

Pirate Radio Challenges Feds

By MARTHA MENDOZA, AP National Writer

Published: September 20, 2006

OAKLAND, Calif.—To Stephen Dunifer, it was yet another revolutionary moment. To the untrained eye, it looked more like a geek fest.

Over four days, a dozen men and women shyly bumped shoulders as they studied schematics and tinkered with romex connectors, resistors, microphone cords, meters, sockets and capacitors.

In the corner of this cluttered electronics lab, hunched over a computer, sat Dunifer, their teacher, “the patron saint of pirate radio.” Part rock star, part Johnny Appleseed and fully the bane of the Federal Communications Commission, Dunifer has long, gray hair, large, clear glasses and a deep commitment to what he calls “Free Radio.”

“We’re not stealing anything. We’re claiming something that’s rightfully ours,” he says.

His goal is to create FM radio stations faster than the FCC can shut them down.

“It’s always been our position that if enough people go on the air with their stations, the FCC will be overwhelmed and unable to respond,” he says.

Pirate radio is radio without a license, radio without government regulations. It’s “america the criminal” at midnight on Human Rights Radio in Springfield, Illinois and pre-dawn erotica on Freak Radio in Santa Cruz, Calif. It’s an inordinate amount of Frank Zappa at WFZR in West End, Pa. (a station dedicated to playing his music) and the “Voice of the American Patriot” (“no support for liberals disguised as wannabe Conservatives”) at NLNR in Butte, Mont.

The rapidly proliferating scofflaws are usually only audible within a few miles of their “home-brewed” transmitters. They find unused sections of the FM dial, fire up their mini-transmitters, raise their antennas and set up their station.

Some opt to broadcast on the Internet as well, opening up their audience to the entire globe. Costs typically range from about \$250 to \$1,500.

Pirates draw loyal audiences in their communities but complaints from the larger, licensed public and private radio stations who say the microbroadcasters interrupt their signals. And they are a thorn in the side of the FCC, which is tasked with shutting them down.

Ten miles away from Dunifer's radio camp, at an undisclosed location in San Francisco, an FCC enforcement team is part of a nationwide campaign to thwart the pirates.

A record 185 unlicensed broadcasters received fines, cease and desist letters or had been raided by the by early September, up from 151 enforcement actions in all of 2005 and 92 in 2004, according to John Anderson, an expert on pirate radio who tracks FCC enforcement at University of Illinois' Institute of Communications Research. His data show a steady increase in pirate radio enforcement dating back 10 years.

"There are a lot more stations out there these days, thus there are a lot more stations for the FCC to find and bust," said Anderson.

Despite federal laws that ban unlicensed radio, efforts to shut down the stations are rarely popular and appear to be ineffectual, at least some of the time. For example:

_The neon sign says "ON AIR" at the storefront KNOZ station in Sacramento, Calif., even though broadcaster William Major was fined \$10,000 by the FCC in June. Major says he's been wrongly painted as a pirate station, and that the FCC just overlooked his license application which he says is still pending. And the fine? "It's 10 G's," he said. "I don't have 10 G's. But they're being real gentleman about it, you know what I mean? They gave us the fine and they're letting us do our thing."

_Residents of Brattleboro, Vt., are also once again listening to free radio. Last summer the FCC raided and shut down their 10-watt radio free brattleboro, prompting an ongoing federal court battle. This summer a new community radio station received permits to open and raised a 30-foot antenna.

_When federal agents raided free radio Santa Cruz in 2004, a crowd of several hundred protesters soon gathered at the 10-year-old broadcast center. The tires on the FCC agents' cars were slashed before they could leave, and then they received parking tickets before they could repair them. A few days later a fundraiser brought in more than \$25,000 and Freak Radio, which is still on the air, was launched.

The FCC's beef, insisted spokesman David Fiske, is with neither the public dissent nor the abundance of Frank Zappa music. The problem is that pirate radio stations can make it impossible for the public to listen to licensed broadcasting and can cut into air traffic control communications, he said.

"We are completely complaint driven," he said. "If there are more enforcement actions, that's because there have been more complaints."

The FCC's 2007 budget includes an additional \$1,080,000 for Mobile Digital Direction Finding Vehicles which can be used to sniff out pirate radio stations. But that same budget includes no extra staffing for the FCC's 333-person enforcement bureau, which is tasked with policing everything from cable television to telephone services. They're supposed to investigate obscene broadcasts, bust unwanted faxes and regulate the airwaves.

Pirate radio in its current form dates back 21 years to Zoom Black Magic Radio in Fresno, Calif., founded by Walter Dunn to bring diversity to the FM dial. The FCC raided his station and fined him \$2,000 two years later, but like stations of today, he quickly popped up nearby.

At Dunifer's Radio Camp, students are warned about the FCC and taught how to evade the enforcement agents. At the end of four intense days, they walked out holding their own, hand-built, ready-to-use FM radio transmitter, a shiny box slightly larger than a brick.

Participants came from as far away as Namibia and as nearby as five blocks away.

Their reasons for wanting their own station were equally diverse: a neat, middle-aged woman from Mexico, accompanied by a translator, said she wanted to bring news and political information to her community; two young men from Tucson in flowered shirts and sandals said they wanted to start a new pirate station to replace several that have been shut down by the FCC; a self-described "boring insurance clerk" in a lilac blazer was just "looking for something interesting to do"; a man with red dreadlocks, green earrings and tattooed arms was slated to take over the technology job at his local pirate station.

No one is sorrier to hear about these Radio Camp graduates than Dennis Wharton, spokesman for the National Association of Broadcasters, who described Dunifer as "the patron saint of pirate radio." And he didn't mean it as praise.

He said his members, frustrated by interference on their stations, push the FCC to enforce the rules against pirate operators.

"You'd be hard pressed to find a pirate radio station that isn't interfering with another licensed station," he said.

Wharton conceded that the FCC's policing efforts can be futile.

"It's like whack a mole," he said. "You knock it out in one place and it pops up somewhere else."