



## FREE RADIO UNDER FIRE

Have the big boys of the free press been too busy defending themselves to notice it? The Nixon Administration is moving to strip the licenses from an entire small radio network.

The target is the Pacifica Foundation, which operates four FM stations—WBAI in New York City, KPFA in Berkeley (and its ten-watt second transmitter KPFB), KPFK in Los Angeles, and KPFT in Houston. Renewal applications for all these licenses are being held in abeyance pending the outcome of hearings under way in Washington.

Pacifica's license renewals were put on ice once before, in 1962, while a Senate subcommittee investigated whether the stations were Communist-controlled, and finally admitted they were not. Certainly Communists have been given air time on these stations since KPFA became the first Pacifica station twenty years ago; so have Nazis, anti-Semitic black militants, erotic poets, and hundreds of other social non-conformists denied access to other airwaves.



The President addresses the nation on Watergate: The time has come to speak of other things

Because they take the goal of being "First Amendment Radio" seriously, the Pacifica stations have come in for more than their share of listener complaints filed with the Federal Communications Commission. In court fights for their rights they have become a cutting edge, clearing new ground for broadcast freedom. One such expensive battle led to the 1965 "Pacifica Decision" in which the U.S. Supreme Court held that "works of art" could be broadcast without censorship, even if they contained material the FCC would normally consider in bad taste.

Once again Pacifica is under attack for its programming content, but this time the battle began innocently. Pacifica engineers discovered that the FM broadcast spectrum in Washington, D.C. could fit in another station, so the Foundation applied for the unused frequency. The FCC agreed to schedule adversary hearings for June, 1970, to determine who would get it. Two other groups applied: a church-related educational body that vowed it would broadcast religious programs, and Howard University.

After several postponements the hearings opened before Administrative Law Judge James Tierney on April 2 of this year. But in the meantime the adversaries had departed: the church group dropped its application, and Howard University was given the FM frequency of *The Washington Post* station, WTOP. As the sole surviving applicant, Pacifica would normally have been given the frequency without argument, especially since the Foundation had a long record of successfully operating other stations.

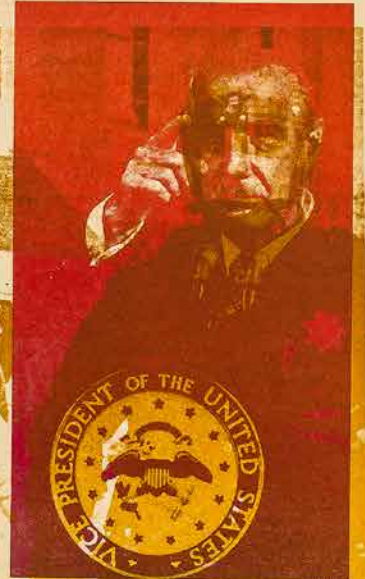
But at this point the Broadcast Commission, an arm of the FCC, jumped in to oppose Pacifica's application in the name of the people. Government lawyer Walter Miller charged Pacifica stations were obscene, were poor stewards of public airwaves, and were not "educational"—the provision through which their licenses were granted and the Pacifica Foundation was chartered.

That the stations occasionally broadcast harsh language was true, Foundation lawyers said, but the cases evidenced against Pacifica were almost all prior to former license renewals; thus the FCC itself had ignored the obscenity issue. The charge that the stations were poor stewards seemed silly, since all the Pacifica stations are listener-sponsored. They operate without corporate sponsors and without government funds or large foundation grants, and in May of this year declined a top national award to WBAI from the Corporation for Public Broadcasting.

But are they "educational"? Documents from National Public Radio say so. Formerly granted licenses from the FCC say so. The twenty-seven other educational stations that regularly rebroadcast Pacifica programs say so. To take away Pacifica licenses on this ground would threaten all other educational licenses, and thus Pacifica lawyers have demanded a hearing before the full Federal Communications Commission; anything less, they say, would "have a profound chilling effect" and would threaten the First Amendment rights of all broadcasters. The Pacifica request has thus far been ignored, and more hearings resume September 4. A request by Pacifica that the hearings be broadcast live on their stations was denied by Judge Tierney on grounds that some obscenity might crop up in the hearings, and to add drama to his assertion he ordered that only male stenographers be used in recording testimony. Pacifica countered by assigning women correspondents to cover the proceedings.

Pacifica is used to government pressure and worse. Their "baby" station in Houston has twice been dynamited off the air by Ku Klux Klan terrorists, despite offers of air time to Klan members. But fighting the present harassment is costly in money and energy, as well as nerves.

As one staff member told me: "We've survived a lot of dynamitings, witchhunts, low budgets from begged listener money just so we could stay free from censorship. They offered to buy us off with National Public Radio money, but we refused. Now they're trying to break us again."



Mr. Agnew: Accusations are "false and malicious."

"Nicholas Johnson's term as an FCC commissioner expired on June 30," the Pacifica spokesman pointed out, "and Nixon will appoint his replacement. Without Nick maybe nobody on the FCC will speak out for us. And maybe they'll decide we're not 'educational' and give our frequencies to more comfortable people. By now they must be tired of us putting new ideas in people's heads, like our reporter Ida Honorof did by breaking the nationwide story of pesticide-contaminated lettuce earlier this year. Maybe we'll survive this present hassle, maybe not. But we'll know we were educational. We just gave people a chance to hear things the politicians didn't want them to learn."

The press and the airwaves are so saturated with the scandals of Watergate that there is grave danger the Pacifica proceedings may be lost in the backwash. Yet anything less than full exposure in the press would be a tragedy, for what is at stake here is not only the fate of the Pacifica Foundation, but the constitutional freedom of the press itself and the freedom of speech of the American people.

LOWELL PONTE

(Mr. Ponte is a syndicated columnist and a commentator on KCET, the public broadcasting television station in Los Angeles. For the past four years, he has been a talk show host on Pacifica station KPFK-FM.)

## The Making of a Silent Minority

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## Lowell Ponte

[Broadside]: "Pacifica WBAI 99.5fm Free Radio Under Fire, The Making of a Silent Minority"

New York: Come!Unity Press [1971]

\$100

Broadside printed on both sides measuring 17" x 11". Near fine with slight edgewear. Printing of an editorial by Lowell Ponte calling attention to attempts by the FCC to strip Pacifica radio of its licenses. The broadside was printed at the Come!Unity Press, a gay anarchist collective print shop on East 17th Street in New York City. [BTC#421950]

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