

W5YI

National Volunteer Examiner Coordinator

REPORT

Up to the minute news from the world of amateur radio, personal computing and emerging electronics. While no guarantee is made, information is from sources we believe to be reliable. May be reproduced providing credit is given to The W5YI Report.

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★ In This Issue ★

No-Code: Searching for a Consensus
FCC Acts to Revoke WB2PTI License
Harrison, WB2PTI Writes from Prison
Radio Officers Needed in Persian Gulf
ARRL Initiates WARC-92 Fund Raiser
August VE Program Statistics
Canada Restructures Ham Service
Colvins operate from Tanzania
Soviet Hams and U.S. Green Stamps
FCC Hits K1MAN with \$1,500 Fine!
STS-35 SAREX Delayed until 12/1
FCC Issues New Form 610
Those Handicapped Code Waivers
...and much, much more!

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NO-CODE REPLIES: SEARCHING FOR A CONSENSUS

The period for reply comments in PR Docket 90-55 closed on September 7. At presstime, the FCC had placed the words of seven reply commenters into the official docket. FCC staff members now face months of study, sifting through numerous phonebook-sized binders of comments ...to determine the consensus of the amateur community towards the Communicator no-code license.

Most comments seem to support adoption of a no-code license, though not necessarily the one promoted by the FCC and/or ARRL. Virtually no one wants to see the Novice and Technician class licenses deleted. It's still an open question, however, whether the FCC will be able to pay for all the applications processing in the service if these two license classes are not discontinued. Most commenters who mentioned band privileges object to limiting Communicators to frequencies above 222 MHz.

Although all filings purportedly receive equal consideration, the reply comment of ARRL carries obvious weight in the matter. The League used its reply to argue that the Novice and Technician classes should be retained; to criticize the comments of the Amateur Radio Industry Group; and to extensively refute those who believe Communicators should have access to 2 and 6 meters. Organizations supporting full VHF/UHF privileges

for Communicators include the *Quarter Century Wireless Association*, the *Amateur Radio Industry Group*, *Tucson Amateur Packet Radio*, the *VEC's* and the *National Amateur Radio Association*. AMSAT wants Communicators at least to have sufficient privileges to operate satellite communications.

"The League does not believe the Morse Code requirement to be a significant impediment to growth in the Amateur Radio Service, or that a codeless license is the key to the continued vitality of the Service," it said. "Neither is a codeless license the solution to efforts by other radio services to usurp amateur radio frequencies. Finally, it does not believe that the Amateur Radio Service is in a state of decline." ARRL explained that other factors, such as public awareness of the service, are probably more important to growth than regulatory barriers or incentives.

"From January until the end of June, 1990, there were 16,265 newcomers [the FCC published 16,215] to the service. Extrapolated to the full year at the rate of influx for the first six months of 1990, some 32,000 new licensees would be added to the rolls this year," the League said.

[Editor's Note: That is true if the rate of influx would remain the same. But it doesn't. Historically about 60% of new licensees are added

during the January to June peak training/hamfest period. Thus the number of new licensees will be closer to 27,000 for Fiscal Year 1990. The ARRL also disputes FCC's figures and mentions "...erroneous Commission licensing data, which resulted from computer software problems, now solved." In any event, see *Table No. 1* for the number of new amateur licensees as reported by the FCC for the last four years by month.

The League also fails to acknowledge that the total number of amateurs reported by the Commission is drastically overstated due to the impact of the ten year term license initiated in January 1984. The effect of this action was to produce no "drop-outs" between Dec. 1988 and Dec. 1993. Consequently all amateurs are automatically renewed for another five years.]

Table No. 1:

Month	FY-87	FY-88	FY-89	FY-90
October	874	882	923	1811
November	1404	1131	1769	1244
December	1826	2582	2144	2170
January	2248	1189	2234	2671
February	1889	1624	1274	1941
March	795	2733	2147	2727
April	2950	2195	2821	2658
May	6797	3002	3302	4284
June	1850	1494	2003	1934
July	870	1842	1601	2003
August	918	1347	1488	
September	1917	1059	1359	
TOTAL:	24338	21080	23065	23493

New amateur radio licenses by Fiscal Year as reported the FCC's Licensing Facility in Gettysburg, PA. A new license is defined at the first license held by an amateur operator. While 90% of all new applicants enter at the Novice level, so far this year 47 licensees (through July 1990) have joined ham radio at the Amateur Extra Class!

220: Scare tactic?

ARRL argued that there is no relationship between no-code and the 220-222 MHz subband takeaway. Instead of a perceived weakness in the Amateur Service, the League said that the takeaway was due to erroneous FCC assessment of the need for

land mobile spectrum: "Any discussion of the benefits and drawbacks of a codeless license class cannot honestly be related to that proceeding, nor should advocates of a codeless license class utilize that proceeding as a 'scare tactic'."

[A previous FCC bureau chief, Bob Foosaner, is said to have unambiguously announced -- at an ARRL national convention -- that a 220 takeaway would happen if amateurs reject no-code. See the KA9Q interview in our July 1, 1990 issue.]

ARRL described the takeaway as "far from final" ...even though the FCC has denied numerous *Petitions for Reconsideration* and will issue rules for the commercial/governmental use of the segment this winter. ARRL goes before the U.S. Court of Appeals in November to make its last-ditch arguments to retain 220-222 MHz for amateurs.

ARRL suggested that additional costs to the FCC that might arise from adding the Communicator class could be offset by centralizing all amateur exam administration in the VEC program.

At the same time, it said "The Commission offers [in the NPRM] no cost figures, nor any other basis on which costs of various implementation plans can be determined. ...[N]o one in this proceeding is capable, due to a lack of information, of determining what actions the Commission could take which would be 'resource-neutral' and which would not."

Limited privileges don't isolate

The League said "there appears little consensus" about Communicator license privileges below 220 MHz. "To grant to Communicator class licensees all VHF and UHF privileges leaves precious little incentive to upgrade one's license class. It is inherently a bad idea," ARRL said.

"Any allegation that access to all amateur frequencies above 220 MHz would somehow 'isolate' amateurs is spurious; it ignores the immense present amount of amateur activity in those bands."

WOULD YOU LIKE TO BECOME A VOLUNTEER EXAMINER?
Under the V.E.C.'s Reporting Program, you can have your Extra Class license revoked or suspended, and a SASE operator license revoked or suspended. I do not own a significant amount of ham radio equipment.

W5YI REPORT

National Volunteer Examiner Coordinator

Page #3

October 1, 1990

Tandy/Radio Shack

The only commercial entity with reply comments was Tandy Corporation, which operates the Radio Shack store chain. Tandy told the FCC that it is considering expanding its line of amateur transceivers; therefore, PR 90-55 is likely to affect its business interests.

Tandy commented, "Many young people today are attracted to the personal computer before and in lieu of amateur radio because, among other things, the personal computer does not require an operator license. Others may perceive the code requirement simply as unnecessary and are unwilling to invest their time in learning what they perceive to be an irrelevant, outmoded skill.

Whatever the reason, the fact remains that expanded participation in the service must occur, and the proposed concept of a codeless license would be a major step in achieving this goal."

The company opposes the FCC proposal to limit Communicators to 222 MHz and above: "Such an approach...would isolate Communicator Class licensees from mainstream ham operators which, in turn, would suppress maximum development of new amateur radio entrant abilities. ...Such a result could taint the Communicator Class as a 'quasi-amateur radio class' and thus not encourage the entry of new licensees."

Tandy also made the interesting point that "Restricting the operating privileges of Communicators as proposed could also discourage the sharing of technical information between Communicators and more advanced licensees."

Public-safety comments

The Associated Public-Safety Communications Officers Inc. (APCO) represents police, fire and other law-enforcement and emergency communications personnel. APCO supported a National Amateur Radio Association proposal to grant Communicators some limited CW privileges at 1.8-2.0 MHz.

However, APCO said it is of "critical importance"

that the FCC keep Communicators out of "bands used for emergency communications, at least until the new Communicator Class proves its worthiness and reliability."

In its original comments, APCO had said that Communicators shouldn't be allowed to use 144 and 440 MHz because the "potential for misuse...[carries] more importance than added manpower [for volunteer communications assistance]."

Individual Amateurs

Ethel Smith/K4LMB, editor of the Washington, D.C.-area ham magazine *Auto-Call*, commented that "Using 'bait and switch' tactics to attract technically-oriented people really isn't playing fair. The no-code entrance level 'baits' them but then immediately switches to require 5 WPM code proficiency before they can qualify for full operating privileges. ...Start a dual ladder approach [technical and operating] above the Novice license and remove any further code requirement beyond the 5 WPM entry level for those progressing up the technical ladder."

Robert J. Carpenter/W3OTC commented that no-code will create the likelihood that "utter and complete ignorance of CW will breed an underclass of amateurs who blunder about the amateur bands unable to comprehend what those beeps are."

Through content analysis of amateur publications, such as the *Radio Communication* journal in England, Carpenter claims to have discovered that no-code reduces technical ability. "I conclude that the British no-code license is a refuge for less-technically capable people," he said.

William Tynan/W3XO is concerned that massive use of FM in the VHF and UHF bands by Communicators will obliterate weak-signal SSB and CW operations. Opposing many other commenters who believe CW irrelevant to the higher bands, W3XO believes that CW is in fact even more valuable on the UHF and higher bands than it is at VHF ...or even HF. He despaired at not being able to work a station at 1296 MHz because it was not using CW.

Four 5-1/4" 360K disks cover every amateur radio license class. Only \$19.95 plus shipping and handling. **W5YI RPT**, PO Box 565101, Dallas, TX 75356. Satisfaction guaranteed or money back.

What next?

The FCC isn't required to act according to the wishes of commenters. The Commissioners are basically free to take any action they wish to take. As a practical matter, they are certain to adopt the recommendation of Ralph Haller/N4RH, who heads the Private Radio Bureau and is the top official responsible for Amateur Radio.

We believe that Haller personally wants the FCC to offer a codeless license. Several of his predecessors were also known to be strongly in favor of it. But the bureau chief must try to base his recommendation on the record of PR Docket 90-55 -- the comments and reply comments -- as well as on his knowledge of the FCC's inadequate funding and the ever-increasing demands of applications processing, rulemaking and enforcement problems.

FCC ISSUES HARRISON SHOW CAUSE ORDER

The FCC's Personal Radio Branch has issued an **Order to Show Cause** why Michael D. Harrison's amateur license should not be revoked. Harrison, WB2PTI, as you may remember was indicted on August 28, 1989, for fifty counts of mail fraud. The Order is based on his criminal convictions and not on any violation of FCC station operating rules.

The FCC can revoke a license if it determines that a licensee does not have the character qualifications to remain a licensee. "Such a case would indicate revocation of a license rather than suspension," the FCC told us.

If Harrison doesn't ask for a hearing, the Commission will decide whether to revoke the license. If he does request a hearing, the case goes before an Administrative Law Judge. The following is excerpted from the Sept. 18 Order to Show Cause letter to Michael D. Harrison:

"The conviction establishes...that between August 1988 and January 9, 1989, Harrison devised and carried out a scheme to use the mails to defraud amateur radio operators. Harrison placed advertisements for radio apparatus in various publications read by amateur operators. In

response to those advertisements, amateur operators ordered and paid for merchandise which Harrison never shipped.

"In view of his conviction, it appears that Harrison lacks the requisite qualifications to be an amateur service licensee. Harrison's conviction for defrauding amateur operators is clearly relevant to evaluating the likelihood that he will comply with the Communications Act and the Commission's Rules as a licensee in the amateur service. ...

"Section §312(a)(2) of the Communications Act of 1934, as amended, 47 U.S.C. 312(a)(2), gives the Commission authority to revoke station licenses for matters coming to its attention which would have prevented granting the original application.

"Harrison IS THEREFORE ORDERED...to show cause why the radio station license shown in the caption [WB2PTI] should not be revoked. If he wishes to present evidence at an evidentiary hearing before an Administrative Law Judge, he must request a hearing within 30 days from the date of issuance of this Order. A time, place and Presiding Judge for the hearing will be designated later. If Harrison does not request a hearing, the Commission staff will determine, without a hearing, whether revocation is warranted and will consider any written statement he submits."

[The Order was signed Robert H. McNamara, Chief, Special Services Division.]

Background

The twelve page indictment handed down a U.S. District Court Grand Jury for the Eastern District of New York on August 28, 1989, charged that between August 1988 and January 1989, Michael D. Harrison (alias John McNamara and Mike Hanson) "knowingly and willfully" devised a scheme to "obtain money by means of false and fraudulent pretenses and representations" using the mails.

Operating out of a post office box in Lynnbrook, NY, Harrison placed full page ads in *73 Amateur Radio* magazine stating that Atlas Radio and Uniden Electronics had joined forces to market

Only \$9.95 plus \$2.00 shipping charge
Contains all (nearly 2000) questions
multiple choices and answers in every
ORDER FROM:

NEW!!
SATISFACTION

The Radio Amateur's LICENSING HANDBOOK is for everyone
who wants to know about amateur radio license tests, amateurs
who want to know about amateur radio license tests, amateurs

their 2510 ten meter mobile transceiver at \$219.95. Uniden denied having any such arrangement with Harrison. Actually Atlas Radio Corp. had been out-of-business for many years - but was resurrected by Harrison who maintained it was legal since the name was no longer in use.

The new "Atlas" refused to take credit cards "...because the price is so low" and only accepted checks and money orders which were immediately cashed. Harrison also operated from another P.O. box on Long Island under the name of Dentron, another defunct company. Smaller ads were placed in the *Ham Trader Yellow Sheets*, *Popular Communications* and *Ham Radio* magazine for various ham goods and services by Harrison.

Dozens of ham operators ordered the radios but never received them. Losses in the thousands of dollars ranged from \$219.95 to more than \$3,000 per person. Harrison was arrested on Jan. 26, 1989, and released on a \$25,000 bond. He was re-arrested after he placed more ads in the January 1990 *Ham Trader*. Ads sent in to *CQ* and *QST* under the name of Robert Pearson were never run.

In a plea bargain arrangement, Harrison pled guilty to five counts of mail fraud on February 26, 1990. He was prosecuted by U.S. Postal Inspector Beigelman who called him a chronic, pathological con man. On April 19, Judge Jacob Mischler sentenced Harrison to 21 months in the penitentiary plus a \$125,000 fine, full restitution, plus interest to each victim. Additionally, Harrison was to pay \$1,210 a month to the Bureau of Prisons to pay his confinement costs. Restitution must be made within five years.

Harrison is now in the Federal Correctional Institution in Butner, North Carolina. He recently wrote the following letter to the American Radio Relay League. A copy was sent by Harrison to a member of the amateur radio industry who made it available to us.

The large dealer who sent us the copy is well known and respected. We believe the letter to be legitimate. We called the prison and a correctional officer confirmed that "Register No. 29080-

053" did indeed belong to one of their inmates, Michael D. Harrison. I was not permitted to talk to him.

(Quote)

"Dear ARRL,

I'm sure you know who I am since you've had some Justice Dept. and Post Office Dept. press releases about me in *QST*. Although the Justice Dept. and Post Office Dept. press releases are safe to print due to their official status and the extremely large size of the bureaucracies behind them, as you know, there are always two sides to every story.

"I'll keep my side of the story brief, but will be more than happy to fill in any minor points later, if you desire. I've been a ham since 1967, and active on all bands. I've imported ham and CB gear for years under many names you would immediately recognize.

"In 1988, I negotiated an agreement with Uniden in Japan to import their new 10 meter rig. I knew, with the fast approaching sunspot peak, that the rig would be a good seller, so I negotiated a high volume price with Uniden in Japan.

"As is common with many Japanese companies, they wouldn't sign a contract, but kept the agreement verbal. That was OK with me since I had dealt with the Japanese for years on that basis.

"I ran ads for the new 10 meter rig at \$219.95 which allowed me a small profit per rig but virtually guaranteed me a high volume. As expected, the orders came piling in, cash, check, money orders, and credit cards.

"I put the cash, checks, and money orders into my account but didn't spend the money. The credit card orders were not processed until the customer's rig was shipped. Uniden shipped me a few units but nowhere what I needed and what we had agreed upon.

"The postal inspector harrassed (sic) me constantly. Anyone that asked for a refund got it. Most hams patiently waited for the rig. I still tried to get Uniden to honor their agreement because

the units were pre-sold.

"The postal inspector froze my account and by doing so eliminated any possibility of further refunds or purchases of rigs from Uniden in Japan.

"It took the postal inspector and the Justice Dept. two years to find 5 people who would complain. Out of those 5 people, they got a Grand Jury indictment for 5 counts of mail fraud at \$219.95 per count, for a total indictment of \$1,099.75

"When faced with an indictment, you have two choices. Choice one is to go to trial. In this country, if you go to trial and if you are found guilty by a jury that almost always believes the government, then the judges tend to give out large sentences, sentences near the maximum for the crime. They do this to strongly encourage plea agreements to avoid trials and reduce the backlog of cases.

"Choice two is to accept a plea agreement. If you accept a plea agreement instead of demanding a trial, you are rewarded with a sentence at the lower end of the scale. Since you really can't count on a jury to listen to the facts and make a true independent decision, it's safer, even if you're not guilty, to accept a plea agreement with its typically lower sentence.

"You may say, 'this isn't fair.' but that's the way it works in the real world. Therefore, I plead guilty to the five \$219.95 counts, agreed to refund with interest all hams who's (sic) rigs had not been shipped, a \$250,000 fine, to 21 months in prison, and to pay \$1,200 per month for my imprisonment cost!

"The refunds are underway, with interest, and the only losers will be the hams who really just wanted the rig but were kept from getting it by Uniden of Japan's failure to honor our agreement and then later by the postal inspector's meddling. As I stated earlier, anyone who paid by credit card and didn't have a rig shipped was never charged in the first place.

"Anyway, here I am in prison and I'll be out in the

reasonably near future. There are several hams here with me and several non-hams who have overheard our conversations about DXing, packet, etc. and want to become licensed upon release. We are not allowed to have code practice oscillators or cassettes, so we've been teaching code by saying di-dah.

"It's not as nice as an oscillator but works fine for 5 WPM. We have no novice booklets or QSTs to show these eager future novices. If you would be so kind as to send us any used or damaged booklets or QSTs that you can't sell as new, we and our future novice 'students' would really appreciate the kind gesture. Thanking you in advance, I am... Sincerely yours, Michael D. Harrison, WB2PTI, Dentron/Atlas." (End Quote)

● **Radio Officers are urgently needed!** No-code may be coming to the high seas, but it isn't legally here yet! If you have a valid FCC radio-telegraph license with 6-months endorsement (or one that has not lapsed more than 5 years), a U.S. Coast Guard license and are in good health and can accept an immediate sea assignment contact Mr. Bernie Stoller, of the ARA (radio officers union) at 201/795-5536. Additional information may be obtained from Mr. Chris Krusa, U.S. Maritime Administration at 202/366-5755 for referral to a shipping company. Assignment will be to a ship from the ready-reserve fleet. Thus far, due to the Persian Gulf crisis, forty ships have been activated and more will be in the near future.

● **The ARRL has initiated a fund raising drive** to add to their \$600,000 kitty to finance the Amateur Radio effort at WARC-92 in Spain. While this World Administrative Radio Conference primarily will consider satellite services, there is an international move underway to expand short wave broadcasting at the expense of the Region 2 40-meter HF ham band. The 7100-7300 kHz segment is internationally allocated to "amateur" in our hemisphere, but to shortwave broadcasting in the rest of the world. International footnote 528 specifies the amateur service may not interfere with the shortwave broadcasting services intended for us within Region 1 and Region 3. You can anticipate a campaign to reallocate this spectrum to shortwave "Broadcasting Exclusive."

W5YI REPORT

National Volunteer Examiner Coordinator

Page #7

October 1, 1990

AUGUST VE PROGRAM STATISTICS

<u>August</u> <u>No. VEC's</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>
	61*	62*	18*

<u>Testing Sessions</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>
VEC	1988	1989	1990
W5YI	38.4%	38.3%	41.6%
ARRL	37.9	36.1	38.1
CAVEC	5.4	7.1	7.0
DeVRY	5.6	7.1	3.6
Others	12.7	11.4	9.7
Year-to-Date Sessions	3225	3572	4019

<u>Elements Administ.</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>
VEC	1988	1989	1990
ARRL	46.1%	41.1%	41.9%
W5YI	30.0	30.2	33.2
CAVEC	7.2	8.6	10.6
DeVRY	4.2	4.1	2.7
Others	12.5	16.0	11.6
Year-to-Date Elements	62892	65641	71677

<u>Applicants Tested</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>
VEC	1988	1989	1990
ARRL	45.2%	41.4%	41.0%
W5YI	30.6	30.1	34.8
CAVEC	6.7	7.6	9.4
DeVRY	4.1	4.5	2.8
Others	15.1	16.4	12.0
Year-to-Date Tested	37553	39082	43680

<u>August</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>
Pass Rate - All	61.1%	61.1%	60.5%
Upgrade Rate - W5YI	53.1	56.7	56.5
Applicants/Session	10.3	9.9	10.0
Appl./Session W5YI	7.7	8.3	7.7
Elements/Applicant	1.6	1.7	1.6
Sessions Per VEC	22.7*	22.8*	26.3

Administrative Errors by VE's/VEC's

<u>August</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>
Defect. Applications	0.3%	0.8%	0.8%
Late Filed Sessions	0.7%	1.7%	3.6%
Defective Reports	1.7%	1.0%	0.6%

(* Note: The FCC previously considered ARRL, W5YI and DeVry to be 13 VEC's each since VEC's initially were appointed on a regional basis. Since any VEC may now coordinate examinations in any region, the FCC reduced the number of VEC Regions (62) to VEC Organizations (18.) We have adjusted 1988 and 1989 figures to reflect this change.

[Source: Personal Radio Branch/FCC; Washington, D.C.]

CANADA RESTRUCTURES ITS AMATEUR SERVICE

A new realignment of Canada's Amateur Service takes place on schedule October 1st. The new RIC-24 (Radiocommunication Information Circular) containing the syllabus for the Restructured Canadian Amateur Service is now available from all DOC (Dept. of Communications) offices. Canada had hoped to also do away with all CW sub-bands, but this has yet to be accomplished.

There are currently three license levels in Canada; **Amateur** (10 WPM code plus a written test on regulations, technology and operating procedures); **Advanced Amateur** (15 WPM code plus technical/practical written examination) and the no-code **Digital Amateur** (who must pass the first two written tests plus another on digital technology.) On October 1st there will be just one **Amateur Operators Certificate** with four qualification levels. A new Certificate will be issued by the DOC as amateurs upgrade by passing examinations.

Current holders of the "Amateur" class are grandfathered to all four qualifications - that is, they receive all of the amateur privileges available in Canada. *A very desirable and big feature indeed* since under the previous alignment they would have had to pass 15 WPM code and another written examination to obtain all privileges!

The four qualification levels are: (1.) Basic theory (answer 60 of 100 multiple choice questions), (2.) 5 WPM Morse code, (3.) Advanced theory and (4.) 12 WPM Morse code. Every amateur must have at least the Basic (beginning) qualification to get a license which allows operation on all ham bands above 30 MHz using all modes/emissions with up to a 250 watt power level.

Basic amateurs may construct home built transmitters **only** from approved kits. They may operate on all bands below 4 MHz once they pass 5 WPM ...passing the 12 WPM telegraphy examination allows operation on the other HF bands between 4 and 30 MHz. Those who additionally pass the Advanced theory are permitted a 1 KW power level and may sponsor repeater and club stations, operate remote control fixed stations and design and build transmitting equipment.

● We received a note from *Iris Colvin/W6QL*, and *Lloyd Colvin/W6KG*, the YASME DXers, which was written in Tanzania, Africa, Sept. 8 but postmarked Sept. 10 in Malawi. Iris told us they had just finished working 7,000 QSO's and 139 countries, half CW and half SSB as 5HØQL in Dar es Salaam, Tanzania. "We were on the air from 22 August through 7 Sept. 1990 ...from the QTH of *Tom Warren, 5H3TW*, using our equipment and his antennas. We have visited with Tom now in 3 continents - North America, Asia and Africa. We try to use my call in one country and then Lloyd's in the next country. We go now to Malawi where it seems possible that we can get permission to operate. We tried to get such permission several times in the past, with no luck. However, several licenses have been issued in the last few months. So wish us luck, and we hope to see you all on the air from Malawi."

● The FCC has told an unidentified cable operator on the west coast to **shut off all of its channels on aeronautical frequencies**. It was the first cable system held in violation of cable leakage restrictions that recently went into effect. Cable channels 14, 15, 16, 41 and 42 are involved.

● According to *Brian Treadwell, WV4V*, owner of DX QSL Associates, effective August 1st all **Soviet citizens are now permitted to hold foreign currency**. Now, Soviets can earn, spend, or save hard currency in bank accounts without question by the authorities as to the origin of the money. "As a result of this new law, amateur radio operators here can expect a big increase in requests for "green stamps" on the ham bands from hard currency - starved Soviets in exchange for QSL cards. Treadwell says dollar bills are still easily pilfered from the

mails in remote areas and he suggests instead the use of self-addressed, stamped envelopes with U.S.S.R. postage on them. He adds, "...since Glasnost, it's now possible to correspond directly with a Soviet ham at his callbook address." *DX QSL Associates* offers their "*Green Stamp Guide*" to QSL-ing direct using U.S. currency for \$2.00 plus a large SASE. (434 Blair Road NW, Vienna, VA 22180)

● The FCC has just socked *Glenn Baxter, K1MAN*, of Belgrade Lakes, Maine, with a \$1,000 fine (*Notice of Apparent Liability* for monetary forfeiture) for broadcasting ...plus \$500 for a repeated offense. The broadcasting took place (Aug. 30, Sept. 4, Sept. 20) on 3975 kHz and (Sept. 1) 14.275 MHz. The last incident supposedly interfered with on-going communications involving KV4FZ, WD4PZT and WD4GDP.

We spoke to Baxter this past weekend and he said his "...on-the-air bulletins will continue as apparently will those of Newsline and W1AW...and others. This is a 75 year precedent that is going down the tubes here," he said.

"What the Commission is doing is punishing everybody severely, including ARRL who refuses to participate in a joint plan. The League says they are not going to sit across the table from Glenn Baxter. Well, why not! You can't shut K1MAN down for broadcasting without shutting down Newsline, W1AW, KC9RP's Chicago Link and everybody else. Anybody that puts out a bulletin is now subject to a \$1,000 fine. It could be that all one-way bulletins will be banned and the Soviet Union will be the only other super power to allow them."

Baxter said he was not paying any fine and would take the issue to the Supreme Court, if necessary. "It will take years to resolve, meanwhile the bulletins continue.

My response will be that no violation was committed."

● **SAREX Update!** It will at least December 1st before the STS-35 /Columbia space shuttle carrying the Astro mission and the *Shuttle Amateur Radio Experiment* will fly.

The next space mission to launch will be STS-41/Atlantis which will be deploying the Ulysses deep-space probe. Its window is between Oct. 5 and 10. STS-38 (a Department of Defense secret mission) departs on November 10.

STS-37 (with Shuttle astronaut *Ken Cameron, KB5AWP*, will probably be later than February or March ...some thinking is even as late as next June.

STS-35 with *Ron Parise, WA4SIR* aboard Columbia, will still be carrying the packet robot which will allow amateurs to send and receive packet messages for up to 12 hours daily. (144.95 MHz uplink, 145.55 MHz down.)

NASA is sponsoring the SAREX operation to encourage youngsters to become excited about science and technology and to familiarize large numbers of the general public with manned space flight. STS-35 astronauts are scheduled to talk to students over ham frequencies.

● The FCC has a new Form 610 but you can still use the version that expired 12/31/89 indefinitely. The new Form 610 *Application for Amateur Radio Station and/or Operator License* expires 12/31/92. There are very few changes. Among them, you will now circle N, T, G, or A in the Administering VE's Report instead of writing in the class of FCC amateur license held. A larger space is afforded also to indicate the date of *Certificates of Successful Completion of an Examination (CSCE)* held. Applicant's date of birth now has a fill-in-the-blank month, day, year format.

HANDICAPPED CODE WAIVERS: First Responses

Commenters on the *Notice of Proposed Rule-making* in PR Docket 90-356 are not too happy with the FCC's proposal to exempt handicapped amateurs from Morse code tests above 5 WPM.

Some feel the exemption to be discriminatory; others believe there is opportunity for abuse. Some think the exemption isn't needed, as many handicapped amateurs are said to have succeeded even at 20 WPM and beyond.

Comments are due September 24 and replies Oct. 9. Since this newsletter is being written on September 22-23, comments will not close until tomorrow. At presstime the ARRL had not filed any comments which are expected. If the majority of commenters turn out against the FCC proposal, it may still be enacted because:

- The President of the United States, the Department of State, the National Security Council and the highest levels of the FCC are all alleged to have participated in ordering FCC staff to issue this NPRM.

This happened when Jordan's King Hussein/JY1 urged George Bush to look favorably upon the request for waiver of a handicapped Technician class ham who wanted to upgrade.

- The FCC has already granted waivers under the interim policy which went into effect in June. More waivers are being processed.

If the FCC were to reject its own NPRM, and deny any more waivers, those who have already received waivers would be "loophole hams" who received special treatment never to be repeated.

- The FCC has been threatened with litigation by handicapped persons over its insistence on CW testing.

New laws recognizing the rights of the disabled -- as well as the possibility of a no-code Communicator license -- could make it more difficult for the FCC to win its cases. Such court battles are expensive and time-consuming for all concerned.

How certified?

Some controversy may erupt over how a handicapped applicant may obtain official certification of the handicap. The NPRM provides that only a special letter from a physician (M.D. or D.O.) may be submitted to the FCC. However, other medical professionals may be legally able to certify handicaps.

Orville Bragg of Hinton, W.V. told the FCC that he is certified by the Veterans Administration as being blind: "I feel that this should be enough proof of one's handicap. Having to go to a doctor and get a statement is placing an undue financial burden on those that cannot afford it."

Excerpts from comments

At least two VEC organizations filed comments on PR Docket No. 90-356. The Sunnyvale-VEC suggested that the FCC lower the code speed for the General Class from 13 WPM (Element 1B) to 5 WPM (1A) for all amateurs.

"Most of the code waivers are for the upgrade from the old Technician license to the General class. The proposed rules requires the FCC to process each waiver manually. ...Changing the code speed requirement for the General class "...would remove the major waiver request." The Sunnyvale-VEC recommends "...moving the 13 WPM telegraphy requirement to the Advanced class [and] allow a handicap code waiver..."

Girton believes there should be no waivers of the 20 WPM code test since Extra Class amateurs are called upon to administer 13 and 20 WPM examinations under the VE program.

- Gordon Girton, W6NLG, Sunnyvale-VEC, CA

The W5YI Group feels the FCC may want to associate the granting of handicapped telegraphy waivers with PR Docket 90-55 which also contemplates relaxed telegraphy requirements in the amateur service.

"An opportunity for flagrant abuse exists under the current system of doctor certified disabilities. The definition of 'severely handicapped' is overly

licat ptio is al avail for 90. Hills and accreditation materials will be sent to you in about two weeks. making preparing or distributing amateur radio equipment or license preparation materials. My age is at least 18 years old.

broad and waivers for the 13 and 20 WPM code requirement are thus very easy to obtain. ...The general belief among amateurs and therapists is that most handicapped and non-handicapped people can indeed negotiate the higher speed Morse code examinations, that is if they really wanted to ...and felt it relevant to the hobby.

"The medical profession is being ...asked to render an opinion on an activity that is completely foreign to their training and expertise. Most understandably will agree with the conviction of their patient who is ...better qualified concerning telegraphy testing."

Also questioned was the need for so many written and telegraphy examinations. "The amateur service licensing scheme should be built around qualifications needed to safely and legally operate transmitting equipment at the elementary and advanced levels rather than being what is perceived to be a multi-level education system. ...The Commission should initiate a *Notice of Inquiry* to consider streamlining the service..."

- *Frederick O. Maia, W5YI-VEC, Dallas, TX*

"Recently our team submitted the first application for upgrade with a request for code waiver. The letter was written and the physician's affidavit was prepared along precise guidelines set by the FCC. The applicant claimed handicap exemption for the use of a hearing aid. The team considered this the equivalent of the use of glasses to correct a vision defect. Without more precise guidelines, we had no choice but to forward the application to the FCC through our VEC. ..."

"A member of our team is blind and earned his Extra Class license by examination at an FCC office without special concessions. We recently tested and approved a blind applicant for upgrade to General Class who verbalized each character of the code as she heard them. Another applicant recently upgraded to Extra Class including the code test although he is severely impaired as a result of a stroke."

- *Howard Dutkin/N4EBT (VE), Miami, Fla.*

"As a physician I feel strongly that any move to waive Morse code proficiency requirements needs

safeguards to prevent abuse or misdirected actions on the part of the examining physician due to his ignorance of the specific physical capabilities needed to demonstrate knowledge of ...or proficiency in Morse code.

"In this area, for instance, it has been possible to administer a Morse code test to persons severely disabled by stroke, hand-tremor, deafness, and blindness, to cite examples, by using those senses that the person still had. Very likely an uninitiated physician would readily have certified that these people were unable to perform and would have waived the requirement. ...May I suggest the use of a pre-arranged panel of physicians knowledgeable in the area of radio communication, these panels to be set up in the several call-areas. ..."

- *Julian Lorenz, M.D./KE6VL, Chico, Calif.*

"The FCC has issued a NPRM proposing an entry-level Communicator class of license be created... This proposal has been very well received in the Amateur community, and I support this as I feel that a codeless entry into our hobby is long overdue. ...This proposal would seemingly bring an end to the handicapped licensing debate, don't you agree? So, why issue this Executive Order [to the FCC]? I can only suppose that it is either due to the fact that you were unaware of PR Docket 90-55, or it was simply a 'knee-jerk' reaction to a persistent problem, without looking to the future consequences of this action."

- *Robert Coyle, Jr./WA3J, Houston, TX, in a letter to President Bush that was forwarded to FCC*

"[M]y Chronic Mylogenous Leukemia did not have the slightest effect on my passing the 20 WPM Morse code... I see PR Docket 90-356 creating a chaotic situation in which many individuals will go to their physicians for a note excusing them from the Morse Code requirements. There is no way to police this to prevent fraud.

...My solution is for the ARRL/VEC to appoint a Medical Director. All applicants with severe medical problems would have their 610 Form along with their physician's letter sent to this Medical Director before testing for approval or disapproval of their request for special considerations."

- *Henry Heimansohn, D.D.S, WA9VLQ/AE, Danville, Indiana*