

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20534

10 AUG 1978

IN REPLY REFER TO  
7120-H

Mr. Elton T. Adams  
Post Office Box 15156  
San Francisco, California 94101

In re: Amateur radio station WD6DVT.

Dear Mr. Adams:

On May 16, 1978, Commission engineers monitored radio transmissions between your station and Amateur radio station WA6DTJ. Your communications related to the business affairs of People's Temple. A transcript of the communications is enclosed. The communications appear to be in violation of Section 97.114(c) of the Commission's Rules.

Section 97.114(c) provides as follows:

§97.114 Third party traffic.

The transmission or delivery of the following amateur radio communication is prohibited:

- (a) International third party traffic except with countries which have assented thereto.
- (b) Third party traffic involving material compensation, either tangible or intangible, direct or indirect, to a third party, a station licensee, a control operator, or any other person.
- (c) Except for an emergency communication as defined in this part, third party traffic consisting of business communications on behalf of any party. For the purpose of this section business communication shall mean any transmission or communication the purpose of which is to facilitate the regular business or commercial affairs of any party.

MM-4-8a

In adopting this rule, the Commission gave consideration to what types of third party communications should be permitted. The Commission believed "that the best solution lies between the extremes of prohibiting entirely third party communication and permitting unlimited third party operations. To prohibit entirely third party traffic would tend to stifle one of the basic purposes of the Amateur Radio Service, which is to provide a voluntary non-commercial radio service. But to allow all third party communications would tend to cause increased congestion in the Amateur bands." (In the Matter of Inquiry Into the Extent to Which Amateur Stations Should Be Used on Behalf of Non amateur Organizations, p. 493, Docket No. 19245 (FCC 72-895), 37 F.C.C. Reports, p. 492). Thus, the Commission limited the prohibition on third party traffic to business communications which "facilitate the regular business or commercial affairs of any party." (Emphasis supplied.)

By letter dated November 28, 1973, the Commission issued a declaratory ruling on Section 97.114 in response to an inquiry from Mr. Orvis L. Wertz, Trustee, Trinity Radio Station, WB9LIG, C-1005 Trinity College, Deerfield, Illinois 60015 (FCC 73-1241/97246). In its letter, the Commission stated, in part:

Under these rules personal and emergency third party communications are permitted. In addition, third party traffic on behalf of an organization is permitted to the extent it does not involve the regular business or commercial affairs of the organization, or during emergencies. Organizational third party traffic involving regular business or commercial affairs is, however, prohibited. Under these rules an organization like the Red Cross is allowed to use Amateur radio to coordinate disaster activities but not for its day-to-day functions.

The rules adopted in Docket 19245 were written, among other reasons, so as to preclude non-amateur communications and organizations from encroaching upon the amateur radio frequency spectrum, and legitimate purposes of the Amateur Service. In adopting these rules, it was the Commission's belief that amateur radio should not become a quasi-business type radio service. Such activities would be outside of the scope and purpose of the Amateur Service. (See §97.1).

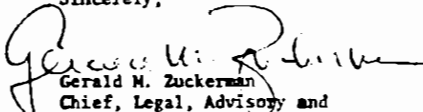
MM-4-86

The Amateur Service was never intended to take the place of a two-way business radio communication service or a common carrier operation. Simply because a non-amateur organization finds amateur stations convenient with which to meet its regular non-emergency communications needs cannot justify the use of amateur frequencies. While the Commission encourages amateur operators to handle and develop a message handling capability, it would not be consistent with the purposes of the Amateur Radio Service to permit an amateur station to operate what amounts to a communications service for a third party entity -- notwithstanding the fact that the entity may be highly meritorious. (FCC 73-1241/07246, dated November 28, 1973).

The communications involving your radio station related to the normal day-to-day administrative details of operating the missionary outpost of People's Temple. This type of communication has previously been interpreted by the Commission as constituting the regular business affairs of a charitable organization. (Letter from Chief, Safety and Special Radio Services Bureau, to Brother Paul Keiner, St. Meinrad Archabbey, St. Meinrad, Indiana 47577, dated May 26, 1977).

You are therefore advised that the use of your radio station to facilitate the administrative and operating functions of the People's Temple missionary outpost are prohibited third party communications, as defined in Section 97.114(c) of the Commission's Rules. You are further cautioned that a continuation of such transmissions by Amateur radio station WD6DVI, could result in the imposition of enforcement sanctions such as monetary forfeiture, or, if necessary, revocation and/or cease and desist proceedings.

Sincerely,

  
Gerald M. Zuckerman  
Chief, Legal, Advisory and  
Enforcement Division

MM-4-8c

INTERCEPT

PAGE NO 1 STN. OFC 2 LOC'N 2004 12 FILE \_\_\_\_\_  
 CALL WD6DVI FREQ 143.5 kHz CALL WORKED WB6MD/82 FREQ 143.65 kHz  
 SVC ARRRNTZ EMM AJJ OSA \_\_\_\_\_ OBS SP DATE May 18, 1978

SIGNAL DESCRIPTION:

GMT: 0325

DVI: "ROGER ROGER, CAN I, WD6DVI, WB6MD PORT 382 CAL WE HAVE AN INTERRUPT  
 TO FOR. FLO."  
 BR3: "ROGER ROGER BRING IN FLO."  
 DVI: "I JUST TALKED TO RUDY OVER"  
 BR3: "ROGER ROGER"  
 DVI: "OK, HE AH, HAS BEEN TALKING TO AH, AB SOME PEOPLE ABOUT RICHARD'S PLACE OVER"  
 BR3: "ROGER"  
 DVI: "OK, HE RECEIVED AH, AH STAND BY .... HE HAS SOMEONE INTERESTED AND I CAN  
 GIVE YOU THE, THE, AH, WHAT HE HAS IN MIND OVER."  
 BR3: "ROGER, GO AHEAD."  
 DVI: "THIS INCLUDES RICHARDS AND (pause) .... THIS INCLUDES RICHARDS AND THE  
 CENTER. OVER."  
 BR3: "ROGER ROGER."  
 DVI: "OK, RICHARDS IS .... (Pause)"  
 BR3: "WHAT."  
 DVI: "STAND BY." (Pause) "TWO FOUR FIVE, TWO FIVE FIVE, OVER."  
 BR3: "ROGER"  
 DVI: "WITH AH NO AH, NO AH, COMMISSION OVER."  
 BR3: "ROGER, I DON'T KNOW EXACTLY WHAT THAT MEANS ACTUALLY."  
 DVI: "I THINK THAT ED WOULD KNOW THAT."  
 BR3: "ROGER." (Pause) "DOES THE CENTER INCLUDES O'Rourke ORIGINAL HOME."  
 DVI: "I'M SORRY, DO NOT KNOW, AH, I'M NOT SURE BUT HE DIDN'T MENTION THAT HE JUST  
 MENTIONED THE CENTER ITSELF OVER."  
 BR3: "ROGER, I'D LIKE TO FIND OUT ON THAT."  
 DVI: "ROGER, AND AH IT WOULD BE A DOWN OF SIXTY, A DOWN OF SIXTY OVER."  
 BR3: "THAT WOULD BE SO HELPFUL TO THE ORPHANAGE STAND BY."  
 BR3: "ROGER, ROGER OK GO AHEAD FLO."  
 DVI: "AIGHT, THERE WOULD BE A SECOND ON THE DIFFERENCE AFTER THE SIXTY. OVER"  
 BR3: "ROGER"  
 DVI: "AND THE SECOND WOULD BE PAYABLE IN FIVE YEARS AT TEN OVER."  
 BR3: "ROGER"  
 DVI: "AND THE ARRANGEMENT WOULD BE THAT AH, THERE ARE SOME, AH WE WOULD STILL AH,  
 BE A PART OF IT OVER."  
 BR3: "ROGER IN WHAT WAY"  
 DVI: "AH, WE WOULD AH STAND BY"  
 DVI: "THEY WANT DON'S WIFE TO LEASE IT OVER."

(Continued on next sheet-)

MM-4-8d

INTERCEPT

PAGE NO. 2 STN/OFC DS LOC'N Douglas, AZ FILE \_\_\_\_\_  
CALL WDSQVI FREQ 14345 kHz CALL WORKED WBQMD/802 FREQ 14345 kHz  
SVC Amateur EMN AJJ OSA \_\_\_\_\_ OBS SP DATE May 18, 1978

SIGNAL DESCRIPTION:

GMT: 0325

BR3: "WHAT WAS THAT." "REPEAT."  
DVI: "THEY WOULD WANT DON'S WIFE TO LEASE IT OVER."  
BR3: "STAND BY." (Pause) "OK PLEASE REPEAT YOUR LAST TRANSMISSION FLO."  
DVI: "THEY WOULD WANT DON'S WIFE TO LEASE IT AND THERE ARE SOME WHO ARE INTERESTED,  
THERE ARE SOME WHO ARE INTERESTED TO TAKE IT OVER, OVER."  
BR3: "YOU MEAN SOMEONE TO MARRAGE IT."  
DVI: "ROGER, ROGER, THERE ARE SOME WHO ARE INTERESTED WHO HAVE THE EXPERIENCE, OVER."  
BR3: "ROGER."  
DVI: " - - THIS IS PART OF. AN THE OTHER, THE IS TWO OF IT TWO INVOLVED IN THIS AN  
ITS THING. AN IMMEDIATE IMMEDIATE THING, OVER."  
BR3: "PART OF THE MEAT."  
DVI: "..... ALSO RICHARDS, THIS IS TOGETHER THIS ALL TOGETHER. AN ITS IMMEDIATE  
THING, OVER."  
.....  
BR3: "THE TWO ARE TOGETHER I DON'T UNDERSTAND. THE CENTER HAS WOULD RELATE TO  
THIS WHOLE THING."  
DVI: "I HAVEN'T FIGURED, THE OTHER ONE, THERE ARE SOME MORE TERM TO THE OTHER  
ONE."  
BR3: "OK, REPEAT YOUR LAST TWO COPY."  
DVI: "WHICH PART, I'M SORRY I DON'T KNOW WHICH ONE YOU MEAN."  
BR3: "THE PART WHERE YOU SAY ITS IMMEDIATE."  
DVI: "THIS IS IMMEDIATE, AND THE THERE ARE INTEREST IN, BOTH PLACES. BUT I HAVEN'T  
GIVEN YOU THE REST OF THE OTHER PART OVER"  
BR3: "ROGER"  
DVI: "OR THE RICHARDS, IS AN, I JUST GAVE YOU THE RICHARDS OVER."  
BR3: "ROGER"  
DVI: "OR THE OTHER IS A HUNDRED AND FIFTY OVER."  
BR3: "THIS IS THE CENTER."  
DVI: "ROGER ROGER."  
BR3: "ONE FIFTY."  
DVI: "WITH NOTHING, WITH NOTHING DOWN OVER."  
BR3: "ROGER"  
DVI: "FIFTEEN, AND A MONTH AN TEN." "OVER"  
BR3: "FIFTEEN A MONTH."  
DVI: "AND TEN OVER"  
BR3: "YOU MEAN TEN PERCENT"  
DVI: "ROGER ROGER" "FOR HOW LONG"

(Continued on next sheet-)

MM-4-8 e

INTERCEPT

PAGE NO 3 STW/BFC ES LOC'N DOUGLAS, AZ FILE \_\_\_\_\_  
CALL WD6DVI FREQ 14345 kHz CALL WORKED WD6MD/BR3 FREQ 14345 kHz  
SVC AMATEUR EMM A3J QSA \_\_\_\_\_ OBS SP DATE May 18, 1978

SIGNAL DESCRIPTION:

GMT: 0325

BR3: "NINETY NINE YEAR." FORMALIZED IN THE YEAR TWO THOUSAND."  
BR3: "NEGATIVE COPY."

GMT: 0330

DVI: "THIS, THE PERSON WHO, AH, THIS IS MISTER RAY, MISTER RAY ED WOULD KNOW  
THAT, ED WOULD KNOW THAT OVER."  
BR3: "ROGER ROGER GO AHEAD."  
(Conversation Continued)  
DVI: "ALL RIGHT, ON THE, ON THE CENTER HE SAID HE WOULD HELP US GO DOWN AND GET  
A LOAN ON THE FIRST OVER."  
BR3: "ROGER"  
DVI: "WHICH WOULD, SHOULD BE AROUND, AH, WE OUGHT TO BE ABLE TO GET TWO THIRDS OR  
MAYBE SIXTY FIVE PERCENT OVER."  
BR3: "ROGER"  
(Conversation Continued)

GMT: 0351

"WD6DVI WITH WD6MD PORTABLE BR3."

MM-4-8 f

INTERCEPT

PAGE NO. 1 STN OFC. 101 LOC'N Cambridge, MA FILE             
 CALL WD6DV1 FREQ 143.5 MHz CALL WORKED 4/20/78 FREQ 143.5 MHz  
 SVC AMBTUT EMM A33 OSA            OPS FR DATE May 18, 1978

SIGNAL DESCRIPTION:

GMT: 0613

823: "I THINK WE'RE GONNA BE CHANGING THAT LAST ONE"  
 8V1: "ROGER, WD6DV1 WB6MID PORTABLE 3R AND THREE"  
 823: "AH, SARAH HAS SOMETHING HERE FOR YOU. ARE THOSE LINES(?) ON WHAT I WAS JUST SAYING OVER."  
 8V1: "ROGER."  
 823: "STANDBY"  
 8V1: "STANDING BY"  
 823: "THIS IS FROM (Name unrecognizable) FOR MR. TAYLOR, DO YOU COPY?"  
 8V1: "ROGER"  
 823: (mumbled)  
 8V1: "ROGER"  
 823: "THIS IS FOR THE SAME PERSON... DO YOU COPY?"  
 8V1: "ROGER"  
 823: "DO YOU KNOW MR. FRANKLIN, MR. FRANKLIN?"  
 8V1: "ROGER, ROGER, ROGER."  
 823: "O.K. THIS IS SOMEBODY WHO KNOWS JOSE. YOU KNOW IS PART OF THE SAME HEALTH ORGANIZATION .... DO YOU COPY?"  
 8V1: "ROGER"  
 823: "MENTIONS OF SUZANNE IS GAINING. GAINING. SOME NEGOTIATION RE. (S) EXPENSE DO YOU COPY?"  
 8V1: "ROGER. WHO IS SUZANNE?"  
 823: "NEGATIVE COPY"  
 8V1: "WHO IS SUZANNE?"  
 823: "YOU KNOW SUZANNE. DRIVER (?)"  
 8V1: "ROGER"  
 823: "BECAUSE AFTER ALL, AFTER ALL, IF ANYTHING, IF ANYTHING WAS SAID TO YOU MR. FRANKLIN, THEN MR. FRANKLIN SHOULD HAVE REPEATED TO SUZANNE. DO YOU COPY? YOU KNOW THIS ACTUALLY REFERS TO RACHEL AND WHAT SUZANNE IS SAYING ABOUT RACHEL"  
 8V1: "ROGER"  
 823: "AND IF IN FACT AH, ANYTHING WAS SAID, THEN IT WAS SAID IN HIS CAPACITY IT WAS SAID WITH HIS CAPACITY IN MIND AND HE SHOULDN'T HAVE REPEATED IT. DO YOU COPY?"  
 8V1: "ROGER"  
 823: "BESIDES, ANYTHING. I THINK ALL THAT WAS GIVEN AH, WAS AH, A WRITTEN TELEGRAM FROM MARGARET. OVER"

(Continued on next sheet-)

MM-4-89

INTERCEPT

PAGE NO 2 STN/OFC 21 LOC# \_\_\_\_\_ FILE \_\_\_\_\_  
CALL STANBY FREQ 14345 KHz CALL WORKED W66JID/BR3 FREQ 14345 KHz  
SVC AMREP RMN AJJ OSA \_\_\_\_\_ OBS PK DATE May 18, 1978

SIGNAL DESCRIPTION:

GMT: 0618

DV1: "STANBY"  
DV1: "YOU'RE SAYING ALL THAT GIVEN WAS A TELEGRAM FROM MARGARET. IS THAT .. ROGER?"  
BR3: "YEAH, YOU KNOW, RACHEL CARRIED A TELEGRAM DO YOU COPY?"  
DV1: "ROGER"  
BR3: "AND SPOKE TO MR. FRANKLIN ABOUT THE TELEGRAM AH BUT THE TELEGRAM WAS FROM MARGARET (umble) AND SHE SPOKE TO HIM ABOUT THE TELEGRAM BUT OBVIOUSLY IN HIS CAPACITY WHICH WAS A CONFIDENTIAL ONE DO YOU COPY?"  
DV1: "ROGER"  
BR3: "AND NOW BECAUSE OF MR. FRANKLIN'S BIG MOUTH, HE'S BEING (?) TO IT."  
DV1: "STAND BY"  
DV1: "GO AHEAD"  
BR3: "MR. FRANKLIN IS BEING DRAGGED INTO IT SO THAT IF IT WERE TO PROCEED, TO PROCEED, IT'S QUITE POSSIBLE THEY MIGHT ASK MR. FRANKLIN TO SPEAK AT THE CLUB TO SPEAK ON THE MEDICAL MATERIAL AT THE CLUB"  
BR3: "IT'S NOT REALLY A CLUB. IT'S MORE OF A CLASSROOM SITUATION. HE MIGHT HAVE TO. YOU KNOW THEY MIGHT IMPRESS ON HIM THAT HE HAS THE RESPONSIBILITY TO COME TO SAY HIS PIECE HIS MEDICAL INFORMATION IN A CLASSROOM SITUATION AND HE DOESN'T LIKE TO TEACH. DO YOU COPY?"  
DV1: "STANDING BY"  
DV1: "WOULD THAT BE LINE 2? OVER"  
BR3: "LIKE WHAT?"  
DV1: "LIKE ED!"  
BR3: "YEAH ROGER, ROGER. BECAUSE UH, I BELIEVE SUZANNE IS POINTING AT RACHEL, RACHEL AND SAYING, YOU KNOW RACHEL SAID SOMETHING TO MR. FRANKLIN DO YOU COPY?"  
DV1: "ROGER"  
BR3: "ABOUT SOME NEW MEDICAL RESEARCH OR SOMETHING THAT AH, WAS OF COURSE CONSIDERED CONFIDENTIAL OVER."  
LV1: "ROGER, ROGER."  
BR3: "SO ACTUALLY MR. FRANKLIN HAS SORT OF COOKED HIS OWN GOOSE IN A WAY."  
DV1: "YOU MIGHT SAY."  
BR3: "NOW OF COURSE, YOU KNOW MY FRIEND MARGARET, MARGARET, IS VERY WILLING TO GO EVEN YOU KNOW WELL, ALMOST ANY PLACE TO AH, GET HERE AND SEAL(?) HER MEDICAL FINDING VERIFIED SHE'S VERY AH, STRONG ABOUT THIS OVER"  
DV1: "ROGER"  
BR3: "YOU KNOW (NAME?) WIFE?"  
DV1: "ROGER"  
BR3: "HER BROTHER-IN-LAW, HER BROTHER-IN-LAW, HIS HOMETOWN. I THINK IT'S IN KANSAS SOMEPLACE. DO YOU COPY?"

(Continued on next sheet.)

MM-4-8 h



INTERCEPT

PAGE NO 3 STN-DFC DS LOC'D Douglas, IL FILE \_\_\_\_\_  
 CALL WD66VI FREQ 14345 kHz CALL WORKED WB6HJ/8R3 FREQ 14345 kHz  
 SVC AMATEUR EMN AJJ QSA \_\_\_\_\_ OBS FR DATE May 18, 1973

SIGNAL DESCRIPTION:

GMT: 0618

DVI: "STAND BY"  
 8R3: "YOU KNOW .... DR. BARRETT'S WIFE, BROTHER-IN-LAW?"  
 DVI: "AH, NEGATIVE ON THE LAST."  
 8R3: "IT'S ACTUALLY DR. BARRETT'S BROTHER-IN-LAW REALLY. HIS WIFE IS JUST BY MARRIAGE. IT'S DR. BARRETT'S BROTHER-IN-LAW DO YOU COPY?"  
 DVI: "ROGER"  
 8R3: "YOU KNOW HIS HOMETOWN, HIS HOMETOWN IS, I THINK IN KANSAS. SHE WANTS TO GO THERE TO GET HER MEDICAL FINDINGS VERIFIED."  
 DVI: "YOU MEAN, WHERE THE BROTHER-IN-LAW LIVES?"  
 8R3: "WHERE THE BROTHER, OR BROTHER-IN-LAW'S HOMETOWN, THAT IS WHERE HE CAME FROM ORIGINALLY."  
 DVI: "ROGER"  
 8R3: "I THINK MRS. TAYLOR(?) SHE'S MENTIONED THAT PEOPLE SHE KNOWS HAVE SAID THAT IT CAN BE TAKEN CARE OF. THAT SUZANNE'S SITUATION CAN BE TAKEN CARE OF, BUT WHAT IS TROUBLESOME DO YOU COPY?"  
 DVI: "ROGER"  
 8R3: "IS THAT SUZANNE AND COMPANY? THEY'RE SAYING THAT MR. FRANKLIN PROVIDES INFORMATION TO THEM. MEDICAL INFORMATION TO THEM ANYWAY AND THAT THEY'RE GOING AROUND SAYING ANYWAY AND THIS CERTAINLY LEADS CREDENCE TO THAT STATEMENT THAT THEY MAKE TO ANYONE THAT WILL LISTEN. OVER"  
 DVI: "STANDBY"  
 DVI: "ROGER"

MM-4-8 i

INTERCEPT

PAGE NO. 1 STN/OFC \_\_\_\_\_ LOC'TN DC, DC FILE \_\_\_\_\_  
CALL WD6DVI FREQ 14345 kHz CALL WORKED WJMC/E 3 FREQ 14345 kHz  
SVC Intercept EMM AJJ OSA \_\_\_\_\_ OBS SF DATE May 16, 1978

SIGNAL DESCRIPTION:

GMT: 0259

SR3: "STANDBY WB6HID PORT SR3." "WD6DVI".

DVI: "WD6DVI STANDING BY WITH WB6HID PORT SR3."

SR3: "OK, OH, I WANTED TO GIVE YOU A FEW ITEMS OVER."

DVI: "ROGER"

SR3: "I GOT SOMETHING FROM LOBI AGAIN CONCERNS THE LITTLE BROCHURE OVER."

DVI: "ROGER"

SR3: "THAT DEFINITELY SHOULD BE GIVEN TO AS MANY PEOPLE AS POSSIBLE."

SR3: "YOU KNOW HAS A PICTURE OF RONNIE ON THE FRONT."

SR3: "IT HAS A PICTURE OF LITTLE RONNIE ON THE FRONT. OVER"

DVI: "ROGER"

SR3: "THAT SHOULD GET OUT TO LOTS AND LOTS OF PEOPLE. OVER"

DVI: "ROGER ROGER ROGER ROGER ROGER ROGER"

SR3: "O K, I'M TALKING NOW ABOUT A MEMO OF 5-8-78 IT CAME DOWN HERE. IT WAS DATED 5-8-78."

GMT: 0301

MM-4-8j

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WASHINGTON, D. C. 20554

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