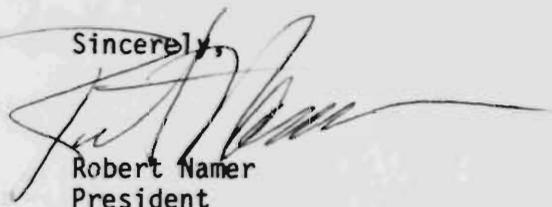
9 / 0 4 0 0 3 1 5 3 0

6. There are no written transcripts and if there are any audio recordings, we have not been able to find them (it is not reasonable to expect us to have tapes of over three years). If we had any, they would be proprietary.
7. Same as answer to number 5.
8. None, unless a repeat broadcast from WTIX, and if so the answer would be the same as number 5.
9. None.

You say that "the Commission does not consider you a respondent in this matter, rather a witness only." What gives you the right to all our financial and proprietary information? Please, give us a concern that you may have regarding any possible violation, we will than may be able to respond and clear the matter up.

In our telephone conversation you stated that we may be able to work together to resolve the matter. We are waiting. Again, we wish to cooperate and hope that you can and will provide some specific concern.

Sincerely,



Robert Namer
President

97043831581

6/2/97

WTIX "HOT TALK" WASO
AM • 690 **INFO-TAINMENT RADIO** AI 730

ROBERT NAMER
Executive Director

3313 Kingman Street • Metairie, LA 70006 (504) 888-9849
15529 Hwy. 190 West • Covington, LA 70433 (504) 892-1600

97043831582

Chip Leahman - Candidate for
2nd Congressional District

ROBERT NAMER PROGRAM PROPRIETARY
SIDE 1 4-5p SIDE 2 6-7p

8/12/94

MUR 406

Side 1 - Judge Charles Jones
Candidate for state supreme court

ROBERT NAMER PROGRAM PROPRIETARY
SIDE 1 4-5p SIDE 2 6-7p

Side 2 - Larry Pratt interview
Gun Owners Of America

8/24/97

Jun 2 2 25 PM '97

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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FEC & FCC Notice of Information
as result of Democratic Party Letter

ROBERT NAMER PROGRAM PROPRIETARY
SIDE 1 4-5p SIDE 2 6-7p

9/8/97

Side 1 - John Lawrence
Candidate for 2nd Congressional
District

ROBERT NAMER PROGRAM PROPRIETARY
SIDE 1 8/26/97

Side 2 - Paulette Irons
candidate for state senate

SIDE 2 9/19/97

AGREEMENT FORM FOR POLITICAL BROADCASTS

STATION and LOCATION WTIX 9/30 1974

I, BARBARA NAMER (being) (on behalf of)

FRIENDS OF ROBERT NAMER

a legally qualified candidate of the Rep. political party for the office of

U.S. Rep. 2ND. CONG. DISTRICT

in the PRIMARY election to be held on OCT 1ST, do hereby request station time as follows:

LENGTH OF BROADCAST	HOOR	DATE	TIMES PER WEEK	TOTAL NO. WEEKS	RATE
1-Hour Block Program			12 PM - 3 PM	1	
			3 PM - 6 PM		
$\$200 @ Hour less Agency Disc. 15\%$ $VOA Discount Rebate 25\%$ $40\% = 120 @ Hour$					

DATE OF FIRST BROADCAST
10/1/74

DATE OF LAST BROADCAST
10/1/74

Total Charges: \$600⁰⁰

The broadcast time will be used by _____
I represent that the advance payment for the above-described broadcast time has been furnished by

FRIENDS OF ROBERT NAMER

and you are authorized to so describe that sponsor in your log and to announce the program as paid for by such person or entity. The entity furnishing the payment, if other than an individual person, is: () a corporation; () a committee; () an association; or () other unincorporated group. The names and offices of the chief executive officers of the entity are:

BARBARA NAMER

It is my understanding that: If the time is to be used by the candidate himself within 45 days of a primary or primary runoff election, or within 60 days of a general or special election, the above charges represent the lowest unit charge of the station for the same class and amount of time for the same period; where the use is by a person or entity other than the candidate or is by the candidate but outside the aforementioned 45 or 60 day periods, the above charges do not exceed the charges made for comparable use of such station by other users.

It is agreed that use of the station for the above-stated purposes will be governed by the Communications Act of 1934, as amended, and the FCC's rules and regulations, particularly those provisions reprinted on the back hereof, which I have read and understand. I further agree to indemnify and hold harmless the station for any damages or liability that may ensue from the performance of the above-stated broadcasts. For the above-stated broadcasts I also agree to prepare a script or transcription, which will be delivered to the station at least _____ before the time of the scheduled broadcasts; (note: the two preceding sentences are not applicable if the candidate is personally using the time).

Date: _____ Barbara Namer
(Candidate, Supporter or Agent)

Accepted }
Rejected } by _____ Title _____

970431584

2# 250
5#121

FRN 010
693

COMBO RATE

NAB FORM PB-9 APR-1977

AGREEMENT FORM FOR POLITICAL BROADCASTS

STATION and LOCATION WASO / Wtix / Columbia / N.D. 9/19/94

I, BARBARA NAMEZ (being) (on behalf of)

FRIENDS OF ROBERT NAMEZ

a legally qualified candidate of the REP. political party for the office of

U.S. REP. 2ND CONG. DIST.

in the PRIMARY election to be held on OCT 1, 1994, do hereby request station time as follows:

LENGTH OF BROADCAST	HOUR	DATE	TIMES PER WEEK	TOTAL NO. WEEKS	RATE
15 SEC	7 ³⁰	2	18	1	\$25.00
ONE EACH HOUR 9 PER DAY					

DATE OF FIRST BROADCAST <u>9/21/94</u>	DATE OF LAST BROADCAST <u>9/22/94</u>	Total Charges: <u>\$450.00</u>
---	--	--------------------------------

The broadcast time will be used by FRIENDS OF ROBERT NAMEZ
I represent that the advance payment for the above-described broadcast time has been furnished by

FRIENDS OF ROBERT NAMEZ CK # 1001

and you are authorized to so describe that sponsor in your log and to announce the program as paid for by such person or entity. The entity furnishing the payment, if other than an individual person, is: () a corporation; () a committee; () an association; or () other unincorporated group. The names and offices of the chief executive officers of the entity are:

BARBARA NAMEZ, TRAS.

It is my understanding that: If the time is to be used by the candidate himself within 45 days of a primary or primary runoff election, or within 60 days of a general or special election, the above charges represent the lowest unit charge of the station for the same class and amount of time for the same period; where the use is by a person or entity other than the candidate or is by the candidate but outside the aforementioned 45 or 60 day periods, the above charges do not exceed the charges made for comparable use of such station by other users.

It is agreed that use of the station for the above-stated purposes will be governed by the Communications Act of 1934, as amended, and the FCC's rules and regulations, particularly those provisions reprinted on the back hereof, which I have read and understand. I further agree to indemnify and hold harmless the station for any damages or liability that may ensue from the performance of the above-stated broadcasts. For the above-stated broadcasts I also agree to prepare a script or transcription, which will be delivered to the station at least 9/20/94 before the time of the scheduled broadcasts; (note: the two preceding sentences are not applicable if the candidate is personally using the time).

Date: 9/19/94 Barbara S. Namez
(Candidate, Supporter or Agent)

Accepted } by [Signature] Title exec. asst.
Rejected }

This application, whether accepted or rejected, will be available for public inspection for years in accordance with FCC regulations. (AM, Section 71.121)

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BEFORE THE FEDERAL ELECTION COMMISSION

JUL 17 10 39 AM '97

In the Matter of)
) MUR 4060
WTIX, Inc., George H. Buck, Jr., President,)
June N. Phelps, Vice President, and)
Jacob E. Bogan, Secretary)
America First Communications, Inc., d/b/a WASO)
Robert Namer)
Friends of Robert Namer and Barbara Namer, as treasurer)
Julius Leahman)
John C. Lawrence)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

9704331586
On March 5, 1996, the Commission found reason to believe that WTIX, Inc. ("WTIX"), America First Communications, Inc., d/b/a WASO ("WASO"), and Friends of Robert Namer and Barbara Namer, as treasurer ("Committee"), each violated 2 U.S.C. § 441b. The Commission also found reason to believe that WTIX and WASO each violated 2 U.S.C. § 441d(a). The basis of the Commission's findings concerned broadcasts aired by two radio stations, WTIX and WASO, during Louisiana's 1994 Second Congressional District election. Robert Namer, an unsuccessful candidate in that election, held himself out as General Manager of both stations and hosted a talk show on which he discussed his candidacy.¹

After reviewing the initial documents submitted by Respondents along with their responses to the Commission's interrogatories, this Office recommended that the

¹ As mentioned in the First General Counsel's Report, Mr. Namer lost the primary election, receiving 19% of the vote.

Commission approve deposition subpoenas in order to flesh out the details concerning certain issues, including the content of the broadcasts and the availability of the "press exemption" at 2 U.S.C. § 431(9)(b)(i).² The Commission authorized the depositions of the presidents of the radio stations and Robert Namer and his wife, Barbara Namer.³ Prior to confirming dates for depositions and after numerous requests from this Office, Mr. Namer provided for the first time cassette recordings of some of the radio programs in question. Based on all of the information available at this time and the amount of resources likely needed to fully investigate unresolved issues, this Office recommends that the Commission take no further action in this matter and close the file.

II. DISCUSSION

Robert Namer filed a Statement of Candidacy with the Commission on August 16, 1994. In his response to the Complaint, Mr. Namer admitted that he invited other candidates in the primary election to appear on his talk show to "discuss and promote their candidacy [sic]."⁴ The incumbent, William Jefferson, refused to participate, but the remaining two candidates, John C. Lawrence and Julius Leahman, accepted the offer. WTLX confirmed that the two candidates appeared on Mr. Namer's show and it provided the names of other guests, but both radio stations claimed that they

² The "press exemption" at 2 U.S.C. § 431(9)(b)(i) exempts from the definition of "expenditure" "any news story, commentary, or editorial distributed through the facilities of any broadcasting station . . . unless such facilities are owned or controlled by any political party, political committee, or candidate."

³ Ms. Namer, along with her duties as treasurer for the Committee, is also Secretary of WASO.

⁴ The actual offer of free air time was sent to the candidates by Ron Hunter, then Program Director of WASO.

97043031587

had no "detailed information" about what was discussed during the broadcasts because they made no recordings and had no knowledge of the existence of any tapes.

In response to interrogatories and document requests attached to his deposition subpoena, Mr. Namer similarly claimed that "[t]here are no written transcripts and if there are any audio recordings, we have not been able to find them."⁵ However, during subsequent phone conversations with this Office, Mr. Namer revealed that he often tapes his shows so they can be rebroadcast within a short time, but that he generally records over these tapes after the rebroadcast since he has no other use for the recordings. He agreed that he or his staff would search through the tapes and provide all existing recordings of broadcasts of shows that were aired during and leading up to his candidacy. After several discussions with staff of this Office, Mr. Namer eventually provided four cassette tapes containing approximately eight hours of such broadcasts, including the interviews with two of his opponents in the primary race. This Office has examined all of the tapes for campaign-related content.

During Mr. Namer's interview with Julius Leahman that appears to have taken place on August 12, 1994, the following exchange took place:

Namer: "If Jefferson and I get into the run-off, are you going to support me? Are you going to swing your endorsement to me? . . ."

Leahman: ". . . I would endorse and vote for the Republican. You [would be] the Republican. Yes. Bob, you would have my endorsement . . ."

⁵ Mr. Namer's full responses, as well as WTIX's and WASO's responses to document requests attached to their deposition subpoenas, are available for review in the Office of the General Counsel.

Mr. Namer posed the same question to John C. Lawrence in an interview that appears to have taken place on August 26, 1994:

Namer: "... if this thing was to be a second primary, are you going to support me?"

Lawrence: "Uh, well, let me ask you this, are you going to support me?"

Namer: "Well, either you or Leahman."

Lawrence: "Basically, I would say if it comes between you and Jefferson, I would support you over Jefferson."

In addition, the announcer sometimes opened the shows with words of support for Mr. Namer, e.g., "Here is your next Congressman from Metro New Orleans . . . Robert Namer"; "Now, the man who you can always get on the phone, even when he's elected Congressman . . . Robert Namer"; and ". . . on behalf of the people, your next Congressman . . . Robert Namer." Aside from the interviews with the candidates and the opening announcements, the tapes do not contain any other significant campaign references. However, Mr. Namer continued to discuss issues of the day, as he had done before and after his candidacy.

During a September 8, 1994 broadcast, Mr. Namer stated that he would no longer discuss the Second Congressional District election on his program due to the Complaint.⁶ Accordingly, it appears that most of the broadcasts mentioning Mr. Namer's campaign would have been aired from the time he announced his candidacy in mid-August 1994

⁶ The Complaint in this matter was not actually filed with the Commission until September 27, 1994. However, Mr. Namer was likely referring to a September 2, 1994 letter to WTIK (mentioned in the Complaint) requesting that the radio station prohibit Mr. Namer from "extolling his candidacy" during his regularly scheduled programs.

through early September 1994. Mr. Namer then lost the October 1 primary election with only 19% of the vote to the incumbent's 77%.⁷ According to reports filed with the Commission, the Committee received a total of \$3,902 contributions and spent \$3,789.⁸ Considering the brevity and result of Mr. Namer's campaign, his stated intention not to run for Congress again, and the Committee's low reported receipts and expenditures, this Office believes that further resources should not be committed to this matter. Although questions still remain as to certain issues (e.g., the availability of the press exemption and the content of broadcasts for which Respondents have not provided tapes or transcriptions), this Office believes that the investigative resources needed to resolve these issues (e.g., travel to New Orleans and depositions of four Respondents) would be better devoted to more current matters.

Therefore, based on the foregoing, this Office recommends that, consistent with the proper ordering of priorities and limited resources, the Commission exercise its prosecutorial discretion by taking no further action against WTIX, WASO and the Committee, and close the file in this matter.⁹ See *Heckler v. Chaney*, 470 U.S. 821 (1985).

⁷ In Louisiana's all-party primary system, a run-off election is held when no candidate receives at least 50% of the vote; hence, there was no need for a run-off in the Second District in 1994.

⁸ \$1,050 of the Committee's expenditures are listed as payments for campaign ads broadcast on WTIX and WASO. This Office notes that, pursuant to 2 U.S.C. § 431(2)(A), an individual must receive contributions or make expenditures aggregating in excess of \$5,000 to be a "candidate," thereby triggering the Act's registration and reporting requirements for principal campaign committees.

⁹ No findings were ever made with respect to Robert Namer, John C. Lawrence, Julius Leahman, George H. Buck, Jr., June N. Phelps or Jacob E. Bogan. This Office also notes that on June 6, 1996, Congressman Robert Livingston requested in writing that the Commission inform him of the status of this case. On June 11, 1996, the Commission notified the Congressman of our procedures in these matters; accordingly, this Office does not believe that any further notification is warranted.

97043831590

If this Commission approves these recommendations, this Office will send admonishment letters to these Respondents.

III. RECOMMENDATIONS

- 1. Take no further action with regard to WTIX, Inc., America First Communications, Inc., d/b/a WASO, and Friends of Robert Namer and Barbara Namer, as treasurer.
- 2. Approve the appropriate letters.
- 3. Close the file.

Lawrence M. Noble
General Counsel

7/16/97
Date

BY: 
Lois G. Lerner
Associate General Counsel

Staff Assigned: Thomas J. Andersen

97043831591

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 WTIIX, Inc., George H. Buck, Jr.,)
 President, June N. Phelps, Vice)
 President, and Jacob E. Bogan,)
 Secretary;)
 America First Communications, Inc.,) MUR 4060
 d/b/a WASO;)
 Robert Namer;)
 Friends of Robert Namer and Barbara)
 Namer, as treasurer;)
 Julius Leahman;)
 John C. Lawrence.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 22, 1997, the Commission decided by a vote of 5-0 to take the following actions in MUR 4060:

1. Take no further action with regard to WTIIX, Inc., America First Communications, Inc., d/b/a WASO, and Friends of Robert Namer and Barbara Namer, as treasurer.
2. Approve the appropriate letters, as recommended in the General Counsel's Report dated July 16, 1997.
3. Close the file.

Commissioners Aikens, Elliott, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

Marjorie W. Emmons
 Marjorie W. Emmons
 Secretary of the Commission

7-23-97
 Date

Received in the Secretariat: Thurs., July 17, 1997 10:39 a.m.
 Circulated to the Commission: Thurs., July 17, 1997 11:00 a.m.
 Deadline for vote: Tues., July 22, 1997 4:00 p.m.

bjr

97043631592



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CONFIDENTIAL

July 31, 1997

June N. Phelps, Vice President
c/o WTIK Radio, Inc.
3313 Kingman St.
Metairie, LA 70006

RE: MUR 4060
June N. Phelps

Dear Ms. Phelps:

On October 4, 1994, the Federal Election Commission notified you of a complaint indicating that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended. After considering the circumstances of the matter, the Commission determined to take no action against you. Accordingly, the Commission closed its file in this matter on July 22, 1997.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Thomas J. Andersen

Thomas J. Andersen
Attorney

97043831593



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 31, 1997

CONFIDENTIAL

Robert Namer, President
Voice of America, Inc.
3313 Kingman St.
Metairie, LA 70006

RE: MUR 4060
Robert Namer

Dear Mr. Namer:

On October 4, 1994, the Federal Election Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended. After considering the circumstances of the matter, the Commission determined to take no action against you. Accordingly, the Commission closed its file in this matter on July 22, 1997.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Thomas J. Andersen

Thomas J. Andersen
Attorney

97043831594



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 31, 1997

CONFIDENTIAL

Jacob E. Bogan, Secretary
c/o WTIK Radio, Inc.
3313 Kingman St.
Metairie, LA 70006

RE: MUR 4060
Jacob E. Bogan

Dear Mr. Bogan:

On October 4, 1994, the Federal Election Commission notified you of a complaint indicating that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended. After considering the circumstances of the matter, the Commission determined to take no action against you. Accordingly, the Commission closed its file in this matter on July 22, 1997.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Thomas J. Andersen

Thomas J. Andersen
Attorney

Celebrating the Commission's 20th Anniversary

YESTERDAY, TODAY AND TOMORROW
DEDICATED TO KEEPING THE PUBLIC INFORMED

97043831595



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 31, 1997

Barbara Namer, Treasurer
Friends of Robert Namer
P.O. Box 19977
New Orleans, LA 70179

RE: MUR 4060
Friends of Robert Namer and
Barbara Namer, as treasurer

Dear Ms. Namer:

On March 7, 1996, you were notified that the Federal Election Commission had found reason to believe that Friends of Robert Namer and you, as treasurer ("Committee"), violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended. After considering the circumstances of the matter, the Commission determined on July 22, 1997, to take no further action against the Committee and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds you that accepting in-kind corporate contributions is a violation of 2 U.S.C. § 441b. You should take steps to ensure that this activity does not occur in the future.

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Barbara Namer
MUR 4060
Page 2

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Thomas J. Andersen

Thomas J. Andersen
Attorney

cc: Robert Namer

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 31, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Deidra Jackson
10500 Haynes Blvd.
New Orleans, LA 70127

RE: MUR 4060
Robert Namer, *et al.*

Dear Ms. Jackson:

This is in reference to the complaint you filed with the Federal Election Commission on September 27, 1994, concerning radio broadcasts by Robert Namer that aired in Louisiana's Second District in 1994 while Mr. Namer was a congressional candidate.

Based on that complaint, on March 5, 1996, the Commission found that there was reason to believe WTIK, Inc. ("WTIK"), America First Communications, Inc., d/b/a WASO ("WASO"), and Friends of Robert Namer and Barbara Namer, as treasurer, each violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Commission also found reason to believe that WTIK and WASO each violated 2 U.S.C. § 441d(a), and conducted a limited investigation of this matter. However, after considering the circumstances of this matter, the Commission determined to take no further action against these respondents, and closed the file in this matter on July 22, 1997. At the same time, the Commission admonished these respondents that making or accepting in-kind corporate contributions, and failing to provide proper disclaimers, are violations of the Act.

This matter will become part of the public record within 30 days. The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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Deidra Jackson
MUR 4060
Page 2

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Thomas J. Andersen

Thomas J. Andersen
Attorney

Enclosure
General Counsel's Report

97043831599



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 31, 1997

Dennis F. Begley, Esq.
Reddy, Begley & McCormick
1001 22nd Street, N.W.
Suite 350
Washington, D.C. 20037-1803

RE: MUR 4060
WTIX, Inc. and
George H. Buck, Jr., President
America First Communications, Inc.,
d/b/a WASO

Dear Mr. Begley:

On March 7, 1996, your clients, WTIX, Inc. ("WTIX") and George H. Buck, Jr., President, and America First Communications, Inc., d/b/a WASO ("WASO"), were notified that the Federal Election Commission had found reason to believe that WTIX and WASO each violated 2 U.S.C. §§ 441b and 441d(a), provisions of the Federal Election Campaign Act of 1971, as amended. After considering the circumstances of this matter, the Commission determined on July 22, 1997, to take no further action against WTIX and WASO and closed the file in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

The Commission reminds you that making corporate contributions and failing to provide proper disclaimers are violations of 2 U.S.C. §§ 441b and 441d(a), respectively. Your clients should take steps to ensure that this activity does not occur in the future.

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Dennis F. Begley, Esq.
MUR 4060
Page 2

If you have any questions, please contact me at (202) 219-3690.

Sincerely,

Thomas J. Andersen

Thomas J. Andersen
Attorney

97043831601



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 4060

DATE FILMED 8-26-97 CAMERA NO. 4

CAMERAMAN JMU

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