



NEW YORK
PUBLIC MEDIA

WLIW21

To: FCC Political File
From: Blanche Robertson, Associate Counsel, WNET
Date: August 7, 2012
Subject: Record of Request for Political Broadcast Time

Name of Person Making Request: Michael S. Levinson

Nature of Request: Request sent to General Manager of NJTV and WLIW21. See attached letter from Michael S. Levinson.

Disposition Made of Request: Request was denied. See attached letter from General Counsel of WNET, on behalf of NJTV and WLIW21.

Robertson, Blanche

Subject:

FW: Access request please forward to John Servidio

From: Michael S. Levinson [<mailto:mike@levinson4president.com>]

Sent: Sunday, July 15, 2012 2:59 PM

To: FCCClosedCaption; jacklegsjumpingup.lev@gmail.com

Subject: Access request please forward to John Servidio

Hello Mr. Servidio:

I, Michael Stephen Levinson am an independent "legally qualified" write-in candidate for president. I have an independent committee listed with Federal Election Commission: P00002568; a registered political campaign committee, Levinson for President C00350231, and a very substantial, much visited website:

This letter is a request for access under telecommunications laws, specifically 47 U.S.C. § 312(a)(7). I urge you, the PBS station manager to carefully read this *bona fide* request for access as I seek **three ninety-minute speeches** to be delivered in the sixty days before the election, November 6, 2012, my first presidential campaign speech, to air September 6, 2012 from 8:00 PM —9:30 PM.

<http://levinson4president.com> is my website address. My campaign website statistics show, for the month only of July, as of July 11, 2012: 1349 unique visitors, 2521 visits, 7434 page views and 15,840 hits. The website has a word-of-mouth life of its own.

The following video is a half hour campaign presentation I am starting to air on television stations around the country:

I try to publish at least one comment a day in **The New York Times'** on line moderated comments sections. The publication of more than 200 of my campaign comments is up to the online moderators. The following comment is located on Editorial Page editor Andrew Rosenthal's blog at the following Internet address:

<http://takingnote.blogs.nytimes.com/2012/07/06/opinion-report-us-and-pakistan-compromise/?comments#permid=3>

Please note the 3rd paragraph where I state: "I have stated in these pages in nearly 200 comments that a) i am an independent write-in candidate for president and b) I speak i win."

- Michael S. Levinson
- St. Petersburg, Florida

Approximately 60% of those qualified will vote. Of those 25% have not made up their mind. Translation: 25% will not vote for either of the party's anointed candidates and plan to not participate in voting for president—the lesser of two weasels just won't cut it this time around.

That leaves around one third of the voters actually voting for president.

18% of the potential voters could decide the election. That indicates a crisis in our democracy. I have stated in these pages in nearly 200 comments that a) i am an independent write-in candidate for president and b) I speak i win.

So my challenge to this newspaper. I come to your offices and address the editorial board and staff for one hour and then take any question on any subject for an additional hour—The Times records every word and puts the two hours up on the website and youtube.

I do the same thing in 49 other states' major noose papers, and without asking any person for a dime, with the total cost the fare from paper to paper we elect a president.

Would the two party's anointed candidates do the same?

<http://youtu.be/KWKMPRFNowM?hd=1.1;>

Fascist is the “F” word in our politics—fascists confuse reality.

The knee jerk fascist response to my access request is for the PBS station to claim Congress passed a law removing PBS stations from any obligation to the public interest—that PBS stations are no longer required to provide access to candidates for federal office and therefore, your door is closed to candidates for U.S. President.

Would you, the PBS station publish my access request on your website home page and announce to your website readers you are opposed to my exercising my First Amendment right to speak to the voters about my candidacy and the solutions I bring to the political table as an independent candidate for president, so you are denying my request for access to your PBS station and furthermore you will use the viewer's donation money to pay for the lawyers you will employ to demolish and stifle my first Amendment rights to speak, upon my redress of grievance in the courts?

Are you prepared to state that to your viewers? I suspect not.

I believe the Act of Congress, amending our §312 (a)(7) access statute, embedded in Miscellaneous Appropriations Act, appendix D, in Consolidated Appropriations Act, 2001 is unconstitutional and the amendment is being challenged for unconstitutionality, as I draft this access request to you, in three appellate courts.

The second part of the amendment, in my view, removes FCC jurisdiction over the access statute relative to PBS, so your unwillingness to open your doors to my request should lead us post haste into a federal district court, though I am filing this request with FCC and will seek immediate redress with the agency to exhaust my remedy.

That in itself is going to go against your station's fund raising efforts. Why should anyone in your audience donate any money to your station when you deny viewers

and listeners their opportunity to see and hear a candidate who seeks to be the president and stand before the viewers to state his case for election, grounded on explicit solutions to *prob limbs* facing our nation and the world?

Freedom of Speech is our essence—what distinguishes us from all the other nations. I am determined to speak, to exercise my First Amendment right, and in so doing become the next president of United States. Here is a passage from my **Television Scripture**, the prophetic hand lettered work of art I was inspired to create for purposes of performing—my “spoken poem for all man kind” written down, on all channels for all peoples in the world at once.

Amer e kins feel

All men are e quill

Lead ers come for word,

They have clear heads

Be gin in log ca bins

Rite, there own speech is

May ka lodda sense in

Don't raise there voice is

I bring to the table a **Vehicle for World Peace**, that, my hand lettered *mull tie ling well* Homeric tap-a-stream of the imagination, a work of art, lettered in design, 112 double column pages deep, to perform, like old blind Homer, from dusk until dawn, with every line a delicate sensible rhyme, with common sense laws, riddles and truth woven in.

The other candidates for president do not bring such a talent to the office of President of United States.

This is my primary plan as a candidate for president. I publicly chart the course for international world peace, beginning with a peaceful night, and then, as president, set the stage for a *whirled* wide all channels TV show for all the world's peoples to participate in together at once—to actually change the course of human history on good ship Mother Earth.

The Book ov Lev It A Kiss c. 1971 is an inspired work of Mosaic art. I was on a merchant ship 40 days and 40 nights, in 1969, when, in the wilderness of the ocean I was given “words for all mankind.” That is where my *authority* to deliver the world to peace derives, from my inspired prophetic work of art, though talk is cheap.

In each of my three planned broadcasts I will devote a certain amount of time to the **Television Scripture**, my **Vehicle for World Peace**, and how it will play live for all mankind together—how I am going to create live, a whole new book—an on-the-spot news event, so by the dawn the world, mostly all seven billion people asleep together will have a twelve hour video *trans crypt* of all that was said during the

world wide Big TV Show.

The following issues are to be explained in explicit detail during my three 90 minute political broadcast speeches:

The Book ov Lev It A Kiss, c. 1971 is a prophetic work, with many world events described in advance. For example, the arctic ice caps melting, The BP oil spill, the name of Pope John Paul I, a description of him passing away, the Persian Gulf War—where it would be fought, when, who would do the fighting, how it would turn out, Japanese Tsunami and nuclear melt down, more. President Nixon is described leaving the White House in disgrace.

These foretold world events will show the voters I have the prophetic words to deliver world peace to the world from the office of president and that is important. Rhyme is not a crime, especially rhyme coupled with good reason.

What follows are a few of the issues I plan to expound solutions to:

- 1.) My mortgage renewal plan saves every house and protects lender banks, with all homeowners gaining. That requires a full 15-30 minutes to do the mortgage renewal program justice.
- 2.) I have a credit card reform plan that does the same for credit card holders, as for mortgage payers, and at the same time improves our homeland security. My credit card reform requires 15-30 minutes to show how the expansion of the country's credit worthiness will immediately begin to rejuvenate our economy.
- 3.) My drug prohibition programs requires a full half-hour as my drug reform program includes the war in Afghanistan—how we should be fighting that undeclared war. Illegal drugs involve billions of dollars in illegal commerce that feeds criminal cartels. We must as a nation get a handle on this activity. I intend on explaining how we can do that to the benefit of all.
- 4.) Health care is an issue that won't go away. The week does not go by our House of Representatives does not vote to repeal the Act passed by Congress. My Medical Assurance program covers the whole country within six weeks, without an Act of Congress, but for a one-line change in the tax code.

My program will enable all the states to expand their Medicaid coverage without busting their state budgets! Every company that provides shared health care coverage for its employees will save money and the employees' coverage will be increased.

To fully explain why and how my Medical Assurance works requires 15-30 minutes of careful explanation, which the electorate, entitled to health care, is entitled to. Thirty minutes for this issue is very reasonable.

I have four explicit jobs programs that we could start to be having tomorrow a.m. My programs will employ long-term 5-7 million people.
- 5.) I propose we build ten thousand hybrid clipper ships to carry our imports and exports. The ships will be outfitted with solar voltaic sails to generate electricity,

winch driven rotational masts to catch every gust, and electric winches to raise and lower sails.

The ships will be powered by the sun and driven by the wind, crewed by college students paying reduced tuition, getting their lectures delivered over Internet, so with or without a cargo the ships are making money and pay for their building carrying cargo.

Shipyards connected to Universities and colleges will spring up wherever there is water and people need work, up and down the Great Lakes, the East, West, and Gulf Coasts.

As President I will use my influence to see university endowments invested in shipbuilding, so Harvard University might have forty ships in their fleet, freeing up 1600 seats for the freshman on land.

Companies, Apple is a good example, are sitting on hoards of cash with factories overseas producing products they sell in US. These companies, with tax incentives besides, will be encouraged to invest in clipper ships building. The clippers will carry their goods.

We can say to any country we will import all of your goods as long as your export goods come on our ships. 30 minutes for this issue is reasonable.

6.) Another of my proposals is to turn every residential house into an energy incubator. Every roof can be reroofed with solar voltaic shingles. Every roof can have passive solar panels to heat water, and every roof can have a residential wind turbine at the sidewall peak.

Then when a terrible storm comes and knocks out the electrical grid, people will not be prisoners in their homes, unable to keep their houses cool in brutal heat.

The utilities can underwrite the improvement loans and the loans can be repaid from the energy savings. Every home improvement company in the country will be hiring.

What is required of the President is an Executive Order suspending regulations that prohibit residential wind generators within city limits. 1-2 million jobs will be created from this energy money saving program.

7.) A 3rd job creation act requires an Executive Order: All the paper used by the Federal Government and all clothing worn by our military shall be manufactured from the production of industrial hemp, grown by American farmers.

We need to plant every available inch of lawn in USA with hemp and harvest the plant using technology to keep the carbon dioxide trapped. In this manner we have a chance as a world to absorb all of the man made carbon dioxide corrupting the balance of life on our planet. Every country uses paper. Every person wears clothing. We need to migrate from cotton to hemp! This hemp growing and plant maintenance will create an additional half million jobs.

The trees we don't cut down for paper products can be harvested to build the clipper ships.

8.) Finally there is the issue of ending the drug prohibitions and treating marijuana for what it is: a medicinal plant that should be available for all who use it without requiring a dr.'s prescription. This change in the laws via Executive Order needs at least a half hour of time.

Those who support the criminalization of a medicinal plant that grows in the ground have done a tremendous job demonizing the plant and creating false realities about the plant's properties. It is not good enough in any political campaign to state a position about these issues without a careful explanation.

Another of my plans, for national security purposes, is to nationalize the Gulf of Mexico oil wells. The BP seam, the scene of the blowout tapped into a wealthy of under—the-sea oil that runs the girth of the whole planet. There is enough oil there to pump ten million barrels a day every day for the next hundred years. We will become the world's largest oil producer and with the control of that oil be in an economic position to lead the world to peace.

The assets will go to cleaning the Gulf of Mexico ecology, paying all the residential real estate taxes nationwide, and providing free college education for all who qualify. This is not a ploy for votes! The issue is national security!

The reasonable amounts of time for only the issues presented herein easily cover three ninety-minute campaign speeches. The people are entitled to the exercise of their First Amendment right.

Please get back to me on your position relative to this request for access within 7 days. It is the right of the viewers and listeners that are paramount in a political election.

You are only custodians over the people's airwaves. In the event I am forced to obtain a court order you can expect to be removed from your position upon my election. American people have rights.

Michael S. Levinson

8601 9th St. N. # 9

St Petersburg, Fl 33702

mike@levinson4president.com

VIA FIRST CLASS MAIL

August 7, 2012

Michael S. Levinson
8601 9th St. N. # 9
St. Petersburg, FL 33702

Re: Access Request

Dear Mr. Levinson,

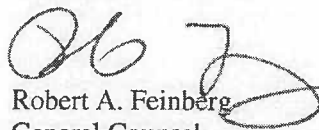
Your email directed to John Servidio, the General Manager of NJTV and WLIW21, was received (as enclosed) and forwarded to my attention for review, as legal counsel for the operators of the stations (the "Stations"). In your email, you requested access to the Stations' facilities as a "legally qualified" presidential candidate, pursuant to 47 U.S.C. §312(a)(7), to air three (3) ninety (90) minute speeches which you'll be delivering within the sixty (60) days prior to Election Day. This letter will serve as notice that the Stations cannot accommodate your request in their schedules.

Scheduling aside, as you noted in your request, the Stations, as noncommercial educational broadcast stations, are not subject to the access requirements of 47 U.S.C. §312(a)(7) - and determining the constitutionality of that exemption is an area better left to the courts. Furthermore, regardless of the exemption, your access request for 4 ½ hours of air time would not be considered reasonable, as it would have a "disruptive impact on [the Stations'] regular programming."¹

In addition, granting your request would put the Stations at risk of violating 47 U.S.C. §399, which bars noncommercial educational broadcast stations from supporting or opposing candidates for political office, and 47 U.S.C. §399b(a)(3), which prohibits noncommercial educational broadcast stations from airing programming which supports or opposes a candidate for political office in exchange for consideration (i.e., airing a political advertisement). Notably, the FCC has indicated in the past that the provision of programming may deemed consideration.

For the foregoing reasons, the Stations cannot accommodate your request.

Sincerely,


Robert A. Feinberg
General Counsel

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¹ CBS, Inc. v. F.C.C., 453 U.S. 367, 387-88 (1981). The court in CBS, explicitly mentioned "disruptive impact on regular programming" as one of several factors broadcasters must consider in evaluating a request for reasonable access.