

Applicant objects to this Request on the ground that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant further objects that the Request lacks foundation, and that the Enforcement Bureau lacks the authority to compel the production of evidence, because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Without waiving said objections, Applicant states that there is only one such document: Part 97; in particular, §97.501.

REQUEST NO. 17: All documents which support or which you contend support the position that you did not willfully and/or repeatedly violate Section 333 of the Communications Act of 1934, as amended, an/or Section 97.101(d) of the Commission's Rules by intentionally interfering with and/or otherwise interrupting radio communications or transmissions.

Applicant objects to this Request on the ground that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same.

Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant further objects that the Request lacks foundation, and that the Enforcement Bureau lacks the authority to compel the production of evidence, because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Without waiving the foregoing objections, Applicant states that there are no such documents because he has never interfered with or interrupted any transmissions.

REQUEST No. 18: All documents which support or which you contend support the position that you did not willfully and/or repeatedly violate Section 97.113(b) of the Commission's Rules by transmitting one-way communications on amateur frequencies.

Applicant objects to this Request on the ground that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant further objects that the Request lacks foundation, and that the Enforcement Bureau lacks the authority to compel the production of evidence, because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Without waiving the foregoing objections, Applicant states that there are no such documents because he has never made one-way transmissions on the amateur frequencies.

REQUEST No. 19: All documents which support or which you contend support the position that you did not willfully and/or repeatedly violate Section 97.113(a)(4) of the Commission's Rules by transmitting indecent language.

Applicant objects to this Request on the ground that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant further objects that the Request lacks foundation, and that the Enforcement Bureau lacks the authority to compel the production of evidence, because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Applicant further objects to this interrogatory because the Commission has no authority to regulate indecency in the amateur service because the licensee receives nothing of value with the license grant, so there is no quid pro quo for any alleged waiver of the licensee's free-speech rights in exchange for the license grant.

Applicant further objects to this interrogatory because the Commission has illegally failed to grant amateur radio operators a "safe harbor" when they can utter so-called "indecent" language.

REQUEST No. 20: All documents which support or which you contend support the position that you did not willfully and/or repeatedly violate Section 97.113(a)(4) of the Commission's Rules by transmitting music.

Applicant objects to this Request on the ground that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant further objects that the Request lacks foundation, and that the Enforcement Bureau lacks the authority to compel the production of evidence, because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

Without waiving the foregoing objections, Applicant states that there are no such documents because he has never transmitted music.

REQUEST No. 21: All documents which you reviewed, relied upon, or otherwise referred to in answering the First Set of Interrogatories directed to you.

Applicant objects to this Request on the ground that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant further objects that the Request lacks foundation, and that the Enforcement Bureau lacks the authority to compel the production of evidence, because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

REQUEST No. 22: To the extent, if any, not otherwise produced in response to the preceding Requests, all documents which you intend to introduce into evidence at the hearing.

Applicant objects to this Request on the ground that the Enforcement Bureau has violated the priority of discovery which was established by Applicant with his First Set of Interrogatories propounded to the Enforcement Bureau, to which the Bureau has objected in bad faith, has largely refused to answer, and as to which there is pending Applicant's Second Motion to compel the Bureau to answer same. Applicant has been wrongfully prevented from formulating his claims and defenses herein due to the Enforcement Bureau's said bad faith in discovery.

Applicant further objects that the Request lacks foundation, and that the Enforcement Bureau lacks the authority to compel the production of evidence, because it has not made a preliminary showing that it has actual intercepts evidencing a violation of Part 97.

ted: April 15, 2008

Respectfully submitted,

William F. Crowell, Licensee/Applicant

I, William F. Crowell, the Licensee/Applicant herein, hereby affirm on this 28th day of May, 2008 that I have read the foregoing Responses and Objections to the Enforcement Bureau's First Request for Production of Documents and the Responses are true and correct to the best of my knowledge.

William F. Crowell

William F. Crowell

PROOF OF SERVICE BY MAIL
[47 C.F.R. Part I, Subpart A, §1.47]

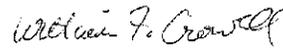
I am a citizen of the United States and a resident of El Dorado County, California. I am the Applicant-licensee herein. I am over the age of 18 years. My address is: 1110 Pleasant Valley Road, Diamond Springs, California 95619-9221.

On May 28, 2008 I served the foregoing Applicant's Responses and Objections to the Enforcement Bureau's First Request for Production of Documents on all interested parties herein by placing true copies thereof, each enclosed in a sealed envelope with postage thereon fully prepaid, in a United States mail box at Diamond Springs, California, addressed as follows:

Rebecca A. Hirselj, Ass't. Chief, Investigations & Hearings Division,
Enforcement Bureau, F.C.C.
445 - 12th Street, S.W., Room 4-A236, Washington, D.C. 20554 (Bureau Counsel)

Kris Monteith, Chief, Enforcement Bureau, Federal Communications Commission
445 - 12th Street, SW, Room 7-C723, Washington, D.C. 20554

I declare under penalty of perjury that the foregoing is true and correct, and that this proof of service was executed on May 28, 2008 at Diamond Springs, California.



William F. Crowell

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C.
AMATEUR RADIO LICENSE

EXPIRES
3 a. m. e. s. t.
10-25-65 M 2

FCC Form 600 Rev. June 1956
STATION CALL SIGN
W A 6 L S F

Fixed transmitter location (and remote control position when authorized)

NOT TRANSFERABLE

SAME AS BELOW

Licensee and P. O. Address:
WILLIAM F. CROWELL
927 SANTA ANA LANE
CONCORD, CAL.

Ben F. Crowell

DUPLICATE

(This license issue is subject to conditions shown on reverse side)

| Operator Privileges | Issuing Office | Effective Date |
|----------------------|----------------------|----------------|
| Class GENERAL | <i>C. B. Plummer</i> | 11-2-60 |

SEE UPPER RIGHT CORNER FOR EXPIRATION DATE

U. S. GOVERNMENT PRINTING OFFICE: 1954 O-303003
Card May Be Trimmed On Border Line
Countersigned *William F. Crowell*
Licensee

Exhibit A-1

LICENSEE

Below are your Amateur Radio Licenses in sizes suitable for your wallet and for framing. Carefully cut the documents along the lines as indicated. Each license carries equal operating authority. The Commission suggests that the wallet size version of the license be laminated (or other similar document protection process) after signing. The Commission has found, under certain circumstances, laser print is subject to displacement.

| | | | |
|--|--------------------------------------|------------------------------------|--|
| Call Sign N6AYJ | Issuing Date 03/12/97 | Expiration Date 03/12/07 | THIS LICENSE SUBJECT TO CONDITIONS ON REVERSE SIDE THIS LICENSE IS NOT TRANSFERABLE |
| Operator Privileges ADVANCED | Station Privileges PRIMARY | SPECIAL CONDITIONS | |

WILLIAM F CROWELL
1110 PLEASANT VALLEY RD
DIAMOND SPRINGS CA 95619

FCC FORM 463
MAY 1994

LICENSEE'S SIGNATURE
FEDERAL COMMUNICATIONS COMMISSION

**UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION**

AMATEUR RADIO LICENSE

N6AYJ

WILLIAM F CROWELL
1110 PLEASANT VALLEY RD
DIAMOND SPRINGS CA 95619

Special Conditions

| | |
|----------------------------|---------------------------|
| Effective Date | Expiration Date |
| 03/12/97 | 03/12/07 |
| Operator Privileges | Station Privileges |
| ADVANCED | PRIMARY |

THIS LICENSE SUBJECT TO CONDITIONS ON REVERSE SIDE
THIS LICENSE IS NOT TRANSFERABLE

Licensee's Signature

FCC FORM 463
MAY 1994

Exhibit A-3

Remittance ID:860383 Authorization Number:073683 Successful Authorization -- Date Paid: 1/24/06 FILE COPY ONLY!!

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE
FORM 159
PAGE NO. 1 OF 1

APPROVED BY DMB
5000-109
SPECIAL USE
ELECTRONIC

(1) LICENSE
058994

SECTION A - Payer Information

(2) PAYER NAME of party by credit card statement exactly as it appears on your card: **William F Crowell**

(3) TOTAL AMOUNT PAID (amount and cents) **\$23.90**

(4) STREET ADDRESS (LINE NO. 1)
1110 Pleasant Valley Road

(5) STREET ADDRESS (LINE NO. 2)

(6) CITY **Diamond Springs** (7) STATE **CA** (8) ZIP CODE **95619-0221**

(9) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE) **530-622-3386** (10) COUNTRY CODE (IF NOT IN U.S.) **US**

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER FRN
0014454912

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

(12) APPLICANT NAME
CROWELL, WILLIAM F

(13) STREET ADDRESS (LINE NO. 1)
1110 PLEASANT VALLEY RD

(14) STREET ADDRESS (LINE NO. 2)

(15) CITY **DIAMOND SPRINGS** (16) STATE **CA** (17) ZIP CODE **95619**

(18) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE) **(530) 622-3386** (19) COUNTRY CODE (IF NOT IN U.S.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(21) APPLICANT FRN
0014454912

COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(22A) FCC Call Number ID (23A) Payment Type Code (PTC) (24A) Quantity

| | | | |
|-----------------------|---------|-------------------------------|------------|
| | N643J | WAVR | 1 |
| (26A) Fee Due for PTC | \$23.90 | (27A) Total Fee | \$23.90 |
| (28A) FCC CODE 1 | | (29A) FCC CODE 2 | 0002456307 |
| (29A) FCC CODE 1 | | (30A) Payment Type Code (PTC) | |
| (29B) FCC CODE 2 | | (30B) Total Fee | |
| (29C) FCC CODE 3 | | (30C) FCC CODE 1 | |
| (29D) FCC CODE 4 | | (30D) Payment Type Code (PTC) | |
| (29E) FCC CODE 5 | | (30E) Total Fee | |
| (29F) FCC CODE 6 | | (30F) FCC CODE 1 | |
| (29G) FCC CODE 7 | | (30G) Payment Type Code (PTC) | |
| (29H) FCC CODE 8 | | (30H) Total Fee | |
| (29I) FCC CODE 9 | | (30I) FCC CODE 1 | |

Exhibit A-4



Electronic Form 159

Payment Confirmation

Your transaction has been approved. For your records, please note the following:

| | |
|-------------------------------|----------------|
| REMITTANCE ID NUMBER : | 1137044 |
| AUTHORIZATION NUMBER : | 047414 |
| AMOUNT PAID : | \$20.80 |

[PRINT FORM 159](#)

[CLOSE](#)

Customer Service

[FCC Fees](#)

[Web Policies / Privacy Policy](#)

[FCC Home Page](#)

If you have any questions or concerns please contact your licensing system's help desk.

[Inbox Message List](#)

http://e5.email.excite.com/nsg_read.php?m=0&s=1&d=3&mc=22...

[\[Close This Window.\]](#)

✘ Message is not flagged. [[Flag for Follow Up](#)]

Date: Wed Feb 28 12:45:31 2007

From: <paygovadmin@mail.doc.twaigov>
([Add to Address Book](#) | [Block Address](#) | [Report as Spam](#))

To: bcrowell@excite.com <bcrowell@excite.com>

Subject: Pay Gov Payment Confirmation

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY

Your transaction has been successfully completed

Payment Summary

Application Name: Remittance Advice Form 159
Pay.gov Tracking ID: 24U4G8HE
Payment Agency Tracking ID: 1137044

Cardholder Name: William F. Crowell
Cardholder Address: 1110 Pleasant Valley Road
Cardholder City: Diamond Springs
Cardholder State: CA
Cardholder Country: USA
Cardholder Zip Code: 95619-9221
Card Type: Master Card
Payment Amount: \$20.80
Transaction Date: Feb 28, 2007 12:45:31 PM

Exhibit A-6

Use Along This Line

Use Along This Line


UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
AMATEUR RADIO LICENSE


W6WBJ

CROWELL, WILLIAM F
 WILLIAM F. CROWELL
 1110 PLEASANT VALLEY RD
 DIAMOND SPRINGS CA 95619

Licensee: This is your radio authorization in sizes suitable for your wallet and for framing. Carefully cut the documents along the lines as indicated and sign immediately upon receipt. They are not valid until signed.

The Commission suggests that the wallet size version be laminated for another similar document protection process after signing. The Commission has found, under certain circumstances, laser print is subject to displacement.

Use Along This Line

100-Reg-2006-0016-F1 1004486912

Special Conditions/Encorsements

Per FCC Rule 1.945(e), your application is being granted in part. The vanity license request has been granted. However, your original license card has been kept. You have not been issued a new 1 year license

| Grant Date | Effective Date | Print Date | Expiration Date |
|------------|----------------|------------|-----------------|
| 04-12-2006 | 04-12-2006 | 04-12-2006 | 04-12-2007 |

| File Number | Operator Privileges | Station Privileges |
|-------------|---------------------|--------------------|
| | Advanced | PRIMARY |

THIS LICENSE IS NOT TRANSFERABLE

FEDERAL COMMUNICATIONS COMMISSION

APR 2006

Use Along This Line

Use Along This Line

| File Number | Grant Date | Expiration Date | Class | Station Class | Effective Date |
|-------------|------------|-----------------|-------|---------------|----------------|
| W6WBJ | 04-12-2006 | 04-12-2007 | E | | 04-12-2006 |

THIS LICENSE IS NOT TRANSFERABLE
 SPECIAL CONDITIONS/ENCORSEMENTS

Per FCC Rule 1.945(e), your application is being granted in part. The vanity license request has been granted. However, your original license card has been kept.

CROWELL, WILLIAM F
 WILLIAM F. CROWELL
 1110 PLEASANT VALLEY RD
 DIAMOND SPRINGS CA 95619

AMATEUR RADIO LICENSE

100-Reg-2006-0016-F1 1004486912

FEDERAL COMMUNICATIONS COMMISSION



Use Along This Line

Exhibit A-7



FEDERAL COMMUNICATIONS COMMISSION
Gettysburg, PA 17325-7245

August 21, 2006

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

Mr. William F. Crowell
1110 Pleasant Valley Road
Diamond Springs, CA 95619

RE: Amateur Radio license N6AYJ

Dear Mr. Crowell:

Monitoring information before the Commission indicates that you have engaged in deliberate interference to communications in progress on 3.820, 3.830 and 3.857 MHz in the last several months. This interference consists of unsolicited and unwanted comments and responses to the ongoing communications. Such communications have occurred even though your transmissions were not acknowledged, and in some cases even after you were requested to refrain from doing so. In a conversation with me regarding this matter earlier this year, you stated that the problems with the operators had been resolved and gave your assurance that you would stop such attempts at forcing communications with the other stations.

Please be advised that such conduct degrades the Amateur Radio Service for legitimate communications, is contrary to Section 97.1 of the Amateur rules and is considered deliberate interference.

Section 308(b) of the Communications Act of 1934, as amended, 47 U.S.C. Section 308(b), give the Commission the authority to obtain information from applicants and licensees regarding the operation of their station. You are requested, pursuant to Section 308(b), to respond to this letter within 20 days from the above date and state what actions you are taking to eliminate this type of interference.

If you have any questions about this matter, you may call me at: 717-338-2502

Sincerely,

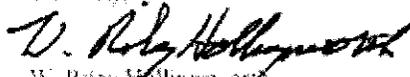

W. Rife Hollingsworth
Special Counsel, Enforcement Bureau

Exhibit A-8

1110 Pleasant Valley Road
Diamond Springs, California 95619
(530) 622-3386

August 31, 2000

W. Riley Hollingsworth, K4ZDH
Special Counsel, Enforcement Bureau
Federal Communications Commission
Gettysburg, PA 17325-7245

Re: Response to your August 21, 2000 Warning Notice concerning
Amateur Radio Station N6AYJ

Dear Mr. Hollingsworth:

Please allow this letter to serve as my written response to your August 21, 2000 Warning Notice concerning my amateur radio operations on 3820, 3830 and 3857 khz. Kindly also let it confirm that I did speak to you by telephone on August 28, 2000 but that we could not agree in that conversation about how to resolve the Warning Notice, so we agreed that I would file this written response.

Your said Warning Notice is hereby both factually and legally challenged.

Before I begin outlining the factual and legal deficiencies of your Warning Notice, let me mention a couple of preliminary matters. First, since we are both apparently pretty hard-core hams, and hams are supposed to be friendly, I am going to write this letter on a first-name basis, and you may hereafter use my first name ("Bill") in both written and oral communications with me, if you desire. The second thing is that I feel your Warning Notice is a really lousy way to treat a taxpayer! I mean, jeez, Riley, I'm paying your salary! I pay a whole bunch of money in taxes, and it doesn't come easily! I can't really support my family the way I would like to be able to do, due to my large federal tax load, and for some reason none of your buddy Al Gore's proposed "targeted tax cuts" are targeted at me. So this Warning Notice is the thanks I get for all the taxes I pay? Riley, I must advise you that you guys in the Enforcement Bureau are really starting to look like a bunch of ingrates to me at this point!

EXHIBIT A-9

Here's the thing, Riley: I'm a trendsetter, and a lot of people listen to my opinions. Also, my wife and kids tend to be trendsetters, too. For example, my son Ben (KB6ZD) is a college professor. (He never gets on the ham radio anymore because he thinks it's too dumb, and I'm really beginning to agree with him, after receiving your Warning Notice!) The real question is, do you want people like us to be friends or enemies of your agency, and of the federal government? Riley, your warning notice was really a dumb move, politically! It ranks right up there with the time that Bill Clinton had me audited by the IRS after I told him he should resign over his affair with Monica Lewinsky. Sure, the government made me pay some more taxes in a very unfair fashion, but at what price to public loyalty? Do you know how many people I educated about how to resist the IRS after that? Do you know how many college students heard the story from my son, and now will probably distrust the government forever as a result? Is that what you're trying to accomplish here? Did you know that two California congressmen voted in favor of impeachment, largely because I proved to them that Clinton had me audited in retaliation for urging him to resign? Doesn't the federal government have enough problems about its credibility with the public without your taking such a stupid action? So why are you doing things like this, Riley? In other words, do you want the public to be loyal to the federal government, or not? You're acting exactly like you are trying to breed disloyal citizens or something! So knock it off already!

Riley, you may remember our previous e-mail exchange, wherein I warned you about becoming "Mr. Enforcement" and doing the bidding of the ham radio "brownshirts", but apparently you have ignored my correspondence because that is exactly what you're doing with my Warning Notice! And now I see that the Commission is still up to its old tricks: lying about the facts, and trying to claim it has enforcement powers it does not have, because you want to be able to demonstrate "instant action" to the brownshirts, and find it too hard and time-consuming to do your job properly and in a legal fashion, and you find it too difficult to explain to the brownshirts why you can't just summarily run anybody they disagree with off the air. I'm rather disappointed in you, Riley, because I really thought you were too sophisticated, and too familiar with my previous dealings with your agency, to try to pull that kind of shit. Riley, hasn't anybody in your office told you that Billy Crowell is no pushover? I think you should pull my file and read about my prior encounters with the Commission. I won them all! Every single one! I'll tell you about them later in this Response, by way of explaining why I have my rather jaundiced view of the Commission's amateur enforcement efforts over the years.

And now I see from your curriculum vitae that you are a big buddy of Al Gore, and I'm *really* beginning to *wonder* about you, Riley! In order for you to understand a little better where I am coming from, I guess I should tell you that about the most upsetting experience I've had in years was when I had to explain to my (then) 8-year-old daughter what oral sex was because we couldn't avoid Bill and Monica on TV. I really would have liked to have waited until she was older before I had to tell her what it meant, you know? Now, can I blame anybody but Bill Clinton and your Democratic buddies for that? Check yourself out, my man! You're hanging out with the wrong crowd! Those Democrats will lie and say anything they need to say to get elected, and it's just a question of whether or not they can get enough stupid people to believe them in order to get elected! I mean, if the politics of your position is driving you crazy, and that's the reason you're acting so erratically and making so many mistakes in your enforcement actions, you could always get a job in private industry and get your head on straight. I've had many friends who formerly worked for the Commission and got out when the political bullshit got too heavy, and they're much happier now. And when you sink to issuing warning notices to good operators like me, then you are really just advertising the fact that you are probably just a miserable person, who's jealous of me because I'm having more fun on the ham radio than you are! So if you decide to remain in your position despite your apparent misery, then I conclude that it is self-imposed misery and I really resent your trying to bring *me* down to your miserable level, too, by sending me your Warning Notice!

Well, anyway, before I address your allegations, please let me tell you a bit about my ham radio history. I got my license as a Novice in 1960 when I was 13. My friend's 6th grade teacher (Lee Grabowski, ex-K6UJR, SK 1984) was my Elmer, and he was working all kinds of amazing DX on 10-meter AM with a plumber's-delight beam during the 1958 sunspot cycle. At that point, I was hooked on ham radio forever, or so I thought until I received your Warning Notice! My Elmer administered the Novice exam and I got the call WV6LSF. I worked a lot of CW with a DX-20 and an SX-25. I was really lucky because I had a couple of teachers who were hams and they would let me get away without doing my homework if I swore I was working CW instead, which I always was. Therefore, within a fairly short time I passed my General and became WA6LSF. I took my General exam in San Francisco from Engineer-In-Charge Landry in 1961, and during the code test, especially the sending test, I was scared as hell because he was such an imposing old curmudgeon, and I was only 14 at the time. After my code test, when Mr. Landry told me I'd passed, he added that I had a good fist! I think that was one of the proudest moments of my life and, I'm sure partly as a

result, I still like CW and fancy myself a fairly decent CW operator. (Some years ago I earned a Code Proficiency certificate endorsed at 45 wpm by the ARRL, and I think my code speed is still up there pretty good.) I took my Advanced Class exam from my good friend, Engineer-In-Charge Marti-Volkoff in San Francisco, in 1976 or so. (Although, in saying he's "my good friend", I realize I haven't heard from him in a long time, so perhaps he'd consider me only an acquaintance. Do you know if he is still in good health, by the way? He tried to do a good job on ham enforcement when he was Engineer-In-Charge, and he was quite fair and gutsy.) I've tried to pass my Extra exam a couple of times, but I'm one of these old-fashioned people who actually wants to learn all that Extra theory rather than just memorizing the answers from the question pool. The only problem is that maybe I'm just not smart enough to learn all that theory. In any event, I never had any problem passing the (former) 20-wpm Extra code test, but I failed the Extra theory element by about one question or so, and I just never got around to taking the Extra exam again after that, so I guess I'm just going to have to be satisfied with being an Advanced Class licensee forever.

During my 40-year ham radio career, I've built just about every kind of ham equipment there is, from breadboard regenerative receivers to rack-mounted high-power RF amplifiers, so I feel I am fairly-well qualified, technically, to be a ham. I have also provided a lot of benefit to the ham community during the entire 40 years of my licensure. Here are three examples of my service to the amateur community:

1. In the late '70's, and rather single-handedly, I would add, I revived the largely-moribund Oakland (California) Radio Club, was elected its President, and coordinated its re-entry into the field of disaster communications (from which it had been totally absent for a number of years) by working closely with the Red Cross and RACES so that Oakland would have the amateur disaster communications system which it was then lacking.

2. In the early '80's, by petitioning the (former) Private Radio Bureau for relief, I was instrumental in forcing the highly-corrupt Grizzly Peak (Oakland), California VHF Amateur Radio Club to cease its jamming with code practice, which it had been engaging in over a period of 18 months on its repeater on 146.82 mhz.

3. Also in the early '80's, when I first had occasion to discover just what a bunch of liars the Commission's amateur enforcement people are, I took appropriate action to educate the amateur community about it. First, I attended the non-

renewal proceedings against former licensee Gary Kerr, WA6JIY, before ALJ Kuhlman. Riley, I've seen many a kangaroo court in my 28 years of law practice, but never anything like that run by "circus Kuhlman"! He wouldn't let Mr. Kerr say a damned word in his own defense! Don't get me wrong; I am not really defending Mr. Kerr's actions, but I *am* criticizing the extremely unfair nature of his non-renewal proceedings. By the time Mr. Kerr got before ALJ Kuhlman, the Commission and the U.S. Attorney's Office *obviously* had so prejudiced the ALJ against Mr. Kerr that Kuhlman simply wouldn't listen to him! After Mr. Kerr lost his license, a large number of his sympathizers, including me, decided we were going to serve as Mr. Kerr's control operators on 2 meters, so he could use our radios to keep talking to his buddies, pursuant to the former wording of §97.115(b). The next thing I knew, former Commission Regional Director Richard Vaughan was trying to jump down my throat, claiming Mr. Kerr, as a former licensee, was not permitted to operate as a third party under the former §97.115(b). (Sergei Marti-Volkoff, bless his soul, was unwilling to perjure himself, and refused to do the job for Mr. Vaughan, so Dick Vaughan had to do it himself.) I basically told Mr. Vaughan to go have sexual relations with himself, largely as I am going to tell *you* to do in this letter. Former §97.115(b) simply did not prevent former licensees from being third parties. So what did Mr. Vaughan do? He got his little minion, Carol Fox Foelak, who was then Chief of the Compliance Branch of the Special Services Division of the Private Radio Bureau (what a mouthful!) *to initiate rulemaking proceedings to amend* §97.115 and, as a result, the "Gary Kerr amendment" [§97.115(b)(2)] was added to §97.115! The point is that Mr. Vaughan, *the Commission's Regional Director(!)*, was lying through his teeth in his warning notices to me: the Commission *did not* have the regulatory power it claimed to have; it was, as usual, just trying to unfairly throw its weight around; I called their bluff; and Mr. Vaughan eventually had to admit he was a liar by initiating rulemaking to amend Part 97 so as to *add* a provision which he had previously told me existed all the time! (So now I see, and as I will point out to you later in this Response, that the Commission is still up to its old, lying tricks in issuing me my Warning Notice.) My action, in forcing the Commission, in effect, to admit that it is composed of a bunch of liars who will distort the true meaning of the Rules in order to make their own jobs easier, and who will try to concoct enforcement powers that don't exist, was of great benefit to the amateur community because it helped all amateurs recognize and understand just what kind of scoundrels are actually running the Enforcement Bureau, and made it much more unlikely that amateurs would, in the future, permit the Commission to take unfair advantage of them.

Anyway, as you can see, I've been a ham for 40 years now; and I've really tried to be a good one, and I've rendered a substantial benefit to the amateur community during my entire period of licensure! I've gone through the whole ham radio indoctrination process, I'm familiar with all the ham radio traditions, and it has been a large part of my life. So I hope you can understand that I am, actually, rather offended that you would accuse me of these things!

Also, while I'm on the subject of amateur exams, I sure as hell am glad I took all of my exams from the Commission itself rather than from a VE, because I know damned well that you would have called me in for a retest if I had taken my exam from a VE! I need to inform you at this juncture of two things: first, that you are fundamentally abusing your enforcement powers under Part 97 in a number of ways, which I will attempt to specify in this Response. One of the ways in which you are abusing your authority is by misusing the re-test procedure for a purpose it was never intended: as a means of punishment rather than for the purpose of guaranteeing the integrity of VE exams. It's just another example of your very unfair way of trying to make your own job easier by denying licensees their day in court, or any way whatsoever, really, to challenge your accusations or to defend themselves against your (often incorrect) allegations which have nothing whatsoever to do with the conduct of their VE exam, just to keep the brownshirts happy! That is extremely unfair to the licensee, and has caused me to lose a lot of respect for you. So when are you going to stop engaging in that lousy, unfair practice, my man?

In other words, I'm not buying your press releases, Riley, and never have, because I can see through them. What they really amount to is that you're willing to serve as the brownshirts' lap dog in order to advance your own career. Reading your own press releases too much is about the equivalent of drinking your own swill, you know. Riley, why in the world would I let a pipsqueak like you, who seems only to be addicted to nursing at the public's teat, and who probably couldn't even cut it in the private sector as I am doing, take away my license for no reason?

Now I note from your Warning Notice that you seem to be attacking my integrity, or are suggesting that I am somehow unqualified to possess an amateur license on, essentially, a moral basis! Please let me advise you right now that if you are going to try to put my integrity in issue as a basis for attacking my personal qualifications to hold an amateur license, then I propose to put *your* integrity in issue, too, and I have quite a number of issues that I want to raise which tend to show that you have not always acted in the most honest, forthright and professional

manner possible when it comes to enforcing Part 97. And since you have asked me to prepare a complete and entirely candid response [and since it is a separately-punishable offense under §308(b) of the Communications Act if I do *not* give you such a response], and not because I am trying to be argumentative, I will try to specify in this response the various ways in which you have, in my opinion, shown something of a lack of integrity and competence in the way you have enforced the amateur rules. And I trust that you will feel that I have been quite candid in doing so.

The reason I feel so strongly about this is that you have absolutely no reason to doubt my integrity. I am a graduate of my state's finest universities, my children are all highly-educated (*i.e.*, I put them through college!) (the younger ones, still in school, also promise to be university material), so I think I am a good parent; I am devoted to my marriage and family; I work hard; I'm a member of the State Bar of California, and have been, continuously, for the past 28 years; I have never been convicted of any crime, ever, whether misdemeanor or felony; I have never been subject to any discipline whatsoever, whether public or private, by the State Bar of California; I have never had any kind of civil judgment entered against me, ever; I have never had any license or permit revoked by any branch of government, whether state or federal; I have never declared bankruptcy; I pay my bills and I pay my taxes; and I feel that I am respected by the judges of California's courts and administrative agencies, yet you come along and gratuitously attempt to disparage my integrity! Why in the world would you attack an upstanding citizen like me? Are you crazy or something, Riley? And how do you think I am supposed to feel about being attacked and defamed in this manner? Actually, I think it displays a lack of integrity on *your* part! Therefore, your integrity is definitely going to be in issue if you do not drop these proceedings against me.

If you will pardon me for being blunt: I am just not going to let some petty career bureaucrat attempt to gratuitously besmirch my character so he can pad his resume, advance his career, kiss up to the ham radio brownshirts, or so he can issue more press releases! Life's just too short, and self-respect too important, to permit that! In that regard, please let me add that I am also going to raise the issue of your *competence*, *i.e.*, the *many* mistakes that you seem to be rather infamous for making, on the basis that my Warning Notice is merely another of your said infamous mistakes. Also, and I must admit that these may only be rumors, but I have heard several hams insist vehemently that that there may indeed be some irregularities with your expense account for attending hamfests, and in my opinion there is some reason for me to credit their statements, although I have not had an opportunity to double-check them yet (and I do want to give you the benefit of the

doubt), so I had better put you on notice now that if those facts do prove to be accurate, I am going to be raising that issue with respect to your integrity, competence to enforce the amateur rules, and further with respect to the level of credibility which the ALJ and the courts should accord to your testimony. Specifically, I have heard that you spent \$5,000.00 of the taxpayers' money in one weekend at the Las Vegas hamfest, and if this allegation proves true, then I just don't see how you can really properly spend that much taxpayer money in one weekend.

Now I really don't know about FCC administrative proceedings, but in California we believe that it is unethical for an attorney to both represent a party and testify as a witness in the same proceeding on the basis that, if not actually unethical, the practice leads to the *appearance of impropriety*. That is, the attorney's credibility is inevitably compromised if he is permitted to both testify as a witness and advocate a party's case in the same proceeding. Therefore, I am advising you now that if you take me to an administrative hearing in this matter, I am going to call you as a witness on the issues of your integrity, competence and credibility, and that I am going to resist the ALJ allowing you to both testify on those and other issues and represent the Enforcement Bureau at the same time, so I would respectfully suggest that perhaps you should make arrangements to be represented by the U.S. Attorney's Office in this matter, assuming the ALJ follows the same rule of ethics that the California court does, which it seems they should.

Anyway, Riley, if I have to examine you as a hostile witness on the issues of your integrity, competence and credibility, I'm placing you on notice now that I'm also going to ask you all about the "phonetics fiasco", among other things. How long have you been a ham now, and how long have you been doing enforcement, and why didn't you even know that hams have *always* been supposed to use phonetics? Riley, the huge list of phonetics appeared in both the old and the new (post-1989) versions of Part 97! Didn't you ever read either version? And over how many years didn't you read them (at least 20 years, obviously, because you didn't see it in either version! Probably because, during that time, you were saying we hams were "self-policing", the *exact opposite* of what you're saying now, so you didn't *have to* read Part 97 for over 20 years!)? Or didn't you think you had to read Part 97 before last year because only then did you decide to begin making your career moves by kissing up to the brownshirts, and your highly-touted enforcement actions merely represent your efforts to gain promotion? (And if a little illegality and unfairness to licensees results from your desire to make a name for yourself in enforcement, we all know those licensees can't really effectively complain about it, don't we?) Also, during that 20-year period, did you actually

have any on-the-air experience, because if you did then you would have heard hams using phonetics all the time! So I must conclude that you had absolutely no on-the-air experience, so where in hell do you get off telling *me* how to operate? And then you publicly plead “temporary insanity due to excessive RF exposure” as a defense, because you are otherwise at a complete loss for words? Well, then, Riley, since you raised the issue, I am entitled to examine you about whether your admitted “insanity” is temporary or permanent in nature; I need to know if you were still suffering from it when you issued my Warning Notice; and I intend to do that if you take me to an administrative hearing. Of course I realize you may only have been joking when you said you were “temporarily insane” but, again, you raised the issue, I didn’t, and I really need to ask you all about it at an administrative hearing if I am going to find out about it for certain and thereby properly protect my interests as a licensee. I mean, you’re the one who joked around about it, not me. I was just left to wonder exactly what you meant by such a lame joke. And if you *were* only joking about it, why *were* you reduced to being required to joke about it, rather than providing some substantive reason for your lapse? Was it really your attempt to avoid admitting that you really don’t know your derriere from a hole in the ground about amateur enforcement? I intend to go into all of this at an administrative hearing!

So now for my factual refutation of your charges. First, I have never been on 3857 khz. in my life, and whoever told you I was is wrong. In other words, you’re making another one of your mistakes. I have deliberately avoided that frequency because that’s where Orv Dalton’s (K6UEY) old buddies hang out, and they ran him off that frequency. I didn’t want to get involved in Orv’s dispute with the 3857 group, because I want to talk to Orv on 3830 and I’ve always wanted to give Orv the benefit of every doubt, *i.e.*, a clean slate with no preconceived notions, in our on-the-air relationship. Now, Orv is your complainant, isn’t he? Well, I’ve been nice to Orv. I have no problem with him, to my knowledge. I thought we always got along just fine. He never contacted me to indicate there was any problem before he complained to you. In fact, since he sent you his complaint, I have spoken to him several times on 3830 and we got along just great. Therefore, I was extremely surprised to receive your Warning Notice, since I had absolutely no idea that Orv had any grievances against me. Actually, I do remember now that I had one disagreement with Orv on 3830. It occurred when another station, Dennis Flora (N6UJY I believe his call is) showed up “drunk and disorderly” on the frequency. I agreed with Orv at the time that Dennis should go away until he sobered up, but Orv and I disagreed about whether he should be allowed back on the frequency after he sobered up. Apparently Orv seems to feel that he is the guardian of all ham radio morals or something, and unilaterally

decided to run Dennis off the frequency every time he showed up after that, and I took issue with Orv about it. Riley, you should be on *my* side, not Orv Dalton's, because he had no right to try to run Dennis off the frequency! Is *that* why he's so mad at me? Well, why in hell didn't you require him to try to work out the problem (whatever it is) with me directly before issuing your Warning Notice? I assure you, Riley, that I would have been very cooperative, had I been asked to change my on-the-air behavior in some respect that was bothering Orv (except with respect to trying to run other stations off the frequency if he happens to dislike them; I would never have agreed with him about that), but I never got the chance because he never asked me to do so! If a ham takes the trouble to contact me to complain about my operations, I always take it very seriously and try to remedy any of my shortcomings because I really have an image of myself as being a "stand up kind of guy" where the ham radio is concerned. So whatever happened to the concept of hams being "self-policing", anyway? I notice that you give it a lot of lip service in your Warning Letters, but as far as I can tell, lip service is *all* it is!

As to 3820, we have discussed this matter before, and you *specifically approved* of the way I handled it, which involved my voluntarily going off that frequency forever. Indeed, in your e-mail to me on the subject, you stated you questioned the *other* stations' operations, not mine! I thought that was a final settlement of that matter, and conducted myself accordingly; *i.e.*, I haven't been back on that frequency since. I kept our agreement on the assumption that you would, too, but now I find that you apparently do not wish to honor your own agreement, or probably that you've forgotten about it, and that you are in effect trying to punish me for being a gentleman with respect to the 3820 situation and for taking the initiative in solving the problem! So are you doing this on the principle that "no good deed should remain unpunished", or what? Now I am *not* saying I am going to go back on 3820 after receiving your Warning Notice, although it does seem that I should have the right to do so, but not because you are telling me to stay off, because you have no right to tell me that because you won't even honor your own agreement, but instead because, in addition to making a deal with you, I also made a deal with the other 3820 users and I am going to keep my word to *them*, even if you're not going to keep your word to *me*! However, I am most definitely going to assert your prior agreement about 3820 under either collateral estoppel or res judicata principles as a full and complete defense to any enforcement proceedings that you may bring against me for any transmissions I ever made on 3820! I haven't been back on that frequency since you agreed with the way I handled the situation, Riley, so why in hell are you talking to me about 3820 *now*? Nothing has changed since we entered into our agreement, and you're still bound by it, my friend! I think perhaps you forgot about it! And I am also