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## FCC Head 'in Bed' With Business in Magazine Spread

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When you run an independent federal agency, you generally want to avoid the appearance of being in bed with lobbyists or big business.

So why is Federal Communications Commission Chairman Kevin J. Martin standing on an unmade bed in a hotel room in a glossy magazine photograph that also features an influential lobbyist and a communications executive?

Details magazine, which ran the picture in its June/July issue as part of a photo essay on people influential in the media world, showed the usually buttoned-up communications lawyer sans jacket and tie, his shirt open at the neck and his sleeves rolled up.

Perched on edge of the bed is Alex Vogel, a partner at the high-tech lobbying firm Mehlman Vogel Castagnetti, who is playing cards with Eric Logan, an executive at XM Satellite Radio, the District-based company that often has matters before the FCC. (Vogel and Logan are misidentified in the magazine's caption.)

The three men are on Details' list of 21 media mavericks whom the magazine describes as "quietly shaping your world" and "determining what you'll be watching and listening to in the near future."

The piece on the 21 gets prime billing in the magazine, which also includes an article on "24 of the best beers in the world" and one on "sex and the public restroom -- how the swankiest bathrooms became the new Motel 6."

FCC spokeswoman Tamara Lipper, asked about the photograph, said only: "We're FCC bureaucrats. We were happy to be with Ashton Kutcher." The actor turned producer was among those featured in another photo.

The Martin photograph caused perplexity in Washington telecom circles. Martin has a reputation as a shrewd political operator who is disciplined in his dealings with the media.

"It probably seemed okay at the time, but in light of the flap that has ensued, I am sure chairman Martin has come to regret taking this picture," said Andrew Jay Schwartzman, president of the Media Access Project, a public interest law firm that often takes positions against major media companies at the FCC.

"Didn't the guy realize there is a phrase 'you are in bed with the industry'? It is incredible," said Jeff

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Chester, executive director for consumer-advocacy group Center for Digital Democracy and a frequent critic of Martin and the agency.

"I think the chairs of the FCC should be above reproach, should have a open mind on the issues and certainly not be seen in bed with lobbyists metaphorically, pictorially or otherwise," Chester said.

A spokesman for Logan's company, XM, declined to comment on the photo. Vogel, the lobbyist, said the magazine photographer had choreographed the photo shoot and posed the men for the shots but did not appear to know what each did for a living.

"The fact that Kevin is standing on the bed and I am sitting on the bed and everyone in Washington is like 'Oh my God, it's a regulator in bed with a lobbyist' -- I honestly believe that didn't necessarily occur to the photographer," Vogel said. "They certainly took other pictures and they decided to use that one because they are trying to sell magazines."

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