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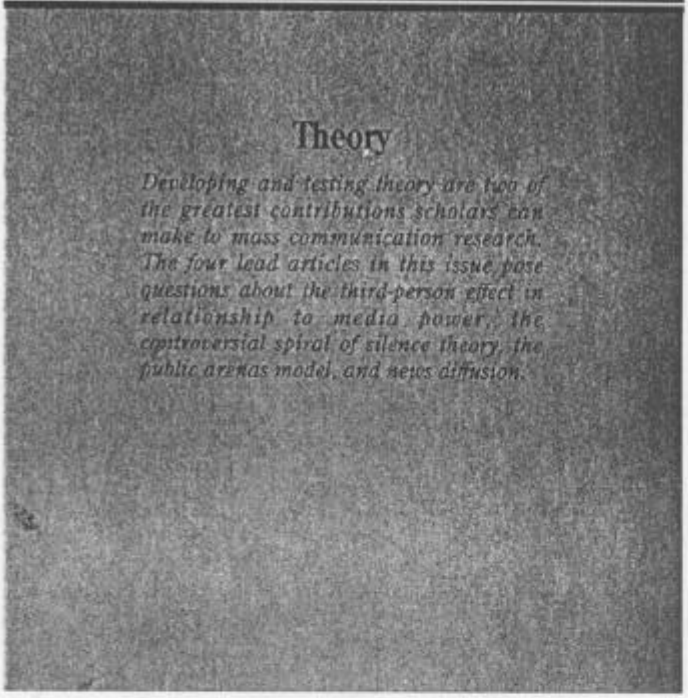

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Unlicensed Broadcasting: Content and Conformity

By Steve Jones

This paper examines the extent and content of pirate radio broadcasting in the United States. While it is assumed that unlicensed broadcasts provide an alternative to commercial radio broadcasts, such broadcasts do not offer a substantially alternative form of programming. They rely on popular music that is often programmed on licensed, commercial radio, and they rarely program music other than pop and rock 'n' roll. As a result, this study claims it is spectrum use and access the FCC seeks to control, and not content.

Unlicensed radio broadcasting is most often considered the domain of European pirate radio, of the type most commonly associated with Radio Caroline. But unlicensed broadcasts are not a rare phenomenon in the United States. And, as the film "Pump Up The Volume" demonstrated, pirate radio broadcasting is a part (albeit a small part) of the rebellious mythos of popular music and youth culture. The Federal Communications Commission (FCC) has actively pursued a policy of fining and arresting unlicensed broadcasters, and those caught by the FCC often claim their First Amendment rights are violated by such FCC action. Recent scholarship concerning FCC actions against unlicensed broadcasters[1] claims that most unlicensed broadcasters believe the FCC shuts down their operation because program content is offensive, obscene, unpatriotic, or tasteless. However, this study shows that the content of unlicensed broadcasts is not unlike commercial radio programming, and many unlicensed broadcasts are not intended for the general public. Content is therefore not the reason for government attempts to do away with pirate stations. The need to police spectrum use and retain control of access through licensing is the government's motivation.

Definitions

There are several terms used to describe unlicensed broadcasting: clandestine, pirate, secret, esoteric, espionage, etc. Yoder argues that there are two categories of unlicensed broadcasting, pirate or clandestine:

> Pirates (also known as free radio stations) broadcast information and music because they want to be radio personalities or because they feel that an alternative to commercial radio needs to be presented.... Clandestine radio stations are radical and politically motivated.... Clandestines almost always support violent change in their countries. While some pirates

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might be politically motivated or outspoken, the matter of violence is the separating factor between them and the clandestines.[2]

These definitions are troublesome since they rely on a particular definition of politics. Granted, the overthrow of a given political regime may be the target of clandestine broadcasters, but pirates regularly, even if jokingly, advocate similar measures. Yoder confuses matters further by adding another category of unlicensed broadcasting, europrivates, and includes in it offshore European pirates like Radio Caroline. Similarly, Elliott et al. write about "unofficial broadcasting, divided ... into three categories: political clandestine, commercial pirate, and hobby pirate."[3] A more recent term used by Shields and Ogles for "low-powered stations provid(ing) an alternative voice for the economically disenfranchised" is "micro-radio."[4] That definition is based primarily on the low power of stations Shields and Ogles identify, but it could also be an appropriate term for radio segmentation today. Phipps divides unlicensed broadcasting into categories based on transmitter location: "intraterritorial piracy, i.e., broadcasting from within national territory; and extraterritorial piracy, i.e., broadcasting from outside national borders, usually from a ship or offshore platform in international waters."[5] The definitions used by Elliott et al. are most useful insofar as they are somewhat more mutually exclusive than others available, and it is hobby pirates that are most common and the focus of this article. To summarize from Elliott et al., political clandestine stations are ones that operate during particular periods for political change:

> In the time of war, revolution, or other acute political upheaval, the factions involved are likely to enlist the assistance of the mass media. For economic and practical reasons, radio has often been the chosen medium for such efforts.... Political clandestine stations operate in opposition to, or in defiance of, a government.[6]

Commercial pirate broadcasters are motivated by a monetary "incentive for circumventing the offical broadasting structure."[7] And hobby pirate broadcasting "exists not primarily for political or commercial reasons, but because broadcasting provides a form of recreation for the operators of the stations."[8] Elliott et al. note that the distinctions among these three categories can become blurred, but it is usually not difficult to determine a broadcaster's *primary* motive.

Method

To discern the content of unlicensed radio broadcasts by performing traditional content analysis would be difficult at best. Since many unlicensed broadcasters operate with low power, and only sporadically, it would be necessary to spend a great deal of time in many regions of the country, searching across the radio spectrum to find unlicensed broadcasts.

Fortunately, such work is done almost daily by pirate radio enthusiasts (listeners and broadcasters) and published in a variety of sources. This study used data from those sources. In particular issues of the monthly *Popular Communication* magazine from 1989 to 1991, issues of the monthly *A*C*E Newsletter* from 1987 to 1990, and postings on the computer bulletin board alt.radio.pirate in Usenet (a computer bulletin board on the Internet network) from 1990 to 1992 were used to determine the content, broadcast frequencies, and geographic region of unlicensed broadcasts.

Such data collection is, of course, subject to the vagaries of the original reporters, but carelessness is mitigated by the standardized form of the reports, which are printed as "loggings," such as those used by amateur radio or shortwave radio enthusiasts, and include information about quality of reception, frequency, report location, and a few words about program content. Consequently, the information is usually succinct and complete. It is also generally trustworthy, as the reporters usually use their loggings to contact the broadcasters to provide them with information about their signal, and to get "QSL" cards from the broadcasters in return, signifying that the reporter did indeed hear that station's signal. Moreover, the reporters are, generally, amateur or shortwave radio enthusiasts and seem to bring a great deal of care to their work as reporters of broadcasts.

The data were coded and categorized as to the frequency band (AM, FM, SW); location of reception (by state); location of transmission (if given, by state); and program content (using categories derived from *Broadcasting Yearbook*).

Results

As noted, loggings of unlicensed radio broadcasts were analyzed. The sample resulted in 284 loggings. Every attempt was made to exclude multiple loggings (that is, two or more loggings of the same station), since the goal was to study broadcasts and not reception. Nonetheless, it is possible that some stations may be logged more than once, as unlicensed broadcasters are under no restrictions to keep call letters or frequencies constant. However, it is arguable that such changes in call letters and frequencies constitute reorientations in broadcast philosophy for a particular broadcaster and thus represent not duplication but change or evolution.

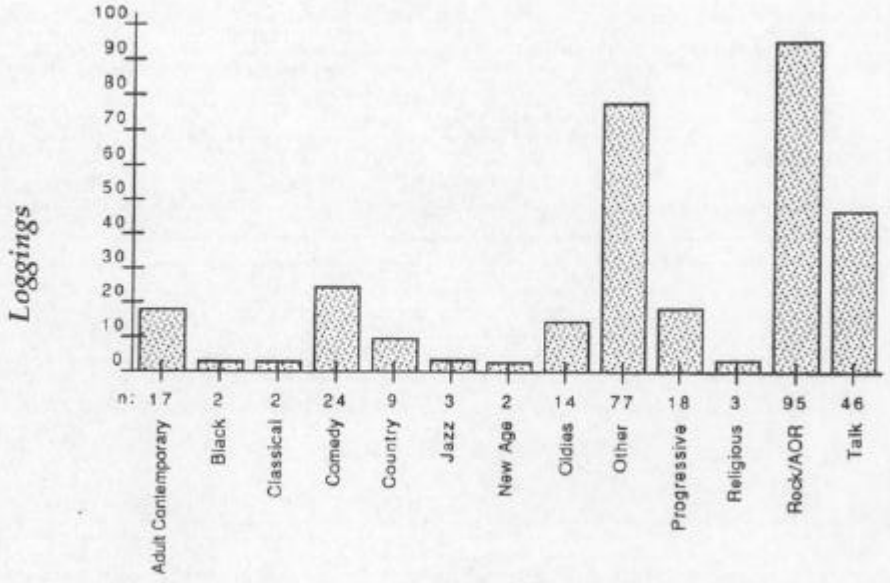
The loggings of unlicensed radio broadcasts were coded by broadcast band. The bands were divided into AM, FM, SW (the latter includes all Shortwave and Ham/amateur bands); 129 loggings (45.4%) were of broadcasts in the shortwave band; 56 (19.7%) were logged in the AM band; and 11 (3.9%) were logged in the FM band. In 88 cases (30.8%) no indication of broadcast band was given. As these were evenly distributed among all sources used for the sample there is no reason to believe that a significantly different distribution might occur across broadcast bands if those loggings included broadcast band information.

Table 1 shows the loggings by format. In this analysis, each type of format was logged. Some loggings indicated that broadcasts incorporated more than one type of format. Therefore, the total number of loggings increased to 312. The formats were derived from the 1991 edition of *Broadcasting Yearbook*,[9] and loggings were placed in appropriate categories based on comments about programming, song titles, and artist names found in loggings. The song titles and artist names were compared to *Billboard* magazine radio charts (which are themselves based on the formats found in *Broadcasting Yearbook*) for the same time period, and thus a logging's format was identified. Some loggings did not include sufficient information to allow for identification of a format; those loggings were placed in the category of "Other."[10]

The Rock/AOR category was by far the most frequently noted format. A comparison of the data showed that no one format was predominant within a broadcast band, and thus connections between format and broadcast band should not be made.

TABLE 1

Unlicensed Broadcast Formats
(Expressed as Raw Numbers, N = 312)



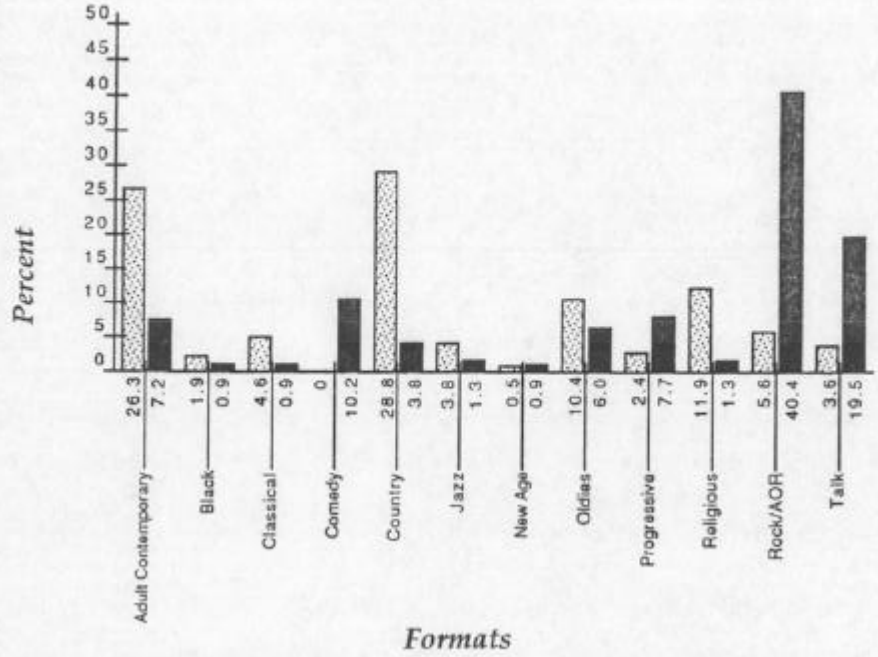
Too few of the loggings included information as to the reception site to allow for meaningful conclusions to be drawn from the data. Similarly, data for geographic origin of unlicensed broadcast transmission were found lacking in information. And, since many unlicensed broadcasters announce maildrops that may or may not be in their region,[11] it is likely that loggings that did include information about transmission sites are not reliable. The most significant finding is that New York did lead states where unlicensed broadcasts were reported to have originated.

Discussion

According to Kirk Baxter, president of the Association of Clandestine Radio Enthusiasts, a radio listeners' group, from fifty to one-hundred pirate stations operate in the United States at any given time, varying from studio-quality broadcasts to low-fi sound.[12] The most discernible trends in unlicensed broadcasting point to an increase in broadcasts during periods of high solar flare activity (understandable since higher broadcast propagation during such periods increases reach and loggings) and an increase in broadcasts around holidays like Halloween and Christmas. The audience for pirates is difficult to estimate – Arbitron does not include them as a market segment. There could be anywhere from ten to twenty to several thousand listening to a single broadcast, depending on power of the transmitter and location (urban vs. rural). The FCC refuses comment on the number of pirate stations, preferring to acknowledge their existence only when they are going out of existence, namely, when the FCC has arrested unlicensed broadcasters.

TABLE 2

A Comparison of Licensed and Unlicensed Broadcast Formats
(Expressed in Percentages)*



* percentages may not total 100% due to rounding

Two generalizations can be made about unlicensed broadcasting in the United States based on the data gathered in this study. First, most broadcasters rely on rock music for their programming. It seems likely, then, that many unlicensed broadcasts are initiated because of dissatisfaction with the current state of radio and operators want to play "their" music. Discourse among and about unlicensed radio broadcasting inevitably refers to it as an "alternative" to programming provided by licensed broadcasters. The *Free Radio Handbook*, an underground publication that contains all the necessary technical and legal information to begin operating a pirate station, contains many references to commercial radio as "big-money-controlled media" and to unlicensed broadcasting "proving that the efforts of interested individuals are far superior to the products of profiteers and governments."[13] Phipps claims pirate broadcasters are exercising First Amendment rights,[14] and in the case of Black Liberation Radio he may be correct. As Shields and Ogle describe it, the operators of Black Liberation Radio "believe the proliferation of numerous low-powered stations provides an alternative voice for the economically disenfranchised."[15] Yet the link between programming content, FCC action, and the First Amendment is tenuous at best. Put another

way, there is little if any ideological bent to most U.S. unlicensed broadcasts. The most common form of political content is political satire, of the kind on *Saturday Night Live*.

Nevertheless, one might still expect that within a structure of "people playing their music" a diverse range of programming would be common, but the data do not seem to bear out such an expectation. Table 2 shows a comparison of licensed and unlicensed broadcasting by format (the category of "Other" was removed from the loggings of unlicensed broadcasts as *Broadcasting Yearbook* includes no such category). Granted, compared to current U.S. commercial radio formats, unlicensed broadcasts do not closely follow commercial programming. However, such differences can be accounted for demographically, as it would appear that most unlicensed broadcasters are, simply, young.[16] The skew toward rock music would thereby be understandable. The shift is demographic; programming content is articulated within established formats.

Second, most unlicensed broadcasts occur in broadcast bands other than standard AM and commercial FM. Use of non-commercial broadcast frequencies (and non-broadcast bands like those allocated to radio amateurs and shortwave use) may mean several things, among them that unlicensed broadcasters are shortwave or amateur radio enthusiasts; that equipment for broadcast on those bands is more readily available, and less expensive, than other equipment; and that unlicensed broadcasters do not want to interfere with commercial broadcasts. Since stories of FCC arrests for unlicensed broadcasting are not uncommon,[17] and since many such arrests come not after FCC monitoring but after complaints of interference are filed with the FCC by commercial broadcasters, it would be reasonable to expect that unlicensed broadcasters seek to avoid creating situations that may lead to complaints from licensed broadcasters. Complaints forwarded to the FCC essentially mitigate the need for fieldwork (an important consideration for any budget-minded government agency). Consequently it is not the case that one can simply claim that the FCC is acting to eradicate unlicensed broadcasts based on the content of those broadcasts. The motivation is to police spectrum use and retain control of access through licensing.

And yet, if it is true that unlicensed broadcasters seek to avoid interfering with licensed broadcasts, it is also reasonable to expect that unlicensed broadcasters are deliberately limiting their audience. If that is the case, it must be asked if a general audience is their goal at all. Perhaps the audience most unlicensed broadcasters desire to reach consists primarily of shortwave and amateur radio enthusiasts who have equipment to tune frequencies other than those found in the AM and FM bands. If that is the case, then it is unlikely that there is any economic motive for the FCC's enforcement of its regulations. There would be no commercial advantage to licensed broadcasters (aside from eliminating radio interference) to have the FCC shut down unlicensed broadcasters. Even if unlicensed broadcasters are programming similar material, their audience seems an insignificant market share. However, more research, in particular in the form of case studies and audience research, will be necessary to determine the validity of that assertion.

To return to a discussion of broadcast content, the logging reports indicate that for the most part the music is not much different from that on commercial radio. For instance, most reports indicate music by groups such as the Who, Nazareth, Huey Lewis and the News, and Black Sabbath. Of the loggings that reported comedy, the information provided clearly indicated

skits and parodies such as those from "Monty Python's Flying Circus" and "National Lampoon." Only two of the loggings that reported comedy claimed it had any serious political overtones.

The few loggings of unlicensed broadcasts containing overtly political content is a surprise given the volatility of international politics. Perhaps even more surprising is the small number of reports in formats that are not well-represented in commercial radio. New Age, Black, Jazz, and Classical formats are precisely the ones that commercial radio does not offer much of, and if unlicensed broadcasting were indeed providing an outlet for alternative programming it might follow that these formats would be better represented in Table 2.

And yet, perhaps the purpose of unlicensed broadcasting is not to provide an alternative, nor to serve as an outlet for the disenfranchised, but to serve as a means of "joining in" for the disenfranchised. As Simon Frith wrote about new British media policy and its impact on U.K. pirate radio:

> Alternative pop approaches, in short, will continue to be illegal, and what most strikes me, flicking the dial in search of something different, is how limited the choices are. The great majority of pirate music stations play ... 'American progressive dance....' the majority use of pop radio is as a means of joining in, not hiding out.[18]

The character played by Christian Slater in "Pump Up The Volume" similarly sought to join in, albeit on his own terms, and perhaps therein lies the connection among unlicensed broadcasting, youth, and rebellion. As I have noted in the context of music recording technology, "If young people cannot have a clear-cut physical space of their own, at least they can have a clear-cut aural space...and what could be more pleasurable than creating that space for oneself?"[19] In the case of unlicensed broadcasting, perhaps it is that desire to carve out a space (spectrum space?) for one's self that leads to the impulse to broadcast.

More research, especially in the form of surveys or interviews with unlicensed broadcasters, will be necessary to make such a determination. However, given that unlicensed broadcasts appear to be not particularly adventuresome or radical, it would be reasonable to hypothesize that these broadcasters are interested not in broadcasting a particular message but in simply being *heard*. Future research should focus on the First Amendment implications inherent in that hypothesis rather than on case studies of the silencing of political, non-mainstream broadcasts.

NOTES

1. S. P. Phipps, "Unlicensed Broadcasting and the Federal Radio Commission: The 1930 George W. Fellowes Challenge," *Journalism Quarterly* 68 (Winter 1991): 823-828; S. P. Phipps, "Unlicensed Broadcasting in the US: The Official Policy of the FCC," *Journal of Broadcasting and Electronic Media* 34 (Spring 1990): 137-152; A. Yoder, *Pirate Radio Stations* (Blue Ridge Summit, PA: Tab Books, 1990); K. A. Elliott, J. A. Campbell, G. Hauser, G. and J. Marks, "Unofficial Broadcasting for Politics, Profit and Pleasure," *Gazette* 30 (1982): 109.

2. Yoder, *Pirate Radio Stations*, 2.

3. Elliott, et al, "Unofficial Broadcasting,"109.

4. S. O. Shields and R. M. Ogles, "Black Liberation Radio: A Case Study of the Micro-Radio Movement," (Paper presented to the Popular Culture Association, March 1992, Louisville, KY).

5. Phipps, "Unlicensed Broadcasting in the US," 138.

6. Elliott, et al, "Unofficial Broadcasting," 109.

7. Elliott, et al, "Unofficial Broadcasting,"109.

8. Elliott, et al, "Unofficial Broadcasting,"115.

9. *Broadcasting Yearbook* (Washington, DC: Broadcasting Publications, Inc., 1991).

10. It is important to note that this category does not represent a format not defined in *Broadcasting Yearbook*, but is simply a category for loggings that did not mention programming, song titles, or artist names. Such loggings were evenly distributed among sources used for the sample. Thus, there is no reason to believe from the data that a significantly different distribution might occur across formats if those loggings were included in the three categories.

11. Yoder, *Pirate Radio Stations*, 2.

12. Kirk Baxter, interview with the author, 16 October 1986.

13. R. Freeman, *Free Radio Handbook* (No location given: Brick-Through-Your-Window Publications, 1984), 3.

14. Phipps, "Unlicensed Broadcasting and the Federal Radio Commission" and "Unlicensed Broadcasting in the US."

15. Shields & Ogle, "Black Liberation Radio," 1.

16. Yoder, *Pirate Radio Stations*, 2.

17. Phipps, "Unlicensed Broadcasting and the Federal Radio Commission" and "Unlicensed Broadcasting in the US."

18. Simon Frith, "Stand and Deliver," *Village Voice*, 15 March 1988, p. 73.

19. Steve Jones, *Rock Formation: Music, Technology and Mass Communication* (Newbury Park, CA: Sage Publications, Inc., 1992), 181.