

WT 01-289

Rm-11831

**Danielle Barnes**

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**From:** Jack Woodhead <jckwoodhead@gmail.com>  
**Sent:** Thursday, December 20, 2018 2:54 PM  
**To:** Jeff Tobias  
**Subject:** 121.5 ELTs

**Federal Communications  
Commission**

APR 25 2019

**Office of the Secretary**

Hi, Jeff:

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First, let me be perfectly clear: if I owned an airplane with NO ELT, or with a 121.5 ELT, I would equip it with a 406 ELT before I flew it.

That said, your rule, "The manufacture, importation, and sale of ELTs that operate only on frequency 121.5 MHz is prohibited..." is an UNCONSTITUTIONAL MASSIVE BUREAUCRATIC OVERREACH.

This portion of the rule is unconstitutional because:

1. However you may think you can construe it, there is no authority in Article. I., Section. 8. for a federal interest in aviation. (I'm certain that you believe that this is crazy. However, I honor the oath that both you and I took to "...preserve, protect, and defend...".
2. Amendment X. clearly indicates who is responsible for ALL those powers not delegated (unless the Constitution is amended).

Realistically, I believe that it is a good idea, now that 406 ELTs are reasonably available, that the 121.5 ELTs should be killed/allowed to die.

But, what arrogance you have to believe that the FCC should be able to prohibit American business to sell ANYTHING that has not been made illegal THRU CONGRESSIONAL LAW! I also believe that you rely on some portion of your establishment legislation to justify this. ANY legislation supporting this justification is itself UNCONSTITUTIONAL. Also, any SCOTUS decisions that contradict originalist (including all amendments) Constitutionalism are themselves unconstitutional.

Yours in originalist Constitutionalism,

Jack Woodhead

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