

IN THE UNITED STATES COURT FOR THE WESTERN DISTRICT OF ARKANSAS

Curtis J Neeley Jr., MFA

v

CASE NO. 5:09-cv-05151

NameMedia Inc.
Google Inc.

Brief Supporting Motion for Federal Communications Commission Injunction

1. Curtis J Neeley Jr., MFA enters this supporting brief separately for compliance with Local Rule 7.2(e). This Preliminary Injunction Motion asks the Federal Communications Commission be ordered to regulate what is currently called the “Internet” as wire communications as defined on page eight ¶(51) of the Communications Act of 1934 and proceed with regulation exactly like television and movies are now regulated. The definition found on page eight ¶(51) is also found in US Title 47 § 315 ¶(52) and follows:

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.

- In case the white elephant is not obvious enough now, the definition of apparatus follows.

*Apparatus*¹ [ap-uh-rat-uhs, -rey-tuhs] –noun, plural -tus, -tus-es.

1.a group or combination of instruments, machinery, tools, materials, etc., having a particular function or intended for a specific use: Our town has excellent fire-fighting apparatus.

2.any complex instrument or mechanism for a particular purpose.

3.any system or systematic organization of activities, functions, processes, etc., directed toward a specific goal

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apparatus. Dictionary.com. Dictionary.com Unabridged. Random House, Inc.
<http://dictionary.reference.com/browse/apparatus> (accessed: October 24, 2010).

2. US Title 47 § 315 ¶(52) and the definition of apparatus is directly above and US Title 47 § 151 is now included below highlighting regulation of wire communications in the law wherein the Federal Communications Commission was created.

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.

3. Mr Neeley has a unique mental defect that perhaps allows him to see as blatant and obvious what is entirely ignored by most. The emphasis above was added to help the Court recognize the repeated use of wire communication. The modern general principle of an unregulated “open Internet” does not require brain damage to recognize as being illegal, however, Federal Communications Commission Chairman Julius Genachowski stated recently to a group of Wall Street Journal reporters and editors as follows:

"I don't see any circumstances where we'd take steps to regulate the Internet itself, and I've been clear repeatedly that we're not going to regulate the Internet."

4. The above quote flies in the face another quote of a former FCC Commissioner as well as US Title 47 § 151 or the law that established the FCC. There is a white elephant dancing in the room that the FCC has struggled valiantly to ignore. Quoting four sentences out of context from remarks of Commissioner Rachelle B. Chong from November 15, 1996 addressing the National Asian Pacific American Bar Association in a speech titled: “The First Amendment in an Information Age”.

- i. Here's the issue: **What is the proper role of government in content regulation**, not only for broadcast stations and cable television, but also for new medium of the nineties -- the Internet?
- ii. In a moment, **I am going to talk about content regulation on the Internet, even though the FCC does not regulate it...**
- iii. Let me take an on ramp back on to the Information Superhighway and briefly discuss **content regulation as it applies to a new medium of the 90's -- the Internet...**
- iv. **Some of the same issues that apply to traditional mass media also apply to the Internet.** Many are concerned about minors accessing inappropriate adult material on the Internet....

5. FCC Commissioners saw the white elephant and started ignoring it to protect the free flow of pornography to earth's children under the guise of "free speech" as early as November 15, 1996. Numerous Securities and Exchange Commission attorneys googled bypassing government filters and got paid to view pornography while the economy crashed. Judges and law clerks across the United States must somehow now consider wire pornography sacred and continue struggling to ignore the white elephant dancing in the room just as the United States has ignored the history of Supreme Court Justice Clarence Thomas sexually harassing Anita Hill. Still, almost twenty years later Ms Thomas recently had the audacity to ask Ms Hill for an apology for disclosing sexual harassment by Justice Thomas. Mr Neeley sees the white elephant and asks that the FCC be now ordered to regulate the content of the wire communications as required by law before the "new medium", which is only the development of telegraph telecommunications, was semantically disguised as the Internet to allow pornography.

Respectfully Submitted by Hand

Curtis J. Neeley Jr., MFA