Dr. MADDOX. We hear what the man is saying and we judge him to be a man of integrity, but it is very difficult to change what seems to be a lifelong bent, a lifelong commitment. We have read that Supreme Court Justices do change their minds sometimes; we also have run across a few that do not change their minds or become more intent on the direction in which they are heading.

So our feeling is let's stop it before it gets started.

Senator MATHIAS. I see the Chairman has rejoined us, and I turn over the Chair to him.

The CHAIRMAN. Thank you very much. You don't have any other questions, Senator Mathias?

Senator MATHIAS. No, Mr. Chairman.

The CHAIRMAN. We want to thank you, and you are now excused—I mean, the questions are through. Thank you very much for your appearance.

Mr. WEISS. Thank you, sir.

Dr. MADDOX. Thank you, Mr. Chairman.

The CHAIRMAN. Now, is James Carpenter here?

Will the testimony given in this hearing be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CARPENTER. Yes, sir.

The CHAIRMAN. Have a seat. You have 3 minutes.

TESTIMONY OF JAMES CARPENTER, LIMA, OH

Mr. CARPENTER. My name is James M. Carpenter, I live in Lima, OH, I represent myself as a radio common carrier licensed by the FCC, and I represent my wife, who is also present, my small family business which includes my family and my grandchildren.

We have a business named Carpenter Radio Co., and on the personal side of it we started in the business in 1965. We were a pioneer in the paging and radio business, and we had probably the first talk-back pagers in the United States in 1965.

The president of the telephone company come in with a goon squad—and that's United Telecommunications, United Telephone Co. today—unlocked our door, ripped out our equipment, stole our equipment.

I had to give you that background because that is the basis of my opposition to Judge Scalia.

Judge Scalia has been the general counsel, Office of Telecommunications Policy, Executive Office of the President; chairman of the Administrative Conference of the United States; Assistant Attorney General, Office of Legal Counsel, Department of Justice.

I've come across him several times in the time that I have been in this litigation purely because I believe—on a personal note again—no one could unlock my door, rip out my equipment and steal my equipment, which is against the fourth amendment of the U.S. Constitution; no one could do that—and every time I think of it today, I think of my trip to Berlin, which was sponsored by your predecessors, for the Potsdam Conference, and in that trip I went there to smell a million dead in the rubble and afraid then to occupy and watch America sold into the weak position in the world today.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Judge Scalia says he's against the Freedom of Information Act. He said that in his writing. I would not be before the Federal Communications Commission if it hadn't of been for the Freedom of Information Act. I went there, as part of appeals for the District of Columbia Circuit, and put case 75–1848, and they said that I could open my case upon stipulation of the FCC.

They didn't hear the case for a year. I went to the Freedom of Information Act, and when I went to the Freedom of Information Act the FCC became so disturbed they set the case for hearing without any issue. They spent millions of dollars per year on the case, and at the end of it they used the Judge to tell me that everything I said was frivolous and scurrilous.

As far as I am concerned, I've gone to the District of Columbia Circuit for redress of grievances on the whole matter, and I have not been able to get the information from the Clerk, but from the archives file, but I believe that Judge Scalia was one of the principal judges to deny me a redress of grievances or even to open the case up.

So I again had to go to the sixth circuit where they treated me with more disdain than I was treated at the U.S. Court of Appeals to the District of Columbia Circuit.

[Prepared statement follows:]

James M. Carpenter
607 W. High St.
Lima, OH 45801
8/5/86

United States Senate
Committee on the Judiciary
Dirksen SOB
Washington, D. C. 20510

TESTIMONY CONTRA TO APPOINTMENT OF ANTONIN SCALIA &
AMENDMENT 1 PETITION REDRESS OF GRIEVANCES

James M. Carpenter (Carpenter) opposes the appointment of Antonin Scalia to the Supreme Court on the following Constitutional grounds.

In support of this opposition the following is respectfully shown:

1. James M. Carpenter is a veteran of World War II (nearly 5 years); served in the European theater with the 2nd. Armored Division, which was the first U.S. unit to enter Berlin. Consequently, I am aware of the devastation of war and my responsibility as an American citizen to protect the principles of our great country, one being equal justice under the law and that is my primary interest in my request to testify in this cause.

2. Carpenter has been in 22 years of litigation before the FCC, simply because of being a pioneer in the paging business and the FCC has allowed United/Telco to unlock our door, rip out and steal our equipment and violate the 4th Amendment in total disdain for any rights of Carpenter and the members of the small business class.

3. The FCC allowed its Administrative Law Judge to be under the influence of alcohol, while presiding over this litigation and spend nearly 12 years in total disdain for any rights of the Carpenters, thus, spending Millions of U. S. dollars to protect United Telco. The FCC has allowed United to sue Carpenter in the FDCNDOWD, while litigation was and is still pending at the FCC. While the litigation has been in the aforementioned Court, the presiding Judge has been seriously addicted to alcohol, during this interim, to the extent that he has had to serve and also be subjected to the "cure". I do not relate this to be disrespectful to anyone in the position as a Judge, but I firmly believe that fair and quality justice cannot and does not prevail from anyone who is subjected to alcohol addiction. Further, it is obvious that this illness has placed United's Counsel, Warren E. Baker (a former FCC General Counsel), in a position to take advantage of this Judge and keep Carpenter in litigation, which has made hundreds of thousands of dollars for Mr. Baker. The "bottom line" of this case being that the litigation should be moot for Carpenter was told by Judge Richey (of the D.C. Federal District Court) in the early stage if the litigation, that United only filed the Complaint to shut-up Carpenter. Consequently, admitting it was a scare tactics and actually no basis for the Complaint.

4. Antonin Scalia has stated that an agency decision should not be subject to judicial second guessing. Chaney v. Heckler, 718 F. 2d 1174 (1983).

5. "But the tradition has not come to us from La Mancha, and does not impel us to right the unrightable wrong by thrusting the sharpest of our judicial lances heedlessly and in perilous directions."

6. While General Counsel of the Office of Telecommunications Policy, Scalia developed his 1982 attack on the Freedom of Information Act, wherein he wrote: "It is the Taj Mahal of the Doctrine of Unanticipated Consequences, the Sistine Chapel of Cost-Benefit Analysis Ignored." Scalia insisted that the FOIA's defects "cannot be cured as long as we are dominated by the obsession that gave them birth - that the first line of defense against an arbitrary executive is do-it-yourself oversight by the public and its surrogate, the press."

7. Carpenters' Complaint dates back to 1966 when the telephone company unlocked Carpenters' office door, "ripped out" its interconnection equipment, stole the equipment (never returned same), and put Carpenters out of business for two years (Carpenter being a Federal Licensee serving the public interest).

From this illegal act FCC Docket 18177 came into being. Carpenter was made many promises from United if Carpenter would only withdraw from this litigation. Carpenter was encouraged and advised by FCC Counsel, John M. Lothschuetz, to withdraw from this Docket to test the honesty and integrity of United, further stating that if United did not keep its promises to return to the FCC and the Docket would be re-opened. United failed the test and within six months John M. Lothschuetz (FCC Counsel, who advised Carpenter to withdraw without prejudice) became United's legal counsel with his office established in Mansfield, Ohio. The FCC refused to re-open the Docket so Carpenter prevailed upon the United States Court of Appeals for the D.C. Circuit (75-1848) for relief. John Ingle, the top trial lawyer for the FCC, promised this Court that Carpenter could request "Agency Action", originally requested in FCC Docket 18177. The FCC set on this request for one (1) year. Only under the FOIA did the FCC act, and then the FCC set the matter for hearing as FCC Docket 21256, without the Anti-Trust Issue (the "crux" of the litigation) and with an alcoholic ALJ, who libeled, slandered the Carpenters and gave United Telco the opportunity to "BRAG", how it would drive the Carpenters out of business.

8. Today, contrary to any right under "Due Process", Carpenter's cannot find a lawyer, who will not sell us out. Approximately 22 lawyers have sold us out, taken our money, and sold us out to the power of United/Telco. Still the U. S. spends nearly $800,000 to make Ed. Meese Attorney General, but he is "IGNORED", as he has stated that the FCC is "Politically Unaccountable", that it is a 4th Branch of Government, illegal under our Constitution, but now to confirm the appointment of Antonin Scalia, who is against the FOIA, and according to former FCC General Counsel, Bruce Fine, will never overturn an FCC Decision, is tantamont to destruction of any Rule of Law in the U. S.

9. Antonin Scalia has also stated that the Courts are "designed to protect the rights of even one man against the entire state." The single individual with one vote and no friends will have his day in court but will receive little help from the legislature .. (in part) .. However, my supreme concern is that he has acted contrary to the aforementioned statement. The bottom line of this Opposition is the Total Disdain exhibited by Antonin Scalia to the Constitution, in as much as the Executive Branch is given preference over the the legislative and judicial and the FCC, the Politically Unaccountable 4th Branch of government can do no wrong.

10. Thanks, to the TOTAL DISDAIN, for any "Due Process" by the FCC for the FCC and its FCC Bar Association can "LIE" to the Courts (supra), when they listen to one Pro se, which is seldom, and then use the power of the FCC to deny any licenses to Carpenter, permit the FCC lawyers, John Ingle, Michael Deuel Sullivan, Lewis Goldman, et al., to curse and swear at the Carpenters and be held immune as there will be no way to "fight back", without the Freedom of Information Act, which Judge Scalia is against. The FCC ignores the Carpenter Petition under Amendment 1 (Exhibit 1). Further, the President of the U. S. ignores the Carpenter Petition under Amendment 1 (Exhibit 2). The Courts also ignore the Carpenter Petition under Amendment 1 (Exhibit 3). Also see Exhibit 4.

11. What right does the U. S. have to spend all this money to destroy any Constitutional Rights of the Carpenter Small Family Business?? It should also be noted that MCI's top lawyer and Former FCC Commissioner sold Carpenters out (FCC Docket 19072), when "Proposed Findings" -- said -- "United stands convicted as a result of its own tesimony and evidence. Ken Cox made MCI the "giant" it is today because the FCC allowed him to represent Carpenter's and sell Carpenters out.

12. This is the real issue of this Opposition Contra, coupled with the statement/fact that Senator Strom Thurmond said on CNN that any citizen can tesify, plus Judge Bork has said that Pro se litigants are welcome at the Court of Appeals. However, with all the Judges you have now assigned on the Court of Appeals, it appears and is my great concern that there are now only more Judges to make lawyerism more like communism and deny the rights of people and increase the chances for more Alcoholics to Judge, when under the influence of Alcohol, which is highly against the Canons of Judicial Ethics, but ignored by "the powers to be". Further, from Antonin Scalia's past performance, his appointment would destroy the FOIA, which will inhibit any means of due process.

13. TOP LAWYER, JOHN INGLE, OF THE FCC HAS CONVINCED THE COURT, 22 YEARS LATER THAT CARPENTERS CANNOT REPRESENT CARPENTERS. THE RIGHT OF SELF REPRESENTATION IS DEAD.

14. The Carpenter small family business "Individuals" with one vote each and no friends has never had its day in Court. All lawyers who have represented the Carpenter, including Ken Cox, Esq., former FCC Commissioner and top lawyer for MCI have sold Carpenter out and Antonin Scalia has been General Counsel, Office of Telecommunications Policy, Executive Office of the President, 1971-72. Chairman, Administrative Conference of the U.S., 1972-74; Assistant Attorney General, Office of Legal Counsel, Department of Justice, 1974-77 and has never been concerned about the disdain of the Carpenter Constitutional rights by the President, The Justice Department, the FCC, et al.

15. Judge Charles R. Richey, met ExParte with former FCC General Counsel Warren E. Baker, who had sued Carpenter with the help of the FCC and its Bar Association simply because Carpenter told the truth that John M. Lothschuet, Esq., top lawyer for the FCC, told Carpenter to withdraw without prejudice from FCC Docket 18177 to test the honesty and integrity of United, and then in 6 months he became the top lawyer for United and worked for former FCC General Counsel Warren E. Baker, with FCC lawyer Carolyn C. Hill his top assistant.

16. Judge Ritchey said he would dismiss the action if Carpenter would not "Petition the Great President and would not Petition the Congress". Carpenter refused to give up the 1st Amendment. Further, the FCC has assisted its former General Counsel, Warren E. Baker, in every way to destroy Carpenter and its small family business.

16. No way can 22 years be crammed into this Oppostion Contra, but it should be noted that Carpenter is refused all licenses by the FCC, that as a pioneer we cannot grow, but anyone with no experience can get "Cellular Licenses, et al." to compete with Carpenter. The FCC has no regard for the Constitutional Rights of the Carpenter Small Family business.

17. The Affidavits attached show the Carpenter witnesses state the FCC ALJ was under the influence of Alcohol (Exhibit 5 attached). The Certified Copies, show Judge Nicholas J. Walinski, has been arrested two times for DWI, and spent 3 days in the Toledo Workhouse, and 28 days in detoxification. The Constitution still states under Article III, Section that Judges serve during good behaviour and it is respectfully submitted that "Public Intoxication" in not good behaviour. Further, the rules and ethical considerations require that a Judge (Canon 3 B(1) a Judge should take or initiate appropriate meansures against a Judge or lawyer for unprofessional conduct of which the judge may become aware.

18. For the ALJ and Judge Walinksi, to be under the influence of Alcohol and the facts ignored by the Sixth Circuit, their fellow judges, the Justice Department is not, according to the will of the Forefathers, and is not Constitutional. While Carpenter has not been able to secure, the record from the Court of Appeals, DC Circuit 80-1621 et al., it is believed that Judge Antonin Scalia was part of the denial of any rights to Carpenter by that Court, even though one Judge, who Carpenter now believes to be Judge Wald, voted for recusal and the censure and suspension of those who held the Carpenter Constitutional Rights in total disdain. It should be noted in this connection that FCC Lawyer, John Ingle, tells Carpenter that the Clerk, Mr. Fisher, made the Order and that he had a right to do so under the Administrative Rules of the Court.

19. Steven S. Melnikoff, Esq., the attorney in FCC Docket 21256 for narly 12 years, sold Carpenter out and became the top attorney for Southwestern Bell. James O. Junitilla, Esq., as head of the trial staff, retired and the other FCC lawyers have made a joke of the Carpenter plight to the extent that United has been given ok by the FCC to destroy the Carpenter interconnection, deny lines and circuits and steal the Carpenter equipment, thus denying Carpenter the rights afforded other "Common Carrier in Similar Situated Circumstances". Nothing but discrimination and preference in violation of 202(a) of the Communications Act, of 1934, as amended.

Where are the rights of the Individual against the Entire State? It appears to Carpenter that Judge Antonin Scalia has failed, by his past performance, at the FCC, to exercise these rights. Therefore, it is questionabble and very doubtful that he will exercise the rights of the Individual in his appointment as Judge of the Supreme Court. The United States Constitution is the basis of our judicial system and our liberty as an United

States citizen. Therefore, it is mandatory that a Judge exercise these rights for each individual coming under the scrutiny of the Supreme Court. Emphasis added: if Judge Antonin Scalia has ignored the Individual's Constitutional Rights by his past performance then his desire/ability to abide by same must be challenged in his appointment as Judge of the United States Supreme Court.

Respectfully submitted,

James M. Carpenter 8/5/86

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James M. Carpenter
607 W. High St.
Lima, OH 45801
6/3/86

President Ronald Reagan
President of the United States
White House
1600 Pennsylvania Ave.
Washington, D. C.

Dear President Reagan

The forefathers of the United States of America mandated three branches of government.

The executive.
The legislative.
The judicial.

Today, we have just one. THE LAWYERS.

Today, the powers talk about drugs, alcohol, etc, but Federal Judges are excused time in and time out from driving while drunk (Proof attached).

Time for action -- as the type of action you could initiate would save America.

God Bless America.

Respectfully submitted,

James M. Carpenter

EXHIBIT 1

RECEIVED
JUN 25 1986
JOHN P. HEHMAN, Clerk

No. 85-3942
No. 85-4011

RECEIVED
JUL 2 7 1986

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JAMES M. & MIRIAM G. CARPENTER d/b/a CARPENTER RADIO COMPANY, Petitioner,	)	
v	)	85-3942
FEDERAL COMMUNICATIONS COMMISSION AND UNITED STATES OF AMERICA, Respondent.	)	
- - - - - - - - - -	)	O- R- D- E- R-
JAMES M. CARPENTER, MIRIAM G. CARPENTER JAMES M. CARPENTER, JR., Petitioners,	)	
v	)	85-4011
FEDERAL COMMUNICATIONS COMMISSION AND UNITED STATES OF AMERICA, Respondents.	)	
UNITED TELEPHONE COMPANY OF OHIO Intervenor-Respondent.	)	

RECEIVED
JUN 27 1986
JAMES H. QUELLC
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JUN 27 1986
WILLIAM WEYFORTH DAWSON

BEFORE: KEITH, MARTIN and GUY, Circuit Judges

PETITION FOR STAY OF ISSUANCE
OF MANDATE AND PETITION FOR HEARING, REHEARING, RECONSIDERATION OR WHATEVER
RELIEF MAY BE JUST, AND SUGGESTION FOR HEARING OR REHEARING EN BANC

6/27/86

The appellants respectfully request this Petition for Rehearing as captioned be applied and asks that the suggestion for Hearing or Rehearing En Banc be granted as an alternative, as the basic foundation of the American Way of life and its Constitutional Guarantee of Equal Justice lies in this request. In support of this request the following is respectfully shown:

CONCISE STATEMENT OF THE THE ISSUES PRESENTED FOR REVIEW

1. The Federal Communications Commission has promoted this case and used same with "Political Unaccountability" for nearly 22 years. The main issue of this case, the violation of the 4th Amendment, had long been buried under "FCC legalized illegality". The FCC has encouraged United Intervenor to lie to Petitioner Carpenter and to break all contracts express and implied. The FCC has used the Carpenter small family business to accomplish its purposes.

(1) Secure Jurisdiction of the Interstate (FCC Docket 18177).
(2) Create a Tariff for Satellite (FCC Docket 20099)
(3) Create NABS/Telocator for the members of the FCC Bar Association (FCC Docket 21256).
(4) Make huge amounts of revenue for the FCC Bar Association's members and make those members the "Chief Players", in Cellular (FCC Docket 21256, et al.).

2. Petitioner Carpenter was a pioneer in the paging (Beeper) business. In 1965 Carpenter was granted KQK 730, for the purpose of Common Carrier Service, one way paging and two way radiotelephone. In 1966 the Carpenter growth seemed to be phenononal, and the President of Lima/United Telephone Company of Ohio/ United Telecommunications, Inc., coveted the Carpenter twelve customers so much

that he came in with his "Chief Engineer", unlocked the Carpenter door, "ripped out and "stole" the Carpenter equipment. Consequently, this 4th Amendment violation has been protected for all 22 years by the FCC, PUCO, the Courts, Justice Department, et al., as the Carpenters were not considered and thus United, with all its power, is so in charge at the "Politically Unaccountable FCC" that the violation of the 4th Amendment, without any "Warrant", has been buried by the "Politically Unaccountable FCC", who only takes care of the "Privileged Few", who are fortunate enough to have an FCC Bar Association Lawyer represent them.

3. In this connection it must be noted, that former Supreme Court Justice Abe Fortas, attempted help for Petitioner Carpenter, when he was the lawyer for NARS/Telocator. In the last Las Vegas Meeting of NARS/Telocator and just before his death, he had "Larry Harris", promise that he would go back to Washington and straighten out the Carpenter cause. Abe Fortas died, and Larry Harris became the Chief of the "Mass Media", and assisted Commissioner James Quello in making the "Broadcasters" eligible as "Competitors" to Petition Carpenter in paging and whereas Carpenter is even denied by the FCC the right to file for any Cellular, or other licenses by the FCC. The Broadcasters, like WIMA, are selling their stock to United's lawyers, so that they can go into Cellular (Larry Harris, Esq., can explain to Abe Fortas, "In Heaven", his broken promise). WIMA/WIMT(FM) File Nos. BAL. 85 0906 HQ, BALH 85 0906 HR, granted by non-lawyer and economist Larry Eads, even when it was proved that this was United's lawyers taking over the Public Interest News Media, and they had conspired to file "BAR COMPLAINTS", against the Carpenter lawyer, Philip N. DePalma. What a clever way to win a law suit, but it must be stated in defense of the Constitution, that this is not equal justice to allow non-lawyer Larry Eads to practice law for the FCC, but FCC lawyers Ingle/Greenspan tell the Sixth Circuit to order that Carpenter cannot represent Carpenter. In this connection, FCC Engineer Bennett practices law, by making legal decisions for Abe Leib, Greenspan, Michael Deuel Sullivan, Myron Peck, et al., and this is why the FCC has denied any and all of the Carpenter license applications, on a discriminatory "selective enforcement" basis.

4. Robert H. Snedaker, Jr., the Vice Chairman of United, "blew up" the America Flag to close the United Stockholders' Meeting, held at Ohio State University, Lima, Branch. Robert H. Snedaker, Jr., on the 12th, 13th of May 1986, was flown to Lima, Ohio for Carpenter to take his deposition. What expenses, a Lear Jet with two (2) pilots, and one of the "top paid" lawyers in the United States, Warren E. Baker, Esq., flying with him. In addition,

Warren E. Baker brought John W. Solomon from Akron, of the law firm of Brouse & McDowell, with nearly 100 lawyers on the letterhead. What power as Carpenter is told that Mr. Solomon's law firm has handled all the "Firestone Millions" and the "Seiberling Rubber Millions". From what Petitioner Carpenter can ascertain all of the "heirs" are the "Jet Set", with the exception of Congressman John F. Seiberling, who it appears is about to retire.

5. The foregoing is to illustrate the "Millions" spent by United/FCC, et al., to destroy Petitioner Carpenter. Right is Might and they are spending all these millions to destroy Carpenter and the Right. The question becomes, where do they get all this money to spend on the destruction of Petitioner Carpenter and his small family business? The "ANSWER", they get it from the "Politically Unaccountable 4th Branch of Government" -- The FCC/PUCO, who have given United Telecommunications, Inc. over $2 Billion dollars in dividends, a huge part of which has been given for the use in the destruction of Petitioner Carpenter and the GENOCIDE, they have inflicted on the Carpenter small family business, of which James M. Carpenter is a cognizable member.

6. The PUCO/FCC are not only "Politically Unaccountable", but they are a 4th Branch of Goverment, illegal under our Constitution, which only allows the Executive, Legislative and Judicial. The FCC/PUCO are created in "Scam" in violation of Article I, Section 8, Clause 8 (Patents & Copyrights).

> 8. "To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

The FCC/PUCO, being "Politically Unacountable 4th Branch of Governement", were created in "legalized illegality", to protect United Telco/ATT&T, but regardless of the "Scam", long ago perfected by "Bell" to "Piggy Back" the Telephone on the Railroad Commission. The creation was still "Constitutionally Illegal", as the States had no jurisdiction to violate under Compact, under the Supremacy Clause" of the Constitution. This, "Bell" was able to do with lobby and later the Communications Act, of 1934, as Amended was "slipped" through the Congress, because of the "Bell Labs" being able to visualize Satellites, the thrust into the "outer space" of the satellites, spheres and missiles. The Congress did not understand, so again under the pressure of the "Washington Law/Lobby Offices" of United/AT&T, et al., this Constitutional violation succeeded and the FCC was created as "an illegal 4th Branch of Government", and this has all been OK'd by Judges, who violated their oath and allowed the FCC to violate the Will of the Forefathers, in Article I, Section 8, Clause 8, because the PUCO/FCC are only created as a

way to allow the use of the "Bell" discovery forever. Still a violation of the intent of the forefathers, and must be stopped or the Constitution is destroyed.

7. Chief Justice Warren E. Burger, having just retired, is to take over the "Constitutional Celebration", but Chief Justice Burger may have many allocates, but Carpenter has his memory of The Honorable Chief Justice Burger. The FCC sent top FCC lawyer Louis H. Goldman, with Engineers Busemi and Harris to Lima, Ohio at U. S. Government Expense. FCC Goldman permitted United Telco/AT&T to allow important Teleocator Board of Director Member, Richard Plessinger, use a "Black Box" and thus receive "free long distance service" from AT&T/United Telco. However, when Carpenter reminded FCC lawyer Goldman of this and simply asked the question, why is this Ok for Plessinger and not for Carpenter (asked in the offices of United/Telco, and in front of all those Telco Executives), FCC lawyer Goldman cursed, swore at James M. & Miriam G. Carpenter, called them dirty "SB's" (sic), threatened to destroy them, take away their FCC licenses and ended his 15 minute tirade, cursing and swearing at the Carpenters, by saying I hope you have this on your "GD" "f" four letter word tape recorder, you "SB" (sic). Petitioner Carpenter asked for a Stay of Mandate, et al., before Chief Justice Burger, on these facts and after showing the Chief Justice the cursing and swearing (supra) by FCC lawyer Goldman, the Chief Justice in one word approved that cursing and swearing when he "denied" that stay. While the Bands are playing and the innocent children are singing the Celebration before Chief Justice Burger, Carpenter still has his memory. Petitioner Carpenter, on the suggestion of Congressman Michael Oxley (4th Dist), went to Congressman Rodino and asked that Chief Justice Burger be impeached on the "Precedent" of Justice Samuel Chase, who was impeached for Constitutional Crimes in 1803, but after many inquiries, Mr. Rodino would never respond. Further, former FBI man and now Congressman Oxley, issued orders that Carpenter could not come to his office, write his office or call his office, which is a 1st Amendment denial, but when Carpenter went to the "House" to see what he could do to impeach Oxley for this Constitutional disdain, the man giveing the rules, stated - What would you expect of Oxley, a former FBI man.

8. Petitioner Carpenter went to the Court of Appeals (D. C. Circuit) and told them about this, but they did not want to hear the tapes and immediately ruled against Carpenter. It appears that the new appointment for Justice of Antonin Scalia is to continue the "Special Treatment" of the "Politically Unaccountable FCC", as Former FCC lawyer Bruce Fine has stated on the "NEWS CNN" that Judge Scalia would never overturn an "Agency Decision".

9. It appears to Petitioner Carpenter, that Judge Scalia has already taken care of the FCC, in the Carpenter cause, as Carpenter was denied En Banc

by the DC Circuit, on the basis of No Judge would voice a VOTE, so your request EnBanc dies for lack of a second. While this appears to be 1982, after Judge Scalia came to the Court of Appeals, D. C. Circuit, the certified copies are being sought from the "Records Center".

10. The Court cannot make the law, but they are under a "Constitutional Duty", to uphold that which is law, or "DECLARE" same illegal. The State of Ohio was not admitted to the Union, until Public Law 204, was acted upon by a Joint Session, and signed into law by President Eisenhouwer in 1953. This Public Law 204 only allows one (1) Ohio Constitution, that being the Constitution of 1802, which was "Republican Form", and the Ohio Bar Association, who has "directly/indirectly" stated Carpenter cannot represent Carpenter, is illegal as that Ohio Bar Association is operating under the Ohio Constitution of 1851, which has never been approved by the United States and thus is outside of the "Compact". Public Law 204 requires that the Court Declare the Ohio Bar illegal. IT IS HEREBY REQUESTED THAT THE SIXTH CIRCUIT DECLARE THE OHIO BAR ASSOCIATION AS ILLEGAL AS IT OPERATES UNDER THE OHIO CONSTITUTION OF 1851,ET AL (ILLEGALLY).

11. The Supreme Court of the United States has just ruled in Louisiana Public Service Commission v. Federal Communications Commission 106 S.Ct1890 (1986) the FCC/PUCO are charged with a "Joint Jurisdiction:

1. Carriers Key 12(5) Regulated carrier is entitled to recover reasonable expenses and fair return on its investment through rates it charges its customers.

2. States Key 4.10 Supremacy clause provides Congress with power to preempt state law. U.S.C.A. Const. Art. 6, cl. 2.

3. States Key 4.10 Preemption of state law occurs when Congress, in enacting federal statute, expresses clear intent to preempt state law, when there is outright or actual conflict between federal and state law, where compliance with both federal and state law is in effect physically impossible, where there is implicit in federal law barrier to state regulation, where Congress has legislated comprehensively, thus occupying entire field of regulation and leaving no room for states to supplement federal law, or where state law stands as obstacle to accomplishment and execution of full objectives of Congress.

12. EnBanc is necessary here, as all three "Keys" apply to Petitioner Carpenter and its small family business. The FCC forced Carpenter to receive a Regulated Public Utility Status, being PUCO #10. This was agreed to by the FCC/PUCO as part of FCC Docket 18177, which is this cause, now nearly 22 years old. The Utility Status granted Petitioner Carpenter, is designed by the FCC/PUCO conspiracy to deny Petitioner the entitlement to recover reasonable expenses and fair return on its investment. The FCC has spent Millions of $'s on the case to by-pass the Supremacy clause of Key 2. It has used its lawyers Abe Leib, Michael Deuel Sullivan, Stephen S. Melnikoff, James O. Juntilla, Herbert H.

Wilson, Myron Peck, Kelly Griffith, John Ingle, Greenspan, et al. to deny the Supremacy clause under key 2, 3 and leave complete "FRUSTRATION", to the point that United now uses Warren E. Baker, John W. Solomon, Paul H. Henson, Robert H. Snedaker, Jr., Gary S. Miller, James Gadd, Dick Young, et al., as people to promote an outright or actual conflict between both federal and state law, with the stated intention, driving Petitioner Carpenter out of business.

13. It should be noted in this connection, that Friday June 13, 1986, an insider at United called and explained to Carpenter, without telling his name, that United is going into its base station room above the 3rd floor, at 122 S. Elizabeth St., throwing carriers at Carpenter, to set off his pagers and "harrass" the Carpenter customers. Ernie Berenz, James Gadd, Joe Lostito, et al., think this a "joke", because they know that the FCC will hold them harmless. Further, the PUCO Chairman, Tom Chema, will do nothing, as he just made a special trip to Lima, Ohio telling the "News Media", that he was there to look out for the "Public Utilities", but he did not pay any attention to the "Regulated Carrier Carpenter". Instead, Mr. Chema visits "Teledyne Steel", who is not a carrier, to see what he can do to reduce its rates, ignoring the Carpenter problems, but it is all a frustration of the "Public Interest", against the intent of the Policy so clearly shown in Louisiana (supra). Further, it is against the Ohio Racketeering Statutes (Little RICO Am. Sub. H.B. No. 5) passed in conjunction with the decision of the United States Supreme Court in the case of Sedima v. IMREX Co., Case No. 84-648 U.S. Sup.Ct. (July 1, 1985), 53 LW 5034. and the U. S. Racketeering Statutes, 18 U.S.C.S Sec. 1851- Congressional authority to enact 18 USCS Sec. 1985 is bottomed upon powers conferred by USCS Constitution. Article I, Sec. 8, cl. 3. United States v. Varlack (1955, CA2 NY) 225 F2d 665. as it is a clear conspiracy by the PUCO/FCC and its lawyers (supra) to destroy Carpenter and its family.

14. The FCC had its Administrative Law Judge John H. Conlin on this case for approximately 11 years, and the Petitioner Carpenter's Affidavits state that the "ALJ was intoxicated", while on this case, which does not allow for a decision that is rational or prudent or equal justice under law. Further, in this connection, the FCC has encouraged former FCC General Counsel Warren E. Baker to file in the Federal District Court (C 81-592) against Carpenter on nearly the same parties and issues before the FCC in this cause destroying any semblence of Stare Decises, when the Sixth Circuit Orders Carpenter cannot represent Carpenter, but Judge Walinski dismisses Diana G. Dulebohn, Esq., from the Carpenter cause and states Carpenter must represent Carpenter. The question is what happened to equal justice? The Answer Carpenter cannot find a Lawyer

and the "Illegal Ohio Bar Association" is looking out for Warren E. Baker, John W. Solomon, et al., with the help of the "Politically Unaccountable FCC/PUCO", who have conspired with all including NARS/Telocator to destroy Carpenters.

15. Warren E. Baker, John W. Solomon, with full assistance of the FCC, have kept Carpenter in this cause for nearly six (6) years. First the Case was filed with Judge Curran, who one clerk stated was sick and another said he is sick of the case. The case was then transferred to Judge Charles R. Ritchey, who met ExParte before one hearing with Warren E. Baker and transferred it to Judge Nicholas J. Walinski, where it became (C 81-592 FDCNDOWD). Here the cause has been used to keep Carpenter from any growth and make a fortune for Warren E. Baker/John W. Solomon (supra). Judge Walinski has ordered Carpenter to answer Interrogatories over and over, because Baker/Solomon are not pleased with the Answers.. Further, Judge Walinski has also ordered Carpenter for deposition on top of deposition but allows Warren E. Baker and John W. Solomon to refuse to divulge the Millions of $1's spent on this cause, while they are fully protected by the FCC and the PUCO, who are protecting United to take over the Carpenter area, while Carpenter is denied any licenses for growth by the FCC. The FCC/PUCO has just said that it is OK for Alltell/United Telespectrum, Inc. to take over the Carpenter paging area, and the PUCO has just done so with such disdain for Carpenter that it has sent its denial of the Carpenter protest in an envelope marked "John Carpenter", and refused to send the entire order. This not only "Frustrates" the will of the Congress in the Act (supra), but it denies Carpenter, a Regulated carrier, the entitlement to recover reasonable expenses and fair return on its investment, because of the Predatory, Monopoly power of Alltel/United destroys any fair return.

16. In this connection, Judge Walinski was arrested for DWI and sentenced to 3 days in the Toledo Workhouse. Judge Walinski was arrested for the second time and spent 28 days in detoxification. Judge Walinski has been excused by his "peers", but he is still only serving his life appointment, during good behaviour (Article III, section 1). Public Intoxication, is not good behaviour, and Judge Conlin and Judge Walinski have contributed to the "Genocide" against the Carpenter small family business, while in no condition of mind to render any order or pass any judgment. Therefore, it is respectfully requested that the Sixth Circuit "DECLARE" all orders or Judgments of both Judge Walinski and ALJ Conlin "VOID AB INITIO", as proven "public intoxication" should void their Orders issued under the "Cloud of Alcohol".

17. The Congress has just approved the treaty against "GENOCIDE", and the intent of the Congress is right in point with what the "Politically Unaccountable FCC/PUCO" have allowed to happen to the Carpenter small family

business. The Congressional Record - Senate - S1355 - February 19, 1986 .. (in part) any nation so diseased as to be predisposed to commit genocide is not going to be prevented from doing so because of its lack of respect of international law. Those who commit genocide do so out a desparation to hold power. They use genocide as a tool to eliminate political opposition to their rule. The base motivations of these tyrants are not going to be altered by .. treaty. The "Tyrants" at the PUCO/FCC, coupled with the Tyrants at United Telco/AT&T, out of desperaton to hold power, have used genocide as a tool to try and eliminate the Carpenter small family business. The "Tyrants" (supra) have caused my son to have a nervous breakdown, have caused "High Blood Pressure' et al., to my wife and heart problems to my daughter-in-law, which the Doctors have diagnosed as purely "stress". All this time the FCC/PUCO have assisted in every way the denial of all licenses to Carpenter, they have assisted all competitors, Jim Kennedy, Ralph DePalma, Matrix, Paul Shin, Frank B. Cory, Alltell, United Telespectrum, Inc., in taking over the Carpenter franchised area, and Carpenter can have no protection, because all have "Tyrants', have conspired to deny Carpenter service afforded others, under similar situated circumstances and all have conspired to destroy by GENOCIDE the Carpenter small family business, of which Petitioner Carpenter is a "congnzable member".

18. Pages 12 & 13 will prove the FCC/United/PUCO, et al. "SCAM" where FCC lawyer Ingle promised the Court (75-1848 DC Cir)(1975), in as much as Case 18177 was "without prejudice", Carpenter could request Agency Action originally requested in 18177. For 12 years the FCC pretended to hear 18177, but with no issues. A "true copy" has just been received from the DC Circuit. This is incorporated herein as page 12, 13 (supra). The Order (per curiam) is two fold. It states that 18177 can be re-opened and the Complaint dismissed upon representation of FCC Counsel.

19. The "Scam" is that the per curiam Order was sent to the "Archives" and the Docket Sheet only stated that the case was dismissed. This appears to be the basis for the FCC lawyers to now tell Carpenter the case was dismissed in 1968, but it should be noted in this connection, that the FCC never said that for nearly 11 years. This was never said until they had taken complete care of United and promised to destroy Carpenter and his small family. Therefore, only a full hearing would afford Petitioners Carpenter equal opportunity to present the true facts referred to in this document concisely, clearly, and dramatically that prove the Genocide, discrimination, anti-competitive actions. Such an order would grant Carpenters the rightful opportunity for which they have so arduously

expounded on to "deaf ears" for 22 years. No American citizen, encompassing a small family business and a Federal Licensee, should be subjected to the discrimination, abuse, of rights, genocide, etc that has been inflicted/enforced upon the Carpenter small family business (Page 12 & 13 show that "Scam" - Carpenter holds Originals).

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 75-1848 September Term, 19 75

James M. and Miriam G. Carpenter
d/b/a Carpenter Radio Company,
Petitioner

v.

Federal Communications Commission
and United States of America,
Respondents

ROBERT A. BONNER
CLERK

FILED DEC 22 1975

United States Court of Appeals
for the District of Columbia Circuit

Before: Bazelon, Chief Judge and Robinson, Circuit Judge

ORDER

On consideration of respondent's motion to dismiss, petitioner's response in opposition, and, upon representation of counsel for respondent, it appearing to the Court that respondent's order in docket No. 18177, adopted September 5, 1968, is without prejudice and that it remains open to petitioner to renew its request for agency action originally requested in docket No. 18177, it is

ORDERED by the Court that the aforesaid motion to dismiss is granted.

Per Curiam

A true copy
Test: George A. Fisher
United States Court of Appeals
for the District of Columbia Circuit
By: Trisha Hall Deputy Clerk

75-1818

GENERAL DOCKET

UNITED STATES COURT OF APPEALS

FOR THE

DISTRICT OF COLUMBIA CIRCUIT

75-1818

DATE	FILINGS PROCEEDINGS	Filed
(K)8-28-75	4-Petitioner's petition for review of an order of the FCC (m-28)	
(K)8-28-75	Certified copy of the petition for review was mailed to FCC and the U.S. Attorney General; the petition for review was sent by certified mail, return receipt requested	
(C)9-25-75	4-Respondent's (FCC) motion to dismiss petition for review (m-25)	
(G)10-6-75	4-Petitioner's response to motion to dismiss (m-6)	
(G)10-9-75	Certified Index to Record (n-3)	
(K)11-18-75	15-Petitioner's Brief (m-18)	
(K)11-18-75	4-Petitioner's motion to dispense with the requirements of reproducing the record (m-18)	
(G)11-26-75	4-FCC's motion to defer filing date for responsive brief pending court consideration of motion to dismiss (m-26)	
(G)11-26-75	4-Petitioner's response to motion to dispense with the requirements of reproducing the record (m-26)	
(P)12-8-75	4-Petitioner's opposition to FCC Motion to defer filing date for responsive brief pending Court consideration of motion to dismiss (m-8)	
(p)12-8-75	4-Petitioner's reply to response to Motion to dispense with the requirements of reproducing the record (m-8)	
R)12-22-75	Per Curian order that the motion to dismiss is granted; CJ Bazelon and Robinson, CJ	
(K)12-12-75	Order per CJ Bazelon that petitioner may file, in xerox form, seven copies of the relevant portions of the record, suitably indexed, in lieu of the printing requirements of an appendix set forth in the FRAP	
2-23-76	Receipt from FCC dated 2-9-76 for Certified Index to the Record.	

A true copy:
Test: George A. Fisher
United States Court of Appeals
for the District of Columbia Circuit
By: [illegible] Deputy Clerk

WHEREFORE, in view of the foregoing, which shows the Court that Carpenter is denied equal justice under law that he cannot find a lawyer, but this Court has ruled against self representation; that we have shown the Court that the Ohio Bar Association is illegal under Public Law 204; that Carpenter has shown the Court that the FCC/PUCO are illegal 4th Branches of Government and are totally "Politically Unaccountable". Further, Carpenter has shown the Court that the rulings of the FCC/Court should be Declared Null & Void -- Ab Initio, as the Judges were under the influence of Alcohol. The Court, in view of the Genocide against the Carpenter small family business, should act "EnBanc" to declare the matters shown against the Carpenters UNCONSCIONABLE as it destroys the Constitution during this Celebration. Further, this case proves that United "Blew Up" "the U.S. Flag" to close its stockholders' meeting, and that the "Anti American" act should convince the Court that this Case should be declared UNCONSCIONABLE on the part of all the Courts' Agencies (supra), who have denied "Speedy Justice", by forcing this cause to drag on for nearly 22 years, just to make power, money and prestige for members of their Bar.

Further, prayed Court grant an Order which forces United et, al., to grant the service afforded others under similar situated circumstances, as this is what was granted by the forefathers as the American Way of life. It should be also stated in this connection that Carpenter served in World War II, being discharged as a Captain and did his part to preserve these rights and should in turn be afforded the opportunity to enjoy that for which he assisted in perserving as a soverign citizen. The 22 years wrong should be made right by the Court.

Respectfully submitted,

6/26/86

James M. Carpenter, Pro se

Miriam G. Carpenter, Pro se

James M. Carpenter, Jr., Pro se.

Individually & dba CARPENTER RADIO COMPANY-607 W. High St., Lima, OH 45801
(419) 222-9926

CERTIFICATE OF SERVICE

I, James M. Carpenter, have mailed a copy by U. S. Mail, postage prepaid of
No. 85-3942 No. 85-4011

PETITION FOR STAY OF ISSUANCE
OF MANDATE AND PETITION FOR HEARING, REHEARING, RECONSIDERATION OR WHATEVER
RELIEF MAY BE JUST, AND SUGGESTION FOR HEARING OR REHEARING EN BANC

TO:

Brian L. Buzby
Carolyn C. Hill
John A. Rozic
United Telephone Company of Ohio
United Telecommunications, Inc.
Mansfield, Ohio

The Secretary FCC - for
John Ingle
John P. Greenspan
FCC
Washington, D. C. 20554

Ed Meese
Attorney General of the U.S.
Justice Deparment
Washington, D. C.

6/25/86

James M. Carpenter

© - 1986 - James M. Carpenter, 607 W. High St., Lima, OH 45801, claims copyright to this document, as part of his book - The COYDADS.

James M. Carpenter
607 W. High St.
Lima, OH 45801
6/26/86

EXHIBIT 4

Senator

Why is it Ok?

1. The FCC has condoned the following actions against my small family business. Unlocked our office, "ripped our" our equipment, stole our equipment, and put this small family business out of business, and thus has been protected by the Courts, FCC/PUCO for 22 years (This is a 4th Amendment violation).

2. Why is it OK for the Court to deny me an attorney, but refuse to allow me to appear Pro se, and deny any respect? The FCC/PUCO and the Courts have treated me as a non-person, somewhat lower than a "cockroach".

3. Why is it ok to have drunk Judges on the Bench?

4. Why is it OK for United Telephone Company of Ohio, "to blow" up the America Flag to close its stockholders' meeting (at Ohio State U) and then its Chairman Paul H. Henson, is appointed by the President to the National Security Council for Communications?

5. Why is the FCC allowed to send its lawyers on fact finding trips to Lima, Ohio and curse, swear, and use vulgar language at my wife and myself in the offices of United Telephone Company of Ohio, the very people we were complaining about?

6. You have voted for the "Genocide Treaty". Why is it OK to commit Genocide against my small family business?

7. Why do you allow the FCC to continue as a "Political Unaccountable 4th Branch of Government", when the Constitution only allows 3 Branches of Government?

These are just a few of the questions that are shown in this En Banc request to the Court of Appeals for the Sixth Circuit.

Respectfully submitted,

James M. Carpenter

AFFIDAVIT

EXHIBIT 5

State of Ohio)
ss:
County of Allen)

1. I, Miriam G. Carpenter, am a partner in Carpenter Radio Company and have been involved in the eighteen (18) years of litigation with the telephone company and deem it necessary to reveal the following opinion and circumstance.

2. After reading and re-reading Judge Conlin's Initial Decision I am amazed, astonished, and actually provoked, primarily with the Judge's accusation on page #24 where, in essence, he states that Carpenters' "Proposed Findings and Conclusions of Law" was the most scurrilous pleading that he has ever had the misfortune of reading. Reading that statement made me vehement. If Carpenters had not had the eighteen years (18) misfortune of problems with the telephone company Judge Conlin would not have encountered his misfortune.

3. In 1965 I accompanied my husband to the PUBLIC UTILITIES COMMISSION OF OHIO to discuss the interconnection policy (we were pioneers in the RCC industry) and during the course of conversation with Mr. Sam Beetham, an attorney at the PUCO, he stated, "Mr. and Mrs. Carpenter what you don't understand is that the PUCO is for the protection and benefit of the telephone companies and not the public." Along with that statement, I recall what United's executive, Mr. Ray Askins, said at the time he ordered our interconnection disconnected. During the conversation he made it known that it was United who ordered it disconnected and then he very indignantly said, in effect, that with all the legal delay, legal expense, etc. they would put us out of business.

4. Due to the aforementioned remarks it appeared to me at the time the telephone company "ripped out" our equipment and stole same that we would be facing a struggle but when one is right then the issues must be faced and put forth every effort for a victorious ending.

5. After reading Judge Conlin's remarks, using the word scurrilous, I cannot find any statements made by the Carpenters that had any intent of a clownish response, vulgar, etc. It is a matter of financial survival explaining the conspiracy and anti-competitive tactics that in our opinion has existed and the position of United to keep Carpenters from progressing and adequately serving the public interest.

6. Judge Conlin's conclusions appeared to me to be redicule and also reflect on my credibility and character throughout the RCC industry and in the community where I have resided for 67 years and maintained a reputable business and professional status.

7. For the aforementioned reasons I deem it necessary to expose an opinion that I formed during the hearing held in Lima, Ohio in July and August, 1979.

8. I was on the witness stand for approximately 3 days. As I recall the first day I took the witness stand was immediately after the lunch break and I detected the extreme odor of alcohol on the Judge as he was sitting at the bench and I in the witness chair. This continued during the three days of my entire witnessing. This was my opinion from his countenance and demeanor the first morning of convening the hearing and during the entire hearing but my thoughts and opinion were substantiated when I took the stand.

9. In all due repsect, I have been reluctant to make this statement but find it extremely necessary after reading page #24 of the Initial Decision.

10. As a citizen, who must depend on the Courts for justice, I have been concerned, disappointed, etc. to encounter the aforementioned circumstance and I am at a loss to understand how qualified justice can be rendered under the aforementioned circumstance.

11. I have been well respected in the community socially, professionally, and in business and along with my husband have provided a good service in the public interest. He also has been honest in his endeavor and I know has true credibility or I would not have stayed involved. We have been involved

together and as a small family and have done nothing to be scurrilous - only state the facts the way we believe and know they exist.

12. I am of the firm opinion that all members of our small family business have exerted integrity and have credibility.

13. I must conclude by stating that Carpenters' credibility has been degraded and challenged for statements the Carpenters believe to be factual and the true. However, United can be responsible for breaking, entering Carpenters' premises, yell, scream, steal Carpenters' radio equipment and receives what appears to be "blessings" by the Courts. Further, Mr. Lou Goldman, an FCC attorney can cuss, swear, use vulgar language, and go into a tyrant with the Carpenters in the presence of United's executives, et al., and appears to be condoned by the FCC or to whomever has received the complaint.

Respectfully submitted,

August 24, 1983

Miriam G. Carpenter

Miriam G. Carpenter, Partner
Carpenter Radio Company
607 W. High St.
Lima, OH 45801
(419) 223-0501

Before me a Notary Public, this 24th. day of August, 1983 appeared Miriam G. Carpenter who states the foregoing to be true to the best of her knowledge and belief.

Diana G. Dulebohn

Diana G. Dulebohn, Notary Public
State of Ohio
My Commission has no expiration date

AFFIDAVIT

State of Ohio)
ss:
County of Allen)

Clementina I. DePalma, first being duly sworn states the following:

1. I attended the hearings in FCC Docket 21256, held in Judge Light's court room, in Lima, Ohio. I, also was a witness in that hearing.

2. During the time I was on the witness stand I could smell alcohol which was evident that it was on the breath of Judge Conlin. His demeanor and appearance appeared to qualify the above opinion.

3. Further, affiant sayeth not.

May 14, 1984

Clementina I. DePalma

Clementian I. DePalma
2215 Reinell
Lima, OH 45801
(419) 331-5525

Before me, a Notary Public, appeared Clementina I. DePalma, this 14th day of May, 1984 and states the foregoing is true to the best of her knowledge and belief.

James H. Carpenter - Notary Public
State of Ohio - My Commission expires 5/20/84

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

In the Matter of	)	
	)	
James M. Carpenter and Miriam G. Carpenter	)	DOCKET NO. 21256
d/b/a CARPENTER RADIO COMPANY	)	
	)	
Pursuant to Section 201(a) of the	)	
Communications Act of 1934, as amended	)	
for establishment of physical connection	)	
between its facilities and those of the	)	
United Telephone Company of Ohio	)	

State of Ohio)
ss:
County of Allen)

AFFIDAVIT

Edmund C. Gallenz, first being duly sworn states the following:

1. I was a witness and attended the hearing in FCC Docket 21256 which hearing was held in the Allen County Court House, in Lima, Ohio.

2. During my time on the witness stand the smell coming from the direction of the bench, reminded me of the odor of a distillery.

3. During this hearing I heard the United lawyer Carolyn Hill, call the Judge by his first name - "John".

Further, affiant sayeth not.

April 21, 1985

Edmund C. Gallenz
Edmund C. Gallenz
1010 W. High St.
Lima, OH 45801

Before me, a Notary Public, appeared Edmund C. Gallenz, this 21st day of April, 1985 and states the foregoing is true to the best of his knowledge and belief.

James M. Carpenter - Notary Public
State of Ohio - My Commission expires 5/20/89

To Whom This May Concern

The Administrative hearing of Carpenter's Claims against the United Telephone Co. held in Lima Allen Co. Ohio ___ was the worst example of a Kangaroo Court and miscarriage of justice that I ever witnessed.

Judge Coulin (?) seemed to be in a stupor much of the time; dozed off and didn't seem to be able to understand nor comprehend plain good English; or was attempting to intimidate me, when I said "I do so swear" (reflectively) when sworn to tell the truth.

Carpenter represented himself (pro se) yet was not permitted to enter or submit testimony, relevant and pertinent to the case; while four lawyers representing United were given excessive leeway; and what one didn't think of another did.

Two young chapters supposedly representing FCC dared to question my qualifications to voice opinion that messages were garbled, (scrambled) even though I studied Electronics, Radio and Telecommunication and graduated from several Technical Courses; and taught at Lowry Field, Denver Colo. Air Forces Technical Training Command, Power Turrets, Bomb Sights, Control Fire Control, Sperry, Ford Motor, G.E. International et al, Amplidynes, Selsyns, Selsynos, Hydraulics, Radio, Vacuum Tubes, Solid State, during W.W.II.

EXHIBIT 1

It wasn't FCC's place to help Minital but to be a disinterested, unbiased observer only; and they looked like a mouse seeking a hole to crawl into when I qualified myself, emphatically!

Carpenter is to be congratulated, encouraged and helped for having sufficient courage and tenacity to to fight for right and justice but it seems that deceit, innocent, law abiding, tax paying, producers get screwed in the Courts; while wrong doers, Criminals, are protected and rewarded!

It's time Victims receive a little consideration and protection - IF there is any semblance of justice remaining!!

Edmund C. Gallery
May 3, 1985

611756

65-20870

TO DEFENDANT - COMPLAINT

COURT RECORD

611756

I hereby certify that this is a true and correct copy of the Affidavit filed in the above entitled cause.

HARRY KESSLER
Clerk Municipal Court

BY B. R. Hodges
DEPUTY CLERK

EXHIBIT 6

Stated for _____ Page No. _____

Defendant's Attorney _____

Date	COURT REVIEW DOCKET
	BAIL Note: Bail is not required in every case. Where issuance of the traffic ticket reasonably assures appearance there is no need for bail. Bail in the amount of $ _____ set/forfeited to bail schedule by judge **TYPE OF BAIL** ☐ Defendant released under personal recognizance ☐ Defendant released upon unsecured appearance bond in the amount of $ _____ ☐ Defendant released upon guaranteed arrest bond in the amount of $ _____ ☐ Defendant released upon cash bond in the amount of $ _____ ☐ Defendant released upon the deposit of securities allowed by law in the amount of $ _____ ☐ Defendant released upon the execution of a real estate bond as allowed by law in the amount of $ _____ ☐ Defendant released upon the surrender of driver's license ☐ Defendant released upon execution of surety bond in the amount of $ _____ ☐ Defendant released upon execution of appearance bond in the amount of $ _____ and the deposit in cash of the greater of ten percent of the fully amount of the bond or twenty five dollars ☐ Other _____ signature of person taking bail
	VIOLATIONS BUREAU ACTION Plea of guilty, waiver of trial and fine in the amount of $ _____ and costs in the amount of $ _____ received ☐ Waiver by mail ☐ Waiver by personal appearance. Defendant Cited/Arrested/Notified Only! Continued to _____ Reason _____
	Case called and failed to appear bond forfeited _____
	Warrant/Summons Issued _____ Warrant executed/Summons served _____
	Bail arraigment Plea _____ Jury demand filed _____ Set for trial _____ signature of judge
	Trial by court/jury finding/verdict _____ The court enters the following order: Fine $ _____ Costs $ _____ Jail _____ days in _____ Traffic School _____ Driver's License Suspended for _____ days Other Orders _____ signature of judge
	Notice of Appeal Filed _____ Conviction Report mailed to Bureau of Motor Vehicles _____ Subsequent Orders _____

ALCOHOL RELATED OFFENSE INFORMATION	
Prior DWI Convictions	Prior Physical Control Convictions
	Blank Date

OFFICER'S SUPPLEMENTAL COMMENTS:

The Officer's statement is incorporated in and made a part of this AFFIDAVIT.

7/31/85

DOW / Crash

Det Tenell Swap

Ok Michael Offens

Officer's Signature

COMPUTER K.S.

_____ day of _____, 19 ____

OFFICER'S SIGNATURE

STATE OF OHIO LUCAS COUNTY
CITY OF TOLEDO
☒ TOLEDO MUNICIPAL COURT
☐ LUCAS COUNTY JUVENILE COURT

TICKET NUMBER 611757
CASE NO TK 85-20570

NICHOLAS COMPTON
NBH PENRIDGE
TOLEDO OH 43611
NY 904793
2 FR 2085 29 50
W/M
TO DEFENDANT: COMPLAINT
SAT. 3/25 85
79 FORD VOR
WHITE DIA 235 OH
SPRING-DELAN
TALMADGE

IN THE CITY OF TOLEDO, IN LUCAS COUNTY (the city) AND STATE OF OHIO, AND COMMITTED THE FOLLOWING OFFENCE

☐ SPEED ☐ IMPROPER TURN ☐ DISREGARDED TRAFFIC SIGNAL OR DEVICE ☐ IMPROPER PASSING ☐ IMPROPER LANE USAGE ☐ FAILED TO YIELD RIGHT OF WAY

DRINKING DRIVER / THE INTOXICATED OF ALCOHOL — BAC TEST REFUSED

VIOLATION 333.01(A)(1) TOLEDO MUNICIPAL CODE OHIO REVISED CODE

TO DEFENDANT SUMMONS
COURT DATE 6 4 85 8:30 a.m.
HOURS DAY YR

COURT RECORD

611757
TK 85-20570
TALMADGE
84-7493

☐ PERSONAL APPEARANCE REQUIRED. If the officer marked this block or if YOU WISH TO CONTEST THIS CASE you must appear in court.
☐ Ohio Licensed ☐ Ohio Chauffeurs License held as Bond ☐ Out of State License ☐ Out of State Chauffeurs License ☐ Other ☐ Obtained to surrender license to the Court within 24 hours

NOTICE You are advised that by depositing your license or bond you are to do one of the following:

1. Appear personally at the Clerk of Courts Office, Toledo Municipal Court, 555 North Erie Street, Toledo, Ohio, sign the waiver printed below and pay the fine and costs given on the back and date of the scheduled court appearance.
2. Sign the waiver printed below and mail it along with a check or money order for the total amount of the fine and costs to the Clerk of Courts Office at:

TOLEDO MUNICIPAL COURT
555 NORTH ERIE STREET
TOLEDO, OHIO 43604

Make check or money order out to TOLEDO MUNICIPAL COURT

3. If the PERSONAL APPEARANCE REQUIRED box is checked or if you desire to contest the charge you must appear at the time and date stated on the summons.
4. If you are a juvenile under 18 years of age you are required to follow the separate attached instructions.

IF YOUR LICENSE HAS BEEN ACCEPTED AS BOND it will be returned to you upon receipt of payment either in person by mail or by appearance in court. IF YOU HAVE STATED IN YOUR PAYMENT, you must include a RETURN ADDRESS if payment by mail. You are entitled to your license so that your license may be mailed back to you. You will have to show sufficient time for the mailing process to have your license returned to you prior to the scheduled court appearance so you are not be allowed to drive a vehicle past the date on the ticket.

FAILURE TO PAY THE FINE AND COSTS OR APPEAR IN COURT WILL RESULT IN YOUR LICENSE BEING CANCELLED AND YOU WILL NOT BE ELIGIBLE FOR RE-ISSUANCE OF THIS LICENSE OR ISSUANCE OF A NEW LICENSE FOR ONE (1) YEAR AFTER CANCELLATION AND FURTHERMORE YOU WILL BE SUBJECT TO ANY ORIGINAL PENALTIES THAT MAY APPLY TO YOU.

I HAVE READ THE ABOVE NOTICE FULLY UNDERSTAND THIS WARNING AND I HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THE CITATION ISSUED TO ME AND MY SIGNING IS NOT AN ADMISSION OF GUILT.

(Signature of Defendant)

APPEARANCE PLEA AND WAIVER

I the undersigned do hereby enter my appearance in the Municipal Court of the City of Toledo Ohio on the complaint for the offense charged on the reverse side of this notice and having been informed of my rights to a trial and the meaning of the Plea of Guilty and Waiver of Trial do hereby PLEAD GUILTY to said offense as charged, waive my right to a trial by jury and a hearing in said Court and agree to pay forfeiture prescribed by Statute Ordinance or Court Order. I have not been convicted of a felony or forfeited bond for a prior moving traffic offense within the last twelve (12) months.

Witness

(Signature of Defendant)

I hereby surrendered license (Ohio Driver's or Chauffeur's License) which has been deposited as bond

(Signature of Defendant)

ATTENTION ALL LAW ENFORCEMENT OFFICERS

The person whose name and identification appears on the reverse side of this citation and the above appropriate box has been checked has surrendered his/her license for bond for the violation indicated on the reverse side. This person is to be released on bond of a OHIO DRIVER'S/CHAUFFEUR'S LICENSE between the date of the citation and the scheduled court date unless said court date has been exceeded a card issued and signed "I hereby certify that this is a true and correct copy of the original filed in the above entitled cause.

HARRY KESSLER
Clerk Municipal Court
BY B. Rivera
DEPUTY CLERK

Docket No. _____ Page No. _____

Defendant's Attorney _____

Date | COURT ACTION ORDERS

BAIL

Note: Bail is not required in every case. Where research of the public records reasonably assures appearance there is no need for bail.

Bail in the amount of $ _____ authorized to bail schedule by judge

TYPE OF BAIL

- ☐ Defendant released upon personal recognizance
- ☐ Defendant released upon unsecured appearance bond in the amount of $ _____
- ☐ Defendant released upon guaranteed arrest bond in the amount of $ _____
- ☐ Defendant released upon cash bond in the amount of $ _____
- ☐ Defendant released upon the deposit of securities allowed by law in the amount of $ _____
- ☐ Defendant released upon the execution of a real estate bond as allowed by law in the amount of $ _____
- ☐ Defendant released upon the surrender of driver's license
- ☐ Defendant released upon execution of surety bond in the amount of $ _____
- ☐ Defendant released upon execution of appearance bond in the amount of $ _____ and the deposit in cash of the greater of ten percent of the face amount of the bond or twenty five dollars
- ☐ Other _____

Signature of person filing bail

VIOLATIONS BUREAU ACTION

Plea of guilty, waiver of trial and fine in the amount of $ _____ and costs in the amount of $ _____ received

☐ Waiver by mail ☐ Waiver by personal appearance

Signature, Date, Clerk/Deputy Clerk

Continued to _____ Reason _____

Case called, def. failed to appear. Bond forfeited _____

Warrant/Summons issued _____

Warrant executed/Summons served _____

Def's plea/pleas: Plea _____

Jury demand filed _____

Set for trial _____

Signature of judge

Trial by court/jury/stipulation/waiver _____

The court orders the following order

Fine $ _____ Costs $ _____

Jail _____ days or _____

Traffic School _____

Driver's License Suspended for _____ days

Other Orders _____

Signature of judge

Notice of Appeal Filed _____

Conviction Report mailed to Bureau of Motor Vehicles 6-5-85 TIC held

Subsequent Orders _____

ALCOHOL RELATED OFFENSE INFORMATION

Prior DWI Conviction	Prior Physical Control Conviction
1-18-84	

Driver's Date

Alcohol Test Available

OFFICER'S SUPPLEMENTAL COMMENTS:

The Officer's statement is incorporated in and made a part of this AFFIDAVIT.

JIL, ON THE DATE + TIME STATED, DEFENDANT WAS INVOLVED IN AN ACCIDENT AT THE INTERSECTION OF SPRINGFIELD + TALMADGE. IN THE PROCESS OF TALKING WITH DEFENDANT HE SMELLED SMELLED OF INTOXICANTS. DEFENDANT WAS TRANSPORTED BY AMBULANCE TO TOLEDO HOSPITAL WHERE HE REFUSE THE BLOOD ALCOHOL TEST.

RESPECTFULLY

5/31/85 — Affidavit of Complaint filing of Toledo Hospital alcohol refusal presented —

25 day of May, 19 85

Officer's Signature

5/31/85 NO E.R.

10 days 400.00 + costs

Suspend for 6 yrs —

Bif for Credit for the

Time in Custody Which

Confined to Hospital —

Center City Min. in the

27 Day jail term

the sent in Mon. Tuesday

Opens - 1935.14 — [illegible]

COMPUTER B.P.

Carpenter

AP--() O H I O --()

(MORE OHIO MIDDAY SPECIAL)

(WALINSKI-DWI)

(TOLEDO) -- TOLEDO FEDERAL JUDGE NICHOLAS WALINSKI IS TO ENTER AN ALCOHOL TREATMENT PROGRAM THIS WEEK FOLLOWING HIS SECOND DRUNKEN DRIVING ARREST IN A YEAR-AND-A-HALF. WALINSKI -- WHO WAS CONVICTED OF DRUNK DRIVING IN JANUARY OF 1984 -- WAS ARRESTED SATURDAY ON D-W-I CHARGES. POLICE SAY HIS CAR RAN A RED LIGHT AND STRUCK A CAR. THE 64-YEAR-OLD JUDGE DOESN'T PLAN TO STEP DOWN FROM THE BENCH, BUT SAYS HE DOES EXPECT A REPRIMAND FROM HIS PEERS. HE SAYS HE'LL ENTER A DETOXIFICATION CENTER IN MINNESOTA FOR A 28-DAY PROGRAM. HE WILL PAY FOR THE PROGRAM AND USE VACATION TIME FOR THE DAYS OFF.

IF CONVICTED OF THE SECOND CHARGE, THE JUDGE WOULD FACE A MANDATORY MINIMUM SENTENCE OF TEN DAYS IN JAIL; A LICENSE SUSPENSION OF UP TO FIVE YEARS AN A FINE UP TO ONE THOUSAND DOLLARS. HE SPENT THREE DAYS IN THE TOLEDO WORKHOUSE LAST YEAR.

A F F I D A V I T

State of Ohio)
ss:
County of Allen)

I, Clementina I. DePalma, first being cautioned and duly sworn, says that my son employed in his law office, as a secretary, one Bobbie Sue Wischmeyer.

Affiant further says, that Bobbie Sue Wischmeyer, told me that her son, Scott, was a personal friend of Judge Robert M. Light's daughter, Jody, and that her son had told her that Judge Light beat both Jody and her mother.

Affiant further says, that Bobbie Sue Wischmeyer, also said that Mrs. Light had gone to "Battered Women" for help, but they refused to do anything about these beatings of his wife and daughter, because Judge Robert M. Light, was a Judge of the Common Pleas Court of Allen County, Ohio.

Affiant further says, that Bobbie Sue Wischmeyer, was charged by the Grand Jury, with theft, Extortion, et al., against my son Philip N. DePalma, and that Judge Robert M. Light appointed Joseph C. DaPore, Esq., one of the top criminal lawyers in the state of Ohio, to defend her.

Affiant further says, that it is my personal belief the record of Bobbie Sue Wischmeyer, is such, that she accused my son of things, and wrote a 38 page complaint to the bar to intimidate my son.

Affiant further says, that it is my personal belief that this is Bobbie Sue Wischmeyer's personality pattern, to do an act and then accuse someone of another act to intimidate them.

Affiant further says, that it is my opinion, that this is the reason Judge Robert M. Light appointed Criminal Attorney Joseph C. DaPore, to the Bobbie Sue Wishmeyer's case, for she knew about the treatment, described above and intimidated Judge Robert M. Light, into that appointment, of Joseph C. DaPore Esq., who does not take Court Appointed cases.

Affiant further states, that following the appointment of Joseph C. DaPore, the case was turned over to Judge Michael A. Rumer's Court.

FURTHER, Affiant sayeth not:

Clementina I. DePalma
Clementina I. DePalma
2215 Reinell Ave.
Lima, OH 45801
(419) 331-5525

Before me a notary public, this 22nd day of February, 1982, personally appeared Clementina I. DePalma, who first being duly swore, says that the foregoing is the truth to the best of her knowledge and belief.

JAMES M. CARPENTER, JR.,
Notary Public, State of Ohio,
My Commission Expires 1985 January 9

Notary Public

EXHIBIT A

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 80-1621 September Term, 1981

MCI Telecommunications Corporation,
Petitioner

v.

Federal Communications Commission
and United States of America,
Respondents

Southern Pacific Communications Company,
United Telephone Company of Florida, et al.,
United States Transmission Systems, Inc.,
James M. Miriam G. Carpenter, etc.,
Intervenors

United States Court of Appeals
for the District of Columbia Circuit

FILED SEP 3 1981

GEORGE A. FISHER
CLERK

BEFORE: Robb and Wald, Circuit Judges

O R D E R

The necessity for recusal has only recently come to the attention of a member of this panel. Accordingly, it is,

ORDERED by the Court, sua sponte, that the order of July 28, 1981, be, and the same hereby is, vacated.

The motion to dismiss and the motion to censure and suspend parties will be considered by the Court de novo.

Per Curiam

FOR THE COURT:

GEORGE A. FISHER, Clerk

BY: Robert A. Bonner
Robert A. Bonner
Chief Deputy Clerk

The CHAIRMAN. Thank you very much. We appreciate your appearance.

Now, the next witness is Mr. Kenneth F. Collier. Is he here?

If you will hold up your hand and be sworn.

Will your testimony given in this hearing be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COLLIER. I do.

The CHAIRMAN. Mr. Collier, you have 3 minutes.

TESTIMONY OF KENNETH F. COLLIER, WASHINGTON, DC

Mr. COLLIER. I would like my statement submitted to the record as written, and I would like to address you directly related to what it is describing.

The issue of the integrity of the nominee has been questioned in the statement which the committee has been given. And that statement has been distilled from 4 hours of testimony which investigative reporters from the Dade County Home News in Florida submitted to the Federal Bureau of Investigation earlier this month, within 6 weeks ago.

It is a serious claim that Judge Scalia actually created a counterfeit concurrence—and a concurrence is a document which is used in order to express a concurring view with a slightly different twist. And in a very important case that is cited in this document and in the Federal District Court and in a case in the Superior Court of the District of Columbia, Judge Scalia is charged with having utilized this concurrence to virtually fix a case for the Republican National Committee.

Now, these are serious charges, and we are aware of the gravity of such a charge. But the paper work has been submitted to your staff, Senator Thurmond, Jack Mitchell in particular, and the FBI report and the statements in full in a good 4-hour debriefing of this matter so it wouldn't be held in 3 minutes and some mud slung and some charges made.

But instead there have been 6 weeks for these charges to be evaluated and, in addition, in order to test them on their merits, a lawsuit was instituted against Judge Scalia as soon as it was found out that he was up for this nomination, in order to test in the Federal Court of the District Columbia—it's right now in front of a judge who has been assigned to it at random—I won't mention his name, it's not important at this point. And this lawsuit against Judge Scalia directly challenges his integrity and the reasoning that was used and the cronyism and the tampering of records that was implicit in his deliberate concocting of a so-called concurrence, which was nothing but a counterfeit which served to derail several cases in the courts below, all of which cases involved personal close associates and friends of Judge Scalia's, and also certain other judges who ruled in the courts below, utilizing that concurrence in a most unfavorable manner in view of the posture of those cases, were also former colleagues of 13 years' duration in one case with Judge Scalia.

And so we can see why these lower court judges, particularly in the Superior Court of the District of Columbia—I see my time is up.