

7. The F.C.C.'s Complete And Absolute Prohibition Of Micro Radio Broadcasting Violates Micro Radio Broadcasters' And Their Listeners' Right To Communicate Under The U.N. Declaration Of Human Rights, The International Covenant On Civil And Political Rights, And The American Convention On Human Rights.

Article 19 of the U.N. Declaration Of Human Rights and the parallel Article 19 of the International Covenant On Civil And Political Rights state:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information through any media and regardless of frontiers."

These international treaties promote recognition of the right to expression and information as a universal human right guaranteed by international law. The treaties expressly forbid undue restraints on freedom of expression, and require the government to establish, and substantiate if necessary, its justification for restrictions placed upon its citizens' right of free expression. (U.N. Human Rights Committee, Communication No. 11/1977, paragraph 17). Similarly, Article 13(2) of the American Convention on Human Rights requires that any governmental "restrictions imposed. . . on freedom of expression depend upon a showing that the restrictions are required by a compelling state interest," and that if there exist "various options to achieve this objective, that which least restricts the right protected must be selected." (Advisory Opinion of the Inter-American Court, 13 November 1985, 8 EHRR 165).

As signatory to these international treaties, the United States government has a responsibility to conform its regulation of the electronic broadcast media to the treaties' requirements. The complete and absolute prohibition of low-power micro radio broadcasting, wherein no aspiring broadcaster can obtain a license or F.C.C. permission under any circumstances whatsoever, is a blatant violation of this most fundamental of internationally recognized human rights.