

K1MAN PRESS RELEASE – 15 January 2011 9:00 A.M.

The FCC vs. K1MAN Federal District Court case has been scheduled for a jury trial commencing March 6, 2012. The Final Pretrial Conference is scheduled in Bangor, Maine Federal District Court for February 8, 2012 at 9 A.M. The jury trial will concern the remaining FCC pecuniary interest allegations (See www.k1man.com/e49). The summary judgment for \$10,000 against K1MAN for alleged inadequate responses to FCC letters (\$3,000) and alleged “willful and malicious interference” (\$7,000) caused by perfectly legal K1MAN information bulletins, ruled equivalent to W1AW bulletins by the FCC, (See www.k1man.com/e5a, www.k1man.com/e6, and www.k1man.com/e7) is now totally separate. This summary judgment is being appealed to the First Circuit Court of Appeals in Boston by a team of attorneys for K1MAN. “The FCC is really in for a run for their money now!,” said Glenn Baxter, K1MAN, in an interview.

Stay tuned!

GL and 73

K1MAN

To: VE7KFM

From: Glenn A. Baxter, P.E., K1MAN

14 January 2011

Karol,

Where else can a “stupid” engineer, pro se, get himself to be taken seriously by the federal courts (Chief Judge of the Federal District Court, John Woodcock, Chief FCC Administrative Law Judge, Richard Sippel, the D.C. Court of Appeals – I did oral arguments there, and now the First Circuit Court of Appeals) in a mammoth battle on a level playing field between himself and the entire U.S. government?

When IARN interviewed, years ago, (for airing over its “illegal” bulletin service), FCC Special Services Chief, Robert McNamara (with his FCC counsel present), he commented that U.S. administrative law is still evolving. Indeed it is! Such is what makes the U.S.A. the greatest country in the world.

In the recent Federal District Court summary judgment (see www.k1man.com/e49), the feds have “officially” bestowed legitimacy to AARA, IARN, K1MAN, and Mr. Baxter. Despite their false allegation of me “stone walling” the FCC, the control operator issue is now gone, and the pecuniary interest issue is also gone! It has been reduced to, de facto, “information bulletins are illegal!” See the entire case files at www.k1man.com/d6 and www.k1man.com/alj. A key constitutional issue now before the First Circuit Court of Appeals is:

Can the Federal District Court sanction club stations (like W1AW) causing “willful and malicious interference” (also a serious criminal offense, see Sections 333 and 501 below) and simultaneously slap a \$7,000 “forfeiture” on a non club station, K1MAN, for doing the exact same thing? This is clearly unconstitutional discrimination. Also, isn’t K1MAN, de facto, an IARN club station?

I believe even FCC Special Counsel, William Riley Hollingsworth, Esq., K4ZDH, who was obviously sick on the day they taught law at law school, can understand this obvious, unconstitutional, and therefore illegal discrimination.

The late Rich Whitten, WB4OTK, summarized it best:

“I have always said, ‘If ARRL can do it, so can K1MAN.’”

“Great causes are never tried on the merits; but the cause is reduced to particulars to suit the size of the partisans, and the contention is ever hottest on minor matters.” - Ralph Waldo Emerson - From his essay "Nature" 1844

Now, jurisdiction has slipped from the D.C. Court of Appeals (which, until now, has had exclusive jurisdiction over all FCC matters) over to now include the First Circuit Court of Appeals. And a very interesting case! The FCC has lost significant control also. This is why my third year law student lawyers are frothing at the mouth. They get a huge and important case that well might go all the way to the U.S. Supreme Court. (Like the little high school girl on 60 Minutes this week with a cure for cancer). Just what can administrative agencies in the great United States do and what can’t they do? This will also, no doubt, be a case study at Harvard Law School, as was also true for my dad’s Federal Trade Commission case when I was a child. See www.k1man.com/fhb

Stay tuned!

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From the 1934 Communications Act:

Section 333:

No person shall willfully or maliciously interfere with or cause interference to any radiocommunications or any station licensed or authorized by or under this act or operated by the United States government.

Section 501:

Any person who willfully and knowingly does or causes or suffers to be done any act, matter or thing, in this Act prohibited or declared to be unlawful, or who willfully or knowingly omits or fails to do any act, matter or thing in this Act required to be done, or willfully or knowingly causes or suffers such omission or failure, shall, upon conviction thereof, be punished for such offense, for which no penalty (other than a forfeiture) is provided by this Act, by a fine of not more than \$10,000 or by imprisonment for a term not exceeding two years or both.

I A R N EMERGENCY ACTIVATION:

IARN is not currently activated.