

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
FCC Reduces Backlog of Broadcast Indecency)	GN Docket No. 13-86
Complaints; Seeks Comment on Egregious)	
Cases Policy)	
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CURTIS J NEELEY JR REPLY COMMENT AND LEGAL ANALYSIS OF THE SUBMITTED COMMENTS OF ABC INC, CBS CORPORATION, NBCUNIVERSAL MEDIA LLC, FOX ENTERTAINMENT GROUP INC, AND FOX TELEVISION HOLDINGS INC.

Should not be read by minors or judges over age 65 who have chosen not to retire due to containing indecent language and shortcuts to image searches resulting in obscene material as well as discussions of failing to respect those over 65 who refuse to retire. If either of these will offend or otherwise should proscribe your reading, please do not continue beyond the "Table of Contents".

Failure is impossible,
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I. Invalid or Incorrect Legal Statements in EVERY Corporate Comment Addressed Herein.

Every Corporation made numerous misstatements of fact in the comment filings that seem to be coordinated pervasive attempts to convince the FCC these assertions are factual by consistently repeating these as fact and not as the mischaracterizations these are. The most relevant to *Neeley Jr v FCC et al*, ([5:12-cv-50208](#))([13-1506](#)) (*Neeley Jr v FCC*) are highlighted below.

A. *Pacifica* From 1978 AUTHORIZED Indecency Enforcement for the Federal Communications Commission.

1. Each Corporate filing stated improperly that *Pacifica* AUTHORIZED the FCC to fine Administratively for proscribed broadcasting as if wishing the elderly Judicial oligarchy was allowed to write law or the duty reserved exclusively for Congress.

2. The Supreme Court determination in *Pacifica* was only that the FCC was allowed to fine *Pacifica* Foundation Administratively to enforce §[1464](#) and the fine was Constitutional and not violation of the First Amendment. §[1464](#) was passed by Congress and this statute is the rock-solid foundation for the fine assessed. ***Pacifica* never AUTHORIZED sanctioning. 18 USC §[1464](#) did.**

B. Sexual or Excretory Descriptions Were Mandated by ANY Law or by ANY Ruling.

1. Each Corporate filing wished, if the FCC remains active, to return to the 1978 indecency definition used to prevent ambiguity regarding proscribed broadcasting, – if not back even to only the seven banned words. Each Corporate filing implied this overly-narrow definition was the result of *Pacifica*, which it was in no way.

2. The Supreme Court determination in *Pacifica* was that the FCC's narrowing of the description used to avoid vagueness for the indecent content proscription was sufficient in 1978. The definition of indecency was ruled narrow enough in 1978. The over-narrow definition of indecency was updated when the Golden Globe Administrative Action was allowed. Since then, The FCC proscribed indecency definition was made hopelessly vague in such a way that the entire FCC indecency enforcement regime is now unconstitutional except for repeating of past proscriptions.

C. **The Fact that Less Restrictive Limitations May be Found for Adult Speech Excuses Indecent Adult Speech to Avoid “Chilling”**

Chilling indecent adult speech is an indirect result of broadcast proscription but allows no room for less restrictive alternatives that render public broadcasts of speech unsafe. The “ratings” and “subscriptions” to cable television or [sic] internet are not safe unless records of all viewing of adult material is preserved locally for parents or other authorities to check. “Chilling” indecent communications or even complete “freezing” of indecent communications was the purpose of §[1464](#) after all. The trees are, in fact, the forest.

II. Correct Position of LAW in EVERY Comment

These costly law filings were valuable comments that should help the FCC create a new definition of prohibited indecency although none are as clear and blunt as this one reply comment.

A. ***Fox I & Fox II* Established the Indecency Enforcement by the FCC is Unconstitutional and Requires Change to be Continued**

1. *Fox I & Fox II* established that the new definition used for proscribed indecent broadcasting is *per se* unconstitutional and leaves the ENTIRE indecency regime voided and only proscribing momentary adult breast displays and any use of several terms forbidden in the past.

B. ***Pacifica* From 1978 ALLOWED Indecency Enforcement for the Federal Communications Commission**

1. The Supreme Court determination in *Pacifica* was that FCC's narrowing of the description used to avoid vagueness for the indecent content proscription was sufficient in 1978. The definition of indecency was narrow enough in 1978 and the sanction was ALLOWED. The over-narrow definition of indecency was updated when the Golden Globe Administrative Action was allowed. The key word in this paragraph is ALLOWED and not authorized. The Supreme Court AUTHORIZES nothing.

III. Unique Law Matters Raised and Other Legal Matters That MUST Be Addressed and Resolved Now by the FCC

1. The talk of the 1997 *Reno* mistake only by NBCUniversal spoke as if *Reno* is not a clear legal mistake and is prejudicial. The aging oligarchy feels compelled to treat *Reno* as holy writing to reinforce the fact that refusing to continue ruling “*during good behavior*” and retire at age 65 or by 70, at the very latest, should be allowed to continue. No judge remaining beyond age 70 is acting “*during good behavior*” and is why Mr Neeley does not respect aging United States Courts dismissing or affirming the obvious judicial repeal of US law in *Neeley Jr v FCC, et al*, (5:12-cv-5208)(13-1506)

A. *Reno* From 1997 Makes ALL Ambiguous Indecency Enforcement Unconstitutionally Vague.

1. *ACLU v Reno*, (96-511) was an error written by *horny* 77 year-old Lord Most Honorable John Paul Stevens promoting the popular slang term used for networks of interconnected wires communicating broadcasts of data into the ambiguous slang noun used inappropriately in law, or –[sic] “internet”. Broadcasts on networks of unregulated interconnected wire communications defined in 47 USC §156 ¶(59) exist now and are illegal when used for broadcasting indecent speech publicly in a manner that is the new pervasive intruder in homes and in public places. The trees obscuring the search for justice compose the forest. [sic] **“INTERNET” MUST NOW BE REGULATED** by the FCC and **tagging of ALL broadcast content must be required** to stop the organized criminal enterprises of Microsoft Corporation and Google Inc trafficking in the criminal obscene, indecent, and profane broadcasts to minors of others' obscene, indecent, and profane communications to the anonymous, The “search engine organized crime” of pornography trafficking is the most profitable crime done on Earth. Forbidden indecency broadcasting must now be accurately defined so these crimes can be punished instead of the continuous non-prosecution due to hopeless vagueness. There has now become an inappropriate perception of fundamental rights to wholly unregulated consumption and distribution of anonymous pornography via the [sic] “internet”. Children have not reached the age where this adult decision should be left exclusively to them and [sic] “internet” pornography consumption and availability has destroyed millions of homes. This is obvious, though ignored, common knowledge.

***Pacifica* From 1978, When Updated, Will Again Require
FCC Indecency Enforcement for ALL Pervasive Media**

**B. Including RF Broadcasts, Cable Wire Broadcasts and
[sic] “Internet” Wire and Radio Broadcasting**

1. *Pacifica* from 1978 is about 35 years old written by younger 58 year old Lord Most Honorable John Paul Stevens and MUST NOW be updated and not invalidated. The only distant communications that were pervasive intruders in the home in 1978 were broadcast radio waves. The adjective and adverb combination of “uniquely pervasive” can be updated by simply removing the outdated “uniquely” or replacing it with “every”. Cable television rebroadcasts are now pervasive like only radio waves were in 1978. Networks of interconnected wires carrying video and audio broadcasts are shared with networks of interconnected computers and other devices joined by wires for broadcasting distant [sic] “internet” communications of data. The trouble with these interconnected devices joined by wires for broadcasting data is these communications are simultaneously broadcast via radio. Attention please FCC Commissioners; These trees are, in fact, the forest and §[1464](#) therefore applies.

**C. Although *Reno* From 1997 & *Pacifica* From 1978 Used Inappropriate
&/or Dated Language, the FCC Duty Remains to Protect the Safety of
ALL Distant Media Used for Commercial Communications.**

1. *ACLU v Reno*, (96-511) was an error written by *horny* 77 year old Lord Most Honorable John Paul Stevens behaving badly and “coining” the popular slang term used for networks of interconnected 47 USC §153 ¶(59), Wire Communications, used for broadcasting data among computers as [sic] “internet”. Lord Most Honorable John Paul Stevens then used the slang “coined” as a new undefinable law term. Computer broadcasts should NEVER have been entitled to “obscene, indecent or profane” speech broadcasting like allowed now in violation of US law. See 18 USC §[1464](#). The FCC duty is now to prevent indecent broadcasts by wire and radio and IGNORE the mistake of 77 year old Lord Most Honorable John Paul Stevens that was made in the 20th year of rule while refusing to behave “good” and retire nineteen years after writing *Pacifica*.

IV. Suggested Definition of “Indecent” Material Warranting Sanctions.

Material that is broadcast by wire or radio communications must not be obscene, indecent, or profane per 18 USC §[1464](#). Due to the ambiguous nature of proscribed broadcasts of communications in §[1464](#) this narrower definition can be used to help narrow the forbidden communications so punishment may be easily avoided. Use of the terms: fuck, shit, pussy, cock, bitch, damn, ass, cunt, snatch, dick and God and variations of these are often, if not usually, considered indecent. These terms may be used in ways that are not indecent or in ways that are excusable based on the situation. Display of any reproductive organs including the nipples of mature females or entire male or female buttocks is generally consider indecent. There are situations where any of these may be allowed due to per incident determinations. After all; A jury of audience members will now be required to decide guilt for ALL FCC assertions of fines for violating 18 USC §[1464](#) including the range of fiscal punishment levied.

A. Changes in Communications Technology for the Last Decades Now Require Direct Measurable Citizen Input

The definition of prohibited broadcast communications like above should always be published online by the FCC and public comments and suggestions must be allowed because chilling of protected indecent adult speech due to fear broadcast proscription fines must be avoided because standards change.

B. Access to Indecency Must Require Authentication of Viewers and Records of This Access Must Be Retained Locally for 30 Days on the Device or at the Venue Used to View the Adult Broadcasting

All access to indecent communications must require authentication of identity in some manner and be retained locally for thirty days on the devise or venue used to access the broadcast. This will permit parents or other responsible parties to determine ALL access of adult material per venue. Indecent material stored on a computer for broadcast to the public must have every storage directory self-rated as well as every individual file. ALL wire or radio access must not display age-inappropriate content as is described in the new statute or rule set. *See* 47 USC §[232](#) as linked and attached created with input from Harvard, Yale, Stanford, and Univ of Ark and other noted law professors.

V. CONCLUSION | “It is finished.” |

1. Curtis J Neeley Jr may be highly disliked by many for some time after the current illegal [sic] “internet” is made as safe as telephones were in 1986. Mr Neeley did not act alone and will never settle this matter as should almost be obvious by now to Defendant Google Inc. The law school professors and communications law firm lawyers were allowed to remain unidentified though those who were involved are known and are recorded for posterity. 47 USC §[232](#) should have always existed as both Google Inc and Microsoft Corporation agree and use this EXACT technology to assert websites not wanting portions of their wire presentations indexed may use the robots.txt file to avoid this. *See* www.facebook.com/robots.txt. This is a commonly known fact and was used by achive.org since 1997. See the following links and see how archiving was turned on and off by NameMedia Inc while hiding these records of the past usage and offering two stolen domains for sale.

- http://web.archive.org/web/*/http://sleepspot.com
See the graph for the years when the robots.txt hid the site.
This is no longer hidden now.
- http://web.archive.org/web/*/http://eartheye.com
See the graph for the years when the robots.txt hid the site. The hidden times are from shortly after Mr Neeley was first in a coma till this stolen domain was sold.

2. Why are naked images not all required to contain meta data identifying these as indecent? All digital images created today have camera model and other data recorded within the file. It does not require an intelligent person to recognize the fact that Google Inc and Microsoft Corporation are criminal conspirators profiting on intentional violations of 18 USC §[1464](#) and 47 USC §[605](#). It required Mr Neeley offending elderly judges like Lord Most Honorable Jimm Larry Hendren([72](#)), Lord Honorable Pasco Bowman II([80](#)) and Madam most Honorable Diana E. Murphy([79](#)), as well as Lord Most Honorable John Paul Stevens([77](#))(now 93) to allow this continuing criminal enterprise by not following US laws. *See* the continuous criminal violations of 18 USC §[1464](#) and 47 USC §[605](#).

**Indecent and obscene image search shortcuts
violating 18 USC §1464 and 47 USC §605.**

1. <curtis_neeley_site.deviantart.com>, GOOG; <curtis_neeley_site.deviantart.com>, MSFT;
2. <[Curtis Neeley Nude](#)>,MSFT ; <[Curtis Neeley Nude](#)>,GOOG ;
3. <["curtis_neeley" nude site:creative-nude.net](#)>,GOOG; <["curtis_neeley" nude site:creative-nude.net](#)>, MSFT;

3. There is no acceptable explanation given to Curtis J Neeley Jr or others publicly yet for the continuing oligarchy of ruling Article III elders to deserve respect while refusing to behave and retire beyond the normal retirement age of 65. These ruling Article III elders cling to appointments for life and make rulings on the latest advances of technology they have no life-experiences with and have no possibility of understanding.

4. The most important good behavior beyond the age of 65 is spending time with family and others and writing memoirs. Good behavior is not attempting to tell others how to behave while dealing with the latest advances in technology developed recently and having had no impact whatsoever on your life.

3. “Good behavior” in no way includes stubbornness and refusal to admit confusion caused by age and new discoveries of ways to communicate due to these having had no impact on past life experiences as are critical for acting “during good behavior”.

5. The term “broadcast” applies to any public address given and prohibitions of “broadcasting” indecency should have always applied to [sic] “internet” wire communications. The illegal [sic] “open internet” full of indecency is *per se* improper. This is too obvious for the ruling Article III oligarchy to admit due to supporting Lord honorable John Paul Steven's error when 77. Judges over 70 will probably never obey US law and cease ruling inappropriately during elderly bad behavior on even the newest of communications technology. Assertions that “during good behavior” requires retirement at age 70 or yearly reaffirmation by the Senate beyond the age of 65 like herein done are particularly sure to offend.

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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.

11. The Federal Communications Commission shall ensure data traffic over networks of wire communications shall not be treated with undisclosed discrimination such that ;

- a) data to or from any remote computer is excluded, preferred, or blocked or is otherwise be made to appear to arrive more slowly.
- b) discrimination toward traffic, if included to mitigate use among traffic users, must be fully disclosed at the time of sales such that no use of “unlimited” or inflated volume of traffic delivery is implied to be provided based on some discretionary remote computer blocking.
- c) the Federal Communications Commission will establish rule sets and penalties such that fair treatment of all data traffic over wires is ensured regardless of remote computer source to thereby ensure the safety of communications by wire.