IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

US DISTRICT COURT
WESTERN DIST ARKANSAS
FILED
DEC 16 2013
CHRIS R. JOHNSON, Clerk
By
Deputy Clerk

Curtis J Neeley Jr., *et al*, **Plaintiff(s)**

CASE NO. 13-5293

Federal Communications Commissioners,
US Representatives; John Boehner, *et al*,
US Senators; Joe Biden, *et al*,
US Attorney General, Eric Holder Esq,
Microsoft Corporation,
Google Inc.

Defendants

COMPLAINT FOR 1) FAILURE TO REGULATE WIRE COMMUNICATIONS FOR SAFETY IN COMMERCE; 2) INTERCEPTION AND DISCLOSURE OF WIRE OR ELECTRONIC COMMUNICATIONS PROHIBITED BY 18 U.S.C. §2511; 3) BYPASSING AUTHENTICATED IDENTITY REQUIREMENTS FOR COMMUNICATIONS; AND 4) CONSPIRING TO BROADCAST PROHIBITED MATERIAL CRIMINALLY BY RADIO TO CHILDREN; AND 5) FAILURE TO RECOGNIZE THE HUMAN RIGHT AND RESPONSIBILITY FOR AUTHORS TO EXCLUSIVELY AUTHORIZE ATTRIBUTION TO AND DISPLAY OF MORALLY QUESTIONABLE ART FOR A TIME AND ALLOWING APPROXIMATION OF THIS SINCE THE MISSPELLED "COPY[RITE] ACT OF 1790".

Lead Plaintiff, Curtis J. Neeley Jr., states a complaint that is difficult to caption for reckless violation of numerous federal statutes involving simultaneous **radio and wire** communications when private communications are intercepted and are then BROADCAST publicly. The Federal Communications Commission fails to protect this Plaintiff's minor children for usage of interstate and foreign communications by **wire and radio** and fails to protect the safety of [sic] "internet" wire communications when BROADCAST to citizens including this Plaintiff or this Plaintiff's children as required by law. These wrongs are further explained for Defendants as follows and are labeled I-VI. Trial by jury is demanded to decide punitive damages awarded against Google Inc and Microsoft Corporation and compensatory damages awarded against FCC Commissioners, US Senators, and US Representatives since guilt is a matter of law and is unquestionable.

I. Federal Communications Commission Failure to Protect Wire Communications

1. The Supreme Court mislabeled the usage of computers to facilitate wire communications BROADCASTING a "*wholly new medium*" in *Reno v ACLU,* (96-511). This plain error is not yet addressed or recognized by Congress. Indecent **radio and wire** communications BROADCASTING should not be exempt from regulation like wire BROADCASTS are now due to Federal Communications Commission (FCC) nonfeasance and the *Reno v ACLU* (96-511) LANDMARK Supreme Court mistake. See *FCC v Fox*, (10-1293)(2012).

2. The clear intention of the Communications Act of 1934 was regulation of all pervasive distant communications BROADCASTING. **The *Reno v ACLU* MISTAKE** causes the portions remaining from the Communications Decency Act of 1995 to DIAMETRICALLY OPPOSE DECENCY by preempting responsibility for all "*indecent*" simultaneous **radio and wire** communications when BROADCAST by wire or radio instead of the promotion of decent distant communications when BROADCAST to unknown parties that will include children.

3. The FCC demonstrates nonfeasance by failing to intervene or otherwise seek to prevent 47 U.S.C. §230(c)(1)[1] from continual misinterpretation by courts counter to: 1) the Constitution, 2) the title of the indecency excusing §230 itself, and 3) the mission of the FCC per 47 U.S.C. §151[2] wherein Congress created the FCC and gave the agency clear regulatory authority over distant **radio and wire** communications when BROADCAST to the unwitting for interstate or world-wide commerce.

4. The continual display of obscene, indecent, or profane art to unidentified parties, like the Plaintiff's children, United States Judges and clerks, and other unidentified pornography consumers over **radio and wire** communications BROADCASTING is allowed by the FCC failing to perform the statutory mission of protecting safe usage of pervasive interstate and world-wide **radio and wire** communications BROADCASTING from 47 U.S.C. §151 in plain English below.

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[1](c) Protection for "Good Samaritan" blocking and screening of offensive material

Treatment of publisher or speaker
No provider *or user* of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider
^^^^ *47 U.S.C. §230(c)(1) above sought to protect wire communications connectivity providers like telephone wire communications providers were protected from delivering though unaware.*

[2]47 U.S.C. §151 - For the purpose of regulating interstate and foreign commerce in communication by **wire and radio** so as to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation-wide, and world-wide **wire and radio** communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of **wire and radio** communications, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in **wire and radio** communication, there is created a commission to be known as the "Federal Communications Commission", which shall be constituted as hereinafter provided, and which shall execute and enforce the provisions of this chapter.

5. No procedure exists to address this nonfeasance for citizens beyond those already tried for years by this Plaintiff tolling any 18 U.S.C. §2520(e) limitations. Jurisdiction vested in the Western District of Arkansas Court per 28 U.S.C. §2675(a) after failure beyond six months to end this nonfeasance and police [sic] ”internet” wire BROADCASTING after the claim was first made.

6. The attempts by the FCC to establish tacit jurisdiction for open [sic]“internet” broadband fails to assert clear statutory jurisdiction to regulate interstate and world-wide wire communications when BROADCAST **using the slang term [sic] “internet” or the slang term that is improper when used in any law or in any legal filing as a singular noun**. This improper usage of the English language is like copy+rite used in the *Copy[rite] Act of 1790* but spelled [sic] “Copyright” to deceive and make citizens believe human rights were protected that **never were**.

7. The *FCC v Pacifica* ruling from 1978 was substituted wholly for the 47 U.S.C. §151 rational for regulation of distant **radio and wire** communications BROADCASTING in plain error by the FCC when simultaneous **radio and wire** communications BROADCASTING displaced common usage of facsimile machines and telegraph machines for wire communications. The FCC regulated **radio and wire** communications when telegraph wires were the only timely communications across oceans but were not capable of BROADCASTING like possible now.

8. The FCC uses the thirty-four year old *Pacifica* ruling now to determine jurisdiction instead of 47 U.S.C. §151 in clear error or as an excuse for not regulating the network of computers that replaced telegraph machines as the apparatus connected to wires for interstate and world-wide communications BROADCASTING in commerce to the unauthenticated including children.

9. Wire communications described precisely in the Communications Act of 1934 in 47 U.S.C. §153 ¶(59)[4] became the worldwide network of computer apparatus connected to either end of wires. This simple fact went unrealized in the *Reno v ACLU* **"landmark" mistake from 1997** alleging instead to discover "*a wholly new medium for human communications*" and failing to recognize **one new usage of two very old mediums**.

10. The *Reno v ACLU*, (96-511) Supreme Court **error**[5] causes simultaneous **radio and wire** communications BROADCASTING to become Earth's **radio and wire** venue for utterly unsafe indecent communications when BROADCAST to the "unwitting" public despite the rest of the ignored text of 47 U.S.C. §151 requiring protection for the safe use of both mediums in interstate and world-wide commerce.

11. The FCC fails now to ensure safe personal communications for this Plaintiff in interstate and world-wide communications when BROADCAST for commerce. Plaintiff and other similarly situated artists are left protected only by 18 U.S.C. §2511 per 18 U.S.C. §2520 despite 47 U.S.C. §151 due the nonfeasance of the Federal Communications Commission.

12. The FCC has abandoned regulation for the safety of content of **radio and wire** communications when BROADCAST despite the plain statutory mission given in 47 U.S.C. §151 to protect the safe use of both of these mediums for distant communications when BROADCAST in commerce to **unknown parties.**

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[4](59) Wire communication

The term "wire communication" or "communication by wire" means the transmission of writing, signs, signals, pictures, and sounds of all kinds by aid of wire, cable, or other like connection between the points of origin and reception of such transmission, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.

[5] Reno v ACLU, (96-511) The claim of, "…[i]nternet is a unique and wholly new medium of worldwide human communication", failed to address internet radio and wire communications occurring simultaneously on both old mediums and was written early in the days of [sic]"internet" radio and wire communications when few understood simultaneous [sic] internet radio and wire communications to be the new medium independent manner of pervasive distance communications. This was perhaps more confusing to those growing up without [sic]"internet" radio and wire communications, smart-phones, or nuclear weapons like the Justice writing the Reno v ACLU, (96-511) ruling and many reading this though few alive grew up without nuclear weapons. This error becomes more obvious every day and should be overruled and will be corrected soon without any doubt by the courts or by legislature.

13. The **thirty-four** year old *Pacifica* ruling leaves the FCC using an archaic and no longer valid interpretation of clear statute to avoid content regulation on simultaneous **radio and wire** communications BROADCASTING despite clear text requiring regulation of all distant communications especially when **BROADCAST to unknown parties**.

14. **The "*landmark*" court error of *Reno v ACLU*** allows irresponsible **radio and wire** communications to BROADCAST pervasive distant obscene, indexcent or profane material counter to 47 U.S.C. §151 requiring protection for the safety of the public for uses of **radio and wire** communications when BROADCAST in commerce **to unknown parties** since first done.

15. This cultural error made by the Supreme Court causes the current uses of simultaneous **radio and wire** communications BROADCASTING to not be regulated by clear law and be given over-broad First Amendment protections without the associated responsibilities for safe communications BROADCASTING, which are the prerequisite required for all free speech and especially for speech **BROADCAST to unknown parties** ruled constitutional in *Pacifica* in 1978.

16. The FCC allowed and allows simultaneous usage of **radio and wire** communications BROADCASTING to be patently unsafe today and harm this Plaintiff and other similarly situated artists' ability to parent as well as harming more people than live in the Western District of Arkansas and, in fact, more people than live in the entire United States.

17. The FCC duty to protect public safety when using distant **radio and wire** communications BROADCASTING became utter FCC nonfeasance when television signals generally moved to wires called cables and away from the radio medium exclusively shortly after *Pacifica* in 1978.

18. Regulation allowed the FCC for fleeting indecency in radio television BROADCASTS by *CBS v FCC*, (06-3575) is incompatible with indecent images allowed currently to be criminally BROADCAST by unsafe **radio and wire** communications regardless of who placed this indecent content on various computers made accessible **to unknown parties** by simultaneous **radio and wire** communications without respect to the popular "nickname" for medium-independent communications BROADCASTING.

19. The FCC was created to protect communications by the Communications Act of 1934 five decades before any "*wholly new*" simultaneous **usage** of **radio and wire** for communications BROADCASTING existed and was nicknamed [sic]"internet" for creation of modern indulgences.

20. **No new medium has ever existed or will ever exist in spite of this clear Supreme Court mistake**. See the clear English definition of medium.[6]

21. The failure to properly apply 47 U.S.C. §153 ¶(59) was done in 1997 before Wi-Fi radio broadcasting of wire communications became pervasive radio broadcasts like these are today and available to "unwitting" children in most United States schools.

22. The failure to recognize a new manner for using the centuries old wire medium for BROADCASTING and calling this new manner for usage of the old wire medium "*a unique and wholly new medium*" was plainly wrong yet was adopted in error by the FCC and not challenged as was and still remains the statutory duty of the FCC and for Congress.

23. The rapid progress of science and "indecent" visual art spread by criminal **radio and wire** communications BROADCASTING has allowed the overwhelming desire for anonymous obscene, indecent, or profane material consumption to distort laws and lure humanity, including United States Courts and the FCC, into preserving anonymous obscene, indecent, or profane material wire communications **consumption** where responsibility for criminal obscene, indecent, or profane **radio and wire** communications BROADCASTING is avoided counter to the safe use of pervasive distant communications BROADCAST by **wire and/or radio**.

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[6] **Medium** noun 1) a middle state or condition; mean. 2) something intermediate in nature or degree. 3) an intervening substance, as air, through which a force acts or an effect is produced. 4) the element that is the natural habitat of an organism. 5) surrounding objects, conditions, or influences; environment.

^^ medium. (n.d.). Collins English Dictionary - Complete & Unabridged 10th Edition. Retrieved Sept.12, 2012, from Dictionary.com: <dictionary.reference.com/browse/medium>

24 The ***Reno v ACLU*, (96-511) error** is counter to the Constitution and rule of law and harms this Plaintiff and other similarly situated artists' children as well as the safety of all minors and spouses on Earth with access to unsafe yet pervasive simultaneous **radio and wire** communications BROADCASTING revealing obscene, indecent, or profane images searching art producers by name in a Google Inc or Microsoft Corporation image search without authentication as allowed by the FCC to cause harm to this Plaintiff and other similarly situated artists' children contrary to 47 U.S.C. §151 despite years of complaints by this Plaintiff doing nothing but tolling any applicable limitations.

25. Google Inc and Microsoft Corporation's indexing copies of obscene, indecent, or profane content after INTERCEPTED and revealing obscene, indecent, or profane images by criminal radio BROADCASTING should always have been penalized for trafficking illegal material by the FCC due to communicating obscene, indecent, or profane images via BROADCASTING in different contexts as new content by harvesting private communication in a manner not intended and choosing to REBROADCAST this unsafe content and create the pervasive lure for anonymous pornography **consumption** for ridiculous profits despite the FCC duty to make **radio and wire** communications BROADCASTING safe for interstate and world-wide communications when BROADCAST in commerce to the unwitting public that includes minors or children while in public schools.

26. The duty of the FCC has always been to halt the organized criminal interception of private wire communications and criminal BROADCASTING these private obscene, indecent, or profane communications to the anonymous by Google Inc and Microsoft Corporation and any others like can be seen in exhibits that are prepared and will be shown to the jury. These are not entered but can be seen by any party looking [sic]"online" and without any authentication besides a click-lie acceptance of an indulgence roughly 496 years after anonymous "indulgences" were first protested being sold by the Catholic Church by Rev Martin Luther with his 95th Thesis.

II. GOOGLE INC AND MICROSOFT CORPORATION CRIMINAL CONSPIRACIES.

1. Microsoft Corporation and Google Inc databases alleging to represent the network of computers connected to wires for BROADCASTING associate this Plaintiff, and others similarly situated, with illegal obscene, indecent, or profane image displays using various texts of personal names for **radio and wire** communications BROADCASTING now called open "inter" + "net", though advised these FRAUDS are prohibited by law. (See 18 U.S.C. §1464).

2. Microsoft Corporation and Google Inc refuse to stop criminal violations of Communications law and "*intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication*" and then each "*intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication*" . Quotes are from 18USC §2511(1)(a, b).

3. Microsoft Corporation and Google Inc each violate this Plaintiff's person and others similarly situated artists by violating the fundamental human right not to be associated with illegal BROADCASTING of illegal art or the crime not done by this Plaintiff and others similarly situated.

4. Injunctions requiring Microsoft Corporation and Google Inc to halt personal name usage with database BROADCASTS of illegal images are now sought regardless of other terms used by unidentified searchers who may be minors or where identities can't be checked by an authority like is also plead ordered resumed now by the FCC as would be ceasing illegal non-action.

III. Google Inc and Microsoft Corporation Criminal Interception and Use of Wire and Radio Communications to Violate Law

1. Google Inc and Microsoft Corporation continue intercepting this Plaintiff's communications and communications of other similarly situated artists resulting in continued criminal presentation of art placed "online" privately among authenticated members of a "website" in violation of 18 U.S.C. §2511 and 47 U.S.C. §605 for this Plaintiff and other similarly situated artists though this plaintiff halted even private sales of artwork that would be illegal to broadcast by radio per 18 U.S.C. §1464 if intercepted and publicly BROADCAST by Google Inc or another.

2. These criminal radio and wire BROADCASTS of "*obscene, indecent, or profane*" images or text require no authentication and allow anonymous viewers including minors, Muslims, or this Plaintiff's children or the children of other similarly situated artists to view illegal images returned using searches of computers networked by wire despite the ease of preventing these criminal BROADCASTS for decades but not done recklessly to increase pornography profit.

3. Yes; This Plaintiff, and other similarly situated artists, once sought adult feedback on creations of art that was illegal to broadcast by radio and sold this art from websites providing subscriber filtration so this art was not BROADCAST to the anonymous and was shown ONLY to authenticated adults after identities were verified by wire communications making "interceptions and disclosures" of these communications criminal per 18 U.S.C. §2511 and 47 U.S.C. §605.

4. Google Inc bypasses subscriber filtration VIOLATING 47 U.S.C. §605 and 18 U.S.C. § 2511 after advised of this crime. Google Inc does this to continue displaying art otherwise shown only to identity providing viewers for profit. Google Inc searches for "curtis neeley" limited to <deviantart.com> reveal artwork declared "not safe for work" (NSFW) **after Google Inc was advised of this CRIME repeatedly**. *See* 18 U.S.C. §§(1464, 2511).

5. The undesired return of artwork declared by the Plaintiff as indecent to unauthorized anonymous persons was documented repeatedly and can be seen now. Indecent images were removed from <deviantart.com> and vociferous advisement was given to Google Inc with hundreds of federal filings. This violated the Plaintiff and other similarly situated artists' right to protect the person and common law communications privacy and 47 U.S.C. §605 as well as being criminal violation of 18 U.S.C. §2511. Plaintiff and other similarly situated artists now seeks punitive civil damages for this criminal act to significantly offset the federal deficit after taxed since 18 U.S.C. §2520 authorizes the **PUNITIVE** damages now sought.

6. Bypassing authenticated subscriber filtration by Google Inc continues for this Plaintiff and imilarly situated artists at <deviantart.com> and other websites seeking subscriber identity requirements for viewership of art marked indecent, "nude", or NSFW.

7. The unauthorized republication of art from this ONE website presented material publicly to ANYONE that was and remains clearly not intended for presentation to anonymous minors thereby invalidating all possible 17 U.S.C. §107 claims with no bearing on communication crimes.

8. Google Inc continues now violating law and constitutionally protected privacy and natural human rights to exclusively control original creations "*for a time*" and harasses the Plaintiff and other similarly situated artists with fraudulent use of computers bypassing identity filtration and continues returning art self-tagged and labeled as indecent in searches to anonymous minors in the **radio and wire** mediums as is allowed by the FCC though rendering **radio and wire** communication BROADCASTING unsafe.

9. This is perhaps due to FCC nonfeasance and the unpunished organized criminal businesses as well as courts judicially nullifying several Acts of Congress perhaps due to the sea-changes in communications technology causing a lack of formative life experience and unfamiliarity with BROADCASTING in the wire medium. This use of wires for broadcasting developed near the end of the last century but was mistakenly called a new medium in clear error in *Reno v ACLU*, (96-511), as pointed out herein.

IV. The "Google Inc Books" Communications Violations

1. Google Inc attributed this Plaintiff and other similarly situated artists accurately but inappropriately to indecent photographs or indecent writing via interstate and world-wide **radio and wire** communication BROADCASTING after Google Inc scanned images by this lead Plaintiff and other similarly situated artists of indecent art from books from New York libraries **against this Plaintiff's known desires.**

2. This was done after March 7, 2010 in violation of 47 U.S.C. §605 despite spending hundreds of thousands in legal fees against this ONE Plaintiff to continue illegal image BROADCASTING to children for profit in addition to the millions spent in legal fees or offered artists in New York and offered this Plaintiff personally to revise copy[rite] law and claiming to rewrite federal copy[rite] laws in United States Courts for the Southern District of New York in violation of the common law and natural rights of the Plaintiff and others similarly situated. The ONE offensive indecent book "preview" has since been withdrawn in an admission of guilt by Google Inc but damages should be paid for this crime to punish Google Inc for this organized criminal communications interception and disclosure business that continues due to failure of Congress to recognize author rights for any time, as discussed more later.

3. This negligent and harassing criminal action by Google Inc was done while litigating against this one Plaintiff for the undesired criminal interception and BROADCASTING of self-tagged as illegal to BROADCAST artwork and caused this Plaintiff further harm by creating invasions of the moral rights and the person protected by common law and the Constitution. These were violations of exclusive common law and natural rights and were unauthorized criminal broadcasts of book artwork in the **radio and wire** mediums. Publication was once done by the Plaintiff and other similarly situated artists in the book medium only. Viewing these publications required physical encounters with these books and not simply typing text into computers connected to wires networked ANYWHERE on Earth using Google Inc in unquestionable violations of 47 U.S.C. §605 with damages allowed up to $100,000 for each image or other communication scanned.

4. This criminal republication to minors was thousands of miles from the books in New York. This Plaintiff's teen daughter or other minor searchers would never encounter this particular illegal visual art BY radio broadcasting in a book on photo art in New York while in schools in Arkansas.

5. This was a fundamental violation of privacy by Google Inc that is constitutionally protected and also protected by common law in Arkansas according to the opinion of the Arkansas Attorney General. For common law tort grounds see *Dunlap v. McCarty*, 284 Ark. 5, 678 S.W. 2d 361 (1984). For constitutional grounds see *McCambridge v. City of Little Rock*, (1989).

6. Congress agreed this manner of human rights violation was forbidden by Treaty in 1988 and again in 1994. Unwavering Berne Convention compliance was ruled constitutional on January 18, 2012 in *Golan v Holde*r,(10-545) despite self-serving *amicus* opposing this finding by Google Inc.

7. <u>The fair-use exceptions of 17 U.S.C. §107 to the exclusive rites for using morally questionable visual contributions to books have been unconstitutional since 1976 when first created</u>. Fair-use makes it impossible for common people to understand or agree on this law as required for all laws and violates the rights of the person to prevent unauthorized but properly attributed use of original indecent art like protected for centuries in the civilized world like by the "*Engraver's Act of 1735*" or "*Hogarth's Act of 1735* " in "English" law done before the United States existed.

8. Besides unconstitutional vagueness; 17 U.S.C. §107 often violates the accepted treaty of the "Berne Convention for the Protection of Literary and Artistic Works" despite the *Golan v Holder* ruling the "Berne Convention" copy[rite] "regime" acceptance by Congress counteracting the Supreme Court mistakenly rejecting common law human rights in *Wheaton v Peters*, 33 U.S. (8 Pet.) 591 (**1834**). This mistake was a century before Congress invalidated this mistake passing U.S.C. 42 §1988 and was before the word [sic] "copyright" had been adopted in England. [sic] "Copyright" was NOT YET in the **1836** "*Johnson's Dictionary of the English Language*" though appearing first on Earth in Noah Webster's first "*American Dictionary of the English Language*" in **1828**.

9. The 17 U.S.C. §107 fair-use claim does not consider unwanted additional publicity and world-wide publicity for reformed indecent image authors and violates privacy and the right to remain silent about past creations of indecency without criminal convictions like sex offenders or other such rational for requiring public registry of past indecent actions and thereby violating this Plaintiff's person and other similarly situated artists that are secured by natural and common laws older than the United States. This makes 17 U.S.C. §107 uconstitutional.

10. The fair-use exceptions of 17 U.S.C. §107 to the publishing rite for morally questionable art have never been fair and have **always** been unconstitutional. **Any name associated REBROADCASTING** of morally questionable art causes expanded publication and violates the Constitutional right to be secure in the person and remain silent and resist expanded dissemination of prior indecent creations and unauthorized use of the personal name "*to the disgrace and against the will of the author; propagat[ing] sentiments under his name, which he disapproves, repents and is ashamed of*.". Quoting Honorable Lord Mansfield in *Millar v Taylor* (**1769**) 98 ER 201 at 252 done before the United States existed and done at least a century before *America* became a country name.

V. FCC Decency Regulation Nonfeasance

1. Protection of anonymous citizens from exposure to indecent **radio and wire** communications BROADCASTING is a legitimate state interest mostly IGNORED for decades though ordered protected by 47 U.S.C. §151. It is absurd and shows nonfeasance when the FCC allows 47 §230(c)(1) to be repeatedly misinterpreted by American Courts diametrically opposed to the clear intentions of this law and title of both the Communications Decency Act and the "Good Samaritan" section itself or 47 U.S,C. §230(c)(1) used now to traffic pornography to the unauthenticated including children.

2. The law intended by Congress to promote communications BROADCAST decency instead was cited by the FCC, this District, and Google Inc to traffic obscene, indecent, or profane art once created by this Plaintiff and other similarly situated artists before simultaneous **radio and wire** communications BROADCASTING was disguised as the "*interactive or interconnected network of interactive computer networks"* and christened **"inter"+ "net"** in *Reno v ACLU,* (96-511) in clear error as elucidated herein.

3. The responsibility for **production**, **trafficking**, and **viewership** of morally questionable content or indecent content is unconstitutionally waived for all US laws by 47 U.S.C. §230(c)(1) by allowing **utterly unregulated speech** in violation of the *clear* natural right to be free from defamation and computer frauds and other harms to the person including personal privacy and 18 U.S.C. §1464 as could not be any more wrong than prohibiting females from voting was in 1872 resulting in Susan B Anthony being fined $100 for voting while female in 1873.

4. 47 U.S.C. §230(c)(1) invalidates the common law right and Ninth Amendment Right not to have properly attributed original indecent creations copied and permits privacy violations proscribed by numerous state laws as well as 47 U.S.C. §151. United States laws are entirely ignored by the FCC and *American* Courts as could not be more clearly wrong or be brought more squarely before *American* Courts than in this claim. This wrong is continued in order to perpetuate anonymous access to pornography, as if this were some human right and not the result of the organized criminal radio and wire BROADCASTING of morally questionable art by Microsoft Corporation and Google Inc and others now competing to do best as allowed by a nonfeasant FCC and Congress.

5. Plaintiff and other similarly situated artists seek only common sense regulation of **radio and wire** communications when **BROADCAST to the unwitting public**. Google Inc advised having institutional interests in preventing identification of receivers of BROADCASTING obscene, indecent, or profane material before Honorable Erin L. Setser in the Western District of Arkansas on Dec 10, 2010. See (5:09-cv-5151) Dkt. #216.

6. BROADCASTING "porn" to the anonymous is criminal per 18 U.S.C. §1464. BROADCASTING intercepted private communications is criminal per 18 U.S.C. §2511 and these crimes must be punished per the Rule of Law.

VI. Congress failed for two hundred and twenty-three years plus to recognize the natural human right and associated natural human responsibility to exclusively control attribution to and display of morally questionable art and prevent this morally questionable art from being shown to unwitting children or others who will be harmed simply by exposure to this original but morally questionable art because it may be considered illegal.

1. Congress was authorized in 1787 to protect the "rights" of authors to control original art "*for a time*" in the Constitution by Article I, Section 8 in Clause 8. Congress quickly coined a disparaging misspelling of the compound word derived from copy and rite to protect the ritual for authorizing copies to be made. Congress called a copy of the *1710 Statute of Anne* from "England" the *Copy[rite] Act of 1790* but spelled this copied ritual the *Americanized* spelling of [sic]"copyright" and ignored the *1735 Engravers' Act* protection for the human "right" to proscribe unauthorized display of properly attributed but morally questionable visual art for the life of the author plus the life of authors' spouse.

2. The word "copyright" was first used by Sir William Blackstone in 1767 in Volume II of the *Commentaries on the Laws of England* titled *The Rights of Things* in chapter 26 with footnotes 36 and 37 referring to prior usage of the hyphenated words "copy-right" in English legal decisions. This usage of the word was not noted in *Johnson's Dictionary of the English Language* as is considered the first authoritative dictionary of the English language and was used for writing the US Constitution. The word "copyright" was not in this authoritative dictionary in 1759, 1799, 1822, 1836 and most notably was missing during creation of the Constitution explaining why the "Progress Clause" or Article I, Section 8, Clause 8 and the first State of the Union mentioned this important intellectual human right but did not yet use copy[rite] misspelled as Americanized [sic] "copyright". A 2005 commentary on the importance of lexicography to law follows.

"*The American adoption of the Dictionary was a momentous event not just in its history, but in the history of lexicography. For Americans in the second half of the eighteenth century, Johnson was the seminal authority on language, and the subsequent development of American lexicography was coloured by his fame*."[10]

"The Dictionary has also played its part in the law, especially in the United States. Legislators are much occupied with ascertaining 'first meanings', with trying to secure the literal sense of their predecessors' legislation ... Often it is a matter of historicizing language: to understand a law, you need to understand what its terminology meant to its original architects ... as long as the American Constitution remains intact, Johnson's Dictionary will have a role to play in American law." [11]

3. Noah Webster wrote or copied the *1710 Statute of Anne* and modified or *Americanized* this early eighteenth century ritual into the *Americanized* misspelling of Copy[rite] as [sic] "*The Copyright Act of 1790*". This misspelling of the compounding of "copy and **rite"** by using "copy and **right"** though authorization of the publication rite was all that was ever protected. The human right of visual artists to exclusively authorize use of morally questionable visual art already existed in England. This human right was ignored to create legal clientele for Benjamin Huntington and other career lawyers by approximating **human rights** with **legal authorization rites** now continuing in *America* without addressing natural MORAL human rights recognized by most of the civilized Earth long ago like was admitted by the Supreme Court in *Golan v Holder* and ruled constitutional.

4. *Golan v Holder* ruled the *Berne Convention* replacement of Title 17 for authors' rights was accepted twice by Congress and was Constitutional. This ruling was ignored or not followed though happening recently **during** one misapprehended consideration of continuing communications crimes

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[10] *Hitchings 2005, London p.226; notice the British spelling of colour versus the Americanized color asserted by Noah Webster in his American dictionary of the English language in 1828.*

[11] *Hitchings 2005, London p.229*

by the Western District of Arkansas' Court due to these crimes being called copyright, defamation, false light, and other inapplicable torts in egregious error by one severely brain injured Plaintiff acting *pro se* and failing to seek civil punishment for federal crimes and the criminal business conspiracy committed by Google Inc and Microsoft Corporation that continues as described herein.

5. All judicial officers and all law clerks over age 65 have inadequate experience with BROADCASTING in the wire medium and accept *Reno v ACLU*, (96-511) as a *landmark Free Speech* ruling instead of the clear error *Reno v ACLU*, (96-511) has always been. This complex wire communications claim requires the next generation of judicial personnel for complete fairness. Judicial unfamiliarity with BROADCASTING in the wire medium is due extreme sea-changes in wire communications usage becoming both a medium for broadcasting illegal material by radio and wire to the unknown or a wire and radio communications medium used for private free-speech exchanges. Radio broadcasts have been misunderstood by humanity for a century and continues.

6. **The [sic]"airwaves" of *Pacifica* have never existed.** Radio does not need a medium anymore than gravity or the mysterious "*indulgence*" non-medium that was never a medium but coined as [sic] "Internet" and called a medium in egregious error where laws requiring public protection for broadcasting communications to anonymous children and others was waived. This mistake created hundreds of billions in criminal proceeds for Google Inc and Microsoft Corporation.

CONCLUSIONS AND REVIEW

1. FCC Commissioners, US Senators and US Representatives should be ordered to pay statutory and compensatory damages as the jury feels is just after trial of no less than $1 each. Google Inc and Microsoft Corporation should pay PUNITIVE monetary damages as a jury feels is just per 47 U.S.C. §605 and per 18 U.S.C. §2511 per private indecent image communication intercepted and illegally BROADCAST after first advised for a total of no less than 800 million dollars for criminal conspirator Google Inc and 800 million dollars for criminal conspirator Microsoft Corporation.

2. Damages ordered paid by Corporate Defendants should be heavily impacting due to ignoring vociferous advisement regarding unwanted criminal obscene, indecent, or profane image associations with personal names and even expanding these communications violations while facing one Plaintiff in Federal Court. Google Inc and Microsoft Corporation should also compensate this Plaintiff and other similarly situated artists due to non-fiduciary losses increasing the fiscal award. These embarrassing types of damages will be further explained in person before the jury. FCC Commissioners failed to assert anything but improper venue and this response should be considered an admission of nonfeasance that is obvious.

3. This prayer seeks the "right thing" being done and thereby finally establishing pervasive **radio and wire** communications as the border-less medium independent venue safe for unsupervised children, Chinese citizens, Muslims, and for pornography addicts as well as free speech including speech not the least bit acceptable for unsupervised children and others but protected for identified responsible adults willing to identify as contactable adults so ages may be checked by the FCC or the owner of the computer or other device used to view **radio and wire** communication BROADCASTING obscene, indecent, or profane matter and connecting the Earth [sic] "online".

4. The FCC should be ordered to resume protection of minors and pornography addicts from anonymous access to harmful simultaneous **radio and wire** communications or be ordered to cease ignoring 47 U.S.C. §151 or nonfeasance. This protection is the currently ignored duty related to free speech, privacy, authors' rights, and regulation of pervasive public **radio and wire** communications BROADCASTING.

5. The wire medium used for BROADCASTING has been unregulated and unprotected since around 1978 in violation of *Pacifica* long before the simultaneous usage of two media was called one "*unique and wholly new medium for human communications*" in error that could not be more wrong or be brought more squarely to courts due misapprehension of fact and law done first in 1997 and continuing though *Reno v ACLU,* (96-511) always being a mistake of fact and law due to BROADCASTING by wire developing.

6. Indecent adult-only communications will continue **safely** via both **radio and wire** communications to authenticated individuals but should not be allowed BROADCAST to the "unwitting". The Plaintiff prays the FCC be ordered to resume prohibition of obscene, indecent, or profane wire communications to anonymous persons, as has been trivial now for decades. The subscriber identity requirement for viewing obscene, indecent, or profane material is wholly supported for even controversial and vaguely indecent matter by *Doe v. Reed*, (09-559) when legitimate state interests are served. The legitimate state interest and DUTY has always been to protect children as could not be more obvious than these state interests are now.

7. All spouses, minors, and parents on Earth have been left exposed to harm by access to pervasive but unsafe anonymous obscene, indecent, or profane BROADCASTS provided by Corporate Defendants in an organized criminal business scheme for **hundreds-of-billions of dollars**.

8. Roughly half the damages awarded will be taxes paid to the United States and offset taxes after this complaint is certified to be a Federal Rules of C.P. Rule #23 class action after joined by competent counselor(s). *See* 21 U.S.C. §848 "Continuing criminal enterprise".

9. The jury should award this Plaintiff and other similarly situated artists enough PUNITIVE damages to impact the *American* budget. Each corporate Defendant is seeking to continue criminal content trafficking to the anonymous like is improper and clearly against US law and common sense and has been obvious for decades but was never pursued because of treatment of *Reno v ACLU* (96-511) as landmark instead of the clear landmark error *Reno v ACLU* (96-511) has always been.

10. Article III judges refuse to retire long after the age allowed for US citizens by Social Security despite the overabundance of qualified judicial candidates now compared to when the United States began and when lifelong terms were enshrined in Article III of the Constitution. During "good behavior" should now be carefully defined to include retiring at age 65 or 70 at the latest as the Sixth Amendment and Ninth Amendment clearly support.

11. The scourge of pornography on families will become treatable soon after anonymous access to obscene, indecent, or profane artwork or anonymous morally questionable artwork BROADCASTING by wire is prohibited by the FCC as is now sought ordered by an order to cease nonfeasance or cease illegal non-conduct. This regulation will quickly end all simultaneous **radio and wire** child pornography and quickly establish SAFE distant communications BROADCASTING and Free Speech exchanges once ensured by the Communications Act of 1934 **and now finally reaching worldwide**.

12. Google Inc opposition resulted in the moral copy[rite] of 17 U.S.C. §106A being ruled to not apply to simultaneous **radio and wire** communications because of misapprehension of the copy[rite] regime despite "*unstinting*" Berne Convention Compliance ruled the intention of this law in *Golan v Holder* despite the unfulfilled Constitutional provision for Congressional protection of author's rights. *See* ignored Constitution Article I, Section 8, Clause 8.

PRAYER

1. ANY [sic] "internet" presentation to the anonymous is a radio Wi-Fi BROADCAST and is the criminal enterprise making billionaires along with the legal business this crime supports without any possible question. Plaintiff prays this clear fact now be judicially recognized.

2. Plaintiff prays these communications privacy crimes not be allowed to continue in the Western District of Arkansas and prays these now be punished by an Arkansas jury. Arkansas was one of the first states to use cable television wires for BROADCASTING left unregulated by FCC nonfeasance due to the rugged mountainous local terrain making radio broadcasting alone unprofitable. Arkansas is now an ideal venue to begin the end of Federal Communications Commission nonfeasance by requiring compensatory damages from each FCC Commissioner, each US Senator and each US Representative, and punitive and compensatory damages as determined by an Arkansas jury from criminal conspirator Google Inc and criminal conspirator Microsoft Corporation violating clear communications law in a continuing criminal enterprise.

Most Respectfully Submitted,

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