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July 20, 1995

VIA FEDERAL EXPRESS

Thomas D. Fitz-Gibbon, Atty.
F.C.C.
2025 M Street, N.W.
Room 5328
Washington, D.C. 20554

Ref: Herbert L. Schoenbohm; WT Docket 95-11

Dear Tom:

I am exchanging herewith a complete set of Mr. Schoenbohm's exhibits to be introduced in evidence at the forthcoming hearing. There are two new exhibits: a statement of John Dellinger; and another statement from Mr. Schoenbohm, expressly addressing the ex parte issue.

I have taken the liberty of re-exchanging everything that has previously been exchanged and assigning serial exhibit numbers to everything. Altogether you should have eight exhibits (Ex. #8 being the tape recording), numbered Schoenbohm Exhibit 1 through Schoenbohm Exhibit 8.

Very truly yours,



LAUREN A. COLBY
Attorney

LAC/tdm

Enclosures

cc: ALJ Edward Luton (Federal Express)
Mr. Herbert Schoenbohm

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

In the matter of)
)
HERBERT L. SCHOENBOHM) WT Docket No. 95-11
Kingshill, Virgin Islands)
)
For Amateur Station and)
Operator Licenses)
)
)
TO: The Honorable Edward Luton
Administrative Law Judge

EXCHANGE OF EXHIBITS OF HERBERT L. SCHOENBOHM

Law Office of
Lauren A. Colby, Esq.
10 E. Fourth Street
P.O. Box 113
Frederick, MD 21705-0113
(301) 663-1086

Counsel to Herbert L. Schoenbohm

TABLE OF EXHIBITS

1. Declaration of Herbert L. Schoenbohm (Sponsor: H. Schoenbohm)
2. Declaration (Sponsor: H. Schoenbohm)
3. Transcript of LeBlanc Tape Recording (Sponsor: H. Schoenbohm)
4. Declaration (Sponsor: Delegate Victor O. Frazer)
5. Affidavit (Sponsor: Malcolm B. Swan)
6. Declaration (Sponsor: John Dellinger)
7. Statement of Herbert Schoenbohm (Sponsor: H. Schoenbohm)
8. LeBlanc Tape Recording (already exchanged)

Federal Communications Commission

Docket No. WT 95-11 Exhibit No. 1

Presented by HERBERT SCHOENBOEN

Disposition	}	Identified	<u>✓ 8/8/95</u>
		Received	<u>✓ 8/8/95</u>
		Rejected	<u> </u>

Reporter M.K. FLEISHMAN

Date 8/8/95

Schoenboen 1

5. I have used my amateur radio license for good purposes. Attached hereto and marked Exhibit 1-A is a letter from FCC Commissioner Margita E. White, dated in March of 1978, appointing me as Chairman of the State Emergency Communications Committee for the Virgin Islands, a post which I held until my conviction. Attached and marked Exhibit 1-B is a letter dated May 29, 1981, from FCC Commissioner Joseph R. Fogarty, sending me a Planning Award for the work which I did as Chairman of the State Emergency Communications Committee in setting up the plan for the Virgin Islands. Attached and marked Exhibit 1-C is a communications dated June 15, 1987, from the FBI, commending me for my assistance in apprehending one Eduardo Mena, a man who attempted to hijack a Virgin Islands seaplane shuttle plane to Cuba. I might add that at the request of the FBI I used my amateur radio equipment in connection with this incident.

6. During the famous 1969 journey of Thor Heyerdahl across the Atlantic Ocean in the reed boat "Ra", I was in daily contact with the Ra and, when the boat finally had to be abandoned, I was the person who received the information by ham radio and succeeded in arranging for his safe rescue at sea. Under date of November 14, 1979, I received a commendation from the Government of the Virgin Islands for my service through ham radio in providing communications during the tropical storms (Hurricane David and Hurricane Frederick). A copy of the commendation is attached and marked Exhibit 1-D. I also used my ham radio communications in an effort to save lives and property during Hurricane Hugo and, on December 14, 1989, I received a commendation for that work from the Virgin Islands Police Department, a copy of which is attached and marked Exhibit 1-E. On October 12, 1992, the American Red Cross cited me for the work which I did through ham radio in providing communications during Hurricane Andrew. A copy of that citation is attached and marked Exhibit 1-F.

7. Ham radio is an important part of my life. Looking back on matters, I believe that I sometimes took my hobby too seriously and made myself into a self-appointed vigilante, looking for violations of the FCC amateur rules and going out of my way to call violations to the attention of my fellow amateurs. At times, I believe that I may have been rude. I am sorry for that. It made me a controversial figure. Of course, when there were genuine violations, I had a responsibility to point them out, but I could have done so kindly and gently. That will be my policy in the future if my license is renewed. Indeed, if my license is renewed, either unconditionally or conditionally, I shall be unfailingly polite, civil and temperate in dealing with my fellow amateurs.

Further declarant sayeth not.

Dated:

Aug 8, 95

HERBERT L. SCHOENBOHM

By:

[Signature]

FEB 1978

IN REPLY REFER TO 2530

Mr. Herbert Schoenbohm
Chief Engineer
Radio Station WSIX, WIVI-FM
P.O. Box 2570
Christiansted, St. Croix 00820
Virgin Islands

Dear Mr. Schoenbohm:

I have the privilege of offering you this appointment to serve as Chairman of your State Emergency Communications Committee.

The State Emergency Communications Committees (SECCs) not only coordinate state and local emergency communications planning, in conjunction with their subcommittees, the Operational Area Emergency Communications Committee (OAECCs), but they also act as extensions of the National Industry Advisory Committee (NIAC) in providing liaison between the FCC and the communications industry. I believe that SECC Chairmen and Vice-Chairmen will continue to be singularly effective in their dual contributions to local and national planning efforts.

Enclosed are a description of the organization, functions, and responsibilities of the State and Operational Area Emergency Communications Committees; the Organization Chart; the current Detailed Operational Plan; the EBS Rules and the EBS Checklists.

Your appointment is for an indefinite term. When eventually it becomes necessary for you to resign, it is requested that you notify the NIAC Executive Secretary and, if possible, recommend a replacement. As usual, any appointment can be terminated without cause by the Commission, effective upon receipt of written notification.

Formal acceptance of this appointment would be appreciated.

Let me express my appreciation for your cooperation and assistance as an official of your State Emergency Communications Committee.

Sincerely,

Margita E. White

Margita E. White
Defense Commissioner

Enclosures

Schoenbohm
Exhibit 1-B

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

May 29, 1981

IN REPLY REFER TO:

2540

Mr. Herbert Schoenbohm
WSTX
P. O. Box 2570
Christiansted, St. Croix,
Virgin Islands 00810

Dear Mr. Schoenbohm:

It is with pleasure that I send you the Emergency Broadcast System (EBS) Planning Awards for the Virgin Islands. The awards are presented in appreciation to those broadcast industry personnel for their voluntary work in developing EBS plans for the Virgin Islands. The awards may be presented at a place and time that you deem appropriate.

Sincerely yours,

Joseph R. Fogarty
Joseph R. Fogarty
Defense Commissioner

Enclosures

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply Please Refer to
File No.:

General Post Office Box BT
San Juan, Puerto Rico 00936
June 15, 1987

Herb Schoenbaum
Chief of Communications
U.S. Virgin Islands
P.O. Box 1440
Kingshill, U.S.V.I. 00850

Dear Chief Schoenbaum:

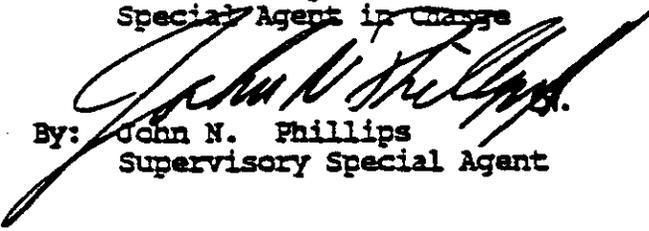
This letter is to express my sincere appreciation for your department's and your personal efforts on the night of June 5, 1987. Your rapid response to inquiry as well as the searching for individuals and information is a credit to yourselves and law enforcement in general. Your cooperation significantly contributed to the successful surrender of Eduardo Mena, without the loss of life or property.

Relative to the radio jamming, a review of the matter reveals the agency of prime jurisdiction is the Federal Communications Commission (FCC) and I see by the enclosure of your letter dated June 8, 1987, this matter was referred to them.

Thanking you again for your help in this matter.

Very truly yours,

James C. Esposito
Special Agent in Charge


By: John N. Phillips
Supervisory Special Agent

GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

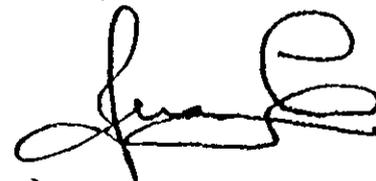
Commendation

FOR OUTSTANDING COMMUNITY SERVICE
TO THE PEOPLE OF THE VIRGIN ISLANDS
THIS COMMENDATION IS AWARDED TO

HERB SCHOENBAUM

As acknowledgement of and recognition for unselfish service
during the tropical storms which affected the Virgin Islands in 1979.

In testimony whereof, I have hereunto set my hand and caused the seal of the
Government of the Virgin Islands of the United States to be affixed at Charlotte Amalie,
St. Thomas, Virgin Islands, this FOURTEENTH day of NOVEMBER in
the year of our Lord one thousand nine hundred seventy-nine.



JUAN LUIS, Governor

Schoenbohm
Exhibit 1-D

GOVERNMENT OF
THE VIRGIN ISLANDS OF THE UNITED !

MILTON A. FRETT
COMMISSIONER

VIRGIN ISLANDS POLICE DEPARTMENT

Office of the Police Commissioner

CRIMINAL JUSTICE COMPLEX
CHARLOTTE ANALIE
ST. THOMAS, V.I. 00902

LEANDER JURGEN COMMAND
CRUZ BAY
ST. JOHN, V.I. 00830

PATRICK SWEENEY HQTRS.
RR-02, KINGSHILL
ST. CROIX, V.I. 00850

December 14, 1989

TO: Police Officer Dexter Mardenborough
Chief of Communications Herb Schoenbohm

From: Milton A. Frett *Milton A. Frett*
Police Commissioner

It is a pleasure for me to inform you that you were selected "Hurricane Hugo Heroes" for the V.I. Police Department, St. Croix District. During the hurricane on September 17, 1989, you performed heroic deeds by evacuating citizens from their damaged homes and working tireless hours above and beyond the call of duty.

Mention will be made of your heroic deeds at an Awards Luncheon to be held on December 15th at Bluebeard's Castle Hotel.

I commend each and everyone of you for the fine job you did.

cc: Assistant Commissioner Anthon Christian
Deputy Chief of Police Franz Christian, St. Croix
Personnel Management Bureau
Officers' personal files



American Red Cross

Bluegrass Area Chapter
1450 Newtown Pike
Lexington, Kentucky 40511
(606) 253-1331
FAX (606) 254-6355

October 12, 1992

Mr. Herbert S. Schoenbohm, KV4FZ
Box 2570
Christiansted, American Virgin Islands 00820

Dear Mr. Schoenbohm,

On behalf of the Bluegrass Area Chapter of the American Red Cross, we wish to express our sincerest appreciation to you for all of your work during Hurricane Andrew. As a result of your involvement with the Amateur Radio Relay League, we were able to reassure hundreds of Central Kentucky families that their relatives were okay.

To you, and each of the Amateur Radio Society members, we say a heartfelt "Thank-You".

Sincerely,


Carolyn Elliott, Director
Disaster Services



A UNITED WAY Agency serving
Bourbon, Clark, Estill, Fayette, and Powell Counties

Federal Communications Commission

Docket No. WT 95-11 Exhibit No. 2

Presented by HERBERT SCHOEBOHM

Disposition	}	Identified	<u>✓ 8/8/95</u>
		Received	<u>✓ 8/8/95</u>
		Rejected	<u> </u>

Reporter M. K. FUEISHMAN

Date 8/8/95

Station No. 7

Federal Communications Commission

Docket No. WT 95-11 Exhibit No. 3

Presented by HERBERT SCHOEBOM

Disposition { Identified ✓ 8/8/95
Received ✓ 8/8/95
Rejected (PORTIONS REJ'D)

Reporter M.K. FLEISHMAN

Date 8/8/95

Schoen, Ex. 3

1
2 LeBlanc: Today is the 3rd of April 1995...a Monday...times in
3 Universal coordinated times frequencies in megahertz on both sides
4 of this cassette
5
6 Voice clock: One four point three one three zero zero
7
8 Schoenbohm: Boy, I'll tell you, it's great making your
9 acquaintance once again and hopefully if I am back, about all the
10 jamming that's on here that hasn't changed much. There's a bunch
11 of stations that believe in using their amateur radio stations as
12 weapons of mass destruction here, offensive weapons. [pause]
13
14 Again, [listening to a remark from someone else not heard on
15 LeBlanc tape]
16
17 They think they are getting by with it and think that the federal
18 government is on their side and no matter what they do or how
19 horrific their kind of operation is or how ridiculous they sound or
20 whatever their conduct is that they are justified in doing it.
21 [pause]
22
23 [Other transmission inaudible on LeBlanc tape - 14 seconds]
24
25 Schoenbohm: OK, my pleasure too Ken, lets do it more often. Alfa
26 Alfa Four Barking Dog KV4FZ. [3 seconds pause] Okay who is the
27 breaker? [Schoenbohm listens]
28
29 AB4QW? [Schoenbohm listens again]
30
31 OK fine Mac, AB4PW, nice to hear you, Mac!
32
33 [Malcom Swan, AB4PW 570 E. Hobcaw Dr., Mount Pleasant,
34 SC 29464 Tel: 803 884-4787]
35
36 Uh, do you hear the jamming on here?
37
38 AB4PW: [Transmission inaudible on LeBlanc tape - 17 seconds]
39
40 Schoenbohm: Well, you have a few, a few months of, uh, really
41 delightful weather and then of course the heat and humidity of the
42 summer is upon you. Uh, but it doesn't change much down here. Of
43 course, one thing nice about down here is you get used to it.
44
45 AB4PW: [Transmission inaudible on LeBlanc tape - 13 seconds]
46
47 Schoenbohm: No. No in fact I don't even have it here at the house
48 because I am up on a hill about 400 feet above sea level, a ridge
49 here and nice easterly winds blow, blow across the QTH [station
50 location] and really cool things down, I've got a ceiling fan one
51 of those, ceiling fan that's really all that you need just to move
5. some air...

1 AB4PW: [Transmission inaudible on LeBlanc tape - 45 seconds]
2
3 Schoenbohm: OK, well what I have done is taken my monobander and
4 put it back up. Uh, my 90 foot tower is down. I finally got it
5 down. It's going to be reconstructed at a different location.
6 I've got the monobander up on a wooden pole, it's up there all by
7 itself. No guy wires. Just a straight wooden pole. It seems to
8 really like that, having a nice flat ground around it. Uh, no
9 interfering wires or other antennas. It really seems to play well,
10 although it's only approximately 60 feet off the ground. I'd like
11 it a little higher, it was 80, uh 82 feet I think before, but,
12 whether it's 60 feet or 80 feet, I don't think it really makes that
13 much difference except on particular skip [indistinguishable word].
14 For short into Florida it seems to have improved things. Go ahead.
15
16 AB4PW: [Transmission inaudible on LeBlanc tape - 70 seconds]
17
18 Schoenbohm: You know, I've heard it. I've seen this MININEC. I
19 have the propagation chart here. There are some angles that seem
20 to indicate, but I guess, here on 20 [meters], our really long,
21 long haul stuff, uh, there is a decided advantage, uh, or
22 noticeable advantage and but for stateside, it may be a
23 disadvantage on some things close in. At least you gonna have
24 [indistinguishable] lots of signal. I guess there are some heights
25 that are dangerous on 20 meters, but, uh, to be avoided, I guess
26 there are on any band as a matter of fact. [pause] Hold on for
27 just a minute. Somebody is playing a tape [on frequency] let me
28 stand by for just a minute so the FCC can triangulate this. [after
29 40 seconds LeBlanc tunes to a different frequency]
30
31 LeBlanc: Fourteen Three Hundred
32
33 Female Voice: [Unintelligible] Are you there sir? I don't hear
34 any, would you like to be listed? Hopefully, this is intercon
35 HP1XXS net relay. Any stations not copying net control, uh, uh,
36 K9AE stroke C6A.
37
38 LeBlanc: W4BOZ
39
40 Female Voice HP1XXS: VP2VR, go ahead.
41
42 VP2VR: Yeah thank you Sheryl, I'm looking for KAORGW, KA0GRW,
43 VP2VR.
44
45 Female Voice HP1XXS: RGW are you there? [pause to listen] Do you
46 want to stay listed?
47
48 VP2VR: Negative Sheryl, I'll be standing by. Thank you for
49 everything. VP2VR.
50
51 HP1XXS Female Voice Sheryl: OK thank you. Uh, any other stations
5 for the intercontinental traffic net? HP1XXS net relay.

1 LeBlanc: Whiskey Four Bravo Oscar Zulu
2
3 HP1XSS: KC4WII do you have a copy on me? Good morning. [pause for
4 14 seconds] OK. [unintelligible words] Uh, KB4BII HP1XXS clear,
5 W4BOZ good morning Hugh.
6
7 LeBlanc: Good Morning. Ask Mel if he got, uh, since Eric has come
8 back from the states I think if he got it lined up for his relief.
9 Go ahead.
10
11 HP1XXS: Was he expected to take it today?
12
13 LeBlanc: Dub dub. No, I said HK3IGH has come up to the states.
14 He won't be on the air until the next hour after Mel, after Mel. He
15 would normally relieve Mel and he won't be there so he has made an
16 arrangement to run a net following his.
17
18 [After 13 seconds of unheard communications at LeBlanc's
19 site]
20
21 HP1XSS: OK fine, W4BOZ he says he doesn't have anyone lined up but
22 he will try to be grateful, however, he is possibly there for a
23 couple of [not distinguishable]
24
25 LeBlanc: Tell him that HK3IGH will be gone for at least 6 months.
26 Go ahead
27
28 HP1XSS: OK, uh. I going to let you know that HK3IGH will be gone
29 for about six months over.
30
31 K9AE/C6A: [Other station not heard on LeBlanc's tape.]
32
33 HP1XSS: OK uh thank you very much Hugh for that information. And
34 stations not copying net control. HP1XSS Nothing heard.
35
36 [15 second gap of no information or noise recorded]
37
38 [LeBlanc tunes to Schoenbohm frequency, 14.313 MHz, in middle of
39 sentence]
40
41 Schoenbohm: ... and ham radio operation operates not under the
42 public interest and convenience but under the basis, purpose and
43 scope as articulated under Part [Title] 47 C.F.R. Part 97
44 subsection 97.1 which indicates the basis, purpose and scope. It
45 is not unless someone wants to make the image in their mind, we do
46 not operate in the public interest, necessity and convenience. Uh,
47 we do not, are not required to provide public interest
48 transmissions. We are not required to engage in, uh, public
49 service announcements on our radio, there is no such requirement,
50 there is an option. We are allowed to do it,
51 but we are not required to do it. On the same, on the other, on
5: the other hand is radio stations must, in order to be licensed,

1 must demonstrate that they operate in the public interest necessity
2 and convenience, to grant a broadcast licensee access to spectrum.
3 Hams, on the other hand, amateur licensees are [licensed] pursuant,
4 in addition to the Communications Act of 1934, to a vast array of
5 international treaties, and the establishment of our qualifications
6 is outlined in the the basis, purpose, and scope of Part 97. That
7 is our charter. Under 97.1 which states in pertinent part that we
8 are allowed to operate for the furtherance of the
9 telecommunications, er the communications art, uh let me read them
10 for you. Recognition, uh, on the following principles, the
11 fundamental purpose. "The fundamental purpose of the amateur radio
12 service is the recognition and the enhancement of the value of the
13 amateur service to the public as a voluntary non-commercial
14 communications service, particularly in respect to providing
15 emergency communications, and continuation and extension of the
16 amateur's proven ability to contribute to the advancement of the
17 radio art and encouragement and improvement of the amateur service
18 through rules which provide for advancing skills in both the
19 communications and technical phases of the art." I think we could
20 make an argument that the FCC has provided rules that resulted in
21 the degeneration of the particular goal, but nonetheless I'll
22 continue. "Expansion of the existing reservoir within the amateur
23 service of trained operators, technicians, and electronic experts
24 and the continuation and extension of the amateur's unique ability
25 to enhance international goodwill." Now, nope

26
27 LeBlanc: [speaking to himself] He really enhances goodwill.
28

29 [19 seconds of receiver noise]
30

31 LeBlanc: He reads the rules and the rules and the rules and what
32 not but he has no sense of values whatsoever; no consideration for
33 anybody other than Schoenbohm. The rights of other people don't
34 mean anything to him. [pause] He is going to police the Federal
35 Communications Commission. He's gonna police all the hams in the
36 world, including the ITU, whatever, the original ugly American,
37 ugly American known all over the world as an ugly individual.

38
39 [14 seconds of receiver noise]
40

41 LeBlanc: Whiskey Four...psycho.. .Ego maniac.
42

43 [17 seconds of noise and carrier]
44

45 Schoenbohm: Well there is little one can do when a bureaucracy or
46 bureaucratic agency has made up their mind, uh to go after someone.
47 And it's just frightening the kind of power the federal government
48 has and don't confuse them with the facts or the truth, there are
49 so many cases of this, the over, the overburden, the over bearing,
50 once they start the machinery going, uh, it is not, it is not easy
51 at all to stop. When they target somebody, uh, and then they make
5 their reports and decide that they're going to finalize the

1 situation. Sometimes it ends up very harmful for the individual.
2 When the decide to get somebody, they're gonna get somebody,
3 they're not interested in figuring out why. You know when an FBI
4 agent comes to talk to you and he seems like a clean cut American
5 nice guy, now he is only interested in information to put you away.
6 He is not interested in helping you out, he is not, you know. This
7 is the game they play. They've got a job to do, I'm not blaming
8 the FBI agent but they're interested in getting somebody in
9 trouble, or else they wouldn't be there in the first place. And uh
10 you've got to be extremely careful what you say to a federal agent
11 because they are going to use anything they get against you.
12 Precisely anything that they can get out of you they are going to
13 use against you if they can. Uh because that's their mission. Uh
14 in this particular case the FCC is decided to go after somebody.
15 It doesn't really matter about due process or an adversary
16 proceeding or finding out what the issues are and then deciding
17 them. It's a matter of getting the job done. And you can't, there
18 is very little you can throw in the way of a federal steamroller uh
19 to try to stop them. If you stand in front of them you're gonna
20 get crushed, and they have the power of intimidation and coercion
21 to make you comply with their demands and if you don't your going
22 to get hurt. Uh I will most likely not win the first rounds of
23 this with the Commission. My only hope is in successive rounds.
24 Uh, if I still have the financial resources to carry it out, and I
25 can get some justice. But you're not going to do it in a situation
26 where you've got the fox is guarding the chicken coop; only the fox
27 being the jury at the goose's trial..uh...I'm sorry...[Schoenbohm
28 listens for a comment].

29
30 Schoenbohm: Guilty of what?

31
32 [Schoenbohm listens but answer not audible on LeBlanc's recording]

33
34 Schoenbohm: So I am guilty of the things I've been charged with?
35 Uh, what have I been charged with?

36
37 [Listening for answer...other station not audible on LeBlanc's
38 tape]

39
40 Schoenbohm: Yeah, but what have I been charged with? You must
41 know.

42
43 Schoenbohm: Well I want you to tell me what you know.

44
45 [Schoenbohm listens to answer not heard on tape]

46
47 Schoenbohm: Well quite the contrary. In fact, I was found innocent
48 of most, of all the charges save one and that one has been vacated.
49 So I beg to differ with you. Just because somebody accuses
50 somebody of something doesn't mean that they are automatically
51 guilty. AB4QW, PW. Boy, I will get your call right. KV4FZ

5

1 [Other station inaudible on LeBlanc's tape - 38 seconds w/noise]

2
3 Schoenbohm: Well I'm not allowed, I'm not allowed under Ex-Parte
4 Rules to ask for assistance of, with people in political positions
5 but other people if they feel that government is overbearing or I'm
6 being treated unfairly, have every right to point this out to their
7 elected representatives. Congressional inquiries may indicate that
8 these things will be conducted under the scrutiny of greater
9 illumination but I am not permitted under ex-parte rules to engage
10 in asking for assistance. We don't have Republican here but the
11 person elected to Congress presently is from here. He is an
12 independent. He is a wonderful person and I was very, very
13 instrumental in getting him elected to Congress. If you [covered
14 up by LeBlanc's remark]

15
16 LeBlanc: That's a bunch of bull.

17
18 Schoenbohm: ... presently though, he is a non-voting delegate. We
19 don't have a vote except in committee and I just don't know what he
20 could do in a situation like this but I am not permitted, I'm not
21 permitted at this time because of ex-parte rules to make any
22 requests of political intervention. Other people could do it if
23 they are so disposed but I can't do it. Go Ahead.

24
25 LeBlanc: That's a lot of crap! [Covering up a portion of
26 Schoenbohm]

27
28 Schoenbohm: It's in the Longworth building in Washington, D.C.

29
30 AB4PW: [Not heard on LeBlanc's tape]

31
32 Schoenbohm: Victor Frazer, F R A Z E R , Victor Frazer. His
33 phone number is area code 202-225-1700.

34
35 AB4PW: [Not heard on LeBlanc's tape - 33 seconds]

36
37 Schoenbohm: Well, what it is is that Ruth Hoffman of the
38 Intercontinental net has been lobbying with a gentleman by the name
39 of William T. Cross, who is in the Wireless Bureau. It's the same
40 bureau that's bringing the action and she's been pushing and
41 pushing and pushing for this and has encouraged people to write
42 letters to their, their congressmen and their senators to force
43 some kind of action and there is a long paper trail of people in
44 the Intercontinental net that have been involved with this. She is
45 like Salome doing the Dance of the Seven Veils for the head of John
46 the Baptist. They want in the worst way, the worst way for KV4FZ
47 to be punished again, apparently, for being unlawfully convicted in
48 the first place, which was a conspiracy by hams that testified and
49 perjured themselves. At least the Third Circuit Court of Appeals
50 realized on what the convictions were based on false testimony and
51 the government's expert witness, KP2A, uh had a personal grudge
52 against me. And he is the one who manufactured these phoney lists

1 of phone calls that he claimed and he swore under oath that his
2 expert testimony, revealed to him that I made when, in fact, that
3 the government knew all along that those telephone calls had no
4 connection to me in any way at all. But the problem is that once
5 you get, once you get a federal conviction, there are people that
6 will attach some other kind of action to it, and keep doing that,
7 and keep using that as a way to, uh ... You've heard the people on
8 the air for the last two years "A convicted felon" "A convicted
9 felon shouldn't be on ham radio." Well that's not true. There
10 are hundreds of convicted felons that are ham radio operators that
11 are on the air [covered up on tape by LeBlanc talking to himself]
12

13 LeBlanc: Bull!

14
15 Schoenbohm: ... well it's just a matter of well we [referring to
16 his detractors] have an issue here that we can utilize because
17 we've tried everything else, we've made representations to the FCC
18 over the past five years or ten years that KV4FZ does just terrible
19 things on ham radio but the Commission can't find anything so
20 terrible that they can stop his operation. And to the monitoring
21 stations that listen and make the thousands of hours of tape they
22 can't find a single incident in ... [covered up on tape by LeBlanc
23 talking to himself]
24

25 LeBlanc: That's a lot of crap, lot of crap. The FCC if they did
26 monitor they could get dozens of violations.
27

28 Schoenbohm: You have revoked someone's license..[covered over on
29 tape by LeBlanc talking to himself]
30

31 LeBlanc: I have tapes here with violations galore.
32

33 Schoenbohm: ... have the burden of proving whatever it wants to
34 prove why [the action] it should be justified. When you renew
35 somebody's license or refuse to renew it, then the burden has
36 shifted to the applicant. And they have no burdens whatsoever
37 [garbled word] just to point fingers. That's the only burden they
38 have, and then I asked them what are the standards, what are these
39 standards of qualifications that must be met? They refused to tell
40 me.
41

42 AB4PW: [Remarks not heard on LeBlanc's tape with 54 seconds
43 of receiver noise.]
44

45 Digital Female Voice generated by LeBlanc's receiver: Twelve
46 twenty nine.
47

48 Schoenbohm: [pickup of communication already in progress] All I
49 needed was Banaba and that was supposedly on too but... ..
50

51 [54 seconds of receiver noise]
52

53

1 Schoenbohm: That was the same thing. The reason I went to Navassa
2 because Don Miller's operation was, was destroyed, uh, previous to
3 that because he had not obtained permission from the Coast Guard
4 but I did get the coast guard permission when I went to Navassa in
5 1969 and that's kinda weird when they do that but they're afraid
6 that they [ARRL] had permitted Gus Browning's sneak operations to
7 a bunch of sneak operations across borders with places like China,
8 and where else did he go, to Tibet or some nonsense and I'm not
9 going to get involved in that [garbled words]. That was ancient
10 history and there was a question about whether he was actually
11 there. There were so many of Dick McChirchner's operations from
12 all these African countries that those people admit took place from
13 one country while he was there on assignment. They [referring to
14 the American Radio Relay League who administers the DXCC program]
15 have a different, uh different set of regulations [garbled words]
16 for different people who have come to be disfavored with the DXCC.
17 In the old days [garbled words] give you a rough time. You know
18 when they ask me to certify my operation in West Africa last year
19 in April, I was there and had a license and had permission to be
20 there, but I am sure somebody will raise the issue and I will have
21 to prove by my passport pictures and stamps that I was there during
22 the time of the operation. [six seconds of receiver noise]

23
24 LeBlanc: Who gives a damn if he was in Africa at that time?

25
26 Schoenbohm: No I wasn't [garbled word] mounting a major DX
27 effort. I was in a luxury hotel on the beach while doing a project
28 over there and I just had the ham rig and a sloping dipole. Talked
29 to a, talked to a few friends on 313 [14.313 mhz] and I did work
30 some nice pileups from over there. And this was fun but it wasn't
31 a major DX effort. In fact, I'd say "hold on for just a minute
32 I'll be back in a hour and a half cause I've got to go down to the
33 ...I've been called to supper" and it was really a very nice place.
34 A fancy place, on the beach, 5 star resort with just absolutely
35 superb appointments, with everything taken care of on the expense
36 account and I was [garbled words] to entertain the people while I
37 was there, played the piano and did some singing with the band and
38 the European girls thought I was out of sight. They [garbled
39 words] actually thought I was Andy Williams, whatever. So I didn't
40 have a lot of time for ham radio because I was working during the
41 day and doing a lot of socializing at night. [covered up by LeBlanc
42 on tape]

43
44 LeBlanc: Good deal. Good deal.

45
46 Schoenbohm: The elections were taking place in South Africa and
47 there was a lot of political concern for that. Getting back to the
48 other thing. I think there is one thing that can be established.
49 If you have observed KV4FZ operating his station in a manner that
50 you think is beneficial to communications, emergency communications
51 or during Hugo [Hurricane] or hurricane Andrew, Hurricane Frederick
52 or Bob, I don't go back to [hurricane] David and hurricane Gilbert,

1 the one in Jamaica. If you have any indication or observation that
2 is something you could raise in a letter to someone else, if you
3 have observed it, it may have an impact. I don't know if the other
4 things will or will not, but you may ask. I think what you should
5 do, if it were me I would ask the question of the gentleman that
6 you plan to write whether or not he feels, he feels the
7 cancellation or the refusal to renew the license of KV4FZ would
8 have a negative impact on the communications readiness and
9 preparedness. [covered up on tape by LeBlanc taking to himself]

10
11 LeBlanc: It will have absolutely no effect whatsoever. He
12 violated all the rules in the distress cases and everything else.

13
14 Schoenbohm: Whether or not to renew the license or the failure to
15 renew the license would have a negative impact on the people of his
16 constituency, that might make a difference, but I, it would depend
17 on how things are crafted. AB4PW, KV4FZ

18
19 LeBlanc: Bull Crap. Writing letters in his favor. He accuses
20 other people of writing letters like [garbled word] and they can't
21 do nothing to him.

22
23 [followed by noise for 70 seconds then LeBlanc changes
24 frequency again to listen to 14.300]

25
26 LeBlanc: There is a QSO on top of Mel on fourteen three
27 hundred.

28
29 Unidentified Spanish transmission on 14.300:

30
31 LeBlanc: [transmits on 14.300] Frecuencia est ocupado por favor
32 Intercontinental Net Spanish communication:

33
34 LeBlanc: [interrupts again] Senor esta frecuencia est ocupado de
35 red intercontinental por favor uso en outro frecuencia. K9AE W4BOZ
36 you've got a Spanish station on top of you, Mel.

37
38 [Spanish stations continue their communication]

39
40 LeBlanc: They didn't hear it, Mel. W4BOZ

41
42 [Spanish stations continue and LeBlanc turns down receiver for a
43 few seconds]

44
45 LeBlanc: [transmitting on top of Spanish stations] N1QIB MM2
46 do you copy me? W4BOZ

47
48 N1QIB: Roger [garbled words]

49
50 LeBlanc: Ya OK. Spanish station came on top of the net control,
51 the net control is Mel in the Bahamas is K9 Alpha Echo. Go ahead.

5

1 N1QIB: [garbled response]
2
3 [Spanish stations continue to communicate]
4
5 LeBlanc: Kilo Papa Four Yankee Romeo your on top of the
6 intercontinental net could you move up a bit please?
7
8 [twenty seconds of background noise]
9
10 LeBlanc's digital voice clock: 14.300.00 It's twelve 44
11
12 LeBlanc's digital voice clock: 14.313 [he appears to have shifted
13 frequency again]
14
15 Schoenbohm: That's fine. It's just the fact that there was such
16 conviction [three garbled words] Uh that's kind of interesting
17 [garbled words] that he would sign a statement [garbled words] and
18 that's the way our process operates. You don't hound people like
19 some character out of Victor Hugo's novel Les Miserables like Jean
20 Val Jean being hunted down by the Inspector Javier, finally through
21 the sewers of Paris, Jean Val Jean a great man, benefactor and
22 patriarch in the city of Madeleine...[garbled]
23 you just don't do that because you end up hounding yourself
24 and this is the whole thing with KP2J [covered up on tape by
25 LeBlanc]
26
27 LeBlanc: You gotta, you gotta bad-mouth somebody.
28
29 Schoenbohm: The evil inspector Javier chasing Mssr. Madeleine
30 [Jean Val Jean] across the length and breadth of France after he
31 was released from being a galley slave, or galley convict, for
32 taking two pieces of bread because he was hungry. [garbled words]
33 Pile one thing upon another [garbled words] it was in the French
34 Revolution where Inspector Javier [garbled words] take his own life
35 but [garbled words] Seen the movie [garbled words] I read the book
36 [garbled words] But basically in our system, in America, in
37 American society we believe that people should not be hounded and
38 should not be punished more than once, not for the same
39 circumstances. It's just that other people like AF2Y or KP2J that
40 believe in eternal vengeance against people, a group of people or
41 a class of people and its the nature of these people [garbled
42 words] [covered up by LeBlanc]
43
44 LeBlanc: This is the guy. He hates everything. What he accuse
45 everybody of doing is what he does himself all the time.
46
47 Schoenbohm: ...is very corrosive. KP2J is a good example of
48 that. AB4PW KV4FZ
49
50 LeBlanc: [speaking to himself] You see that KP2J is a good
51 example. He hounds everybody. He hates the world. What a
52 monster. Schoenbohm is the greatest thing that ever lived.

1 Exaggerated view of his own importance. He's nothing, he's really
2 a nothing, but he is great to humanity.

3

4 [After a minute of noise LeBlanc's digital voice clock is
5 heard]

6

7 Digital Clock: " One four three zero zero zero zero beep it's
8 twelve 48"

9

10 [LeBlanc tunes to 14.300]

11

12

13

14

15

Federal Communications Commission

Docket No. WT 95-11 Exhibit No. 4

Presented by HERBERT SCHOENBOHM

Disposition	}	Identified	<u>✓ 8/8/95</u>
		Received	
		Rejected	<u>✓ 8/8/95</u>

Reporter M. K. FLEISHMAN

Date 8/8/95

Schoen, Ex. 4

DISTRICT OF COLUMBIA)
)
CITY OF WASHINGTON) ss:

D E C L A R A T I O N

Victor O. Frazer hereby declares under penalty of the laws of perjury that the following is true and correct:

1. I am the elected delegate from the Virgin Islands to the Congress of the United States. I understand that certain allegations have been made to the effect that Herbert L. Schoenbohm has encouraged people to ask me to intervene politically in the pending proceedings at the Federal Communications Commission (FCC), pertaining to the renewal of Mr. Schoenbohm's amateur license.

2. I have known Mr. Schoenbohm for a number of years. I am aware that in 1992 he was convicted of the crime of possessing a counterfeit access device to make long distance telephone calls. In fact, I recently engaged Mr. Schoenbohm as a part-time member of my staff in the Virgin Islands.

3. On or about January 28, 1995, I received a constituent request from Schoenbohm, asking me to contact the FCC to find out why his license renewal had not been granted. I did, in fact, make a status report inquiry to the FCC at that time.

4. As a result of my inquiry, I learned that Mr. Schoenbohm's license renewal application had been designated for hearing. I have never contacted the FCC concerning Mr. Schoenbohm or attempted intervene in any manner in the FCC hearing proceedings. Mr. Schoenbohm has never requested me to intervene in the FCC hearing proceeding in any manner except to appear as a public witness on his behalf.

5. Finally, no other person has ever asked me to intervene in the FCC hearing proceeding on behalf of Mr. Schoenbohm.

Further declarant sayeth not.

Dated: 30 June 1995

By: Victor O. Frazer
Victor O. Frazer

Federal Communications Commission
Docket No. WT 95-11 Exhibit No. 5
Presented by HERBERT SCHOENBOHM
Disposition } Identified ✓ 8/8/95
 } Received ✓ 8/8/95
 } Rejected _____
Reporter M. K. FLEISHMAN
Date 8/8/95

Shan. Ex. 5



MALCOLM B. SWAN, P.E.
METALLURGICAL ENGINEER

570 East Hobcaw Dr.
Telephone (803) 884-4787

Mt. Pleasant, SC 29464

July 6, 1995

Affidavit

To Whom It May Concern:

I am and have been a licensed radio amateur since 1952, now holding call sign AB4PW. I recall having a two-way single-side band communication with Mr. Herbert Schoenbohm, KV4FZ, of St. Croix, U.S. Virgin Islands, at 1207 UTC on 14313 mhz on April 3, 1995. This communication is in my logbook. During this communication, entirely of my own volition, I asked Mr. Schoenbohm who represented USVI and was told Mr. Victor Fraser.

I am the one who raised the subject. At no time was I solicited to write or contact any member of Congress nor did I. There were no conditions imposed or requested of me by Mr. Schoenbohm.

By my signature, I attest that the above is a true statement of fact.


Malcolm B. Swan, AB4PW

Sworn to before me this
6 day of July, 1995.


Notary Public for South Carolina

Expiration Date: _____
Notary Public - South Carolina State of Large
Commission Expires 12/31/96



Federal Communications Commission

Docket No. 95-11 Exhibit No. 6

Presented by HERBERT SCHOENBOHM

Disposition	}	Identified	<u>✓ 8/8/95</u>
		Received	<u>✓ 8/8/95</u>
		Rejected	<u> </u>

Reporter M. K. FLEISHMAN

Date 8/8/95

Schoen, Ex. 6

State of Virginia

City of Alexandria

DECLARATION

John Dellinger hereby declares under penalty of the laws of perjury that the following is true and correct:

I have been a licensed radio amateur for the past 25+ years. for the past 4 years, I have been an active participant in a discussion group known as the Better Amateur Radio Federation (BARF), an informal group of amateurs dedicated to upholding the Rules and Regulations and legitimate use of our Amateur spectrum. which meets regularly on the frequency of 14.313 MHZ.

I have been shown a transcript of a tape recording prepared by a Mr LeBlanc, in which Herb Schoenbohm discusses the FCC's ex parte rules, and gives another station the name and address of the delegate from the Virgin Islands, Victor Frazer. The transcript is incomplete because Mr. LeBlanc was unable to hear the other amateur station. This is not unusual. due to poor propagation, or skip conditions.

As to Herb's discussion of ex parte rules, it should not surprise anyone who knows herb that he would launch into a discussion of those rules. Herb is extremely knowledgeable of the FCC's amateur rules, and discusses them on amateur radio. Based upon my experience and association with Herb I do not believe he would knowingly violate any FCC rule or regulation. In fact, he has been an outspoken critic of those amateur's that were in violation, especially those stations violating international third party traffic rules, stations using indecent language, using 'one ringers' to avoid toll calls. stations engaging in commercial business via amateur radio. I believe these incidents go to the very root of Herbs current problem.

In summary, I understood Herb's remarks as being an exposition of his newly acquired knowledge about another portion of the FCC's amateur rules. I did not interpret his remarks as an invitation for others to contact any political officials on Herb's behalf. If I had so interpreted his remarks, I would have written my own congressman and senator on Herb's behalf. Certainly, I would not have written to Delegate Victor Frazer as that would be inappropriate in this matter.

I fully support the renewal of Herb's Amateur License, and further encourage to FCC to concentrate on the scofflaws so prevalent that are cluttering the HF spectrum with phone patches with the apparent motive of avoiding toll charges.

Date: 6-22-95

Signature: John F. Dellinger

Federal Communications Commission

Docket No. WT 95-11 Exhibit No. 7

Presented by HERBERT SCHOENBOHM

Disposition { Identified ✓ 8/8/95
Received ✓ 8/8/95
Rejected _____

Reporter M.K. FLEISHMAN

Date 8/8/95

TERRITORY OF THE UNITED STATES VIRGIN ISLANDS
CITY OF CHRISTIANSTED

ss

Herbert Schoenbohm declares under the penalty of perjury that the following is true and correct:

I make this declaration in response to the "ex parte" issues which have been added against me in the proceeding involving the renewal of my amateur license.

When the issues were first proposed by the WTB, I filed an Opposition (copy attached). That Opposition was filed under penalty of perjury and I hereby reaffirm everything contained therein.

Since that time, however, I have had time to review the tape prepared by Mr. Hugh LeBlanc. I still do not independently recall the conversation which formed the basis for the WTB's request for an "ex-parte" issue. I have however, communicated with others, who heard the conversation, and based upon their recollection, I am satisfied that I was requested to furnish Delegate Frazer's address by another radio amateur, who had already decided to write the Delegate a letter. This confirms my prior recollection that I never requested anybody to write to the delegate or any other elected official.

With that said, I wish to be completely honest and truthful in dealing with the Commission. Therefore I hereby disclose that when my renewal was first designated for hearing, I had no knowledge of the ex-parte rule, and did not realize that it would be improper to request help from elected officials, with my case. In fact before I received from the Commission the hearing designation order, and shortly thereafter, I did in fact, write a number of letters to elected officials requesting assistance.

In March I contacted attorney Lauren A. Colby to represent me in this matter. Subsequent to his agreement to help me in this matter he explained the procedural rules regarding "ex-parte" contacts. After I wrote no further letters to elected officials. I have always prided myself with my knowledge of the FCC rules and regulations. I have always tried to abide, strictly by those rules under Part 97, but I was not familiar with other portions of the FCC Rules, e.g. the procedural rules (Part 1). I have frequently, the FCC's Rules in my conversations with other hams. The remarks which I made and taped by Mr. LeBlanc, were intended to be an exposition of my newly acquired knowledge of the Rule; nothing more.

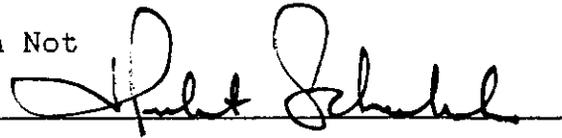
I have been advised by counsel that, subsequent to, or contemporaneously with the first exchange of exhibits in this proceeding, the FCC's Review Board has released a Decision,



in which the Board allowed an individual to explain the circumstances surrounding the crime which he committed. Consistent with that ruling, I wish to explain that the crime of which I was convicted stemmed from a dispute between myself and a local retailer of long distance telephone service. I was not convicted of actually stealing money or accessing the account of any telephone subscriber, and I did not steal any money or cause the account of any subscriber to be debited. I was convicted solely of having knowledge in my mind of certain telephone codes of which 4 of the 6 digits were said to be similar to those that could be used to make long distance calls without paying for them. These telephone numbers were the "Counterfeit Access Device" which I was convicted of possessing or using.

Further Sayeth Not

July 18, 1995

A handwritten signature in cursive script, appearing to read "Paul Schulz", written over a horizontal line.

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

In the matter of the Application of)	WT Docket No. 95-11
)	
HERBERT L. SCHOENBOHM)	
Kingshill, Virgin Islands)	
)	
For Amateur Station and Operator Licenses)	
)	
To: Administrative Law Judge Edward Luton)	

OPPOSITION TO MOTION TO EXPAND AND MODIFY THE ISSUES

Herbert L. Schoenbohm hereby respectfully opposes the motion to expand and modify the issues, filed in this proceeding on May 3, 1995, by the Wireless Telecommunications Bureau ("WTB"), and declares under penalty of the laws of perjury that the following is true and correct:

The WTB's motion is accompanied by a transcript prepared by one Hugh LeBlanc which purports to be a partial rendering of a communication which took place between myself and another radio amateur on April 3, 1995. I do not make the practice to make recordings of my conversations with other amateurs, and I have no record of the conversation which took place on April 3, 1995. Therefore, I cannot say for sure whether the transcript is accurate or not. Moreover, because the transcript recites that the other station could not be heard, it is very difficult for me to determine who I was talking to or to put in context my remarks.

However, I can state, unequivocally, that it was not my intention to ask anyone to intervene on my behalf with Delegate Victor Frazer. Victor Frazer is a personal friend of mine. It would be ridiculous for me to ask people to write or contact Victor Frazer in connection with my license renewal, because I already enjoy Mr. Frazer's support, and he may very well submit public testimony on my behalf in this proceeding. If it had been my intention to encourage people to intervene politically on my behalf, I would have suggested that they write to their own Congressmen or Senators. Of course, I made no such suggestion. Indeed, the

-2-

transcript submitted by the WTB does not contain any mention, whatsoever, of the current license renewal proceedings; it contains no mention of the FCC; and it contains no reference to the Administrative Law Judge in this proceeding.

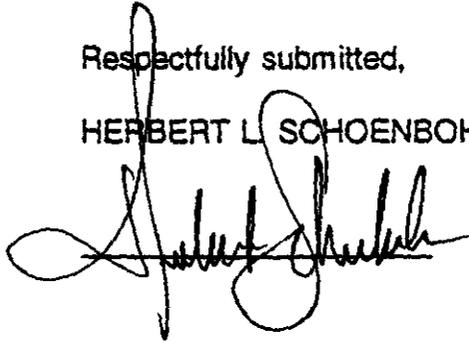
With that said, I must concede that the words "other people could do it on my behalf if they are so disposed" could be misconstrued to suggest that I was soliciting political intervention. At the time of the conversation I was not aware that the FCC rules prohibited such solicitation. If I had been aware of such prohibition, I would have been much more careful to avoid any language that would suggest either directly or indirectly any such solicitation. I will certainly be very careful in the future.

So far as I know, nobody interpreted my April 3 remarks as suggesting that they write or communicate with any political officials. Certainly I have seen no such communications. Even if somebody had written an improper communication, their communication would have been diverted by the managing director and would never have reached the Administrative Law Judge. I know that, because the managing director has sent me copies of communications by parties who oppose the renewal of my license.

The enlargement of the issues as requested by the WTB is unwarranted. The most that happened is that I was careless in the use of language, because I was ignorant of the provisions of Part 1 of the Commission's rules and regulations, a portion of the rules which is not generally studied by radio amateurs. Therefore, I request that the issues enlargement be denied.

Respectfully submitted,

HERBERT L. SCHOENBOHM

A handwritten signature in black ink, appearing to read 'Herbert L. Schoenbohm', written over the typed name.

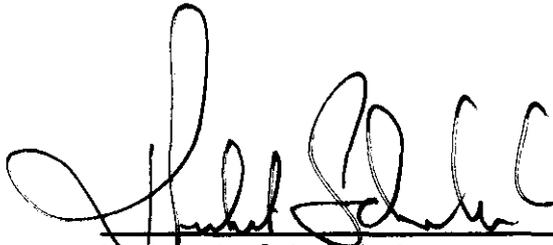
Dated: May 12, 1995

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Opposition to Motion to Expand and Modify the Issues was sent to the following persons by first class, U.S. mail, postage prepaid, on this 12th day of May, 1995.

Thomas D. Fitz-Gibbon, Atty.
F.C.C.
2025 M Street, N.W.
Room 5328
Washington, D.C. 20554

Administrative Law Judge Edward Luton
F.C.C.
2000 L Street, N.W.
Room 225
Washington, D.C. 20554

A handwritten signature in black ink, appearing to read 'Herbert L. Schoenbohm', written over a horizontal line.

Herbert L. Schoenbohm

Schoen, Ex. 8

LEBLANC TAPE RECORDING