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

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Federal Communications Commission
Office of the Secretary

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

To: Marlene H. Dortch, Secretary
Federal Communications Commission

Attn: Richard L. Sippel
Administrative Law Judge

APPLICANT'S PETITION TO DISQUALIFY ALJ
[47 C.F.R., Part 1, Subpart B, §1.245]

Submitted by:
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SUMMARY

By his statements, rulings and actions herein, the ALJ has clearly demonstrated himself to be unalterably biased and prejudiced against Applicant. Said bias and prejudice stem from the ALJ's inability or unwillingness to learn the law applicable to the amateur radio service; his emotional insecurity resulting when said lack of knowledge is exposed; his blatant immorality and poor character; and from his obvious willingness to viciously distort both the law and Applicant's arguments in order to screw Applicant. Accordingly, the ALJ is required under Rule of Practice and Procedure 1.245 to recuse himself herein.

Table of Contents

Page

Summary 2

Table of Authorities 2

Statement of the Case 5

Argument

1. The Provisions of FCC Rule of Practice and Procedure §1.245 6
2. The ALJ Immorally, Deceitfully and Prejudicially Denied Applicant Due Process In Refusing To Permit Him to Brief the Issue of Whether His Pleadings Were Filed When Received By the Commission 6
3. The ALJ Immorally, Deceitfully and Prejudicially Claims That Applicant Belongs In a Class of Licensees Who Have Been Convicted of a Serious Felony 8
4. The ALJ Is Immorally, Deceitfully and Prejudicially Attempting To Assist the Enforcement Bureau to Concoct a Character Rule Issue Against Applicant 8
5. The ALJ Immorally, Deceitfully and Prejudicially Allows the Enforcement Bureau to Disparage, Defame and Deprecate Applicant for Absolutely No Reason, and When Applicant Attempts to Defend Himself Against Said False Charges, The ALJ Threatens to Hold Him In

Contempt..... 8
6. The ALJ Immorally, Deceitfully and Prejudicially Distorts Applicant's Argument By Claiming He Objects To *Not* Being Included In A Group of Convicted Felons..... 8
7. The ALJ Immorally, Deceitfully and Prejudicially Attempts to Punish Applicant for Truthfully Pointing Out That Riley Hollingsworth Traveled Around the U.S. on Meaningless Junkets at Taxpayer Expense..... 9
8. The ALJ Immorally, Deceitfully and Prejudicially Allows the Bureau to Go on a Witch Hunt Under the Guise of a Character Rule Inquiry Where No Factual Predicate Exists Therefor..... 9
9. The ALJ Immorally, Deceitfully and Prejudicially Refuses to Learn the Law Pertaining to Amateur Radio..... 10
10. The ALJ Imorally, Deceitfully and Prejudicially Claims That Applicant is Guilty of Contempt Merely Because He Desires to Preserve His Objections to the Bureau's Interrogatories..... 13
11. The ALJ Immorally, Deceitfully and Prejudicially Claims That Applicant Admitted Transmitting Indecent Materials..... 13
12. The ALJ Immorally, Deceitfully and Prejudicially Claims There is Anything Illegal About Playing Recordings in the Amateur Service..... 14
13. The ALJ Immorally, Deceitfully and Prejudicially Claims There Was Something Wrong or Illegal About the Message He Left on the Message board of Emily Burnham, K6WGB..... 14
14. The ALJ Immorally, Deceitfully and Prejudicially Accuses Applicant of Impeding the Hearing Process With "Harassment of Opposing Parties Which Threatens the Integrity of the Commission's Licensing Process..... 15
15. The ALJ Immorally, Deceitfully and Prejudicially Claims That Applicant's Filings Were Prohibited by 47 CFR §§ 1.24 and 1.52..... 15
16. The ALJ Immorally, Deceitfully and Prejudicially Proposes to Expand The Issues Herein Sua Sponte to Include Applicant's

So-Called "Abuse of Process", Whereas the ALJ Denied Applicant the Right to Expand The Issues to Include Riley Hollingsworth's Abuse of Discretion 16

17. The ALJ Immorally, Deceitfully and Prejudicially Attempts to Liken My Attempts to Defend Myself Against the Commission's False and Illegal Charges to the Licensee Conduct Appearing in the Case of David Ortiz Radio Corp. v. FCC 16

18. The ALJ Immorally, Deceitfully and Prejudicially Claims That the Recordings, Sent to the Bureau By Hams as a Result of a Concerted Campaign by Riley Hollingsworth to Concoct a Case Against Applicant, Are Admissible in Evidence Herein 17

Conclusion and Prayer for Relief 17

Verification 17

Certificate of Electronic Service and of Service by Mail 18

Table of Authorities

Page

Statutes:

47 U.S.C. §402(b) 6, 11

31 U.S.C. §1342 10

47 U.S.C. §154(f)(4) 10, 15

31 U.S.C. §1342 15

Court Decisions:

Fox v. FCC (remand), Docket Nos. 06-1760, etc., decided July 13, 2010 12

Red Lion Broadcasting Co. v. FCC, 395 U.S. 367 (1969) 12

David Ortiz Radio Corp. v. FCC, 941 F. 2d 1253 (1991) 15

FCC Enforcement Cases

In re Richard Boston, Safety and Special Services Bureau Docket No. 87346 (July 29, 1977) 8, 10
Kevin David Mitnick, WT Docket No. 01-344, Initial Decision Released December 23, 2002 6
In re: Myron Henry Premus, 17 FCC 251 (1953) 8, 9
David L. Titus, E.B. Docket No. 07-13, Initial Decision released March 9, 2010... 6

Commission's Rules and Regulations

47 C.F.R., Chapter I, Part 1, Subpart A, §1.7 5
47 C.F.R., Chapter I, Part 1, Subpart A, §1.24 14
47 C.F.R., Chapter I, Part 1, Subpart A, §1.52 14
47 C.F.R., Chapter I, Part 1, Subpart B, §1.229 14
47 C.F.R., Chapter I, Part 1, Subpart B, §1.245 ..... 4, 15

Statement of the Case

I have been a licensee in the Commission's amateur service for roughly 50 years. I never had any problem with the Commission until, after 15 years of admitted failure to enforce the amateur rules, one Riley Hollingsworth became chief of amateur enforcement for the Enforcement Bureau.

The Enforcement Bureau concocted a vendetta against me because, in mys responses to Hollingsworth's warning letters, I displayed to the entire amateur radio community Hollingsworth's the incompetence and ignorance of the amateur radio law, and his willingness to distort same, in order to show "instant action" on amateur enforcement and to make his job easier. But since the Bureau had no evidence that Applicant ever violated Part 97, it concocted a "character rule" case against Applicant out of whole cloth and then tried to "bootstrap" said character argument into the primary thrust of the case. Rather than preventing the Bureau from doing so, the ALJ has constantly displayed both his bad character and his incompetence to preside over this case by wrongfully siding with and encouraging the Bureau to pursue said phony, concocted character issue.

Argument

1. Section 1.245 of the Commission's Rules of Practice and Procedure[1] provides as follows:

> § 1.245 Disqualification of presiding officer.
> (a) In the event that a presiding officer deems himself disqualified and desires to withdraw from the case, he shall notify the Commission of his withdrawal at least 7 days prior to the date set for hearing.
> (b) Any party may request the presiding officer to withdraw on the grounds of personal bias or other disqualification.
> (1) The person seeking disqualification shall file with the presiding officer an affidavit setting forth in detail the facts alleged to constitute grounds for disqualification. Such affidavit shall be filed not later than 5 days before the commencement of the hearing unless, for good cause shown, additional time is necessary.
> (2) The presiding officer may file a response to the affidavit; and if he believes himself not disqualified, shall so rule and proceed with the hearing.
> (3) The person seeking disqualification may appeal a ruling of disqualification, and, in that event, shall do so at the time the ruling is made. Unless an appeal of the ruling is filed at this time, the right to request withdrawal of the presiding officer shall be deemed waived.
> (4) If an appeal of the ruling is filed, the presiding officer shall certify the question, together with the affidavit and any response filed in connection therewith, to the Commission. The hearing shall be suspended pending a ruling on the question by the Commission.
> (5) The Commission may rule on the question without hearing, or it may require testimony or argument on the issues raised.
> (6) The affidavit, response, testimony or argument thereon, and the Commission's decision shall be part of the record in the case.

The ALJ has shown his irremediable bias and prejudice against Applicant in many ways, such as:

2. Applicant sent his pleadings and motions to the Commission's Secretary by overnight mail and has documentary proof that they were delivered to the Commission in a timely fashion, yet the papers were sent to an outlying facility for irradiation against anthrax spores before the Secretary would file them. Therefore they were not filed when received, as required by Commission Rule of Practice and Procedure 1.7[2] and Applicant's motions were denied on said

1 47 C.F.R., Part 1, Subpart B, §1.245
2 47 C.F.R., Part 1, Subpart A, §1.7

ground. Yet when Applicant raised the issue, the ALJ and the Bureau began falsely and immorally claiming that Applicant had made a "verbal assault" against the Commission Secretary by pointing out that the Commission Secretary had not filed his papers when received. Then, in order to cover itself, the Bureau began claiming that the Commission Secretary had filed the papers, dated retroactively to the date actually received, after receiving them back from the irradiation facility. However, that argument was irrelevant because even if the Secretary did so, it was too late to remedy the denial of Applicant's motions due to their previous alleged "untimely" filing.

In an informal telephone conference on May 20, 2010, Applicant informed the ALJ that he had documentary proof from the U.S. Postal Service that the Commission Secretary was not filing his papers when received, and requested permission to brief the issue and to present his documentary evidence thereon. However, because he is an immoral person and heavily biased against him, the ALJ angrily denied Applicant's said request, thereby entirely denying him due process. But even though the ALJ immorally denied Applicant the right to brief the timely-filing issue, and in a further display of his blatant bias and immorality, he proceeded to rule in FCC 10M-04 that the Secretary had filed Applicant's papers in a timely fashion, and that there was "no evidence to the contrary". This was obvious and immoral denial of Applicant's due process rights herein, as well as just another attempt by the ALJ to deliberately and immorally mischaracterize Applicant's arguments and the evidence in order to unfairly create a record adverse to Applicant. Everyone knows why the ALJ is doing this. It is because the ALJ is such an immoral sissy that he is afraid of the Commission's Public Safety and Homeland Security Bureau ("PSHSB"). In other words, the ALJ is so immoral and biased that has not the *cojones* to stand up for Applicant's due process rights, and is willing to trash Applicant's' Constitutional and due process rights in order to make things easier for himself and to avoid having any problems with the PSHSB. This clearly demonstrates the ALJ's immorality and deviousness, proving that he has no business serving in a judicial capacity of any kind.

Applicant informed the ALJ in said telephone conference that the ALJ was denying his rights. The ALJ thereupon got extremely angry and yelled at Applicant, thereby further clearly demonstrating his immorality, bias and prejudice against Applicant.

3. The ALJ has clearly demonstrated his own lack of morals herein because he has

shown himself to be entirely unable to distinguish between licensees who have been convicted of a serious felony such as child molestation (Titus[3]) or computer network hacking (Mitnick[4]) and one, such as Applicant, who has been entirely law-abiding for his entire life, and has never been charged with any crime, whether felony or misdemeanor. Moreover, the ALJ has ruled that the convicted child molester and the convicted computer network hacker have good character, at the same time he is accusing Applicant of having bad character merely because he exercised his free-speech rights by criticizing the Bureau and the Commission. Obviously, the ALJ is rather confused on a practical basis about what constitutes good character. It is obvious why Applicant does not want the ALJ to decide the issue of his character when he is not required to have the ALJ do so: not only because the ALJ is essentially an immoral person who has no business whatsoever judging Applicant's character, but also because the ALJ obviously has absolutely concept of what constitutes bad character.

4. Rather than correctly ruling that there exists no factual predicate for a character rule inquiry herein, the ALJ has exposed his bias and prejudice against Applicant by affirmatively attempting to assist the Bureau in concocting a phony character issue by claiming that Applicant is guilty of contempt (abuse of process) merely because he attempted to defend himself from the Bureau's wrongful character assassination.

5. The ALJ has thus constructed a perniciously-tilted playing field herein, where the Bureau and the ALJ are free to disparage, defame and deprecate Applicant, but when Applicant tries to defend himself from said false charges the ALJ accuses him of contempt. Such rulings will never survive scrutiny by the District of Columbia Circuit Court of Appeals pursuant to 47 U.S.C. §402(b).

6. The ALJ has demonstrated that he is entirely willing to deliberately and immorally distort Applicant's arguments herein. For example, in Order 10M-04 (released July 29, 2010), the ALJ falsely claims that Applicant is complaining because he is *not* being included in a group of convicted felons such as Schoenbohm, Mitnick and Titus. The ALJ well knows that Applicant was claiming just the opposite: he was *objecting* to being placed in a group of convicted felons when I have never been charged with or convicted of any crime, whether felony or misdemeanor.

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3 David L. Titus, E.B. Docket No. 07-13, Initial Decision released March 9, 2010.

4 Kevin David Mitnick, WT Docket No. 01-344, Initial Decision released December 23, 2002.

The ALJ thus deliberately and immorally distorts my argument in order to take a cheap shot, and make it appear that he actually knows what he is talking about when he does not, by defaming and disparaging me, thereby immorally and illegally attempting to "bootstrap" a character issue; to unfairly and immorally defame and disparage me merely because I have exercised my free-speech rights in criticizing the Commission; and to immorally create a distorted, unfair and adverse record on appeal. The ALJ's immorality and bad character are thus exposed to the world.

7. The ALJ claims that, by stating Riley Hollingsworth traveled around the country on taxpayer-funded junkets in order to gratuitously attack, defame and insult radio amateurs, and accuse of them of Part 97 violations before they had their day in court, Applicant was being "disrespectful and needlessly burdensome" and that there is no factual proof thereof. This is entirely untrue and incorrect, and again shows the ALJ's immorality in deliberately distorting the facts, and by ignoring both the record and Applicant's arguments. Obviously, due to his bias and prejudice against Applicant, the ALJ has not even read Applicant's pleadings herein[5], which prove that Hollingsworth did just that.

8. Of course the Commission cannot use its character rule to engage in a witch hunt, and when the ALJ suggests otherwise it merely confirms the fact that he is an immoral person who is irremediably biased and prejudiced against Applicant. This is clearly stated in the Commission's 1990 Character Statement, which the ALJ *supposedly* relies upon, but the immoral and biased ALJ is perfectly willing to distort the plain language of the Commission's character rule in order to shaft Applicant.

The Bureau has offered no proof that Applicant ever jammed, played music or said anything "indecent", and the Commission cannot concoct a "character rule" violation exclusively by pulling on its own bootstraps. I merely defended myself against Hollingsworth's false and wrongheaded allegations. I am entitled to do that. I am not required to remain silent when a Bureau official falsely accuses me of Part 97 violations, and defending myself does not involve

5 See, for example, Applicant's Supplemental Responses to Enforcement Bureau's Requests for Production of Documents, Exhibits B-13, B-15, B-17. Many other examples of Hollingsworth's political, entirely self-serving, taxpayer-funded junkets appear on the internet. For example, on at least 3 occasions he soaked the taxpayers for round-trip plane fare to California, as well as the attendant hotel bills and meals, in order to spout his poppycock to the Pacificon "hamvention." Other examples are legion.

disrespect to the Commission when it was the Commission itself which initially raised the false, legally-punishable charges. If he has listened to the recordings relied upon by the Bureau and produced pursuant to Applicant's discovery requests, then the ALJ knows that there is absolutely no basis for the claim of Part 97 violations, and no character rule violation can possibly result from a falsely-accused licensee defending himself. Yet the ALJ continues to attempt to wrongfully inject a character issue into this case. Nothing could show more clearly the ALJ's immorality, bias and prejudice against Applicant, and the ALJ's unfitness to serve as the presiding officer herein. There can be only one explanation for such conduct by the ALJ: he is an immoral person who harbors unfounded animosity toward Applicant; who is insecure about his lack of legal knowledge and retaliates against anyone who adverts to it in any fashion; and is irredeemably biased and prejudiced against Applicant. It is time for the ALJ to end this unfair, illegal charade by disqualifying himself because he has amply demonstrated himself not to possess the moral standing necessary to be a judge of any kind, let alone to judge the character of a law-abiding, honest, taxpaying citizen like Applicant.

9. The ALJ simply refuses to learn the law applying to amateur radio. It is entirely different from the law pertaining to broadcast licensees, but the ALJ continually cites broadcast cases in order to justify his biased and prejudiced rulings against Applicant. Apparently the ALJ refuses to learn the law of amateur radio because he is either intellectually lazy, or is approaching senility (if he hasn't already arrived at that destination) and simply lacks the capacity to learn a new area of the law. Yet, in a clear display of his emotional insecurity about his said lack of knowledge, and of his bias and prejudice against Applicant, he continually and deliberately mischaracterizes the holdings in the reported amateur cases in order to screw Applicant.

For example, in Order 10M-04 the ALJ deliberately, viciously, prejudicially and thoroughly misinterprets the holdings in the Premus[6] and Boston[7] decisions.

Contrary to the ALJ's highly-contrived, biased and prejudiced ruling in Order 10M-04, which was clearly intended to effectuate another phony, legally-unsupported attack on Applicant, the Premus decision showed that ham radio operators clearly prevaricate when making complaints to the Bureau against their fellow amateur operators. The ALJ immorally and conven-

6 In re: Myron Henry Premus, 17 FCC 251 (1953)

7 In re Richard Boston, Safety and Special Services Bureau Docket No. 87346 (July 29, 1977)

iently overlooks the facts in Premus that the complaining witness deliberately operated on CW ("continuous waves", or Morse code) in the middle of the 75 meter telephony band, running only 20 watts, and called "CQ" for extended periods of time, merely in order to irritate Premus and prevent him from using telephony mode in the portion of the band designated for it.[8] The Commission found that the complainant deliberately used such low power so he could claim that anybody else using the frequency, using a normal power level, was jamming him, which in itself caused serious interference to other amateurs.[9] The gravamen of the complaint in Premus was the claim, which the Commission obviously disagreed with, that Premus interfered with other stations merely because the complainant considered him to be a "long talker"; i.e., his transmissions were longer than the complainant desired them to be.[10] Then the ALJ immorally and deceitfully fails to mention that, consistent with Applicant's claims, it was necessary for the Commission to have actual intercepts made by Commission personnel in order to prove its case.[11] The Commission found that the complainant lied to the Commission by failing to disclose the fact that he habitually monopolized the frequency in question, for no apparent purpose other than to try to set Premus up for an FCC enforcement case.[12] The Commission further found that the complainant subjected Premus to "considerable provocation" by following him around the 75-meter telephony band, trying to cause interference to him on whatever frequency he tried to utilize; that the complainant actually caused more interference to Premus than Premus caused to him; and that the complainant tried to deny or disguise his own conduct in filing his complaint against Premus.[13] Yet the ALJ immorally, deliberately and deceitfully misconstrues the Commission's holding in Premus by claiming the Commission never said that hams lie about their fellow hams when they complain to the Commission. Again, the ALJ's conduct shows his essentially immoral nature, and that he will not hesitate to deliberately and wrongfully distort the holdings in FCC cases so as to screw Applicant. Nothing could be more clear than that the ALJ has not the moral standing to adjudicate this case, let alone the issue of Applicant's character.

Again displaying either his ignorance of the law or his immorality, bias and prejudice

8 At 17 FCC 255.
9 At 17 FCC 255.
10 At 17 FCC 252
11 At 17 FCC 253.
12 At 17 FCC 255.
13 17 FCC at 255.

against Applicant, or both, the ALJ either fails to understand or deliberately distorts the holding in the Boston enforcement case.[14] In Boston, Safety and Special Services Radio Bureau Chief Higginbotham specifically found that amateurs will not hesitate to use false tape recordings and false call signs to try to get the Commission to revoke the licenses of amateurs they don't like, and that this type of perjury by amateurs is "known to occur"[15] . However, the ALJ, being essentially an immoral person, deceptively and conveniently omits that part of the Boston holding in order to create a record adverse to Applicant. Again, the facts and record herein are clear in showing that an immoral person like the ALJ has no business judging the character of an honest, law-abiding, taxpaying citizen like Applicant, and that he needs to disqualify himself herein without further delay.

Moreover, Riley Hollingsworth also admitted in his February 22, 2006 warning letter to licensee Steven Wingate, K6TXH, that "not all of the complaints [against Wingate] are valid, and some of the recordings are fake."[16] Yet the ALJ again immorally, deceitfully and conveniently overlooks Hollingsworth's admission and claims that hams do not lie. Nothing could be more clear than that, besides being plain wrong, such deliberate ignorance and misreading of the law evinces the ALJ's deep-seated immorality, bias and antipathy toward Applicant.

In addition, the ALJ simply and deliberately ignores Title 31 U.S.C. §1342, which prohibits donations of labor to the federal government (which recordings not made by Commission personnel would be) and the legislative history of §154(f)(4) of the Communications Act[17], which Applicant has extensively briefed but which brief the ALJ apparently has not read, just as the ALJ immorally denied me the right to brief the "timely-filing" issue and as Riley Hollingsworth refused to read anything I said in my own defense. Therefore, either the ALJ's knowledge of amateur radio law is highly deficient, or the ALJ is so immoral, biased and prejudiced against Applicant, or both, that he is deliberately distorting the law and he should clearly therefore recuse himself herein. Yet the ALJ accuses Applicant of insulting him by improperly challenging his knowledge of the law. Clearly, it is simply time for the ALJ to be a *mensch* by either disqual-

14 In re: Richard Boston, Safety and Special Services Bureau Docket No. 87346 (July 29, 1977)

15 Boston at p. 3.

16 Applicant's Supplemental Responses to Enforcement Bureau's First Request for Production of Documents, Exhibit B-25.

17 47 U.S.C. §154(f)(4).

ifying himself herein or learning the amateur radio law.

10. The ALJ falsely, immorally and deceitfully claims in Order 10M-04 that Applicant was being less than candid merely because, in the first sentence of each of his Supplemental Answers to the Bureau's Interrogatories, he merely sought to preserve his objections thereto, and then proceeded to fully, completely and honestly answer each Interrogatory as ordered. Applicant is entitled to preserve his objections in this fashion, and had he not done so, he might well have waived same. Applicant intends to re-assert said objections on the eventual and inevitable appeals to the Commission and to the Washington, D.C. Circuit under 47 U.S.C. §402(b) herein, and therefore does not wish to waive his objections thereto. Moreover, the Enforcement Bureau answered Applicant's Interrogatories in exactly the same fashion, but the ALJ immorally and deceitfully permits them to do so with impunity under the illegal double standard he has created herein. The ALJ is trying to create an immoral, illegal double standard under which Applicant must waive his objections to the Bureau's interrogatories or he will be held in contempt. This is merely another example of the ALJ's duplicitous, deceitful, immoral conduct for which he should clearly disqualify himself.

11. The ALJ immorally and deceitfully lies by claiming that Applicant admitted transmitting any indecent materials. Applicant *never* admitted doing so. My answers to said interrogatories made it clear that I do not believe the Commission's indecency standard is legal or enforceable, and therefore it does not exist, so I am free to say whatever I want to on the air. In other words, there is no such thing as "indecency" in amateur radio. Applicant is entitled to discuss such matters as fellatio, cunnilingus, anal sex, oral-on-anal sex, conventional sexual intercourse, sex organs, excretory functions, homosexual sex, lesbian sex and the like on the amateur radio bands; there is absolutely nothing the ALJ or the Commission can do about it; and Applicant intends to continue to discuss such subjects whenever he feels like it. Obviously, the ALJ has either not read, or immorally intends to ignore, the Second Circuit's recent decision in the Fox v. FCC remand[18], which agreed with Applicant that the Commission's indecency standard is illegal as unconstitutionally overbroad, even as to broadcasters. Therefore the Commission has no indecency rule to enforce, and for the ALJ to claim that Applicant "admitted transmitting indecent materials" represents a deliberate lie. Applicant is free to say whatever he wants to say

18 Docket Nos. 06-1760, etc., decided July 13, 2010.

on the air; he intends to continue to do so; and the Commission cannot second-guess what he says. The Fox v. FCC remand decision applies a fortiori to amateur operators because the Commission's authority to regulate the free-speech rights of broadcasters is based on the profitmaking nature of their enterprise and the limited number of available broadcast channels[19], neither of which applies to amateur radio. The Commission simply has no public to protect in positing an indecency standard for amateur radio because amateurs are their own "public".

12. The ALJ's warm ventilation (Order 10M-04) continues by claiming that there is something illegal about playing recordings on the amateur radio. This is complete nonsense and another deliberate, immoral distortion of the law by the ALJ. Nothing in Part 97 prohibits the playing of recordings in the amateur service, and Applicant defies the ALJ to point out where it does. It is perfectly legal and permissible for amateurs to play recordings. In claiming otherwise, the ALJ is nothing but a liar.

13. The ALJ's highly-prejudicial, unfounded, illegal and wrongful defamation of Applicant continues when he suggests or implies there was something wrong or illegal about the message he left on the message board of Emily Burnham, K6WGB, yet, significantly, the ALJ deliberately and immorally fails to quote the actual content of said message. There was absolutely *nothing* wrong or illegal about what Applicant posted on Emily Burnham's message board. Applicant hereby challenges the ALJ to quote exactly what the message said, and explain why it was improper or illegal. The ALJ cannot do so because he is simply a liar. In making said accusation against Applicant, the ALJ again shows his immorality, his deceitfulness, and that he will stoop to any level to try to defame and disparage Applicant and deprive him of his rights. Obviously the ALJ is required to disqualify himself herein due to his highly-improper conduct, which is totally unworthy of someone associated with the judiciary.

Thus, the ALJ has deceitfully and immorally accused Applicant of making admissions he never made, and illegally and immorally refuses to recognize the Second Circuit's holding in the Fox v. FCC remand case. This is just part and parcel of the ALJ's immoral refusal to follow the law and court decisions, and his deliberate distortion of the facts and record in order to prevent Applicant from having a fair hearing herein. It is therefore requested that the ALJ recuse himself without delay for such highly-immoral behavior.

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19 Red Lion Broadcasting Co. v. FCC, 395 U.S. 367 (1969)

14. The ALJ deceitfully and immorally accuses Applicant of impeding the hearing process with "harassment of opposing parties which threatens the integrity of the Commission's licensing process". This is absolute poppycock. It is instead Riley Hollingsworth who is guilty of such harassment, by illegally telling other stations not to talk to me; by calling me a "dickhead"; by trying to set me up for an illegal jamming violation; by calling my responses "irrelevant and frivolous" even though they were clearly responsive and pertinent; by admittedly refusing to read anything I said in my own defense; and by pursuing an illegal vendetta against me simply because I pointed out his utter incompetence. It was Scot Stone who is guilty of harassment by illegally claiming I have bad character without any factual predicate for doing so. It was Bureau Counsel who have harassed me by falsely claiming my papers were filed on time when they were not, and by attempting to distort the true nature of the Commission's character rule so as to include someone who has never been charged with or convicted of any crime. And it is the ALJ who continues to harass me by immorally and illegally accusing me of having bad character; of violating Part 97 when there is absolutely no proof thereof; by refusing to follow the pertinent court decisions; refusing to respect the U.S. Constitution and by running scared of the PSHSB, thereby trampling Applicant's constitutional and due process rights. It is instead the ALJ who has bad character herein. The ALJ is obviously nothing but an ingrate who has no respect for the public and Commission licensees, even though they are paying the taxes that provide his salary. It is instead the ALJ who is immorally feeding at the public trough while being a disgrace to the federal government. The ALJ is obviously in denial about what poor character he has, and what a complete ingrate he is. This alone betrays his immorality and bad character.

15. Moreover, the ALJ shows his utter incompetence, bias, prejudice and vindictiveness by supposedly relying on "47 CFR §1.52" in order to support his phony contentions of "abuse of process" in Order 10M-04, when §1.52 says nothing of the kind. It instead only deals with the proper method of subscription and verification of pleadings. Furthermore, the ALJ's attempt to rely on 47 CFR §1.24 in Order 10M-04 is entirely phony and fatuous because §1.24 applies only to attorneys who appear in a representative capacity before the Commission. Applicant is not appearing in a representative capacity herein; he is representing himself pro se. Again, we see displayed yet another example of the ALJ's immoral and desperate attempt to effectuate his biased and prejudiced attitudes against Applicant, and to victimize Applicant merely because he

points out that Bureau Counsel and the ALJ are highly dishonest and incompetent. The ALJ is simply concocting his so-called "abuse of process" violation from whole cloth. There is no such doctrine, except in very special circumstances which do not apply to this case, nor can an "abuse of process" claim be supported by FCC bootstrap. Neither §1.24 or §1.52 say what the ALJ immorally claims they say. Thus, the ALJ again shows himself to be an immoral, deceitful person of bad character who has no business whatsoever serving in any judicial capacity, and by doing so brings great disrepute to the federal government. After the ALJ disqualifies himself herein, Applicant suggests that he resign from his position immediately in order to prevent further and unnecessary erosion of the public's opinion of our federal government.

16. The ALJ again betrays his illegal, immoral approach to the case by claiming that he has the right to modify the issues without regard to any time limits, so as to add the issue of Applicant's so-called "abuse of process" to the previously-enunciated issues herein. Yet when Applicant requested permission to modify the issues to add that of Riley Hollingsworth's abuse of discretion, the ALJ disallowed same under Rule 1.229[20] because Applicant had not made the motion within 20 days of the issuance of the Hearing Designation Order. Again, the ALJ is attempting to construct an illegal, immoral, perniciously-tilted playing field where Applicant is guilty until proven innocent, and when he tries to defend himself he is found in contempt. It is not Applicant's "antics" or actions that are threatening the Commission's licensing process; it is the Bureau's and the ALJ's own illegal and immoral actions which are doing so; and in claiming otherwise, the ALJ clearly betrays his bias and prejudice against Applicant.

17. The ALJ again shows his ignorance, immorality and venality by trying to liken my attempts to defend myself against the Bureau's false and illegal charges to the licensee conduct appearing in David Ortiz Radio Corp. v. FCC[21], when that case is clearly distinguishable from the instant case on its facts. The applicant in Ortiz was found to have lied in his application about the availability of his proposed transmitting site[22], while Applicant has never lied to the Commission about anything herein. Furthermore, the Commission found that Ortiz's business partner fraudulently impersonated an FCC official in order to examine the transmitter site of a rival

20 47 C.F.R., Part 1, Subpart B, §1.229.
21 941 F. 2d 1253 (1991)

22 Id. at p. 1255.

applicant.[23] Applicant herein has never done anything of the kind. In addition to showing the strictly limited circumstances in which the "abuse of process" doctrine applies (none of which circumstances appear in this case), his purported "interpretation" of Ortiz shows just how immoral and duplicitous the ALJ really is in trying to illegally shaft Applicant. Again, the ALJ needs to disqualify himself without delay due to his patently outrageous conduct in thus attempting to violate Applicant's rights herein.

18. The ALJ deceitfully and immorally claims in Order 10M-04 that the recordings, sent to the Bureau by hams as a result of a concerted campaign by Riley Hollingsworth to concoct a case against Applicant, are admissible in evidence herein. They are not. Again, we see the ALJ's utter ignorance of the law in action. Only intercepts are admissible, and intercepts must be made by Commission personnel; otherwise they constitute a prohibited contribution of labor to the federal government under 31 U.S.C. §1342. It is clear that the ALJ either has absolutely no understanding of the law, or he deliberately and immorally ignores the law. Obviously, were ordinary recordings from amateurs admissible in evidence, there would have been no need to have added §154(a) to the Act in 1988. However, the ALJ is apparently either too obtuse to understand that argument or deliberately and immorally refuses to follow it.

WHEREFORE, Applicant prays that the ALJ disqualify himself herein under Commission Rule 1.245. It is clear that the ALJ is dishonest, immoral, has a highly-improper animus toward Applicant and is probably bordering on senility. Such a person is entirely unqualified to judge the conduct or character of an honest, law-abiding taxpayer like Applicant.

I declare under penalty of perjury that the foregoing is true and correct, and that this Petition is executed on October 7, 2010 at Diamond Springs, California..

William F. Crowell

William F. Crowell, Applicant

23 Id. at p. 1256.

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 October 7, 2010 I served the foregoing Petition to Disqualify ALJ on all interested parties herein by placing true copies thereof, each enclosed in a sealed envelope with postage thereon fully prepaid (Commission Secretary's copies sent by Overnight Mail), in the United States mail at Diamond Springs, California, addressed as follows:

Marlene S. Dortch, Secretary, Federal Communications Commission
445 – 12th Street S.W., Washington, D.C. 20554
(original and 6 copies)

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
(Bureau Counsel)

I further declare that, on this same date, and pursuant to footnote 1 of the February 14, 2008 Order of Chief Administrative Law Judge Sippel, as well as the parties' agreed practice, I emailed electronic copies of the foregoing document to the Office of Administrative Law Judges and to Bureau Counsel.

I declare under penalty of perjury that the foregoing is true and correct, and that this proof of service was executed on October 7, 2010 at Diamond Springs, California.

William F. Crowell

William F. Crowell