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VIA EMAIL

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To: ARRL Board of Directors and Officers
From: David Siddall, K3ZJ
Subject: Some Ideas for Moving Forward for the Good of Amateur Radio

The League has worked for and represented its members for more than 100 years as a member-driven democratic organization. Many good things have been accomplished for amateur radio, and the League deserves much credit. We, the present day operators, are the beneficiaries of the accomplishments of those who preceded us, and future generations of hams will benefit (or not) from our accomplishments (or lack thereof).

The enduring strength of the League has derived from its organizational structure as a “representative democracy — its members control its policies through the power of the ballot.”¹ Inherent in “the power of the ballot” is the free and full exchange of views and ideas between the League’s elected representatives and its members. Over the decades this original form of crowdsourcing adopted by Hiram Percy Maxim and his cohorts has proven its worth in working to protect our spectrum and grow our ranks.

Unfortunately, recent events demonstrate that the current League leadership does not respect the ARRL’s members nor the purposes and foundation of the League itself. The dysfunction has become painfully apparent since 2016. I have listened carefully during the current discussion of ARRL’s affairs with gain turned to maximum, but few voices are heard to defend the ARRL actions.² Most noteworthy, large clubs that heretofore have been silent on ARRL affairs because of conflicting viewpoints within their memberships have found unanimity (or close thereto) on the current issues and have raised their voices.³ A brief summary of the most recent actions that cause so much concern is attached.

¹ Quoted from: <http://www.arrl.org/organization-structure> (viewed Jan. 6, 2018).

² One need only to review the outpouring of letters, emails, and posts on a whole slew of amateur radio oriented reflectors and social media platforms to understand the almost unanimity of opinion that the ARRL needs to change course.

³ See, for example, letters from the Northern California Contest Club (NCCC) Dec. 25, 2017; Frankford Radio Club (FRC) Jan. 8, 2018; Yankee Clipper Contest Club (YCCC) Jan. 8,

What Should Be Done Now?

At the beginning of the Board of Directors meeting next week each Director will be called upon to decide whether the current ARRL President should be re-elected for another two-year term. Based on the past two years, I myself would be very concerned about voting to re-elect the current administration unless the errors of the past two years are acknowledged and a strong plan offered for correcting the League's course.

At a minimum, the following steps or their equivalent are necessary if members' trust in the ARRL is to begin to be restored.

- The Code of Conduct should be **RESCINDED** and re-worked to be consistent with the democratic structure of the ARRL. Before being submitted as a new matter at a subsequent Board meeting, consideration should be given to whether existing applicable laws and regulations are sufficient (as they have been during the 104 years of ARRL's existence) and instead, a guidance document to those requirements created. In either case, any such reworking should clearly **ENCOURAGE** all elected ARRL officials to discuss any and all issues with their constituents, including their own views, whether or not such issues have been the subject of earlier Board action. *Any new or amended Code of Conduct or guidance document should be released to Members at least 60 days before consideration and Member input to their Directors solicited and considered. (This is no more than the procedure employed by the Federal Communications Commission (FCC) for major decisions – drafts are publicly released and public input considered before final adoption. See, for example, http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0202/DOC-343303A1.pdf.)*
- Any proposal for voting rights at the Board or Board Committee levels for individuals not elected directly by the Members should **NOT BE ADOPTED**.
- The censure of N6AA should be **RESCINDED** with an apology.
- Any proposal for eliminating or lessening the role of Vice Directors should **NOT BE ADOPTED**.

What Should Be Done In The Next Twelve Months?

The actions of the League's current administration discourage the type of widespread support and engagement that lead to robust growth and enthusiastic participation in League affairs and in amateur radio activities generally. Defeating the ill-conceived proposals, rescinding and then providing a guidance document or re-

formulated Code of Conduct, and rescinding the censure of N6AA, might stem the hemorrhaging but will not solve the larger problem of poor governance.

There are multiple serious problems that considerably weaken the League. For example, each director has only one vote, but one director represents an estimated 3,250 Members while another “equal” director represents an estimated 17,000 Members. This is **NOT** representational democracy.

Also, only 4 of the 15 Directors have been elected in a competitive election for their current term (K0BBC, K0DAS, K7CEX & WY7FD). Not only has ARRL leadership made no known attempt to correct this deficiency, but its recent actions disqualifying candidates and censuring a Director without disclosing the factual bases for its decisions make the situation worse by chilling the best candidates from considering service.

Going forward, modern-day governance is needed if the energy and vitality of individual amateurs are to be harnessed for the common good and future growth of amateur radio. At a minimum, the ARRL should match the FCC in openness and transparency. It should be cause for embarrassment that the FCC, which is subject to multiple complex statutory and regulatory provisions many times more restrictive than anything that applies to the ARRL, is light years ahead of the ARRL in matters of transparency and information flow.

- The text of proposed changes to any of the League’s instruments of governance – including but not limited to its Articles of Incorporation and its By-Laws – should be publicly announced and released to its Members with sufficient time for study and submission of comments to their respective Directors before any vote is taken. This is how the FCC handles major decisions (see above). Is there really a justification for the ARRL being more opaque than the FCC?
- Divisions should be re-apportioned once every ten years so as to limit disparities in voting representation to less than 5 or 10 percent. **(Currently, one Director represents fewer than 3,250 (est.) members, while another Director with an equal vote represents more than 17,000 (est.) members – a whopping 500 percent or greater difference in representational basis. Does anyone really think that this is fair representation?)**
- For any vacant Director’s seat, the vice director (or other appointee) should serve only until a new director is elected at the next yearly election. No non-elected director should serve for more than 12 months. **(When there is a vacancy, a new director should be elected at the next annual election, rather than waiting for a period that now can be for up to three years. By way of analogy, while a State matter, vacancies are filled in the U.S. Senate and U.S. Congress by appointment for no longer than through the next election – not for the duration of the original term.)**
- Membership for all four (and any future) standing Board committees should be elected by the entire Board, with each Member limited to serving on no more than 50 percent of such committees.

- All Board meetings should be live-streamed (audio and video) in real time and stored for later viewing over the Internet in a manner that makes them accessible to all ARRL Members. (Alternatively, audio streaming would be a big step in the right direction.) Any time the Body of the Whole is in session may be excluded, provided that all subjects discussed in the the Body in the Whole session are announced both before and after that session. **(By comparison, for many years all FCC meetings and many advisory and other lesser meetings have been live-streamed and also made available for later playback over the Internet, see for example: <https://www.fcc.gov/news-events/events>.)**
- All items discussed at a Board meeting, whether adopted or not, should be reported in the meeting minutes.
- All reports not of a personnel or otherwise privileged nature should be available to all members over the Internet.
- Consistent with applicable law, a full factual explanation for any disqualification of an applicant for ARRL office by Member election should be released to all ARRL Members within 24 hours of the action.
- Consistent with applicable law, a full factual explanation for any censure or other disciplinary action of an ARRL Officer or Director should be released to all ARRL Members within 24 hours of the action.

Conclusion

I worked on communications policy matters for the U.S. Congress, and later at the Federal Communications Commission.⁴ My experience is that transparency and open debate result in the most effective decisions. While sometimes this method is highly stressful, the statutes, regulations, decisions, and opinions on which I worked with others benefitted greatly for having been through the crucible of public opinion, partisan differences, multiple layers of review, and sometimes judicial review.

The suggestions above are examples of actions needed for the League to address immediate concerns with its governance and on the longer term to recover and rejuvenate itself as an organization relevant to ham radio operators in the 21st Century. This list is not all-inclusive.

73,
 Dave Sidall K3ZJ

ATTACHMENT: WHAT HAPPENED?

⁴ Although never a major component of my responsibilities, during my career on Capitol Hill and at the FCC I had responsibility for, or input on and oversight of, many matters affecting the amateur radio service.

From my perspective as an active life member for the past 40+ years and past volunteer in various capacities, the League's democratic foundation is eroding. It didn't start from scratch in 2016, but beginning then there have been incident after incident that cumulatively erase any illusion of democracy, transparency, and accountability.

- In late 2016, there were two candidates for Director in the Southeastern Division. After ballots were distributed, the incumbent Director (K4AC) was suddenly disqualified. There was no notice and no explanation to the ARRL's Division Members. There was no call for new candidates. The remaining candidate -- a former Director -- was seated for a full 3-year term. It does not escape notice that the disqualified candidate was an outspoken advocate for increased Board transparency and had made concrete proposals to that end.
- At the January, 2017 Board meeting, a new "Code of Conduct" was adopted that, among other things, explicitly prohibited elected Directors from voicing their opinions on any matter already addressed by the Board and, without regard to personal position, required express support for Board actions notwithstanding the Director's views.
- During the next election, in 2017, again an apparently fully qualified applicant for Director was disqualified (K3RF) without specific reasons being disclosed to the applicant nor to the ARRL Division's members. The candidate was a vice-director and well-regarded attorney with expertise directly related to some of the ARRL's operations and who, like K4AC, was known to favor more transparency in decision making. The remaining candidate -- the incumbent Director -- notably voted **AGAINST** disqualifying K3RF. Nevertheless, the Board simply seated the incumbent Director for a new 3-year term.
- Later in 2017, the Board voted to publicly censure one of its most senior and respected Directors (N6AA). Again, no specific factual basis was provided to the membership. In this case, the Director was said to have violated the "Code of Conduct" enacted earlier in 2017 while discussing League affairs at the Visalia International DX Convention. However, multiple attendees corroborated the Director's statements, including written statements submitted to the League. The Committee and Board supposedly relied upon the complaint of an unidentified League Member. No explanation of the specific provision violated and reasoning for its determination has ever been issued by the Board or its Committee. The "complainant" has never been identified.
- In late 2017, proposals to amend the League's by-laws became public, although not announced by the League itself. These proposals would:
 1. provide voting power to four non-member elected League officials;
 2. incorporate the anti-democratic "Code of Conduct" into the ARRL's by-laws;
 3. explicitly empower the Board to unseat an elected Director through the subterfuge of ejecting the Director's (or any other member's) ARRL membership.