

F.C.C. CHALLENGED BY A 'PIRATE' SHIP

McIntire Station on a Vessel Off Jersey Calls Itself Radio Free America

By DONALD JANSON
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ABOARD THE S.S. OCEANIC, Sept. 19—Defying the Federal Government, the Rev. Carl McIntire put an unlicensed radio station on the air today from this "pirate" ship 12 miles off Cape May, N. J.

"This is Radio Free America," the 67-year-old fundamentalist minister of the Bible Presbyterian Church in Collingswood, N.J., intoned from the radio room of the 28-year-old converted minesweeper at 12:23 P.M. "The silence of the sea is broken at 1160 on the AM dial."

Never before in this country has a broadcaster taken to the high seas to bring his programs to his listening audience in defiance of Government regulations, according to a spokesman for the Federal Communications Commission.

Mr. McIntire said he did it in the name of free speech as a challenge to the licensing authority of the F.C.C., which revoked the license of his station WXUR in Media, Pa., last July 5 on the ground that he had misrepresented programming plans and broadcast right wing views to the exclusion of others.

Later today, Hilbert Slosberg, associate general counsel of the F.C.C., said in a telephone interview from Washington that the agency probably would ask the Justice Department to seek a Federal Court order to halt the broadcasts at once.

"I may be in court tomorrow," he said.

Shortly after the squat pirate ship began broadcasting, a Coast Guard cutter from the Cape May station carrying an F.C.C. agent knifed through gleaming blue waters to the vicinity of the Oceanic to provide easy monitoring of the new station.

"We have no jurisdiction in those waters," said Comdr. Laurence C. Kindbom of the Cape May station. "But we are authorized to aid other Government agencies."

The F.C.C. agent need not have approached the Oceanic to get good reception on Radio Free America. In response to Mr. McIntire's question on the air asking how he was coming through, listeners began calling his Christian Admiral Hotel in Cape May from as far away as Cape Cod to tell him they were hearing him loud and clear.

Ship Is Armed

Mr. McIntire said the Oceanic which he plans to rechristen the Columbus, is armed for self-defense, though he said he would not use force against the United States Government. The armament is not in evidence on the 138-foot, wooden-hulled

ship, but it is rumored to be a hidden cache of rifles.

"We don't go into detail on a thing like that," he told newsmen who put to sea with him today from a dock in Cape May.

Capt. Paul Hemmerle had brought the Oceanic into port Friday night after it lost an anchor in heavy seas. The ship had been anchored three miles off Cape May since Aug. 30 while repeated unsuccessful efforts were made to get its 10,000-watt transmitter to work. "Our Father," Mr. McIntire prayed on the forecandle today before the ship got under way, "may the transmitter be operating."

"And God," he added, as colleagues from his church bowed their heads, "give us WXUR back."

Mr. McIntire lost a protracted court battle to overrule the F.C.C.'s revocation of the license for WXUR.

The minister, who owns no other station but buys time for his 20th century reformation hour on hundreds of stations across the country, contends that the F.C.C. acted because the views he presented were unorthodox and offended such established religious forces as the National Council of Churches.

McIntire's Contention

"The F.C.C. action squelches diversity and violates constitutional guarantees of free speech and press," he told its listeners today. "The scarcity justification for licensing has long since vanished."

He contends the country now has the know-how to provide unlimited broadcast frequencies and consequently no longer needs the regulation of licensing. He says radio and television should now be treated the same as newspapers, which are not licensed.

He hopes F.C.C. action to block his broadcasts at sea will produce a court hearing on the question. He believes the F.C.C. has abused its licensing power to enforce its "fairness doctrine," which holds that because the number of frequencies available for assignment are scarce, each station must present both sides of controversial issues and give persons attacked in a broadcast an opportunity to respond.

Until the issue is settled, Mr. McIntire said, he will broadcast from beyond the territorial limits of the United States "to get out from under F.C.C. jurisdiction."

He had been anchored three miles out, but today he moved 12 miles off the coast because

he was uncertain which of the two lines was the legal limit.

Mr. Slosberg said that since the Oceanic was a ship of American registry, it did not matter.

"No person shall use or operate any apparatus for the transmission of energy or communications or signals by radio upon any vessel or aircraft of the United States" without a license, the Communications Act of 1934 says.

Cruising Along Coast

Mr. McIntire said the intent of Congress was to regulate marine communications at sea, not AM band broadcasts to the mainland.

Sitting with feet braced on the deck against the roll of the ship, he told his listeners he would cruise up the coast toward New York, then down toward Washington to make sure his signal was coming in clearly in the capital.

He planned to spend tonight aboard, broadcasting around the clock. Then he plans to anchor Cape May and travel to and from the ship by boat.

With hot television lights beating on his admiral's cap in the cramped radio room, he urged listeners to send money to support the new station. He said the Oceanic was not a "pirate" ship because the term

suggested civil disobedience.

"We're not lawbreakers," he told his unseen audience, "We put our love for the Constitution first, our love for the First Amendment, our love for God, the author of liberty."

"Imagine the day arriving when its necessary for a preacher to leave the mainland of the United States of America and go out to sea to preach the word of God."

"Mr. F.C.C., we want the same kind of freedom as the printed press. You administered the supreme Draconian penalty to a little religious station because some of the established religious community didn't like our views."

While Bishop V. J. Stephens of Kerala, India, in a pink ankle-length robe, took over the microphone, Mr. McIntire went out on deck for a breath of fresh ocean air.

Several pirates ships with commercial messages broadcast pop music off the coast of England in the nineteen-sixties until Britain put a stop to it in 1967 as interference with licensed signals.

New Zealand has had to deal with a similar situation, and the most recent pirate broadcasts before today's were in the Mediterranean in a private effort to bring end to the Israeli-Arab conflict.