

necessary, and in presenting the cases at the hearing, and that the complaints would be submitted only through the Amateur Auxiliary program. As with broadcast comparative licensing cases, it is proposed that the hearings be conducted using direct written cases, though that would be at the discretion of the ALJ. Normal, or abbreviated hearing procedures (cross-examination of the complainant only, for example) could be used. The complaint could utilize the format for complaints under the Federal Rules of Civil Procedure. However, the Commission, in CC Docket 96-238,¹⁰ recently proposed procedures for formal complaints against common carriers, in which the content of complaints was specified.¹¹ This would seem to offer a reasonable model for structuring amateur complaints. The contents could include: (A) a full recitation or statement of facts believed to be relevant, along with supporting affidavits and documentation, including transcripts of the offending transmissions if relevant, original sealed tapes and the like, together with a recitation of the procedures used in preparing the tape(s), sufficient on their face to establish repeated instances of malicious interference and the identity of the perpetrator; and the means by which the accused was identified; (B) a copy of, or a description by category and location of all documents, evidence, and tangible things in the complainant's possession, custody or control that are relevant to the facts that are alleged, and which

¹⁰ See the *Notice of Proposed Rule Making*, FCC 96-460, released November 27, 1996.

¹¹ *Id.*, at paragraph 23.

are or may be disputed and which are alleged specifically in the complaint; (C) the name, address, and telephone number of each individual likely to have discoverable information relevant to the disputed facts in the complaint, including the subjects of such information; (D) the specific relief or action desired by the complainant; (E) a statement that good-faith efforts to resolve or mediate the matter have been exhausted, and what those efforts included; and (F) a statement as to whether there is any other proceeding at the Commission or before any other adjudicatory authority involving the same parties, and/or the same facts asserted.

24. It would be the responsibility of the complainant, a member of the Amateur Auxiliary, to be present for cross-examination at the hearing, and to provide all witnesses and sponsors of the evidentiary materials as required by the presiding ALJ, or, alternatively, for the presiding ALJ to agree to alternative, lower cost procedures, such as testimony by speaker phone or use of deposition transcripts in lieu of in-person hearings for cross-examination of witnesses. Failure to support the evidentiary submission would necessitate dismissal of the complaint for failure to prosecute. If called for by the presiding ALJ, it would also be the obligation of the complainant to prepare and file, after the hearing, proposed findings of fact and conclusions of law.

IV. Conclusions

25. There is a substantial need to improve and increase the quantity and quality of Commission enforcement of its regulations, with respect to the few instances annually of malicious interference and the speed by which the few serious instances of rule violations in the Amateur Service are addressed by the Commission. As that improvement is not likely to be forthcoming under current procedures, given the understandable limitations on Commission enforcement staff, a new procedure is called for. There is a great deal of value and utility in the work of the many volunteers in the Amateur Auxiliary in documenting instances of serious rule violations, most notably malicious interference, and the identification of the sources of such. This resource is not being used to its greatest advantage under present Commission enforcement procedures. A private complaint procedure as a means of initiating adjudication of malicious interference would, with appropriate safeguards, provide a means to maximize the benefit of the work of these volunteers and expedite the enforcement process. Such a procedure would reduce the burden on the Commission's Wireless Telecommunications Bureau and its Compliance and Information Bureau in preparing cases for adjudication. The resources of both bureaus are currently insufficient to provide the requisite level of enforcement in the Amateur Service, in addition to all their other duties, and the increased use of volunteer resources would seem to be entirely appropriate in the Amateur Service, which involves avocational use of radio only.

26. The instant Petition would create a privatized procedure for the submission to the Chief Administrative Law Judge of private sector complaints of serious rule violations in the Amateur Service. It incorporates the following elements:

A. Complaints of amateur rule violations must establish, *prima facie*, at the time they are submitted to the Chief ALJ, that the violation(s) alleged constitute malicious interference; that they are willful, intentional and repeated; and that they are of a nature that they seriously impede lawful amateur communications.

B. The Complaint, and all supporting materials, must be prepared by members of the Amateur Auxiliary, and submitted to the Chief Administrative Law Judge, who will make a threshold determination whether the Complaint, and the incorporated evidentiary material, establishes a *prima facie* case. The complaint must contain facts sufficient to establish not only the violation of a Commission rule or the Communications Act regarding malicious interference, but also the identity of the perpetrator. If not, the material will be returned to the submitter without further action, and with no prejudice to the accused.

C. If the Complaint and supporting material is determined by the Chief Administrative Law Judge to establish a *prima facie* case, the Complaint will be assigned to an Administrative Law Judge who will issue a Show Cause order addressed to the accused, and a hearing proceeding commenced in accordance with normal Commission procedures. The League will assist in the presentation of the case as necessary.

D. In cases in which the accused is an amateur licensee, the Wireless Telecommunications Bureau will be made a party to each proceeding. In cases in which the accused is not a licensee, the Compliance and Information Bureau will be made a party to each such proceeding.

Therefore, the foregoing considered, the American Radio Relay League, Incorporated respectfully requests that the Commission issue a notice of proposed rule making at an early date looking

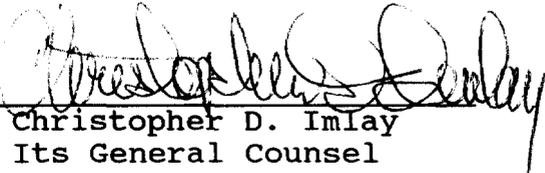
toward the creation of a private complaint procedure in accordance with the foregoing and the attached Appendix.

Respectfully submitted,

**THE AMERICAN RADIO RELAY
LEAGUE, INCORPORATED**

225 Main Street
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By:


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March 28, 1997

APPENDIX

APPENDIX

1. Section 0.351 of the Commission's rules governing the authority of the Chief Administrative Law Judge is amended to add a new subsection (j) to read as follows:

(j) The Chief Administrative Law Judge shall also have authority to receive, and to review complaints from specified licensed amateur radio operators alleging repeated, willful or malicious interference to radio communications of a station licensed under Part 97 of these regulations; to determine whether the complaint and the accompanying materials establish a prima facie case; to issue show cause orders to the subjects of such complaints in appropriate cases; and designate for hearing those complaints which are timely contested by the accused in response to any such show cause order.

2. Subpart A of Part 1 of the Commission's rules is amended by the addition of a new Section 1.96, to read as follows:

1.96 Formal Complaints of Malicious Interference in the Amateur Service. (a) Specified amateur radio licensees, pursuant to an agreement with the Commission's Compliance and Information Bureau, as participants in the Amateur Auxiliary program, may submit a formal Complaint directly to the Chief Administrative Law Judge, alleging that a person or persons repeatedly, willfully or maliciously interfered with or caused interference to radio communications of a station licensed under Part 97 of these regulations.

(b) The Complaint must include: (A) a full recitation or statement of facts believed to be relevant, along with supporting affidavits and documentation, including transcripts of offending transmissions if relevant, original sealed tapes and the like, together with a recitation of the procedures used in preparing the tape(s), sufficient on their face to establish repeated instances of willful or malicious interference and the identity of the perpetrator, and the means by which the accused was identified; (B) a copy of, or a description by category and location of all documents, evidence, and tangible things in the complainant's possession, custody or control that are relevant to the facts that are alleged, and which are or may be disputed and which are alleged specifically in the Complaint; (C) the name, address, and telephone number of each individual likely to have discoverable information relevant to the disputed

facts in the complaint, including the subjects of such information; (D) the specific relief or action desired by the Complainant; (E) a statement that good-faith efforts to resolve or mediate the matter have been exhausted, and of what those efforts consisted; and (F) a statement as to whether there is any other proceeding at the Commission or before any other adjudicatory authority involving the same parties, and/or the same facts asserted.

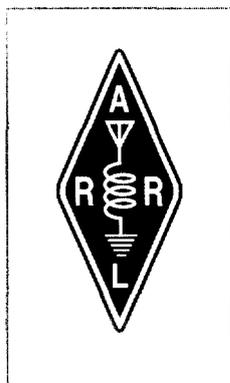
(c) The Complaint, and all supporting materials, must be submitted to the Chief Administrative Law Judge, who will make a threshold determination whether the Complaint, and the incorporated evidentiary material, establishes, *prima facie*, both the violation and the identity of the perpetrator. If not, the material will be returned to the submitter without further action. If the Complaint and supporting material is determined by the Chief Administrative Law Judge to establish a *prima facie* case, the Complaint will be assigned to an Administrative Law Judge who will issue a Show Cause order addressed to the accused, and a hearing proceeding commenced in accordance with the hearing procedures set forth in this Part.

(d) In cases in which the accused is an amateur licensee, the Wireless Telecommunications Bureau will be made a party to each proceeding. In cases in which the accused is not a licensee, the Compliance and Information Bureau will be made a party to each such proceeding.

EXHIBIT B

Training Guide

**The Amateur Auxiliary
To The FCC's Field
Operations Bureau**



Published by

**The American Radio
Relay League**

225 Main Street • Newington, Connecticut 06111

Update
Amateur Auxiliary Training Manual
January 30, 1997

1) Delete the present text in Section 4.9 and substitute the following:

4.9 Repeater-to-Repeater Problems

Generally, problems involving repeater coordination and repeater-to-repeater interference are beyond the scope of the Amateur Auxiliary's mission. These kinds of problems can only be solved by the repeater community itself, through its representative repeater coordinating groups. Many of the issues are often based on "political" factors and not on black-and-white regulatory concerns. Therefore, OOs are advised to steer clear of such areas. (Note that this does not apply to other repeater-related problems discussed in the training manual).

There is only one exception to the above: The case where it can clearly be shown that a non-coordinated repeater is causing harmful interference to a coordinated repeater. In this case, under Section 97.205(c) of the Commission's rules, the licensee of the non-coordinated repeater holds primary responsibility for resolving the interference problem.

The challenge to the Official Observer is to examine the history and present situation, and establish that: 1) the offending repeater is, in fact, non-coordinated and the other repeater is, in fact, coordinated, and 2) that the interference is truly harmful (only interference that "seriously degrades, obstructs or repeatedly interrupts" communications is actionable under the rules; see Section 97.3(a)(21).

In some cases, a repeater may have been coordinated, and its licensee can provide some kind of document to support his claim, but the repeater may have been moved to a new location, or its operating parameters changed (higher power, antenna placed higher on a tower, etc.) since the original coordination was made. Changes such as these invalidate coordinations and new coordinations must be sought. Remember that, before proceeding on a case of repeater-to-repeater interference, the OO needs to ascertain the complete status of both repeaters. Official Observers must check to ensure that all informal remedies have been exhausted prior to any Amateur Auxiliary involvement and that any activity would only be initiated on the basis of a documented complaint. (The League understands that the nation's frequency coordinators are drafting alternative dispute resolution procedures.)

Finally, OOs must not get involved in a case where they have a personal interest. The OO's credibility, and effectiveness will be undermined if it is determined that he is involved as an OO in a repeater-to-repeater issue where he is a regular user of one of the repeaters. Objectivity must always be maintained.

As mentioned above, only harmful interference is actionable. The occasional opening of the squelch on the repeater, or on users' mobile rigs; "hilltopping"; and propagation anomalies do NOT constitute harmful interference, and should be accepted as a fact of life on today's crowded repeater bands. Hearing the "downlink" of the offending machine, even hearing it clearly, may be a nuisance, but not necessarily "harmful." If the downlink on one repeater, however, regularly overrides the downlink of another in its primary service area, there is harmful interference.

Before getting involved in an interference case, the OO must make sure that the components of the problem meet the standards as set forth in the Commission's official definition above.

In summary, OOs must avoid personal involvement in repeater disputes since they are often politically and emotionally charged, with much subjective "evidence" being bandied about by would-be "lawyers." These problems can only be sorted out by the repeater community itself. If the OO does get involved, he/she must confine his/her activity to situations involving clear, black-and-white violations that can be supported by good, hard evidence.

2) Delete the last sentence of section 4.10.

3) Delete the last three paragraphs of the current section 1.3 and substitute the following:

Formerly, the Amateur Auxiliary was designed to deal only with amateur interference and improper on-air operation by *amateur licensees*. A recent review of the program by an oversight committee of the League's Board, however, revealed that cases involving non-licensees have become more pronounced on the amateur bands. The committee determined that the scope of the program should be expanded to address them. A legal review of the statutory authority granted to Auxiliary volunteers under the program's enabling legislation (P.L. 97-259) and iterated in the Communications Act of 1934, as amended, had found that the law covered the inclusion of such cases.

Therefore, in cases involving un-licensee repeater jammers, Local Interference Committees should follow the same investigative procedures as for cases involving regular licensees.

The Auxiliary may deal only with on-the-air violations of Part 97 of the rules. This is all that is authorized by the enabling legislation (P.L. 97-259). Thus, problems involving fraud in the VE program are not within the scope of the Auxiliary program. These problems should be referred to the appropriate VEC.

RFI complaints (except as they may arise from improper amateur station), foreign broadcast intruders and the like, are not within the authorization of the Auxiliary membership and OOs must not become involved in these matters. [RFI matters should be referred to the section's Technical Coordinator and/or local club RFI committees. Reports of non-amateur HF intruders (e.g., foreign broadcast) are sent to HQ for referral to the ARRL Monitoring System, a separate program].

4) Add new section 4.12 to read as follows:

Problems Involving "Bootleggers"

From time to time, an amateur may report that he/she has been victimized by a "bootlegger," a licensee or non-licensee that illegally, and without authorization, uses the call sign of another amateur to identify his or her on-the-air transmissions. The first indication of such a problem is usually the victim's receipt of QSL cards confirming QSOs that he or she did not enter into. Additional indications are correspondence and telephone calls from amateurs reporting problems and suspicions surrounding the QSOs. Such cases can be difficult to handle.

Isolated events should simply be noted and set aside as anomalies. In poor conditions, it is often possible for call signs to be mis-copied. Even if the event was an intentional usurpation of the victim's call sign, it is not worth the effort to investigate a singular occurrence. Victims should be encouraged to maintain a station log to document his own operation as a prophylactic measure, in the event that the perpetrator ultimately engages in serious violations involving, for example, interference to safety of life and/or property communications or services, using the victim's call sign.

In the event of a serious, on-going campaign of unauthorized, illegal use of another person's station call sign, the Amateur Auxiliary may be brought into the investigation for identification of the perpetrator, and efforts to resolve the problem. Absent a resolution, the Auxiliary could then work to develop the evidentiary materials for ARRL review and ultimate transmittal to the FCC for action, pursuant to program guidelines.

To assist the Auxiliary, victims should be prepared to furnish the OO with copies of QSL cards for purposes of establishing the perpetrator's operating pattern, and any other additional correspondence, log notations or other documentation that might indicate the location of the perpetrator. Once the perpetrator's location has been determined, the matter can be referred to the Official Observer Coordinator having jurisdiction. Local direction-finding efforts and monitoring could then lead to identification and, consequently, a resolution of the problem.

Locating the home location of a "bootlegger" is not an easy task. His operation may be sporadic and/or not subject to a regular pattern of operating, or "MO." In cases such as this, the advisability of committing Auxiliary resources to resolving the problem is, at best, questionable. If, however, the perpetrator's operation is so regular, that he can be easily monitored and "DFed," then pursuit of the case is left to the discretion of the individual OO in consultation with his OOC.

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CHAPTER 1: OVERVIEW

1.1 Introduction

Among the many significant aspects of the Communications Amendments Act of 1982 (commonly referred to as Public Law 97-259) passed by Congress and signed by the President is one which authorizes the Federal Communications Commission (FCC) to formally enlist the use of amateur volunteers in particular in monitoring the airwaves for rules violations. This is a crucial factor in maintaining order and the traditional high standards on the amateur bands, as governmental belt-tightening does not and will not provide the FCC's Field Operations Bureau (FOB) with the necessary resources to monitor the amateur bands to any great extent. Moreover, changes in license structure have already caused an influx of operators into the Amateur Radio Service, creating an even greater potential need for monitoring of amateur band activity.

The law is a milestone in the history of the Amateur Radio Service, a catalyst for a modernized, dynamic service, enabling amateurs to play a much more integral role in processes that directly affect and impact the amateur community. The law exempts Amateur Radio transmissions from the "secrecy of communications" provisions of Section 705 of the Communications Act, therefore clearing the way for a more active role on

the part of amateurs in volunteer monitoring.

The rationale for this enhanced posture in amateur self-regulation was aptly addressed by the House-Senate Conference Committee (when the bill was being finalized) as follows:

The Amateur Radio Service has been praised for being self-regulated. The Commission has reported that less time has been devoted to monitoring and regulating the Amateur Service than to any other service because of its self-policing and discipline.

One primary purpose of the Conference Substitute is to provide the Federal Communications Commission with the authority to implement various programs which will result in improvements in administration of the Amateur Radio Service and to cut the costs thereof. It will further allow the Amateur Radio Service to continue its tradition as the most self-regulated radio service in the United States, and to become to some extent self-administered, requiring even less expenditure of government time and effort than in the past.

1.2 The Amateur Auxiliary

To effect this, the FCC's Field Operations Bureau and the ARRL signed an official agreement, and created the Amateur Auxiliary of which the ARRL Field Organization has a high-profile involvement. This agreement is included as Appendix A, and Auxiliary members should be familiar with it. The Amateur Auxiliary addresses both maintenance monitoring and amateur interference. Maintenance monitoring is conducted through an enhanced OO program, while amateur interference at VHF is handled by Local Interference Committees. In effect, the Field Operations Bureau's Amateur Auxiliary is administered by the League's Section Managers and OO Coordinators with ARRL HQ serving as interface to the FCC FOB staff.

1.3 General Objectives/Concepts

The general objectives of the Amateur Auxiliary are to:

1. Foster a wider knowledge of and better compliance with laws, rules and regulations governing the Amateur Radio Service;
2. Extend the concepts of self-regulation and self-administration of the Service;
3. Enhance the opportunity for individual amateurs to contribute to the public welfare as outlined in the basis and purpose (Part 97.1) for the Amateur Radio Service;
4. Enable the Field Operations Bureau of FCC to efficiently and effectively utilize its manpower and resources.

The role of the Amateur Auxiliary is more properly regarded as an unbiased forum for technical and operational advice and other assistance to amateurs who are receptive. The task is not to find fault but to identify cause and effect, many of which are not based upon technical but behavioral or social issues, and to find ways to achieve solutions. *The mission is not direct enforcement.* Because the boundary between observation and enforcement is not always obvious, mature judgment is clearly required of the Auxiliary members and its leadership. The Auxiliary, to be viable and effective, must avoid the

Communications Act Enables Amateur Auxiliary

(C)(i) The Commission, for purposes of monitoring violations of any provision of this Act (and of any regulation prescribed by the Commission under this Act) relating to the Amateur Radio Service, may—

- (I) recruit and train any individual licensed by the Commission to operate an amateur station; and
- (II) accept and employ the voluntary and uncompensated services of such individual.

(ii) The Commission, for purposes of recruiting and training individuals under clause (i) and for purposes of screening, annotating, and summarizing violations reports referred under clause (i), may accept and employ the voluntary and uncompensated services of any amateur station operator organization.

(iii) The functions of individuals recruited and trained under this subparagraph shall be limited to—

- (I) the detection of improper Amateur Radio transmissions;
- (II) the conveyance to Commission personnel of information which is essential to the enforcement of this Act (or regulations prescribed by the Commission under this Act) relating to the Amateur Radio Service; and
- (III) issuing advisory notices, under the general direction of the Commission, to persons who apparently have violated any provision of this Act (or regulations prescribed by the Commission under this Act) relating to the Amateur Radio Service.

Nothing in this clause shall be construed to grant individuals recruited and trained under this subparagraph any authority to issue sanctions to violators or to take an enforcement action other than any action which the Commission may prescribe by rule.

appearance of enforcement. It must also avoid the appearance of having a vested interest in any specific type of amateur operations or of being highly sympathetic to amateur groups which advocate specific activities or causes.

The Amateur Auxiliary is designed to deal ONLY with AMATEUR interference and improper on-air operation by amateurs. RFI complaints (except as they may arise from improper amateur operation or "bad signals" originating from amateur stations), non-ham intruders and the like, are not within the authorization of the Auxiliary membership and OOs must not become involved in these matters. (RFI matters should be referred to the section's Technical Coordinator and/or local club RFI committees. Reports of non-amateur HF intruders are sent to HQ for referral to the ARRL Monitoring System).

Thus, the Auxiliary may deal only with on-the-air violations of Part 97 of the rules. This is all that is authorized by the enabling legislation (PL 97-259).

(Note that it is often difficult to determine whether or not a problem involves a licensee. For example, a Local Interference Committee may not know whether a repeater jammer is or is not a licensed amateur. In cases such as this, the Local Interference Committee should proceed with its work until the offender is identified and report its findings to the OOC. If it turns out that a non-licensed individual is involved, then (with the concurrence of League HQ) the matter is simply turned over to the FCC for action since non-amateur cases are beyond the scope of the Auxiliary program).

1.4 Training/Certification

Only those amateurs who have successfully demonstrated a thorough knowledge and skill of the subject matter relating to volunteer monitoring will be enrolled as members of the Amateur Auxiliary.

This ARRL-developed Amateur Auxiliary *Training Guide* utilizes this chapter (Chapter 1) as an overview introductory chapter and the following chapters encompass these subject areas:

- Chapter 2: Rules and Regulations
- Chapter 3: Technical Standards
- Chapter 4: Administrative Procedures
- Chapter 5: Evidence Gathering
- Chapter 6: The Psychology of Achieving Voluntary Compliance

This *Training Guide* utilizes other appropriate publications as reference supplements such as *The FCC Rule Book* and *The ARRL Handbook*.

1.5 Appointment Procedure

1. All Official Observer and Local Interference Committee Chairman appointment inquiries are sent to the Section Manager (SM), since all OO appointments are initiated by the Section Manager or the SM's designee, the OO Coordinator.
2. The SM (or OO Coordinator) sends an appointment request on Form FSD-211, to ARRL HQ, indicating a potential candidate.
3. ARRL HQ sends the prospective OO this Amateur Auxiliary Training Guide, other supplementary literature, and an examination paper (open-book). Upon completion of review of this material, the OO candidate returns the exam to ARRL HQ for grading.
4. The OO is notified that he/she has successfully completed the training and exam (or re-test with subject areas pointed out in need of further study). A copy of this notification goes to the Section Manager who then sends the official appointment certificate to the new OO.
5. ARRL HQ sends initial supplies to the new OO.

1.6 Compliance Levels

The overall objective of the Amateur Auxiliary is to bring about a satisfactory level of compliance in the Amateur Radio Service and to reduce FOB resource inputs to the service. To determine compliance trends, Amateur Auxiliary data will be quantified to measure levels of rules compliance. ARRL HQ will maintain a data base to quantify the activities of the monitoring program. This will not only help the Amateur Auxiliary pinpoint those areas in need of greater attention, those in less need of attention, but also to enable the reporting in tangible terms to FCC the impact of the program. This accountability will enable the Auxiliary to continually sharpen skills and maximize efforts, and thus direct energies to those areas of concern that will do the most good.

1.7 References

Any references in this manual to words "he, his or him" are understood to mean "he/she, his/her and himself/herself."

CHAPTER 2: RULES AND REGULATIONS

2.1 The FCC Rule Book

Amateur Radio is governed by Part 97 of the Commission's rules. Therefore, a thorough knowledge of the rules and regulations is an obvious necessity in performing OO functions. You should expect that the recipient of an OO advisory will look to you for absolute accuracy in reference to the rules. Preserving the integrity of the program demands that you be extremely careful and that you are indeed correct. More important than being able to cite chapter and verse from memory is to be able to quickly locate the information you need. The "bible" of rules and regulations is *The FCC Rule Book*. This excellent publication not only gives you the exact rules and regulations, but also incorporates many years of applications that have evolved through the "Washington Mailbox" pages of *QST*. Thus, a thorough familiarity with *The FCC Rule Book* (which is being provided for you with this training material) is necessary to successfully complete this training program. It should be studied and readily available in the shack during your monitoring activities. Some of the questions on the exam preparatory to your being certified as an OO are extracted from *The FCC Rule Book*. To keep your Rule Book up-to-date, check the "Happenings" column each month in *QST*. The column carries discussion and language of new rules.

2.2 Rules Application

Application of FCC regulations is a subject that must be addressed in this *Training Guide*, but clearly there is no magic formula for grappling with some aspects of the rules. To be sure, the Amateur Auxiliary must promote compliance with the rules, but you must limit your activity to black-and-white violation situations only. Exercise common sense and avoid hair splitting, and stay clear of the "gray areas."

If you have a question, don't be a lawyer: Check with your OOC first, and then the Regulatory Information Branch at ARRL Headquarters. In any case, never ask the FCC.

2.3 Expectations

The Auxiliary must avoid creating the perception that the program will cure all the ills that abound on the air. Some of these ills are clear violations, others are not. The ability to differentiate is important. The general amateur public must not think volunteer monitoring is the godsend to these on-the-air problems (both real and perceived). For example, certain cases of malicious interference and harassment are prevalent on repeaters in some parts of the country. These evils are not cured swiftly. They can be cured, but not easily. Much evidence gathering is involved (discussed in Chapter 5). This can be a time-consuming process. Thus, the program must *not* cause the expectations of our fellow amateurs to rise to inappropriate high levels. Due process of law must be followed, and lengthy delays should be expected.

Even more difficult for many amateurs to understand is how to deal with those advocates of "free thinking," non-compliance with gentlemen's agreements, etc. These individualists usually revel in bringing the general amateur population to loggerheads. Unfortunately, such types feed on the ignorance of others and thrive on baiting the listening audience into discussions of who is going to call the monitoring station first, who had the frequency first, etc. Often the individualists are far

better versed in the rules and regulations than those who confront them on the air. Too often this leads to frustration manifested by catcalls, whistles, carriers, and general chaos on the frequency—exactly the attention desired which continues to fan the flames. And note that the true violations are now being perpetrated upon the individual nonconformists. To generally expect the Auxiliary to solve such problems is not realistic. The Auxiliary should avoid becoming embroiled in such controversy, especially in reply to inquiries such as: What are you doing about it?

In summary, our efforts should not raise the false hopes and expectations of the general amateur population that this program will eliminate all the woes of the amateur world. Such problems are too deeply rooted in the psychological deficiencies of society as a whole. In spite of the potential that the program has to make the ham bands a better place for all to operate, it will not cure all the ills of our fraternity or society. For any to claim that it will does us all a disservice.

2.4 The Enforcement Process

The FCC typically initiates an enforcement matter through detection of violation of FCC administrative rules, the Communications Act of 1934, or the international Radio Regulations. The information which leads to imposition of penalties or forfeitures on the licensee of an Amateur Radio station is usually initiated by one of the 33 FCC field and monitoring offices. Information about the alleged violation is compiled at the field office. The field office itself may send out notices of violation or notices of apparent liability for monetary forfeitures. Alternatively, in more serious cases, the information about a particular rule violation may be forwarded by the field office to the Enforcement Division of the FCC Field Operations Bureau in Washington for additional review and assembly of evidentiary material.

After the Field Operations Bureau is satisfied that the evidence is sufficient to justify the institution of an enforcement procedure, which could include a notice of apparent liability for monetary forfeiture, or a show cause order proposing the suspension or revocation of one's amateur license, it will coordinate with the Private Radio Bureau for initiation of administrative enforcement procedures. Currently, the forfeiture procedure is used most often, as it is the fastest means of imposing a penalty for a rule violation, and it does not require an administrative hearing before the obligation to pay the forfeiture is effective.

However, in certain cases, such as those sensitive matters involving possible First Amendment considerations such as obscenity and indecency, the case may be referred to the Office of the General Counsel at the FCC for an opinion prior to instituting an enforcement proceeding. An administrative hearing is required prior to any suspension or revocation proceeding. Opportunities to respond in writing to notices of violation or notices of apparent liability for monetary forfeiture are provided if those procedures are implemented by the FCC in a particular case.

Review of a case by the FCC General Counsel's office may result in the case being held and not processed for various reasons, including the possibility of anticipated rulings on particular subjects from the United States Court of Appeals and

the need to correspond any future FCC enforcement actions to the directives of the Federal courts. Understandably, the FCC General Counsel is unwilling to bring an enforcement action unless he or she is reasonably satisfied that the case will be successful. One of the major benefits of rule enforcement is the deterrence effect on others who might otherwise commit the same offense. An action brought unsuccessfully by the FCC might have the opposite effect of encouraging rule violators.

Alternatively, the Field Operations Bureau or the FCC General Counsel's office may withhold action on a particular case pending FCC consideration of rule changes which could affect the outcome of the enforcement proceeding. A changed interpretation cannot be applied retroactively against an individual, and any uncertainty in a rule may make it unfair or difficult to enforce strictly.

One thing to keep in mind is that the FCC lawyers handling these cases are no different than those in the private sector. They quite simply want very much to win the case. They act similarly to state or Federal prosecutors, in that they will not bring a case to an administrative hearing, or initiate a forfeiture, suspension or revocation proceeding, unless they believe that the evidence is strong enough and the case properly illustrates a rule or statutory violation. They will await the proper time, if the rule or law alleged to be violated is subject to some pending interpretation or change. Since our system of law and regulation is based not only on the statutes and rules themselves, but also on the decisions in prior cases, the creation of favorable case precedents is important to the future enforceability of the rules.

From the time information is conveyed from the FCC Field Office until the time an enforcement action is actually initiated by the issuance of a notice to the alleged violator, it may take many months or even a year or more. The time table for any given enforcement action depends on numerous factors, most important of which is the nature of the violation alleged. As a general matter, it can be stated with some certainty that if the rule violation concerns the content of radio transmissions (for example, obscenity, indecency, business communications, third-party traffic communications and the like) the amount of evidentiary material necessary to support an enforcement proceeding, and the willingness of the Commission to attempt to establish the rule violation by evidentiary proof, dictates that the case will take much longer to initiate than would a more objective type of rule violation, such as the transmission of music, operation out of band, or out of a particular subband.

Perhaps one of the more difficult concepts to understand is the delay factor in resolving chronic rule violations once evidentiary information is conveyed to the Field Operations Bureau staff in Washington. The volunteer has worked very hard assembling evidentiary materials, often taking tens of hours of time gathering, assembling, and transcribing tapes. It is difficult to wait, not being directly included in the evaluation process at the Commission, and not even being assured that the work will result in a forfeiture, suspension or revocation. The delay factor naturally causes some appointees to become discouraged. The delay further serves to encourage the rule violators and would-be violators (in a recent transcript of rule violations, the remark was made by one on the tape that the FCC doesn't care what they say or do on Amateur Radio, as there

have been no violation notices sent by the Commission) and conveys the false impression of a lack of interest on the part of the Commission.

Some of the reasons for this delay are discussed above. It is hoped that an understanding of the process of evaluation of the material will help the volunteer avoid becoming disillusioned with the FCC enforcement process. However, it must also be understood that there is an inherent hierarchy in the FCC's enforcement philosophy.

The Amateur Radio Service is but one of the radio services administered by the FCC and, frankly, it is traditionally one that is most well known for rule compliance. It is also not routinely classified by the FCC (though this is and has traditionally been the subject of significant contention between the League and the FCC) as a "safety of life" radio service. Interference problems between licensed stations, problems of unlicensed operation causing interference, and similar difficulties are encountered by safety-of-life-type radio services, such as police, fire, aeronautical and marine services. Those services understandably receive priority over other services, such as business, industrial, amateur, broadcast auxiliary, and other services in terms of FCC enforcement activities. It is, for example, much more important for the Commission to track down a source of interference to air-to-ground communications involving aircraft than it would be to resolve an internal Amateur Radio problem.

Another limiting factor, as mentioned above, is the rather severe budgetary restrictions on the Commission's Field Operations Bureau staff. Though this is perhaps indicated by the Commission in justifying inaction in amateur enforcement matters, it is a legitimate problem. This not only places an increased reliance on the Amateur Auxiliary, it also means that, frankly, few cases can be prosecuted. Those cases that are prosecuted have to be carefully selected, so that they create the maximum deterrence value (again, to influence, by example, those who might otherwise commit similar rule violations) and benefit the greatest number of people.

An Auxiliary volunteer might justifiably expect that, after he or she has invested a significant, sometimes overwhelming amount of time and effort in preparing an enforcement matter in a difficult case, the FCC should at least capitalize on that work by initiating a proceeding to stop the repeated rule violations. However, that expectation must be tempered by the realities of the agency's limitations. Just as it is an expensive process for private citizens to engage in civil litigation, it is a significant commitment of resources on the part of the FCC to initiate and prosecute an amateur rule violator, which may involve many days of litigation, preparation for administrative hearings, and even days of judicial enforcement of those administrative decisions.

These points are mentioned not to discourage the appointee's important functions, but rather to encourage them and point out the importance of those functions to the Amateur Radio Service as a whole during times, such as the present, when federal budgetary limitations make it difficult for the FCC to engage in those enforcement efforts necessary to ensure rule compliance in the Amateur Radio Service. It also points up the importance of voluntary dispute resolution, and the importance of the advice/mediation function of the OO coordinator before any case is considered subject to referral to the Commission.

CHAPTER 3: TECHNICAL STANDARDS

3.1 Introduction

With different technical backgrounds amongst the participants in the Amateur Auxiliary, this guide cannot begin to try to present a comprehensive technical base. There are many technical publications already in existence that can do this. But the high level of technical expertise exhibited by the amateur community is well known, and will no doubt be tapped in staffing the Amateur Auxiliary. Thus, the function of this chapter is to merely mention some of the areas that perhaps deserve greater attention, offer a few precautions, and list some references that may serve two purposes: (1) to benefit the OO in upgrading technical knowledge of the specifics involved in volunteer monitoring; and (2) to help him effectively respond to those who receive OO Advisory Notices and seek advice and authoritative literature. Thus, the general amateur population can gain an increased knowledge and understanding of what are the probable causes of any technical difficulties with their radios.

3.2 What to Watch For and Some Precautions

The OO program is intended to note discrepancies and call them to the attention of those who very often are unaware of the discrepancy or who do not realize that what they are doing is potentially in violation. For example, it is quite common for an amateur to be unaware of a harmonic or spurious signal strong enough to be heard in distant places, but outside the amateur bands. Novice licensees especially are subject to this discrepancy, so it is appropriate to listen in second and third harmonic multiples of the Novice bands. It is often surprising how many can be heard, and usually Novices are most grateful to be notified. Higher grade licensees, especially those running increased power, or involved in control operations, are also far from immune to undue harmonic radiation.

Often the operator of a station having key clicks and chirp on his CW signals is unaware they exist. Broad signals, with by-products of splatter and distortion, are frequent on the phone bands, while FM signals are prone to overdeviation. These are all technical difficulties that can be watched for and are subject to notification. The recipient will almost invariably appreciate the notification.

However, key clicks and phone splatter can also result from receiver overload in the case of extremely strong signals,

especially those being radiated locally. Be careful to make sure you are not sending a notice to someone merely because his signal is strong, causing clicks or splatter at your location which would not be noticeable at a distance. Even in the case of one-hop skip, a signal can be so strong as to produce overloading in some receivers. Sometimes a local condition can make a signal sound as though it is ac-modulated. Occasionally strange mixing effects caused by strong local signals can cause "birdies" where no signal actually exists. Images are also frequently present in receivers without proper shielding or isolation between stages, and of course are also more pronounced with strong local signals. Whenever you hear a signal where it shouldn't be, always consider that it could possibly be your equipment. Check it out carefully, and only when there is no shadow of doubt, send the OO Advisory card. If in doubt, don't.

Nothing is worse than accusing someone of something the individual is not guilty of. When an OO does this (and occasionally it happens!), the whole program suffers. Consequently, all OOs must be careful to make proper identification (ID), and make sure that any noted discrepancy is not the result of receiver deficiencies or carelessness.

3.3 References

The OO candidate is required to be familiar with the following references from the *ARRL Handbook*. Although references pertain to the 1994 edition, previous editions also are acceptable:

Digital Communications: Chapter 19
Voice Communications: Chapter 18
Repeaters: Chapter 14

The 1994 *ARRL Handbook* features a chapter devoted exclusively to monitoring and direction finding. This chapter is a substantial asset to Amateur Auxiliary activities, and, in fact, was written with the Amateur Auxiliary program in mind.

The *FCC Rule Book*, provided to all OOs, also contains a wealth of information on technical standards. Additionally, the *ARRL Repeater Directory* contains information on repeater-related problems, and a bibliography of articles on direction-finding.

CHAPTER 4: ADMINISTRATIVE PROCEDURES

4.1 Introduction

ARRL Official Observers are among the most important of Field Organization appointees because OOs perform a function vital to the future of Amateur Radio's own well-being. The OO must not only be a well-qualified amateur (properly trained and certified), but must also be capable of exercising good judgment, tact and diplomacy. There is no place in the Amateur Auxiliary/OO program for amateurs with uncontrollable prejudices or patronizing attitudes. OOs are dedicated to a mission of help and fraternalism, to advise fellow amateurs of potential violations of amateur regulations and to request that they take corrective measures in the interest of the general welfare of the Amateur Radio Service. We are confident that you are this type of individual and that you will continue the good reputation of the OO program that has been established both among amateurs and FCC officials who are aware of and in sympathy with the self-regulatory goals of the Amateur Radio Service.

Any potential violation by an amateur of an FCC regulation is of interest and concern to all of us as radio amateurs. The purpose of the Amateur Auxiliary/OO program is to note such discrepancies and call them to the attention of those who very often are unaware of the discrepancy or who do not realize that what they are doing may be in violation. We as amateurs must keep our own house in order since, as already noted, the Field Operations Bureau of the FCC has the function of enforcing the

regulations governing many services, and the demands on it are much greater than it can adequately perform. It is imperative that the FCC not be over-burdened with simpler amateur matters. Expertise and motivation must be channeled in an organized fashion such that amateurs needing assistance or seeking guidance on regulatory interpretations request such enlightenment from the Amateur Auxiliary and not further strain the diminished resources of the federal government. The role of the FCC should be seen as a final authority subject to the actions prescribed in this manual.

4.2 Qualifications

To be appointed as an Official Observer the candidate must meet the qualifications outlined on Form FSD-187, be recommended for appointment by the Section Manager, and successfully complete this FCC-approved training program. The final step in this training program is to successfully complete the examination phase. After the OO candidate has submitted the exam to HQ for evaluation, both the candidate and Section Manager will be advised of the results. Upon successful completion of this phase, the Section Manager will then issue the Official Observer certificate with the certification sticker. The new OO can then begin volunteer monitoring duties. The Section Manager and/or OO Coordinator may at any time decertify any OO who fails, in their opinion, to maintain high standards set forth in this training guide.

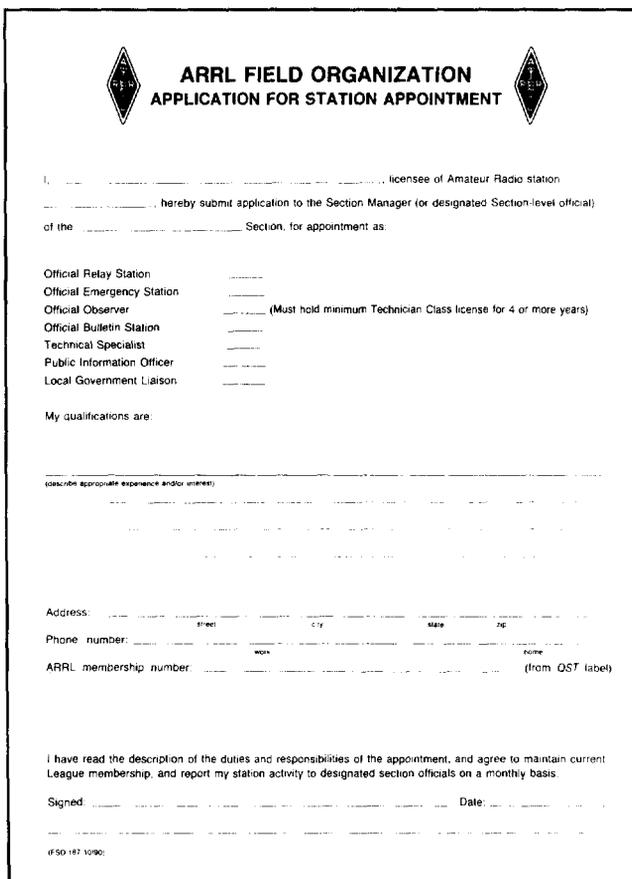
4.3 Official Observer Advisory Notice, FSD-213

The primary notification tool of the OO is the Official Observer Advisory Notice, FSD-213. This card is used for notifying stations of discrepancies in operating. A space is provided for reference to the appropriate FCC regulation. The OO should research the regulation in question to be sure it applies. The psychology of properly filling out an FSD-213 is contained in paragraph 6.3. A rubber stamp is convenient for indicating return address. Cards for amateurs for whom you do not have an address may be mailed to HQ for forwarding, including new licensees not yet listed in a call sign directory. Stations operating under reciprocal operating permits may also be difficult to locate. Such cards may also be sent to HQ for forwarding where addresses can be determined.

Official Observers should be careful to avoid sending a notice to someone interfering with them or a net or repeater in which they are operating. This is not ordinarily conducive to good relations with the amateurs the program is trying to serve. Even when an interfering station has key clicks or chirps or is spluttering badly, it is best not to take the chance of giving the impression that the notice arises from your personal interest. (On the other hand, there is no harm in asking another Observer to take an independent look if the clicks/chirp continue to be observed.) Make your advisories strictly the result of detached objective monitoring in which you are not otherwise personally involved.

4.4 Reporting Your Activity, FSD-23

The OO is required to report to the Section OO Coordinator or Section Manager in a regular, timely manner. The Section Manager (or OO Coordinator) determines the acceptable frequency of reporting on a discretionary basis. FSD-23 is used for



The form is titled "ARRL FIELD ORGANIZATION APPLICATION FOR STATION APPOINTMENT". It contains the following sections:

- Header with ARRL logo and title.
- Text: "I, _____, licensee of Amateur Radio station _____, hereby submit application to the Section Manager (or designated Section-level official) of the _____ Section, for appointment as:"
- List of appointment types with checkboxes:
 - Official Relay Station
 - Official Emergency Station
 - Official Observer (Must hold minimum Technician Class license for 4 or more years)
 - Official Bulletin Station
 - Technical Specialist
 - Public Information Officer
 - Local Government Liaison
- Text: "My qualifications are:" followed by a large blank space for description.
- Text: "Address: _____ street _____ city _____ state _____ zip _____"
- Text: "Phone number: _____ area _____ home _____"
- Text: "ARRL membership number _____ (from QST label)"
- Text: "I have read the description of the duties and responsibilities of the appointment, and agree to maintain current League membership, and report my station activity to designated section officials on a monthly basis."
- Text: "Signed: _____ Date: _____"
- Footnote: "© 50 187 1090"

Fig 4-1 — OO appointment application form

OFFICIAL OBSERVER ADVISORY NOTICE

Radio: _____ your call was heard calling _____ at _____ UTC.
 Date: _____ 199__ Frequency _____ kHz. Mode _____. Your RST _____.

The following is noted in the interest of maintaining Amateur Radio's reputation for good operating/technical practices: 1 FREQUENCY INSTABILITY 2 CHIRP 3 SPURIOUS 4 HARMONIC 5 HUM 6 KEY CLICKS 7 BROAD SIGNAL 8 DISTORTED AUDIO 9 OVER DEVIATION 10 OUT OF BAND 11 IMPROPER ID 12 LANGUAGE 13 CAUSING INTERFERENCE 14 CARRIER 20 OTHER

Remarks: _____

Please refer to FCC Regulation _____. Please take a few minutes to determine what equipment factors or operating practices might have contributed to this apparent departure from the rule or the good amateur practice standard. The intent of this notice is to alert you to the above noted operating condition. **NO REPLY IS NECESSARY.** The undersigned ARRL Official Observer has fulfilled this helping role by simply alerting you, and is not required to reply to any correspondence. Thank you for your attention and any cooperative efforts to enhance the high standards of the Amateur Radio Service which we all share with pride.

FSD-213(8/85) Signature _____ Call _____

Fig 4-2 — OO Advisory Notice.

Good Operator Report

Radio: _____ your call was heard calling _____ at _____ UTC.
 Date: _____ 199__ Frequency _____ kHz. Mode _____. Your RST _____.

We thought you would like to know . . .

That this Official Observer has noted your EXCELLENT radio signal quality/operating procedure as a fine example for all radio amateurs.

Remarks: _____

This observation by the undersigned ARRL Official Observer is a function of the Amateur Auxiliary to the FCC's Field Operations Bureau. This Observer thanks you for your excellent example of good amateur practice for others in the Amateur Radio Service. Keep up the good work.

FSD-15(5/85) Signature _____ Call _____

Fig 4-4 — Good Operator Notice.

this purpose. You should retain a copy for your records. A compilation of observation statistics will prove helpful to an evaluation of the effectiveness of the Amateur Auxiliary. Please keep your FSD-23 free of extraneous comments; just the facts. A copy of FSD-23 will be retained by the OO Coordinator and the original forwarded to ARRL HQ. OOs should keep their records for a period of three years.

4.5 Good Operator Report, FSD-15

When the OO program became a function of the Field Operations Bureau Amateur Auxiliary, a new feature was added: The "Good Operator Report." To further project the Amateur Auxiliary and OO objective of being of assistance to fellow amateurs, the OO may now also report on stations heard that have outstanding *good* signals or operating procedures. In today's radio world of high quality commercial equipment, the radio owner is less likely to be responsible for the technical excellence of his signal. But operating skill is still a matter of individual cultivation. Thus, it is primarily operating technique that would be subject to recognition via the "Good Operator Report." Such reports should not be sent out wholesale, but reserved for only those amateurs who set an example for the rest of the community by displaying the *best* that Amateur Radio has to offer. In our zeal to improve the not-so good, perhaps we have overlooked what's *good* about Amateur Radio. Thus, the "Good Operator Report" is intended to further enhance the positive image of the Amateur Auxiliary/Official Observer program within the Amateur Radio community and to properly recognize excellence in on-the-air activities.

4.6 Correspondence

Occasionally an OO will become embroiled in a "pen pal"

OFFICIAL OBSERVER RECORD/REPORT for the month of _____, 19__ OO Call: _____

No information on this form in any way constitutes conclusions or inferences regarding the source of rules violations.

DIRECTIONS: Send the top two copies of this form to your OO Coordinator or SM the first of each month. He will forward one to HQ. Keep the bottom for your records, or a card file equivalent.

Call sign heard	Time	Date	Freq.	Mode	Observations Category	Category Code	Remarks	Date Sent
						1 = Frequency Instability		
						2 = Chirp		
						3 = Spurious		
						4 = Harmonic		
						5 = Hum		
						6 = Key Clicks		
						7 = Broad Signal		
						8 = Distorted Audio		
						9 = Over-Deviation		
						10 = Out of Band		
						11 = Improper ID		
						12 = Obscenity, Indecency		
						13 = Causing Interference		
						14 = Good Operator Report		
						15 = Carrier		
						20 = Misc. (explain)		
▲ TOTAL NUMBER _____					Approx. number of hours spent monitoring = _____			

I need more supplies to continue my OO work! Please send the quantities of forms indicated to:

Name _____ Call _____ QUANTITY

Address _____ FSD-213 OO Advisory Cards _____

Zip/PC _____ FSD-23 OO Monthly Report/Record _____

_____ FSD-15 Good Operator Cards _____

(FSD-23/194) Printed in USA

Fig 4-3 — OO Activity Reporting form.

exchange as a result of a notification card. It is nice to be helpful, but observers need not feel that they are obliged to solve all the recipient's problems. Of course, one doesn't just "brush off" an amateur who, upon being notified he has a problem with his signal, asks for assistance on how to correct it, and some observers go to considerable trouble to render such assistance. This is fine, but again it is not required. There are practical limitations to the extent an OO can become involved in the problems of an amateur to whom an Advisory Notice is sent. Follow-up correspondence may refer to the services of the ARRL Technical Information Service to assist in suggesting corrective technical action.

4.7 Difficult Cases. What to do?

The Amateur Auxiliary deals primarily with two monitoring activities: (1) Maintenance monitoring and (2) Amateur interference. The Official Observer usually is involved with maintenance monitoring, ie scanning the bands to assist in *maintaining* the high reputation of self-regulation that the Amateur Service has earned. Occasionally, the OO will encounter the somewhat more controversial or unprofessional side of amateur operations, such as obscenity, indecency, profanity, false signals, or willful or malicious interference. A great deal of tact must be used in sending notices for these discrepancies. In fact, the wisdom of sending notices for isolated instances is open to question at times. An alternative may be to simply document the incident and if there is no recurrence over a reasonable period, then forget it. Consider it a momentary aberration.

Should such a case develop into a full-fledged prolonged case of amateur interference or other substantive violation, then it can become a case beyond the scope of the individual OO. If this is an HF case, as with interference caused to or by nets, then the Official Observer would almost certainly refer such difficult cases to a higher level, a second tier if you will, of response by the Amateur Auxiliary. Consultation with the Section OO Coordinator is then in order and, at the discretion of the Coordinator, the ARRL Headquarters staff may be brought into play. Amateur problems are for amateurs to solve. That is the thrust of P. L. 97-259. Under no circumstances should the OO initiate contact with the FCC. Decision for such referral is made at a higher level. Only the most extreme cases will be brought to the attention of the Field Operations Bureau, and then only in strict accordance with the established referral policy of the Auxiliary (see par. 4.9). Minor cases of interference should be solved by amateurs and not referred to the FCC. Those cases brought to the FCC's attention by the ARRL HQ are with the full intention that the FCC will rectify the difficulty. Historically, FCC prosecution of just a few such hard-core cases has had a marked positive effect on the behavior of those who would otherwise deliberately abuse our privileges. For the Amateur Auxiliary program to succeed, it is important to demonstrate to the FCC that amateurs have "in-house" procedures to combat problems. This concept of having an organized procedure to "filter" complaints prior to bringing in the FCC has been crucial to the success of the Amateur Auxiliary. This procedure is detailed in paragraph 4.9. Please be sure you understand it.

Definitions Of Interference

The malicious interference problem can be viewed from the standpoint of the frequency involved. The high-frequency

bands from ten meters on down are, in general, long-haul communication frequencies where interference being experienced will likely be originating from many miles away. This is the problem affecting EASCARS, MIDCARS, and WESCARS, international emergency traffic handling, interference to other nets, and other types of activities associated with HF. Here, long-range detection systems and their associated uses must be employed.

Interference on the VHF bands, six meters and up, is often related to repeater operation. Since repeaters operate on fixed frequencies, the ease with which they may be disrupted has presented a temptation to the type of person who would commit malicious interference. For reasons perhaps best understood by psychiatrists, these persons appear to gain a sense of uplift and power by deliberately disrupting a repeater operation and by annoying other operators by taunts, threats, profanity, etc.

The interference problem can be discussed from the viewpoint of the severity and type of interference involved. While we, as well as others, have freely used the term "malicious interference," it is only one of the different types of amateur interference which can occur. There are four in all.

Inadvertent Interference

The first is one we have probably all been guilty of at one time or another. It is the inadvertent or unintentional case. Because of inattention, heedlessness, negligence, or some other reason, the offender is unaware that he is creating interference. He may not be able to hear the station that he is interfering with, or as happens with repeaters, a station may key up more repeaters than the one it is operating through. This latter case is a very common occurrence in large metropolitan areas. Also, there is the situation where the inadvertent or unintentional offender may be a new amateur who has not yet been indoctrinated in good amateur operating procedures.

In any case, inadvertent or unintentional interference does not represent a major problem to the Amateur Radio Service. Education seems to be the best solution.

Careless Interference

The second type of amateur interference is careless interference. By this we mean "care-less" but not premeditated or recurring. While this type of interference falls into the category of deliberate, it is usually isolated, and caused by temporary eruptions of temper. A person might become a bit hot under the collar during the heat of operation, and tell someone off or refuse to relinquish a frequency when it seems the proper thing to do. When the individual cools off and thinks about his actions, he is likely to be a bit ashamed of himself. The type of person committing this interference does not intend to repeat it, and although the occurrence is unfortunate, and the perpetrator might be prone to serious FCC enforcement actions, the Amateur Radio Service in general will not experience repeated interference from this individual.

Harassment

The third type of interference is classified as harassment. Here, we begin to deal with the more serious aspects of interference, and the Auxiliary begins to show more interest. Harassment is *intentional* and often involves, for example, repeated "kerchunking" and jamming of repeaters, or the use of foul language and other transmissions to interrupt an HF net. The purpose is to disrupt operations on-the-air.

Malicious Interference

Malicious interference involves a clearly defined, and intensive campaign on the part of the perpetrator. The interference activity is sustained, and usually meets the criteria set forth in the following example: when two or more stations in QSO are interrupted with interfering transmissions on a frequency, acknowledge that they can't continue to copy each other through the interference, move their operating frequency accordingly, *and the interfering station follows to resume the interference*, then malicious interference is obviously present. It is this form of interference that is most clearly actionable under the regulations prohibiting willful interference, and when repeated regularly (eg, *not* an isolated occurrence), is deserving of the full attention of the Auxiliary and FCC.

4.8 Local Interference Committees

Interference problems generated on VHF or UHF are primarily local problems requiring local resolution. This kind of problem varies from nonexistent in some parts of the country to extremely serious in others, even to the point of a threat of bodily harm. The Amateur Auxiliary mechanism for dealing with any local amateur interference (primarily on VHF) is the Local Interference Committee.

The Amateur Auxiliary incorporates this program of Local Interference Committees into its comprehensive program of dealing with on-the-air types of amateur issues of compliance. Since the ARRL Field Organization is the focus of Amateur Auxiliary involvement as recognized by agreement with the FCC (Appendix A), the Local Interference Committee now comes within the purview of the Section Manager's overall Amateur Auxiliary program. The Local Interference Committee gains official standing through the Section Manager. It is, in effect, a "group appointment" of the Section Manager, for specific authorization to deal with on-the-air problems of amateur interference. Thus, the Local Interference Committee plays a crucially important role in the make-up of the Amateur Auxiliary.

The prospective Committee makes a brief written proposal to the Section Manager outlining the nature of the Committee structure. See Fig. 4-5 for a sample proposal. It is suggested that such a proposal include the following key elements:

1. Statement of purpose and reference to participation in the Amateur Auxiliary.
2. Area of jurisdiction or specific task, including a statement of impartiality.
3. Any appropriate operating instructions.
4. Time frame for the Committee's existence.
5. Name of the Members of the Committee, with a designated Chairman.
6. Space for the Committee Chairman's signature.
7. Space for Section Manager's signature of authorization.

As an important and integral participant in the overall Amateur Auxiliary response, the Chairman of such a Committee should be cognizant of the policies set forth herein. Thus, the Chairman is subject to the same certification/examination procedure as an OO by demonstrating familiarity with the contents of this *Training Guide* (see Section 1.5 on appointment procedures). The Chairman is in turn responsible for

ensuring that each member of the Committee has the appropriate level of knowledge and understanding consistent with Amateur Auxiliary objectives, and encourages them to become OOs.

An OO may be called upon to participate as a member of the Committee, but does not necessarily have any special standing with the Committee. OOs should be especially attentive to definitions, recognize the different types of interference, and most importantly know when it has become a problem beyond the scope which can be handled alone. Part of being a good OO is knowing when you have to call on other volunteer amateurs for help. Thus, the Amateur Auxiliary concept is a team effort.

The Make-Up of the Committee

Members of local interference committees should be Amateur Radio operators with experience in the installation and operation of complex and sophisticated amateur repeater systems, and amateurs having VHF and/or UHF direction-finding equipment and experience. Members of the committee should preferably be selected by an area council of radio clubs, if such an organization exists, or by the clubs particularly interested in VHF, UHF, and repeater operations if there is no council. The organization of the committee would be determined by the council, clubs, or committee members. The prime criterion for membership is that the members of the committee be respected and accepted by the general amateur community in the area. If some other method of selection works for you, fine.

Whenever possible, at least one attorney, preferably an Amateur Radio operator, experienced with trial practice and rules of evidence, may be a member of or available to the committee. The chairman (OO) is the contact with the OOC.

Some General Procedures

Complaints of deliberate interference would be received and investigated by the committee. The investigation might include, where appropriate, preparation of audio tape recordings of the interfering or objectionable transmissions, oscilloscope photos and other recordings showing the switching characteristics of the carrier, and results of direction-finding investigations. Insofar as possible, all material should be sufficiently detailed and complete so as to be usable in further investigations by the FCC field engineers, in formal hearings held by the FCC, or in any court action conducted by law enforcement agencies and offices.

We mentioned audio tapings in the previous paragraph. See Section 5.7 on preparation and handling of tapes. **Warning: Video-taping of subjects in connection with an investigation is NOT authorized, as such activity involves trespassing, invasion of privacy, and puts the observer in close proximity with the subject, and possible danger.**

If such committees are to be effective, their investigations, as well as those of the FCC, must be held *confidential*. The committees must be willing and able to *resist demands* for action emanating from amateurs not familiar with what is being done.

An ongoing investigation can be prejudiced by its premature disclosure. Committees are cautioned that such disclosure is not to occur. In addition to being unfair and inconsistent with the principles of voluntary compliance, it could expose someone, who is later found to be not guilty, to unfair criticism.

SAMPLE LOCAL INTERFERENCE COMMITTEE PROPOSAL TO SECTION MANAGER

TO: _____, ARRL Section Manager, _____ Section

FROM: Metropolitan Amateur Radio Club

RE: Local Interference Committee

1. The purpose of this memorandum is for the Metropolitan ARC to establish an ARRL Local Interference Committee to address problems with amateur interference in accordance with the Amateur Auxiliary to the Federal Communications Commission (FCC) Field Operations Bureau (FOB).

2. The Local Interference Committee will serve the area covered by the Metropolitan ARC, particularly the Metropolitan ARC's 2-meter VHF repeaters (16/76, 28/88, 34/94) [or name geographical areas like counties]. The functions of the Local Interference Committee will include: response to complaints/allegations emphasizing cooperative "no fault" solutions; signal identification/source location; liaison with Official Observer Coordinator and ultimately, ARRL Headquarters in difficult cases.

3. The Local Interference Committee will operate at all times in accordance with the procedures stated in the Amateur Auxiliary Training Guide, and/or other guidelines developed by ARRL.

4. This memorandum is in effect until _____ and can be renewed (or terminated) by the Section Manager.

5. The Chairman of the Local Interference Committee is: (name, call, address, telephone)

A) Check box if the Chairman named above has successfully completed the Amateur Auxiliary Training program and is officially enrolled as a member of the Amateur Auxiliary.

B) If not, contact the Section Manager for certification details.

C) The other members of the Local Interference Committee are: (name, call, date of OO certification).

6. All information contained in this memorandum is true and accurate to the best of my knowledge.

Chairman's signature Date

The Section Manager's signature below indicates approval and authorization of the Local Interference Committee:

Section Manager's signature Date