



**ARRL** *The national association for*  
**AMATEUR RADIO**

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

June 30, 2008

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:

On behalf of ARRL, the National Association for Amateur Radio (ARRL), I was pleased to receive your May 8, 2008 letter in response to mine of November 28, 2007. I was hoping that your response might have been sooner in coming, due to the urgency that I thought was conveyed in my November 28, 2007 letter to you. There has been and now still is a great deal of concern and confusion among ARRL members as to the issues identified in my letter regarding the background check policy of the American Red Cross (ARC). This confusion among Amateur Radio operators has had a chilling effect on their willingness to volunteer to provide communications for the ARC. A more timely response to my letter would have allowed ARRL to provide some information to them, thus to encourage their continued participation in these important volunteer activities. That aside, it is gratifying to note that at last, some changes are being made in the consent form for volunteers from partner organizations such as ARRL who wish to provide volunteer services to ARC for periods beyond seven consecutive days.

Having received your letter and the edits to the form for background checks, I have asked Dennis Dura of our staff to commence negotiations between our organizations looking toward a replacement Statement of Understanding (SOU). Dennis, with the active oversight of our Programs and Services Committee, will be working with Keith Robertory of your staff on this project, who you have indicated is available for this effort.

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I have two substantial concerns with the revised “consent form” that was appended to your May 8, 2008 letter. First of all, it is *not* the same text as is found on the web site:

[www.mybackgroundcheck.com/order/arcVts](http://www.mybackgroundcheck.com/order/arcVts)

In fact, *the text appended to your letter is not the consent form at all*. I am attaching a PDF copy of the entire consent form as it appears on the web site now. As you can see, what you sent to me is a part (though not the entirety) of the “*Disclosure Regarding Background Investigation*” which appears on the web site and which precedes the actual consent form. While the text you provided of the *Disclosure Regarding Background Investigation* is considerably improved from that used in the past for volunteers from partner organizations such as ARRL, the actual consent form (i.e. the “*Authorization for Background Investigation*”) was not included in your letter. As you can see from the attached PDF copy of the web site, the *Authorization for Background Investigation* still contains some highly equivocal and broad language which, because of its ambiguity, will inevitably discourage substantial numbers of radio amateurs from participating in the background check process.

For example, the current *Authorization for Background Investigation* form states that information obtained “before, during or after” a volunteer’s tenure may be used in the process of obtaining background check reports (plural). This would permit repeated background checks to be made for the rest of a volunteer’s lifetime if the contractor that the ARC uses wishes to continue to investigate the volunteer for whatever reason. As well, the information that is collected for the report can be collected from “any and all third parties” and not just governmental authorities, without limitation on the subject matter. This is not sufficiently circumscribed to permit a volunteer to confidently proceed with the background check without fear that (1) the confidential information collected will, now or in the future, be abused; (2) that more than narrowly circumscribed criminal background checks will be performed; or (3) that the exposure of the volunteer to continued intrusions on his or her privacy will result from signing the form.

Armond, let me be very candid here: the Red Cross has not been entirely forthcoming about the process that it has implemented. The vagueness of the background check procedure, which persists to the present time, places ARRL in a very difficult posture relative to what we should advise our members. The obvious overbreadth of the past consent form, coupled with the ARC’s demand for the disclosure by volunteer Amateur Radio operators of highly confidential, personal information in this context necessitates that we scrutinize the current consent form carefully. I wish I had been provided the entire text of the form that is now being used, rather than the portion of the “*Disclosure*” part of the form that was appended to your May 8, 2008 letter, because that would have affected how ARRL presented the matter to large numbers of radio

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amateurs at the Dayton HamVention last month. As it stands, many radio amateurs are now just as confused as they were prior to your letter, if not more so. This does not encourage volunteers to proceed with the process.

The other concern I have now is with respect to the portion of the Disclosure form that *was* appended to your letter. We are obligated to offer additional edits to the portion of the Disclosure form that you provided us. These edits are necessary to clarify the intent of the ARC to limit the scope of the inquiry during a background check to criminal background check information only. The attached changes address ARRL's concerns about the scope of the background checks, first brought to your attention more than a year ago.

We do not want the implementation of these additional changes to further delay the negotiation of the terms of a replacement SOU. A new SOU is, in my view, a critical and urgent matter. Because the old SOU expired on September 16, 2007, the vacuum thereafter has served neither ARRL nor ARC well. I hope I have conveyed this thought to you with sufficient emphasis.

We look forward to continuing to providing seamless disaster response communications by Amateur Radio and to enhancing and expanding ARRL's proud partnership with the American Red Cross. I look forward to meeting with you and executing the new SOU once additional edits to the Disclosure Form, and adequate clarifications are included in the Authorization Form that appears on your web site for partner organizations are made, and when the new SOU terms are agreed upon.

Sincerely,

Joel Harrison  
President

Cc: Dennis Dura  
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