



ARRL The national association for
AMATEUR RADIO

Office of the President
225 Main St.
Newington, CT 06111

November 28, 2007

Via e-mail and U.S. Mail
MascelliA@usa.redcross.org

Mr. Armond T. Mascelli
Vice President
Domestic Disaster Response
American Red Cross
Programs and Services
2025 E Street, N.W.
Washington, D.C. 20006

Re: Statement of Understanding, American Radio
Relay League, Incorporated and American Red Cross

Dear Mr. Mascelli:

Though we have not met previously, I am well aware of your long association with ARRL, the National Association for Amateur Radio, also known as the American Radio Relay League, Incorporated (ARRL), and your support of the long and beneficial relationship between ARRL and the American Red Cross (ARC). I am writing today in my capacity as President of ARRL to note the very serious concern that ARRL has about two issues that are harmful distractions to the common goal of our two organizations. I need your help in resolving these before any more time goes by. The two issues are the lack of a current Statement of Understanding between ARRL and ARC, and a firm resolution of the issue of the scope of background checks now required by the ARC for volunteers, including Amateur Radio operators who wish to provide volunteer services to ARC for periods beyond seven consecutive days. I would like to tell you where these two issues stand from our perspective, and see what we can do to resolve any concerns and proceed to a replacement Statement of Understanding (SOU) right away. I am constrained to note that I am not comfortable with the current lack of an SOU, and a clear absence of consensus about the background check issue.

I have reviewed the now-expired SOU between ARRL and ARC dated September 17, 2002, and executed by my predecessor, Jim Haynie, and Mr. John W. McDivitt, then the Executive Vice President of Disaster Services, ARC. That SOU expired on its face, pursuant to Section IX thereof, on September 16, 2007. The SOU called for a meeting six months prior to its September 16, 2007 termination date, for the purpose of

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reviewing the progress and success of the SOU and to determine whether it should be extended for an additional five years. While there have been, as I understand it, two meetings between ARRL staff or representatives and ARC representatives this year, the meeting for the purpose of evaluating the progress and success of the previous MOU did not occur until August 23, 2007. Thereafter, there has been essentially no progress at all, as far as I can tell.

On that date, Mr. Keith Roberatory of your staff (a radio amateur, KG4UIR, and the Response Technology Manager, Preparedness and Response), and Mr. Kerry Vanek, the Activity Lead, Response Technology Communications, met with Mr. Dave Patton, NN1N, ARRL's Manager, Membership and Volunteer Programs, and Dennis Dura, K2DCD, the Manager of Emergency Preparedness and Response, at ARRL's Headquarters in Newington, Connecticut, to discuss both the background check issue and the SOU. On the subject of the SOU, there were two primary topics of discussion. The first related to use by one organization of the logo of the other in certain published and electronic materials. The second related to direct resource requests by ARC headquarters to ARRL headquarters for deployment of Radio Amateurs nationwide. Both were legitimate issues for resolution.

Also discussed was the matter of background checks, and the discrepancy between the stated policy of ARC with respect to criminal background checks versus credit or mode of living checks, and the specific language of the consent form required by ARC's contractor, "mybackgroundcheck.com". Finally, future joint projects were discussed. While all parties to the August 23, 2007 meeting were acting in good faith and the intention was to proceed further with a replacement SOU, nothing more seems to have taken place since then. The SOU expired less than a month later, and it has now been more than two months since then, with no replacement SOU in sight.

ARRL's concerns about the ARC's background check policy go back considerably longer. On February 20, 2007, ARRL's General Counsel, Christopher Imlay, wrote to Mary S. Elcano, Esquire, ARC's General Counsel, concerning the background check policy that had been announced by the ARC, and which was to take effect on March 31, 2007 (an extended date). The policy did in fact take effect that date, but no written response was received to Mr. Imlay's letter. There was a meeting on this subject, which I understand you attended, on March 20, 2007, at ARC headquarters, involving Mr. Imlay and our Chief Technology Officer, Paul Rinaldo on ARRL's behalf. Following that, however, there still is no common understanding between ARC and ARRL about the background check policy. In a nutshell, the problem is this: The ARC states that, for Amateur Radio operators who volunteer to provide communications for the ARC and at disaster sites for more than a seven day period, a criminal background check only is required. Amateur Radio operators can probably accept that. However, though the ARC has stated repeatedly that credit checks and mode of living checks will not be

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conducted, the consent form that is required by “mybackgroundcheck.com” clearly and unequivocally states that such checks not only are being consented to by the person who signs the form; it also says that credit and mode of living checks *will* be conducted. This is not an acceptable situation for ARRL, as we have told your representatives many times. Despite efforts by the ARC General Counsel’s office to address this with ARRL representatives, no progress has been made. At the August 23, 2007 meeting at ARRL Headquarters, the ARC representatives claimed that the ARC would review the language on mybackgroundcheck.com and would make it consistent with what they claimed was actually occurring: that criminal background checks only were being conducted. They also offered to consider an FAQ document concerning security of personal data. They offered to investigate the classification of ARRL as a “partner organization” which would exempt Amateur Radio volunteers from the background checks. Of these followup items, I am not aware of any resolution of any of those issues.

Armond, to be entirely candid, ARRL benefits from its relationship with the ARC, and I believe that benefit flows both ways. Doubtless, the public benefits tremendously from the relationship. However, the ARC’s apparent inability to resolve the problems with the consent form for background checks, and the absence of a current SOU between ARRL and ARC, are having a distinct chilling effect on the willingness of Amateur Radio operators to provide communications services for the ARC. We may not, candidly, be able to provide sufficient volunteers when necessary, unless these issues are resolved. Furthermore, we have obligations and commitments to other served agencies with which ARRL does have existing Memoranda of Understanding.

So, it is past time to resolve these matters. It is urgent that the background check matter be resolved first, because it will not be possible for ARRL to enter into an SOU with ARC unless and until that matter is resolved. ARRL’s Board of Directors adopted the following policy in July of this year:

Ideally, Amateur Radio emergency communications volunteers participating in ARRL-sponsored programs should not be required by served agencies to undergo background investigations of any kind. However, it is generally acceptable for a served agency to require these volunteers to undergo a criminal background check, preferably performed by a law-enforcement entity. It is not reasonable for a served agency to require these volunteers to consent to credit checks, mode of living investigations, or investigative consumer reports. In negotiating or renegotiating memoranda of understanding that commit the League to provide volunteer emergency communications support, the League must be assured that these volunteers will not be required by the partner organization to consent to credit investigations, mode of living investigations, or investigative consumer reports.

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It will be necessary for this policy to be reflected in any subsequent SOU to be entered into between ARC and ARRL, and it will be necessary to either exempt ARRL-sponsored Amateur Radio communications resources from the ARC's background check policy altogether, or alternatively to modify the consent form, which is the root of the problem.

It is in any case necessary to resolve the SOU matter without further delay. If it would be helpful, we will provide you with a draft replacement SOU for consideration. But it will be necessary to agree on replacement terms and execute a new SOU before the end of 2007, because the current situation is not conducive to seamless disaster response communications by Amateur Radio. At any time convenient for you, Mr. Patton, Mr. Dura, and Mr. Imlay are available to negotiate the details of the new SOU and the necessary modifications to the ARC's background check policy as it applies to Amateur Radio volunteers and the Amateur Radio Emergency Service program.

I will be pleased to meet with you at an early time to execute the revised SOU.

Kind regards,

Joel Harrison
President

Cc: David Patton
Dennis Dura
Christopher Imlay

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