

K1MAN CASE LAW SET BY FIRST CIRCUIT COURT OF APPEALS ON 10 SEPTEMBER 2012

On September 10, 2012, the First Circuit Court of Appeals in Boston affirmed the Maine Federal District Court's decision regarding K1MAN, W1AW, and other scheduled amateur radio bulletin service transmissions that cause incidental interference to other radio amateurs. This establishes, for the first time, that such bulletin service transmissions are now against federal law. This has also been an FCC rule for decades, which both K1MAN and W1AW have challenged by their daily routine operations for many years. Now the challenge has been settled. It is now against federal law.

K1MAN stopped transmitting SCHEDULED information bulletins in 2009, and W1AW has continued the now illegal practice to the present day. Time for some changes at W1AW!

The First Circuit Court also affirmed the dismissal of all other charges against K1MAN except for holding K1MAN deficient with regard to adequacy of K1MAN response letters to FCC inquiries. K1MAN responses were carefully crafted since interference to a radio transmission is also a felony under sections 333 and 501 of the 1934 Communications Act, as amended. K1MAN presented a Fifth Amendment defense which was rejected by the court which upheld a \$3,000 fine regarding this issue.

REGARDING RENEWAL OF K1MAN'S LICENSE

The FCC Administrative Court certainly cannot hold K1MAN to a federal law just created by the First Circuit Court of Appeals on September 10, 2012. Nor can the FCC Administrative Court hold K1MAN to the remaining issue of adequate response to FCC inquiries, which was also just affirmed by the First Circuit Court on September 10, 2012. All other FCC allegations against K1MAN were dismissed by Federal District Court, and this action was also affirmed by the First Circuit Court of Appeals in Boston.

ARRL should have come to K1MAN's defense. And Riley Hollingsworth is in the CQ Hall of Fame!

K1MAN bulletins can be heard daily, 24/7, on or near 14.275 MHz., 2.2425 MHz., or 3.890 MHz., plus or minus QRM. Good listening!