

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.

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:]