In the Matter of:)
)
The Amendment of Part 97 of the   )
Commission's Amateur Radio   )
Service Rules to Reduce Interference and   )
Add Transparency to Digital Data   )
Communications   )
)   RM-11831
)
)
)
To**:**   The Chief, Wireless   )
           Telecommunications Bureau   )
)
_____)

ADDENDUM TO COMMENTS

Pursuant to applicable Commission regulations, I offer an Addendum to my previously filed Comments in the above captioned proceeding. It is timely-filed, within the statutory period for Comments in the proceeding.

I file this Addendum at this time due to the fact that the Amateur Radio Safety Foundation, Inc. (ARSFI/Winlink) has introduced something totally new: a public Internet link to their database. What I refer to as a "Winlink Window" (WW) to their online record of messages and attached file content that has passed through their system.[1] The creation and public posting of the WW link occurred on or about the same day that my Comments in this proceeding were filed. Or, soon thereafter. Therefore, the inspection tool was unknown to me at the time of my filing. And, I feel that it is important to discuss what such a device, and its apparent characteristics would represent for other amateurs, the Commission and other federal agencies seeking to observe or monitor ARSFI/Winlink activity.

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[1] See https://winlink.org/content/amateur_radio_message_viewer

1. Background

It is abundantly clear that the Commission desires <u>openly decodable</u>, over-the-air (OTA) digital data communications in the Amateur Service to facilitate monitoring by third party observers. The specific language, emphasizing the Commission's intent most *clearly and undeniably* was the heart of the rationale in the ***Dismissal*** of RM-11699, the Don Rolph Encryption Petition: "*To ensure that the amateur service remains a non-commercial service and self-regulates, amateur stations must be capable of understanding the communications of other amateur stations.   The content of messages that are encoded, however, are known only to those stations that have the code used to encode the message.*" [2] Without a doubt, this language *removes any possible doubt* as to the intent of existing regulations that prohibit obscured transmissions in the Amateur Service.[3]

2. A Window is No Substitute

Creating WW, so as to inspect what is in the database at any given time is not equivalent to OTA monitoring for several reasons. First, those overseeing the database can *scrub* communication records at will, if they choose to do so. The records are not under the control of the Commission or any objective observer. ARSFI/Winlink has a *vested interest in avoiding culpability* in scrubbing their records of offending, inappropriate message content after the fact, to avoid possible enforcement actions by the Commission or other law enforcement agencies.[4]

3. Timed, Intentional Destruction of Database Records

ARSFI/Winlink has a practice of deleting all email and file content records in its database after 21 calendar days. Such a practice has a built-in characteristic of *automatically destroying* what could later prove to be evidence showing violations of Commission regulations by users. And, there's also a WW "button" to report offending content.[5] Each message header is 'flagged' with its destruction date at the top. It could be argued that such a practice is in place as a *fall-back* in order to expulse records that could later be used as evidence for enforcement purposes. Several amateurs, including

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[2] DA-13-1918 at 6.

[3] 47CFR§97.113(a)4

[4] An informal complaint has been filed with the Commission's Enforcement Bureau prior to this writing, along with evidence of numerous violations of Commission regulations in ARSFI/Winlink messaging.

[5] Designed to assist in early scrubbing of unlawful content so as to avoid detection.

myself have observed what appear to be violations of Part 97 regulations in message content.[6]

4. <u>Why After the Fact Isn't Good Enough</u>

It doesn't take a lot of imagination to realize that ongoing or planned nefarious events could be arranged to occur, if not observed and intercepted in real time. As such, it's very important for the Commission and other amateur operators to be able to "read the mail" when it's being planned, not after it happened.

5. <u>Summary</u>

For the above reasons, the addition of a WW to its database content is not sufficient and does not replace objective, OTA monitoring by other amateurs, the Commission or other agencies. At least while it is under the control of ARSFI/Winlink, which has a rather obvious conflict of interest. And, from having read what would otherwise not been permissible for public release, [7] it is clear to me that those using the system thought that their content was obscured. Or, it likely would not have been transmitted via the ARSFI/Winlink system at all. I'm sure that they wouldn't be thrilled to have otherwise sensitive personal, commercial transactions posted on the Internet for the world to see.

The inescapable conclusion from all of this is that ARSFI/Winlink does not operate a system under which there is just *incidental* obscurity via use of Automatic Receipt Query (ARQ) techniques, but one where *its obscured characteristic is openly accepted, understood and relied upon by those who use the network.* The continued defense of the use of ARQ compression by ARSFI/Winlink serves as a testament of their intent to keep obscurity part of their service. ARSFI/Winlink data must be made openly decodable, and not allowed to remain obscured. [8] Creation of a WW lookup table doesn't rise to the same equivalency. Winlink data must be made open for intercept with readily available decoders, just like other digital modes such as CW, RTTY, FT-8, and PSK-31. The Commission *must immediately adopt*

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[6] Sailboat storage arrangements; medical consultation; banking and card transactions; third-party message relay from a non-signatory country; and more.

[7] See Unauthorized Publication or Use of Communications at 47USC§605(a)

[8] 47CFR§97.113(a)4.

RM-11831, and ban use of ARQ by Automatically Controlled Digital Station traffic nodes until widely-demonstrated OTA decoding is presented to the public.

Respectfully Submitted,

/S/

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Cc:
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