SLEEPING AWAY FROM THE MARTINIQUE (TREBAY, P. 14)

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the village VOICE

ROCK ROLLS OVER

'Rolling Stone' Lies Down With Coors (Savan, P. 71)



SARAH FEINSMITH

CRUISIN' FOR A BRUISIN'



Techies versus the FCC: Allan Weiner and Ivan Rothstein aboard the *Sarah*

SARAH FEINSMITH

RJ Smith Ships Out With the Radio Pirates (P. 17)

BRITS & ASS

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New Evidence That U.S. Soldiers Have Fought in El Salvador

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L.A. MAW: JEFF WEINSTEIN COMMUTES TO DINNER (P. 90)

VOL. XXXII NO. 32 • THE WEEKLY NEWSPAPER OF NEW YORK • AUGUST 11, 1987 • $1.25



STEVEN RUBIN

What do they want? Repeal the ban! When do they want it? NOW. These protesting messengers face financial hardship because of Koch's ban on bikes in midtown. Koch says the issue is pedestrian safety. But cyclists, professional messengers and recreational riders alike, also feel threatened by city traffic. Did Koch assume that bicycles were the most dangerous vehicles in the city? Or did he suppose cyclists were, of all vehicle operators in Manhattan, least capable of fighting such a ban?

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DICK KRAUS/NEWSDAY



On the Coast Guard cutter *Cape Horn* (from left, handcuffed): Ivan Rothstein, Allan Weiner, RJ Smith

THE SHIP HITS THE FAN

RNI's founders were gonna play DJ, and rock and roll their public on the AM, FM, and shortwave bands. Then came the Coast Guard with the guns and cuffs, and the FCC with hacksaws. The busted station's day in court is coming, and there's a lot at stake.

BY RJ SMITH

Were he alive today, he might have been one of those resourceful guys with copies of *Byte* rolled up in their back pockets, slide rules close to their trigger fingers. But Guglielmo Marconi, inventor of the wireless transmitter, father of radio, was born to a different age. Once upon a time he stood on the deck of his ship, the *Electra*, broadcasting test signals in international waters. For this he has become the subject of postage stamps, winner of the Nobel Prize, and lover of many large-breasted, red-haired women. He is buried near Bologna.

That was long ago. Standing on the deck of the *Sarah* Tuesday morning, July 28, Ivan Rothstein had a worried mind. He's been arrested by the FCC, he's soon to be arraigned on felonious conspiracy charges for violating a grave international agreement. What's his mom going to say? The Coast Guard rousted him out of bed at 5:35 in the morning, he didn't get breakfast, and now they're reading him his rights, putting on the handcuffs. Five Coast Guard officers in blue uniforms and baseball caps—Jesus, they look like a SWAT team, not sailors—have boarded the *Sarah*. "You are under arrest for violation of international radio regulations," the arresting officer explains. But what the hell does that *mean*? Sir. What is international radio law? "I told you. You are in violation of international radio regulations." His hand is on his hip, over a pistol.

Besides simple questions—how can I make sure the gun stays in its holster?—Weiner and Rothstein are wondering why this is happening at all. They wanted to cue up "Louie Louie," some Beatles, some Motown. They weren't even swearing or playing the Butthole Surfers or anything. The FCC's never before cited an unlicensed offshore station for playing music, and these guys playing DJs are suddenly Public Enemy Number One. Like it or not, they are precedent. It seems crazy—especially since the ship began to take on water August 3 and threatens to sink—but the *Sarah* has sailed straight into the heart of the $7 billion dollar radio industry. The hammer is coming down.

And Rothstein, 25, in his sneakers and Crazy Eddie T-shirt, doesn't know what to do. To tell you the truth, he looks like he's gonna throw up. There is no contingency plan for having the Coast Guard put the bracelets on behind your back for eight hours. When Rothstein and a bunch of pals built radio station RNI (Radio New York International) and started

Continued on next page

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broadcasting—*We're the wet one! Unstoppable! Unboardable! Unsinkable! Unbeatable!*—the plan was to have some fun. They were gonna play DJ, rock and roll their public on the AM, FM, and shortwave bands. Was Murray the K ever read his rights for playing the Beatles?

At this exact moment, even with the Long Island shore and tall buildings in sight on the starboard side, we are about a million miles too far from Ivan's Brooklyn home. Too far from the Kung Fu movies he digs. Too far from an attorney. Right now the larynx is unreliable, rubberlegs a factor. But, a little later, Rothstein gets his juice back. He regains control. "We're gonna fight this right to the very end. We'll have our day in C-O-U-R-T," he mutters. It's coming. And a lot is at stake.

Rothstein and Allan Weiner, chief engineer for RNI, are facing a five-year jail term and a $250,000 fine. They were testing the broadcasting signal since Thursday, July 23. And what a signal. RNI was tuned in as far away as Florida. The clear channel AM frequency really projected, especially at night. Unfortunately an FCC monitor picked it up in Allegan, Michigan. On Saturday, the 25th, New York's FCC chief on a Coast Guard cutter threatened the *Sarah* with, Weiner says, "military action" if they didn't shut down. Undaunted, the wet one kept broadcasting, testing, tinkering with equipment, all in hopes of going full-time later this month, ultimately selling advertisements. They were going to be a real radio station, a real radio station without an FCC license. The press has dubbed them a pirate station, akin to Great Britain's 22-year-old Radio Caroline (Weiner worked there in late '85), but they bristle. As Weiner put it before the bust, "We aren't pirates because we are not breaking the law. We are in international waters, beyond the legal reach of the FCC." That was the idea.



SARAH FEINSMITH

Rothstein and Weiner where the fish used to be

THESE PIRATES ENJOY A RICH FANTASY LIFE. EXCEPT THAT THE FCC HAS PLACED THEM AT THE TOP OF ITS MOST-WANTED LIST.

Then the Coast Guard cutter *Cape Horn* approached just after sunrise Tuesday, July 28, with the .50 caliber machine guns on the front deck uncovered for emphasis. And also a posse of FCC officials, bearing hacksaws. Without an arrest or search warrant, FCC engineers boarded. They cut up RNI, a station that now sits in a jumble in the Sarah's hold. "We have express enforcement authority to confiscate equipment in violation of our laws," says Sally Lawrence from the FCC's Washington headquarters. Looking like an explosion in a radio tube factory, the station's not going to broadcast again for a long time. Maybe never.

He is a Good Humor man by occupation, and, sure enough, Hank Hayes (like many of his cohorts, he doesn't use his real name for obvious reasons) is a person of good cheer. The RNI DJs a sweethearted 26-year-old from Bensonhurst. But talk to Hayes and he'll let you know he was born to be a pirate. "I was on my first pirate [station] when I was 15. It's natural, it's in my blood. I love entertaining people." He's also entertained the FCC, which has arrested him twice, releasing him with a warning both times.

Hayes is one of a small circle—Weiner says it's about 20 engineers and DJs, the FCC thinks it's fewer—who wired RNI. They are the people who bought the *Sarah* and built the studio and transmitter in the hold. They towed the ship from Boston. Hayes is also well-known among New York area pirates. The FCC shut him down as a minor in Yonkers, and his file has been growing ever since. He moved to Maine, bought a licensed station, was busted again, and sold his license. Guys like Hayes aren't ever likely to even get that far; to them the adventure doesn't get any bigger than the *Sarah*.

On the way to the ship to view the damage, Hayes and fellow traveler "Pete Sayek" are talking shop. Hayes says he knows of about 10 pirates broadcasting from their homes in the New York area in the past year. Pirates will often check with each other about when they are on the air, so that programs don't overlap. This circle claims a code of respect for other signals. RNI insists its signal was on wide-open radio space the FCC has refused to license for braodcast. The FCC says a Fort Lee station complained.

Sayek won't give his real name—"My parents would kill me." That's always a problem. "We have a saying in pirate radio," Hayes says. "The three biggest enemies are girlfriends, parents, and the FCC. In that order." The pirates I spoke to bear more than a passing resemblance to the He-Man Woman Haters Club on *The Little Rascals*. Big boys acting out. Ivan Rothstein joked he wanted to broadcast so he could meet girls: "It's been three years since I had a girlfriend. That's a long time!"

They can, many of them, take apart a radio and put it back together blindfolded. RNI leader Randi Steele (*Newsday* pegged his real name, Randall Ripley), his failing eyesight prohibiting full-time employment, does freelance electronics work. They are techies who know the manuals, understand the licensing regulations backwards and forwards, and are as down with tubes and transistors as com-

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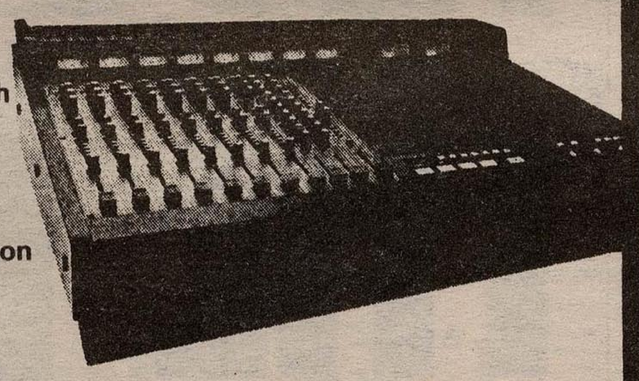
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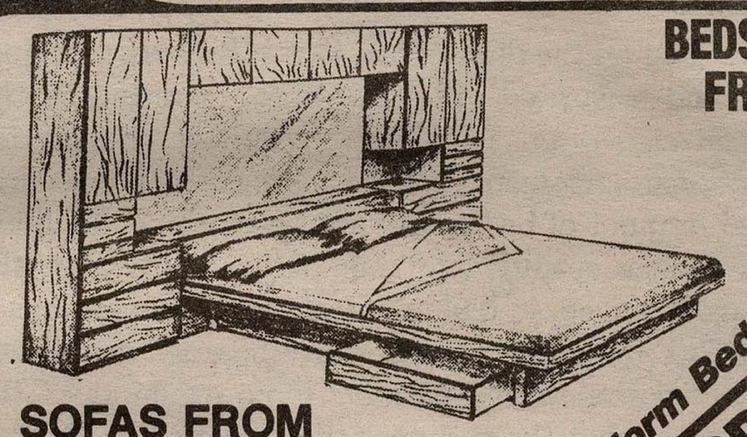
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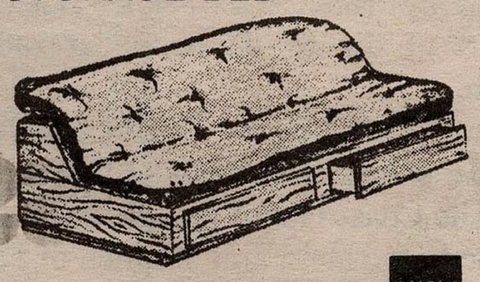
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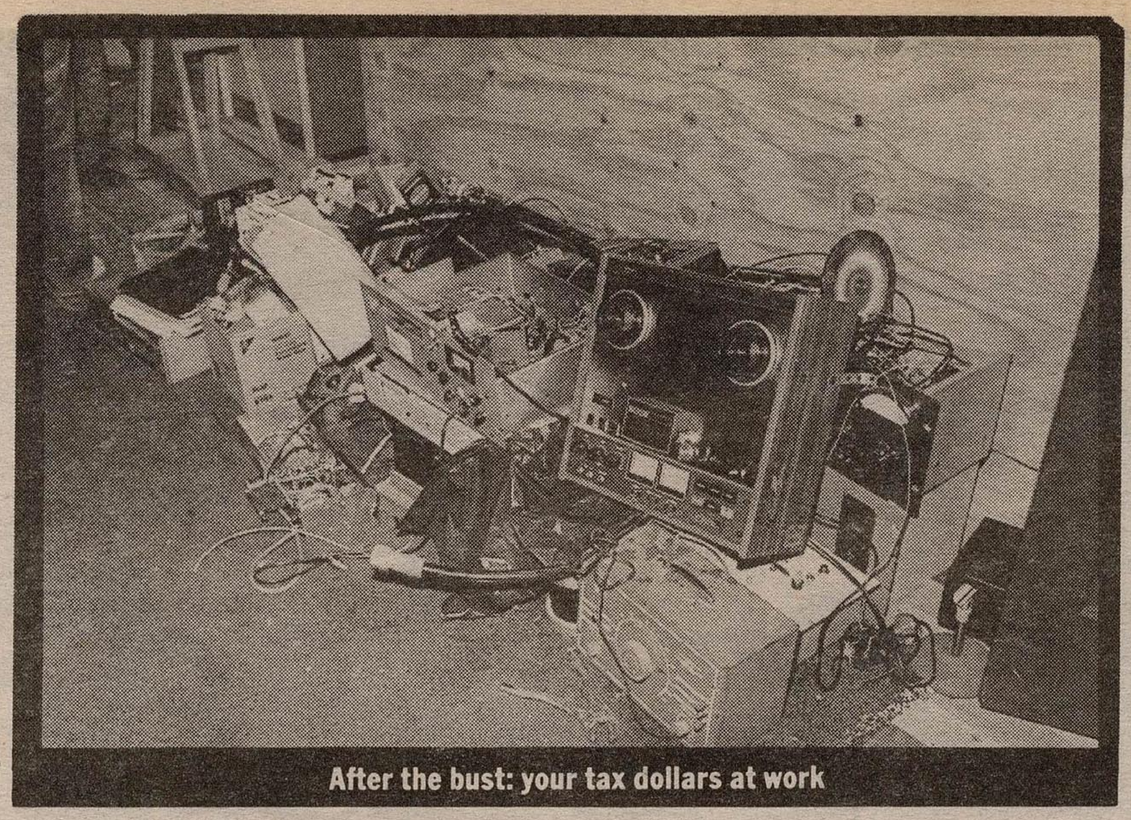
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puter nerds are with software. In an age of neuromancers tapping the flatline, of hackers busting into Defense Department systems, they are a wonderful anachronism, as exotic as the Baby Fada radio. And the tight-knit crew that took turns on the *Sarah*, while suggesting a '60s hippie busload of freaks, even more suggests something from *Encyclopedia Brown's Book of Wacky Crimes*.

My telephone rings. It's J.L.—for Johnny Lightning, "Brooklyn's most pretentious pirate DJ, broadcasting to all the malcontents, sickos, and drug addicts who listen to me." He's delivering a rare invitation, to be present at a midnight broadcast from his secret studio. The whole procedure sounds like a hostage negotiation with Druse militia. I'll meet at one address, then be taken to a different one they're not gonna give over the phone. No photographers. When J.L. and his associates are on the air, there will be street patrols, monitoring the neighborhood for any sign of the FCC.

Later that night, again the phone rings. J.L. apologizes and says sadly there's been a change. "Sources" have warned him it would be extremely dangerous to transmit. "Let's just say that the last time I broadcasted was the day they busted RNI. Let's just say I got very heated in my anger. I threatened bodily harm to any FCC agent who came to my house, and I dared them on. I did my rap for about 10 minutes, and then a friend with some sources, shall I say, calls me and says *they* were out in a van, taping the show and making a report. And this source says they were discussing *going in*." So he cheesed it. But soon, J.L. promises, he'll go on the air. When things cool out.

These pirates enjoy a rich fantasy life. That's their charm, the secret-agent games they play up in their heads. Except that, in a press conference last Tuesday, the FCC chief of field operations placed them at the top of the commission's most-wanted list. While he was speaking, FCC engineers tossed their toolbox onto the *Sarah*, giving Rothstein and Weiner time to reflect on their future in radio.



SARAH FEINSMITH

After the bust: your tax dollars at work

WITHOUT A WARRANT, FCC ENGINEERS BOARDED THE *SARAH*. THEY CUT UP RNI. THE STATION NOW SITS IN A JUMBLE IN THE HOLD.

The cap'n, he had never seen pirates in all his days on the seas. "That's the craziest thing I ever heard," He laughed. Cap'n Al Boyle knew about sharks, it was said. He made a living piloting his tiny craft from Island Park, heading out 26 miles offshore with a cooler full of Buds and a ship weighed down with brave businessmen. He'd been rehearsing for this moment, ripe with the smell of hops when he met me and a *Voice* photographer to pilot them—for a nominal $200—to the *Sarah*. The journey was dramatic—"*Don't hold onto that, it'll fly up into your face. And while you're down below, can you toss up a beer?*" The photographer was green. It was a relief to throw my duffel bag aboard the *Sarah*, the stage now set for whatever drama might append. (What appended for the photographer was a ride back to shore, after the navigator's steady hand, for once rendered momentarily unsure, caused his vessel to strike a buoy, conking out the engines. "Honey, sweetheart," he apologized.)

Drama is not what even an innocent would see in the *Sarah*. You see instead the shore four-and-a-half miles away, and wonder if it's possible to swim back. Down in the hold, in the studio, it's unbearably hot: this was once a fishing ship, and here the fish were frozen. It is well insulated, except from the noise of the generator—how could they broadcast over that?—and the stink of oil that reached everywhere. Though built in Japan, the *Sarah* now bobs under the Honduran flag. Everything in this rust-bucket is tiny, and though any work ship is cramped, your Japanese work ship especially tests one's ability to twist, collapse.

Things are cheery. Rothstein may have been on the ship for a week eating Ritz crackers and generic cornflakes, but it's okay. His week-old stubble and curly hair busting loose, like Weiner's hippy hair always shaking off his wire frames, can look scruffy, like the sneakers at the bottom of your closet, and still seem simply *casual*. Weiner and Rothstein spend much of the evening watching the TV interviews they'd done with reporters standing on their chartered vessels all day. "Oh this is great! I hope the wrestling promoter I know is watching this!" says Rothstein. He sells concessions at wrestling matches in Staten Island and Queens, and he's enthusiastic about the form. "Some people think it's entertainment, some people think it's a sport. But it's both."

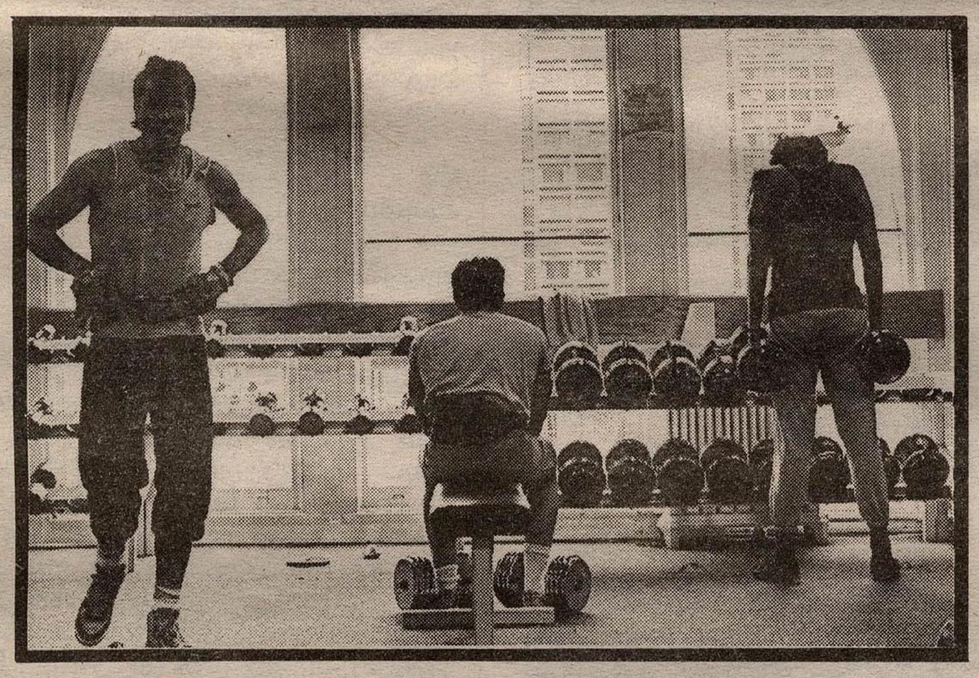
So they watch TV, and fight over a Mars Bar and who'd been drinking the most beer. You could see shooting stars in the night sky.

A motorboat full of surf yuppies from Point Lookout visits. They saw RNI on the news, and came out to make a request ("Mony Mony"). "This is fucken wild!" one brushcut said. "This is gonna be a tourist attraction, like the fucken garbage barge!"

A negligible breeze vaguely cools at least the top decks, and around midnight, Rothstein DJ's for two hours. "I un-

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speakably mangle words, but somebody loves me anyway," he said. The night—silly, naïve—winds down.

Back in the wooliest days of border radio, hyperbolic antennae would pop their signal from just over in Mexico. ("License? We don't need no stinking license!") They generated a gale of waves far more intense than the U.S. would ever allow a native. One trick to lace the signal was flooding water beneath the tower; the air would get so hopped up that on the ground below your hair stood on end. So I wonder what the effects of sleeping under the *Sarah*'s antenna—1000 watts of power—might be. Will I wake up feeling different?

You can hear a rumbling. With the tiny bed, sleeping isn't easy, and yet once you fall, the ship's rocking is irresistible.

The sun rises, and I look out my portside porthole, see the anchor buoy and wonder why I'm waking. Is the rumbling louder? I thought Weiner said he gets up about now and turns the generator off to rest it. And then, without being able to see anything from this side of the ship: "Attention passengers of the *Sarah*. Stand on the deck immediately. Attention!" No identification of where the voice is coming from. None is necessary.

No matter how little sleep you've had, there are situations where so much adrenaline courses you could probably lift a car unthinkingly, and this is one. I roust Ivan—he jerks awake like something's crawling on him. Weiner disappears above deck. A few minutes later it is frightening: my legs do the clam while the Coast Guard went through Miranda.



SARAH FEINSMITH

A threat to a $7 billion industry?

But right now, every pore opens. "Stand at the front of the ship," the voice on the megaphone orders. Just to break the tension I act like I don't know things nautical, hustling to the rear.

I'm taking notes on deck when they board. An agent says we're under arrest, and tells me to stop writing. Identifying myself as a reporter, I go to hand one of them my NYC press badge. "Don't move so fast," the arresting officer says. "You're making us nervous."

And they *are* nervous. Conducting the arrest is Tim Molloy, Coast Guard rank BM3/E4, a 23-year-old with braces. "For the safety of my boarding team, I want everybody by me," he orders as others scramble onto the *Sarah*. The guardsmen would ultimately calm down and explain their orders were coming from Washington, say things like, "We heard your station. Sounded pretty good to me," to Weiner and Rothstein. Another guardsman offers, "Can't say anything bad about the music you were playing last night." But the Coast Guard handbook probably carries little on busting radio whiz kids. Drug smugglers are what they know.

We get the treatment. One guardsman reads my press badge, another applies the cuffs. They empty our pockets, placing everything in an evidence envelope. Our rights are read. Barefoot, I ask if I can go get my sneakers. "Be quiet," Molloy answers. They bring them out later, after a stem-to-stern search.

The next few hours pass slowly. Weiner looks like he wants to cry. "Hang in there, Ivan," he says. As the Coast Guard talks about taking the chain off the five-ton anchor—the ship won't budge through a hurricane with that weight, and since there is no winch on board (why make it easy for the authorities?), the Coast Guard struggles. "Be very careful," advises Weiner. "Because when you get that housing off, the chain is gonna move very fast. And believe it or not, I would really feel bad if anybody got hurt on this ship." He isn't being sappy. Weiner told me the night before there are no weapons aboard, he won't allow it. In case the government "did a Greenpeace," he said, they'd just have to radio the Coast Guard.

Funny things go through your head at a moment such as this. The reflex, I think, is to consider the possibility of escape. And the sense was very much that a weapon might have been drawn if one of us started running. What if we leapt overboard? I mean, here is the Coast Guard, and they have to save you if you're drowning, right? So would they leap in after you? Or just fire a shot across your bow?

When the vessel has been "secured," the FCC folks come on. They had been standing apart from the guardsmen on the *Cape Horn*, a division driven home once they were on the *Sarah*. There was a man in jeans and a white shirt—Kevin McKeon—carrying a videotape camera. He films our arrest, he takes the camera below deck with him, and when *Newsday* films him, he films them back. Then comes a large fellow, Judd Mansbach, who very nearly falls into the drink as he boards. There's a guy in sneakers and a Budweiser hat, with a big grin on his face. In contrast to the Coast Guards esprit de corps, here were a bunch of wallies bumping into each other, looking like the kind who might rent a boat at Freeport and pay some salt to show them how to catch bluefish.

The FCC crew go below deck. You could see the FM cable shaking, hear the hiss of a hacksaw. They spent several hours down there. "Watch them," a guardsman mutters to another, with the FCC people nowhere in sight. "I don't want them pocketing nothing." As time passes, the guardsmen's contempt for the bureaucrats emerges. "We don't exactly know what laws were broken here. We just got these orders from Washington, and we have to obey. Frankly, if that guy fell into the water," an officer says, speaking of Mansbach, "I'd take about an hour putting my life jacket on."

Four hours pass. When we move to the cutter, it's for no great purpose. The order had come. It is comic. All around, craft of every size are spiraling, helicopters overhead, there's somebody fishing and somebody else goddamned sunbathing on the *Newsday* boat, all this motion, and at the center we can't move. You can

Continued on page 31

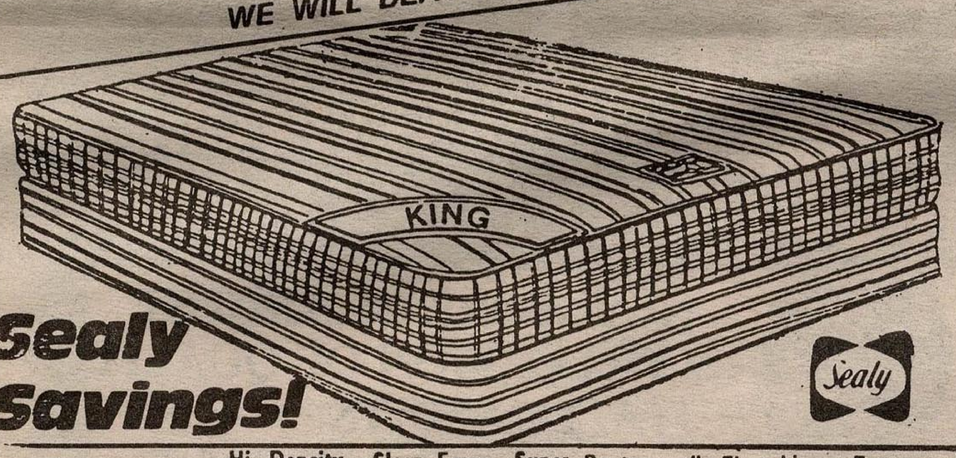
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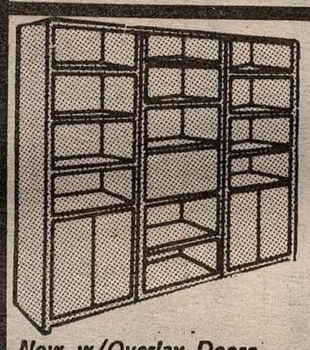
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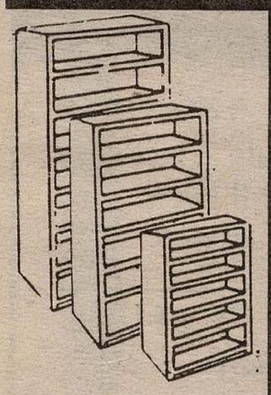
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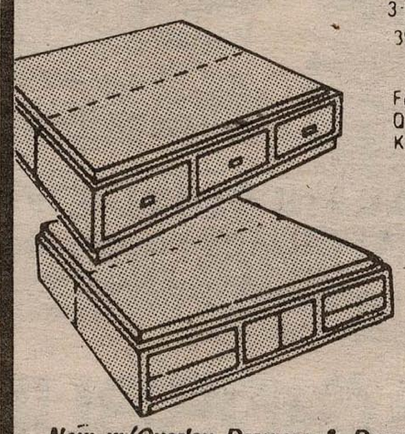
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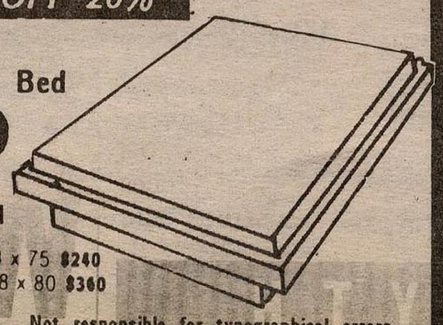
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RJ SMITH *Continued from page 20*

wiggle in handcuffs, duck a bug, and they tighten one more notch on your wrists. A radio's brought out, and ZZ Top blares. A guardsman makes a lewd gesture to the TV cameras in helicopters. The Coast Guard's *Cape Horn* circles for another several hours, waiting for more orders from Washington. Then everyone moves to a smaller vessel, a 40-footer that'll take us to Brooklyn.

At no point are we allowed to speak to an attorney, although we're told the ship's radio is capable of it. Ten minutes after boarding this craft, a *Cape Horn* guard called me forward. The handcuffs are removed, and he says that orders had been to arrest everyone on the *Sarah*. My press credentials had suddenly "checked out," charges had been dropped, and I'm free to catch a ride back to Brooklyn.

All around the world, people petition their government for media access. They demonstrate for their right to have political opinions aired, they organize and sometimes go to jail (or worse) to get it. And here, off the coast of Long Island, we have a bunch of hobbyists who may just possibly pose a historic threat to the FCC's ability to police the airwaves, and all they wanted to do was *rock*. Like, *Bob Seger*. These are daydreamers. "We stress that the station is dedicated to love, peace, and understanding," says Weiner. "We hope to raise the awareness of the listeners that we have an endangered planet here, and a planet where peace must reign.... We each have a responsibility to preserve peace, to not fight and hate each other. If RNI gets one person to not hate somebody, we've succeeded." *Eeee-yeah.*

It's not at all like the RNI DJs wanted to send Crucifucks or the seven words you can't say on the radio into your living room. Those kind of pirates do exist, free speech advocates who provide musical alternatives, or who just plain want to rave obscenely into the night. At RNI they were playing Elvis Costello, the Ramones, '60s tunes. They had big plans. They wanted to go commercial, maybe even get rich. Weiner says they had been looking for a TV transmitter, something they could use to broadcast on an open UHF channel. "Just screwing around, playing with a camera on board, showing videos."

For understandable reasons, they brought the full force of the FCC (not to mention the Justice Department, the State Department, the INS, Customs, and a bunch of confused Coast Guard officers) right down on their necks. It's like some *Weird Science* story, in which a bunch of neighborhood kids get an Apple computer and somehow put the armed forces on red alert.

How this band could afford the ship, which cost about $100,000, and furnish her with $20,000 in used equipment, is a well-guarded secret. Weiner sounds silly telling people a "lot of nickels and dimes" made the difference. Two years ago, he applied for a license to start a TV station in Maine, pulling out later because he didn't have the bucks. When Weiner and Rothstein were asked about financing the *Sarah* at a press conference two days after their arrest, lawyer Margaret Mayo stepped in. "We can't talk about who owns the ship," said Mayo. After that, she announced that all further questions would have to be screened.

Only once before has the FCC gone after an offshore pirate station; when Reverend Carl McIntyre had his license revoked for broadcasting right-wing ravings without rebuttal time for his targets, he briefly took the show offshore. "His mistake," Weiner explains, "was in using an American vessel to broadcast from. That gives the American government legal power to shut you down."

The *Sarah* was registered in Honduras. This was a tactical error, said one of many allies that called the *Voice* to register support for RNI; they would've been safer with a Sierra Leone flag. Before the raid unfolded, Honduras gave the Coast Guard permission to seize the vessel. After officers boarded the ship, they stayed on for two days, protecting her from, well, pirates. (Under international sea law, an abandoned ship is up for grabs). The Coast Guard drank all the beers and finished the Vanilla Wafers.

What must scare the FCC is the precedent RNI could establish. Radio outlaws from coast to coast are watching this case with keen interest. One pirate told me with excitement about a new state-of-the-art, inexpensive transmitter that's revolutionizing pirating. Manufactured by a California company called Pan Axis, it is a $500 transmitter that can broadcast on any frequency. There's no illegality in selling the setup, he explained, just using it. As it becomes easier for pirates to work, the FCC broils.

It's important to keep in mind the throbbing radio industry the FCC protects. According to New York FCC chief Alexander Zimny in one account, "There is always a demand [for a broadcast channel], from the plumber who wants a radio in his trucks to someone who wants a broadcast station." But a survey of the local market reveals few plumbers with the kind of money it takes to broadcast rock and roll to New York. With the top stations costing $50 million and up, and owned by corporations like Westinghouse, Doubleday, and ABC, it's easy to see that the big money boys have a serious stake in making sure that no upstart with pimples and a week's supply of Hormel chili can go on the air.

There are other important precedents these rockers have triggered, as well. Some pirates love to bait the FCC, laughing about how they're enjoying their First Amendment rights despite the government's best efforts. Kind of like Radio Marti, one of many U.S. government pirates sending signals across the borders of countries it disagrees with, these guerrillas talk a lot about freedom of speech; it's possible that this case, which goes before a grand jury August 27, will have First Amendment overtones. The New York Civil Liberties Union has been following the case, and says it's "intrigued" by aspects of it. "The question we are raising is, what interest does the FCC have in criminalizing the behavior of these individuals, even of regulating them?," says Arthur Eisenberg, legal counsel for the NYCLU.

"The FCC has an interest, it seems to us, in acting as a transit cop ... preventing two people from using the same signal, from interfering with each other's speech. Maybe it's also the case that the FCC has an interest—if there are more potential broadcasters than there are places on the electromagnetic spectrum, then they may allocate spaces on the spectrum. But if there is no interference, and no use of frequencies licensed to others, then it seems to us that there's no FCC interest in criminalizing.

"The destruction of the radio equipment raises questions about the way government behaves. The FCC takes the position that what these people did was illegal. These people say what they were doing was legal. Before a court decided on the matter, a determination was made to destroy the transmitters. It strikes me as inappropriate."

Some of the pirates are swearing this will only blow up in the government's face. "I couldn't be happier," Randi Steele says. "If this works the way I think it will, we're going to dismantle the FCC and put it back together in our image." Steele says money for the station's legal defense is coming in. "I can't believe it, in the course of one week, we've created a national movement. And we're pushing it through the FCC's bowels!" He sees the day coming when the *Sarah* will have government protection, and so will other ships like it. Are you ready Miami, Houston, San Diego, Seattle?

"We're gonna be the first court-ordered radio station in the country!" He breaks into a basso profondo, jingle-reading voice: *"Beyond the FCC's reach...."* He laughs heartily. ■

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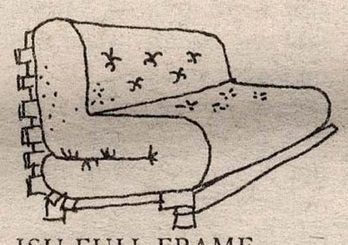
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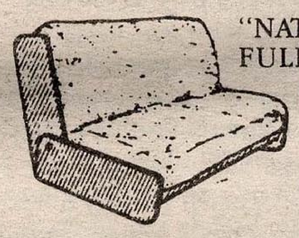


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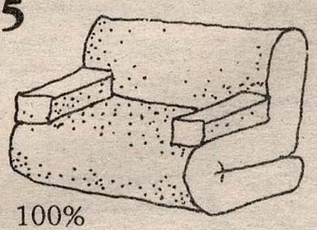
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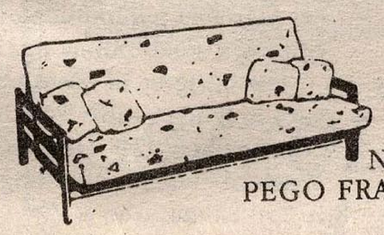
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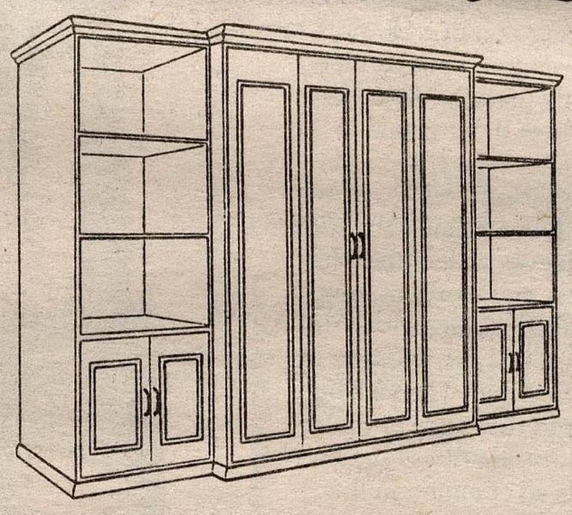
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