

Crowell's conduct, and evidence concerning Crowell's patterns of conduct. Consequently, Crowell's relevancy objection should be rejected and Crowell should be ordered to immediately answer the Interrogatory fully and completely.

(50) Interrogatory 60 states: State whether you have ever threatened any amateur radio operator during an amateur radio transmission, in an email, or in any other communication with violence. If so, for each such threat:

- a. state the date and time of such communication;
- b. state the type of communications (i.e., radio transmission, email, letter, phone call, etc.);
- c. identify the target of the threat;
- d. describe specifically and in detail the nature of the threat;
- e. describe specifically and in detail your reason for making such threat;
- f. state what action you took to follow through on such threat.

Crowell objects to this Interrogatory on the ground that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein. Crowell's objection is without merit. This Interrogatory is reasonably calculated to lead to the discovery of admissible evidence and is designed to discover testimony from and transmissions of Crowell, admissible evidence regarding Crowell's interactions with other amateur radio operators and listeners, witnesses to Crowell's conduct as an amateur radio operator, admissible character evidence regarding Crowell's conduct, and evidence concerning Crowell's patterns of conduct. Consequently, Crowell's relevancy objection should be rejected and Crowell should be ordered to immediately answer the Interrogatory fully and completely.

(51) Interrogatory 61 states: State whether you sent an email on Friday, August 18, 2006 at 2:30 pm with the subject "What is going to happen to Orv if he doesn't turn the radio off in which you stated, "When a fat, disgusting old diabetic like Orv gets himself all worked up emotionally from listening to the ham radio, the doctors have to start clipping him. First they clip the toes, then up to the ankles, and then up to the knees, etc. He really should stop listening to the

ham radio, for his own good." If so, describe specifically and in detail to whom and what you were referring to in this email and your purpose in sending this email.

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(52) Interrogatory 62 states: State whether you posted a message on the guestbook of Emily, the 13-year-old daughter of an amateur radio operator, on July 10, 2006 in which you made the following comments, among others: "And speaking of idiots, what's the deal with your father? .... It is terribly sad to see a man who's so deluded. Can you talk to him, and let him know what a loser he really is.... I feel sorry for you having an idiot like that for a father." If so:

- a. identify the person whose guest book the message was posted in;
- b. identify the father to whom you refer in the message;
- c. describe specifically and in detail why you posted this message.

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Crowell's conduct, and evidence concerning Crowell's patterns of conduct. Consequently, Crowell's relevancy objection should be rejected and Crowell should be ordered to immediately answer the Interrogatory fully and completely.

(53) Interrogatory 63 states: State whether, prior to posting the message referenced in Interrogatory No. 62, above, you had any communications with Emily, the recipient of that message. If so, for each prior communication:

- a. state the date and time of the communication;
- b. state the type of communication (i. e., email, phone call, etc.);
- c. summarize the substance of the communication;
- d. if the communication was by phone call, provide:
  - i. the phone number used to make the call, and
  - ii. the phone number called;
- e. if the communication was by email, provide:
  - i. the email address used to send the communication;
  - ii. the email address to which it was sent, and
  - iii. the text of the email.

Crowell objects to this Interrogatory on the ground that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein. Crowell's objection is without merit. This Interrogatory is reasonably calculated to lead to the discovery of admissible evidence and is designed to discover testimony from and transmissions of Crowell, admissible evidence regarding Crowell's interactions with other amateur radio operators and listeners, witnesses to Crowell's conduct as an amateur radio operator, admissible character evidence regarding Crowell's conduct, and evidence concerning Crowell's patterns of conduct. Consequently, Crowell's relevancy objection should be rejected and Crowell should be ordered to immediately answer the Interrogatory fully and completely.

(54) Interrogatory 64 states: State whether, subsequent to posting the message referenced in Interrogatory No. 62, above, you have had any communications with Emily. If so, for each such subsequent communication:

- a. state the date and time of the communication;
- b. state the type of communication (i.e., email, phone call, etc.);
- c. summarize the substance of the communication;
- d. if the communication was by phone call, provide:
  - i. the phone number used to make the call, and
  - ii. the phone number called;
- e. if the communication was by email, provide:
  - i. the email address used to send the communication;
  - ii. the email address to which it was sent, and
  - iii. the text of the email.

Crowell objects to this Interrogatory on the ground that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein. Crowell's objection is without merit. This Interrogatory is reasonably calculated to lead to the discovery of admissible evidence and is designed to discover testimony from and transmissions of Crowell, admissible evidence regarding Crowell's interactions with other amateur radio operators and listeners, witnesses to Crowell's conduct as an amateur radio operator, admissible character evidence regarding Crowell's conduct, and evidence concerning Crowell's patterns of conduct. Consequently, Crowell's relevancy objection should be rejected and Crowell should be ordered to immediately answer the Interrogatory fully and completely.

**B. Certain Answers Are Deficient and Crowell Should Be Ordered to Immediately Answer Each Interrogatory Fully and Completely**

1. In response to Interrogatory Number 6, asking Crowell to identify, as that term is defined, those individuals whom Crowell intends to call as expert witnesses, Crowell names two people but neglects, however, to provide most of the information sought by the Interrogatory. The Interrogatory seeks the following information as to each individual identified as an expert witness: (a) the specific subject matter of his/her anticipated testimony; (b) the precise facts as to which the expert is expected to testify; (c) the opinions expected to be presented by the witness; (d) the basis for each such opinion; (e) whether the witness is being paid, in money, services, or otherwise, to testify on your behalf and, if so, state the date, amount and method of each payment

for, or in anticipation of, such testimony; (f) the nature of Crowell's relationship with the expert; and (g) the curriculum vitae and/or a comprehensive summary of the educational and professional experience relied upon to qualify each such witness as an expert.

In response, Crowell responds as follows:

I intend to call and qualify myself as an expert witness in amateur radio service history, law and regulations.

a. Essentially that, by his misbegotten interpretations of Part 97 and his mistaken actions, Riley Hollingsworth has amply demonstrated that he has little or no knowledge of the plain and correct meaning of Part 97, and that most of the allegations that Hollingsworth has alleged against Applicant don't constitute a Part 97 violation in the first instance. The bases for my expert opinion would be my excellent legal education, my many years of studying Part 97 and the reported amateur case decisions, and my years of observing Riley Hollingsworth deliberately misinterpret and distort the plain meaning of Part 97, and play favoritism in its enforcement, to achieve some kind of ulterior agenda. Obviously I am not going to pay myself anything. My qualifications include a Bachelor of Arts degree in Political Science from the University of California at Berkeley (1968), a Doctorate of Laws degree from the University of California, Hastings College of the Law (1972); admission to the California Bar on the first attempt at passing the bar exam; my unblemished professional record and my many years of legal study.

I further intend to call Robert D. Weller, a Professional Engineer with the Commission's Office of Engineering and Technology, who is an expert in radio-frequency radiation exposure. His qualifications are obviously already known and acceptable to you. I believe he will testify that there exists not enough inherent energy in a radio wave in the amateur service high-frequency bands to have caused the temporary insanity which Riley Hollingsworth admitted he suffered when he told amateur operators that they may not use phonetics to identify their stations, and that therefore there must be some other cause for his admitted temporary insanity, if indeed it is temporary at all.

Answers at No. 6.

Crowell's answer is incomplete, at best, and non-responsive, at worst. The Bureau respectfully requests that Crowell be ordered to fully and completely respond to the Interrogatory by immediately providing for each identified expert all of the information requested in the Interrogatory, including each subpart.

2. In Interrogatory Number 27, the Bureau asked the following:

State whether, on the morning of April 05, 2008 at 10:02:00 a.m., you posted a comment on the website at <http://hamfanz.blogspot.com/search/label/w6wbj>. If so: (a) state whether the comment referenced 'A high-ranking FCC employee, who is a ham, [who] is sympathetic to my case and wishes to remain anonymous' and, if so, identify the FCC employee to whom you so referenced; (b) state further whether the comment also referenced another, male 'FCC staff person with whom I have been speaking' and, if so, identify that FCC staff member.

In response, Crowell answers:

Without waiving the foregoing objections, when are the federal agencies going to stop lying about their mail problems? There is definitely something wrong when the federal government cannot, or will not, receive mail from its taxpaying citizens on the pretext of an infectious disease scare. It has become obvious that federal employees are using this pretext not to open their mail, in order to lighten their workloads, and the public is becoming aware that their mail is never opened. For the agencies to lie about it, by denying that they really have a mail problem, and that it is somehow the citizen's fault that his mail is not being received, merely represents insult added to injury. Didn't it ever occur to you that this is a symptom of a disintegrating governmental system? If this problem is not corrected soon, the public will interpret it as a virtual admission by the U.S. government that it lacks the inherent power, internal authority and structure to sustain itself in the long term.

Answers at No. 27.

Crowell's answer is not only nonsensical, it is completely non-responsive to the information being sought. The Bureau respectfully requests that Crowell be ordered to immediately, fully, and completely answer the Interrogatory.

3. In Interrogatory Number 37, the Bureau asked Crowell to confirm that he authored a particular blog post and identify someone referred to in the post. The Interrogatory is as follows: "State whether in a blog posting on or about September 9, 2004, on [www.eHam.net](http://www.eHam.net) regarding 'Ford, you're right for once' you stated, 'Yes, Ford, I do have an agenda and I freely admit to it. I want to get the Tsarina's ass canned.' If so, identify 'Tsarina.'"

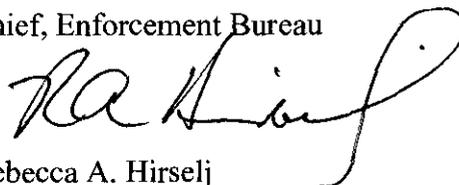
In response, Crowell stated: "Without waiving the foregoing objections: apparently democracy still works in this country. My political pressure, and that of many other amateur radio operators, forced Hollingsworth to retire prematurely." Answers at No. 37.

Crowell's answer was not responsive to either of the questions posed. The Bureau respectfully requests that Crowell be ordered to immediately answer the Interrogatory fully and completely.

**CONCLUSION**

For the foregoing reasons, The Bureau respectfully requests that its Motion be granted, Crowell's objections be overruled, and Crowell be ordered to immediately answer each Interrogatory fully and completely to the extent, if any, he has not already done so.

Respectfully submitted,  
Kris Anne Monteith  
Chief, Enforcement Bureau



Rebecca A. Hirselj  
Assistant Chief  
Investigations and Hearings Division



Judy Lancaster  
Investigations and Hearings Division

Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 4-C330  
Washington, D.C. 20554  
(202) 418-1420

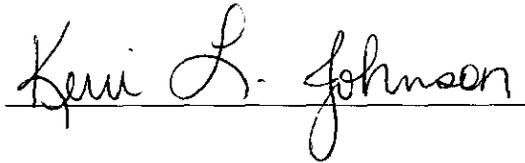
June 5, 2008

**CERTIFICATE OF SERVICE**

I, Kerri Johnson, a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, hereby certify that on this 5<sup>th</sup> day of June, 2008, true and correct copies of the foregoing document, Enforcement Bureau's Motion to Compel Answers to Its First Set of Interrogatories, were served via email and first-class mail, postage prepaid, upon the following:

William F. Crowell  
1110 Pleasant Valley Road  
Diamond Springs, CA 95619-9221  
Email to: [retroguybilly@gmail.com](mailto:retroguybilly@gmail.com)

Administrative Law Judge Arthur I. Steinberg \*  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Suite 1-C768  
Washington, D.C. 20054

  
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\* Hand-Delivered