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Texas DX Society

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The Texas DX Society, P. O. Box 540291, Houston, TX 77254-0291

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Repeater Chairman	Brent Levit, NT5D

The Frez Sez - de Don, KI3L/5

The schedule for 1993 TDXS meetings has been approved by the board. It includes five meetings at the downtown EOC, which the membership has chosen as our primary meeting site. There will be four informal meetings at local restaurants, including the upcoming March 12 meeting at Gabby's on North Shepherd. The three additional meetings will be an afternoon Bar-B-Que in May, the annual convention meeting in November, and a December Christmas party. The meeting schedule is listed elsewhere in this issue. Please mark the appropriate dates on your calendar.

The updated membership roster is also included in this issue. Membership status has been determined by review of attendance sheets from 1992 meetings. Please notify Dave, WB5N, of any existing errors, or address changes. He will maintain the master database, and periodically make updated rosters available. We need input from members to keep the information current!

The board has also prepared a proposed budget for 1993. Based on 1992 expenses, and anticipated income and expenses for 1993, we should be financially healthy at years end (not wealthy, just healthy). Copies of the budget will be available for distribution to members at the March 12 meeting.

I understand that the new repeater is on the way, but not yet here. We anticipate that it will be up and running soon - certainly before the April Meeting. As you recall, the General Electric repeater failed some months ago, and has been replaced by the Spectrum. Once the new unit is in place, we intend to have the GE repaired and then put it up for sale. Fortunately we have received sufficient funds to more than cover the entire cost. Additional repeater donations have been received in the past month. Thanks to K5LZO, WB5RUS, and K7WOC for their contributions.

Congratulations to the TDXS fox-hunting team, who, under the leadership of K2TNO, found an intermod producing mobile railroad transmitter in less than 30 minutes on March 2 (AMAZING!). I look forward to reading Tuna's detailed report.

Announcements

Meeting Notice - The Texas DX Society meets on the second Friday of each month, except when the date is changed by the Board of Directors. This month the meeting will take place on Friday, March 12, 1993. This meeting will be held at Gabby's BBQ, 3101 North Shepherd, which is located one block north of Loop 610 North on North Shepherd and is on the west side of the street. It is well marked by a large outside sign and has ample parking. It has "walk-thru" food service and the group will be seated together off to one side of the main dining area. The gathering should begin sometime between 6:30 and 7:00 P.M. with a short meeting starting sometime after 7:30 P.M. Visitors are welcome to attend and may obtain help in finding the location by checking in on 147.96/36 MHz.

DX PacketClusters - The TDXS Contest and DX PacketCluster operates on 144.976 MHz with the call K5DX. This cluster node is operated by Rich, K5WA from his home in southwest Houston, and is sponsored by the Texas DX Society. It is regularly linked to the Texas PacketCluster DX network. K5DX may be accessed directly, or via the TDXS digipeater, i.e. C K5DX VIA TDXS, or by connecting to the TDXS97 node and then to K5DX, i.e. C TDXS97, then C K5DX, all running on 144.970 MHz.

The Brazos Valley Contest and DX PacketCluster Bulletin Board is located in Hempstead, Texas and operates on 144.990 MHz with the call KE5IV. A digipeater node operating on 144.990 MHz with the alias MAGBPQ is located near Magnolia and gives access to those users in the northern part of Houston.

The Galveston County DX PacketCluster, located in La Marque, is active under the call KC5SC and operates on 144.930 MHz. It is usually connected with K5DX and KE5IV via the 446.100 MHz backbone link. Stations in the southeastern parts of Houston may find it easier to connect with this cluster.

AB5A located in Dickinson about 10 miles northwest of KC5SC operates the Texas Gulf Coast DX PacketCluster. This node is regularly connected to the KC5SC PacketCluster via 446.100 MHz. Users may access the node on 145.01/03 MHz

Bullsheet Articles - Articles or other newsworthy items are hereby solicited by the editor. Articles should be submitted in the form of either ASCII files or as word processor files. Files may be uploaded to the TDXS area on KB5NFN's Bulletin Board at 713-777-0821, or sent to the Editor. If necessary, text may be sent via FAX to the editor by prior arrangement. Files or other messages may be sent to the editor via CompuServe or Internet to 71045.2632@compuserve.com. For those with VHF Packet ASCII text can be sent directly to the Editor. Contact W5ASP at 713-974-3455 to arrange for either fax or packet transfers. Publication deadline is the first Friday of the month.

DX Report

de Jim, N5DC

HOT NEWS! XF0C, Clarion Island has been postponed by recent volcanic activity.

ZD8, Ascension Is. - Active now signing **ZD8DEZ** till August. On all bands. Looks like CW and RTTY/Amor primarily.

YI1BGD - Tom, SP5AUC operating. QSL P.O. Box 11, Warsaw 93, Poland.

KH5/KH5K - Ship is late getting back to Hawaii from AH1A operation. Should be on the air by the time you read this.

HC8, Galapagos Is. - WS7I and WV7Y active March 15-27.

VP8, South Orkney Is. - Now QRT after 2 years and 25K Qs, New main base operator is Clare, signing **VP8SIG**. No QSL route given. LU1ZA is also reported active.

VK9M, Mellish Reef - VK4CRR reports 6 operators will activate it mid-September for 7-10 days. No callsign yet.

9M0, Spratley - Hopefully on the air by the time you read this.

DXCC Backlog - It is gradually being whittled down, Tom Hogarty, KC1J (DXCC desk) indicated to me by phone that, as of the end of February, they were returning applications received between 14 to 21 weeks earlier. Be patient folks, they are catching up, and once they do so it is going to be a real good system.

Field QSL Checking - The League is no longer going to allow field checking of Russian QSL cards. Too much confusion over the various countries/calls. They are adding several new countries, that can be field checked. See the ARRL DXCC Countries list dated January 1993 for details.

KF5MY - Looks like Evie is about to become the second XYL in the TDXS to make the Honor Roll. Congratulations Dear, now can I please use the rig?) That's all for now 73 and good DX.

S2, BANGLADESH - The FAIRS group are going to operate from Bangladesh in March for two weeks. They have 7 operators in their team: KK4WW, N4VA, UA4LCQ, UA4LLQ, UB5WE and two YL-operators: KD4GMV and RB5WA. They plan to use the following frequencies during our upcoming DXpedition to Bangladesh: CW: (QSX up) 28025, 24895, 21025, 18070, 14025, 10105, 7005, 3505, 1835 KHz. SSB: (QSX up) 28295, 24950, 21245, 18125, 14145, 7075, 3645, 3795, 1850 KHz. All QSLs for this DXpedition should be sent direct to the following address: Hanna Osuch, SP5IUL, Lowiecka str, 14 05-400 OTWOCK, POLAND. The callsign to be used on the S2 DXpedition will be announced later.

Ohio/Penn DX Bulletin

Editor Tedd Mirgliotta, KB8NW - March 1, 1993

Thanks to the Northern Ohio Amateur Radio Society, Northern Ohio DX Association, Ohio/Penn PacketCluster Network, DL1HBT & DXNL, DF4RD, ARRL DX Bulletin, DXAC, N8AC, KF8VW and KC8MK for the following DX information.

"THIS SHOULD BE THE BEGINNING OF AN EXCITING MONTH!"

1S, SPRATLY. More details became available for the March 11-17 DXpedition to the Malaysian occupied territory of Pulau Layang-Layang Island. The Spratlies have been a highly contested area in which several countries lay claim (PR

of China, Malaysia, Philippines, Taiwan, Vietnam). Under the protection of the Malaysian Royal Navy, the multi-national team of 9M22CS, 9M6TC, 9V1YW, AA6TT, AB6NJ, JA5DQH, N7NG, OH1NYP, OH2BH, OH2MAK and WA6AUE will activate **9M0S**. The following frequencies will be used (WARC bands are pending permission from the Malaysian authorities.): CW - 1827, 3502/3522, 7002/7022, 10102, 14023, 18073, 21023, 24892, 28023 SSB - 1827, 3972, 7065, 14190, 18103, 21290, 24932, 28490 QSLs via W4FRU, John Parrot, P.O. Box 5127, Suffolk, VA 23435.

ET, ETHIOPIA. It has been reported that Sid (G4CTQ), will be active as **ET3SID** beginning the first part of March. The only mode of activity reported was RTTY.

FK, NEW CALEDONIA. DJ5CQ and crew intend to activate Lifou Island in the Loyalty Island Group (IOTA OC-033) after their stay on Lord Howe Island (read VK9). More details will be published as soon as they become available.

FO, FRENCH POLYNESIA. Eddie (**FO4OK**) has been active almost everyday on 10 and 15 meters from Tahiti Island. Activity on 10 meters starts around 2100z and on 15 meters about 2200z. He has also been heard on 14175 kHz around 0915z.

JT, MONGOLIA. Naran, **JT1BV**, has been very active on the WARC bands. Look for him everyday on 10106 kHz at 1300z, 18145 kHz 0100z and 24940 kHz at .0000z. Naran stresses that when sending direct, send **ONLY** to Mongolia "via Japan". Normal mail goes through Russia and is not getting through to Mongolia by that route.

S0, WESTERN SAHARA. **S0RASD** will be active until March 6th. There has been no sign of S01A on the bands as of yet. **S0RASD** has been heard mostly on 14195 kHz, but has also been active on 7045, 18130, 21295, 24903, 24944, 28014 and 28497 kHz +/- various time throughout the day. QSL via EA2JG. According to the INDEXA Net, the address in the callbook is incorrect. The address should be Arseli Echeguren Bardeci, Las Vegas 81, 01479 Luyando, Alava, Spain.

S9, SAO TOME & PRINCIPE. There was a lot of activity this past week by Chas (**S92SS**) and Leslie (**S92YL**). Leslie usually can be found on the 14226 DX net starting around 2100z or on 15 SSB. Chas has been active on 10 meters SSB around 2100z and has also been heard on 18072 kHz around 2300z.

VK9, LORD HOWE ISLAND. Rudi, **DJ5CQ/VK9LM**, will be active again from March 6th to March 16. His crew will be **DL3DXX**, **DL4LQM**, **DL8WXM** and **DL8WPX/YB6AVE**. They will be active on all bands, mainly on CW, about 25 kHz up from the band edges. On SSB, look for them mainly on 14195 and 21295 kHz. They will also activate this island for the first time ever on OSCAR. QSLs go to **DJ5CQ**, Rudi Mueller, Alter Main 23, D-8601 Ebing, Germany. Remember also, **JA2NQG** will be active as **VK9LH**, March 10-15.

XY0RR CARDS. On February 9th, Romeo (**3W3RR**) and Ed (**NT2X**) delivered approximately 3000 XY0RR QSL cards to the ARRL. They were the remaining U.S. and Canadian cards with labels attached from the printout he had in his possession from last Dayton Hamvention. These cards were not claimed or if they were, Romeo never received incoming direct mail. The League kindly agreed to distribute the cards to the U.S. and the Canadian amateurs (ed. probably via the bureaus).

ZL7, CHATHAM ISLAND. By the time you read this **ZL7AA** should be active until March 8th. The list of operators are: **ZL2AHC**, **ZL2AL**, **ZL2ARF**, **ZL2QM**, **ZL2CD**, **ZL2TT**, **ZL2OY**, **ZL2TXK** AND **ZL2TKS**. Operation will be on CW/SSB 10 thru 160 meters, plus 2 and 6 meters. Look for

them on the following frequencies: CW - 3505, 7005, 14025, 21025 and on SSB - 3795, 7085, 14195, 21195, 28495. They will be taking along with them 6 or 7 HF radios and 3 three element yagis. QSL via ZL2AL, P.O. Box 54, Hastings, New Zealand or via the bureau.

DXAC HAPPENINGS. Robert Beatty (W4VQ), DXAC Chairman, has scheduled a DXAC vote for the deletion of Czechoslovakia and the addition of the Czech Republic and the Slovak Republic for the week of 22 March 1993. Also, the DXAC Chairman has rescheduled the votes slated for the week of 8 March (on the distribution of a DXAC bulletin and the DXCC credits for station licensee) to the week of 22 March.

NEW DXNL EDITOR. Number 832 will be Tom Milde's (DL1HBT), editor of the DARC DX News-Letter, last issue. Due to business reasons, Tom will stop editing the DXNL (English) and DXMB (German) bulletins. Tom made the DXNL one of the good reliable sources of DX information. He enjoyed collecting, distributing and sharing the DX information with other bulletin editors. OPDX would like to thank him personally. Rolf Thieme (DL7VEE, ex-Y23CO) will be taking his place as new editor. All information should be forwarded to: Rolf Thieme, Landsberger Allee 489, O-1140 Berlin, Germany, Europe.

FAX YOUR DX INFORMATION NOW! This is just in the testing stage, but faxing will be available Monday/Wednesday/Friday from 0430 to 2030z only. The number is 216-237-2816 and operates only Class 2 Fax. Use only the dates and times specified because this is not a dedicated line. I M P O R T A N T !!!! The fax number will be changed next week to 216-237-8208. The dates will be the same, but the times may be extended. The FAX card will be sharing the same phone line as BARF-80 B1:S using a data/fax/phone switch.

DX Advisory Committee

de Jim, N5DC

I still have not heard a peep from anyone regarding their opinions on current QSL practices and abuses. Come on gang, I need some input from you.

Regarding the VU7SF/VU7API activity, W2XP is reported to be an assembly point to forward cards to VU land for the two Laccadive operations. According to a letter from the ARRL to him, he has been returning cards to the sender without confirming QSL cards. In addition, with the returned card(s), was a printed request for additional funds. The League has informed him, that if this practice continues, both operations will be disqualified. The reason for the disqualification would be that the request for funds fall outside IARU guide lines for Region 2. I believe he possibly misunderstood the rules and that the situation has been corrected.

There will be a vote on the "new" Czech/Slovakia countries early this month. It should pass easily.

1993 TDXS MEETINGS

- April 9.....EOC
- May 8.....Bar B Que
- June 11.....EOC
- June 26.....ARRL Field Day
- July 9.....Restaurant
- August 13.....EOC
- September 10.....Restaurant
- October 8.....EOC
- November 12.....Convention
- December 10.....Xmas Party.....Member's home

Propagation

de Roy, AD5Q

(The following article is taken from the *Northwest ARS Newsletter* for March 1993..ed)

The spring equinox is approaching, and the grey line is aligning itself directly over the pole. Both hemispheres are getting equal amounts of sunlight, with a corresponding balance in MUFs between north and south. Maximum imbalance occurs at the extremes of summer and winter. Polar paths in winter are closed on the high bands for lack of sunlight, while at the opposite pole they are burned out with absorption from the constant exposure.

Equinox time is good for DX. This is the best season for working into the southern hemisphere on low bands, since summer QRN levels keep activity down during our winter. Interest in operating low bands is never very high in South America.

Night time propagation is returning to 20, and the band is usually open at least marginally through the night. These conditions will continue to improve, and we will soon have our evening pipeline into Europe and Russia (my favorite path during contests). This is also a good season for 20 long path, since the Antarctic routes are in great shape.

One path that is often overlooked on 20 is the afternoon path to the Far East. This usually means contacts with Japan, but propagation is excellent to many rare and exotic countries. One of these is Spratly, which is due to activate on March 11th as 9M0S.

The stated purpose of the operation is to concentrate on working into the USA by exploiting all propagation windows, especially long path. This was the major shortcoming of the last operation, and is a characteristic common to all expeditions by Romeo (e.g. 1S, YA & XZ). He seems to prefer 10 and 15 Meters, where polar routes are difficult, and routinely misses the daily pipelines into the states on 20. If you still need Spratly, your best shot will be on 20 in late afternoon - long path. Operators will include OH2BH and AA6TT.

Due to the lower flux numbers, conditions on 10 & 15 are sharply off. Polar openings on 15 are shorter and less common, and are impossible on 10. During the recent ARRL CW contest, much of the western US (including Colorado) NEVER got a 10 Meter opening into Europe (except skew path).

The east coast also seemed effected by the lower fluxes, as W3LPL only reported 573 contacts on 10. This suggests that they never got a direct path into Japan. Overall, any deterioration of solar conditions, whether from lower flux numbers or disturbed conditions, will exaggerate the advantage the east coast has during contests. This is what we have to look forward to in coming years as sunspot activity drops.

Contest Corner

de Chuck, KE5FI

Many "non-contesters" are discovering that contesting has taken a new turn that appeals to them. The contest logging programs like K1EA and K8CC have turned contesting (or at least, casual contesting) from work into something akin to a computer game. The program keeps a running score with contact and multiplier totals as well as allowing one to communicate on packet and to "grab" DX spots, automatically entering the frequency into your radio with a keystroke!

The best part, however, is that there's no messy cleanup. The duplicate contacts are automatically eliminated, and you

can be ready to mail in your logs (or a computer disk) within minutes after the contest. The great value of these programs is the new surge of casual contesters who are adding to the fun.

Last weekend's ARRL DX phone contest showed that the sunspot cycle has not given up the ghost yet. Ten meters was in fairly good shape and fifteen was great. About twelve of the faithful gathered at K5XI's digs and turned in a respectable six million points in a multi transmitter effort. Just think what it will be like when he puts rotors on the antennas! There were over a thousand QSOs on ten and more than thirteen hundred on fifteen. A good time was had by all as attested by the fact that people were trying to get more operating time. (And the food was great, reminiscent of the old days at K5LZO's..ed)

Upcoming contests:

- Mar. 20-21 Bermuda Contest. See Feb. QST, p. 109
- Mar. 27-28 CQWW WPX Phone Contest. See Feb. QST, p. 109 or Feb. CQ
- Apr. 9-11 Japan Intl. CW Contest. See Jan. QST, p. 109
- May. 29-30 CQWW WPX CW Contest. See Feb. QST or CQ
- Jun. 26-27 Field Day

Log Due Dates:

CQ WW 160M Phone - March 31
ARRL International DX (CW & Phone) - April 7

Results

1992 IARU World HF Championship
GM0ECO 1805 Q x 139 Z = 1,065,991 #4 Phone World
K5RC(K5GN)1124 Q x 154 Z = 674,520 #9 CW W/VE
W5ASP 340 Q x 52 Z = 70,512
1992 CQ WW WPX SSB
ZF2NE/ZF8 (W5ASP) 3624 Q x 788 M = 6.5 M
SO/AB #1 CARIB/C.A.
WN4KKN/6 2370 Q x 814 M = 4.5 M
SO/21 Mhz #7 World
KE5FI 1373 Q x 570 M = 1.3 M
SO/28 MHz #1 USA Low Pwr

Claimed Scores:

ARRL DX Phone

K5XI.....3631 Q x 545 M = 5.9 M

BAND.....QSOs.....COUNTRIES

160.....	40.....	25
80.....	121.....	57
40.....	277.....	74
20.....	870.....	134
15.....	1321.....	126
10.....	1002.....	129

Operators: K2UA, K5GA, K5GN, K5LZO, K5RC, K5WA, K5XI, KE5FI, KI3L, NN5O, NR5M, W5ASP, WB5N, WT5U

ARRL DX CW

K5GN.....2049 Q x 394 M = 2.4 M
GM0ECO (W5ASP) ...1768 Q x 194 M = 1.0 M
K5GA.....431 Q x 183 M

North American Sprint Phone

K5LZO.....292 Q x 53 M
KI3L/5.....218 Q x 42 M
W5ASP.....215 Q x 45 M
NR5M.....205 Q X 45 M

How to Repair Packet Equipment

de Ken, KE5IV

STEP 1 - Approach the ailing packet unit in a confident manner. This will give the unit the mistaken idea that you know something. It will also impress anyone who happens to be looking, and if the unit should suddenly start working, you will be credited with its repair. If this step fails to work, proceed to step 2.

STEP 2 - Wave the manual at the unit. This will make it assume that you are at least familiar with the source of knowledge. Should this step fail to work, proceed to step 3.

STEP 3 - In a forcible manner, recite Ohm's Law to the to the instrument (*CAUTION:* before taking this step, refer to some reliable handbook to be sure of your knowledge of Ohm's Law). This will prove to the unit, beyond the shadow of a doubt, that you happen to know something. This is a drastic step and should be attempted only if the first two fail. If this step fails to work, proceed to step 4.

STEP 4 - Jar the unit slightly. This may require anything from a three to six foot drop, preferably on a concrete floor. However, you must be careful with this step because, while jarring is an approved method of repair, you must not mar the floor or get the unit out of tune. Again, this is a very drastic step. If it fails, proceed to step 5.

STEP 5 - Brandish a large screwdriver in a menacing manner. This will frighten the unit and demonstrate your knowledge of the deadly "short circuit" technique. Proceed to step 6.

STEP 6 - Add a tube...even though the unit is solid state... This will prove that you are familiar with the node's design. This will confuse the unit and thereby increase your advantage. If this doesn't work, proceed to the most drastic and dangerous step. It is seldom needed and is a final resort if all else fails!!!

STEP 7 - THINK....!

Texas DX Nodes/DX Networks

- Abilene N5HRG 144.910 *
- Amarillo WA4NXI 145.010 & 145.050 *
- Austin KG5ND 144.950 (AUSDXC) *
- Carrollton WA5YKO 144.970
- Cibolo WBSDDP 145.010, 223.580 & 446.100 (CIBDXC)
- Dickinson AB5A 145.030 & 7089.0 (DKNDX) ** #
- Edinburg K5TSQ 144.910 *
- El Paso WA5PIE 145.010 ELP ELP2
- Ft. Worth WC5P 144.950
- Haslet K9MK 144.910 MK
- Hempstead KE5IV 144.910 & 144.990 (HMPDXC) * **
- Houston K5DX 144.970 TDXS97 **
- Irving W5AH 145.730 & 441.125
- Kingsville KA5SWC 145.070 *
- La Marque KC5SC 144.930 & 144.970 (LMQDXC) **
- Lubbock KA5EJX 145.010 & 145.050 *
- Midland WF5E 144.910 (MAFDXC) *
- Rockwall W5XJ 144.930 *
- San Antonio KA5IAU 144.970
- Tyler KD5GD 144.990

* PacketClusters are connected via TexNet System
** PacketClusters may be accessed by TCAPS System in greater Houston area, AB5A and KE5IV are linked via the 19.2kbps backbone.
AB5A, WU3V, and K5NV have 9.6kbps backbone system, e.g. Gulf Coast PacketCluster Network

Deed Restrictions & Amateur Antennas

de Sid, K5XI

(This is the second part of the article which first appeared in the February issue of the *TDXS Bullsheat*. The entire text is available for a S.A.S.E. from the TDXS.ed)

V. The Law of Federal Preemptions

Article I, Section 8, of the U.S. Constitution gives Congress "Power . . . to regulate Commerce with foreign Nations, and among the civil States, and with the Indian Tribes." Congress, acting pursuant to the commerce clause, has the power to regulate the use of radio communications. *FCC v. League of Women Voters*, 468 U.S. 364, 376 (1984).

The supremacy clause of Article VI of the United States Constitution provides the federal government with the power to preempt state laws. *Louisiana Pub. Serv. Comm'n v. FCC*, 476 U.S. 355, 368 (1986). If a state regulates interstate commerce in a manner inconsistent with that prescribed by Congress, the state regulation is preempted by the federal law, and is therefore Constitutionally impermissible. *Hyde Park Partners, L.P. v. Connolly*, 839 F.2d 837, 843 (1st Cir. 1988).

The commerce clause has been held to be self-executing. *Southern Pacific Co. v. Arizona*, 325 U.S. 761, 769 (1945); *Burlington Northern Railroad Co. v. Nebraska*, 802 F.2d 994, 999 (8th Cir. 1986). This means that, even in the absence of preemptive legislation, the commerce clause bars state regulations that unduly burden interstate commerce. *Burlington Northern Railroad Co. v. Nebraska*, 802 F.2d at 999. State action which interferes with interstate commerce will not be upheld if "the burden imposed on such commerce is clearly excessive in relation to the putative local benefit." *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 142 (1970).

In 1934, Congress created the Federal Communications Commission to regulate interstate and foreign communications. 47 U.S.C. 151 (1962). Based on this authority, the FCC has promulgated regulations which have the force and effect of law. See 47 C.F.R. 97 (1989). Thus, the FCC regulation which provides that antenna structures may be erected which are sufficient to permit amateur radio communications has the same preemptive force as a statute passed by Congress.

Generally, preemption occurs when (1) Congress, in enacting a federal statute, expresses a clear intent to preempt state law, (2) an outright conflict exists between federal and state law, (3) compliance with both federal and state law is in effect physically impossible, (4) there is an implicit barrier within federal law to state regulation in this area, (5) federal legislation is so comprehensive as to occupy an entire field of regulations, (6) state law stands as an obstacle to the accomplishment and execution of the full objectives of Congress, or (7) federal regulations promulgated within the scope of Congressionally delegated agency authority have any of the above effects. *Evans v. Board of County Commissioners*, 752 F. Supp. 973, 975 (D. Colo. 1990).

The FCC grants amateur radio operators a federal license to operate an amateur radio station at the operator's residence. In order to successfully operate an amateur radio station, it is necessary to erect an antenna. Deed restrictions which prohibit erection of amateur radio antennas fall at least under (6) and (7). Absolute prohibitions contravene the very purpose behind the federal government's policy in the promotion of the amateur radio service and preclude amateur radio communication. *Evans v. Board of County Commissioners*, 752 F. Supp. 973, 975, 977 (D. Colo. 1990).

Courts have recognized that "because the effectiveness of radio communication depends on the height of antennas, local regulation of those structures could pose a direct conflict with federal objectives." *Izzo v. Borough of River Edge*, 843 F.2d 765 (3rd Cir. 1988). Courts have also observed that "testimony of experts indicates that a height of 60 to 70 feet is necessary for good reception under ideal atmospheric conditions." *Bodony v. Incorporated Village of Sands Point*, 681 F. Supp. 1009 (E.D.N.Y. 1987). See also G.L. Hall, "Antenna Height and Communications Effectiveness" (ARRL 1987).

Although deed restrictions may, in the first instance, be viewed as agreements among private individuals, judicial enforcement of a restrictive covenant by the state is preempted under the supremacy clause where such state action would stand as an obstacle to the accomplishment and execution of the full objectives of federal regulations promulgated within the scope of Congressionally delegated agency authority.

The leading case concerning federal preemption of deed restrictions is *Shelley v. Kraemer*, 334 U.S. 1 (1948). In that case, restrictive covenants provided that the property could not be occupied by any person not of the Caucasian race, and specifically prohibited occupancy by any people of the Negro or Mongolian race. 334 U.S. at 4-5. In that case, the court conceded that as long as the purposes of such agreements among private individuals were effectuated by voluntary adherence to their terms, there had been no action by the state and the provisions of the U.S. Constitution had not been violated. However, if the state courts attempted to enforce the deed restrictions, that action of the state courts was preempted. 334 U.S. at 13-14, 19-20.

Similarly, the state action involved in the enforcement of deed restrictions which interfere with the federal policy expressed in 47 C.F.R. 97.15(e) should be preempted. The commerce clause confers a "right" to engage in interstate trade free from restrictive state regulation." *Dennis v. Higgins*, 111 S. Ct. 865, 871 (1991). The state action in enforcing an attempt to regulate amateur radio station antenna structures in a manner inconsistent with that prescribed by federal regulations promulgated within the scope of Congressionally delegated agency authority is preempted by federal law.

An alternative ground for preemption is that federal regulations promulgated by the FCC are comprehensive and therefore occupy the entire field of regulation. The FCC has enacted regulations governing amateur radio antenna structures. For example, no antenna structure may be higher than 200 feet unless the amateur station licensee has received prior approval from the FCC. 47 C.F.R. 97.15(b) (1992). I do not think the FCC regulations exclude all other regulation of antenna structures. But I do think any other regulation must be the minimum necessary to accomplish the local objectives. The FCC has occupied the entire field of regulation to the extent that the FCC requires that antennas may not be prohibited, but must be allowed at heights and dimensions sufficient to accommodate amateur communications.

VI. Other Laws Relating To The Enforcement Of Deed Restrictions

Federal preemption is not the only avenue available to overcome deed restrictions. To prevent the erection of an antenna structure, someone must seek enforcement of the deed restrictions in equity. A trial court has the equitable power to refuse enforcement if it finds the restriction so unreasonable as to violate public policy. *Hotz v. Rich*, Super. Ct. No. 334580, slip op. at 17. Covenants restricting the use of land are unreasonable when the harm caused by the restriction is so disproportionate

to the benefit produced by the performance of the covenant that the deed restriction should not be enforced.

The states, as well as the federal government, have an interest in the creation and preservation of a network of operators who may assist in emergency communications. The absolute prohibition of such activities, when the objectives of the restrictive covenant may be achieved by a lesser degree of regulation, may be found to be unreasonable.

There are other defenses to the enforcement of restrictive covenants. If the CC&R's are not being enforced against other antennas (CB antennas or other amateur antennas) in the neighborhood, they cannot be enforced against you. If you have had your antenna up for a long time, the homeowners association's delay in enforcing the CC&R's may be fatal to their belated efforts to require you to remove your tower. If the actions of the homeowners association reasonably led you to believe that approval had been given or that the CC&R's would not be enforced, they may not be able to stop you once you have changed position in reliance upon such a belief.

Therefore, it is possible to defeat the enforcement of deed restrictions without reaching the federal preemption issue at all.

VII. Conclusion

You may not be able to avoid restrictive covenants when you buy a home, but you can avoid surprises. Do not take anyone's verbal assurances when purchasing a home -- have your attorney search the records to determine whether any deed restrictions exist and what they are. You should check into whether it is okay to put up a tower before, not after you start pouring concrete! Keep in mind that what you do reflects upon all amateurs. Use good common sense, and comply with applicable laws and procedures in good faith.

If you are lucky, you may be successful in securing permission to erect an adequate antenna system without legal action. Hopefully, a precedent-setting court case will soon address the issue of federal preemption of deed restrictions. Such a prece-

Outgoing QSL Cards

The ARRL provides a service to it's members which allows them to send DX QSL cards to foreign countries at minimum cost and effort. TDXS members can take advantage of this service by getting their cards to **KG5U**, who will in turn forward them to the ARRL Outgoing QSL Service. TDXS pays the nominal service fee of \$2 per pound as well as the postage.

Those wishing to use this route for their cards must sort their DX QSL cards alphabetically by country as shown on the current ARRL DXCC Country List. This means that the prefixes XQ and 3G with Chile CE, AZ and L2 to Argentina LU, etc. Keep in mind recent changes. ES, LY and YL are no longer included with the "Russians". The "East" Germans Y## now go with the DL's. What to do with the Yugoslavians remains a mystery. For now, separate YU2 and 9A (Croatia), YU3 and S5 (Slovenia), and YU4 (Boznia) from the rest of the YUs. It also makes good sense to sort the CIS, i.e. the "Russian Commonwealth", cards according to the individual Republics as per the DXCC List. It is generally not necessary to sort within a given country, e.g. it is not necessary to sort by DF, DJ, DL, or by RB, UT, EX separately. Also, remember that QSLs for DXpedition operations usually go the country of the operator, e.g. D2CW via DK7PE, YI1RJ via G0MMI, etc. Many foreign stations have stateside QSL managers. These cards may be included with the "Ks".

By the way, most Caribbean stations turn out to be nonresidents, so send such QSLs to the operator's home country.

There are number of DXCC countries not served, e.g. many U.S. territories (KH0, KH4, KH9, etc.) and countries such as Qatar, Montserrat, Nepal, etc. A complete list currently appears in the **January 1992 QST, page 59** along with additional information about the ARRL Outgoing QSL Service.

Finally, each TDXS member must include a current QST address label with each group of cards he wants sent to the bureau. Contact **Dale, KG5U** if you have any questions (before you drop the cards on him!).

Incoming QSL Cards

The ARRL DX QSL Bureau consists of a number of separate call area bureaus that handle the incoming QSLs arriving from foreign countries. This service is free of charge and does not require ARRL membership. For the Fifth Call Area the address is: **ARRL W5 QSL Bureau, P. O. Box 50625, Midland, Texas 79710**. Full details about this ARRL service appeared in the **January 1992 QST on page 58**.

To claim cards ARRL recommends sending the bureau a number of 5 x 7 1/2 in. SASEs. To assist TDXS members in this Bob, AK5B, has obtained a supply of envelopes. He will provide 10 of the 5 x 7 1/2 envelopes along with a single 6 x 9 in which to mail them to the bureau for \$1.00. If you are interested, catch him on the repeater or call a day or so before the monthly meetings.

For those who expect to receive large quantities of cards here are a couple of suggestions. (1) Place \$1.25 postage on each 5x7 self-addressed envelope, (2) Have the post office stamp "THIRD CLASS" in the lower left, (3) Attach a label "50 Cards Minimum" beneath the "THIRD CLASS", (4) Put your call in the upper left and (5) Number the envelopes consecutively (so you will know were you stand as you receive them back from the bureau). This approach will save a lot of agony with postage due and avoid small mailings which use up envelopes needlessly. The time delay in using Third Class won't be noticeable.

With the shift in the W5 Burerau to Midland, there has been a tremendous effort to clear up the backlog of cards. Lots of 5th District hams have cards waiting on them. Please at the bureau. Please pick them up soon.

Weekly DX and Contest Net

Each **Tuesday** night at **2100 CST**, the Texas DX Society sponsors a **DX and contest net on 147.96/36 MHz**. The net is being handled by **Dale, KG5U**. The purpose of this net is to exchange information of interest to DXers and contesters.

The agenda includes general and club announcements, DX information, contest information, QSL routings, propagation forecasts and related topics. Participation is not limited to members of TDXS, but is open to all and everyone is encouraged to join in.

Upcoming Events

- March 12.....Texas DX Society Monthly Meeting
- March 20.....Bermuda Contest
- March 27.....CQ WW WPX SSB Contest
- April 03.....Polish (SP) DX CW Contest
- April 09.....Texas DX Society Monthly Meeting
- April 10.....JA International CW (High Bands)