

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

In the Matter of)	
)	
The Amateur Radio Service:)	RM-10805,
Proposed Changes to the Morse Code (CW))	RM-10806,
Proficiency Requirement for Operator)	RM-10807,
Access to the Amateur Radio Bands)	RM-10808,
Below 30 MHz)	RM-10809,
)	RM-10810, and
)	RM-10811
)	

To: The Commission

**Reply In Opposition To The Comments of Dave Perry Made On 6 November
On The Petitions For Rulemaking Retaining Morse Code Testing**

I, Leonard H. Anderson, respectfully wish to make some Comments to Mr. Perry's seven Comments. I make these as a private citizen, as a professional electronics design engineer retired but only 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, businesses, or publishers.

Perry's first paragraph states: *"It is important to remember than Citizens Band Radio was an earlier attempt at creating a Morse Code free "Amateur Radio like" service. Experience has shown that those that are attracted to such a relatively effortless license are those that have little respect for FCC rules and regulations with regard to proper licensing, power levels, band width limitations, band edge limitations, interference with other services, transmitting false and deceptive signals, profanity, etc."*

In actuality, Citizens Band Radio Service was created 45 years ago with four classes, A through D. Licenses were required from the Commission for several years afterwards. What is now known familiarly as "CB" was originally Class D and was restricted to 23 fixed carrier frequencies, amplitude modulation with a limitation of 5 Watts. Most of the 23 fixed carrier frequencies were in the former, relatively unused amateur radio 11 meter band which was reallocated to Class C (radio control) and Class D CB. No test was required for a Class D license; regulation formality required only a simple application very similar to a Radiotelephone Restricted Third Class Operator license. In the time after creation, the Commission removed the necessity of formal licensing and increased the number of fixed carrier frequencies to 40 and giving those 40 the alternate name of "channels" (appropriate to colloquial English in regards to radio).

This commenter had a CB license for its first decade, was "properly licensed" according to Commission regulations of that time, did not attempt to alter the RF power output from two different

ready-made CB transceivers, used only quartz crystal frequency control on only four channels.¹

Contrary to contention of the “unlawful” radio operation by many radio amateurs of four decades ago, the CB radio activity in the Greater Los Angeles area was benign, friendly, with interference only from certain locations having Industrial, Scientific, or Medical equipment radiating over most channel frequencies. There were few cases of real emergencies in the Greater Los Angeles area that required additional radio services’ help beyond the existing public safety radio services of that time.

What is remarkable is the bitterness and resentment of many radio amateurs of 45 years ago that mere civilians were able to access any part of the HF spectrum without “proper licensing” such as a written test and a Morse Code proficiency test!² Some of that bitterness and resentment persists today and is found in many comments on the 7 Morse Code Test petitions, RM-10805 through RM-10811.

Perry states in paragraph two: *“Removing the Morse requirement will inundate the Amateur Radio service with millions of untrained, disrespectful, uncaring non-operators which will create a market for cheap import high frequency radios which will be snapped up by every truck driver, teen aged miscreant, drug dealer and even possible terrorist across the country.”*

The exaggeration in the above doomsday prophecy defies comment.

Perry states in his paragraph 6: *“The Morse code requirement is neither punitive nor discriminatory. It is not equivalent to learning a new language with thousands of words to retain but rather to relearning the alphabet. Mastering 26 new sounds for the letters and 10 new sounds for the number from zero through nine is certainly not an insurmountable obstacle. It has been accomplished by the very young, the very old and the disabled alike. It is of primary importance in gauging the desire and determination of the applicant to fulfill the basis and purpose of the Amateur Radio Service as laid out in Part 97.1.*

The Commission’s lawful task is to regulate all United States civil radio. As a part of that task, the Commission has chosen amateur radio operator licensing as necessary regulatory tool for U. S. amateur radio. The Morse Code **Test** has existed since the first United States radio regulator agency beginning in 1912. In all of the pre-WW2 years, there was sufficient justification for maintaining the Morse Code **Test** for radio amateur licensing. In the years following WW2 the justification began eroding with the appearance of more technologically advanced equipment and modes of communication. Finally, by 1990 the Commission put forth FCC 90-53 for the creation of the **no-code-test** Technician class amateur radio

¹ First license callsign was 11W8893. The Commission later revised CB callsign nomenclature to follow international convention with a leading K alphabetic character. The first few years’ models of CB transceivers did not have full 23-channel selection capability, required quartz crystal frequency control of both receiver and transmitter sections of transceivers, switch selectable from the front panel. This commenter already possessed a First Class Radiotelephone (Commercial) Radio Operator License granted in 1956, and was able to perform tests and alignment and repairs as needed without any addition license specified in Commission regulations.

² This commenter served in the U. S. Army’s Far East Command Headquarters primary communications station ADA in Tokyo, Japan from 1953 to 1956. ADA operated on HF with 43 HF transmitters using only TTY and voice modes. No on-off keying “CW” mode was used in any of those trans-Pacific radio circuits. No Morse Code proficiency was required to operate, repair, or supervise operations in that 24-hour, 7-day-a-week primary communications facility.

license and that has remained and grown since 1991.³ Without that license class, the number of licensed United States radio amateurs would have shrunk from their 1991 total to today's 680 thousand.

It is irrelevant and misdirective to state that "anyone" can learn Morse Code. Obviously, not all can.⁴ **No one should have to pass any Morse Code Test today in order to be granted a radio amateur license of any class.** The Commission has already commented on the Code Test as not being relevant to their task of regulating amateur radio and kept it only because of the United States administration membership in the International Telecommunications Union (ITU) and the regulations of S25 on international amateur radio.⁵ After the July, 2003, World Radio Convention (WRC-03), S25.5 has been revised to allow each administration to independently set their own standards for amateur radio licensing for license classes allowing below-30-MHz privileges. The Commission is free to decide whether or not to eliminate the Morse Code **Test** from its regulations. It is **not** up to the desires of already-licensed long-timers in the amateur radio "community" to decide what is best for United States amateur radio in the present and the future. All United States citizens should have the chance to petition their government for the redress of grievances.⁶

Just how is Morse Code proficiency some kind of "gauge" of "desire and determination of an applicant to fulfill the basis and purpose of 47 C.F.R. § 97.1 as indicated by Perry? He does not explain this, apparently thinking it is an article of faith that none may question. All United States laws and regulations are made with the expectation that all citizens will honor them.

Regardless, the Commission is not required to be any "booster" or "keeper" of U. S. amateur radio nor is the Commission an academic organization awarding degrees and honors to radio operator licensees, nor is it empowered to become some "motivational regulator" of individuals applying for amateur radio licenses. Neither is it required to preserve and protect old operator skills in radio. The Commission is a **regulating agency** for United States civil telecommunications.

Perry states in his last paragraph: *"Any action on the part of the FCC to remove the Morse requirement will result in the destruction of the service as it has been since its inception and create an unmanageable chaos. The genie will not be easily placed back in the bottle. Simply put, dropping the Morse requirement would be a blatant violation of public trust."*

United States amateur radio has been federally regulated since 1912. Perry is invited to research

³ That is in excess of 200 thousand new licensees in a mere 12 years. Note: The few public Internet websites have differences in tabulation methods to bring forth an exact numeric value; there is some suspicion that such variance seeks to disguise the number of Technician class license by merging their numbers with other classes. The Commission's ULS databases are too large to permit easy access via conventional dial-up ISP.

⁴ The U. S. Army instituted a number of aptitude tests for recruits, beginning in WW2 and continuing on to the 1960s. Morse Code was one of those aptitudes. This commenter passed such a test in 1952 but was reassigned to non-code training and eventual military occupation specialty. Such an aptitude test would not be required if "all could learn it."

⁵ Report and Order 99-412, the so-called "Restructuring" regulation change issued December, 1999.

⁶ First Amendment of the United States Constitution. It is strange that so many already-licensed long-time radio amateurs seek to remove our Constitutional Rights when it comes time to instruct the government on how "best" to administer amateur radio.

the similar doomsday prophecies of amateurs of the 1920s when amateurs were forced to operate at radio wavelengths shorter than 200 meters...or when “spark” (damped oscillation) was forbidden from radio frequency generation-transmission at a later.

Keeping the Morse Code **Test** is a “blatant violation of public trust?” I think not. Elimination of the Morse Code **Test** is **no detriment to the operation capabilities of already-licensed radio amateurs.** No one is demanding the cessation of Morse Code **use** by licensed radio amateurs. In the United States, all licensed radio amateurs have the **option** to use any allocated mode. The presence of the Morse Code **Test** affects uncountable numbers of future amateur radio licensees who are unable to cognate Morse Code or who don’t care to use Morse Code test or who do not consider the **Test** as necessary.

“Public trust” is **not enabled** by catering to a minority of long-time licensed amateurs seeking self-glorification in the retention of old radio skills, an elitist enclave who are the self-styled-curators of a living museum of old radiotelegraphy skills demanding tithe to enter their exclusive domain. “Public trust” is for **all** citizens of the United States.

The Commission allows many **options** to licensed radio amateurs. That is good. What remains in licensing regulations is the non-option of requiring a Morse Code **Test** for any license having operating privileges below 30 MHz. That is bad, discriminatory, punitive, and pleasing only to a minority of citizens. I will urge the Commission to eliminate the Morse Code **Test**, to make more **options** available. It is time for that change. Option is not a failure.

Respectfully submitted electronically this 7th day of November, 2003.

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