

**Before the
Federal Communications Commission
Washington, D.C. 20054**

In the Matter of)
)
The Amateur Radio Service:)
Proposed Changes to the Morse Code (CW)) **RM-10811**
Proficiency Requirement for Operator)
Access to the Amateur Radio Bands)
Below 30 MHz)
)

To: The Commission

**Reply Comments in Rebuttal to Comments of Scott Bauer
Made on 31 October 2003 On The Above Petition**

I, Leonard H. Anderson, respectfully wish to make some general Comments to Mr. Bauer's comment statements. I make these as a private citizen, as a professional electronics design engineer retired from regular hours, as a U. S. Army Signal Corps veteran who began in HF radio communication in 1953, and as a long-time radio and electronic hobbyist who has never had any amateur radio license or ever tested for same, nor has any affiliation with amateur radio organizations or businesses or publishers.

Allegation That Removal Of Morse Code Testing Removes A Reserve Pool Of Trained Operators.

On page 1, third paragraph, Bauer writes: "*Failure to keep Morse code testing part of the licensing structure undermines many core activities integral to the Amateur Radio service and nullifies one of the principal objectives of the Service, i.e. to train a ...'reserve pool of qualified operators and technicians.*"

What possible "pool" would that be? Except for Maritime Radio Service, no other United States civil radio service nor any U.S. military branch uses Morse Code modes. The Commission does not mandate use of Morse Code over and above any other allocated mode, any class of license. Those that are

legally capable of Morse Code mode operation below 30 MHz have **already** been tested and passed for Morse Code proficiency.

The Commission is obliged to regulate United States civil radio services for the maximum benefit of all citizens, not just for a minority group to have their own exclusive “pool.”

Allegation That Young People Are Drawn To Morse Code With High Interest In It

This is a specious claim bolstered by no scientific or statistical data done by disinterested parties.

Bauer, on page 1, paragraph 5, writes: *“I have given many presentations about Amateur Radio to civic groups and the Boy Scouts of America and the Morse code demonstration is the most intriguing part of Amateur Radio to young people. Young people like Morse code and Morse code is actually drawing young people into Amateur Radio and not the opposite that some suggest.”*

While I have no doubt that Mr. Bauer has made many presentations, I doubt his personal claim is verifiable on a national basis. Bauer is not a disinterested observer capable of objective views on Morse Code being “well liked.”

The Commission is not obliged to consider only “young people” (presumably under age 18) for licensing. There are **no age limitations in present amateur radio regulations**. The Commission is obliged to consider the desires and abilities of **all citizens regardless of age**. If Bauer wishes to introduce some age structure into the regulations, he should petition the Commission separately and not confuse it with Morse Code testing.

Allegation That Morse Code Testing Continuation Is A Desire Of The Majority Of Amateur Radio Operators

That claim is made by Bauer on page 1, paragraph 10, on page 2 last paragraph, and again as the last paragraph on page 3. This claim is unverified by any stated poll or other survey. The seven petitions essentially against Morse Code testing, RM-10781 through RM-10787 along with 2,443 Comments on

those seven petitions indicate a different “desire.”¹ Of the seven petitions essentially for continuation of Morse Code testing, RM-10801 through RM-10811, 1,703 Comments do not qualify as any “majority.”² The Comment period of the first seven petitions are over and the second seven petitions is not over until 7 November 2003.

It would be more correct to say that opinion as to retention or elimination of the Morse Code test is **split** and decidedly not any consensus within the “amateur community.”

That raises another point. Is the Commission obliged to decide solely on the basis of comments from **within** the “amateur community” or should it act for the benefit of **all citizens?** I would say the latter considering it accepts comments both formally and informally on **all other radio services**. The Commission is not obliged to be a custodian of any amateur radio fraternal organization whose rules are set solely by the “membership.” Bauer seems confused as to the differences between a federal government agency’s regulatory duty and the wishes of an essentially-fraternal-order membership organization such as the American Radio Relay League (ARRL).

Allegation That Amateur Radio Activities And Standards Are Different Than All Other Radio Services, That Those Other Services Are Irrelevant

Bauer on page 2, paragraph 5, states: *“The argument that other commercial and military services have dropped Morse code is of no relevance to Amateur Radio, since those services are distinctly different with different obligations and requirements, and this premise should be dismissed as irrelevant to Amateur Radio.”*

While it is certainly correct that U. S. amateur radio service is different than Mass Media broadcasting and quite unlike radio-control of model aircraft and cars (Part 95, Title 47 C.F.R.), **all radios work by the**

¹ Totals of Comments taken from the Commission’s Electronic Comment Filing System after the close of office hours on 31 October 2003.

² RM-10811 has drawn the greatest number of Comments of all 14 petitions so far but over half of the total of 788 Comments on RM-10811 are single-sentence “I support FISTS” variety. Such single-sentence comments were encouraged by the FISTS’s site webmaster.

same principles of physics. Electrons, fields and waves are not somehow changed by human legislation or arbitrary human designation of operating frequency bands.

That other radio services have dropped Morse Code mode use or never considered it for radio communications should be a clear indication as to the efficacy of Morse Code as a communications tool.³ Such efficacy cannot rate very high if it has been turned down or never considered. On-off keying telegraphy was only the first mode of communications over radio due to its half-century existence on land and early, primitive radio could not communicate effectively any other way.⁴ Considering the primitive technology of a century ago, being the first mode then has **no** bearing on being the best mode now.

All those radio amateurs who have been tested and passed, are proficient in Morse Code, have all the freedom the law allows to use and enjoy that mode. The CW-only or CW/Data sub-bands will not disappear if United States amateur radio regulations eliminate the Morse Code test...long-timers' licenses will not be revoked because they took any code test in the past. The task of the Commission is to regulate all U. S. civil radio and a part of that regulatory task is licensing and setting regulations for license testing. Such license testing affects **only** those who are interested in amateur radio now and in the near future.⁵

The task of the Commission should not be one of providing emotional sustenance solely for those already-licensed favoring a particular mode. The Commission should rightfully serve all the citizenry and consider the uncountable number who might be interested in an amateur radio license in the near future.

³ Maritime Radio Services, Part 80 Title 47 C.F.R., still permit radiotelegraphy. However, any formal or informal observation of the type of radio communications on water vessels will find that the majority use voice via VHF and HF, and data modes on HF such as one of the "TORs" (Teleprinter Over Radio).

⁴ The first Morse-Vail Telegraph System circuit was between Baltimore, MD, and Washington, DC, first used in 1844. The first public demonstration of radio as a communications medium took place in 1896, both in Italy and Russia, 52 years later.

⁵ Also those previously licensed who have failed to renew within the maximum period of license grants as established by regulations.

Allegation That Morse Code Testing Is Somehow Related to Citizens Band Radio

Bauer writes on page 2, paragraph 9: *“The Federal Communications Commission FCC must not let Amateur Radio turn into another citizen’s band. The FCC while having good intentions at the time with the technology of the time, created a monster in allowing a citizen’s band to be created in the 26 to 27 MHz spectrum. The citizen’s band is an embarrassment to the FCC and to the USA and cannot be repeated by eliminating the Morse code requirement for Amateur Radio.”*

Bauer is referring to “Class D Citizens Band” radio which was established in 1958 along with “Class C” intended for telecommand of model aircraft, cars, and boats. Class D was voice communications on 23 fixed frequency channels from 26.965 to 27.255 MHz in groups of four fixed frequencies, interleaved with Class C fixed frequencies, both sharing 27.255 MHz. There was **never** any license **testing** for Citizens Band Radio Service, Classes C or D. A station license was obtained by filling out a simple form, similar to the Restricted Third-Class Radiotelephone License permit, and submitting it to the Commission. All radio transmitters were required to be type-accepted. License requirements were later dropped by the Commission and number of fixed frequencies increased to 40.

By comparison, United States amateur radio regulations have **always** required **testing**, including the first U. S. radio regulatory agency organized in 1912. Formal testing of radio amateurs has been required for 91 years and any U. S. amateur radio license having below-30-MHz privileges has **always** **required Morse Code cognition testing.**

Prior to 1958 United States radio amateurs were allocated a narrow “11 meter band” approximately where today’s “CB” fixed frequencies are located. The Commission decided that this small bandspace was relatively unused compared to the 28.0 to 29.7 MHz “10 meter band” (still allocated in 2003) and reassigned it to Class C and D Citizens Band. There was a general feeling of emotional disturbance among licensed radio amateurs of 45 years ago, especially with **no formal testing for a license, no need to prove any Morse Code proficiency to be on HF!** Apparently this emotional disturbance continues with many long-time U. S. radio amateurs, even those who were not licensed in any

radio service 45 years ago.

Citizens Band Radio Service is **not a subject for consideration on these 14 petitions.** Bauer's particular comment in this regard should be disallowed.

A Summary And Conclusion

There is no valid reason for retention of the Morse Code test in United States amateur radio for either technical or legal reasons. Retention of the Morse Code test only serves as emotional sustenance of those already licensed in the amateur radio service who will never again be expected to take any test in their lifetimes.⁶ Retention of the Morse Code test provides a barrier to uncounted numbers of future Americans who are interested in the communications and technical aspects of amateur radio, not in becoming members of a living museum of old radio skills.

The Commission must continue to look towards and prepare for the future for **all** Americans, not to satisfy a minority of amateur old-timers. The future is full of promise for Americans as we are a nation of innovators, of pioneers in technology, especially those of radio and electronics. Change is inevitable. The Morse Code test has proved its worth in the past. We no longer live in that past. Those who have become proficient in Morse Code should feel secure that they have accomplished a personal task and met test requirements of older times. However, such individual personal accomplishments have no basis for demands that all others emulate them in testing in the future, nor subscribe to their personal desires or imaginations. I urge the Commission to discontinue the Morse Code test for any amateur radio license for the benefit of all, present and future. It is time for that change.

Respectfully submitted electronically this 1st day of November, 2003.

Leonard H. Anderson
10048 Lanark Street
Sun Valley, CA 91352-4236

Life Member, Institute of Electrical and Electronic Engineers
Veteran, United States Army, Signal Corps, 1952 to 1960
retired (from regular hours) electronic engineer person

⁶ Provided they renew within the regulatory grace period.