IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

US DISTRICT COURT
WESTERN DIST ARKANSAS
FILED
JAN 13 2014
CHRIS R. JOHNSON, Clerk
By
Deputy Clerk

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

CASE NO. 13-cv-5293

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

AMENDED

NOTICE OF CHALLENGE TO STATUTE, 47 U.S.C.§230, DUE TO MISINTERPRETATIONS VIOLATING OF THE CONSTITUTION. COMMON SENSE, AND TEXT USED TO SUBVERT OR INVERT THE "COMMUNICATIONS DECENCY ACT" TO PROTECT INDECENCY OR THE VERY OPPOSITE OF THE PURPOSE OF THE ACT

1. 47 U.S.C. §230(c)(1) was and continues to be misunderstood by the Supreme Court, US law schools, most US counselors, all United States District and Appellate Courts thus-far since the 1997 mistake made in *Reno v ACLU,* (96-511). This obvious mistake was made early in the development of broadcasting in the wire medium. This mistake was made due to failure to recognize a new manner of EMF communications and is continually misinterpreted in order to excuse generally criminal [sic] "Internet" trafficking of offensive and illegal 47 U.S.C. §153 ¶(59) wire communication broadcasts. These broadcasting crimes would otherwise be prosecuted by the FCC due to becoming pervasive Wi-Fi radio broadcasts and would quickly result in a safe and universally accessible [sic] "online".

2. No new medium for communications will ever be created or will ever be discovered because every physical medium that exists or ever will exist was created long ago. There are around 115 natural physical elements though scientist claim to "synthesize" some elements.

3. What was inappropriately called the medium of [sic] "airwaves" in 1978 was and remains a "synthesized figure-of-speech" used or "coined" by Honorable John Paul Stephens to describe radio EMF communications just like [sic] "Internet" was and remains only another "synthesized figure-of-speech" used or "coined" by Honorable John Paul Stephens to describe what is now both wire and radio EMF communication making broadcasting of indecency criminal, or immoral intrusions.

4. Congress writes laws in English using the Chicago Manual of Style (CMS). The alphanumeric outline used in these statutes are arranged in **hierarchical** relationships with tree structures used to present main ideas, topics, subtopics, and details of law. It appears "EVERYONE" on Earth has become addicted to failing to respect the OBVIOUS intentions of Congress with this Act.

5. The 47 U.S.C. §230(c)(1) mistake follows and then is followed by clear English explanation of the intentions of Congress written as any legislator or jury member will easily agree on if not attempting to perpetuate the 47 U.S.C. §230(c)(1) mistake and preserve the unconstitutional broadcasting of illegal free indecent speech in harm of the person and as an **attractive nuisance** like now unquestionably exists damaging BILLIONS of lives besides this Plaintiff's.

> (c) **Protection for "Good Samaritan" blocking and screening of offensive material**
>
> (1) **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.
>
> (2) **Civil liability**
>
> No provider or user of an interactive computer service shall be held liable on account of—
>
> (A) any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; or
>
> (B) any action taken to enable or make available to information content providers or others the technical means to restrict access to material described in paragraph (1)[1].

6. Hierarchical paragraph outlining like above means sub-paragraphs are **subordinate** and are more detailed explanations used to fill out the parent topic or header that serves as a general summary of all sub-paragraphs below when prop Chicago Manual of Style (CMS) writing technique is used.

7. **The 47 U.S.C. §230(c)(1) mistake does EXACTLY THE OPPOSITE of 47 U.S.C. §230(c)** or the parent in the hierarchical outline supposedly further explained by 47 U.S.C. §230(c)(1). In fact; **The 47 U.S.C. §230(c)(1) mistake forces EXACTLY THE OPPOSITE of the title of 47 U.S.C. §230.** This poorly written statute **encourages indecency** unchecked since broadcasting by wire communications first developed as a manner for use of interconnected, distributed wires and was called a "*unique and wholly new medium*" in 1997 instead of ONE new method for use of wire medium for EMF communications broadcasting to the anonymous public OR for private communications.

1 One already noted error in this statute is rather than (1) this should have been (A).

8. Susan B Anthony attempted to explain all women were "people" with rights as "people" to vote like the other half of "people" who were male. The $100 fine in 1873 for voting while female in 1872 will be considered not nearly as culturally wrong as Honorable John Paul Stevens and other SCOTUS oligarchs ruling against natural laws and scores of constitutional laws in the *Reno v ACLU,* (96-511) mistake. This cultural error of fact and of law gave broadcasting communications by EMF in the wire medium inappropriate first amendment protections excusing criminal "obscene, indecent, or profane" speech being broadcast to unsuspecting and anonymous minors.

9. This mistake allowed and now allows unregulated, anonymous indulgences in potentially immoral or offensive indecent speech violating the person and fundamental human right to parent and exclusively choose to proscribe various communications for children as immoral or indecent in violation of wholly free speech. See in *Counts*, 02-2155, 2003; 295 F. Supp. 2D 996 where, "*a specific showing of constitutionally valid reasons to regulate*", is needed to proscribe material tagged as "obscene, indecent or profane" by authors or parents and then see support for valid exceptions for free speech the Supreme Court in *Prince v. Massachusetts*, 321 U.S. 158 (1944) stated, "*[i]t is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder*", and clearly supported parents rights to proscribe material tagged by authors or parents to be obscene.

10. The liability-free trafficking of offensive material and re-indexing content labeled offensive by original speakers without this intended labeling was and remains criminal abuse of the manner the [sic] "online" communications were made in "good-faith" violating of the "Good Samaritan" attempts to prevent broadcasting offensive material to anonymous children and violating 18 U.S.C. §2511 as further explained in this complaint.

11. The logical intent of the writers of 47 U.S.C. §230 in 47 U.S.C. §230(c)(1) can be understood while keeping the title of this Act[2], U.S.C. Statute[3] and subsection[4] in mind and reminiscing about how the early self-regulation of content once occurred. Warnings like, "*[d]o not click this link if you are not eighteen*", did absolutely nothing to discourage adults who were harmed or offended simply by viewing artistic nakedness. 47 U.S.C. §230(c)(1) gave the secondary warning party like GOOG or others protection from mislabeling on not labeling content of others in ways that failed to describe the offensiveness adequately and misconstruing the warnings thereby "causing" harm.

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2 Communications Decency Act of 1996
3 47 USC § 230 - Protection for private blocking and screening of offensive material
4 (c) Protection for "Good Samaritan" blocking and screening of offensive material

12. A few short years after the *Reno v ACLU,* (96-511) mistake; 47 U.S.C. §153 ¶(59) "wire communications" broadcasting also became Wi-Fi radio broadcasting making all display of "obscene, indecent, or profane" material done via the [sic] "Internet" or via [sic] "online" to the anonymous public a criminal Wi-Fi radio broadcast by current law due to becoming pervasive in private homes or anywhere else on Earth Wi-Fi radio is available. Logging-in makes these immediately two-way radio transmissions and not remain illegal broadcasts. The FCC duty TODAY is already to proscribe pervasive, illegal wire and radio broadcasting per *Pacifica* of 1978 and prosecute all broadcasts to the anonymous and make [sic] "airwaves" safe like generally done in 1978.

13. The unconstitutional misinterpretations to this poorly written statute by US Courts, US law schools, and billions of others turns 47 U.S.C. §230 on its head by misreading subsection 47 U.S.C. §230(c)(1) as if this sub-paragraph were an independent and holy "super-law". 47 U.S.C. §230(c)(1) **was and remains a complete oxymoronic absurdity**. This absurdity does not , however, effect how 47 U.S.C. §230(e) excludes ALL communications privacy laws including those laws violated allowing this civil complaint and the PUNITIVE civil damages authorized by 18 U.S.C. §2520 now sought.

14. Representatives Christopher Cox (R-CA) and Ron Wyden (D-OR) introduced this chronically misinterpreted law as the "*Internet Freedom and Family Empowerment Act*" and this law passed by a near-unanimous vote on the floor. It was meant to add protection for [sic] "online" service connectivity providers and users from actions against them based on the content of third parties by stating in part that "[n]o provider or user of an interactive computer [connectivity] service shall be treated as the publisher or speaker of any information provided by another information content provider". This text was never meant to protect delivery of indecent speech like this poorly written statute has been misinterpreted consistently to do.

15. Simply put, the most wildly profitable usage of the [sic] "internet" today by organized crime syndicate Google Inc is crime supporting some small percentage of legal advertising business. Once there no longer remains the anonymous ability to view "obscene, indecent, or profane" material by "googling" and the FCC begins to prosecute Wi-Fi radio broadcasting crimes, the unsupportable [sic] "Internet" profit bubble, otherwise called "GOOG", will return profitability to scores of traditional United States' venues like newspapers, Playboy magazine, Penthouse magazine, and many other magazines as well as **immediately ending ALL unauthenticated child pornography** and making addictions to ANY pornography treatable and more difficult to hide but not impossible to hide.

16. Ironically; China and Iran will no longer have valid moral reasons for prohibiting free [sic] "internet" of obscene and immoral American wire and radio broadcasts of communications because the [sic] "internet" of obscene and immoral American wire and radio broadcasting will no longer exist except for logged-on and completely **responsible citizens** of the Earth to consume.

17. There is no more of a right to anonymous consumption of "obscene, indecent, or profane" broadcasts than there is to anonymously consume alcohol or marijuana. This fact has been obvious since humanity first existed and Curtis J Neeley Jr believes a clear reading of 47 U.S.C. §230(c)(1) like described above in ¶10 must now be made clear by Congress adding, "[c]riminal liability: [l]abeling potentially offensive content for avoidance or delivering unaltered content as encountered", to begin this misconstrued sub-paragraph rather than being left as misunderstood to begin the criminal safe harbor of subsection (1). The protections originally intended for ISPs would still remain while addressing concerns of most State Attorney Generals adding this label and clarifying phrase.

18. Most State Attorney Generals (46) attacked this statute on July 23, 2013 and asked the chronically misinterpreted portions or 47 U.S.C. §230(c)(1) to be removed from 47 U.S.C. §230 rather than corrected. These State Attorneys General should now join as Plaintiff's in this case. After pornography broadcasting by wire becomes more clearly illegal like will be found illegal via properly interpreted United States law, Chinese, United States, Israeli, and Iranian citizens will all be able to safely communicate with the aid of networked computers. The full power of the best minds of humanity will FINALLY collaborate and solve medical and scientific questions that remain barely beyond human solution today.

Whereas left as misinterpreted today, this statute is wholly misinterpreted as unconstitutional and has been for nearly two decades causing harm to BILLIONS of humanity.

Most Respectfully Submitted,

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CERTIFICATE OF SERVICE

NOTICE OF PERMANENT PUBLIC SERVICE OF THIS COMPLAINT AND FREE PERMANENT PUBLIC MIRROR OF THE PACER ARWD DOCKET

1. This litigation will effect the future of [sic] "online" for the entire Earth and will remain accessible perpetually by simultaneous wire and radio broadcasting from the following two URLs. This is the easiest and most fair method to make this accessible to every US Senator, every US Representative, and every Federal Communications Commission Commissioner while accessible to all US citizens at the same time with the complaint broadcast in all common text file formats. Curtis J Neeley Jr swears and affirms under penalty of perjury that today January 13, 2014 this will be scanned and made accessible by the ARWD Court Clerk and be mirrored freely to each Defendant as well as the public.

A. TheEndofPornbyWire.org

B. TheEndofPornbyWire.org/docket

Most Respectfully Submitted,
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