

William F. Crowell

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April 27, 2010

Marlene H. Dortch, Secretary
Federal Communications Commission
445 - 12th Street S.W.
Washington, D.C. 20554

Re: Application of William F. Crowell to renew Amateur Service license W6WBJ
WT Docket No. 08-20; FCC file no. 0002928684

Dear Secretary Dortch:

I am the applicant-licensee in the above-entitled case.

Enclosed you will please find the original and three (3) copies of my Supplemental Answers and Objections to the First Set of Interrogatories Propounded to me by the Enforcement Bureau herein, which are being filed pursuant to the Commission's Rules of Practice and Procedure, Subpart B, §1.323(a) .

Please file and docket this document. Thank you for your cooperation.

Yours very truly,



WILLIAM F. CROWELL

via USPS Overnight Mail, Delivery Guaranteed

WFC:wfc

encl.

cc: P. Michele Ellison, Chief, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554

Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, ATTN: Judy Lancaster, 445 12th Street, S.W., Room 4-C330
Washington, D.C. 20554

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

In the Matter of) WT Docket No. 08-20
)
WILLIAM F. CROWELL) FCC File No. 0002928684
)
Application to Renew License for)
Amateur Service Station W6WBJ)

To: Enforcement Bureau
Federal Communications Commission

**APPLICANT’S SUPPLEMENTAL ANSWERS AND
OBJECTIONS TO ENFORCEMENT BUREAU’S FIRST SET OF
INTERROGATORIES PROPOUNDED TO HIM
[47 C.F.R., Part I, Subpart B, § 1.323(b)]**

Pursuant to Title 47 of the Code of Federal Regulations, Part I, Subpart B, §1.323(b), the December 30, 2008 Memorandum Opinion and Order of former ALJ Steinberg (FCC 08M-59) and the Order of ALJ Sippel herein dated April 8, 2010 (FCC 10M-01). Applicant hereby responds and interposes the following objections to the Enforcement Bureau’s First Set of Interrogatories propounded to him, dated May 16, 2008:

1. Identify all radio licenses you currently hold and the date(s) of issuance.

The only radio license that I hold is an Advanced class license, issued by the U.S. Federal Communications Commission for its Amateur Radio Service, which was issued on March 12, 1997.

2. Provide all email addresses you have used and all email accounts in your name and, for each, identify who, if anyone, other than yourself has or had access to or otherwise has or had the ability to draft and send email correspondence from each and any such accounts.

Applicant objects that this interrogatory is irrelevant, immaterial and is not calculated to lead to the discovery of admissible evidence because Applicant has never done anything illegal on the internet. Subject to said objection, Applicant answers as follows: From approximately 2000 through 2008, my primary email address was "bcrowell@excite.com". From approximately 2008 through the present time and continuing, my primary email address has been "retroguybilly-@gmail.com". I have also had email accounts at yahoo.com, called n6ayj@yahoo.com, and at innercite.com, called bcrowell@innercite.com, which I seldom used. I no longer have the innercite.com email account. I believe I stopped maintaining that account in about 2007, but I'm not certain. I still have the yahoo.com email account. For all of these email addresses, I was the only person who could use the account, and I never sent any illegal messages from any of said accounts.

3. Provide all nicknames, handles, aliases, or other names you have used in emails, in amateur radio communications, or otherwise (i.e., "Retroguy," "Billy the Bill Collector," etc.).

Applicant objects that this interrogatory is irrelevant, immaterial and is not calculated to lead to the discovery of admissible evidence because Applicant has never sent anyone any illegal emails or other communications, and Applicant has the right under the First Amendment to the U.S. Constitution to call himself anything he wants to on the ham radio. Subject to said objection, Applicant answers as follows: I have been known on the air as “Billy”, “Billy the Bill Collector”, “AYJ” and “WBJ”. “Retroguybilly” is just part of my present email address, and “bcrowell” was just part of my former email address, but I never used those names on the air.

Some of the amateurs who tried to run me off from the roundtable QSO on 3830 kc. (which dispute largely gave rise to the within case, I believe) often called me “Billy bumblank” in order to make me go away. It was understood that this was an accusation that I was homosexual or was engaging in anal sex. The word “blank” was supposed to represent the word “fuck”, but they were afraid to say that on the air, so they made a big joke out of how “blank” stood for “fuck”, and everybody was supposed to know that they really meant “Billy bumfuck”. That is the kind of person who filed your worthless complaints.

This kind of thing started happening after Riley Hollingsworth caused and encouraged it by issuing his self-serving press releases (warning notices) falsely calling me a jammer, and emailing hams from his home email account (so his superiors at the Bureau wouldn't know what he was doing, and because he wanted to hide what he was doing because he knew it was wrong), telling them how to fraudulently set me up for a jamming violation: that they should all refuse to talk to me so they could claim that any transmissions I might make were one-way transmissions in violation of Part 97, §97.113(b). But when I failed to do that, he then suggested that they should talk at the same time I gave my callsign so they could claim I was jamming by identifying my station, even though such station identification is

required by Part 97, §97.119(a)!

Also, on the chatboard on the radiowingnuts.com website, I have always called myself “All A-1 OperaTION”, but someone else copied that name and posted a lot of material on that chatboard under said copied name, some of which I disagree with or do not approve of, so I can't necessarily take responsibility for all such posts under that name on said chatboard.

4. Provide all internet website addresses that you have used to post comments relating to amateur radio, other amateur radio operators, the Commission, and/or any Commission employee.

Applicant objects that this interrogatory is irrelevant, immaterial and is not calculated to lead to the discovery of admissible evidence because Applicant has never done anything illegal on the internet and under the First Amendment to the U.S. Constitution it is none of the Commission's business if, in order to improve the administration of the Commission and of the Bureau, Applicant posts critical comments about them or their employees on the internet. By improperly shielding it from valid criticism, ruling otherwise would encourage even more mediocrity and mendacity at the Commission than already exists.

Subject to said objection, I have posted such comments on the following websites, to my recollection:

<http://www.nbc.com/users/N6AYJ.com>, livehamcams.com;
radiowingnuts.com; eham.net; qrz.com; hamcams.com; and
<http://www.users.innecite.com/bcrowell/hamjamming.com>

I was also fairly active for awhile on a message board site whose URL is: <http://groups.yahoo.com/group/radiojammers/>, where my ham radio buddies and I used to joke around about the jamming problem on ham radio and make fun of

jammers, bootleggers and the Bureau's incompetence in catching them, especially after Riley Hollingsworth became SCARE and the jammers called his bluff because he made it clear he was too lazy to locate the real jammers, so in order to make himself look good, he victimized good operators who identified with their callsigns by sending them phony, de minimus, imaginary and legally and factually incorrect warning notices. There is nothing illegal about posting to such a message board in reply to such behavior by Hollingsworth, and you have no right to retaliate against me just because I joke around about the jamming problem and point out the Bureau's and Hollingsworth's ineptitude and bad-faith, failed enforcement of the amateur rules. Indeed, you aren't entitled to second-guess *anything* I say on the internet unless it was illegal and has already resulted in a criminal conviction.

Under the First Amendment to the U.S. Constitution, amateur licensees are *entitled* to discuss, make jokes about, ridicule, satirize and parody how the Bureau hasn't done anything about the jamming problem because all the Bureau ever does is issue its phony press releases (warning notices), by which they falsely claim to be dealing with the jamming problem, and the jammers have gotten wise to this and now feel they can jam with impunity. I haven't posted anything to said Yahoo.com message board in quite some time. My user name for Yahoo.com accounts is "N6AYJ".

Of course you realize that Riley Hollingsworth repeatedly and specifically advised the amateur community to keep any disputatious, argumentative and questionable materials off the air and keep them on the internet instead. I tried to cooperate with Mr. Hollingsworth by doing so, but he came after me anyway. What an ingrate! I don't think he knows *what* he wants! He seems very confused to me.

When he first took his job as "SCARE" he claimed that he, "SuperRiley", was going to solve the ham radio jamming problem singlehandedly, but just a few years later, in a speech at the Dayton Hamvention in 2008, he said that hams com-

plain to the Bureau too much; that the U.S. is not the best country in the world; and that if hams don't like all the jamming on the ham bands they should just change frequency rather than expecting the Bureau to do anything about it. Many hams, including myself and even some of those at the ARRL who had originally endorsed Hollingsworth for his position, were dumbfounded by that speech. In my opinion, only a severely depressed individual would make such statements publicly, which supports my claim that Mr. Hollingsworth is *permanently* insane, not just *temporarily* insane as he has admitted in writing herein. As I have previously advised you herein, I intend to prove that Hollingsworth *has admitted in writing* that he was temporarily insane, but the reason he gave for the temporary nature of his said admitted mental disorder lacked credibility and instead creates an evidentiary inference that the condition is permanent in nature.

And then in a warning notice to Steven Wingate, K6TXH, in Enforcement Bureau case no. 2007-2548, Hollingsworth again displayed what is most likely a manic-depressive personality by admitting, candidly but against his own interests, that he gets a lot of fake complaints from ham radio operators (which is, of course, both one of my contentions herein and the basis for the holdings in Premus and Boston). I think Mr. Hollingsworth has become very disillusioned about amateur radio; is probably a manic-depressive personality (*i.e.*, his manic and unfounded belief in 2000 that he was going to solve the jamming problem by himself, and his later depressed acknowledgment that, not only could he *not* solve it, but he wanted hams to stop complaining about it after he had been *soliciting* jamming complaints for years); and his apparent belief that the Bureau lacks the will and the means to solve the jamming problem (*i.e.*, “the U.S. is not the greatest country in the world”). Why are we paying a federal employee like Hollingsworth to make speeches to taxpayers where he calls us a second-rate country? All this calls Hollingsworth's credibility and good judgment greatly into question.

5. Identify each person you expect to call as a witness at hearing and, as to each person identified:

- a. state the specific matter of his/her anticipated testimony; and
- b. summarize his/her anticipated testimony.

Even though former ALJ Steinberg ruled in Par. 9 of Order No. FCC 08M-59 that I don't have to disclose this information until the Exhibit Exchange date, I will advise you of the following: At the present time I plan to call myself as a witness at the hearing, and I'm going to testify that I have led an exemplary life, never having been charged with or convicted of any crime, whether misdemeanor or felony, and that prior to my retirement I practiced law in the private sector for 38 years while never being disciplined or reprovved, whether publicly or privately, in any fashion whatsoever by my state bar during my entire period of legal practice.

Insofar as my respect for the Commission's regulatory authority is concerned, I'll testify that I've never had any connection with any bootleg, pirate, jammer, unauthorized or unlicensed station(s) in any capacity or relationship whatsoever, whether actually operating same or advising or facilitating such illegal activities; nor do I have any knowledge about the existence of such operations. I have never assisted or advised anyone about how to violate or evade the provisions of the Communications Act or the Commission's regulations, or tolerated their violation. I don't talk to any of the jammers and bootleggers on the ham radio, and there are a lot of them because the Bureau has done a lousy job on enforcement. In my own ham radio operation, I've always followed Part 97 because I support Commission regulation of amateur radio. I don't want to go back to the days before the federal government regulated radio and besides, I agreed to follow Part 97 when I got my amateur license and I always try to keep my agreements.

I'll testify that, with a clean record line mine, I'm obviously a highly law-abiding citizen. Such evidence will be presented only on a procedural basis, and merely in order to prove that no character issue exists herein; i.e. that the threshold or quantum of evidence necessary for creation of a character issue does not exist; but *no* character evidence will be offered substantively. I am most definitely *not* going to offer character evidence of a *substantive* nature because that might operate as a waiver of my claim that no character issue exists herein, unless the ALJ rules I may present the two arguments alternatively.

I'm also going to testify that every statement I have ever made that was critical of the Commission or the Bureau, whether on the air or on the internet, was directed only at the former administration thereof, i.e., Kris Monteith and Riley Hollingsworth, and not necessarily at the Bureau's present administration or the Commission itself, and was not intended to convey any disrespect for the Commission as a regulatory agency, but instead only for certain of its employees who were continually committing malfeasance and abusing their discretion. Of course I understand that the Commission itself is entitled to respect because in a democracy such as this one it can always be reformed, and reforming it is greatly preferable to destroying it because then we would have to "re-invent the wheel" for no good purpose, and destroying the Commission and trying to replace it with another form of regulation could introduce a lot of mischief. I will testify that I intended my said criticisms merely to improve the administration of the Commission and did nothing else that displays any contempt for the Commission's regulatory authority. Part of the evidence proving my respect for the Commission's regulations is that no Part 97 violations exist herein.

Of course I respect the Commission's regulatory authority. I would never want to go back to the days before radio was regulated by the federal government, when we had bootleg, pirate, unidentified and unauthorized stations on the amateur

bands because then no one would be able to communicate. The primary way in which I've tried to show respect for the Commission's regulatory authority is by always being a good operator and following Part 97 over the roughly 50-year period that I've been licensed. I have no quarrel with the Communications Act or with Part 97 [except where §97.113(a)(4) purports to prohibit obscene or indecent words or language. I simply don't think that prohibition is enforceable under the Red Lion Broadcasting and League of Womens' Voters decisions, previously cited herein, because the Commission has no public to protect in the amateur service, it is purely non-remunerative in nature and it involves only two-way communication, not broadcasting].

I'll testify that if I didn't respect the Commission's regulatory authority, I wouldn't be risking my reputation and livelihood in an attempt to improve its administration in the way I am doing herein; I would simply have become a jammer or let my license expire instead. I will testify that if I were a jammer, you would have some actual, admissible intercepts of my transmissions which violate §97.113(a)(4) or (b), but you don't have such intercepts because I never made any such transmissions, and you can't stop me from trying to improve the administration of the Commission, whether you renew my license or not. An amateur intentional interference case normally requires repeated and lengthy transmissions in order to establish the willful and malicious nature of the transmissions or, in other words, the intent to interfere. Steven A. Wichrowski, Jr., 15 FCC 2d 754, 755 (former Review Board, 1968). That is entirely absent from this case.

I'm further going to testify about how important it is for the ALJ to protect licensees' rights to criticize the administration of the Commission by creating a "bright line" in the Character Rule cases that requires at least a threshold showing by the Bureau of conviction of a felony involving moral turpitude or defrauding a government agency before a character rule case will lie against a licensee, whether

on license renewal or revocation.

I also intend to testify that I've never intentionally played any music on the ham radio, and I've never jammed or intentionally interfered with anyone; I try to keep my on-the-air transmissions brief and interesting; I always stand by whenever anybody else is transmitting; I never try to exclude anyone from a QSO because I follow §97.101(b)'s requirement that we share our frequencies; and I always use my callsign.

I am further going to testify that Riley Hollingsworth unfairly and unreasonably came after me, rather than going after the stations who were violating §97.101(b) by trying to exclude me from said roundtable QSOs, merely because he happened to like them more than he liked me, and not because I was violating Part 97 in any way, and that this constituted an abuse of his discretion. He came after me because I used my callsign, he is lazy, and it is easier to send me a form-letter warning notice than to direction-find the real jammers. In doing so, he wrongfully chose to ignore the fact that the complaining stations were themselves violating §97.101(b). He did so because he wanted to look like he was actually accomplishing something rather than engaging in onanism (figuratively speaking only, of course) and because it was easier for him to harass me because I identified myself than to locate the real jammers through direction-finding and then obtain admissible intercepts of their transmissions. I'll further testify that he did so wrongfully, even though he had no admissible proof against me, and merely, through his press releases, to make himself look good within the amateur community; and that such inaction, ineptitude and deliberate misinterpretation of the amateur rules also constitutes an abuse of discretion.

I will further testify about how, in response to my F.O.I.A. request and not as the result of discovery, the Bureau sent me a CD containing a recording that it claimed showed me jamming, but it did not; it instead showed me *being jammed*;

and when I tried to explain this to Hollingsworth he deliberately ignored me. That, too, was an abuse of his discretion.

I'm going to testify about how the Bureau has given me absolutely no discovery herein, which has prevented me from defending myself from the Bureau's false, bad-faith, retaliatory, bootstrap allegations. (If the Bureau has any other alleged recordings of me jamming, playing music or using so-called "indecent" language, besides the one I obtained pursuant to my F.O.I.A. request, I need you to provide them immediately so that I can properly prepare for trial.)

I'll also testify about how stupid, lazy and incompetent Mr. Hollingsworth is, and how many mistakes he made during his tenure as "SCARE", which proves that (contrary to his claims and as relevant to his credibility) he had very little, if any, on-the-air operating experience or knowledge of Part 97 before becoming "SCARE", as is quite particularly specified in my other filings herein, and which are incorporated herein by reference. I'll testify that not only was he incompetent to perform his job as "SCARE", but that he lied about his accomplishments in order to obtain the job.

I'll testify about how my group of hams had solved the problem on 3820.9 kc. ourselves, by using the Bureau's own "self-policing" policy so the Commission wouldn't have to get involved, and that I so advised Mr. Hollingsworth by email. I will further testify that Hollingsworth sent me my first warning notice much later, long after we had already solved the 3820.9 kc. problem and had so advised him; but because he didn't keep current on his email because he was too busy traveling around the country on ham radio junkets at taxpayer expense, wrongfully accusing honest, taxpaying amateurs of being jammers without any proof and without first giving them their day in court; and/or because he had set my email to "auto-delete" as he has admitted in writing; he apparently didn't read my email.

I'll further testify that Hollingsworth sent me my first (August 21, 2000)

warning notice merely as a self-serving press release merely to convince the amateur community that the Bureau was doing its job regarding amateur enforcement, and not because I was guilty of any violation of Part 97, and that since I had not violated §97.113 he was therefore reduced to falsely claiming therein that I “violated” §97.1 of Part 97. I'll testify that Hollingsworth demanded in said first warning notice that I solve the 3820.9 problem, even though I'd already advised him long before that we'd solved it by applying the Commission's own “self-policing” policy. I'll further testify that I then emailed Mr. Hollingsworth again and reminded him that we had already solved the problem by “self-policing” but he ignored me, probably because he put me on auto-delete, as he has admitted. I will also testify that I then again advised Hollingsworth that §97.1 doesn't prohibit anything because it is only an unenforceable preamble to the amateur rules, and that he was reduced to relying on §97.1 because he couldn't prove a *real* violation of Part 97, and that I refused to accept such treatment.

I will further testify that by his November 28, 2000 letter Hollingsworth wrongfully and improperly called my said response “irrelevant and frivolous”; i.e., he didn't consider my response to have been written in good faith. This was absolutely untrue. I will therefore testify that Hollingsworth is simply in denial about his own incompetence. I will further testify that the first warning letter that Hollingsworth sent me was completely without merit because I did not violate §97.113, nor did he allege that I violated it, nor did he have any intercepts so proving, so he tried to bluff me by claiming that §97.1 prohibited my transmissions when it did not, and then he got mad and tried to run me off the air because I called his bluff. I will also testify that, since §97.1 does nothing of the nature suggested by Hollingsworth, I was *entitled* to deny his allegations and to reject his first warning letter; that it was neither irrelevant nor frivolous to have done so; and had it not been for Hollingsworth's improper *animus* against me, that would have been the

end of the matter.

I'll further testify about the incidents and events leading up to my second warning notice from Hollingsworth: Orville Dalton, K6UEY, and a number of other amateurs participated in a roundtable QSO every night on 3830 kc. After some time Mr. Dalton began to think that he "ran", or was the "boss" of, the roundtable, and that he could dictate who could participate and what subjects could be discussed therein. [Of course, this is incorrect under §97.101(b) because it would constitute a prohibited frequency assignment for the exclusive use of one station, and because Mr. Dalton was trying to restrict the license grant of other hams to use the frequency, which only the Commission can do.]

I'll testify that I then got into a discussion with Mr. Dalton on the air about whether or not he had the right to tell other stations they could not participate in the roundtable. At that point, and although we had always gotten along well until then (I had even visited him at his home; he showed me his station and his hamshack and we had a nice visit), Dalton ordered *me* to leave the frequency, but I refused to do so, both because I was not required to by the Rules and because I did not desire to do so.

I'll testify that Dalton thereupon complained to Riley Hollingsworth that I was jamming "his" QSO, and Hollingsworth claimed to believe him, even though they were both totally wrong. I didn't interfere with anybody; it was Mr. Dalton who created *his own* interference by illegally ordering me to leave the QSO and starting an argument about it when he was in the wrong. It was instead Mr. Dalton who was violating §97.101(b) by not letting me and the other stations participate in the conversation, but of course Riley Hollingsworth found differently because he wanted to retaliate against me for pointing out that he is stupid, lazy and incompetent and because he failed to read my emails and correspondence. I will testify that in writing me his November 28, 2000 letter Hollingsworth simply ignored the plain

meaning of §§97.101(b) and (d) because he was just looking for a way to get me off the air, and that that constitutes an abuse of discretion.

I'll testify about how Art Bell, the radio talk show host who earns a great deal of money by prevaricating, organized a letter-writing campaign against me to file complaints with the Commission merely because I wanted to put my \$.02 worth into his roundtable QSO on 3840 kc., and the complaints didn't amount to Part 97 violations in the first place, but that the Bureau considers *not* the *merit* of complaints received but instead merely their *number*, which has the effect of turning ham radio enforcement and renewal into a constitutionally-prohibited popularity contest where anybody who can organize a letter-writing campaign can rip off another ham's license.

I'll offer into evidence the retractions filed by two of said complainants, who explain how Art Bell pressured them into filing the complaints, and that they would never have filed them if Bell had not pressured them to because I did nothing wrong in trying to merely offer my opinion in said roundtable QSO.

I'll testify about how Art Bell lied in his email to Riley Hollingsworth by claiming I made the illegal transmissions which appear on the audio CD that I got as the result of my F.O.I.A. request, and how Bell lied to the Commission in claiming in his email to Riley Hollingsworth that I had anything to do with Bell's wife's death, or that I was even on the air the night she died, as Bell claims in said email.

I'm also going to call Riley Hollingsworth as an adverse witness and ask him all about of the foregoing, plus how he ruined the reputation of a W9 station by mistakenly issuing one of his press releases (warning notices) to him because Hollingsworth had the callsign wrong, and how as a result thereof, the Bureau was forced to change its policy of publishing first warning notices and certain other kinds of notices in amateur enforcement cases. If Hollingsworth denies wrongfully ruining the reputation of the W9 station, then I am going to call that station as a

witness to contradict him.

I will testify that, essentially, Hollingsworth killed the late Michael Delich, WA6PYN, by illegally calling him in for a re-test even though Delich had taken his amateur exam from an Engineer In Charge and not from a Volunteer Examiner. Although Delich so informed him and protested the re-test, Hollingsworth simply ignored him and the law on the basis that the ends (ridding the ham bands of stations of whom Hollingsworth disapproves) justify the means. The episode caused Mr. Delich such stress and depression that he died.

I am going to ask Hollingsworth how he screwed up his work assignment with the Commission when he was Deputy Chief of Licensing and when he was Assistant Bureau Chief of the Wireless Telecommunications Bureau; as well as when he managed the FCC's 800 MHz. Lottery Task Force, prior to becoming "SCARE"; how he lied to the amateur community about his qualifications for the "SCARE" position; and what enforcement power he thinks §97.1 gives him when there is no underlying §97.113 violation. Then I'm going to ask him a series of questions about the enforcement actions he took in various cases (such as that of Irwin L. Richardt, W2VZJ), where one station refused to permit another to participate in a roundtable QSO, which will prove that there was neither rhyme nor reason to his said enforcement actions, and they were all taken based merely on whom he happened to like and whom he did not; that Hollingsworth totally legislated §97.101(b) out of existence under the guise of "interpreting" it; that he deliberately misinterpreted, misconstrued and misapplied the Rules in order to reward his friends and punish his enemies; and that said actions also amount to an abuse of discretion.

Next I'm going to call Art Bell, W6OBB, as an adverse witness. I'm going to ask him exactly what communication(s) of his it was that he claims I interfered with, and the details of said communication(s), because in fact no communication

was interfered with. I am going to ask him about the email he sent the Enforcement Bureau, in which he appears to blame me for his wife's death, and I'm going to prove that she died not due to anything *I* did, but instead due to Bell's own negligence. I'm going to ask him about his inference in said email that something I said on the air the night she died contributed to her death, and I'm then going to prove, through use of the actual recording (which the Bureau has thus far refused to produce), that I was not even on the air that night. I'm going to testify and ask Mr. Bell about the fact that, rather than seeking medical help when his wife suffered a fatal asthma attack, apparently Mr. Bell deliberately or negligently let her die because he wanted to marry a younger woman, and how he had been expressing his fixation with younger women to his ham radio friends and on the internet in the days before he let his wife die.

I'm going to ask Bell whether he follows Part 97 himself; i.e., it is my belief that for many years he has run about 5 kilowatts from his Pahrump station [amateurs are limited to 1.5 kilowatts under §97.313(b); I am not going to raise the “minimum power necessary” argument under §97.313(a) because I know amateurs honor it more in the breach than in the observance] by using a Henry Radio 5K RF amplifier [which is illegal for use in the amateur service both under §97.313(b) and because it was not certifiable for amateur use under §97.317(c)(6)(ii) inasmuch as it was capable of, and did, amplify the input RF driving signal by more than 15 decibels], on which he has installed a Henry Radio 2K front panel emblem so nobody will suspect that he was running excessive power. And if Bell denies running excessive power for many years, then I am going to call James Watkins, KI6GU, a good friend of Bell's, as a witness and ask him about the time Bell told Watkins all about Bell's said “Henry 5K” amplifier, how he had been running excessive power for many years, and how he changed said front panel emblem to disguise said facts.

I am going to ask Bell, by way of impeachment, all about the various phony “issues” and other fiascoes he has promoted on his radio program, “Coast-to-Coast AM”, such as arguably causing the “Hale-Bopp Companion/Heaven's Gate” suicides (I will testify that Bell clearly caused the suicides, but then tried in a very cowardly way to evade responsibility for his actions), Y2K (if he didn't create it, Bell was at least its main popularizer on his radio show); “remote viewing” and alien anal probes. I'll testify that he advocated and popularized such poppycock not only to drive up his ratings in order to make the syndication rights to his radio show more valuable so he could sell them for an enormous profit, but also that he showed utter unconcern for the fact that he was thereby dumbing down the American citizenry and the Commission cooperated in permitting him to do so. In the case of Y2K, he also pushed that issue in order to drive up the price of gold because he invests in it. I intend to play recordings of Bell telling his listeners that, for example, “shadow people”, *i.e.*, ghosts, really exist, and ask him if he believes it; and of Mr. Bell interviewing phony experts about “remote viewing” and alien anal probes while Bell listens and comments in apparent credulity.

I also intend to play a recording of Bell and one of his sycophants, John Hamm, on the 75-meter band, falsely and wrongfully accusing me of transmitting on the 60-meter band before it opened to amateur operation because it shows that neither Bell nor Hamm have any credibility (especially considering the fact that Bell would usually put Hamm up to telling me to go away on 3840 kc.) and that they both had the animus to file false complaints against me.

I'm going to play recordings of Bell advising people on the air, over and over and over, ad nauseam, to file complaints with Riley Hollingsworth against Steven Wingate, K6TXH, even though Mr. Wingate had done nothing wrong and merely wanted to join the QSO, because it shows that Bell was trying to run people he didn't happen to like off the air. Such testimony will also show that Bell was

just playing games with the Bureau and using it as his private enforcement tool, and that the Bureau cooperated with him in doing so.

I'm also going to call Bob Weller, a Professional Engineer with the Commission's Office of Engineering and Technology, as a witness. In addition to being in his present position an expert in radio-frequency radiation exposure whose qualifications are obviously already known and acceptable to you, Mr. Weller is also a long-time and diversely-experienced radio amateur and Extra-class licensee of the Commission whose callsign is N6NE.

When Mr. Weller formerly worked for the FCC's San Francisco Field Office, one of his primary responsibilities was locating ham radio jammers with the FCC's mobile direction-finding equipment and making intercepts (recordings) thereof, as has always been recognized as necessary in an FCC amateur enforcement case under Boston, Premus and §154(f)(4) of the Act [at least until, in order to make its job easier because they are lazy, the Bureau started lying to the public by telling them that mere written complaints constitute admissible evidence against a licensee. And the Bureau is *still* saying so on its website! (It's just another example of how the Bureau lies and ignores the amateur radio law)].

If I am not mistaken, Mr. Weller also served as Regional Director of the FCC's Rocky Mountain region, and during his tenure in that position one of his primary responsibilities was chasing and catching jammers, unidentified, unauthorized, pirate and bootleg stations and locating spurious and illegal radio emissions and transmissions of all kinds. I therefore believe Mr. Weller is particularly and eminently qualified to provide his professional opinion herein about the issue of whether or not said F.O.I.A. recording (or for that matter, *any* recording that the Bureau may have) shows me jamming; indeed, he is probably the country's foremost expert on such issues; and I would therefore expect the Bureau to stipulate to his qualifications herein as an expert witness on the jamming issue.

I believe that Mr. Weller will testify, first, that the CD recording that I obtained from my F.O.I.A. request provides absolutely no basis for concluding that the interfering signals thereon emanated from my station, and that he can determine from said recording that in fact they likely did *not* emanate from my station due to the differences in signal strength, audio gain and equalization (and possibly other audible signal characteristics) between my transmissions and the interfering ones in said recording. And I further believe that, by listening to and comparing the actual waveforms of said F.O.I.A. recording and that of the real conversation, it will be obvious to Mr. Weller that Bell created insertion-point noise in the waveform where he pasted audio snippets into it. I believe that Mr. Weller will thereby corroborate my testimony that said recording was entirely concocted by Art Bell from snippets of other conversations and jamming transmissions. Such fake evidence is exactly why Premus and Boston require proof of interference by actual intercepts.

I also believe that Mr. Weller is presently one of the Commission's highest-ranking staff professionals in the area of radio frequency exposure and is therefore also eminently qualified to provide his professional opinion concerning such issues. I believe Mr. Weller will also testify that, as a matter of physics, and considering that the energy content (e) of a quantum of radiation is proportional to its frequency (ν); i.e., $e = h\nu$ (where h is Planck's proportionality constant, or approximately 6.6256×10^{-27} erg-seconds); that therefore a radio emission in the amateur service high-frequency bands contains not enough inherent energy to have caused any human tissue damage whatsoever, let alone 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. I anticipate that Mr. Weller's testimony will create a clear evidentiary inference or

implication that Hollingsworth's admitted insanity is permanent rather than temporary in nature, and that the warning letters he issued to me were strictly a product of his said mental disorder.

Of course I reserve the right to name additional witnesses and additional subjects of testimony until the Exhibit Exchange date.

6. Identify each person you expect to call as an expert witness at hearing and, as to each person so identified:

- a. state the specific subject matter of his/her anticipated testimony;
- b. state the precise facts as to which the expert is expected to testify;
- c. state the opinions expected to be presented by the witness;
- d. state the basis for each such opinion;
- e. state 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. state the nature of your relationship with the expert;
- g. provide the curriculum vitae and/or a comprehensive summary of the educational and professional experience relied upon to qualify each such witness as an expert.

Even though former ALJ Steinberg ruled in Par. 10 of Order No. FCC 08M-59 that my previous answers to Interrogatory No. 6 were sufficient, I wish to supplement those answers.

I intend to call and qualify myself as an expert witness in amateur radio service history, law and regulations, and to testify 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/or that he is simply unwilling to apply it correctly; that the Bureau has no intercepts of my transmissions precisely because I've never interfered with anyone; and that none of the allegations that Hollingsworth has made against me constitute a Part 97 violation in the first place. I will furthermore offer my expert opinion that, since I know so much more about amateur radio service law and regulations than Hollingsworth does, I am qualified and privileged to label his opinions as incorrect. 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 (the existence of which the Bureau and the ALJ appear to deny), and my years of observing Hollingsworth deliberately misinterpret and distort the plain meaning of Part 97, and play favoritism in its enforcement, because he's on a power trip, he's lazy and it makes his job easier. 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 in 1972 on my first attempt at passing the bar exam; my unblemished professional and disciplinary record; my many years of legal study and my assiduous and diligent study of the amateur service rules and regulations from 1960 through the present.

I'll testify that in my expert opinion, any disrespect I have shown toward, or criticisms I've made of, the Commission were not directed at the Commission itself, but instead represented my honest and sincere attempt to improve the Commission's and the Bureau's former administration by securing the proper and correct interpretation and application of Part 97.

I will further testify that, in my professional experience and opinion as an observer of amateur radio interference cases and a scholar of FCC amateur enforcement decisions, other *indicia* of interference would likely be present herein if

I *really* had contempt for the Commission's regulatory authority. For example, in Gary W. Kerr, 91 FCC 2d 110 (1982); affirmed by the former Review Board at 91 FCC 2d 107 (1982), the licensee admitted transmitting a tape loop repeatedly over a 3-day period, which clearly showed a one-way transmission in violation of §97.113(b) even though the licensee claimed it was only an audio test. ALJ Kuhlmann found a violation of Part 97 because the Commission had actual intercepts of the transmissions that were made by its official monitoring personnel; because *indicia* of interference existed; because the licensee made admissions contradicting his claims that the transmissions were a good-faith audio test; and because such long one-way transmissions and the licensee admissions displayed contempt for the Commission's regulatory authority. I will offer my expert opinion that in contrast to Kerr, in the instant case there are no such *indicia* because I never jammed in the first place, so it is very unlikely that I have contempt for the Commission's regulatory authority because if I did, I would have been caught jamming by now. After all, this case has been going on for ten years and it is now clear that the Bureau's case amounts to nothing but an attempt to “bootstrap” a character rule violation where no underlying Part 97 violation exists. All my transmissions were parts of two-way communications; they were short; they were within my assigned frequency band; and after I made them I stood by and listened for other stations on the frequency.

I further intend to call Robert D. Weller to testify as an expert witness, as described above. At this time I don't know whether I will be required to pay Mr. Weller anything for his testimony or not. Mr. Weller is a long-time acquaintance of mine from ham radio circles, and he was my son's roommate for a year while they were both undergraduate students at U.C. Berkeley.

7. Explain why you applied for a call sign change on or about January

24, 2006.

In Par. 11 of Order No. FCC 08M-59, former ALJ Steinberg ruled that Interrogatory No. 7 was improper and that I don't have to answer it.

8. Explain what, if anything, your vanity call sign, W6WBJ (in whole or in part) stands for or means.

In Par. 11 of Order No. FCC 08M-59, former ALJ Steinberg ruled that Interrogatory No. 8 was improper and that I don't have to answer it.

9. State whether you have ever referred to yourself during a radio transmission or otherwise as the "World's Best Jammer" and/or otherwise stated that the letters WBJ in your vanity call sign stand for the "World's Best Jammer." If so:

- a. provide the date and time of each such statement;
- b. describe the method used to make and publish each such statement; and
- c. identify each person to whom it was made;
- d. If such statement was broadcast via a radio transmission, identify specifically and in detail:
 - i. the date and time of each and any such transmission;
 - ii. the frequency upon which each and any such transmission was broadcast;
 - iii. each person you have reason to believe heard each or any such transmission.
- e. If such statement was contained in correspondence including, but not limited to, email, identify specifically and in detail:
 - i. the address you used to send each and any such message containing such statement;
 - ii. the addressee and recipient of each and any such message you sent

including, but not limited to, the address of each such individual;

ii. text of each and any such message.

Applicant objects that this interrogatory is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence because under the First Amendment Applicant is entitled to call himself anything he wants to on the air.

Subject to said objection, Applicant states that he does not remember ever calling himself the “World's *Best* Jammer” because I try to avoid boasting. On the other hand, I didn't think the “World's *Biggest* Jammer” phonetics were boastful because one could argue it meant merely that I'm overweight.

As I explained above, I've only used the phonetics “Worlds' *Biggest* Jammer” a few times on the air as a joke, and I quit doing so pretty quickly after I got the callsign because using said phonetics seemed to antagonize my fellow amateurs and I didn't want to do that. I didn't realize when I requested the callsign that my fellow amateurs would think I was serious by calling myself “World's *Biggest* Jammer”, but I found out promptly that some of them did. Ever since, I've been using the phonetics “Whiskey Bravo Juliet” or identifying simply as “W6WBJ”. You don't use phonetics in emails or correspondence; they are only used on the radio.

10. State whether you have ever referred to yourself during a radio transmission or otherwise as the "World's *Biggest* Jammer" and/or otherwise stated that the letters WBJ in your vanity call sign stand for the "World's *Biggest* Jammer." If so:

- a. provide the date and time of each such statement;
- b. describe the method used to make and publish each such statement; and
- c. identify each person to whom it was made;
- d. If such statement was broadcast via a radio transmission, identify

specifically and in detail:

- i. the date and time of each and any such transmission;
 - ii. the frequency upon which each and any such transmission was broadcast;
 - iii. each person you have reason to believe heard each or any such transmission.
- e. If such statement was contained in correspondence including, but not limited to, email, identify specifically and in detail:
- i. the address you used to send each and any such message containing such statement;
 - ii. the addressee and recipient of each and any such message you sent including, but not limited to, the address of each such individual;
 - iii. text of each and any such message.

Applicant objects to this Interrogatory on the grounds that it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence herein because, under the First Amendment to the U.S. Constitution, he is entitled to call himself whatever he wants on the ham radio.

Subject to said objection, Applicant admits that after he received his present callsign, and largely to satirize, ridicule and parody the Commission as he has a perfect right to do under the Constitution and the Commission's rules, and particularly after Riley Hollingsworth began falsely, wrongfully and publicly calling him a jammer, he has jokingly and satirically referred to himself a few times on the air as the "World's Biggest Jammer", but it was intended only as fair comment on the fact that Riley Hollingsworth and the Bureau were already falsely, publicly and at taxpayer expense calling him a jammer, and that he stopped doing so almost immediately because some other amateurs did not understand or appreciate that he