

Before the
Federal Communications Commission
Washington, D.C. 20544

In the Matter of)	WT Docket No. 98-143
1998 Biennial Regulatory Review --)	RM-9148
Amendment of Part 97 of the)	RM-9150
Commission's Amateur Service Rules.)	RM-9196
)	

COMMENTS OF
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I obtained my first amateur radio license in 1963, as a 17 year old schoolboy. Tertiary qualifications followed in telecommunications and engineering. I have had a career in radio engineering, spectrum management and consulting, with some international involvement. My amateur radio experiences over many years include operation on many bands, including HF, VHF, UHF and more recently on LF. I have encountered "closed shops" and some very questionable attitudes and practices in amateur radio administration. I am one of six Managers in the New Zealand based Organization Requesting Alternatives by Code-Less Examinations Incorporated (ORACLE). I am also one of ten Directors in the more recently formed USA based organization No-Code International (NCI).

These comments are mostly in response to the NPRM request " We also seek comment on changes to the telegraphy requirements for the amateur radio service and to the written examinations that must be passed to qualify for an amateur radio license." The main problem in amateur radio is with fundamental rule making concerning imbedded discrimination associated with a very dubious claim of a Morse code requirement. FCC Part 97 rules are in my view the most discriminatory without good reason of any amateur radio rule making in the world today. Amateur radio rulemaking needs modernization. I find that the discussion in the 1998 NPRM falls well short of solving discrimination or proposing new rules that are genuinely fit for the purpose of regulating amateur radio in modern times. Various allegations and supporting information are covered in following sections.

1. United Nations and International Telecommunications Union reference information:

A summary presentation of some high level principles from international sources allows for derivations in national regulations to be considered.

The United Nations (UN) International Covenant on Civil and Political Rights defines a wide range of ethic and human freedom issues. As at 30 September 1995, that Covenant has been ratified or acceded to by 132 administrations, including the USA. The text of Article 26 of that Covenant is:

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All persons are equal before law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The International Telecommunication Union (ITU) is an independent subsidiary organization of the UN. Selected excerpts from Article 1 of the Constitution of the ITU are:

2 1. The purposes of the Union are:

3 a) To maintain and extend international co-operation between all Members of the Union for the improvement and rational use of telecommunications of all kinds;

...

5 c) To promote the development of technical facilities and their most efficient operation with a view to improving the efficiency of telecommunications services, increasing their usefulness and making them, so far as possible, generally available to the public.

ITU radio regulation S25.5 has the following text:

Any person seeking a licence to operate the apparatus of an amateur station shall prove that he is able to send correctly by hand and to receive correctly by ear texts in Morse code signals. The administrations concerned, may, however, waive this requirement in the case of stations making use exclusively of frequencies above 30 MHz.

Former versions of S25.5 had similar text, but specified 144 and 1000 MHz in 1979 and 1947 respectively as frequencies above which the requirement may be waived.

2. Comment on the above reference information:

The theme of the International Covenant on Civil and Political Rights that is relevant to any claimed requirement is “the law shall prohibit any discrimination”. The meaning of “prohibit any” does not cater for part acceptance or double standards. An issue arises with discrimination where a claimed requirement is without good reason. While it would be difficult to define how discrimination could be eliminated at personal levels, when it comes to the law, the way to deal with discrimination is quite clear.

As applying to amateur radio in 1998, the claim of a Morse code requirement (by way of S25.5, and national derivatives) is alleged to have no good reason. Any number of flawed and prejudiced views can be elicited from within amateur radio attempting to link Morse code proficiency with licensing, but none appear to be a good reason that applies in recent years, or that would likely be agreed to by a public enquiry. Decades ago there may have been some claim for a Morse code requirement when Morse code

was the main form of communication technology in several radio and communication services. However, as the NPRM outlines, technology and practices have moved on since those times e.g. machine teletype, automatic error correction, facsimile, email, and telephony rather than telegraphy is the most used way of amateur intercommunication today. Amateur radio continues to provide a means for recreational use of Morse code, but that involves **personal preference** and is quite different to an international requirement applying to all candidates. Further, there is no regulation that requires a licensee to actually use Morse code at any time after being licensed. Nor is there any requirement to have or use any radio equipment, so any mode specific qualification requirement that has a pass/fail implication on the issuing of a license is very questionable indeed. It is accepted that operational and technical qualifications *are* needed (in the public interest) before being issued with a license, and the point being made is that there is no *specific* topic that should have a direct pass/fail implication on the qualification and license.

The formulation of S25.5 is alleged to be irrational as there is no logical linkage known between personal proficiency with Morse code and the safe and effective use of radio spectrum. Not surprisingly, no other radio service attempts to use such a formulation. There is no known logical derivation as to how a frequency above which the requirement could be waived was decided. Further, there is no known logical derivation of why the frequency below which a Morse code requirement applied should change every ten or twenty years, as it has done in successive ITU regulations. Radio and telecommunications science can show that other forms of coding or speech modulation work efficiently and effectively, on any band, as many thousands of amateur operators find in practice on a daily basis, worldwide. Users of other radio services regularly verify that radio works well without Morse code.

The explanation that best fits the claim for “the Morse code requirement”, including why the frequency above which it may be waived has changed over the years, is that Morse code testing was mainly intended to be used as a **restrictive practice** to limit the number of participants on certain bands, while still encouraging new usage on the higher bands that are under possible threat of shared use by other radio services. Sheltering the interests of the incumbent licensees who have passed a Morse code test is discrimination without good reason when viewed from the public perspective. The public interest should be a main element in determining policies for amateur radio, as the spectrum allocated to the amateur service is basically a public resource. One of the main public benefits of amateur radio is in provision of emergency communications when other media may not be functional.

The ITU Constitution claims that “rational use of telecommunications of all kinds” is to be maintained by all members. This causes a credibility problem for alleged irrational formulations. Making telecommunications services (which includes the amateur service) “so far as possible, generally available to the public” also causes a credibility problem when restrictive practices are involved, without good reason. The above factors expose the case that S25.5 is a restrictive practice that has been a cause of controversy and discrimination for many years. Considering the ethic that “the law shall prohibit any discrimination”, as agreed by governments of at least 132 countries, then prompt removal of S25.5 from ITU regulations is the only solution that has credibility for most of the nations of the world, who are both ITU

members and have also accepted the UN International Covenant on Civil and Political Rights. This international solution is also applicable nationally for the USA (being one of the many administrations that is both a UN and ITU member).

The USA did not offer licenses with no Morse code element until decades after the ITU allowed for a waiver above a certain frequency. Many other countries introduced VHF+ licenses from the early 1960's. This reflects unfavorably on the USA as being relatively unprogressive in amateur radio administrative matters.

3. The USA “incentive licensing” arrangements appear to be seriously flawed by discrimination:

The so-called incentive licensing arrangements in the USA are mainly based on specifying by conditions of license the sub-band segments that various grades of licensee can access, according to what mixture of graded Morse code speed test and graded written examination a candidate has passed. This is alleged to involve discrimination of several types, without good reason. Specific allegations are:

1. That Morse code proficiency is not a genuine pre-requisite for any amateur license
2. That multiple Morse code speed tests are certainly not genuine pre-requisites for any amateur license
3. That specifying sub-bands by conditions of a license is discrimination without good reason
4. That granting of waivers to persons with disabilities is a form of “reverse discrimination”

These allegations are discussed in following sections.

4. That Morse code proficiency is not a genuine pre-requisite for any amateur license:

ITU radio regulation S25.5 (text earlier) does not mention speed testing, error rate or other criteria that could be used to gauge proficiency of a candidate. For the purposes of illustrating a range of interpretation, even a “one word per hour” test could be debated as being able to satisfy S25.5, but whatever, that too would also be alleged to be discriminatory, on the basis of there being no genuine need for a Morse code requirement of *any* kind. Radio and communications science can easily show that transmission, reception and radio propagation are all practical with a range of analogue or digital modulations, including speech, on any frequency band. Radio spectrum does not respond differently in any way to the operator choosing to use Morse code, or another code. Millions of amateur radio operators can, and do, communicate safely and effectively in a number of ways other than by using Morse code. There is no meaningful communication to be had without using language, and English language is the most frequently used for international amateur radio operation. The choice of language is another matter for individual preference and is not an appropriate area for international or national regulation (to require a certain language to be used would also be discrimination without good reason). A combination of deregulation and self-regulation is suggested as being far preferable than regulating by formulative, prescriptive or restrictive styles of rulemaking.

5. That multiple Morse code speed tests are certainly not genuine pre-requisites for any amateur license:

The principal claim already made is that Morse code proficiency is not a genuine pre-requisite for any licensing, so this paragraph is aimed at exposing the folly of requiring *multiple* Morse code speed tests as license requirements. The introduction of 5, 13 and 20 words per minute (wpm) tests seem to be artificial creations to expand the scope of the incentive licensing arrangements. The actual spectrum related to existing license grades does not change in scope depending on the personal proficiency of an individual licensee. If 5 word per minute proficiency is deemed to be sufficient to issue one type of licence to access amateur spectrum below 30 MHz in the USA, then it follows that it is accepted as satisfying S25.5 (ignoring for now that S25.5 itself is very questionable). Given the clear evidence that a pass in a 5 word per minute Morse code test is sufficient qualification element, then any higher speed Morse testing for licensing is superfluous for regulatory purposes and is thus alleged to be discrimination without good reason. Any “hazing” of candidates is hardly a role of any government to indulge in. Nor should there be a government role to limit the number of certain types of licenses by means such as setting of arbitrary Morse code speeds.

One implication of the above paragraph is that if any Morse code requirement is observed in the interim period before S25.5 is removed, then there is no justification for USA licensing arrangements to test Morse code at any higher speed than 5 words per minute. That also has implications for licensing by other countries, and for developing reciprocal arrangements that are also free from discrimination without good reason. Morse code operation at higher speeds may impress some individuals but that does not make it into a genuine licensing requirement.

6. That specifying sub-bands by conditions of a license is discrimination without good reason:

The USA “incentive license” scheme divides up most of the amateur HF bands into sub-band segments, and by conditions of license permits access by respective classes of license to transmit in specified segments. The reality is that nearly all transmitters and receivers have frequency coverage of most or all of a given amateur band, so the conditions of license have the effect of preventing some individuals from transmitting in certain sub-band segments (the segments they are deemed to not be qualified to use). There appear to be no genuine factors as to why different qualifications should be required to access sub-band segments that are essentially the same in physical and technical characteristics (not unexpected for immediately adjacent parts of the radio spectrum). Segregation of licensees on the basis that different qualifications are required for transmitting on different sub-band segments within a given band is an artificial formulation alleged to be blatant discrimination without good reason. This allegation applies to all USA amateur bands with sub-band segments specified by conditions of license.

Specifying sub-band segments by condition of license amounts to a government mandate of a particular amateur band plan, and that is a very questionable practice. This could also be alleged to be another human rights issue: that of **freedom of speech**, in the general sense (for intercommunication by radio, by any of several methods). By selectively specifying sub-band segments by condition of license a government could be said to be restricting without

good reason the freedom of speech of amateur radio licensees who can not access adjacent segments (listen but not speak). The highest qualified licensees can use any segments, but restrictions are applied to others, which is where the freedom of speech problem arises. Free speech amongst US citizens is of course guaranteed by the First Amendment to the US Constitution. Freedom of speech is also an international right.

The use of amateur bands on an international basis is actually a dynamic situation. It makes sense to facilitate intercommunication for some modes to congregate in certain parts of a band. New technologies and techniques reflect in changes to typical usage. A suggested role for governments is to license access to **whole** amateur bands (it is whole bands that are allocated nationally, regionally and internationally), and to desist from attempting to prescribe band plans by conditions of license. What amateurs do within the lower and upper frequency limits of a given amateur band should be up to the amateur licensees. The regulatory approach could be to specify what maximum transmitter power can be used within a whole amateur band, and what unwanted emission limits apply at frequencies outside spectrum allocated to the amateur service. That approach provides reasonable control of unintended interference to other services, and leaves the amateur service to be largely self-regulated with respect to voluntary band plans, operating practices and moving with the times. This approach is also consistent with prohibiting discrimination and allowing for individual freedom of speech in the general sense.

In most countries other than the USA, there are far fewer classes of license and thus fewer ways that discrimination could be introduced (but nonetheless is present by direct and indirect influence of Morse testing). The USA “incentive licensing” scheme would appear to be the most discriminatory and most questionable of any amateur radio licensing arrangement anywhere in the world. Worst issues are with human rights, not technical matters.

7. Number of License Classes:

Following from prohibiting discrimination and introducing much more of the public interest into amateur radio rulemaking, the FCC should for the first time in decades be in a position to specify rules for the amateur service that are genuinely fit for the purpose. At present the six classes of amateur license appear as a convoluted mess of imbedded discrimination and irrationally based prescriptions. In an updated arrangement, suitable for use well into the future, an appropriate number of license classes is two, as follows:

1. **Basic**, with band access to 3.5-3.9 MHz, 21.0-21.45 MHz, 28.0-29.7 MHz and 144-148 MHz and specified limits on transmitter power output (to some low level commensurate with lower qualifications)
2. **General**, with access to all amateur bands and with (full) power as appropriate for each band

There is no need for any specific Morse code examination element, as no Morse code proficiency is actually needed to access amateur spectrum. Freedom of choice in operating preferences rests with individuals.

Only **two examination elements** are needed for the above suggestion, which greatly simplifies the setting and running of examinations compared to the present multiple element arrangements. Having only two license grades and two examination elements not only reduces the inherent discrimination with the existing arrangements, but it reduces costs to candidates and examiners. Least discrimination would be to have only one type of licence, however that is not proposed in these comments as it means a higher entry threshold for complete newcomers. The two suggested classes allow for a lesser standard with lesser frequency and power privileges (a *basic* license), so anyone who becomes so licensed can “try out amateur radio” and decide on whether they should try for the *general* license.

The examination elements can likely be made up from suitable parts of existing elements, but the elimination of discrimination and any Morse code element means that new overall standards need to be set. This is probably deserving of a “fresh start” to study what minimum but sufficient standards and corresponding examination elements are genuinely needed. This should include public input and also be consistent with other publicly accepted methods of a government issuing licenses (other types of radio license, car license, taxi license, etc).

The suggested licence class names of “basic” and “general” are considered to have much lower discriminatory overtones than some of the existing names. The word “novice” means a new convert or beginner, which is hardly an appropriate name for a license that can be renewed for the lifetime of the holder (as it can be at present). The term “technician” is also the name of a profession that can involve many subjects and it is folly to link it to persons who are permitted to transmit on frequencies above some waiver limit. Any amateur radio licensee can also be a technician, and vice versa. The names “advanced” and “extra” seem to be more for disparagement of others than describing what the licenses actually provide for. The existing names speak loudly about the questionable parts of the incentive scheme and lack of consideration regarding discrimination. Apart from “general”, the names used for existing Part 97 rules seem to be to reinforce discrimination and create needless segregation in amateur radio licensing (in the USA). While there is inevitably some “one-upmanship” at a personal level, one would hope that “the law shall prohibit any discrimination” could apply to all government processes.

As has already been explained, it is alleged to be discrimination for FCC to confine licensees to sub-band segments. Access to bands should include the **whole** of that amateur band (the band that is listed in national frequency allocations). The main regulatory control on suggested *basic* licensed operation is to place a limit on transmitter power, which is the same concept as applies to an existing novice licensee. The lower level of knowledge and experience needed to obtain a pass for a *basic* license reflects in lower power limits (could be different for some bands). This is consistent with the public interest being served in terms of minimization of potential for harmful radio interference and control of exposure to non-ionizing radiation. The higher power limit for *general* license does need the topics of radio interference and human exposure to non-ionizing radiation to be included in the qualifications. Once again, personal proficiency with Morse code has no rational relationship with safe and effective use of amateur spectrum.

8. That granting of waivers to persons with disabilities is a form of “reverse discrimination”:

It is understood that the FCC grants licenses with a waiver for a Morse code element to candidates (with medical certificates) who can show they have disabilities that preclude being able to pass a Morse code test. With respect, such granting of waivers reinforces the evidence that “the Morse code requirement” is a bogus affair if a person with disabilities is considered to be able to access and use certain radio spectrum with no proof of Morse code proficiency, when others are treated differently and denied access. If a person with disabilities can safely and effectively use amateur spectrum with little or no Morse code proficiency (and that is evidenced by the lack of any problems reported concerning operators with disabilities), then others are entitled to similar treatment. This perverse type of “reverse discrimination” would not arise but for the prescriptive nonsense of a dubious regulatory formulation. The ethic of “the law shall prohibit any discrimination” strongly suggests that the way ahead is to desist from restrictive practices without good reason and to have an infrastructure that treats *all* candidates equally and fairly, and certainly with no disadvantage to persons with disabilities. Waiver issues melt away when the basic rules are genuinely fit for the purpose.

9. Discrimination within the amateur service:

Comment would be incomplete without mention of discrimination at personal and other levels in amateur radio. Discrimination on the basis of Morse code proficiency is alive and well in some parts of amateur radio, and there are some strong feelings about keeping others out who are not interested in learning or using Morse code. Decades of indoctrination and discrimination reflect, unfortunately, in some quaint and unbalanced components of current policies and give a false or distorted view of what amateur radio is, and could be, as seen from a public perspective. Surveys on Morse code issues amongst incumbent licensees can be expected to reflect many polarized views, with those respondents who have passed a Morse test tending to support a Morse code requirement, and those who have not passed a Morse code test tending to reject a Morse code requirement. The higher the qualifications and privileges, then generally the higher the sensitivity to protection of self-interest and generally keeping others out. The existence of polarization can be found in the responses to the ARRL survey, and surveys done in other countries.

Polarization of viewpoint at a personal level will probably continue for many years. The views amongst the overall population of amateur operators appears to be more of a “split vote” on removing a Morse code requirement, however some organizations have a knack of disguising results and using camouflage explanations to try and keep traditional practices unchanged. This is a case where a government should decide in the public interest, **including human rights issues**. Fair application of “the law shall prohibit any discrimination” will have a big impact on modernization of amateur radio and associated rulemaking, even if some individuals and some non-government organizations continue to have a preference towards discrimination of others.

10. Deregulation in telecommunications:

Amateur radio should be generally consistent with other radio services. Worldwide deregulation in telecommunications generally involves aiming at having “level playing

fields” for participants and minimizing prescriptive regulations. In the USA the government has been a leader in the deregulation process to introduce competitive service providers for public telecommunications.

The Internet is an example of a publicly accessible communications media of an international scale that is contemporary and popular. There are no formal qualifications needed for individuals to connect and communicate as they choose. It would be ludicrous to require users to show they had first passed a DOS test before being allowed to use a personal computer, or to pass an ACSCII code test before they were allowed to access the Internet. As for most forms of human communication, there is no meaningful result without the use of language, and again English language seems to be the most used for web sites and information broadcasting on the Internet. Whatever practices are used, individuals are free to exercise personal preference and enjoy the benefits of modern communications media. If Morse code was an effective “international language” like some claim then it would be expected to have natural usage for international intercommunication by means of the Internet: however there is no such support or popularity, and can be taken as another public reaction to any Morse code requirement being a bogus requirement. This also serves to show that codes and languages are quite different, and even more tenuous to try to associate with licensing.

There is also rapid expansion occurring with personal communications services (PCS). Personal mobility of telephone type of communications necessarily involves “cordless” or “wireless” apparatus that use radio spectrum. Public users of PCS know they can easily communicate using radio, even if they know nothing about the technicalities of how it works. PCS provides voice, data and even video services. PCS can be expected to follow the same expansion as with the Internet, as a sought after service that appeals on merit.

The likes of the Internet and PCS allow public benchmarking of what modern radio and communications systems are capable of. It would be easy to suggest extending deregulation to amateur radio, as nowadays there is much equipment of commercial manufacture and even a strong second hand market in commercially made equipment. A complete amateur station can be purchased “off the shelf”. Also the advent of solid state equipment has reduced risk from electric shock compared to using tubes and associated higher voltage power supplies, for those with an attraction to dabbling under the covers. However, while technology changes, some fundamental factors do not, and one that does not change is that amateur licensees are permitted to use variable frequency operation. Variable frequency operation in any of several licensed frequency bands has risks to harmful interference to other radio services. It is likely that some bands are harmonically related to local television channels (varies with location) so it is in the public interest for amateur licensees to be knowledgeable about potential interference and how to minimize arising problems. With the general density of commercial radio services increasing over time, an amateur operator needs to be aware of several potential interference scenarios, including those to their own reception. For safe and effective operation there is certainly a need for more technical knowledge and operating skills than for the likes of the Citizen Band (fixed channels, relatively low power, small bands, so risks are less). Exposure to non-ionizing radiation is another factor for licensees to be aware of and be able to tailor a solution that allows for practical operation while still complying with radiation limit guidelines. Thus there are some issues that will continue to justify that

any candidate needs to be technically and operationally qualified to be issued with a license. As suggested earlier, two categories of license would suffice, with transmitter power output privileges being the main factor in why more qualifications are required to operate with higher power.

There are reasonable limits on the degree of deregulation that is appropriate for amateur radio, while on the other hand there should be no artificial barriers or restrictive practices.

While this submission has described serious flaws in amateur radio licensing regarding discrimination, it is also suggested that in an overall deregulated environment it is “politically incorrect” for a government to “over-prescribe” how the licensees should progress their interests. One of the strengths of amateur radio is with “hands-on learning” and the wide variety of possible subjects. Most amateur radio licensees progress their knowledge and experience over time, mainly arising from natural interest (as in any hobby, but amateur radio has more emphasis on technical subjects). This could be considered to be another human rights issue: **freedom of choice**. The role of Part 97 rules should be as light-handed as is practicable for prescribing qualifications, with the basic objective of setting minimum but sufficient conditions for licensees to be able to safely and effectively use amateur spectrum.

11. Platform for self-training and career advancement:

The contribution of effective telecommunications services to the economy of a nation is high. Commerce is becoming increasingly reliant on information technology and telecommunications. Telecommunications industries will need to maintain levels of expertise to support existing services and to remain competitive with future services. There is an important segment of radio services in overall telecommunications, so the industry will have a need to continue to cultivate technical and other expertise in radiocommunications for many years to come. Amateur radio is a significant source of young persons with technical interests having an avenue for self-training and experimentation before they make choices on careers. The “hands on” aspect of amateur radio experimenting is good for expanding practical and theoretical knowledge of radio and electronics. It is also low cost compared to formal training. This of course also applies to other than young persons, but it is mainly young persons who have the most impact on future careers. The role of amateur radio on influencing career paths that support telecommunications services should not be underestimated. It makes no sense to have rules that keep people (and more particularly young people) out of amateur radio without good reason. A Morse code requirement is rather unconvincing to many young persons who are literate in computer and Internet matters.

12. Discussion on the threat of spectrum crowding:

The possible fear of some for “dropping the Morse code requirement” is that there could be an upturn in use of certain bands. As mentioned multiple times above, this attitude is discrimination without good reason, so is hardly a valid ground for incumbent licensees claiming exclusivity. In any case, inspection of trends in amateur license numbers shows that a turning point in popularity occurred in many countries, including the USA, during the 1990s. The average age of amateur licensees seems to be increasing year-by-year because of reduced recruitment of younger persons, and attrition in an aging group has some predictable outcomes. There are probably a combination of factors at play in the turning point in

popularity, including much reduced mystique of long distance radiocommunication, the popularity of recreational computing and ease of surfing the Internet. There is no convincing evidence that amateur spectrum crowding has been or will be a problem, and could hardly be the case if numbers are reducing. Amateur radio operation is purely voluntary and operating densities adapt to prevailing circumstances. There is no reason why new technologies can not be developed that result in better spectrum utilization than at present (this is happening in other radio services, adapting to providing satisfactory operation in finite allocations of radio spectrum). Individual licensees continue to make personal choices. Thus there appear to be no convincing reasons as to why there should be policies to restrict numbers of amateur licensees who can access any band. In any case there should be no discrimination without good reason. The role of a government is to implement fair and reasonable processes for members of the public to qualify to become amateur radio licensees. The government does not attempt to place limits on the number of Internet or PCS users, and likewise should not try to limit the number of amateur radio licensees without good reason. Even if some governments may have good reasons to limit access, there is no good case in support of international restrictions.

13. International issues:

A bogus Morse code requirement permeates several layers of administrative arrangements. This is alleged to result in direct and indirect discrimination without good reason, in international and national regulations, as well as what are generally called “reciprocal agreements” for operation in foreign territories. Beginning with removal of S25.5, the bogus requirement needs to be systematically removed from national laws and various inter-government agreements. The stimulus to do so is the UN International Covenant on Civil and Political Rights ethic of “the law shall prohibit any discrimination”, as agreed to by at least 132 administrations. The continuing presence of S25.5 in ITU regulations, in apparent contradiction to the UN Covenant, is alleged to be offensive for a United Nations affiliated organization. As well S25.5 presents ethical questions to all ITU member administrations who also uphold the International Covenant on Civil and Political Rights.

While review of Article S25 is likely to become an agenda item at a future ITU conference, it is quite clear that review of the whole of Article S25 involves debate on text amendment and replacement so there are complicated editorial implications (noting that the ITU uses multiple languages). On the other hand, it is also quite clear that S25.5 is very easy to deal with, by **simple deletion**. Deletion is clear in any language and anywhere where discrimination is to be prohibited in any law. On this basis, deletion of S25.5 can and should be completed at the very next ITU conference, and review of the substantial remaining parts of Article S25 can take its course in being programmed at a suitable future conference, as it does not have the urgency or simplicity of solution that applies to S25.5.

14. Moving forward:

The FCC NPRM is perhaps the thin end of the wedge in how to improve amateur radio administrative arrangements, as there are many direct and indirect issues from a bogus Morse code requirement, extending internationally. Human rights issues need the most attention in amateur radio rulemaking. To simply adjust the present incentive licensing arrangements, as outlined in the NPRM, will fall well short of what is actually needed. While interim

adjustments could be made, that would amount to tinkering in an already flawed arrangement, and in any case the allegations of discrimination have legal implications regarding "the law shall prohibit any discrimination".

The FCC should initiate without delay a public inquiry into what amateur radio license qualifications are genuinely fit for the purpose, in modern times.

Bob V...
20/11/98