

## Free Radio – Liberating the Commons

### By Stephen Dunifer

*"Radio is one sided when it should be two. It is purely an apparatus for distribution, for mere sharing out. So here is a positive suggestion: change this apparatus over from distribution to communication. The radio would be the finest possible communication apparatus in public life, a vast network of pipes. That is to say, it would be if it knew how to receive as well as transmit, how to let the listener speak as well as hear, how to bring him into a relationship instead of isolating him. " Bertolt Brecht - "The Radio as an Apparatus of Communication"*

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Since the very beginning of radio broadcasting many people and communities have envisioned it as precisely this – a way for the community to speak to itself and to give voice to the voiceless. Further, community radio has been an intimate friend of many struggles for self-determination and liberation from oppression.

In the late 1980's a community in Springfield, Illinois, initially organized as a tenants rights group, empowered itself with 3-5 watt FM broadcast transmitter. Calling it microradio, its founder - Mbanna Kantako - went on the air to stop the rampant and violent abuse of his community by the Springfield police department, a housing project. Within a short period of time the radio station, first known as Tenants Rights Radio then Black Liberation Radio (later changed to Human Rights Radio), became not only a source of resistance to the depredations of the police but a vital source of news and information for the community. It was a medium where people could hear the voices of their neighbors speaking about their concerns, sharing their art, music and culture as well as gripping bedside interviews with the victims of police brutality. Despite the **eventual** razing of the John Hays Housing Project and the dispersal of its residents, Human Rights Radio remains on the air in Springfield, Illinois. Due largely to the efforts of **Human Rights Radio**, the degree of police brutality against the African-American community has dropped precipitously.

Although he was not involved directly in the creating of the Free Radio Movement, arising a few years later in the early 1990's, Mbanna Kantako served as an inspiration and example for many others to follow.

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*"The Radio of the Future — the central tree of our consciousness — will inaugurate new ways to cope with our endless undertakings and will unite all mankind."*

*"The main Radio station, that stronghold of steel, where clouds of wires cluster like strands of hair, will surely be protected by a sign with a skull and crossbones and the familiar word "Danger," since the least disruption of Radio operations would produce a mental blackout over the entire country, a temporary loss of consciousness."*

Velimir Khlebnikov - *The Radio of the Future*

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Since the early days of radio broadcasting, unlicensed broadcasting, referred to pejoratively as “pirate broadcasting”, has existed side by side with “legitimately” sanctioned broadcasting. Usually the endeavor of single individuals and communities, it **did not become** a political and social movement in the United States until the early 1990’s where it emerged as the Free Radio Movement or Micropower Broadcasting. Organized or not, unlicensed broadcasting has always been an attempt to **gain access to the broadcast commons by rejecting** the confined spaces (political, social and artistic) created, regulated and imposed by the state. In response, commercial and pecuniary interests promulgated constructs restricting access to the broadcast commons.

**Since** the inception of Communications Act of 1934, which essentially placed the broadcast airwaves in corporate hands with a modicum of regulatory oversight by the Federal Communications Commission (FCC), there has been a ever increasing transfer of media resources into fewer and fewer hands. Beginning in 1934, the FCC has waved the fig leaf of “public need, necessity and convenience” to cover the naked ownership of the public air-waves by corporate entities. The seeds for a grassroots media rebellion were sown by over a decade of broadcast deregulation starting with the Reagan presidency and culminating with the massive multi-billion dollar give-away known as the Telecommunications Act of 1996.

With massive media oligarchies looming on the horizon, it was becoming apparent to some people that action had to be taken - the more the radical the better. As a direct Free Speech challenge to the regulatory structure and statutory authority of the FCC, Free Radio Berkeley took to the airwaves on April 11, 1993. Seeking to break to the corporate stranglehold on the broadcast spectrum, Free Radio Berkeley’s efforts soon began to inspire others to adopt the strategy of direct action.

Within the first year after the initial broadcast of Free Radio Berkeley, it became clear that the Free Radio Movement was part of a much larger global endeavor. Community radio is rooted in the struggles of people for a just and humane existence. Whether it was: Bolivian tin miners establishing radio stations in the late 1940’s as part of a campaign to improve working conditions; Radio Rebelde’s role in the Cuban Revolution; Czech citizens creating clandestine radio stations after the crushing of the Prague Spring in 1968 by the USSR; or the supportive role of community radio in the recent uprising by indigenous people in Bolivia to reclaim their natural resources – community radio has always been a tool of expression and organization.

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*“By not having to answer to the monster media monopolies, the independent media has a life work, a political project and purpose: to let the truth be known. This is more and more important in the globalization process. This truth becomes a knot of resistance against the lie. It is our only possibility to save the truth, to maintain it, and distribute it, little by little, just as the books were saved in Fahrenheit 451--in which a group of people dedicated themselves to memorize books, to save them from being destroyed, so that the ideas would not be lost.”*

- Subcomandante Marcos addressing the Freeing the Media Teach-In, January, 1997

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After the first coup against Haitian President Jean Bertrand Aristide, Free Radio Berkeley supplied transmitters to peasant organizations fighting against the coup. Transmitters also went to both the Chiapas jungle and the urban streets of Mexico City. International efforts by Free Radio Berkeley were first formalized as International Radio Action Training and Education (IRATE). With the broadcasting operation shut down by a federal court injunction, all the energies and resources of Free Radio Berkeley were turned toward empowering people and communities with the tools, knowledge, technology and ability to build and create their own radio stations, both domestically and internationally. Currently, Free Radio Berkeley **operates** a project called TUPA – Transmitters Uniting the Peoples of the Americas. Overall, the goal is to establish regional transmitter manufacturing and training facilities throughout the Americas, and create a Free Radio Federation of the Americas that will work to secure and maintain the right to communicate by the peoples of the Americas.

As the struggle initiated by the Zapatistas against the depredations of neo-liberalism and global capital began to coalesce into a world-wide movement of resistance and direct action, a global alternative media network was born in the CS gas and pepper spray permeated streets of Seattle in 1999 – the Independent Media Center (IMC). It combined all the emerging alternative media elements into one synergistic entity. Occupation of the streets had morphed into an occupation of the electromagnetic sphere. Using a central web site and mirror sites, the IMC was able to provide continuous coverage of the events in Seattle through audio and video streams, still images and written articles and an internet radio station which provided a 24 hour stream that was picked up and rebroadcast by Free Radio and community radio stations around the world. Over 500 journalists and media activists contributed to this effort. Several local Free Radio stations joined in the effort as well. One operated from a platform in a tree on the Olympic Peninsula using a directional antenna to beam the signal into Seattle. Since then, the number of Independent Media Centers has grown to over 150, covering every continent with the exception of Antarctica.

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*“The first great struggle of the IWW was for the free speech necessary to spread the word and organize. Free speech was free, the Wobblies found, only if what was said was what the bosses wanted the workers to hear. Otherwise it had to be paid for by a jail sentence and often by a slugging from police or vigilantes. It was generally held, particularly in the West, that the First Amendment did not apply to the IWW because its cowboys, lumberjacks, and miners were un-American. The IWW fought for free speech by exercising it, and exercising it on such a wholesale scale wherever it was threatened that the jails bulged and the streets echoed with the forbidden word until the authorities rued the day they had ever banned it.”*

*Labor's Untold Story: The Adventure Story of the Battles, Betrayals and Victories of American Working Men And Women* by Richard O. Boyer and Herbert M. Morais

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Grounding itself in the direct action tactics of the Industrial Workers of the World (IWW) and using the combined tactics of legal action and street heat employed to great effect by the Civil Rights Movement, the Free Radio Movement began a series of protracted battles

and skirmishes with not only the FCC itself but the unseen hand behind the FCC - the National Association of Broadcasters (NAB). Representing the multi-billion dollar broadcasting industry, the NAB is without a doubt the most powerful lobbying organization in the United States. It directly controls which politician gets the most face time before the public, thus, the NAB calls both the tune and the dance.

When the FCC's initial attempt to silence Free Radio Berkeley with a preliminary court injunction failed in January, 1995 the NAB declared open war on micropower broadcasters - urging its members to report any unlicensed broadcasting to the FCC. It was amusing to see these media giants falling into histrionic fits of apoplexy over small community broadcast stations with power levels under 100 watts taking to the airwaves by the dozens. According to the NAB, planes would fall from the sky and the very core of the empire was under attack. Wrongly or rightly, many people interpreted the rejection of the preliminary injunction against Free Radio Berkeley as a green light to put their stations on the air.

During the year prior to the first broadcast of Free Radio Berkeley, legal strategy was being developed and fine-tuned to respond to the likely response and intervention by the FCC. Attorneys from the National Lawyers Guild Committee on Democratic Communications (NLG CDC) had prepared initial briefs to defend Mbanna Kantako. Enlisted to support Free Radio Berkeley, the NLG CDC continued to refine the legal arguments and conduct further research. Drawing on variety of sources, including case law and international covenants, the attorneys put together an impressive legal argument for micropower broadcasting and Free Radio.

One key thesis maintained that if the government was going to restrict Free Speech activity it had to do it in the least restrictive means possible, otherwise the government was acting unconstitutionally. By prohibiting community broadcast stations operating with 100 watts or less of power from being on the air, the FCC was restricting Free Speech. Further, by creating a regulatory process with **an extremely high cost for entry into the realm of applying for and securing a broadcast license**, the FCC created an artificially high **barrier that only** the wealthiest could scale. Citing Article 19, section 2 of the International Covenant on Civil and Political Rights, "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice", NLG CDC attorneys finished off with an appropriate capstone to their work. When Free Radio Berkeley went on the air, the FCC was unaware a legal bear trap had been baited, awaiting their first step.

To avoid being shut down by the FCC, Free Radio Berkeley began broadcasting from the Berkeley Hills every Sunday evening for 3-4 hours. Operating with battery-powered transmitters and broadcast equipment carted about in an external frame pack, FRB carried on in true guerilla fashion for a period of several years until the denial of the preliminary injunction placed the situation under jurisdiction of the court and out of the FCC's hands. Within 6 weeks of the initial court hearing Free Radio Berkeley emerged as a 24/7

community broadcast station situated in a stripped out bathroom on the second floor of a house on the Oakland/Berkeley border.

From the very beginning, it was apparent the Free Radio Movement needed more than cogent legal arguments, no matter how compelling. Unlike other movements, it had to go beyond just mass numbers willing to engage in direct action. It needed technology to make the broadcasts possible. At that time low cost broadcast equipment and the knowledge to use it properly were very hard to obtain. Free Radio Berkeley's founder, **Stephen Dunifer**, recognized this weakness. As someone skilled in electronic and broadcast engineering, he designed and built the first transmitters used by FRB. Further, these designs evolved into a series of kits manufactured and sold by FRB. Workshops and training sessions began to be offered by FRB to empower people with the knowledge and skills to build their own transmitters and set up broadcast stations. Merging inexpensive DIY electronic broadcast technology with political and social action gave rise to a new concept – electronic civil disobedience. Not only were people defying unjust laws with their bodies, they were doing it with transmitters in their hands - a strategy that fired the imaginations of many and boggled the minds of both the FCC and NAB.

Not prepared to deal with a burgeoning swarm of guerilla radio activity, the FCC and NAB relied on the sledge hammer approach, a tactical misstep that only served to raise the stature of Free Radio in the court of public opinion. Of the many articles appearing in both the mainstream and alternative press, nary a discouraging word was said about Free Radio. Despite, in one instance, the highly choreographed display of police power with multi-jurisdictional SWAT teams engaging in pre-dawn raids with automatic weapons drawn in Tampa, Florida – the movement continued unabated.

On the legal front, despite winning every procedural issue, Federal Judge Claudia Wilken issued an injunction against Free Radio Berkeley after the FCC submitted its second motion for summary judgement. Judge Wilken's ruling rested on rather obscure technical grounds and logic of the Lewis Carroll variety. She stated Free Radio Berkeley did not have legal grounds to challenge the FCC's authority because no application had been made for a broadcast license. An odd ruling since an application process for the type of community broadcast station Free Radio Berkeley had become **did not exist**. It was the suspicion of many that the judge had been **influenced** by the powers-to-be. During the entire course of the 4-year legal battle the FCC failed to respond in any **substantive** manner to the legal arguments raised in the defense of Free Radio Berkeley

Despite the silencing of Free Radio Berkeley in June 1998, the Free Radio movement continued. Court cases involving other micropower stations such as Steal This Radio in NYC did not result in the vindication of Free Radio. From the very beginning it was understood the probability of success in the Federal Court system was low. **However**, by being present in such **high-visibility** venues, the status, credibility and visibility of the Free Radio Movement reached a height unobtainable by other means.

Faced with an ungovernable situation and enforcement nightmare created by the Free Radio Movement and increasing public pressure, the FCC was forced to take some sort of action. Eventually, in January 1999 they issued a rule making process establishing a very limited low power FM broadcast service (LPFM). Viewed by many within the micropower community as a form of damage control and a divide and conquer strategy, this LPFM service only allowed the establishment of low power stations in rural communities due to overly stringent channel spacing requirements.

Even given the limited nature of LPFM it was immediately opposed by both the National Association of Broadcasters and National Public Radio. As a result of intense lobbying efforts by both, Congress passed a bill (ironically titled: The Broadcast Preservation Act of 1999) to severely curtail an already limited service. The NLGCDC responded to the initial LPFM rule making proceedings and has been instrumental in assisting with the LPFM application process. Several former micropower broadcasters lowered their black flag of radio anarchism and formed the Prometheus Project to aid LPFM applicants, organize “barn raisers” to put community stations on the air, lobby for expansion of the LPFM broadcast service and oppose further media consolidation by direct legal intervention.

Despite the historical revisionism promulgated by elements within the LPFM community and media reform circles, the rapidly growing movement of electronic civil disobedience by the Free Radio Movement forced the FCC to create the LPFM broadcast service and put the ownership and control of the airwaves on the national agenda. Divide and conquer was definitely on the FCC's agenda as it sought to divide the Free Radio Movement into: “good pirates” (folks who had hung up their skull and crossbones and broadswords) who were swayed by the rather hollow promise of obtaining a license sometime in the distant future; and “bad pirates” who were not tempted by the siren song of legitimization.

Aware of both the limitations of the legal low power route (LPFM) being offered and the legal risks involved, individuals and communities continue to establish Free Radio stations. Not satisfied with the crumbs swept from the FCC regulatory table and wary of pitfalls and compromises associated with being licensed, proponents of Free Radio continue their struggle to liberate the broadcast commons from corporate domination and control.

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*“Secondly, In that we begin to Digge upon George-Hill, to eate our Bread together by righteous labour, and sweat of our browes, It was shewed us by Vision in Dreams, and out of Dreams, That that should be the Place we should begin upon; And though that Earth in view of Flesh, be very barren, yet we should trust the Spirit for a blessing. And that not only this Common, or Heath should be taken in and Manured by the People, but all the Commons and waste Ground in England, and in the whole World, shall be taken in by the People in righteousness, not owning any Propriety; but taking the Earth to be a Common Treasury, as it was first made for all.”*

Gerrard Windstanley – The True Levelers Standard Advanced: Or, the State of Community Opened, and Presented to the Sons of Man (1649)

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Within the last 500 or so years, there has been a steady encroachment, usually at sword point or musket muzzle, upon the commons by an alliance of private interests, capital and the state. Enslaving mostly indigenous populations and transforming public resources into sources of extractive profit and tossing the resulting pollution back into the common sphere, the Frankensteinian masters of this endeavor view the world through a pecuniary lens of self-interest, exploitation, greed, entitlement and self-aggrandizement - mistaking the lens for the world itself.

The Free Radio Movement seeks to: tear down the regulatory and statutory fences enclosing the broadcast **commons** ; stomp the “No Trespassing” signs into the mud; and expose the hypocrisy of the FCC which has failed miserably to impose any notion of public trusteeship on the broadcast industry.

By exposing the theft of the broadcast **airwaves**, the **wider takeover** of the entire commons on which **the wellbeing of the people and the planet depend** becomes readily apparent. Replacing the filters imposed by Fox, ABC, NBC, et al by a genuine form of communication amongst communities empowers and encourages people to take matters into their own hands.

Communication denied to a community is in fact a death sentence, sometimes literally. Consider these two examples of alternative outcomes

Anne Elizabeth Moore cites the failure of commercial radio to meet an urgent, life-threatening community disaster in this passage of a 2005 issue of Punk Planet: “In 2002, an ammonia tanker derailed in Minot, North Dakota. Residents and authorities alike tried in vain to get a hold of an actual human broadcaster at six local Clear Channel affiliated stations to warn listeners of the danger in going outdoors. Unfortunately, these stations play mostly satellite feeds, and no one answered the telephone that day for an hour and half. One man died and pets and livestock were killed. Over 300 or more people were hospitalized with injuries and partial blindness.”

Contrast that with the efforts of KIND Radio, a Free Radio Station that operated in San Marcos, Texas. During a hundred year flood in 1998, KIND radio was the only broadcast source information source for the community. People stranded on rooftops called the station to ask for help. Rescue teams listening to the station were thus informed as to where their assistance was required. Further, they informed folks where they could go for relief and what areas were flooded. No licensed broadcast station provided this life-saving service to the San Marcos community.

Or consider more recent events.

In the aftermath of hurricane Katrina, efforts to establish a low power broadcast station in the Houston Astrodome were thwarted by FEMA officials despite being granted a

temporary license to do so by the FCC. Organizers had to rent a trailer and set up the station in the parking lot. Several efforts have been made to establish a Free Radio station in the Algiers section of New Orleans to aid in the reconstruction and revitalization of that community. As expected, these efforts for community autonomy and media empowerment have been thwarted by the FCC.

Only locally organized and controlled community broadcast stations have the power to speak to the needs of the community, allowing people to share their news, information, culture, artistic expression and needs with one another. The power of the Internet to link community broadcast stations with one another on a global level through Independent Media Centers and other related endeavors leads to the creation of a meta-community that is both **global and local** in its reach and scope.

Through the communicative power of radio and collective action, people and their respective communities gain the ability and power to reclaim and restore an authentic life.

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*“The spectacle grasped in its totality is both the result and the project of the existing mode of production. It is not a supplement to the real world, an additional decoration. It is the heart of the unrealism of the real society. In all its specific forms, as information or propaganda, as advertisement or direct entertainment consumption, the spectacle is the present model of socially dominant life. It is the omnipresent affirmation of the choice already made in production and its corollary consumption. The spectacle's form and content are identically the total justification of the existing system's conditions and goals. The spectacle is also the permanent presence of this justification, since it occupies the main part of the time lived outside of modern production.”*

Guy-Ernest Debord - *The Society of the Spectacle*

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Reducing everyone and everything to a commodity, either a black or red mark on the ledger of the marketplace is to condemn the world to an atomized, existentialist hell. The function of media in the United States is to create and maintain a hyper-saturated propaganda environment domestically and an ongoing campaign of media imperialism abroad - carpet bombing the human psyche with an endless stream of advertising and spectacle, intent on destroying-self-esteem, self-identity and self-worth.

Buy this, be that – it is all a distraction to steal time, body and soul. Divide and conquer on a grand scale. A Potemkin dance of light and shadow.

Embracing Free Radio as a form of media expression that is genuine and real is the first step on the road to liberation from the society of the spectacle. Only by coming together as communities can people begin to: form the relationships that really matter, tell the stories which impart a collective identity, history and purpose; dance, sing and celebrate life together; and forge new bonds of commitment and support. **Free** Radio is the Peoples Drum.

It is against this backdrop that the Free Radio Movement now stands. As an integral part of a global alternative media movement it offers people and their communities the means to reject the dominant narrative imposed by state and capital.

For further information please contact Free Radio Berkeley or visit the websites – [www.freeradio.org](http://www.freeradio.org) and [www.radiotupa.org](http://www.radiotupa.org)

Free Radio Berkeley  
1442A Walnut St. #406  
Berkeley, CA 94709  
510-625-0314  
[freeradio@riseup.net](mailto:freeradio@riseup.net)