

## I. Introduction

Dear FCC,

I am an Amateur Extra Class licensee, and I have been licensed for twenty years. I am a member of the American Radio Relay League (ARRL) and an active ARRL affiliated Volunteer Examiner (VE). I hold a General Radiotelephone Operator License (GROL) with Ship Radar Endorsement, and I have an associate degree in Electrical Engineering Technology. I am also part of a group that occasionally administers commercial FCC license examinations for the National Radio Examiners (NRE).

I am very pleased with your sweeping review of the Amateur Radio Service rules proposed in WT Docket No. 98-143, and the very broad scope on which you request comment. Many of the topics you have brought forth are quite volatile within the amateur community, as I am sure you are well aware, and it will be interesting to see the outcome of these proceedings.

## II. Morse Proficiency Requirements

To put it simply, I concur with the most recent proposals offered by the ARRL, with one major exception: I would like for the local VE teams to continue having the options of what type of Morse test they administer, including multiple-choice examinations. My local VE team uses the multiple-choice exams because we feel that it is the easiest method for the applicant.

As administrators of the examinations, I do not see any need to make the tests any more difficult or stressful than necessary. Both the "one minute of perfect copy" and "fill-in-the-blank" types of exams require, to a certain degree, a nearly flawless demonstration by the applicant. The "fill-in-the-blank" method might also require a strong spelling ability by the applicant unless perfect copy can be achieved.

I do not feel it is our responsibility to test spelling, or to seek out only those applicants who can, at times, achieve perfection. That is not what real-world Morse communication is about, in my opinion. We are looking for the ability to "comprehend" Morse communications, and that ability is well satisfied by the multiple-choice examinations.

Furthermore, with the options we now have, our VE team will look over the "hand copy" of an applicant that fails the multiple-choice exam, to see if they might pass with the "one minute of perfect copy" method. However, I cannot recall that any of our applicants have ever passed this way. If the applicant "comprehends" enough of the Morse, then they have been able to answer the required number of multiple-choice questions with little difficulty.

If the FCC desires a single standard method of Morse testing, rather than the present options available to us, then I would recommend that the multiple-choice type of exams be chosen.

Looking to the future, it is my wish that the Morse proficiency requirements be discarded altogether, when permitted by the

international regulations. As indicated in the Docket, the real "need" for demonstrating Morse proficiency has faded, since Morse has been supplanted in the military and maritime communication networks by other digital technologies. At that future time, a basic knowledge of Morse code may be tested in written form, just as all of our other operating modes are tested.

There is a strong emotional attachment to Morse code by many amateurs, and a strong sentiment to retain it as a licensing requirement. I was once a proponent of retaining Morse code as a licensing requirement myself, but I have since changed my mind on this subject. Since the implementation of the No-Code Technician license, the number of licensees who have little knowledge of (or interest in) Morse code will continue to grow. The floodgates on this issue were opened long ago, and I do not believe there is any turning back now. Amateur radio must focus on the communication technologies of today... and tomorrow.

If Morse code is to survive at all (and I believe it will), then it will have to be because amateurs love it, and they will pass it on as a tradition to newer generations who are willing to learn it. And many of these newer generations will also learn to respect Morse for its heritage, and for the excellent, viable communications mode that it is, especially with regard to low power and satellite communications, and other adverse conditions.

### III. Morse Proficiency Waivers

I have long been disturbed by the reports of fraud concerning the Morse proficiency waivers, and I understand the difficulty of fairly applying such a program. I believe the easiest solution is to abolish the Morse waiver program immediately. If the maximum Morse code speed is lowered to 12 words-per-minute (wpm), as suggested by the ARRL, then I feel that any applicant with a disability should be able to pass an "accommodated" Morse exam, as is already required for the 5 wpm test.

It may seem that I am unsympathetic to the disabled, but that is not the case. My own son is hearing impaired, and I have other family members and friends who have other disabilities, both physical and mental. I appreciate that our disabled citizens are given some preferential treatment in our society, such as preferred parking spaces. But ask a disabled person what they think about the abuse of these privileges by those who are not disabled!

I believe that people with disabilities, like everyone else, desire "fairness" to achieve their goals in life. Many hearing impaired persons achieved amateur licenses before the Morse waiver program was initiated. I believe that "accommodated" Morse testing serves the purpose of "fairness" to all, and it removes the variable of (some) unscrupulous physicians from the licensing process.

I have just a little more to say about disabilities. Our VE team was asked about a year ago to process a license upgrade application on the basis of a "mental disability" which, of course, we could not oblige. But it brings up an interesting question, "If we are to allow (upgrade) licensing based on exemptions for hearing impairment, should

we also allow exemptions based on certain mental deficiencies, especially cases of poor memory retention?" There is certainly the potential for many mentally challenged people to become excellent amateur "operators," although I readily recognize that they might have limited "technical" abilities. There are probably many blind amateurs who have limited technical abilities also, due to their disability, but they are still an asset to the "reservoir of trained operators." Yet the Morse waiver program permits the opposite; it maintains the technical standards of testing, while allowing the "operating requirement" of licensing to be bypassed, based on a single, very specific disability.

It seems to me that allowing one type of "waiver" based on a disability opens the door to numerous legal challenges to our licensing process by people with all sorts of disabilities. In fact, I am surprised that there have not already been some challenges made to try to bring about other "waiver" type programs.

But what is it that we truly want to do? Do we want to exclude the disabled by requiring difficult testing? I do not think so. Or do we instead want to "accommodate" all varieties of disabilities, in addition to blindness, hearing impairment, and other physical limitations? Shall people with mental disabilities be entitled to methods of accommodation, just as those with physical disabilities?

If the Morse proficiency requirements are dropped when (or "if") permitted by international regulations, then the issue of the Morse waiver program will basically become moot. But to me, there clearly seems to be a need for further discussion on licensing issues for the disabled. And I would personally like to see the bulk of those discussions conducted by those who are disabled themselves! Amateurs who are blind, deaf, paralyzed, and so on, should lead the way for us in helping to determine what are "fair" methods for licensing the disabled citizens of this country, and "what" actually qualifies as "disabled."

In the meantime, in order to streamline the FCC rules, I believe that abolishing the Morse proficiency waiver would offer a significant reduction in administrative processing, and it would minimize the possibility of license upgrades by fraudulent means. "Fairness" would be better served with "accommodated" testing, whether its Braille exams for the blind, or "blinking lights" for the hearing impaired. I believe that no "waiver program" of any kind should be available until a thorough, thoughtful discussion and analysis have taken place, and until suitable means for verification of the disability can be implemented.

#### IV. FCC Enforcement

Since the Docket was released, the enforcement of amateur rules has been transferred from the Wireless Telecommunications Bureau (WTB) to the Compliance and Information Bureau (CIB). I think that the entire amateur community is optimistic that this action will help to alleviate some of the most notorious enforcement problems that we have recently experienced, and we have already learned of a few enforcement actions being conducted by the CIB.

While some amateurs claim that retaining the Morse proficiency examinations will help "keep out the bad operators," I cannot concur with that idea; too many violators are General Class licensees or higher. It is my belief that swift, harsh punishment for serious offenses, or repeat offenders, is the best deterrent to discourage others from indulging in illegal practices. We all must recognize that our amateur licenses are indeed a "privilege" to have, and that there are "real" penalties for their abuse.

I also believe that the FCC must be called upon to provide clear and direct guidelines on "language" and "subject matter" of our amateur conversations. Part 97 has long prohibited "obscene and indecent words and language," and I believe that the amateur violators of this rule should be dealt with just as swiftly and harshly as those who commit malicious interference.

"Subject matter" is much harder to distinguish between what is "illegal" and what is "free speech." Yet "subject matter" is probably the most frequent complaint I hear from my fellow amateurs; they are disgusted with some of the conversations they encounter on the amateur bands. Is it the responsibility of the casual listener to avoid offensive conversations, to tune to another frequency or to simply turn off their receiver? Or is there any legal requirement for transmitting amateurs to refrain from such offensive topics?

It seems to me that with all the lawyers on staff at the FCC, you could find the means of stopping some of the hate-filled, obnoxious conversations that can be found on the amateur bands these days. I sincerely hope so. They are a disgrace to amateur radio, and to America. Perhaps Part 97.113(a)(4) might be changed to read, "... offensive, obscene, or indecent words and language...".

But "offensive" would need to be clearly defined so that people engaging in such conduct would know, without a doubt, that they would be subject to fines, license revocation, and forfeiture of equipment if caught. In fact, even the words "obscene" and "indecent" need to be clearly defined, and the FCC has thusfar been reluctant to do this.

If these terms are clearly defined for us, then I would hope to immediately hear of warnings and citations being issued to offending amateurs. "Foul language" is a stand-alone violation of our rules, yet I have only seen it listed with FCC actions when it was also in conjunction with more serious offenses. Amateur Auxiliary members could be a tremendous asset in gathering evidence, using tape recordings and "radio fingerprinting" technology, to identify offending amateurs, but they also need the clear guidance of what is illegal, and what is not. Policing cannot be successful when the laws are vague.

I am also a very strong supporter of free speech, and if the final verdict is that amateurs "are permitted" to engage in such obnoxious conversations, then so be it. I will be perfectly willing to turn off my receiver or tune to another frequency as I have always done. But PLEASE... make a ruling on this issue!

## V. License Structure

I agree completely with the ARRL's proposals on eliminating the Novice and Technician Plus licenses and upgrading those current licensees to General Class. This seems to be a better administrative alternative than maintaining defunct license classes in the FCC database under a grandfather clause.

I further agree with the ARRL's proposal concerning the refarming of the Novice sub-band frequencies.

## VI. Conclusion

I also agree with the remaining issues brought forth, such as phasing out RACES station licenses, and allowing Advanced Class VE's to administer examinations up to the General Class level.

I appreciate the extended period for commenting on the Docket and the opportunity to file my comments electronically. This is the first time I have ever actually had enough interest in amateur rulemaking proceedings to take the time to write down my comments, but this is the most extensive request for comments that I can ever recall seeing from the FCC. It is certainly going to be interesting to see the changes in store for the Amateur Radio Service in the future. I hope that they will all be changes for the better.

Lastly, I would like thank all of the people at the FCC who work on our behalf. Your efforts are truly appreciated. Amateur radio has been a wonderful experience for me, and I hope that it continues to draw in talented new people to carry on with its fine tradition of public service and technological development.

Sincerely,

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Portage, Indiana