

# Crusade Against Mammon: Father Harney, WLWL and the Debate Over Radio in the 1930s

by Robert W. McChesney

**O**n May 15, 1934, the U.S. Senate defeated the Wagner-Hatfield amendment on a vote of 42-23. The amendment would have required the newly created Federal Communications Commission (FCC) to void all radio licenses within 90 days, for there to be a complete reallocation of the airwaves, and for the FCC to allocate a minimum of 25 percent of the channels to non-profit and educational broadcasters. This was the most serious challenge ever to the private, oligopolistic and commercially subsidized nature of American broadcasting; it was opposed with extraordinary vigor by the commercial broadcasting industry. Later the same day the Senate passed the Communications Act of 1934 by a voice vote. This is still the guiding statute regarding broadcast regulation, and no challenge to the status quo along the lines of the Wagner-Hatfield amendment has arisen since that spring day in 1934.

By all accounts, the person most responsible for getting the Wagner-Hatfield amendment to the floor of the Senate and, indeed, to near passage was the Very Reverend John B. Harney, the superior general of the Missionary Society of St. Paul the Apostle. The amendment was first introduced by Harney and initially referred to as the "Harney amendment."

Harney was commonly referred to as Father Harney and this New York-based order of 93 priests was commonly called the Paulist Fathers. The Paulist Fathers had established the first Catholic radio station in the United States, WLWL, in New York City in 1925. Within two years WLWL was struggling to survive amidst efforts to seize its valuable frequency by commercial broadcasting companies. In these struggles WLWL found little support from the Federal Radio Commission (FRC), which had been established by the Radio Act of 1927 to bring order to the airwaves. It was these bitter experiences that led Father Harney to the forefront of the battle to reform radio in 1934.

**T**his article briefly narrates the saga of WLWL and, more important, discusses the impact Father Harney and WLWL had upon the debate over radio policy in 1934 and, specifically, the Wagner-Hatfield amendment. First, the article reviews the establishment of WLWL and its financial problems and run-ins with commercial broadcasters and the FRC in the late 1920s and early 1930s. Second, it discusses Harney's 1934 activities to gain passage of the Wagner-Hatfield amendment. Third, it concludes with some cursory and rather broad observations about the significance of this episode and the reform movement it represented for

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American broadcasting history. The author argues that the WLWL experience can assist in a fundamental reconstruction of American broadcasting history as well as providing insight for a modern generation of media scholars, critics and activists.

### WLWL: 1924-33

On December 16, 1924, the Paulist General Council approved plans for the Paulist Fathers to establish a radio station.<sup>1</sup> The plans for the station received support and encouragement from Patrick Cardinal Hayes, the archbishop of New York, as well as other church authorities.<sup>2</sup> During 1924 and 1925 the Paulists raised nearly \$100,000 in private donations to get the station off the ground. Western Electric built the station, which was established in Paulist rectory in Manhattan, for a cost of \$65,000.<sup>3</sup>

The Paulist order, which was established in the 19th Century as a distinctly American order dedicated to teaching and democracy, had extremely high hopes for the station as a vehicle for its works.<sup>4</sup> The Paulists cited their goal with the station as the presentation of "talks on religious, social and literary subjects and discussions of interest of the present day."<sup>5</sup> While Sundays would feature Paulist services and sermons by "distinguished preachers," the balance of the programming was meant to be accessible to people of all faiths as well as to non-church people. In particular, the Paulists identified their audience as being of the working class.<sup>6</sup>

In July 1925 the Department of Commerce, at that time responsible for the licensing of radio stations, granted the Paulist Fathers a Class B commercial license to operate on the 1040 frequency with 5,000 watts power and unlimited time.<sup>7</sup> WLWL formally began broadcasting on September 24, 1925; at the time it was among the 25 most powerful stations in the nation.<sup>8</sup> However, in just over one year, in October 1926, the Department of Commerce licensed the Starlight Amusement Park of the Bronx to broadcast over the 1040 frequency being used by WLWL. WLWL was outraged; Father Harney commented that this

act of the Department of Commerce was an overt, deliberate and outrageous discrimination against a high-grade non-commercial radio station with an unrivalled program of cultural entertainment and of instructive talks on religious, ethical, educational, economic and social questions, in favor of a mere dispenser of jazz and cheap amusement.<sup>9</sup>

The Department of Commerce, however, claimed it was powerless to discriminate against any group that sought a broadcast license. This was during the infamous "breakdown of the law" period that developed in late 1926 after an Appeals Court ruled the Department of Commerce's selective licensing of broadcasting stations was unconstitutional.<sup>10</sup> In this context WLWL sought out a new frequency, 780, where it would have no nearby rival and could enjoy unlimited time.

The Department of Commerce approved WLWL's move to the 780 frequency on October 13, 1926.<sup>11</sup>

In February 1927 Congress passed the Radio Act of 1927, which had been rushed through to no small extent to address the breakdown in regulation created by the Appeals Court decision. Some 200 new broadcasters had entered the fray with the elimination of selective licensing in the last few months of 1926. Broadcasters were using any frequency they desired and a general chaos had ensued. The Radio Act of 1927 created the FRC to bring order to the airwaves by allocating licenses among the plethora of contending broadcasters. The only criteria the legislation provided the FRC to use in determining which stations were to receive licenses was that it was to show preference for stations that best served the "public interest, convenience, or necessity." With so many stations the FRC would eventually opt for having two stations sharing the same frequency; it would then determine how the air time would be allocated between the two broadcasters using the "public interest" criteria. There was no indication of what Congress meant by this phrase. All that was certain was that its inclusion was necessary to render the law constitutional.<sup>12</sup>

The first step taken by the FRC in February 1927 was to request that every station designate the bare minimum of hours they needed. Complying faithfully, WLWL declared a minimum of 21 hours per week, including the evening hours Sunday through Friday, as absolutely necessary. In June 1927 the FRC shifted WLWL to 1020, which the Paulists regarded as undesirable due to its proximity to other New York area broadcasters. They protested and within a few days the FRC reassigned WLWL to the 810 frequency, which it would have to share with commercial station WMCA. Initially, the two stations split the time evenly but, at the request of FRC member Henry A. Bellows, WLWL agreed to temporarily grant WMCA a larger share of the hours to protect its commercial programming. However, in December 1927 the FRC sent WLWL a telegram notifying it that the station's hours had been reduced to two hours per day with WMCA receiving the balance of the air time.<sup>13</sup>

At this point the Paulist Fathers, who had been optimistic about their relationship with the new regulatory agency entered into battle with the FRC regarding their frequency and the allocation of air hours. This battle lasted until the FRC was abolished and replaced by the FCC in 1934. When WMCA was granted the lion's share of the hours, it was operating at only 500 watts power and had decidedly inferior equipment; in fact it had been negotiating with the Paulists to obtain the use of WLWL's markedly superior transmitter. Father Harney characterized the FRC's favoritism toward WMCA as

a serious, injurious, and deadly discrimination against a non-profit making station of high character and of indubitable cultural and educational value, in favor of one which unquestionably was not broadcasting for the "public interest, convenience, or necessity," but for the fattening of its shareholders' pocketbooks.

Harney noted that by 1934, "thanks to the manifold favors of the Radio Commission," WMCA had an estimated market value of four million dollars while WLWL "might net five thousand dollars" for the sale of its transmission and studio equipment.<sup>15</sup>

In the autumn of 1928 the FRC instituted General Order No. 40, which was a comprehensive reallocation of wavelengths. WLWL was assigned to the 1100 frequency, which it was to share with another 5,000-watt station, WPG, a municipally owned station based in Atlantic City. WPG soon was owned and operated by the Columbia Broadcasting System (CBS). The FRC assigned WLWL 15 1/2 hours of air time per week while WPG was assigned 110 hours. For the following five years, WLWL constantly and unsuccessfully tried to persuade the FRC to expand its hours on the 1100 frequency.<sup>15</sup>

Although the Paulists were prone to regarding the motives of the FRC in sinister and diabolical terms, the rationale for favoring for-profit, commercial broadcasters was spelled out succinctly in the FRC's *Third Annual Report* in 1929. The FRC argued that in the allocation of licenses it would favor "general public service" broadcasters over those inclined toward promoting their own "private or selfish interests." Advertising was not characterized by the FRC as a private or selfish use of the airwaves since it "furnishes the economic support for the service and thus makes it possible." General public service stations were those that attempted to serve the "entire listening public within the service area of a station." These preferred stations were expected to provide "a well-rounded program" of entertainment as well as cultural and educational programming. The FRC was not interested in stating what, precisely, constituted "well-rounded" programming; rather, that would be left to broadcasters scurrying to meet the desires of listeners in the competitive marketplace.<sup>16</sup>

Stations that earned the FRC's disfavor, in contrast to the "general public service" stations, were termed "propaganda" stations by the commission. The FRC emphasized that the term was not meant derogatorily but was intended to stress that these broadcasters were more interested in spreading their particular viewpoints or interests than in reaching the broadest possible audience with whatever programming was most attractive. They observed: "There is no room in the broadcast band for every school of thought, religious, political, social, and economic, each to have its separate broadcasting station, its mouthpiece in the ether."<sup>18</sup>

Consequently, since every group could not have its own "mouthpiece," then, according to the FRC, *no* such group should be entitled to have the privilege of a broadcast license. If a group's message was desired by the public, the reasoning went, the listeners would make this known through the marketplace and "general public service" broadcasters would provide this type of material as part of their "well-rounded" programming. The FRC deemed the programming offered by WLWL as being carried "to a considerable extent" by the commercial broadcasters in the New York area.<sup>18</sup>

In short, the FRC position was a clear endorsement of the private, commercial development of the airwaves. The only non-profit stations not living on borrowed time were those few with ample funding or extensive commercial support.<sup>20</sup> Harney rejected the idea that a for-profit commercial station automatically served the "public interest" while a non-profit station like WLWL, no matter how well-intentioned, was some sort of "special interest" of which the public needed to be wary. He argued that WLWL

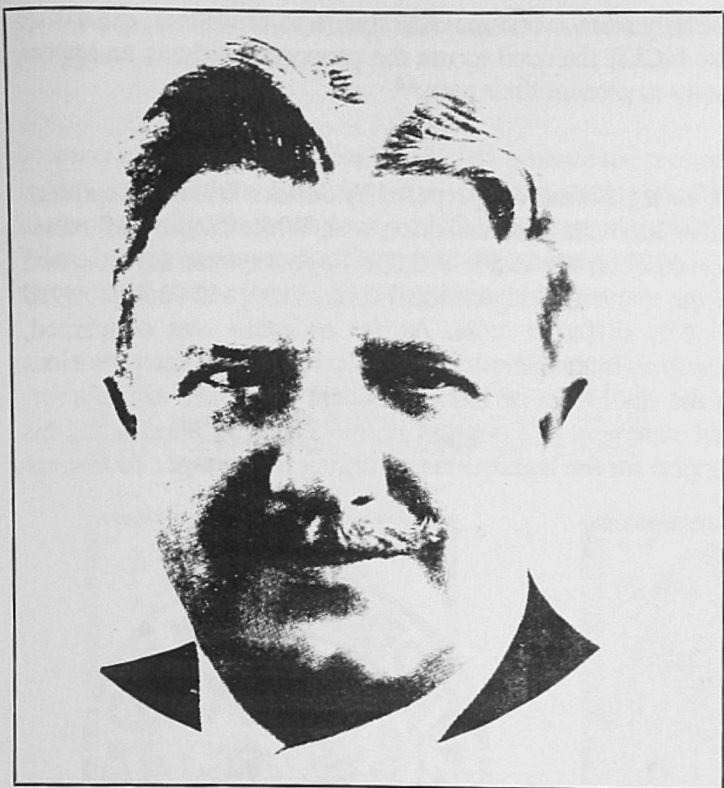
is not a special interest, unless you want to say that those who are working for public welfare are pursuing special interests and that the gentlemen who are working for their own pockets are not. Why not the other way about, with all due respect to Judge Sykes [chairman of the FRC] and others, why not say that those who are working for their own pocketbooks are the gentlemen who are working for special interests?<sup>20</sup>

Harney became superior general of the Paulist order in 1929 at the age of 54. He would hold the position until 1940. He was also designated director-general of WLWL in 1929 in the hope of giving the station more lobbying effectiveness in Washington, but he enjoyed little success in his arguments before the FRC. By the early 1930s the Paulist Fathers began to solicit public support for their case. In September 1931, for example, WLWL appealed over the air for letters of support for the station that could be given to the FRC to provide evidence of listener support. As a WLWL representative commented:

Our principal object in requesting these letters is to strengthen our plea that the Paulist Fathers' station should have more advantageous hours on the air. At present we must broadcast when most of our New York area listeners are on their way home from work.<sup>21</sup>

The plea generated 25,000 letters within one week. In addition, the auxiliary bishop of the Archdiocese of New York, with the approval of Cardinal Hayes, sent a letter to the pastor of each of the Archdiocese's 452 churches asking them to request that parishioners write letters of support for WLWL.<sup>22</sup> But these and other campaigns of public support failed to move the FRC.<sup>23</sup> Harney did begin to attract attention in Washington, however. In June 1933 a White House aide began to consult with the secretary of the FRC regarding WLWL.<sup>24</sup> While nothing came of this, it provides some indication of WLWL's ability to publicize its case.

WLWL also had to look increasingly for financial assistance to keep the station afloat. In 1927 the Paulists built a \$38,000 transmitting facility in New Jersey, which the FRC mandated if WLWL wished to maintain 5,000 watts power.<sup>25</sup> This construction placed the station in debt from which it never emerged. The annual expenses of WLWL ran close to \$75,000 in the late 1920s and, after budget cutbacks of close to \$17,000 in 1930, ran at \$40,000-\$50,000 in the ensuing years.<sup>26</sup> After 1927, WLWL received annual loans and grants from the Paulist Fathers and Catholic groups including the Catholic Missionary Union, the Central Verein, the Holy



Senator Clarence C. Dill, who helped write the legislation leading to the Communications Act of 1934, which doomed Paulist station WLWL.

Name Society, the Catholic Daughters of America and the Knights of Columbus.<sup>27</sup>

**W**LWL attempted to sell commercial advertising with little success; at most these efforts generated some \$3,000 per year.<sup>28</sup> The Paulist Fathers also had a plea for support read at masses at their church in Manhattan.<sup>29</sup> Commercial interests were eager to "assist" WLWL with its financial problems with offers to purchase their broadcast license and facilities. In 1930, CBS offered to purchase WLWL outright. In 1931, Hearst radio interests offered the Paulists \$500,000 for WLWL due to its "excellent frequency." In each case the Paulists refused.<sup>30</sup>

#### *Emergence of Opposition to the Status Quo*

The financial problems experienced by WLWL in its dealings with commercial interests and in its hearings before the FRC were similar to those experienced by numerous other non-profit broadcasters. In 1927, for example, there had been 95 broadcasting stations affiliated with educational institutions as well as another 115 managed by religious and non-profit organizations.<sup>31</sup> Some scholars have termed the educational broadcasters as the true "pioneers" of broadcasting.<sup>32</sup> By the beginning of 1934, however, the number of non-profit broadcasters overall was down to 65. At the same time, the two major networks, CBS and the National Broadcasting Company (NBC), moved from virtual non-existence in 1927 to enormous prosperity by 1934. Philip Rosen has described

this period as one of "prosperous, almost triumphant expansion" for the commercial broadcasting industry.<sup>33</sup>

**T**hese displaced and struggling educational broadcasters felt they were left "unprotected" by the FRC as their frequencies were "attacked constantly by commercial broadcasters."<sup>35</sup> In 1930 nine prominent national educational groups formed the National Committee on Education by Radio (NCER) to defend the rights of educational broadcasters. NCER was formed, among other things, to explicitly press Congress for a law that would require that 15 percent of the airwaves be set aside for educational broadcasters. Legislation to this effect was introduced by Senator Simeon Fess of Ohio in 1931 and 1932, but it never left committee. By 1933 NCER had given up hope of having any specific legislation passed by Congress due to the strength of the radio lobby and the opposition of Senator C. C. Dill, Democrat from Washington and chairman of the critical Senate Interstate Commerce Committee, which handled all radio legislation.<sup>35</sup> Rather, NCER began to push for a bill that would establish a non-partisan panel to evaluate American broadcasting and suggest substantive reforms. Such a study had been conducted in Canada in the early 1930s and had come out decisively against the commercial use of radio. NCER believed that any independent study could *only* recommend a radical move away from the private, commercial status quo.<sup>36</sup>

NCER generated a critique of the commercial status quo that was quite similar to that of Father Harney and WLWL. Both derided what they regarded as the cheap commercialism and debased character of the network programming and both argued that it was absurd to turn over a vital public resource to private interests for private gain. Nevertheless, the two sides never worked together; by 1934 NCER had given up its lobbying efforts in Congress and prior to that year WLWL had been consumed in its own dealings with the FRC. At the same time, several other displaced broadcasters, intellectuals and civic groups such as the American Civil Liberties Union were waging their own independent battles against the status quo. These groups were ineffectual and, like NCER, were largely observers to the 1934 deliberations in Congress regarding radio.<sup>37</sup> Standing opposite this divided opposition were the two networks and the National Association of Broadcasters (NAB) – a trade association of commercial broadcasters generally recognized as one of the most powerful lobbying groups in Washington.<sup>38</sup>

**T**he only opposition to the status quo that the Paulists ever worked with during this period were certain elements of organized labor. In the mid-1920s, the Chicago Federation of Labor had established WCFL to be the "voice of labor" and to fight the "appropriation of the lanes of the air for the propaganda of Big Biz for deadening the minds of the masses."<sup>39</sup> WCFL experienced the same sorts of problems with commercial interests and the FRC as did WLWL and other non-profit broadcasters. WCFL and its general manager, Edward Nockels, led the fight for radio reform in Congress in

1930 and 1931 but abandoned these efforts when NBC and the FRC agreed to give WCFL increased power and air time.<sup>40</sup> In 1932, WLWL and representatives of the American Federation of Labor (AFL) sought permission for the AFL establish a labor station on WLWL's share of the 1100 frequency if WLWL would be switched to full-time on 810. The FRC rejected the request.<sup>41</sup>

### *Father Harney and Broadcast Reform*

The FRC had always been a temporary body; each year it had to be renewed by Congress or its duties would be returned to the Department of Commerce. By 1933 there was considerable pressure for the establishment of a permanent body

particularly when it became clear that "anti-broadcasting groups" like NCER intended to use the proposed study as an opportunity to present their case.<sup>44</sup>

The legislation was prepared by Senator Dill and Representative Rayburn in consultation with White House staff members in February 1934. Dill and Rayburn were the chairmen of the relevant Congressional committees and each prepared slightly different bills. As far as radio was concerned, however, both bills almost totally re-enacted the provisions of the Radio Act of 1927. President Roosevelt issued a formal statement to Congress in late February announcing his support for the legislation and urging its passage. To assuage



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THAD H. BROWN



to regulate not only broadcasting but the entire range of communications industries. The commercial broadcasters, in particular, were eager to establish a permanent basis for government regulation of broadcasting. The FRC had, in effect, served its function; the airwaves had been cleared for profitable development and now the dislocation of 1928-31 had given way to a far more stable environment.<sup>42</sup>

In 1933 President Roosevelt appointed an interdepartmental committee under Secretary of Commerce Daniel C. Roper to study the issue of how best to regulate communications and to suggest permanent legislation. The group essentially recommended the maintenance of the status quo with all regulatory bodies merged into a new super-agency.<sup>43</sup> But the Roper Committee neglected to consider broadcasting in its deliberations and President Roosevelt even authorized a separate study of broadcasting to generate radio legislation. He quickly withdrew those plans on the advice of Senator Dill and Representative Rayburn; to do so would have meant postponing any possibility of getting legislation passed by the end of the current session. The broadcasting industry made its displeasure with the proposed study known as well, par-

those in Congress concerned that the bill was being rushed through without any careful consideration, Roosevelt argued that the proposed communications commission "should, in addition, be given full power to investigate and study the business of existing companies and make recommendations to the Congress for additional legislation at the next session."<sup>45</sup> Senator Dill was more blunt: "If we leave out the controversial matters the bill can be passed at this session."<sup>46</sup>

The commercial broadcasters were enthusiastic about the proposed legislation; their goal was simply the establishment of the Radio Act of 1927 on a permanent basis and under a different name. Furthermore, they were in complete favor of having Congress ignore the issue of broadcast reform; they felt far more comfortable letting a regulatory agency handle these matters.<sup>47</sup> They were on extremely solid footing with both Senator Dill and Representative Rayburn. Indeed, Henry Bellows, who after leaving the FRC had become a CBS executive and the chief lobbyist for the NAB, pronounced at the NAB national convention in September 1934 that "the entire broadcasting industry is deeply indebted" to both of them.<sup>48</sup> Furthermore, President Roosevelt showed no inclination to antagonize the commercial broadcasters by engaging in any reform effort.<sup>49</sup> In short, especially in view of the lack of or-

ganized opposition, the commercial broadcasters were in the proverbial catbird seat.

It was in this context that Father Harney entered the picture. In February 1934 the FRC denied another request by WLWL to share equally the hours on the 1100 frequency with WPG. WLWL then began to air programming sharply critical of commercial radio. One address argued that radio was

begotten of a spawning and not too choosy commercialism. And in this devotion to commercialism radio has fallen from its high estate, and has become in large measure the competitor of the comic strip and the cheap vaudeville theater.



JAMES H. HANLEY



EUGENE O. SYKES



WILLIAM D.L. STARBUCK

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Members of the 1934 Federal Radio Commission.

The talk outlined the sharp decrease in the number of non-profit stations since the mid 1920s and concluded on this note:

But, in the name of the worthy things for which our national ideals and aspirations stand, in the name of the new born realization, that charity and justice and kindness and a deep pervading sense of right and wrong must assume a necessary and powerful place in the everyday affairs of our land, may we not believe that those instruments which are given in sworn purpose to such a cause shall not be wiped out in a tide of sordid commercialism, but shall be given the opportunity of continuing on a new and greater scale, the work which they have gathered to their hearts.<sup>50</sup>

A copy of this speech was published and circulated by the Paulists in Washington.

Father Harney went on the air in March and argued that the FRC "discriminated not only against our station, but against other educational agencies in the allotment of broadcasting facilities."<sup>51</sup> He proposed what would become known as the Wagner-Hatfield amendment, the gist of which was presented at the outset of this article. Nonetheless, it is difficult to ascertain precisely how deep Harney's commitment was to this new-found interest in radio reform. In early

April WLWL announced that it was planning to apply before the FRC to be shifted to the frequency of 810 and be given six continuous hours on a daily basis in the late afternoon and evening.<sup>52</sup> To accomplish this move, WLWL would have to contend with Minneapolis CBS outlet WCCO, which had no desire to sacrifice such lucrative hours to WLWL. To some extent, Harney's sudden interest in radio reform may have been a last-gasp effort to frighten CBS and the FRC and force them accede to WLWL's demands, rather than being a tremendous commitment to the welfare of all non-profit broadcasters.

The Senate Interstate Commerce Committee hearings on S. 2910, as the Dill legislation was numbered, took place in March 1934. Nineteen witnesses testified over the course of

five days; the vast majority of them were either corporate executives, representatives of industry groups or government officials. Only five of the witnesses discussed broadcasting: two government officials, Henry Bellows and David Sarnoff, the president of the Radio Corporation of America (RCA), representing the broadcasting industry, and Father Harney. Bellows and Sarnoff were satisfied with the legislation and expressed particular delight that the new regulatory agency, and not Congress, would take up any thorny reform questions.<sup>53</sup>

Harney submitted his amendment to the committee on March 15. The amendment specifically called for the new regulatory commission, after 90 days, to allocate 25 percent of the channels to non-profit broadcasters. Harney estimated that non-profit broadcasting accounted for only 2 1/2 percent of the air time by 1934. He argued that this measure was necessary to

forestall the possibility of a monopolistic control of radio communications facilities, and to secure permanently for responsible religious, educational, cultural, social service, and other human welfare agencies of a non-profit-making

type such an assignment of radio facilities as is in keeping with their high character and unselfish aims; such also as will give them all a chance to be decently self-supporting and free from overlordship of the mere commercialists whose dominant purpose is to accumulate wealth even at the cost of human decay.<sup>54</sup>

Harney was specifically challenged by committee members on two points. First, Senator James Couzens of Michigan asked him to explain how these non-profit broadcasters would support themselves and be viable economic entities. Harney argued that the non-profit broadcasters would have to be permitted to sell advertising. He commented:

These licensees should have the right to sell some of their time so as to obtain enough to live on; not to make a profit, but enough to support themselves, so they will not be dependent on charity all the while and will not have to be beggars.<sup>55</sup>

Harney emphasized that his amendment would not permit the non-profit broadcasters to sell their licenses for a profit. Nonetheless, this point – that non-profit broadcasters would be able to sell advertising – proved a major stumbling block for the legislation when it reached the Senate floor as the Wagner-Hatfield amendment. Indeed, this had been one of the reasons that NCER had lost its enthusiasm for the fixed percentage concept in the early 1930s: It adamantly opposed the sale of time by non-profit broadcasters on principle and believed that any sensible solution would necessitate that the funding issue be resolved directly.<sup>56</sup>

Senator Dill then stepped in and tried to impress upon Harney his idea of having the to-be-created communications commission study his fixed percentage proposal and then report back to Congress with its recommendations the following year. Harney dismissed this, outlined what he regarded as the FRC's dismal record on behalf of non-profit broadcasters and emphasized that it was Congress' duty, not that of the regulatory agency, to determine fundamental broadcast policy. He then asked in return:

May I ask if this information from publication is correct, that when the Radio Act of 1927 was drawn up and the Federal Radio Commission was created, the original draft contained a clause requesting – rather ordering – the giving of preference to educational stations? And that one of the Senators said, "Oh, that is not at all necessary, because we can trust the Radio Commission to conserve the interests of those educational and other similar agencies."

Senator White acknowledged that while something along those lines had been considered in an earlier draft, it proved too "controversial" and had to be removed.<sup>57</sup> In fact, educational broadcasters were led to believe in 1927 that the wording "public interest, convenience, or necessity" was meant to be interpreted by the FRC to favor educational broadcasters.<sup>58</sup>

The Interstate Commerce Committee rejected Harney's amendment in private deliberations a few weeks later. Only

two senators voted on its behalf: Democrat Robert Wagner of New York and Republican Henry Hatfield of West Virginia. Nevertheless, perhaps sensing impending problems on the Senate floor where Harney was in the process of drawing considerable support, Dill had the Committee insert a passage that specifically instructed the new commission to study Harney's "fixed percentage" proposal and then report back to Congress in early 1935 with its recommendations. This would become Section 307(c) of the Communications Act of 1934. Dill reported the new bill, now numbered S. 3285, to the Senate on April 19 and called it a "good bill."<sup>59</sup>

#### *Lobbying Efforts in Spring 1934*

Father Harney and the Paulist Fathers were undaunted by this defeat. Indeed, in late March they launched an extensive campaign to gain public support for the "Harney amendment." The Paulists actively sought support, particularly from Catholic groups, for the legislation. By the end of April the Senate had received over 60,000 signatures on petitions supporting the amendment in addition to thousands of letters and telegrams.<sup>61</sup> One petition was titled "Save Catholic Radio." Another concluded:

Our children listen to the radio and if there were some restrictions on some of the junk commercialized over the various stations, we would have a better country to live in. We think it is about time we Catholics of America get some representation and protection from our government.<sup>61</sup>

Most of the petitions, however, were formal representations of the "Harney amendment" and were signed by chapters of such groups as the Knights of Columbus, the Ancient Order of Hibernians, the Catholic Ladies' Relief Society and the National Council of Catholic Women. One speaker informed the Catholic Daughters of America that WLWL was "being crowded off the air" and that the fight for "good clean radio programs" was a "serious part of the program of Catholic action."<sup>62</sup> In addition, both the White House and the Federal Radio Commission received thousands of petitions, letters and telegrams supporting the proposed legislation.<sup>63</sup>

In April the Paulists also published a pamphlet by Father Harney titled "Education and Religion vs. Commercial Radio." In addition to recounting the saga of WLWL and Harney's critique of the FRC, the pamphlet provided a polemic against the network-dominated, commercially subsidized status quo for the free speech requirements of a democratic society. To Harney the status quo inexorably precluded opinion and programming that challenged the prerogatives of big business; the only solution was to preserve air channels for non-profit use.<sup>64</sup> Some 20,000 copies of the pamphlet were published and mailed to Catholic parishes across the nation.<sup>65</sup>

Harney met with several Catholic members of Congress in early April to press his argument. He also met with New York senators Robert Wagner and Royal Copeland, who had received a considerable portion of the petitions. His eloquence carried the day. Representative Rudd introduced the

"Harney amendment" to the House in early April and attributed it directly to Father Harney.<sup>66</sup> On April 27 senators Wagner and Henry Hatfield of West Virginia introduced a slightly revised version of the same amendment to the Senate and their names replaced Harney's as the sponsor.<sup>67</sup> By the end of April the momentum had seemingly shifted to the side of the reformers; *Variety* observed that the sentiment on Capitol Hill was that the Wagner-Hatfield amendment stood "better than a 50-50 chance of being adopted."<sup>68</sup> The NAB newsletter to commercial broadcasters noted that the amendment "brings to a head a campaign against the present broadcasting set-up which has been smoldering in Congress for several years."<sup>69</sup>

Harney found two allies for his campaign to reform American radio. Michael Flynn of the AFL and Edward Nockels of WCFL, who was the AFL's official representative on radio matters, actively lobbied on behalf of the Wagner-Hatfield amendment. Nockels even helped Harney draft the final version and he wrote all the member unions of the AFL urging them to actively support this bill that would "destroy the monopoly and dictatorship of the air" by the "two chains on the air." While Nockels would inform Congress that organized labor was "solidly behind" the Wagner-Hatfield amendment, he would confess in a meeting of the Chicago Federation of Labor that "It is often very discouraging and disappointing to find how little response we get from our affiliated organizations when we call upon them for cooperation."<sup>70</sup>

The second ally for Father Harney was found, in all places, on the FRC. James Hanley, President Roosevelt's first appointment to the body in 1933, was a reform-minded Democrat who became WLWL's sole supporter in its effort to win full-time on the air in hearings before the FRC. On April 14, 1934, Hanley issued a statement to mark his first anniversary on the FRC that was critical of commercial broadcasting and called for setting "aside a liberal number of channels for the exclusive use of educators and educational institutions." Hanley's statement was immediately repudiated by high administration officials and the balance of the FRC.<sup>71</sup> Harney became a "frequent visitor" to Hanley's office, according to *Broadcasting* magazine, which characterized Hanley as a "staunch supporter" of the amendment.<sup>72</sup>

The radio lobby attacked the Wagner-Hatfield amendment between April 27 and May 15 as if, as Henry Bellows later put it, its passage "obviously would have destroyed the whole structure of broadcasting in America."<sup>73</sup> Philip Loucks of the NAB characterized matters as "a fight between life and death."<sup>74</sup> Telegrams were sent to all broadcasters informing them that, if passed, the Wagner-Hatfield amendment "would cancel your license in 90 days." Broadcasters were given no other information about the legislation and they were urged to contact their representatives in Congress.<sup>75</sup> *Variety* noted that the NAB was "in panic checking off names of Senators and trying to pull wires and get votes."<sup>76</sup> The chairman of the FRC even advised members of Congress to oppose the legislation.<sup>77</sup>



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34 cities in Massachusetts	6 cities in Rhode Island
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All this in addition to WPG's Primary Listening Area which contains a population of 257,273, and 175,432 radio listeners.

To which you can add the official figure of 12,000,000 visitors to Atlantic City in 1932.

ALL for the local rate!

The smartest buy in radio is worth investigating.

**WPG** Broadcasting Corporation

Operated by the COLUMBIA BROADCASTING SYSTEM

Studios Located in the World's Largest Auditorium Directly on the Famous Boardwalk ATLANTIC CITY, NEW JERSEY

RADIO SALES, INC., 485 Madison Ave., New York • 410 N. Michigan Ave., Chicago

CBS's station WPG flourished while its 1100 partner WLWL floundered.

The campaign was quite effective; on May 12 the NAB noted that "the Wagner-Hatfield amendment vote, if its proponents permit it to come to a vote, will be overwhelmingly against its adoption." Similarly, the NAB noted that the Dill Communications bill faced certain passage.<sup>78</sup> NBC's vice-president in charge of legislative matters, Frank Russell, reported to headquarters that he "had taken every opportunity to work against" the Wagner-Hatfield amendment. By May 5, he was confident that the legislation did not have "the slightest chance of enactment into law."<sup>79</sup>

CBS also became actively involved in the fight. At the end of April, Ivy Lee, representing CBS, approached the attorney for WLWL and indicated that CBS was willing to grant WLWL more air time opposite WPG on the 1100 frequency — as much as five hours per day.<sup>80</sup> Harney and his advisors interpreted the move to mean that the networks were "scared" and that it would be wise "to let them worry somewhat longer." A few days later, Harney advised his attorney to inform CBS that WLWL rejected the offer and found it "seriously unsatisfactory." He suggested that he would, however, be open to further negotiations on the matter.<sup>81</sup>

Nevertheless, on May 2 Harney discovered on a trip to Washington that a rumor had surfaced that WLWL had accepted the proposition made by CBS. He was told by Senator Wagner that a government official had told him to take no



further steps on the Wagner-Hatfield amendment "in view of the fact that the difficulties between Columbia Broadcasting System and WLWL were at the point of settlement." While Harney corrected Wagner on the true state of affairs and told him to push on with the bill, it is difficult to gauge how much damage this did the reform effort. In any case, CBS did not attempt to resume negotiations with WLWL.<sup>82</sup>

In the second week of May the House Interstate and Foreign Commerce Committee began hearings on the Rayburn communications bill. Henry Bellows appeared May 8 on behalf of the NAB and argued vociferously against the inclusion of something like the Wagner-Hatfield amendment in the House communications bill. Bellows refused to accept Harney's argument chastising the status quo as being inimical to free speech:

The National Association of Broadcasters is as jealously determined to safeguard the right of free speech by radio as the newspapers are to safeguard their rights in the same field . . . there is no such thing as radio "censorship." Freedom of speech can be maintained in radio only by insisting that every station shall serve every listener within its normal range, whether Democrat or Republican, conservative or radical, rich or poor, Catholic or Jew, city dweller or farmer. It can most quickly be destroyed by assigning facilities to a favored few groups which seek to appeal to a special and limited audience.<sup>83</sup>

Father Harney appeared before the committee the following day. His frustration with the success of the radio lobby in turning the tide against the amendment was apparent.

Now, of course there will be much opposition and there is much opposition to this amendment. Yet, I would say this, not one man has dared to come out and find fault with or condemn what I will call the heart of the amendment, namely that one fourth of the radio broadcasting facilities shall be reserved for human welfare agencies. No man has done it. No man dares to do it. One would make himself a laughing stock of the American public, which has its heart set upon education, if one would dare to get up and say that education should not have any opportunity to make use of the radio; should be debarred from that exceedingly powerful means of reaching, instructing, elevating, and improving the minds and morals of men.

In particular, Harney was upset with the NAB's claim that the American public was opposed to the amendment, when indeed the only publicity attending to the amendment was that generated by the Paulist Fathers.

The National Association of Broadcasters has absolutely no warrant for declaring it speaks in the name of millions of radio listeners, whereas millions of listeners have written and expressed their wishes to Congress in favor of this amendment. They have not dared to do it. However brazen they may be, they will never dare to do it now or later because they know full well that if millions of listeners were acquainted with the provisions of this amendment and with the facts that have called for its presentation, the majority of their listeners, as all real thinking American people will do, would say that the amendment is fair and just and ought to be law.<sup>84</sup>

Harney also dismissed the notion that the new communications commission could be trusted to undertake a fair study of the Wagner-Hatfield provisions as called for by Section 307(c) of the Senate bill. He referred to the disappointing experiences that non-profit broadcasters had faced with the FCC:

It was once thought that the Federal Radio Commission could be trusted to make due provision for these human welfare agencies, but the Radio Commission's own acts prove that no such trust can be placed in its hands. If Congress wants to protect the radio future of human welfare agencies it must lay down an emphatic law to that effect and give clear, definite mandates which the Commission will have to carry out.<sup>85</sup>

The eventual House bill did not include a fixed percentage amendment or even something along the lines of the Senate bill's Section 307(c).

At this point, it was abundantly clear to the radio lobby that they could do as they pleased with the legislation. Some, like NBC President Merlin Aylesworth, wished to have the legislation withdrawn for fear that "too many victories go wrong on a vote." Russell argued, on the other hand, that it would be a "danger" if the proponents of the amendment were able to return the legislation to committee to mount another campaign in the next session of Congress. Indeed, Russell convinced Aylesworth of the soundness of his argument and his approach carried the day. As he informed Aylesworth on May 11, "some of our friends in the Senate have indicated they will force a vote in order to dispose of this matter for all time."<sup>86</sup>

### *The Wagner-Hatfield Amendment*

The Senate took up consideration of S. 3285 and the Wagner-Hatfield amendment on May 15. Senator Dill, as Bellows later commented, "splendidly assumed" the floor leadership against the amendment.<sup>87</sup> After Senator Wagner offered his amendment and briefly argued on its behalf, Dill interjected that the amendment was flawed because it permitted what he termed "so-called" non-profit broadcasters to sell advertising time to support themselves. Thus, he observed,

It is proposed by this amendment to grant 25 percent of the radio facilities to those who call themselves educational, religious, nonprofit stations, but who in reality are planning to enter the commercial field and sell a tremendous amount of their time for commercial purposes.

Senator Couzens responded to the spirit of this argument by noting that the amendment did not make any specific programming requirements of the non-profit stations. Thus, "After having once gotten a license under the provisions of the amendment, the whole time allotted to the station can be used for commercial purposes."<sup>88</sup>

After senators Wagner and Copeland challenged the significance of this argument, Dill proceeded to another line of attack. He called attention to a recent conference conducted by NCER in which the group did not discuss, consider or act upon the Wagner-Hatfield amendment. Rather, the NCER

conference called for the President to appoint an independent committee to conduct a sweeping study of American broadcasting and generate a plan for its radical reconstruction.<sup>89</sup> Senator Dill pointed out that "they do not recommend the adoption of this amendment. They recommend, rather, a study." Dill then provided his own interpretation of why NCER was "not ready to recommend that 25 percent of the facilities be set aside for educational and religious institutions":

Let me call to the attention of the Senator why what they [NCER] say is so. It costs a tremendous amount of money to build large radio stations. The religious and educational and cultural organizations do not have the money necessary, and they are trying to work out some system whereby existing stations may be used, probably in addition to the 63 stations which are already in operation, of an educational and non-profit nature, and still not be burdened with the great expense of building stations.<sup>90</sup>

Senator Dill had blatantly misconstrued the position of NCER, which had always seen cooperation between educators and commercial broadcasters as unworkable, into opponents of the Wagner-Hatfield amendment and proponents, if not of the status quo, then at least of Section 307(c). Senator Hatfield then took the floor and, in the process of a lengthy speech on behalf of the amendment, cited articles published by NCER to clarify their position. It is unclear what effect this had.<sup>91</sup>

At this point Dill began to make a series of observations regarding the amendment. He pressed for letting the new commission make its own study of the matter as called for in Section 307(c) of his bill. He also emphasized his commitment to educational and non-profit broadcasting. He concluded by delving into some of the conceivable administrative problems involved with the amendment. In the following

exchange with Senator Logan he stressed the problem of allocating the 25 percent to the various non-profit broadcasters:

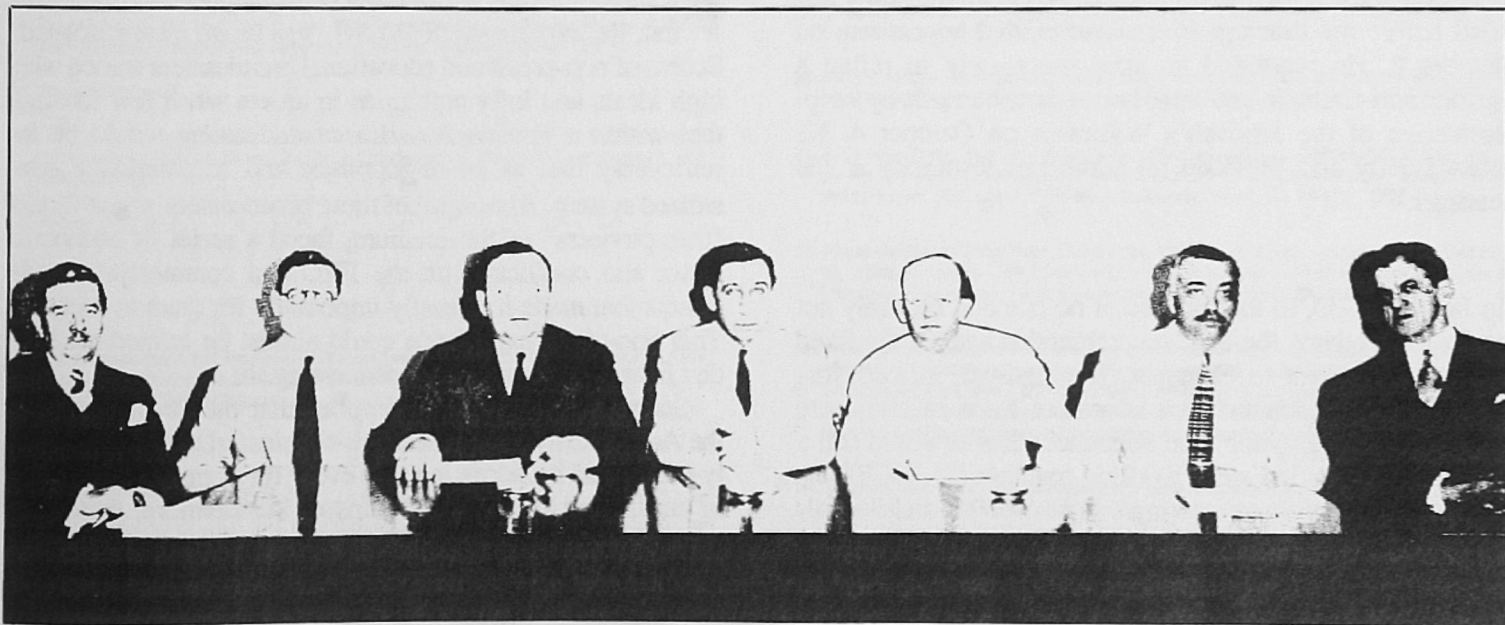
Dill: "If we should provide that 25 percent of time shall be allocated to nonprofit organizations, someone would have to determine - Congress or somebody else - how much of that 25 percent should go to education, how much of it to religion, and how much of it to agriculture, how much of it to labor, how much of it to fraternal organizations, and so forth. When we enter this field we must determine how much to give to the Catholics probably and how much to give to the Protestants and how much to the Jews."

Logan: "And to the Hindus."

Dill: "Yes; and probably the infidels would want some time."

Logan: "Yes; there is a national association of atheists. They perhaps would want some time."<sup>92</sup>

The Wagner-Hatfield amendment was defeated shortly thereafter on a vote of 42-23. Without any additional debate, S. 3285 was passed on a voice vote and without a roll call later that day. Philip Rosen has argued that Dill's inclusion of Section 307(c) probably stemmed the tide of sentiment in the amendment's behalf. He also noted that the White House played a critical behind-the-scenes role in defeating the Wagner-Hatfield amendment: "Quick action from the Roosevelt administration overwhelmed its opposition."<sup>93</sup> Certainly Dill was a key factor himself; he was generally acknowledged as the Congress' foremost authority on radio. His call for Section 307(c) probably influenced enough wavering votes. In addition, Dill raised a number of legitimate questions regarding the suitability of the Wagner-Hatfield amendment. Nonetheless, despite his claims to the contrary, one cannot find many instances of his attempting to resolve the plight of non-profit broadcasting in any constructive manner. Indeed his conduct lends itself far more to an interpretation that he was attempting to squash the Wagner-Hatfield amendment by any means at his disposal.



The Federal Communications Commission, shortly after its formation in 1934. From left to right, George Henry Payne, Irvin Stewart, Thad Brown, Eugene O. Sykes (chairman), Paul A. Walker, Norman S. Case and Hampson Gary.

The House debate over the Rayburn bill was anti-climatic in comparison to the Senate debate over the Wagner-Hatfield amendment. The reform forces were much weaker in the House and were unable to get the amendment either attached to the bill or brought to the floor. Representative Rayburn managed to restrict debate to two hours and on June 2 the bill passed on a voice vote.<sup>94</sup> The bill then went to conference to iron out several differences between the bills. When the conference committee completed its work Senator Dill informed Henry Bellows over the telephone: "We have been very generous to you fellows." Bellows would later comment: "When we read it, we saw that every major point we had asked for was there."<sup>95</sup>

On June 18 President Roosevelt signed the Communications Act of 1934 into law. Within two weeks he appointed the seven members of the new Federal Communications Commission; both the chairman and vice-chairman were holdovers from the FRC. Hanley, the "radical" on the FRC, was not among those appointed to the new FCC.<sup>96</sup> At its first meeting on July 11, the FCC voted to "retain the status quo insofar as broadcasting regulation is concerned" and to move "cautiously" toward any reform.<sup>97</sup> The commercial broadcasters were delighted; the era of legitimately challenging the private, commercial basis of American broadcasting had passed.<sup>99</sup>

Ironically, the Paulist Fathers and Father Harney revealed no interest in the FCC hearings mandated by Section 307(c) of the Communications Act of 1934. These hearings were to determine the desirability of allocating 25 percent of the wave lengths to non-profit broadcasters and were scheduled to begin on October 1. Most reformers were dubious about how fair any hearing before the FCC could possibly be. In September, two of the three FCC commissioners who were on the "broadcast division" that would conduct these hearings informed the NAB convention that they were opposed to any alteration of the status quo.<sup>99</sup> Indeed, Father Harney only testified before the hearings in an unscheduled appearance on October 8. He requested an appearance only to refute a vitriolic anti-Catholic and anti-Harney diatribe made by a representative of the Jehovah's Witnesses on October 4. He spoke briefly and provided no additional testimony at the hearings.<sup>100</sup>

In January 1935, to the surprise of no one and certainly not the Paulist Fathers, the FCC recommended against the fixed percentage concept to Congress. It suggested, instead, that commercial broadcasters and educators learn to cooperate using the existing system and announced that it would call a conference to get the sides working together.<sup>101</sup> NCER attended the first of these meetings, in May 1935, and formally proposed the establishment of a government network. The idea went nowhere as it became increasingly clear that there was little hope for reform. In January 1936 NCER reorganized and announced that it would accept the status quo and attempt to work in cooperation with the commercial broadcasters and the FCC.<sup>102</sup> By this time most of the other reform

groups had collapsed as well or had come to accept the status quo as irreversible.

WLWL did not entirely dispense with its efforts at reform, but now they had a clearly opportunistic cast; their purpose was quite explicitly to force CBS and the FCC to accommodate the Paulist Fathers with a clear-channel station and unlimited time. Thus, on January 15, 1935, WLWL formally applied to the FCC for the 810 frequency. This "junior reallocation" would have forced several stations to move as well and was opposed by all of them. For the next two years WLWL attempted fruitlessly to gain full-time status on the air, all the while struggling to stay afloat financially. Finally, the Paulists elected to sell WLWL to Arde Bulova, the watch manufacturer, for \$275,000 when, as an internal Paulist memo stated, "all plans to make it self-supporting had failed."<sup>103</sup> On March 4, 1937, the FCC approved the sale of WLWL to Bulova and the Paulists went off the air. A White House memo at the time noted that with the Paulists' departure from broadcasting, much of the incentive for reform of radio on Capitol Hill would vanish: "Anyone familiar with radio and Congress knows that 90 percent of the adverse talk of radio on Capitol Hill has been caused by the Paulist Fathers."<sup>104</sup>

### *Concluding Observations*

The primary purpose of this article has been to shed light on a critical period in the history of American broadcasting: the passage of the Communications Act of 1934 and the movement to gain passage of the Wagner-Hatfield amendment. As such, the sagas of Father Harney, the Paulist Fathers and station WLWL have been highlighted. Beyond this aim, however, this article has argued for a basic reconstruction of American broadcasting history in three ways.

First, the experience of WLWL was by no means isolated. Scores of non-profit and educational broadcasters started with high ideals and lofty ambitions in an era when few forecast that within a decade American broadcasting would be irretrievably cast as an oligopolistic and commercially subsidized system. Almost all of these broadcasters, arguably the "true pioneers" of the medium, faced a series of economic crises and conflicts with the FRC and commercial broadcasters that made it virtually impossible for them to succeed. This non-profit experience could almost be termed the hidden history of American broadcasting.<sup>105</sup>

Second, this experience implies that the development of the American system of network-dominated and commercially subsidized broadcasting was every bit as much the product of conflict as it was of consensus. Furthermore, there was never a coherent study and debate over how best to structure broadcasting as transpired, for example, in Canada. Rather, the dominant system emerged for the most part as the result of the actions of small self-serving elites acting in a sea of public ignorance. Indeed, the basic effort of Harney and the other reformers was simply to put the issue of broadcast

policy before the American people. At this task they were largely unsuccessful as the dominant interests were able to keep radio policy out of the public spotlight.

Finally, many of the concerns of Father Harney and the other reformers regarding the limitations of an oligopolistic and commercially subsidized media system for a democratic society have been raised again over the past generation by a new wave of media scholars and activists. These contemporary media critics need to realize that they are not reinvent-

ing the proverbial wheel, nor are they necessarily relying upon "foreign" ideologies to criticize "American" institutions. As the experience of Father Harney and the other reformers of the early 1930s reveals, radical criticism of the status quo can be derived from long-standing American democratic traditions and values. This tradition of dissent and criticism has been ignored or trivialized, by and large, to the extent that the self-serving rhetoric of the commercial broadcasters has been taken at face value.

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## NOTES

1. James McVann, *The Paulists, 1858-1970* (New York: Society of St. Paul the Apostle, 1983), p. 875.
2. C. Joseph Pusateri, *Enterprise in Radio* (Washington, D.C.: University Press of America, 1980), p. 167.
3. McVann, *Paulists*, p. 876; Pusateri, *Enterprise*, p. 167.
4. For discussions of the theological and intellectual origins of the Paulist order see John Farina, *An American Experience of God* (New York: Paulist Press, 1981); John Farina, *Hecker Studies* (New York: Paulist Press, 1983).
5. Pusateri, *Enterprise*, p. 167.
6. *In the Matter of Section 307(c) of the Federal Communications Act of 1934; Brief on behalf of Radio Station WLWL Submitted by the Very Rev. John B. Harney, C.S.P.* (Washington, D.C.: Federal Communications Commission, 1934), p. 27. (Hereafter *Harney Brief*.)
7. *Ibid.*, p. 25.
8. McVann, *Paulists*, p. 877.
9. *Harney Brief*, p. 25.
10. This was the famous Zenith decision of 1926. For a discussion of this case and its significance see Marvin R. Bensman, "The Zenith-WJAZ Case and the Chaos of 1926-27," *Journal of Broadcasting* 14 (Fall 1970): 423-40. For a discussion of the "breakdown of the law" period see "Pending Litigation Marks Beginning of Radio Jurisprudence," *American Bar Association Journal* 15 (March 1929): 173-78.
11. *Harney Brief*, p. 25.
12. This point is developed in Louis G. Caldwell, "The Standard of Public Interest, Convenience or Necessity as Used in the Radio Act of 1927," *Air Law Review* 1 (July 1930): 295-330.
13. *Harney Brief*, p. 26.
14. *Ibid.*
15. *Ibid.*
16. *Third Annual Report of the Federal Radio Commission to the Congress of the United States* (Washington, D.C.: United States Government Printing Office, 929), 32. [HEREAFTER *FRC 3rd Report*]
17. *Ibid.*, p. 34.
18. Cited in Pusateri, *Enterprise*, p. 168.
19. An example is WWL in New Orleans, which was a Jesuit station that would eventually affiliate with CBS. See Pusateri, *Enterprise*.
20. *Hearings Before the Committee on Interstate and Foreign Commerce House of Representatives 73rd Congress 2nd Session on H.R. 8301, 1934* (Washington, D.C.: United States Printing Office, 1934), p. 161. [HEREAFTER *House Hearings 1934*]
21. "25,000 Praise WLWL, Asking for More Time," *New York Times*, September 29, 1931, p. 23.
22. "Catholic Aid Asked for Station WLWL," *New York Times*, September 28, 1931, p. 26.
23. "WLWL Asks More Time," *New York Times*, November 5, 1931, p. 30; "Protest WLWL Decision," *New York Times*, June 14, 1932, p. 2.
24. H. M. McIntyre to Herbert Petzey, June 1, 1933, Franklin Delano Roosevelt Papers, Franklin D. Roosevelt Presidential Library, Hyde Park, New York, OF 138, Box 1, 1933. [HEREAFTER *Roosevelt Mss*]
25. McVann, *Paulists*, p. 882.
26. *House Hearings 1934*, p. 160; McVann, *Paulists*, p. 891.
27. McVann, *Paulists*, p. 890.
28. *House Hearings 1934*, p. 166.
29. "Paulists Seek Radio Aid," *New York Times*, November 11, 1929, p. 32.
30. "Hearst Negotiating to Acquire WLWL," *Broadcasting*, November 15, 1931, p. 16.
31. *Digest of Hearings, Federal Communications Commission Broadcast Division, under Sec. 307(c) of "The Communications Act of 1934" October 1-20, November 7-12, 1934* (Washington, D.C.: Federal Communications Commission, 1935), pp. 180-249.
32. See Werner J. Severin, "Commercial vs. Non-Commercial Radio During Broadcasting's Early Years," *Journal of Broadcasting* 22 (Fall 1978): 491-504.
33. Philip T. Rosen, *The Modern Stentors; Radio Broadcasters and the Federal Government 1920-1934* (Westport, Conn.: Greenwood Press, 1980), p. 12.
34. Armstrong Perry, "The College Station and the Federal Radio Commission," in *Education on the Air; Second Yearbook of the Institute for Education by Radio*, Josephine H. McLatchy, ed. (Columbus: Ohio State University, 1931), pp. 16-17.
35. Roger Baldwin to Tracy Tyler, October 24, 1933; Tracy Tyler to Roger Baldwin, October 26, 1933, American Civil Liberties Union Manuscripts, Princeton University Library, Princeton, New Jersey, 1933, Volume 599. [HEREAFTER *ACLU Mss*]
36. NCFER's activities are discussed at considerable length in Robert W. McChesney, "Enemy of the Status Quo: The National Committee on Education by Radio and the Debate over the Control and Structure of American Broadcasting in the Early 1930s," paper presented to History Division, Association for Education in Journalism and Mass Communication, 1987 Annual Convention, San Antonio, Texas.
37. The activities of the ACLU's Radio Committee are discussed in Robert W. McChesney, "Constant Retreat: The American Civil Liberties Union and the Debate Over the Meaning of Free Speech for Radio Broadcasting in the 1930s," in *Free Speech Yearbook, Volume 26*, Stephen A. Smyth, ed. (Speech Communication Association, 1988).
38. Eddie Dowling, the adviser to President Roosevelt who was in charge of his relations with broadcasters during the 1932 presidential campaign, observed: "Radio is credited with one of the strongest of the swarming lobbies in Washington - one with substance behind it. Members of Congress are dominated by tactics which are constantly under the direction of private interests." From Eddie Dowling, "Radio Needs A Revolution," *Forum* 91 (February 1934): 69.

39. "Keeping Public Opinion for Big Biz," *Federation News*, May 30, 1931, p. 4.; See also Nathan Godfried, "The Origins of Labor Radio: WCFL, the 'Voice of Labor', 1925-1928," *Historical Journal of Film, Radio and Television* 7 (1987): 143-59.
40. "Labor Wins Victory in Long Air Fight," *Federation News*, June 4, 1932, p. 6.
41. "Labor Group Asks New York Station," *Broadcasting*, September 1, 1932, p. 10; "Labor Asks Right to Radio Outlet," *Federation News*, August 27, 1932, p. 8.
42. This point is developed in Rosen, *Stentors*, pp. 173-74.
43. *Study of Communications By an Interdepartmental Committee, Letter from the President of the United States to the Chairman of the Committee on Interstate Commerce Transmitting a Memorandum from the Secretary of Commerce Relative to a Study of Communications by an Interdepartmental Committee* (Washington, D.C.: United States Government Printing Office, 1934).
44. Poper to Roosevelt, January 25, 1934, Roosevelt Mss, OF 3, X Refs 1934; "Broadcasting Survey Postponed," *NAB Reports*, February 24, 1934, p. 309.; Sol Tashoff, "Roosevelt Demands Communications Bill," *Broadcasting*, February 15, 1934, p. 6.
45. "Asks Body to Rule Wires and Radio," *New York Times*, February 27, 1934, p. 1.
46. "Roosevelt Approves Communications Board to Rule Radio, Telephone, Telegraph, Cable," *New York Times*, February 10, 1934, p. 12.
47. See testimony of Henry Bellows and David Sarnoff in *Hearings before the Committee on Interstate Commerce United States Senate 73rd Session on S. 2910 1934* (Washington, D.C.: United States Government Printing Office, 1934), pp. 53-54, 106. [HEREAFTER *Senate Hearings 1934*]
48. Henry A. Bellows, "Report of Legislative Committee," *NAB Reports*, November 15, 1934, p. 618.
49. This point will become clear later in the text. For a more thorough discussion of Roosevelt see Robert W. McChesney, "President Franklin D. Roosevelt and the Communications Act of 1934," paper presented to 1987 West Coast Journalism Historians Conference, Berkeley, CA. A revised version will be published in *American Journalism*.
50. Address by Rev. Doctor Joseph A. Daly, February 11, 1934, *WLWL Press Release*, Roosevelt Mss, OF 136, Box 1, 1934.
51. Pusateri, *Enterprise*, p. 168.
52. "WLWL Seeks New Law," *New York Times*, April 11, 1934, p. 15.
53. *Senate Hearings 1934*, March 13, 1934, p. 106.
54. *Ibid.*, March 15, 1934, p. 185.
55. *Ibid.*, p. 186.
56. "Boring From Within," *Education By Radio*, August 18, 1932, p. 92.
57. *Senate Hearings 1934*, March 15, 1934, p. 186.
58. Perry, *Education on the Air 1931*, p. 33; see also Joy Elmer Morgan, "The National Committee on Education by Radio," in *Education on the Air 1931*, p. 24.
59. "Wire-Radio Bill Up to President," *New York Times*, April 14, 1934, p. 7.
60. McVann, *Paulists*, p. 896.
61. United States Senate Interstate Commerce Committee Papers, National Archives, Washington, D.C., Sen 73A-J28, tray 155. [HEREAFTER *ICC Mss*]
62. "Plea for Radio Station," *New York Times*, March 26, 1934, p. 26.
63. Federal Communications Commission Papers, National Archives, Suitland, MD., National Archives Record Group 173, Box 38, File 15-3a. [HEREAFTER *FCC Mss*]
64. John B. Harney, *Education and Religion vs. Commercial Radio* (New York: Paulist Fathers, 1934).
65. "WLWL Seeks New Law," *New York Times*, April 11, 1934, p. 15.
66. *Congressional Record*, April 19, 1934, p. 6898.
67. *Congressional Record*, April 27, 1934, p. 7509.
68. "Air Enemies Unite Forces," *Variety*, May 8, 1934, pp. 37, 45.
69. "Wagner Amendment Up Next Week," *NAB Reports*, May 5, 1934, p. 375.
70. "Labor Aids Bill for Free Radio," *Federation News*, April 7, 1934, p. 6; "Labor Toils for Radio Freedom," *Federation News*, May 26, 1934, pp. 1, 3.
71. "Hanley Criticism of Broadcasting Setup Denied by Administration, Colleagues," *Broadcasting*, May 1, 1934, p. 22.
72. Sol Tashoff, "Powerful Lobby Threatens Radio Structure," *Broadcasting*, May 15, 1934, pp. 5, 6.
73. Bellows, "Report," *NAB Reports*, November 15, 1934, p. 618.
74. *Broadcasting*, May 15, 1934, pp. 5, 6.
75. *House Hearings 1934*, pp. 116, 345.
76. *Variety*, May 8, 1934, p. 45.
77. Maloney to Sykes, April 25, 1934; Sykes to Maloney, April 28, 1934, FCC Mss, NARG 173, Legislation, Acts-Radio, FCC General Correspondence, Box 38.
78. "Senate to Pass Dill Bill," *NAB Reports*, May 12, 1934, p. 387.
79. Russell to Patterson, May 5, 1934, National Broadcasting Company Papers, Wisconsin Historical Society, Madison, Box 90, Folder 53. [HEREAFTER *NBC Mss*]
80. McVann, *Paulists*, p. 897.
81. Harney to Harry, May 2, 1934; Harney to MacDonald, May 3, 1934, Society of St. Paul the Apostle Manuscripts, Catholic University, Washington, D.C., WLWL file. [HEREAFTER *Paulist Mss*]
82. Harney to Gillespie, May 3, 1934; Gillespie to Harney, May 17th, 1934, *Paulist Mss*.
83. *House Hearings 1934*, May 9, 1934, p. 162.
84. *Ibid.*
85. *Ibid.*
86. Russell to Aylesworth, May 11, 1934; Aylesworth to Russell, May 15, 1934, *NBC Mss*, Box 90, Folder 53.
87. Bellows, "Report," *NAB Reports*, p. 617.
88. *Congressional Record*, May 15, 1934, p. 8830.
89. The proceedings of the NCER conference were published in June, 1934: *Radio as a Cultural Agency in a Democracy*, Tracy F. Tyler, ed. (Washington, D.C.: The National Committee on Education by Radio, 1934).
90. *Congressional Record*, May 15, 1934, p. 8831.
91. *Ibid.*, p. 8832-33.
92. *Ibid.*, p. 8843.
93. Rosen, *Stentors*, p. 179.
94. *Congressional Record*, June 2, 1934, pp. 10315-23.
95. Bellows, "Report," *NAB Reports*, November 15, 1934, p. 618.
96. Sol Tashoff, "Fate of FCC Measure Hangs in Balance," *Broadcasting*, June 1, 1934, p. 6.
97. Sol Tashoff, "Radio Status Quo as FCC Convenes," *Broadcasting*, July 15, 1934, p. 7.
98. An editorial in *Broadcasting* noted: "Any fears harbored by those in broadcasting that an immediate upheaval of radio might result from the creation of the new FCC are dispelled with the organization of that agency into divisions. The Broadcasting Division . . . is a conservative group. It can be expected to carry on the basic policies of the old Radio Commission, for, indeed, two of its members were on the former agency." (August, 1, 1934, p. 22.)
99. "Government Interference Fear Groundless, Say Commissioners," *Broadcasting*, October 1, 1934, p. 18.
100. *Official Report of the Proceedings before the Federal Communications Commission*, Smith & Hulse, Official Reporters (Washington, D.C.: n.p., 1934), pp. 580-85.
101. "Federal Communications Commission Reports to Congress," *Education by Radio*, January 31, 1935, p. 5.
102. "New Program for NCER," *Education by Radio*, January-February 1936, p. 1.
103. Joseph Malloy, "History of the Negotiations Leading to Sale of WLWL." *Paulist Mss*, WLWL file.
104. Confidential Memo Re: George Henry Payne, April 29, 1937, Roosevelt Mss, OF 2001.
105. For a comprehensive review of educational broadcasters see S. E. Frost, *Education's Own Stations* (Chicago: University of Chicago Press, 1937).

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