

# **Transmissions in a Hostile Territory**

**What We Learned Broadcasting a Pirate Radio Station into a Prison**

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2017

In the spring of 2015, some comrades in the midwest began to experiment with a new approach to communicating with prisoners who were struggling against modern slavery and prisons themselves. We ran a pirate radio station that broadcasted radical news, analysis and stories of resistance into the belly of the beast. The purpose of this text is not only to tell our story, but also to communicate the things we learned during the process. We started with an idea that proved very successful and inspiring and ended up with felony arrests and a year and a half legal battle.

The intention behind the idea of a pirate radio broadcast into a prison was to find a way to circumnavigate strict prison censorship rules. In our experience of engaging in prison struggles as outside supporters, prisons often censor the material we send in. Consistently over the years our letters, publications, zines and books have been banned for “encouraging criminal activity” and other similar notions and therefore returned. Also due to the fact that most of our correspondence took place through the mail, we were sometimes weeks behind in hearing and reporting on resistance behind bars. Even if a prisoner could call during a moment of resistance, it would take up to a week for other prisoners to receive any correspondence informing them of said rebellion.

We wanted a rapid way of communicating and spreading information inside a prison during moments of unrest, whether in another prison or in the outside world. If we could broadcast into a prison, we would be able to go around prison regulations on what topics were talked about or advocated. If we established a pirate radio station, then when moments of rebellion occurred, there was potentially a direct and swifter line of communication open to the prisoners inside. A broader goal for some of those involved was to eventually make it possible for prisoners to call-in during a rebellion and immediately broadcast them live, either back into the prison that was rebelling or into another prison, to foster further rebellion or solidarity.

We began by picking a prison where we had contact with a large amount of rebellious prisoners who we thought would appreciate and be excited about the project. There was one prison in particular in our area that had multiple moments of rebellion in the past few years. At this facility, inmates had repeatedly gone on hunger strike and through hearing of their struggles, comrades on the outside reached out to the rebels. We got the names of prisoners involved in these hunger strikes because they had publicly put out a list of demands with their information. Immediately we wrote letters of support and sent in prison-focused newsletters. There were also noise demonstrations during the hunger strikes, which hugely impacted the prisoners, allowing folks to develop a level of trust and respect. Prisoners were able to connect the people outside making noise with the letters and newsletters and that was an exciting development.

Seeming like a good fit, we first contacted the prisoners we knew, asking if they had access to FM radios and how common it was that prisoners listened to them and at what time of the day, etc. Prisoners gave us feedback and suggestions on the project about the best times to broadcast—basing it on when inmates had free time and would be either in the yard or in their cells with access to their radios. Then, we asked a few of the prisoner comrades we had closer ties with to start spreading the word to others about a radio show and what time and date to expect it.

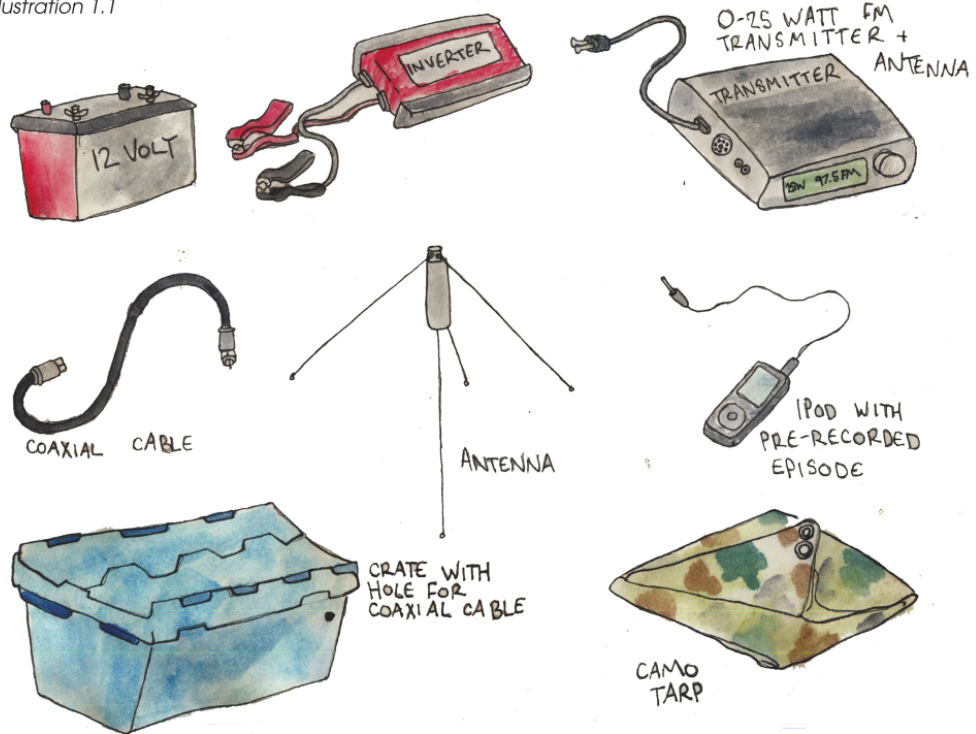
After we established a connection with people inside and started spreading the word about the radio program to all of our contacts, we began to look for spots to broadcast from. A quick look on google maps showed a few possibilities. We were looking for spots that gave us a strong and unobstructed transmission—spots that either had a direct line to the prison and/or were on higher ground than the prison. We also needed broadcasting spots where we could go unnoticed setting up and broadcasting from. Most importantly, we need spots that would be difficult to access for police. We ran a few tests by posting up in the spot and broadcasting a mock set while other

members of the crew parked in front of the prison to make sure that the transmission would be received inside. With all of this in line, we started the project.

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The set up for our transmitter and power system was very basic. We wanted a system that would be simple and quick to set up. It needed to be powered through an RV battery and an inverter. It needed be hidden in something that was small enough to not be noticed. What we ended up with fit into a plastic storage crate and could be assembled in less than ten minutes. And it cost altogether less than \$600 (if you have to pay for everything).

Illustration 1.1



After eight months of broadcasts, we were, for lack of a better word, raided in a patch of woods where the radio transmitter was located. Subsequently, the project was shut down. Three participants were detained in the raid. Over forty officers from two branches of law enforcement participated in the raid: the special operations unit of the Department of Corrections (DOC) and the local sheriffs department. The officers were decked out in camouflaged fatigues and equipped with AR-15s, shotguns and high-power sniper rifles. As we lay on the ground handcuffed, we watched as what seemed like an endless stream of cops emerged from the woods, high-fiving and staring at us with a mix of confusion and detest. While it was certainly scary to have guns pointed us, it became almost comical when two officers came out of the woods in gilly suits and sniper rifles.

We were booked in the jail, told we were being arrested and then held. Yet after four hours of waiting, we were released with a vague mention of potential charges being brought against us by the district attorney in the next few days. From the raid and the following legal process we learned a lot of things. First and foremost, we had pissed the DOC off, a lot. They were gunning for a conviction. What followed the raid was a drawn out and convoluted legal battle that lasted a year and a half.

## **Legal battle, the FCC, how the DOC found us & some lessons**

As the days passed, it soon became weeks with no word. Slowly news of the police and prisons activities reached us through a lawyer we hired to aid with retrieving the property taken during the raid. It became apparent that the prosecutor was flailing and utterly failing to find an appropriate charge for our situation because there wasn't any specific law written for our situation. But the DOC, the state governor and some senators were meeting with the prosecutor and putting extreme pressure on the him to come up with something—anything—to charge us with. At one point, they tried to charge us with inciting a riot, but since no riot had occurred, it couldn't apply.

More and more time passed, and the weeks turned into months. We sporadically got news informing us that the case was still open, but to us it appeared that we may very well escape a charge. However, two and a half months after the incident, our lawyer called to inform us that warrants were to being put out for our arrest. We were charged with “smuggling contraband into a penal institution,” a class one felony, with a recommended sentence of 4–15 years in prison. We needed to turn ourselves in the following Monday. With that information, we gathered together and figured out how to navigate our surrender. We turned ourselves in and were subsequently bailed out an hour later.

When we received the discovery (the case file of all the evidence against us that the state has compiled) we learned a few very important things that should be communicated to other parties interested in any sort of similar project.

First off, it appears that the FCC has to be present in the seizure of a transmitter to be able to bring FCC violations against the individuals running an illegal broadcast. While our lawyers were not 100% sure of this, it did seem to be the case in our situation. The FCC was not present during our raid and was unable to record the wattage levels we were broadcasting from and whether they were illegal or not. For all they know, police in the raid could have accidentally changed the wattage setting. Because of this, when the DOC contacted them about getting involved or aiding

them in the case, they seemed uninterested. From our research it also seems that the majority of situations involving the FCC have ended in them either simply seizing the transmitter or fines, ranging from a few thousand dollars to hundreds of thousands of dollars. As far as we could find, there was only one case where someone was jailed because of an FCC violation. But, if the FCC had been part of the investigation in our case, there is a possibility that they might have acted differently in this case since it was a bit high profile.

Secondly, we learned how they had found us. The DOC initially intercepted a letter that an inmate had written talking about the radio project. Most of our correspondence about the radio and its content was through the mail. Prisoners would contribute material to the programs, as well as write reviews and give feedback on what we broadcasted. And at one point the DOC censored one letter mentioning the broadcast and thus learned the time and day the broadcasts occurred. They were then able to tune in and listen.

If we had been able to find a way to avoid informing inmates of the time of broadcasts through the mail, it would have possibly avoided the DOC discovering it entirely or at least prolonged their search. Maybe if we had been able to visit inmates face to face and talk of specific times we could have avoided this all together.

Once the administration heard to the broadcast they obviously became very upset and began setting up a way to catch those responsible for it. They contacted a radio specialist, who came in for the next broadcast and used some sort of technology that was able to roughly locate where the broadcast was coming from. For the next broadcast, they were prepared with a team hidden in the woods, as well as a team of officers conducting surveillance on any cars they did not recognize in the area. It is a very small town and we did stick out—a lot. Once they had observed us setting up they called in the teams in the woods and moved in on us once we returned at the end of the program to retrieve the equipment.

We ultimately learned that we should have changed the location of our broadcast every month. If we had moved each time and had multiple sites, it would have drawn out the process until possibly we would have noticed surveillance or just avoided them forever.

## **Legal loopholes saved us**

Our legal defense strategy was pretty basic: we did it. From the beginning we sort of chose to take a path where we decided not to really deny what we had done. We had been caught red-handed and monitored for quite a while. Our defense chose the stance that what we had done was not actually a crime. Since there was no specific law stating that what we did was illegal, how could we really have known not to do it? Their retort in court was “they clearly knew what they were doing was sketchy,” but this didn’t matter because there was no law against it. It’s a good idea to check the state laws where you are and measure the potential risks when deciding on whether or not to pursue this sort of project.

We also took a route of arguing the charges as being unconstitutional for vagueness and infringing on our free speech. We had never thought we would use free speech as a defense, but it helped us beat a felony case — *c’est la vie*. After a few court appearances the judge threw out our case on both grounds, which was a great victory for us.

However, the puppet prosecution immediately filed an appeal and the case went up to the higher courts. This move seemed to be purely to appease the DOC and relieve pressure the prose-

cutor was feeling from them. While this was a win, it was still potentially a loss because appellate lawyers are exceptionally expensive, charging upwards of ten thousand dollars just for the initial appeal process. So we decided to approach the ACLU to see if they would take up our case on the constitutional arguments we had initially used to get the case dismissed. The ACLU quickly agreed. Within a few months of the ACLU deciding to represent us, the prosecution announced they were going to drop the appeal. With that, we were finally done with them. Free.

Some advice when working with the ACLU is to clearly state your positions and expectations of how they will portray you in their media. We told them we did not want our names to be used in any sort of media they put out and that we wanted our case to be as minimally publicized as possible. Surprisingly, they mostly agreed to our requests and took our case.

## **Some technical facts about the broadcast that may be helpful**

### **CZH 25w Fm Transmitter Broadcast 0-25w Power Adjustable 87-108mhz 1/4 Wave Antenna Nj Kit**

This was the transmitter that we used. It is easily found on eBay and Amazon for around \$300. We initially used a much smaller transmitter, a 7-watt one that only cost \$35, but we decided to upgrade to have a stronger signal. While a higher wattage transmitter helps, what is actually the most important for a longer-range broadcast is the position and strength of the antenna. The higher you are and the better antenna and co-axial cable you have means a better quality transmission.

### **<http://radio-locator.com/cgi-bin/vacant>**

This site is great for finding open air space and figuring out what frequency you should broadcast on.

## **Recording radio programs**

We used Garage Band to edit our programs and then put the finished episodes onto an iPod—sort of like a podcast except that they were then broadcasted via radio. We wanted to figure out possible ways to broadcast live news or interviews back into the prison, in case of uprisings or strikes. However, we never figured out a way to pull this off nor did the situation arise for us experiment with this.

## **Communications with prisoners**

Our correspondence was all through the mail from a post office box that was associated with various prisoner support and prison abolition projects. This post office box was recognized and respected amongst prisoners for the work coming out of over the past years. This allowed for easy communication, but it was also what tipped off the police and prison authorities about the project.

## Setting up Google Voice

you want prisoners to have a way to contact you other than by post, you can use a burner phone or your own personal phone depending on what level of security you want. Then you can create a random gmail account to set up the Google voice. That way you can advertise a phone number that prisoners or anyone can call in on. Then when you receive the call you can immediately record the conversation to later edit into the radio program. If the number is attached to a phone that you carry often this avoids having to set up a time and date to do an interview, and allows inmates to call in whenever something is happening or just whenever there is something they want to speak on.

***Be creative and stay safe\*.***



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