

**Marlene H. Dortch, Secretary
Federal Communications
Commission
445 12th Street, SW
Washington, D.C. 20554**

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**Re: Written Ex Parte Communication
*Examination of the Future of Media and
Information Needs of Communities in a Digital Age*
GN Docket No. 10-25**

Dear Ms. Dortch:

Pursuant to Section 1.1204(b) of the Commission's rules and the Commission's Public Notice concerning the Future of Media and Information Needs of Communities in a Digital Age, Curtis J Neeley Jr MFA submits this letter to address issues integral to the proper distribution and regulation of news and information transmitted by WIRE called Internet that the Commission has raised.

The Progress & Freedom Foundation's eighty-two (82) page filing was one of the only filings besides those by Mr Neeley that used the term "indecent". They were, of course, quick to assert that the term was audience driven and needed quotations. They confused the historical American inability to recognize "copy-rights" as the planned prior restraint that they always were. The 17th century framers of the First Amendment and the unconstitutional US Title 17 had copied the 1710 Statute of Anne that established licenses for publishing and first used the term "copy-right"

without using the hyphen to convince people it recognized a fundamental right. US Title 17 was nothing but an act of plagiarism.

What are *purportedly* beneficent reasons? Who decides if a reason is actually beneficial and who decides a reason is only *purportedly* beneficent? The following quote is from a *purportedly* beneficent paragraph from The Progress and Freedom Foundations comments.

II. GREATER GOVERNMENT INVOLVEMENT IN THE MEDIA SECTOR—EVEN FOR PURPORTEDLY BENEFICENT REASONS—BETRAYS THE FIRST AMENDMENT, THREATENS A FREE PRESS, IS RISKY FOR TAXPAYERS & IS UNWISE FOR MANY OTHER REASONS

The “PFF” then alleges that this very proceeding raises a “potential” chilling effect as follows.

A. The Very Nature of This Proceeding Raises a Potential “Chilling Effect” The very act of initiating this proceeding raise[s] First Amendment concerns since it could chill protected speech. If the First Amendment’s press clause means anything, it means that publishers are not to be subjected to “prior restraints.” The licensing system used in England at the end of the 17th Century, to which the framers of our constitution were responding when they adopted the First Amendment, required that all printing presses were to be licensed and that nothing could be published without prior approval of state authorities. Freedom of the press to the framers meant, first and foremost, the freedom to publish without a license and without having to seek prior approval.

The “PFF” purports to have magically ascertained that the Founding Slave Owners were responding to the Statute of Anne but were indirect in the quoted section above. Printing presses were as “progressive” in 1710 when the Statute of Anne agreed to price-fix or license and regulate mass publication of ideals as the Internet is during this very proceeding. The Slave Owning Nation was concerned so much about establishing a new price-fixing licensure while alleging to assert supporting “Freedom of the Press” that they quickly used the term “copy-right” without the hyphen to fool colonial slave owners and appear to recognize that the fundamental right to be secure in the person applied to the publication of ideals.

The “PFF” quickly asks that the government recognize that the group “in charge” defines even morality as follows.

But, again, according to [who’s] tastes and values? In practice, how the “public interest” has been interpreted and applied by the FCC has often depended in the ideological disposition of whatever party is in charge at the time. As Ford Rowan, author of Broadcast Fairness, once noted: “Many liberals want regulation to make broadcasting do wonderful things; many conservatives want regulation to restrain broadcasting from doing terrible things.” Consequently, during periods of liberal rule, “the public interest” has been seen as a method of politically engineering more “educational” and community-based” programming. By contrast, in the hands of conservative appointees, “the public interest” has been seen as an instrument to curb “indecent” speech.

It was kind to quote and include elderly Mr Rowan’s thoughts. This quote of a respected but RETIRED journalist who retired from public journalism before WIRE COMMUNICATIONS often called the Internet existed in 1985. Mr Rowan’s private consultancy business closed its doors on July 31, 2010 or during this very “chilling” proceeding. “Improving” on Ford Rowan’s quoted notation above, Curtis J Neeley Jr., MFA, now states: “Many liberals in the FCC want regulation to make broadcasting do wonderful things while several conservatives at the FCC want regulation to restrain broadcasting from doing terrible things, however, those uncomfortable being described as liberal or conservative at the FCC now seem to want regulation of broadcasting to do wonderful things without doing terrible things.” Mr Neeley ironically has tried to sue the FCC and has sought to require the FCC to perform exactly this.

The “PFF” then describes a particularly sensitive subject. It carefully describes men who are unable to get a “hard-on” or erect penis as follows.

Erectile Dysfunction Advertising Regulation.

Makers of erectile dysfunction ads spent \$313.4 million on advertising in 2008¹⁵¹—nearly as much as the entire 2010 Corporation for Public Broadcasting budget—yet pending legislation would severely restrict such advertising. In May 2009, Rep. Jim Moran (D-VA) introduced H.R. 2175, the “Families for ED Advertising Decency Act,” which would regulate advertisements on broadcast television for medications that treat erectile dysfunction (ED) as “indecent” content.

Broadcasters would be forbidden from airing ED ads during the so-called “safe harbor” when indecent content is forbidden, from 6 a.m. to 10 p.m. The FCC could fine a station up to \$325,000 per infraction if broadcasters are found to violate these rules.

This seems an attempt to make it seem that advertising a medication that has a sales volume greater than the Corporation for Public Broadcasting budget and is simply a medical advertisement to treat an embarrassing penile condition should have First Amendment protection. Television ads that advertise medication that allows men to get a hard-on and enjoy recreational intercourse could be done in a way that is patently inoffensive. The horrible pending law mentioned above as patently offensive includes as follows.

This section shall not require treating as indecent any product placement or other display or mention merely of the trademarked name or generic name for such a medication.

It seems the “PFF” ignored the H.R. 2175 attempt to specifically protect advertisement of helping men or their wives purchase “hard-on”s. Women are effected EXACTLY the same by this “pending” regulation as are men, if not more so. Mr Neeley now asserts confidently that the term “erect” could easily be regulated and the term’s use should be regulated, as description of a bodily function and using this term is nearly always suitable for only adults whether it be an erect nipple or a penis.

The “PFF” assumes that the FCC liberals and FCC conservatives will be sure to seize on existing ideological predispositions and has attempted to cause FCC confusion and are attempting to cause exactly no *purported* benefit at all. The “PFF” asserts indirectly in roughly eighty-two (82) pages that the regulation of communication is a de facto violation of the First Amendment and that the First Amendment is the most important civil right.

Absolutely none of the rights anchored in the “Bill of Rights” are more or less important as was made clear by the Founding Slave Owners by requiring inclusion of the Ninth Amendment. Had this not been included the United States would not exist and North of Mexico there would now exist numerous nations similar to the separate nations that now making up Europe. The United States Department of Justice objected to the Google Inc and Author’s Guild proposed legal settlement purporting creation of “copyright alternatives” that are not recognizing of the Ninth Amendment Rights the Founding Slave Owners established.

Semi-respectfully submitted,

s/ Curtis J Neeley Jr. _____.

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