

A-1-D-4

He opened by explaining that he was a ham, and had been listening to our traffic for a long time, and was impressed with what we were achieving, but I should understand also that our use of ham radio was indisputably illegal, and we had a free gratis blessing during the time we used it, but now we were being observed and couldn't continue the way we were.

Question: What alternatives are there to ham radio?

Answer: None. The only other way to go would be Common Carrier -- some kind of land line. It would all be very costly.

Q: What would the penalties be if I continue operating?

A: The position of the FCC so far has been that what goes on outside the U.S. is not going to concern them -- what they're after is the station operating within the U.S.. Apparently they have a policy of giving final notice before they took punitive action. Now you've received your notice, and they're ready to take action if you repeat.

Q: What would be gained if I put another licensed operator in my place to handle the same traffic? Could they take action against the church as well as the operator? They named the church in their letter.

A: No, they won't take action against the church. What you run the risk of, though, if you persist to be as open as you have been, is that the FCC might decide the 8R3 station is contributing to a stateside operator's recurring violations of international treaties. On that basis they may change their position and try to take action against Al over there. Your group probably could have continued using ham radio indefinitely, if you had not done it in such an open manner. By open, I mean you did all of your traffic by voice on the most popular frequencies. The 20 meter band is very crowded, and everyone listens to you there. Your 8R3 station operates on much more power than they need to. Where I'm at in Washington, they come booming in way over 9 and knock out every station around them. That attracts attention and will cause other operators to complain to the FCC every time you commit a violation. What you should have done was used the voice frequencies for strictly personal traffic, like phone patches and medical emergencies, and done the rest of the business down on a CW frequency. There are monitors for those frequencies, too, but you wouldn't have drawn anybody's attention, as long as you only used as much power as you needed to be heard. I doubt the FCC would be taking an interest in you now, if some operators hadn't complained about you. Even with all of the mistakes, look how long you got by. This is what I would recommend now, if you intend to continue. I'm not recommending it, I take it back, I'm just saying these are things that could be done. (Here he digressed to tell me he had a personal dislike for some of our abuses of ham radio, some of the intra-organizational stuff, that didn't pertain to medical work. I said that I wouldn't want the air waves abused either, but I felt saving lives was a worthy use of ham radio.) You should do all of your business down on CW, and have 8R3 reduce their power, and try to word it discreetly. The first time I tuned in to your network, I was in awe of your work, then when I heard some of the other kinds of traffic, politics, finances, so-and-so talks too much, etc., all that kind of stuff, I was turned off. That's probably what got you into the situation you're in with the FCC. You have a lot of different people using the radio, which is peculiar in itself. They're obviously not the licensed operators, they obviously have no personal interest in the art of ham radio, and they sound inexperienced. They obviously aren't enjoying

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being on the radio. They use international nets to pass traffic that turns out not to be too kosher for ham radio. All of this gets attention and makes ill-will for your stations. (I asked about the effect of another operator doing same traffic in S.F.) By putting another operator in your place, you might be able to gain another 6-9 months provided you keep it very low, like the procedures I've described. You are obviously under scrutiny now, so anything you do on your license will get attention, especially since they've given you notice. So getting another operator in the states should be an immediate priority.

Q: Is it possible to protest the FCC action as "selective enforcement"? Obviously they're not enforcing the law on all the other churches that are doing this.

A: Everything the FCC does is selective enforcement - - they're badly understaffed and swamped with complaints. No, they're not deviating from their normal procedure by being selective. But they probably have written complaints.

Q: Any chance of fighting to have the ruling changed?

A: No, because the effects of it would be so disruptive of established procedure that no judge would want to take that responsibility. Anyway, your case would not be a strong one. It would open a Pandora's box.

Q: Would it help our case if we got a Senator or Congressman to work on our behalf?

A: I doubt you could get a Senator interested in a case like this. Can you pull 80,000 votes for him next election? And when he hears the FCC position on it, and then your position, he won't want to stake his career on a cause that's going to make him unpopular with every other ham in the country. The one Senator who the FCC is really afraid of is Barry Goldwater. He's not very bright, but he's the only Senator who knows FCC law inside and out. In fact he just hit Ferris (new chairman of FCC) pretty hard, about not taking action about radio frequencies interfering with television frequencies. He has a lot of clout with the FCC and, of course, he's the one who asked for an investigation of your activities. I'm trying to get that letter and the whole file for you. (I described their error with WA6DTJ in the first paragraph of my notice.) Like I said, I'm going to try to get all of that for you.

In closing, he gave me an example of an eye bank net which was using ham radio to do business for an eye-exchange program - - very humanitarian activity. They were alright until they increased their power because they ran into increasing interference from other stations. The FCC came down on them almost immediately, and made them stop. The point was, being a humanitarian venture will not help you with the FCC - - but you can get by with illegal activities on the air as long as you remain low-key.

A. I. D. #15

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