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Subject: disabilities and Amateur Radio

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I found your email address on the FCC's web pages and would like to put before you what I think is becoming a serious issue. I don't know how much of this you already know about so forgive me if I repeat information that you already have before you.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The American Radio Relay League (ARRL) has placed a request before the commission to change 47 CFR 97 which currently allows an Amateur who is upgrading class of license to obtain a waiver of the 13 and 20 Word Per Minute (WPM) Morse Code exams. Such a waiver is given if the applicant has a signature from a qualified doctor stating that the applicant has a disability that falls within fairly broad guidelines and would prevent said applicant from being able to pass these Morse Code exams.

The ARRL has argued that the VE teams should be able to obtain documentation from the applicant and his/her doctor regarding medical information about the disability. ARRL has pointed out that 8 percent of the upgrades have included such a waiver and that in their opinion this figure is too high; therefore abuse of the waiver and fraud must be the case in their opinion.

My purpose in writing to you is to try and get this issue before the *right* people. You are listed as the "Director of the Disabilities Issues Task Force", so it seems to me that you and your working group(s) should have the most up to date and accurate information on dealing with Disabilities issues as they regard telecommunications.

It is also my purpose to OPPOSE with all possible vigor the ARRL's request in any way I can. I do NOT believe that the ARRL is acting in good faith on this issue; and is placing undeserved emphasis in 8 percent of the upgrades including a waiver while ignoring the 92 percent who did NOT. Their attitude is that this 8 percent is "guilty until proven innocent", which not only goes against american legal standards but is an insult to those Amateurs who have a legal disability which may qualify them for the waiver.

I suspect that the ARRL is trying to create an image of a disability being limited to someone who suffers from an extraordinarily PHYSICALLY limiting disability without recognizing that learning the Morse Code is like learning a foreign language. There are individuals with learning disabilities who would be unlikely to be able to pass such an exam (let alone actually learn the morse code) but who would not otherwise present the image of a "disabled" person in the usually considered sense.

In your Task Force's home page, there are some critical quotes from William Kennard, who stated that ".....I am committed to ensuring that the telecommunications revolution does not become segregated, between 'haves' and 'have nots'. "; "...the Federal Communications Commission has an obligation to ensure that telecommunications are accessible and usable to the 49 million Americans with disabilities."; "The curb cut to the twenty-first century is technology and every American should have equal access to this tool."

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These statements sound VERY committed indeed; and the Morse Code waiver as it currently exists would seem to serve that purpose quite well. In my opinion (which you may find that others will agree with), handing private medical records over to a PRIVATE organization is a violation of the confidentiality of those records and should not be done for this purpose. In my opinion, 8 percent of license upgrades does not constitute a problem at all if 49 million Americans have legal disabilities - that is approximately 1/4 of the nation's population. The 8 percent of Amateurs that the ARRL is attempting to harrass and intimidate is certainly less than 25 percent, and in truth constitutes a very small number of individuals.

I can only interpret the ARRL's actions as harrassment and intimidation, for they have an "addiction" to Morse Code as the one and only "litmus test" by which a "real Amateur" is judged. Not only is this an insult to Amateurs with legal disabilities, it also shows a lack of committment to what Kennard has referred to as the "curb cut to the twenty-first century".

I suspect that your Task Force is primarily concerned with issues in a more "public sector"; e.g., accessibility to commercial services. However, Mr. Kennard's statement does not seem to suggest that Americans who are licensed by the FCC as Amateur Radio Operators are any less welcome if disabled than they would be to use any other service which is overseen by the FCC.

Therefore I submit to you that the DITF should look into this issue, and consider that while we Amateurs have a reputation simply as "wierd people who talk to each other with a radio", we also provide emergency communications for free to the public when needed and/or requested as well as other free public service communications. Within each individuals ability to do so, Americans with Disabilities should NOT and MUST NOT be prevented from doing so through harrassment or intimidation at the hands of the ARRL, who sees itself as the "privatized future" of Amateur Radio. Amateurs with legal disabilities should NOT and MUST NOT be prevented from participating in public service and other activities of the Amateur Service which do not even use Morse Code simply because they are unable to learn the code or pass the exam.

In my opinion, the waiver provisions should stand as currently implemented.

Please look into this and see if your task force can help us all with this issue before it is resolved in an unfortunate and arbitrary fashion taht does a great disservice to all Americans.

Thank you for your attention; the favor of a reply is requested.

Duane Mantick
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