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High Speed Access: Micro Radio, Action, and Activism on the Internet

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ABSTRACT

During the spring and summer of 1999, the Low Power Radio Service Notice of Proposed Rulemaking (NPRM) by the Federal Communication Commission (FCC) recently drew a record number of responses. Several thousand people from all over the country participated in what has traditionally been the purview of major corporations and institutions, including 1120 individuals who signed the Micro Radio Empowerment Coalition comments. This paper examines that response and its implications for the micro radio and other activist movements. The Internet played an important role not only in filing responses, but in drafting and signing responses as well. For example, the Joint Statement on Micro Radio garnered 30 organizations and 101 individuals from 17 states in less than three weeks--entirely on-line. Instantaneous communication, resource sharing, and organizational potential of the Internet are the foundation of a grassroots Micro Radio Movement that has gone from obscurity to the national arena in less than five years. The ability to act, react, and organize effectively and in a timely manner has allowed a broad-based, diverse, but scattered, under-funded, and often divisive coalition to challenge some of America's most powerful media organizations.



INTRODUCTION

Radio is one of the first and most influential communications technologies. It has a level of intimacy and immediacy that has only now been replicated in with the Internet. The Micro Radio Movement sprouted out of the need of poor or marginalized communities, ignored in the mass media, to communicate with themselves. This electronic bond brings these communities together, unmediated by the imperatives of commercial media or the agenda's of traditional public radio. However, the Micro Radio Movement did not explode into a highly organized, yet decentralized, force in American communication regulatory policy until it discovered the Internet. The ability to organize, communicate cheaply and instantaneously, share limited resources and reach out to possible allies has been critical for the success of Micro Radio ([Coopman, 2000](#)).

In this paper I explore what has been, to date, the high-water mark of coordination and organization of the Micro Radio Movement, the creation of a [Low Power Radio Service](#) by the [Federal Communications Commission \(FCC\)](#) in January of 2000. After describing my methodology, I will first discuss the rise of Low Power or Micro Radio and the FCC's initial response to it; Second I

will explain the FCC's rulemaking system and the means for accessing this system; third the different factions and conflicts of the Micro Radio Movement will be explored; fourth the creation of the Group Statement on Micro Radio and other comments on the FCC rulemaking will be discussed, and finally, I will explore the implications of this type of grass roots organizing and cooperation and the current state of Low Power Radio.

METHOD

I have collected the data used in this paper through my involvement in the Micro Radio Movement as a participant observer. I have been studying and collecting data on Micro Radio since 1993. Much of my information comes from discussions with participants in the Micro Radio Movement through email, by telephone, and in person and by monitoring the Micro Radio Network (MRN) listserv and other on-line activity. Other information has been gathered by reviewing FCC documentation and press coverage. I was also the instigator of the Joint Statement on Micro Radio, drafting it, collecting signatures, and filing it with the FCC. Some information was also obtained through [interviews in 1994 at FCC headquarters in Washington DC as well as with Micro Radio activists in the San Francisco Bay Area](#) .

FREE RADIO

Whether you call it Micro Radio, Free Radio, Low Power FM, or Pirate Radio, the movement that has developed around the operation of small watt community stations is a fact in America's media landscape. A prohibition against low power radio stations has been in place since 1978 and has just recently been relaxed by the creation of a Low Power Radio Service (69 FCC 2d 240). This proposed service faces serious opposition by both commercial and non-commercial incumbent broadcasters and no Low Power station have been licensed. Therefore, any operating community stations are currently illegal. Their operators are subject to fines, seizure of equipment, and in extreme cases, jail time. [Federal Communications Commission \(FCC\)](#) regulates broadcast media in the US and has the job of enforcing communications law and regulations. A small federal agency (under 2000 employees) it is tasked with the oversight of every radio and television station, phone company, satellite broadcaster, antenna tower, cell phone and pager service and everything else that emits a broadcast signal down to your microwave oven (check the label on the back) (FCC, 2000). Until the mid-1990's, shutting down unlicensed FM stations was a rare event for an over-taxed bureaucracy of lawyers and engineers. While the birth of Micro Radio can be traced back to Mbanna Kantako and a housing project in Springfield , ILL in 1986, the movement did not really began to coalesce and spread until 1995 (Shields & Ogles, 1992).

In the early 1990s, different groups of activists around the country started to experiment with Low Power Radio as a means to unite and empower communities. Ground zero of this activity was the San Francisco Bay Area. Stephen Dunifer, founder of [Free Radio Berkeley](#), in Berkeley, CA had begun to experiment with simple low watt FM transmitters. He joined forces with the [National Lawyers Guild Committee for Democratic Communication](#) with the plan of challenging the way the FCC regulated the airwaves. They argued that the system was unfairly skewed towards the wealthy and their corporations and unnecessarily excluded most of the population from broadcasting. The different proponents of Micro Radio around the US were aware of each other and had been in limited contact. Many Free Radio stations were closely associated with existing activist organizations and used their existing communication infrastructure. Unlike traditional radio pirates, these micro broadcasters were more interested in changing or overthrowing the current system,

than playing DJ. They planned to do this by attacking it in two basic ways; challenge the broadcasting scheme in court and overload the resource strapped FCC in the field by putting as many micro stations on the air as possible (Coopman, 1998).

The San Francisco Bay Area and Southern Florida were hotbeds of activity. Stations popped up with increasing regularity as the idea and technology spread. During this time, the FCC failed to identify this movement as anything other than traditional pirate radio activity and did not take the threat seriously. During [interviews in early 1994 at FCC headquarters in Washington DC](#), the general attitude was the Dunifer challenge was an open and shut case. This was shown to be tragically wrong when Federal Court Judge Claudia Wilken, citing Constitutional concerns, denied the FCC's initial request for an injunction against Dunifer in January 1995 (Memorandum and Order, 1995). With FCC enforcement in doubt, Dunifer called for a mass movement to "seize the airwaves." Dunifer and several other organizations began to produce and ship transmitter kits as fast as they could make them. Within a very short period, hundreds of stations sprouted around the U.S. (Coopman, 1998).

From 1994 to 1997, mass emailed lists were the normal means for widespread communication in the Micro Radio Community. Often these mass mailings were forwarded to other lists and individuals, enlarging the network and leading to more and widespread communication. Dozens of websites sprang-up with both propaganda and practical information on Micro Radio. To make sense of the proliferation of pages several indexing sites were independently developed. The most extensive and popular of these was [Radio4all](#). Operated by Lyn Gerry and Shawn Ewald, Radio4all was initially set up in response to a [crisis at Pacifica Radio](#), a non-profit community radio network. As Micro Radio grew, it became apparent that this was the future of community radio and the site changed its focus. While there were several attempts to create a general Micro Radio list, nothing seemed able to attract a broad enough segment of the emerging low power radio movement to get a larger dialog going ([Coopman, 2000](#)).

"Dear Micro-power Broadcasters and Supporters,
We have created a list specifically for communications to further the micro radio movement, and to support one another in our efforts. The list, it is hoped, will be a tool in assisting with organizing politically, legally and technically for our mutual defense against the current stepped up campaign of attacks by corporate media and their government allies."

[First Micro Radio Network post by Lyn Gerry, Sunday, January 4, 1998]

The time was evidently right and MRN quickly became the organizational hub of the on-line Micro Radio Movement. Word spread and more and more people signed on. What is more important, the information generated on MRN spread beyond the list to other lists and websites. Traffic at the Radio4all website increased to 400 hits' per-day. By August 1998, 119 people were on MRN with 1 or 2 adding every week. While this number does not seem excessively high, it is important to remember many members of the movement were very poor and often only one member at a micro station would have internet access (Coopman, 2000).

RULEMAKING AND THE FEDERAL COMMUNICATIONS BUREAUCRACY

[The Federal Communications Commission \(FCC\)](#) is a group of five political appointees supported by a Federal Agency. The staff usually do the research and present recommendations to the commissioners who vote on them. Rulemakings are part of a process in which communication law and policies are formulated and made. The source of these proposed rulemakings can be from a variety of sources. More often than not, the source is a corporation, large institution or Congress. These rulemaking petitions, as they are called, can cover a wide variety of topics. Rulemakings, as with any endeavor by the FCC, are subject to the whims of Congress. Congress can create telecommunication policy by edict or intervene in FCC rulemaking procedures. Another factor is the federal courts who can effect policy by finding it unfair or unconstitutional. However, most policy is pretty mundane and is handled through the rulemaking/petition process (FCC, 2000).

If an organization or individual wished to eliminate, change, or create rules or regulations, they would first file a petition describing this proposal. After the staff reviewed the petition, they would pass it along with recommendations to the Commissioners. The Commissioners would then decide whether to reject the petition or proceed. During this time they would seek the advice and input of interested parties and eventually vote on moving forward. If they elect to proceed, then they release a Notice of Proposed Rulemaking (NPRM). These are the proposed rules based on the material in the initial petition and includes staff recommendations for alterations. Based on legal and other concerns, an NPRM may deviate from the petition that initiated it. The release of the NPRM starts the public comment period. Generally there is a set period of time for public comments, however requests for extensions are regularly granted. After this period ends, there is an opportunity for the public to read the comments filed and file Reply Comments. Finally the Commission reviews all the submitted material and issues a Report and Order (R&O) with the final adopted rulemaking. The R&O can still be challenged in court or through an act of Congress. The Rulemaking process can take less than a year or several years to complete (FCC, 2000).

Until the late 1990's the only way to access this process involved the filing of massive amounts of paperwork as well as having a representative or paid lobbyist inside the beltway (Washington DC) to handle interactions with the FCC. Petition filing, making comments, reply comments, and reading all this material took large amounts of time and money. However, with the introduction of the [Electronic Comments and Filing System \(ECFS\)](#) in October of 1998, this was all available through a standard internet connection. Comments could be filed via email, browser, or attached file. All comments and reply comments could be downloaded and viewed through a PDF file. The discovery of this system by members of the Micro Radio Movement opened a window into a world that had been the exclusive perview of a select group of telecommunication corporations, their lawyers, and any group powerful enough to have a presence in Washington DC (FCC, 2000).

THE MICRO RADIO MOVEMENT

The idea behind Low Power Radio had, by 1998, spread well beyond the boundaries of the groups that had initiated the movement. The traditional base of Micro Radio had been left-wing anarchist and some libertarian stations. However, as the gospel of LPFM spread across the country, a wide variety of groups became interested. In 1998 over 13,000 inquires were made to the FCC concerning low power FM (FCC, 2000). Churches, civic groups, and even small entrepreneurs' began to see the potential of Micro Radio. Dunifer and the Committee for Democratic Communication's central premise was that the petition system was flawed and inaccessible and that the only way to overturn the prohibition of low power radio was through direct action and the courts. They had dismissed the idea of a rulemaking petition as too costly and time consuming.

They further perceived their chances of getting a serious hearing at the FCC as very low. But by 1998, the FCC had been fighting the growing number of stations since 1995. Despite having closed hundreds of them, new stations continued to pop up. Dunifer had finally lost a round in court in June of 1998 and had gone off the air, but was appealing the ruling. Moreover, there were also several other lawsuits pending. The movement had gotten organized and gained support with scores of cities across the US adopting resolutions of support for Micro Radio. Moreover, several mainstream organizations such as the [American Red Cross](#) and the [National Council of Churches](#) had begun to show interest and express support. There was also a new FCC Chairman, William Kennard, who felt that the [Telecommunications Reform Act of 1996](#) had a negative impact on diversity in radio and had some ideas on how he wanted to mitigate that.

Two petitions calling for the establishment of a Low Power Radio Service were filed, one by J. Rodger Skinner and the other by Nickolaus Leggett, Judith Leggett, and Donald Schellhardt (collectively, "Leggett"). Both of these petitions were developed outside the traditional base of Micro Radio and included items that many in the movement opposed, especially a commercial service in addition to a non-commercial service. At this point, what had become the Micro Radio Movement encompassed several different factions and elements. Some of these groups worked together, some were just in communication, and others operated alone. The only solid point of agreement was the desire to be able to broadcast without fear of government action to shut them down. The two primary factions split on the issue of whether there should be a commercial as well as non-commercial low power radio service, "commies" and "non-commies." The petitioners, who had mostly organized themselves as the Amherst Alliance, were pushing for a service that had both commercial and non-commercial licenses. The commies wanted to run mom and pop style stations and believed that airing commercials was the only way to finance them. The non-commies, rallied around the [National Lawyers Guild Committee for Democratic Communication](#) and the [Micro Empowerment Coalition](#) vehemently opposed any commercial service. Commercial radio was seen by them as the root of the problem with radio in the first place. Many in the non-commercial faction, including Dunifer, did not want to participate in the process at all. They saw the system as corrupt and did not want to validate it by applying for a license. However, the wheels of the rulemaking were rolling and many in the movement thought that they had better participate to ensure that they had some input. A seriously flawed system would be the worse outcome, crowding out the spectrum leaving little or no room for anyone illegal or legal.

Interestingly enough, and to the credit of the list operators, MRN hosted discussions involving the major players and anyone else who wanted to participate. Some people split off to form other narrower lists with just one faction or another, but none had the traffic of MRN. It was here the response to the Skinner and Leggett petitions took place.

FULL CONTACT CONSENSUS

While it would turn out that over 1300 initial comments were filed (total comments eventually exceeded 3000), a new FCC record, the Micro Radio Movement focused around several major groups: Amherst Alliance (based in CT and MI); the [National Lawyers Guild Committee for Democratic Communication](#) (CA); and the [Micro Empowerment Coalition](#) (MEC) (NYC). Amherst and MEC formulated their comments internally for the most part. The Micro Radio Empowerment Coalition was formed around several activist organizations, [Project Censored: FAIR \(Fairness and Accuracy in Reporting\)](#), CDC (National Lawyers Guild Committee on Democratic Communications); [Radio4All](#). and Chaired by academic Robert McChesney. MEC is the sister project of the the

[Prometheus Radio Project](#). Amherst was primarily formed around Nickolaus Leggett, Judith Leggett, and Donald Schellhardt. However, Amherst was very well organized and had made contact with many emerging Low Power Radio groups such as [American for Radio Diversity](#) and [REC Networks](#). The CDC was seeking to present comments that were sensitive to the wider non-commercial low power community. They posted drafts and took comments on the open list and worked to craft a consensus document. This was a difficult task as many CDC members and supporters were opposed to the idea of a rulemaking in the first place.

During this process members of the different factions would communicate and debate on the list. Some of the discussions were very heated and it became apparent that there were some issues that might be beyond resolving. Besides the issue of commercial low power radio there was amnesty. In the FCC's Notice of Proposed Rulemaking (NPRM), the Commission was very clear that those who had broadcast after the date of the NPRM's issue or had continued to broadcast after being told to cease and desist would be ineligible to licenses. Amherst felt that going off the air would be a sign of good faith now that the FCC was considering a Low Power Service. Others felt that the only reason they were making headway was by staying on the air and keeping the pressure up. Moreover, there was the fear that community support might wane if the stations had no presence. In private email discussions several participants, myself included, worried that if the movement was shown to be split, the opposition would seek to divide us up and play us against each other. Since this was what had happened in the 1930's within the educational/non-commercial proponents during the onset of radio regulation, we felt we had the right to be concerned (McChesney, 1993). With the [National Association of Broadcasters \(NAB\)](#) and [National Public Radio \(NPR\)](#) rallied against us, we knew we had to present a unified front or we didn't stand a chance.

BACK CHANNELS

As the debate raged on, I kept in close communication with all sides. I began to analyze the positions of each faction. I quickly came to the conclusion that, with a few notable exceptions, all three of the major factions agreed on most points. The problem's lay with a few "poison pills" (as Don Schellhardt called them). I became convinced that there had to be some sort of document that everyone could sign. This way, we could drive home the central important issues to the FCC and show them and our opposition that we, as a movement, were capable of unified action. It became apparent that the central issues of technical requirements and ownership restrictions were key to creating a functional community based low power service. The other issues would have to be hashed out in individual comments.

By this point, the open list had become emotionally charged and cluttered with multiple threads. There were charges, counter charges, and even a call to "purge" commies from the list. Lyn Gerry the list operator, who normally never intervenes in list exchanges, even stepped in to cool things off. Even the creation of a separate list for technicians and a secured legal list left MRN with multiple threads. Rather than fight for space on MRN, I decided to approach each faction independently with the idea of a [Joint Statement on Micro Radio](#). I would concentrate on what we all agreed on, leaving out our contentions. I put together a draft based on my analysis and sent it out to several list members for feedback.

SPY VS. SPY

MRN is an open list. As it was the hub of Micro Radio activity it was assumed that the National

Association of Broadcasters (NAB) and the FCC had lurkers monitoring the list. Security logs on Radio4all all also showed multiple visits from industry and government URLs. In off list discussions several of us remarked that the in-fighting must give the opposition a certain satisfaction. It became a concern because we did not want to tip our hand and give the NAB information to use against us. The NAB had sent a letter in opposition to Low Power FM to the FCC using out of context excerpts from the list archives. Out of context quotes from several list members, including my own, were used in such a manner as to discredit us. The movement, however, was not without its own resources. Several NAB members were sympathetic to our cause and we were able to obtain most of the communiqués between the NAB and its general membership. In this environment, all serious strategy discussions moved to private email.

"We, the undersigned organizations and individuals, representative of a wide spectrum of micro radio advocates, strongly believe that the items contained in this Joint Agreement are essential to the success of any Low Power Radio Service. Individual signatories may hold differing views concerning many aspects of the proposed rulemaking and will file individual comments as well as signing this agreement. The absence of items or issues in this agreement is not meant to imply or indicate any specific stance by any of the signatories. This agreement simply states aspects of the proposed rulemaking that are of such importance that they cut across all ideological lines and are accepted as essential to the fair and proper creation of a Low Power Radio Service."

[-Joint Statement on Micro Radio](#)

Since [National Lawyers Guild Committee for Democratic Communication \(CDC\)](#) and the [Micro Empowerment Coalition](#) were close on their positions and in line with my own, my real challenge was Amherst. The several members of the Amherst Alliance who participated on the MRN list had gotten a little defensive. There is nothing so shaking for a liberal than to find themselves in a forum where they are the conservatives. Don Schellhardt was the founder of Amherst but the organization operated on consensus. All members had to be in favor of Amherst platform position for it to be adopted. Don and I had an active correspondence via email. He relayed the positions and issues back and forth between the himself and the other Alliance members. He also gave me contact names for people in other related organizations. Don felt strongly that it would be best to keep things under our hats and spring the Joint Statement on the opposition as a surprise.

Despite extensions of the comment period, time quickly began to run out. Amherst had given the okay on the language and content that they found acceptable. I now had to try to get the attention of MEC and CDC. Both organizations had been working on their own comments but expressed interest in some sort of group statement. My long term relationship with CDC was of some help. My contact, Phil Tymon a lawyer and scholar, wanted more of a feel for the document and requested we talk by phone. Our discussion was the only communication that took place off-line. He said he would get back to me when he had a chance to meet with the CDC team. At this point we had only two weeks until the next comment's deadline and I wanted to get as many signatures as possible. My nerve broke and I decided to go public without CDC signing on. This was a difficult position because I knew many people would view the CDC endorsement as a type of "Good Micro Radio Seal of Approval." I set up a web page and posted the URL on MRN and several other lists. I also personally email every organization that might have a stake in a low power radio service.

RESPONSE

The response was immediate. Amherst members had been primed for action and a flood of email came in. People who were on the list took sign-up sheets to low power radio events to gather more signatures. The idea of settling on issues we agreed on and still filing our own comments individually had taken root. When the CDC signed on a day or two later, the rate increased. [The Joint Statement on Micro Radio](#) garnered 30 organizations and 101 individuals from 17 states in less than three weeks--entirely on-line. In the end, Committee for Democratic Communication, Micro Radio Empowerment Coalition, and Amherst all supported the Joint Statement. The full version of the document that was filed electronically on July 31, 1999 and by mail on August 2, 1999. A Supplement to the Joint Statement on Micro Radio that was sent electronically on August 2, 1999 and mailed August 3, 1999. This Supplement was added to include some late signatories. Due to persistent interest, a Second Supplement was added and filed electronically on August 23, 1999. While I was willing to risk it all on an electronic filing, I was persuaded by the more conspiratorial-minded list members to send printed copies via snail mail as well.

IMPLICATIONS AND CONCLUSIONS

By the time the process ended on the Rulemaking for Low Power Radio, several thousand individuals and groups had filed comments. The comments filed by the CDC, MEC, Amherst, and the Joint Statement on Micro Radio collected almost 2000 signatures. Despite last minute attempts from the NAB and some pointed threats from some members of Congress, the FCC released their [Report and Order](#) in January 2000 creating a Low Power Radio Service. Many elements of the Joint Statement on Micro Radio did make it into R&O and they resemble each other in many ways. The service created was restricted to non-commercial stations only and amnesty was not granted to micro radio pioneers. So in these areas each faction suffered a major loss. Currently, the new service is being challenged in court by the NAB and faces the oddly named Radio Broadcasting Preservation Act of 1999 (HR 3439) (submitted preemptively on November 17, 1999) in both houses of Congress. This act would greatly restrict any new service to the point of making it completely ineffectual. Despite a pleas from the White House to let the FCC do its job, HR 3439 passed the House on April 13, 2000. This was the first time in the history of the FCC the Congress has questioned its judgment on spectrum management. A remarkable illustration of the power of the broadcasting lobby. Moreover, the new Low Power Radio Service is far from perfect and was not roundly welcomed by the Micro Radio Movement. There is even growing sentiment that the best thing that could happen to Micro Radio is that the Radio Broadcasting Preservation Act would become law, thus sparking another explosion in unlicensed radio stations going on the air in protest.

Setting aside the issue of Free Radio, the rise of the Micro Radio Movement and its success with the FCC is a testament to the resource of the internet as a tool for activist organizing as well as access point to powerful institutions. The benefits of paperless access to government, while designed as a boon for business, can be used by the masses to affect the record and process in government decision making. This is particularly true for regulatory agencies such as the FCC. There are no leaders of the Micro Radio Movement, no central control or policy, no universal political ideology, no large sources of funding or support. While the National Lawyers Guild played a major role and should be commended, they were far being the central pillar of the movement. This movement is primarily a product of the poor and working class. Despite being overloaded with the daily tasks for survival, individuals, as well as small and large groups managed to put Low

Power Radio on the national agenda. After years of laboring in obscurity, they managed to gain support from diverse groups such as labor, Rainbow-Push Coalition, the National Council of Churches, and the ACLU. After being pressed on the issue, both Al Gore and Bill Bradley have endorsed the notion of Low Power Radio.

Having had the opportunity to observe this movement as a scholar and a participant over the years, I can say that its success was built by many people who stepped up to the challenge of addressing what they saw as an unjust situation. The defeat of the NAB and NPR, the two major forces in radio in the US, was a major accomplishment. Even if LPFM never comes to pass as a legal service, the fact that it got as far as it did is a major feat. The implications of this are staggering. By being able to instantly and consistently communicate across long distances for virtually nothing, share scarce resources and information, and access the power structure, affinity groups of individuals and organization can effect national policy with the benefit of an established institution for logistical or financial support. Even a [casual look](#) at the process that succeeded in the [World Trade Organization](#) (WTO) [protests in Seattle WA in November of 1999](#) and the IMF World Bank protests in April 2000 can show the observer that the landscape of politics activism and discourse has changed forever. Many who thought they were alone now, by way of the Web, realize that they are not.

To establish and run an unlicensed radio stations is a major endeavor, and the national support and communications network that evolved did so as a support mechanism for this activity. Now that this network exists, it has encouraged activist activities in many different areas. A major proponent of Low Power FM in Michigan, [Tom Ness, was drafted by the Green Party to run for the Senate](#) largely based on a widely successful lobbying campaign for LPFM. [REC Networks](#) in Arizona has taken to reviewing requests for full power FM stations and filing in opposition in questionable instances. In many cases, REC filed the only comments beside the applicants and the licenses were denied. The current push by the NAB for In Band on Channel Digital Audio Broadcasting has drawn considerable fire from [several Low Power advocates](#), myself included. Such a technical and obscure Notice of Proposed Rulemaking would normally go unnoticed by the general public. The Micro Radio Movement, largely enabled by the communication abilities of the internet, is transforming into an independent media reform movement and a source of support for activist organizing, and resistance to the dominating forces in American society. Starting with the WTO in 1999, no large scale protest occurs without organizing support and presence of Micro Radio and other emerging [independent media](#).

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