Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington DC 20554

In the Matter of	**)**	**RM-10867**
Amendment of Part 97 of the	**)**	
Commission's Rules Governing the	**)**	
Amateur Radio Service to Implement	**)**	
Changes to Article 25 of the International	**)**	
Radio Regulations Adopted at the 2003	**)**	
WRC Meeting.		

A Reply to the Comments of The Society for the Preservation of Amateur Radio (SPAR)

I, Albert J. Schramm, am a licensed amateur and an annual member of the American Radio Relay League. I enjoy no position or privilege beyond that of any other annual member of the League. The statements I put forth in this filing are my own and not necessarily those of the League or any other member thereof. I have already filed a comment on RM-10867, and come now before the Commission to rebut a comment I feel warrants challenge.

The so-called Society for the Preservation of Amateur Radio (SPAR) describes itself in its comment on RM-10867 as "a non-partisan group of concerned amateur radio operators working together to ensure the vitality of the Amateur Radio Service as defined in 47 CFR Part 97…." SPAR operates a site on the World Wide Web with the URL www.spar-hams.org. The site features a mission statement, a forum and two unfinished pages offering tutoring for licensing classes of Technician and General. The precise nature of the tutoring to be offered is not clear since the pages remain under construction and no schedule of completion or availability of tutoring is made available at that URL. The forum membership as of the date of this comment lists a total of 128 registered forum participants.

The introductory "credo" paragraphs in SPAR's comment on RM-10867 establish higher expectations than their specific objections to the content of the proposal would seem to merit.

Detailed Objections Cited by SPAR.

1. Automatic upgrades of Technician to General;
2. ARRL submission without member input;
3. Removal of telegraphy testing for General;
4. Perceived enforcement issues that would result from RM-10867.

I do not desire to waste the Commission's time with needless rhetoric, so I will briefly reply to these stated objections with minimal reference to the original comment, as filed and now available on the ECFS website.

Advancing to the rear.

The overall thrust of SPAR's objections is based on their own narrowly defined interpretation of the technical nature of amateur radio and what precisely constitutes a "skilled operator" or a "technician" within the context set forth in Part 97. SPAR uses the narrowest definitions of these terms and such other buzz words (e.g. "advancement of the radio art, advancing skills, technical phases, electronics 'experts,' etc") to move the discussion plane to a level largely inappropriate to the current state of communications arts.

In short, they seek to redefine the directions of newer communication technologies in a manner that would revivify a mandated adherence to outmoded techniques and to overemphasize the difficulties inherent in modern, safe operation of today's equipment. There is no need here to waste time and space with a point-by-point rebuttal of SPAR's ideas of clinging to tests and testing modalities that are becoming less relevant with each passing year. *The sole remaining relevancy would seem to be the continued preservation, not of amateur radio, but of some current amateur radio elites' prerogatives.*

The amateur license must be regarded as an invitation to participate, to learn and to develop skills and experience beyond that now available to the current entry level. Telegraphy testing is now nothing but a barrier that SPAR would see retained; I do not doubt that they would eagerly ask for an increase in that barrier if they thought that such a request would have the least chance of being accepted.

The Telegraphy Gambit.

Reading through the points offered for retention of telegraphy testing in the SPAR comment is a perusal of a wondrous assortment of red herrings arranged in an almost Gothic romance of increasing desperation that leads to SPAR's conclusion that there should be a moratorium of five years before this issue is revisited.

Contrast the changes in data modes that have taken place over the past five years and extrapolate those leaps with what could be possible during the coming five years. Morse code as a mandated testing technology is dead. That it should be maintained as one of several modes of operation, and even to retain it at the top level, a level that should be comfortable with every mode, is an advantage to everyone; but the era of using it as a means of fencing out new blood is past. That it is retained as a required mode by no modern services dependent upon fast, accurate and sure radio communications is a telling factor, and one that should not be underweighted in the decision to remove Element 1 for General.

Enforcement Issues.

Here, again, SPAR inevitably returns to the value of Morse code testing as a means of avoiding the "potential to change the service in negative ways." SPAR

sees removal of code testing as such a “drastic step” that they would have the Commission create an HF ghetto, walling off any and all no-code “lepers” from the rest of the amateur community so that, “if bad things are going to happen,” they will be quarantined in some safe manner that, again, will insulate the preserve of the elite from the unwashed. The effect is no less desirable, and only somewhat less reprehensible in my view, than were the laws against so-called miscegenation that forbade commingling of races in years now happily long past.

No one has yet shown conclusively that the current enforcement problems now affecting certain of the HF bands are not being caused by licensed amateurs, and some of elevated classes, and not solely by pirates and other illegals. There is no reason to believe, nor evidence to support a thesis that these violators are “no-coders.”

Conclusion.

On the basis of the comments of six men purporting to represent as many as 128 presumed members, SPAR urges the dismissal or denial of a proposal put forth at the behest of the nation’s largest and only true representative of the interests of **ALL** amateur radio operators, an association of more than 150,000 members. Though I have not performed a thorough tabulation, the comments filed for RM-10867 as of the date of this submission greatly exceed the most optimistic membership numbers of this “Society,” and those in support of the ARRL’s proposal greatly outnumber this total by a prime factor, at the least.

It should be further noted that this star chamber of six would arbitrate the license status of as many as 323,000 (by their comment citation, which is certainly too high when viewed as a number of potentially active and interested licensees) without polling them to determine how they would regard this arbitration by fiat. Isn’t that just the sin of which they condemn the ARRL so harshly?

I continue, as before, to urge the Commission to adopt RM-10867 in every detail as rapidly as possible.

Respectfully submitted, May 3, 2004,

/s/ Albert J. Schramm, W3MIV