IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

Curtis J Neeley Jr., MFA **Plaintiff**

v

CASE NO. 12-5208

Federal Communications Commission,
Microsoft Corporation, **Defendants**
Google Inc.

SECOND AMENDED COMPLAINT FOR VIOLATIONS OF PRIVACY RIGHTS, FAILURE TO REGULATE SAFETY FOR SIMULTANEOUS RADIO AND WIRE COMMUNICATIONS AND VIOLATION OF THE EXCLUSIVE HUMAN RIGHT TO CONTROL CREATIONS FOR A TIME PROTECTED BY 42 USC §1983 AND THE COMMON LAW HUMAN COPY RIGHTS PROTECTED BY 42 USC §1988.

The Plaintiff, Curtis J. Neeley Jr., MFA, respectfully states a complaint for reckless indecent presentation of the Plaintiff in simultaneous **wire and radio** communications and violating privacy by internationally distributing indecent artwork creations publicly that are personal "*sins*" sought maintained privately. The Federal Communications Commission fails to protect Plaintiff's privacy on interstate and foreign communication by **wire and radio** and fails to protect the safety of internet wire communications for any citizens including the Plaintiff or Plaintiff's children, as required by law. These wrongs are further explained for each Defendant as follows concisely labeled I-V. Trial by jury is demanded.

I. Federal Communications Commission's Failure to Protect Wire Communications

1. The Supreme Court mislabeled the simultaneous usage of computers to facilitate wire communications "*a wholly new medium*" in *ACLU v Reno,* (96-511). This plain error has not yet been addressed by Congress but indecent **wire and radio** communications were never determined by Congress or the Supreme Court to be exempt from regulation by the Federal Communications Commission (FCC). See *FCC v Fox*, (10-1293)(2012)

2. The clear intention of the Communications Act of 1934 was regulation of all **pervasive distant communications**. The *ACLU v Reno* **mistake** causes the portions remaining from the Communications Decency Act of 1995 to diametrically oppose decency by preempting responsibility for "*indecent*" simultaneous **wire and radio** communications instead of the promotion of decent distant communications.

3. The FCC demonstrates malfeasance by failing to intervene or otherwise seek to prevent 47 USC §230(c)(1)[1] from repeated interpretation by courts counter to: 1) the Constitution, 2) the title of the indecency excusing §230, and 3) the mission of the FCC given in 47 USC §151[2] wherein Congress created the FCC and gave the agency clear regulatory authority over distant **wire and radio** communications.

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[1](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

^^^^ 47 USC §230(c)(1) above sought to protect wire communications connectivity providers like telephone wire communications providers were protected from delivering though unaware.

[2]47 USC §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.

· *Highlighting added throughout this complaint for "**wire and radio**" to prevent continued ignoring.*

4. The continual display of indecent art to unidentified parties like the Plaintiff's children and other unidentified pornography consumers over **wire and radio** communications is allowed by the FCC refusing to perform the statutory mission to protect the safe use of pervasive interstate and world-wide **wire and radio** communications used in commerce as listed clearly in 47 USC §151 in plain English as can be read in footnote #2 on the previous page.

5. There is no simple administrative procedure to address this malfeasance for citizens beyond those already tried for years by the Plaintiff. These include service of the general complaint by certified mail in 2009 and electronically "filing" this complaint repeatedly via FCC's Electronic Comment Filing System (ECFS) as can be seen by the public searching the <fcc.gov> website as evidenced repeatedly in docket #5 attachment #1 Exhibit "A". Jurisdiction was vested in this District Court per 28 USC § 2675(a) after failure beyond six months to end this malfeasance.

6. Kim Mattos, of the FCC, advised the Plaintiff that decency regulation for interstate **wire and radio** communications was beyond the jurisdiction of the FCC and claimed, "*everyone at the FCC*", was aware of this complainant and this complaint. The attempts by the FCC to establish tacit jurisdiction for [sic]"open internet" for broadband rules failed miserably to assert the clear jurisdiction to regulate interstate and world-wide wire communications as are often described with the slang term [sic] "[i]nternet" or the multidimensional slang term improper when used in any law or legal filing as a singular noun as would be improper usage of the English language. The FCC should now create a rule set like attachment "47 USC §232".

7. The *FCC v Pacifica*[3] ruling from 1978 has been substituted wholly for the 47 USC §151 rational for regulation of distant **wire and radio** communications in plain error by the FCC when simultaneous **wire and radio** communications displaced common usage of facsimile machines and telegraph machines for wire communications. The FCC regulated **wire and radio** communications better when telegraph wires were the only way for near-immediate communication across oceans.

8. The FCC uses the thirty-four year old *Pacifica* ruling now to determine jurisdiction instead of 47 USC §151 in clear error 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 used in commerce.

9. Wire communications described precisely in the Communications Act of 1934 in 47 USC §153 ¶(59)[4] became the worldwide network of computer apparatus connected to either end of wires. These simple facts went unrealized in the *ACLU v Reno* "landmark" mistake of 1996 alleging to discover "*a wholly new medium for human communications*" and failing to recognize a new usage of two very old mediums.

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[3] *FCC v Pacifica* the "landmark" First amendment holding from 1978 with the "*pervasiveness theory*," held that broadcast speech was "*uniquely pervasive*" and an "*intruder*" in the home, and therefore demanded special, artificial content restrictions and relied on the pervasiveness of radio waves and failed entirely to address the pervasiveness of wire communications when simultaneously available by radio as "*interconnected networks*" of wire communications are today though nonexistent in 1978.

[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.

10. This 1990's Supreme Court **error**[5] caused simultaneous **wire and radio** communications to become Earth's **wire and radio** venue for utterly unsafe indecent communications despite the rest of the ignored text of 47 USC §151 requiring protection for the safe use of both of these mediums in interstate and world-wide commerce.

11. The FCC fails now to ensure safe personal communications privacy for this Plaintiff in interstate and world-wide communications. Plaintiff is left protected only by the Constitution and common law despite 47 USC §151 due malfeasance of the Federal Communications Commission.

12. The FCC abandoned regulation for the safe content of **wire and radio** communications despite the plain statutory mission given in 47 USC §151 to protect the safe use of both of these mediums for distant communications used in commerce.

13. The **thirty-four** year old *Pacifica* ruling leaves the FCC using archaic court interpretations of clear statutes to preclude content regulation on simultaneous **wire and radio** despite clear text requiring regulation of all distant communications.

14. The "*landmark*" court **error** of *ACLU v Reno* allows irresponsible **wire and radio** communications of pervasive distant indecency contrary to the 47 USC §151 requirement for protecting the safety of the public in uses of **wire and radio** communication used in commerce.

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

15. This **cultural error** made by the Supreme Court causes the current uses of simultaneous **wire and radio** communications to not be regulated by law and be given over-broad First Amendment protections without the associated responsibilities for safe communications, which are the prerequisite required for any free speech.

16. The FCC allowed and allows simultaneous usage of **wire and radio** communications to become patently unsafe today and harm this Plaintiff's reputation and personal privacy as well as more people than live in the Western District of Arkansas and more people than live in the entire United States.

17. The FCC duty to protect public safety when using distant **wire and radio** communications became FCC malfeasance when television signals generally moved to wires called cables and away from exclusively the radio medium.

18. Regulation allowed for fleeting indecency in broadcast radio television by *CBS v FCC*, (06-3575) is incompatible with indecent images authored by the Plaintiff or associated with the text "curtis neeley" allowed now to be transmitted by unsafe **wire and radio** communications regardless of who placed the indecent content on computers made accessible by simultaneous **wire and radio** communications without respect to the popular "title" given these medium independent communications. e.g. *interactive network of computers, interwoven network of computers, or interconnected, international interactive network of computers or just "inter"... + net.*

19. The FCC was created to protect communications by the Communications Act of 1934 five decades before any "*wholly new*" simultaneous usage of **wire and radio** distance communications existed. **No new medium has ever existed in spite of this clear mistake**. See the clear English definition of medium.[6]

20. The failure to properly apply 47 USC §153 ¶(59) was done in 1996 by one Justice who grew up without fear of nuclear war due to growing up before WWII began and before the first usage of two WMDs to terrorize Japan was done by the United States utterly destroying Hiroshima and Nagasaki with only two bombs.

21. The failure to recognize a new manner for using the centuries old wire medium and calling the 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.

22. The rapid progress of science and indecent art spread by **wire and radio** communication has allowed overwhelming desires for anonymous indecency consumption to distort laws and lure humanity, including United States Courts and the FCC, into preserving anonymous indecent wire communication **consumption** where responsibility for indecent **wire and radio** communications is avoided counter to the safe use of pervasive distant communications by **wire and radio**.

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[5] **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.

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

23. The *ACLU v Reno* error is counter to the Constitution and rule of law and harms this Plaintiff's privacy as well as the safety of all minors and spouses on Earth with access to unsafe yet pervasive simultaneous **wire and radio** communications revealing indecency searching for "curtis neeley" or more well-known indecent art producers by name in a Google Inc or Microsoft Corporation image search. This is allowed by the FCC to cause harm to this Plaintiff contrary to the mission listed clearly in 47 USC §151 despite years of ignored complaints by the Plaintiff.

24. Google Inc and Microsoft Corporation indexing copies of indecent content and revealing indecent content locations should **always** have been penalized as transmitters of indecency by the FCC due to communicating indecency in different contexts as new content by harvesting indecent content and choosing to republish this unsafe indecent content to create the pervasive lure for anonymous pornography usage for ridiculous profits despite the FCC duty to make **wire and radio** communications safe for interstate and world-wide communications used in commerce.

II. Inappropriate Text-image Associations Left Violating Personal Privacy by Microsoft Corporation after Advised of Inappropriateness

1. Microsoft Corporation searches of the network of computers connected to wire and radio communications creates the false appearance the Plaintiff desires or desired anonymous minors to see indecent creations using "curtis neeley" in searches of unsafe simultaneous **wire and radio** communications called "open inter... + net", though perhaps not begun intentionally.

2. Microsoft Corporation refused to halt this reckless personal name association without court orders after requested repeatedly that all indecent images be removed from search results for searches using the text "curtis neeley" by refreshing the cache.

3. Microsoft Corporation advised the Plaintiff that ceasing the text-image association of "curtis neeley" with indecency would requires court orders after admitted noting the Plaintiff's concern about obscene results and violations of the robots exclusions protocol violating the privacy of the Plaintiff and violating the Plaintiff's personal common-law right to not be associated with art. *See* docket #5 attachment #2 Exhibit "B".

4. Injunctions requiring disassociating "curtis neeley" in database searches from indecent 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 required by the FCC.

III. Google Inc Reckless Use of Wire Communications to Violate Privacy

1. Google Inc continues to associate "curtis neeley" with the presentation of indecent photographs placed by various random parties world-wide and this violates the common law rights of the Plaintiff. There are insufficient safeguards used on these indecent Google Inc image presentations for prevention of anonymous viewers including minors, Muslims, and the Plaintiff's children from viewing indecent images returned using "curtis neeley" in searches of computers networked by **wire or radio** despite the ease of preventing anonymous searches now for decades but not done recklessly to increase profit. See "+'curtis neeley' nude site:creative-nude.net" in the Google Inc "moderately safe" searches in docket #51 attachment #1 Exhibit "CNN".

2. The Plaintiff once sought adult feedback on creations of indecent art and sold indecent art from two websites providing 47 USC §231 filtration so that anonymous visitors to these websites were not exposed to indecent art unless disclosing identity via verifiable email wire communications as should be ordered required by the FCC in keeping with the intentions of 47 USC §151 and 47 USC §231.

3. Google Inc formerly and currently bypasses the 47 USC §231 filtration described above after advised vociferously of this wrong. Google Inc does this to continue the display of images otherwise shown only to identity providing viewers for profit. <Google.com> searches for "curtis neeley" limited to <deviantart.com> revealed naked art and still reveal artwork declared "not safe for work" (NSFW) **after Google Inc was advised of this wrong repeatedly**.

4. The undesired return of artwork, declared by the Plaintiff to be indecent, to anonymous persons was documented repeatedly and can be seen now despite indecent naked images being removed entirely from <deviantart.com> and <redbubble.com> and years of vociferous advisement to Google Inc and hundreds of Federal Court filings. This violated the Plaintiff's common law copy right and common law privacy as well as 47 USC §605.

5. The bypassing of 47 USC §231 filtration by Google Inc continues for this Plaintiff and all users of <deviantart.com> seeking the 47 USC §231 identity requirement for viewership of art marked indecent or "not safe for work" (NSFW).

6. The undesired republication of indecent images from two websites presented material publicly to ANYONE that was clearly not intended for presentation to minors invalidating all 17 USC §107 claims. Google Inc continues now violating common law and constitutionally protected personal privacy and copy right and harasses the Plaintiff with fraudulent use of computers bypassing identity filtration and continues returning art labeled indecent in searches for "curtis neeley" to minors in the **wire and radio** mediums as are allowed by the FCC though rendering **wire and radio** communications unsafe due FCC malfeasance.

IV. The "Google Inc Books" 2010 Privacy Violation

1. Google Inc attributed the Plaintiff accurately but inappropriately to three additional '*figurenude*' photographs via interstate and world-wide **wire and radio** communications after Google Inc scanned three images by the Plaintiff from one book from a New York library **against the Plaintiff's known desires**. This was done after March 7, 2010 despite spending hundreds of thousands in legal fees against this Plaintiff to continue this for profit in addition to the millions spent in legal fees or offered artists in New York to revise copy[rite] law and claiming to rewrite federal laws in United States Courts for the Southern District of New York in violation of the common law rights of the Plaintiff. This book was later withdrawn by Google Inc.

2. This negligent and harassing action by Google Inc was done while litigating against this Plaintiff for undesired redisplay of Plaintiff's indecent artwork and caused this Plaintiff further harm by creating another three harassing invasions of privacy protected by common law and the Constitution. These were violation of exclusive common law rights and were unauthorized republication of book artwork in the **wire and radio** mediums. Publication was done only in the book medium. Viewing these indecent image publications purposefully required encounters with the physical book and not by simply typing "curtis neeley" into a computer connected to wires networked **ANYWHERE** on Earth using Google Inc "book searches".

3. Google Inc presented Neeley in a false light by scanning indecent visual art from one book and making unauthorized world-wide republications of this indecent art making this indecency easy to encounter before anonymous unidentified minors while in public schools or anywhere on Earth searching for the Plaintiff's name.

4. This republication to minors was thousands of miles from the book in New York. The Plaintiff's teen daughter or other searchers would have never encountered this particular indecent visual art in a book on photographic art in New York.

5. This was a fundamental violation of privacy by Google Inc that is constitutionally protected and is protected by common law in Arkansas according to the opinion of the Arkansas Attorney General. See Arkansas Attorney General Opinion No. 96-161 in docket #5 attachment #3 Exhibit "C". 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*, 298 Ark. 219, 766 S.W.2d 909 (1989).

6. Congress agreed this manner of privacy violation was forbidden by Treaty in 1988 and again in 1994. Unwavering Berne Compact compliance was ruled constitutional on January 18, 2012 in *Golan v Holder*,(10-545) despite self-serving *amici* opposing these finding by Google Inc.

7. The fair-use exceptions of 17 USC §107 to the exclusive rites for using visual contributions to books have been unconstitutionally vague since 1976 when created. Fair-use made it impossible for common people to understand or agree on this law as is required for all laws.

8. Besides unconstitutional vagueness; §107 violates the accepted treaty of the "Berne Convention for the Protection of Literary and Artistic Works" despite the recent *Golan v Holder* ruling calling the "Berne Compact" the copy[rite] law accepted by Congress clearly counteracting the Supreme Court mistakenly rejecting common law human copy rights in *Wheaton v. Peters*, 33 U.S. (8 Pet.) 591 (1834). This mistake was over a century before Congress invalidated this mistake passing 42 §1988.

9. The 17 USC §107 claim does not consider unwanted additional publicity and even world-wide publicity for reformed indecency authors thereby violating 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 privacy.

10. The fair-use exceptions of 17 USC §107 to the publishing rite for indecent art have never been fair and have always been unconstitutional. **Any name-associated usage** of indecent art causes expanded republication and violates the right to be secure in the person and remain silent and resist expanded dissemination of prior indecent creations or 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.

V. FCC Decency Regulation Malfeasance

1. Protection of anonymous citizens from exposure to indecent **wire and radio** communications is a legitimate state interest mostly allowed unregulated for decades though ordered protected by 47 USC §151. It is absurd and shows malfeasance when the FCC allows 47 §230(c)(1) to be repeatedly misinterpreted by Federal Courts diametrically opposed to the clear intentions and title of the Communications Decency Act and the "Good Samaritan" section itself 47 §230(c)(1).

2. The law intended by Congress to promote communications decency instead was cited by the FCC, this District, and Google Inc to traffic indecent art and defamatory communications including indecent art once created by the Plaintiff before simultaneous **wire and radio** communications were disguised as the "*interactive network or interconnected network of interactive computer networks*"

and christened the **"inter"+ net** by *ACLU v Reno* (96-511) in clear error as could not be made more clear or be pointed out more vociferously than done herein.

3. The responsibilities for production, trafficking, and consumption of indecent content or defamatory content is unconstitutionally waived for all laws by 47 USC §230(c)(1) allowing utterly unregulated speech in violation of the clear natural right to be free from defamation and computer frauds and to preserve common law copy right, and prevent privacy violations supported by numerous State laws as well as 47 USC §151. This United States law is entirely ignored by the FCC as could not be more clearly wrong and could not be brought more squarely before United States Courts than is now done.

CONCLUSION

1. Plaintiff seeks only common sense regulation of **wire and radio** communications. Google Inc advised of having clear institutional interests in preventing identification of searchers looking for indecency before Honorable Erin L. Setser in Western District of Arkansas on Dec 10, 2010. *See* (5:09-5151) Dkt. #216

2. Google Inc and Microsoft Corporation should pay compensatory and punitive monetary damages as the jury feels is just based on $150,000 per intentional moral "author's right" violation per 17 USC and $150,000 per indecent image remaining associated with "curtis neeley"per day left accessible after first advised as consistent with 47 §231. Damages ordered paid by Corporate Defendants should be heavily impacting due to ignoring vociferous advisement regarding unwanted indecent image text associations and even expanding these violations while facing the Plaintiff in Federal Court. Google Inc and Microsoft should also compensate the Plaintiff due to non-fiduciary losses increasing the fiscal award. This will be further explained in person before the jury.

3. This prayer seeks only the "right thing" being done and thereby finally establishing pervasive **wire and radio** communications as the border-less medium independent venue safe for unsupervised children and pornography addicts and for free speech including speech not the least bit acceptable for unsupervised children but protected for identified responsible adults willing to identify as contactable adults so ages may be checked by the *adult claim verification office* of the FCC or the owner of the computer or other devise used to view **wire and radio** communications of indecency.

4. The FCC should be ordered to protect minors and pornography addicts from anonymous access to harmful simultaneous **wire and radio** communications. This protection is an ignored duty related to free speech, privacy, authors' rights, and regulation of pervasive public **wire and radio** communications. The wire medium has been unregulated and left unprotected since 1978 or long before the simultaneous usage of these two mediums was called "*a unique and wholly new medium for human communications*" in egregious error that could not be more wrong or be brought more squarely to court.

5. Indecent adult-only communications will continue safely via **wire and radio** communications but the Plaintiff prays these be ordered prohibited by the FCC for anonymous persons for indecent communications as has been trivial now for decades. The 47 USC §231 identity requirement for viewing indecency is supported for even controversial and vaguely indecent subjects by *Doe v. Reed*, (09-559) when legitimate state interests are served.

6. The protection of unsupervised minors or pornography addicts from exposure to anonymous viewership of indecent pervasive **wire and radio** communications is the legitimate state interest ignored now for decades by the FCC despite laws requiring regulation of interstate and world-wide **wire and radio** communications safety.

7. All spouses and all parents on Earth have been left exposed to harm by access to pervasive, unsafe anonymous communications provided by both corporate Defendants. Roughly half the damages awarded will be paid in taxes to the United States and offset taxes though this is not a class action.

8. The jury should award the Plaintiff enough to impact the United States budget. Each corporate Defendant is seeking to continue unsafe indecent content trafficking to the anonymous as is improper and clearly against the law and common sense as has been obvious for decades.

9. The scourge of pornography on families will become treatable soon after anonymous access to indecent artwork is prohibited by the FCC as is now sought ordered by an injunction of the District Court. This regulation will quickly end all simultaneous **wire and radio** child pornography and quickly re-establish the SAFcc distant communications once provided by the Communications Act of 1934.

10. Defendant Microsoft Corporation responded to the Plaintiff and demanded the court injunction now sought though Microsoft Corporation did not oppose the Plaintiff in court before this complaint was filed like Defendant Google Inc did vociferously resulting in moral copy[rite] of 17 USC §106A being ruled to not apply to simultaneous **wire and radio** communications. This ruling should have no impact on the common law moral rights of this Plaintiff to punish for republication of indecent art and association of indecent art with the Plaintiff's personal name per 42 USC §1988 since Congress therein clearly restored common law moral human copy rights.

11. Google Inc made it a company policy for years to protect the continued delivery of indecency to the unidentified and thereby created a market for unsafe indecent **wire and radio** communications using the oldest lure given to humanity and offering an increase of knowledge. The pervasive lure of indecent knowledge was presented by Google Inc through knowledge delivered on simultaneous **wire and radio** communication networks instead of fruit left hanging on one "*forbidden tree*".[7]

12. Defendant Google Inc spent hundreds of thousands in legal fees and adamantly refused to stop trafficking Plaintiff's indecent art and other associated indecent art to children and pornography addicts for profit while facing the Plaintiff in United States Courts. Microsoft Corporation admitted being made aware of obscene text-image associations and continues these improper associations for profit as well.

13. This District Court should invalidate all usage of 17 USC §107 fair-use to violate privacy while trespassing on private computers and indexing computers uninvited or how Google Inc chooses to steal content. This Court should invalidate 47 USC §230 claims for excusing violations of privacy as violates the rule of law.

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[7] [15]The Lord God took the man and put him in the Garden of Eden to work it and take care of it. [16]And the Lord God commanded the man, "You are free to eat from any tree in the garden; [17]but you must not eat from the tree of the knowledge of good and evil, for when you eat from it you will certainly die."
^^ Genesis Chapter II

[4]"You will not certainly die," the serpent said to the woman. [5]"For God knows that when you eat from it your eyes will be opened, and you will be like God, knowing good and evil."
^^ Genesis Chapter III

^^^From chapter II and III of Holy Bible, New International Version®, NIV® Copyright © 1973, 1978, 1984, 2011 by Biblica, Inc.® Used by permission. All rights reserved worldwide.

14. 47 USC §230 was used by Defendant Google Inc to ignore advisement of obscene or indecent text-image associations by the Plaintiff as well as unsafe speech sought censored recently by the White House in the interest of unregulated free speech by Google Inc. It is well past time for this United States Court to order regulation of all communications used in commerce in the Western District of Arkansas by the FCC since unconstitutional laws like 47 USC §230 can preempt absolutely no other laws.

15. This action will not be resolved finally without scores of *amici* filed as the District Decision is appealed to the Supreme Court. This District Court has authority to resolve this complaint by injunctions demanding regulation of **wire and radio** communications entering or leaving the Western District of Arkansas and findings of liability for Google Inc and Microsoft Corporation with a jury instructed to determine the common law award paid by each Corporate Defendant after trial.

16. Unsafe **wire or radio** communications should be ordered prevented by the FCC in the Western District of Arkansas by an injunction since jurisdiction was vested here by 28 USC § 2675(a)[8] due to the years of failing to address this complaint. This demand will end the careers, political or otherwise, of anyone even acknowledging this complaint including all media and everyone else notified. This is the primary rational for United States Courts remaining beholden only to law.

17. The Supreme Court was wrong in *Susan B. Anthony v United States* (1873) and the fine levied for voting while female was ignored by Susan B. Anthony though preceding women suffrage by forty-eight years.

[8] The failure of an agency to make final disposition of a claim within six months after it is filed shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim for purposes of this section.

18. The Supreme Court was just as wrong in *ACLU v Reno* (1996) as the Supreme Court was in *Susan B. Anthony v United States* (1873). This error has been used by Google Inc and Microsoft Corporation seeking ridiculous profits and the FCC has used *ACLU v Reno* (1996) to allow unsafe distant free speech counter to 47 USC §151.

19. Unsafe indecent speech made in the Plaintiff's past now causes vulgar art once published nearby to be associated with the Plaintiff by Microsoft Corporation and Google Inc. These wrongs must not be allowed to continue in the Western District of Arkansas and must now be punished by an Arkansas jury. Arkansas was one of the first states to use cable television wires left unregulated by FCC malfeasance due to the mountainous local terrain and is therefore an ideal venue to end Federal Communications Commission's malfeasance.

Respectfully Submitted,

Curtis J Neeley Jr. MFA

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Exhibit 47 §232

This exhibit is the rule set that corrects the evil nature of the medium independent communications that were once called simply [sic] "Internet" as if these used some "*wholly new medium for human communications*" which these have never been.

The absurd, and unconstitutional 47 USC §230 liability preemption and past assertions of "fair-use" to steal content will now END. Wire communications will soon become nearly universal in the United States as requires that these be safe for any anonymous person.

Safeguarding Wire Communications

To improve public awareness in the United States regarding safe use of the "internet" wire communications through the establishment of an Office of Internet Wire Communications Safety, Licensing, and Public Awareness within the Federal Communications Commission.

SECTION 1. SHORT TITLE.

This rule set may be cited as the 'Safeguarding Wire Communication Appropriateness' or the 'Making SAFER Wire Communications Rules' until passed as a Congressional Bill.

The Federal Communications Act will then be amended such that Section 232 is as follows or as amended by Congress.

Wire Communication Appropriateness

1. **Electronic devices capable of networked wire communications, including the wire communication network generally called "the Internet", will have a robots.txt file disclosing the content of each storage subdivision or directory containing ratings consistent with United States movie ratings that would apply to the content if it were displayed or read out loud such that;**

a. material presented by wire originating in a directory, or subdivision of data must be rated by data subdivision in the robots.txt file stored in the most general directory. Data subdivisions or directories may not have content exceeding the data subdivision or directory "rating" thereby determining appropriate allowed data viewership.

b. photographs, video, text, audio, or any other content must be in an appropriate rated directory or data subdivision and rating 'metadata' will be listed internally in each file, though not necessarily visible directly to the viewer of the file as soon as technically possible using current technology.

2. Software capable of presenting wire communications, generally known as "the Internet", must be able to detect and analyze the robots.txt file as described in (1)(a) and present content so rated;

a. only if the purchaser of the device allows content so rated to be presented and the current user has authenticated;

b. and blocking content presentation based on the ratings allowed by the device owner;

3. Display devices capable of displaying wire communications but not equipped to block indecent content shall not be left unattended by an adult on penalty of the device owner or owner's designated agent being guilty of contributing to delinquency of minors and being fined by the FCC.

4. Devices capable of displaying wire communications must test the user of the display software for authentication if activity ceases for five minutes to ensure adult material is not left accessible to minors accidentally. No content may be displayed without authentication if left unattended for five minutes unless authenticated for an uninterrupted continual content display for periods not exceeding the time needed to display the continuous presentation by five minutes.

5. Devices capable of displaying wire communications must present adult material only if record of each adult material access is stored on the device for 30 days including wire locations(URLs) and time accessed so all recent uses of wire communication are verifiable at all times by the device owner or other authority authorized by the device owner.

6. The Federal Communications Commission shall establish and maintain wire communications search interfaces, otherwise known as search engines, so content of electronic devices connected to wires, - often called only "the Internet", may be indexed and searched if the device owner "Robot Exclusion Protocol"(REP) robots.txt allows such aggregation.

    a. Advertising by wire communications will be sold by the FCC and displayed with income used to offset taxes.

    b. Search interface usage data will not be stored in any way that violates searcher privacy.

c. Search usage that is reasonably suspected by the FCC wire division to indicate criminal intent will automatically send wire communications to law enforcement and alert the user of this suspicion and notification.

7. The Federal Communications Commission will establish a regulatory committee for addressing data subdivisions or directories rated inappropriately and establish criminal and civil liabilities for violations.

8. The Federal Communications Commission will maintain copies of all robots.txt files accessible by wire. Wire communications display devices will check the FCC registry for prohibited locations periodically for sites that are determined not to be allowed presented by wire access software due to;

a) presenting wire communications not presented according to this section.

b) presenting wire communications promoting criminal activity. All wire locations blocked in (8)(a) or (b) may appeal being listed in competent courts of law and rulings by Federal District Courts will be recognized by the FCC wire division.

c) Wire Locations improperly blocked may recover lost income due to being blocked by the FCC if improperly blocked and if the claim is brought promptly in any District Court.

9. Wire Communications, including those once called simply "the Internet", have never been anything but the logical technical progression of communications once referred to as telegraph or telephone and are subject to the same regulations found elsewhere in this Act.

10. The Federal Communications Commission Wire Division shall develop and oversee the licensure and rating of published content so that republication or aggregation of content requires the republishing user to accept the "REP" licensing fee disclosed along with ratings of the licensed content such that;

a) payment of the licensing fee incentivizes broad disclosure of knowledge.
b) undisclosed directory licensing fees prevent disclosure of content found and exempts the data from being indexed regardless of the source of disclosure of the data location.
c) the "REP" would also provide for exclusive audience control if desired by authors.