Broadcasting Faith: Regulating Radio from the New Era to the American Century

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Abstract

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Between 1927 and 1987, American broadcast regulators undertook a project for radio. The project pursued multiple goals: to allocate wavelengths, to hold stations accountable to the public interest, to restrict prejudicial content, to protect domestic wavelengths from international signal interference, to sustain these policies over time with the advent of new media, and to evangelize the American way of life abroad. The Federal Communications Commission (FCC) and the State Department, as the primary institutions responsible for developing this American system of radio, addressed several challenges. Domestically, the FCC resolved the free speech questions of the time by resisting government ownership of radio stations, but regulating the airwaves in the “public interest, convenience, and necessity.” Internationally, the State Department set up radio stations to broadcast around the world. Religion played a primary role in the aims of this project - domestically, that every listener would receive uplifting faith content and internationally, that the world would know of American religiosity.

Public utility law precedent was influential on the 1927 Federal Radio Act and its implementation. The Commission treated radio as if it were a public utility. In this way, it ruled that the listener took precedence over the broadcaster - specifically that all listeners had a right to a well-rounded programming lineup, including religious content. As a result, the Commission favored variety stations over single-interest outlets in a series of rulings that hurt religious stations. The Commission preferred that listeners receive religious content from outlets offering
a variety of programming. The Commission also worked to protect listeners’ religious sensibilities from attack, most notably during the surge of anti-Semitic populism in the 1930s.

The FCC and the State Department worked together to protect American wavelength sovereignty in the 1930s and 1940s. The primary source of interference came from Mexican border stations. These signals created reception problems for American listeners of domestic stations; these particular stations were ones that the Commission had favored for laudable content, including religious programming. The border outlets also featured content the Commission deemed illicit, such as astrology and quack medicine.

In the early Cold War, American international broadcasters fought the Soviet Union in a war of ideas. These broadcasters included the State Department-run Voice of America and the semi-public Radio Free Europe. In this ideological battle against Communism, America used religion to defend a liberal conception of a just society. Freedom of worship and God-given human rights were key components. Domestically, the FCC continued to regulate licensees in the public interest in the early Cold War period. For example, the Commission implemented the 1949 Fairness Doctrine, which mandated that stations not only cover critical issues, but present these issues with balance.

By the late 1980s, the American system was collapsing. In 1987, as a sign of this breakdown, the Fairness Doctrine was repealed. This system had given broadcasting a liberal role in a century of totalitarian regimes - to defend free speech and uplift American society. Religion was a primary component of the system and served to encourage Americans to become more civil and ethically grounded citizens.
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“Often I think that the radio has become so thoroughly a part of us that we fail to realize how much we owe to its mysterious power,” Connecticut high school student Neal Axtell Blake wrote in 1940. “It enters our homes at will - past locked doors and barred windows - but it is always welcome, for it has been wisely made, in America, the instrument of freedom.”

In June of 1940, the National Association of Broadcasters (NAB) sponsored a student essay contest, “The American System of Broadcasting - Why It Is Best For Americans.” Out of 20,000 submissions, Blake was the winner.¹ His essay made a simple argument - because radio in the United States was free, it provided democratic and enlightening programming, particularly in comparison to the offerings of totalitarian countries. As Blake was writing, Nazi Germany was storming through Western Europe in the Battle of France and fascism was quickly turning into an existential threat against the world’s liberal democracies. “How different the scene abroad, where government restricts and hampers!” Blake wrote. “How cramped is the opportunity to learn, to understand either the new or the best in life! There the dictator argues, ‘Am I not the supreme wisdom? Should not my people learn from me!’” For Blake, radio in the United States even brought listeners closer to God: “We realize more deeply the goodness of God, for his blessings bear in upon so closely that none can fail to understand the joys and sorrows, the defeats and victories of all peoples, the art and the wisdom of the noblest minds.”²

Blake was not alone in these opinions. Those related to the United States radio industry - including regulators, broadcasters, and listeners - viewed it as a distinctive system. President

¹ “Hartford Student Is Essay Winner,” Broadcasting, October 1, 1940, 34; “Schools Enrolled In NAB Campaign,” Broadcasting, May 1, 1940, 75; “Hartford Boy Reads Radio Prize Essay,” Hartford Courant (Hartford, CN), October 20, 1940.
² “Hartford Student Is Essay Winner.”
Roosevelt also felt this way - just a couple months after Blake won the contest, he wrote a letter of congratulations to NAB president Neville Miller regarding the twentieth anniversary of radio in America. “Elsewhere radio and the press are instruments of the state, used by dictators without regard for truth or justice,” Roosevelt wrote. “I reaffirm to you my belief that democracy will not tolerate any attempts at domination or control by government at the free and open avenues of public information.”

Unhampered by government monopoly and inspired by principled civic ideals, radio in the United States was free to give its listeners entertainment, enlightenment, and God; all of this at a time of worldwide unrest. At least, this was the principal American perspective of radio.

**The American System of Radio**

As soon as the early 1930s, many in the United States had begun to describe the country’s particular broadcasting regulatory scheme as the “American system” of radio. The system was unique - it was pro-commercial and pro-private enterprise, yet incentivized by regulatory oversight and civic ideals to provide public interest programming. When compared to other countries, its distinctiveness became more apparent. For example, most European countries - from the most authoritarian to the least - had adopted some form of a government ownership model.

At this time, nations commonly looked abroad for inspiration. For example, the Roosevelt administration had a fascination with Benito Mussolini’s Fascist government,

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5 For a rundown of these systems, see Cesar Saerchinger, “Propaganda Poisons the European Air,” *Broadcasting*, April 15, 1938, 20, 64-67.
pondering if it could provide any insights for how to solve American problems. Meanwhile, the Third Reich admired the racial policies of the American South.⁶

These comparisons did not always inspire imitation; sometimes they motivated home-grown ideas. In Fear Itself, historian Ira Katznelson argues that the New Deal was America’s answer - in contrast to the totalitarian ideologies of other countries - to the prevailing anxieties of the era. Could liberalism, as opposed to dictatorship, provide answers to the world’s crises? Demagogues such as Hitler or Mussolini seemed to have solutions to economic and geopolitical crises. Could a liberal order say the same? Could liberalism survive in an age of totalitarianism? For Katznelson, this was the context within which President Roosevelt pursued his agenda.⁷

There were similar anxieties surrounding radio. Who would be allowed access to the microphone? Did propaganda allow for national unity and direct governmental communication, or did it lead to brainwashing and intolerance? What constituted censorship? Should all speech be allowed, or was there some speech - leading to prejudice for example - that should be stopped?

The “European system” seemed to have the answers for these concerns. For example, Britain set up a government-owned monopoly system - the British Broadcasting Corporation (BBC) - with protections against direct government interference and partisan control.⁸ Meanwhile, in Germany, National Socialists took advantage of the previously-established government-owned system to set up a propaganda apparatus in 1933 for their own partisan

purposes. In the Nazi era, the Reichs Rundfunk Gesellschaft - led by Joseph Goebbels - provided the nation’s programming.9

The Nazis saw radio as a means of uniting the country around their ideology. This was a specifically anti-liberal, anti-individualistic worldview. “Liberalism which centers in the well-being of the individual was replaced in Germany by a social philosophy...which calls upon every individual to stand unreservedly behind the commonweal,” German Broadcasting Chamber President Horst Dressler-Andress wrote in 1935 in the American journal The Annals of the American Academy of Political and Social Science, which had invited Dressler-Andress to write about German radio. “It was an event of fundamental importance that National Socialism made the radio the all-embracing instrument for proclaiming its theses which were to be binding for everybody,” Dressler-Andress also wrote. “The idea and the means of propagating these theses were thereby united in a unique system. In the new Germany, National Socialism and broadcasting have become one insoluble unit.”10

Of course - as the differences between the BBC and the Reichs Rundfunk Gesellschaft indicate - there was no unified “European system”. Still, the meme of the “European system” acted as a foil for the American understanding of the just way to regulate radio, particularly as the most anti-democratic aspects of government-owned radio systems revealed themselves in totalitarian countries.

Could American radio find liberal, rights-based solutions in an era of growing totalitarianism? The development of the “American system” of radio responded to such

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concerns. It was a system of private enterprise, and thereby it kept the radio free from state-controlled propaganda and state-owned monopoly. It was also a system of government-imposed controls and incentives. The Federal Radio Commission (FRC) - which became the Federal Communications Commission (FCC) in 1934 - had high expectations for stations, keeping them accountable by its licensing power. These expectations were liberal in nature - that is, they insisted on open discussion, respect and tolerance, and public interest programming. For example, stations were required to give political candidates equal opportunities for airtime. They were also expected to provide religion, education, and other shows of public interest.

Broadly, the Commission preferred content that served a mass - as opposed to a niche - audience. This meant agreeable and meritorious content designed for an average individual or a typical family. The Commission frowned upon controversial, eccentric, and offensive content.

Many questioned the wisdom and fairness of this preference, especially those repressed by the policy. Didn’t the First Amendment protect United States citizens from government censorship? What gave regulators the special knowledge to determine which content to favor and which to suppress? What was the justification for preferring general over niche content? What were the reasons for intervening at all, particularly regarding content?

Spectrum scarcity was one such rationale, the idea being that the number of wavelengths were limited by the physical characteristics of the ether - unlike, for example, print media - and, therefore, government coercion was needed to ensure the best use of a restricted medium. Regulators also saw radio as a domestic intruder - while consumers could make a choice about which newspapers and magazines to bring into their homes, walls could not stop wavelengths. From this perspective, radio was seen as a powerful medium with strong effects, conditions which required government control. In addition, the federal government justified its intervention
based on the idea of the general public interest. Much like water or electricity, radio was seen as a public good, because information sharing was vital for a well-functioning society.

The Commission, in fact, governed radio like a public utility. Just as international broadcast schemes provided examples for American radio to underscore that it was free, the Commission looked to subnational public utilities for justifications regarding its interventions in industry affairs. For example, the Commission used public utility precedent to justify its decisions regarding the type of station that it wanted on the air - in the same way public utilities were expected to not discriminate in the provision of their service, the Commission favored variety stations because they would be the most likely to provide programming in the interest of all listeners. This precedent was influential as the courts adjudicated First Amendment questions about the Commission’s licensing power. Consistently, the courts upheld the Commission’s authority to decide which stations were allowed to broadcast, often citing public utility precedent.

**Religious Broadcasting in the American System**

Religious broadcasting thrived on American radio stations. This system of religious radio saw the airwaves as a dependable medium through which listeners - idealized as a family unit - could, first, receive religious content, and, second, receive such content that was uplifting and safe. The system saw the radio transmission as a potential invader of the home. Listeners, therefore, needed protection from attacks on their own beliefs, as well as protection from predatory religious practices, such as money schemes or harmful medical advice. And, while the American system of religious broadcasting hoped listeners would be able to hear programming which shared their own faith perspective, perhaps even more important was that they had access
to meaningful content regardless of whether or not the religion of the broadcaster matched the recipient.

The system called for all listeners to receive uplifting and inspiring faith content. This, in a certain sense, created an American civil religion in which broadcast faith united the country through a shared morality and purpose. The national networks served as primary producers of this civil religion. These chains broadcasted faith programs to the whole country - millions of Americans could listen to the same spiritual message and music at the same time. Individual stations - when transmitting the services of local houses of worship - also played a significant role in the civil religion. These broadcasts brought communities together and served as local reminders of how to be good citizens. This radio civil religion was also important to America’s international broadcasting efforts. In the early Cold War, the federal government made a case to the world through radio that its way of life was superior to that of the Soviet Union. Religion was a significant piece of this argument as American broadcasts emphasized the importance of religion to its society.

For regulators, then, religion served secular purposes in addition to serving faith purposes. Its function in society was to inspire and unify as much as it was to make true believers, if not more so. Regulators were not concerned about the efficacy of proselytization. Rather, they wanted to use religion to promote societal well-being.

The Commission itself was at the heart of the American system of religious broadcasting. Congress laid the foundations through legislation - the 1927 Federal Radio Act and the 1934 Communications Act - but it was the Commission that implemented the system. It allocated wavelengths, monitored and investigated rule-breakers, and adjudicated cases.
FCC chairmen were mostly Christian, far more Protestant than Catholic. The Protestants were represented by different denominations, including Methodism and Presbyterianism, as well as the more distantly-related Mormonism.\textsuperscript{11} They believed, however, their religious distinctions to be peripheral to their primary purpose as regulators of religious radio. While they viewed themselves as neutral arbiters, in reality, they brought a specific religious worldview to their jobs. They favored a religion that instilled purpose and morals in those listening, and that promoted tolerance and understanding of differing beliefs. They opposed a religion that was too emotional, sectarian, and deceptive.

The Commission implemented the American system of religious radio in a few ways. It did so through an allocation of wavelengths, putting together the primary framework for its plan of wavelength distribution soon after Congress created the Federal Radio Commission in 1927. The plan was straightforward: favor variety stations over religious stations, particularly those that only offered a single perspective. The Commission felt that variety stations featuring religion as part of a “well-rounded” schedule would best serve listeners.

The Commission also monitored broadcasters that threatened the religious sensibilities of listeners. Legislation against censorship limited what it could do against these speakers.

“Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station,” Section 326 of the 1934 Act read. It continued: “And no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio

communication.”\textsuperscript{12} However, the Commission believed there was room within these bounds to apply pressure against controversial broadcasters.

In particular, populist preachers in the 1930s caused trouble for the Commission. As German National Socialism became a problem for the United States and other liberal nations, the Commission increasingly felt urgency to deal with speakers whose messages reflected the dictates of a growing global ideology. The anti-Semitism and related populist prejudices of this ideology motivated the Commission to take action.

As fascism receded following World War II, a new international totalitarian threat confronted America - communism. During the Red Scare of the early Cold War, the FCC made it difficult for communists - or alleged communists - to find airtime. In the tenor of the time, atheists - whom many associated with communism - also found it difficult to secure time on the air.

Because the American system of radio held particular ideals about the kind of religious content that best served audiences, it created insiders and outsiders. Commissioners and other leaders of the system preached pluralism; however, they were not neutral about which broadcasters best lived up to this ideal. At multiple points in the 1930s and 1940s, the outsiders attempted to reform the system. They advocated for alternative regulatory visions - for example, common carrier provisions, or earmarked wavelength allocation for educational and religious groups. Each time they failed, as the American system answered the challenges.

However, a threat of a different nature also confronted the American system in the 1930s and 1940s - international wavelength encroachment from Mexican border stations. A lack of wavelength sovereignty endangered the viability of the American system of radio, including that of religious broadcasting. There was another issue: the content from these border stations - much

\textsuperscript{12} “Communications Act of 1934,” Public - No. 416 - 73d Congress.
of it religious - was objectionable. In fact, these broadcasts often featured content the Commission had worked hard to purge from the American spectrum, regularly from the very speakers it had excised. The Commission worked alongside the State Department to deal with this problem, notably in the 1930s.

Just as transmissions could cross American borders unimpeded, so they could penetrate other countries. Wavelengths became powerful instruments, and in the Cold War, the federal government took advantage of this new mechanism for ideological combat. The State Department ran the Voice of America to reach the world, while the CIA-funded Radio Free Europe focused on the Eastern Bloc of the Soviet Union. The federal government had a vision in mind for religious broadcasting over the international airwaves. This project used a liberalized religion to present the American worldview and fight communism.

Broadcasting in American History

It is impossible to understand religious broadcasting in American history by downplaying the role of the government in controlling its place on the air. Most historians recognize that the federal government established America’s international information efforts in the Cold War. However, far fewer appropriately assess how it shaped domestic radio content. Most prominently, some scholars have relied too heavily on the perspective of twentieth century progressive radio reformers to conclude that the Commission was a weak institution. Rightfully, the historical record is beginning to be updated with a more balanced perspective

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regarding the extent of the federal government’s role in shaping American radio.\textsuperscript{15} I hope this dissertation joins the efforts of others to bring balance to our understanding of the role of the government in the history of American radio.

Chapter 1: Reallocating the Religious Airwaves

On November 9, 1936, 1,600 convened at New York’s Waldorf-Astoria to celebrate the National Broadcasting Company’s (NBC) tenth anniversary. A large group of foreign radio dignitaries attended the event, including representatives from France, Italy, and Germany. NBC had shown these radio officials around since they had arrived across the Atlantic. Among their activities during their time in America included a welcome by New York City Mayor Fiorello La Guardia at City Hall, as well as a visit and tour of Washington DC.¹

At the NBC Tenth Anniversary Dinner, Federal Communications Commission (FCC) Chairman Anning Prall welcomed the foreign dignitaries. “Tonight we are honored with the presence of more than a score of eminent radio officials of the great nations of Europe,” Prall said. “I wish to extend to them the felicitations of the Federal Communications Commission and of the Government of the United States.” Despite their presence at the dinner - or, perhaps due to it - Prall fervently praised the “American system” of broadcasting. He celebrated that the United States government had a specific, unobtrusive role in regulating radio. “...Under our form of government radio has become the purveyor of public good, of enlightenment and of culture,” he said. “American radio, we believe, is the finest in the world because it has been permitted to develop unfettered by too many restraints of Government.” This system, Prall emphasized, was different than what was found in the countries represented by the foreign dignitaries. In these countries radio “is generally operated by governmental corporations,” he said. “These companies are naturally dominated by the government or individuals in power.”²

¹ “Foreign Broadcasting Officials Amazed As RCA and NBC Show Progress Here,” Broadcasting, Nov. 15, 1936, 26; “Tributes Are Paid To NBC Progress At Gala Banquet,” Broadcasting, Nov. 15, 1936, 13, 58.
NBC and other variety broadcasters were a big part of the American system. By the tenth anniversary of NBC in 1936, the network had 89 affiliates, while its biggest rival - CBS - had 98 such stations.\(^3\) Not mentioned by Prall was the government’s role in producing this outcome; in fact, it was the result of an intentional plan by American radio regulators to favor variety stations to fulfill their vision of the public interest. Religious and other single-interest stations were not part of this vision.

In the American system, variety broadcasters were expected to provide uplifting religious content. At the Tenth Anniversary NBC Dinner, Reverend Henry Sloane Coffin made this point when addressing the crowd. “Radio has fostered not merely tolerance, which is a negative quantity; it has fostered mutual understanding and mutual appreciation,” he said. “It has built up the spiritual solidarity of the land.”\(^4\) The chain had a robust religious offering, featuring Protestant, Catholic, and Jewish programming. Each speaker - no matter the religious perspective - was encouraged to address the audience in a way that would inspire all listeners, not just those of the same faith. Other variety broadcasters - including the Columbia Broadcasting System (CBS), the Mutual Broadcasting System (MBS) and many local stations - featured public service religious programs.\(^5\)

These religious offerings of the networks and local stations were an integral part of the American system of broadcasting. They were evidence of the uniqueness of radio in the United States, that private enterprise - not government ownership - was conducive to freedom and democracy. This was the American system of religious broadcasting - private variety stations would provide listeners with uplifting faith content.


\(^4\) “Tributes Are Paid To NBC Progress At Gala Banquet,” 58.

\(^5\) For Mutual’s public service religious programming - which isn’t as well-known as the equivalent found on NBC and CBS - see “Network Competition Described by MBS,” *Broadcasting*, February 15, 1939, 77.
While the American system emphasized that it was free from obstructive governmental control, this did not mean it was libertarian in nature. The Federal Radio Commission (FRC) regulated in the “public interest, convenience, and necessity,” a standard adopted from local public utility law. As this chapter will explore, the FRC used this standard to reallocate the radio spectrum. The Commission, which was created by the 1927 Federal Radio Act, had a vision for religious broadcasting - that this content would primarily reach audiences through variety stations - for example, those owned by or affiliated with NBC - and not stations owned by religious groups themselves. In the latter case, the Commission was particularly averse to those groups that used their stations for selfish or destructive purposes, such as programming of a solely sectarian or discriminatory nature. The FRC put this preference into action. In 1925 there were over sixty religious stations; this dropped to below thirty by 1933.6 While the Commission was not responsible for every religious station going off the air, in a great number of these cases it either directly or indirectly affected the outcome.

This chapter will examine the American radio system of wavelength allocation and its effect on religious broadcasting. After the Commission had a chance to implement its vision for allocation, the results were clear - religious stations were scarce, while variety stations thrived. The networks had the best spots on the air and had the challenge of unifying American listeners through its religious programming.

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The Great Reallocation of 1928

In the 1920s, radio station WCBD of Zion, Illinois - a city north of Chicago - caused a great amount of trouble for the federal Commerce Department, which was tasked with overseeing radio prior to the creation of the FRC in 1927. Because of the station’s sectarian and controversial content, the Department kept a close watch soon after it first started broadcasting in 1923. In February and March of 1924, radio inspector E.A. Beane of the Commerce Department’s radio division monitored the broadcasts of the primary station announcer, Wilbur Voliva. Beane noted Voliva’s contentious programming: “...Mr. Voliva was quite frank in expressing his personal opinion of those opposed to his principles,” Beane wrote, continuing, “...it is questioned whether the material broadcast satisfies the public in general.”

Voliva was the leader of a religious sect in Zion. He was known for flat earth evangelism, for his strict enforcement of the sect’s blue laws, and harsh diatribes against differing religious beliefs.

The public did not appreciate Voliva’s radio diatribes. In regards to one radio broadcast, the Waukegan Daily News wrote that “for hours Voliva edified the radio public by violently scolding his audience. He was awful, and one’s chief regret was one’s inability to hurl bricks via radio.” Numerous complaints reached Beane. One objector wrote that “A matter of about three Sundays ago I listened to what I regard as a nonsensical tirade, in which the speaker, Mr. Voliva, ranted and raved like a madman, and said many things which I believe he should not be

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7 Beane to Commissioner of Navigation, March 11, 1924, Box 438, Folder WCBD, Radio Division: Correspondence Relating to Applications For Broadcast Station Licenses, 1928-1932, RG 173, National Archives, College Park, MD (NARAI).
9 “Along the Curbstones: Observations By A Man About Town,” Waukegan Daily News, Feb. 25, 1924. Found in Folder WCBD, NARAI; for more on Voliva’s abuse on the radio, see Reder to Inspector of Radio, February 19, 1924, Folder WCBD, NARAI.
privileged to pollute the air with, at least not under the cloak of a religious service.”

Another protester argued: “I think you should put the kibosh on that Zion City Station, the language they use (Voliva) is unfit for even a gutter urchin to listen to.”

In 1925, letters of complaint against Voliva continued to pour in to the Commerce Department. For example, in April an anonymous listener asked Beane: “Can the air be used to defame and injure character by a mountebank [whose] sole stock in trade is teaching hate and preaching that every one else but himself are fakers?” The listener continued: “Is the government really afraid of him? He says no one will ever tell [him] what to say or what he can’t say or do.” The protester wrote that Voliva had said that various religious figures, including mainline pastor Harry Emerson Fosdick, were “all infidels, Devils and Demons, whose sole mission in life was to coax people to hell…”

The Department, however, was unable to do anything to appease these protesters. A letter of complaint about Voliva from July of 1925 asked, “Has not the Government who issues these licences something to say on the subject? Or do we have to go into the courts for redress?” The Commerce Department responded that the law did not allow them to censor radio speech. In fact, its authority was even more limited than this. In 1923, a federal appellate court forced the Department to find a place on the air for every applicant. And in 1926 it would be more hamstrung when a US District Court also took away the Commission’s ability to decide where on the spectrum stations would be assigned.

10 Hendricks to Beane, March 5, 1924, Folder WCBD, NARAII.
11 Mack to Radio Inspector, March 4, 1924, Folder WCBD, NARAII.
12 Radio Listener to Beane, April 19, 1925, Folder WCBD, NARAII.
13 Tuttle to Hoover, July 13, 1925 and Acting Commissioner to Tuttle, July 18, 1925, Folder WCBD, NARAII.
It was the 1927 Federal Radio Act that gave the federal government regulatory relief to appease these protesters. The Act created the Radio Commission and gave it the authority to regulate broadcasting in the “public interest, convenience, and necessity.” Soon, Congress also passed the Davis Amendment, which ordered that wavelengths, time, and power be equally distributed across five broadcast zones.\textsuperscript{16} The Commission also created channel tiers: clear, regional, and local. These channels were spread evenly across the five zones.\textsuperscript{17}

The zoning policies of the Davis Amendment had created advantageous positions on the radio. The clear channels were particularly desirable because they allowed stations to reach a much larger audience. Even the regional channels were more advantageous than the local spots, which forced stations to not only broadcast at low wattage, but share time with other stations assigned to local channels in the same zone.

These favored positions - particularly the clear channels - showed the Commission’s preference for well-regulated consolidation. The Commission developed consolidation in three steps. First, the Commission assigned licenses to ensure that it retained regulatory control over broadcasters. This control was enforced through transmitter construction permits, license renewal applications, and Commission threats against improper station behavior. Second, the Commission chose certain stations to serve particular zones of the country by giving these stations preferential positions on the air.\textsuperscript{18} Third, the Commission protected these stations


\textsuperscript{18} Philip Rosen notes the way the Commission justified its clear channel plan: “Clear channel, high-powered operators would send programs to ‘rural and remote’ listeners. In addition, the FRC restated its contention that public interest could be served only by creating ‘the best possible reception conditions throughout the United States.’” Philip T. Rosen, \textit{The Modern Stentors: Radio Broadcasting and the Federal Government, 1920-1934} (Westport, Connecticut: Greenwood Press, 1980), 136.
through barriers to entry from potential competition, as long as they were providing adequate service.\(^\text{19}\)

In this way, the Radio Commission was acting like state and municipal public utility commissions of the late nineteenth and early twentieth centuries. The Commission asked if stations were adequately serving each broadcast zone, much like utility commissions were tasked with ensuring that every city had its energy or water needs met by the electricity and waterworks companies. To ensure sufficient service for individual markets, utility commissions franchised, regulated, and protected - through entry barriers - particular businesses.

The FRC ordered a wavelength reallocation, to be effective November 11, to carry out the Davis Amendment, and stations assigned to non-advantageous positions were not guaranteed to survive.\(^\text{20}\) Voliva’s station WCBD was given an unfavorable position in the November 11 realignment, and ultimately perished as a result. Prior to November 11, WCBD broadcast part-time on 870 kilocycles. Following November 11, the FRC ordered the station to share time on 1,080 kilocycles and only broadcast during the day. This was a blow to the station, which relied on its nighttime broadcasting, especially for listeners from far away, because radio waves traveled more easily over long distances at night.\(^\text{21}\) The new frequency assignment was also harmful to the station because it was hard to find for many listeners.\(^\text{22}\) WCBD was hurt by losing out on being reassigned to its previous frequency, 870 kilocycles. This old assignment had been


designated as a highly desirable clear channel for the fourth zone - the zone within which WCBD was located - by the FRC. The Commission had punched WCBD in the gut.

While WCBD’s new assignment - 1080 kilocycles - was also a clear channel, it was cleared for the third zone. The Commission assigned third zone station WBT of North Carolina to 1080 and had priority over this frequency. \(^{23}\) In the November 11 reallocation, the Commission assigned 870 kilocycles to The Agricultural Broadcasting Company’s WLS and Great Lakes Broadcasting’s WENR.

WCBD appealed the Commission’s decision. WLS and WENR appealed as well, each seeking a better situation than the one given by the Commission. All three asked the Commission for an assignment on frequency 870. After the Commission denied every request, each station appealed to the D.C. Court of Appeals, which ruled on the three requests in one decision, the *Great Lakes Broadcasting* decision. \(^{24}\)

The Commission filed a brief with the Court of Appeals in defense of its actions, a brief that described in detail the Commission’s policies on franchising, zoning, and protection through barriers to entry; policies that showed a preference for well-regulated consolidation. Radio historians agree that this was the Commission’s most robust and detailed explanation of what it meant by the “public interest, convenience, and necessity” standard. The Commission clarified that this standard compelled it to favor a broadcast landscape of a limited number of public interest stations.

The Commission explained that it governed radio using standards that also applied to public utilities. It insisted that its own governing experience - not a dependence on precedent - led to it to embrace these standards. Still, the Commission wrote: “It is interesting...to realize that

\(^{24}\) For the Court of Appeals decision, see *Great Lakes Broadcasting Company et al. v Federal Radio Commission*, 37 F.2d 993 (1930).
the principles which have demonstrated their validity throughout this experience are, after all, not new except in application and that for the most part they rest on solid ground of the generally accepted law governing public utilities.”

The FRC further explained that stations should be considered this way; for, “just as heat, water, light, and power companies use franchises obtained from city or State to bring their commodities through pipes, conduits, or wires over public highways to the home, so a broadcasting station uses a franchise from the Federal Government to bring its commodity over a channel through the ether to the home.” The Commission was equating wavelengths to streets and other thoroughfares. States and municipalities had franchised and regulated public utility companies that used these thoroughfares in the late nineteenth and early twentieth centuries. The Commission was justifying its regulations based on this precedent.

Many at the time - and many have since - failed to properly acknowledge that the government regulated radio like a public utility. The primary reason for this confusion has been the presumed synonymy between public utilities and common carriers. While the Commission did not force radio stations to be common carriers - that is, give access to anyone who desired to use their microphone in the same way telephone providers are required to not discriminate in who can use their services - this was not a necessary condition for being a public utility. There

29 See also Frank J. Kahn, “The Quasi-Utility Basis for Broadcast Regulation,” Journal of Broadcasting 18, no. 3 (Summer, 1974): 264.
there were many other ways to treat industries as public utilities, many of which the Commission
implemented upon broadcasting.

The Commission argued that common carriage principles could not practically be applied
to the broadcasting industry. There was not enough spectrum space or time in the day for
everyone to broadcast a message who so desired. The Commission argued that radio stations
should be compared to those public utilities that secured nondiscriminatory service for those who
received the goods provided by the business, such as energy and water utilities.\(^{30}\)

In the brief, the Commission clarified its protectionist policy by emphasizing that among
wavelength competition between stations of similar standing - that is, stations that offered similar
quality of service at a similar power in the same area - the older station would receive
preferential regulation. “Where an electric railway company or a telephone, electric light, gas, or
water company has an established business and is giving good service,” the Commission wrote,
“it is not made to surrender or curtail whatever privilege or franchise it may have in the use of
the public highway simply to make way for a newcomer.”\(^{31}\)

However, the Commission also emphasized that this was not a property right, and that it
was a principle that would be pushed aside for other regulatory interests. This included zone
equalization, which was “a logical corollary of established public utility law” according to the
FRC.\(^{32}\)

And, the Commission would not protect stations that failed to provide adequate service.
What were the type of stations that provided adequate service? The Commission emphasized that
these stations were ecumenical in nature; they were stations that provided “a well-rounded

\(^{30}\)“In the matter of the application of Great Lakes Broadcasting…” 32-33.
\(^{31}\)“Vol. 1, Transcript of Record, Court of Appeals of the District of Columbia, January Term, 1929, Great Lakes
\(^{32}\)“In the matter of the application of Great Lakes Broadcasting…” 32.
program, in which entertainment, consisting of music of both classical and lighter grades, religion, education, and instruction, important public events, discussions of public questions, weather, market reports, and news, and matters of interest to all members of the family find a place.” What type of stations did not provide adequate service? The Commission clarified that these stations were sectarian: “There is not room in the broadcast band for every school of thought, religious, political, social, and economic, each to have its separate broadcast station, its mouthpiece in the ether.”

Unfortunately for WCBD, it was not considered by the Commission as a “well-rounded” station. Wilbur Glenn Voliva, the voice of WCBD, was a notoriously sectarian broadcaster by the time the Commission drastically diminished his station’s place on the ether. The FRC was not favorable to single-interest stations.

These pieces of legislation led to the Radio Commission’s decision to change WCBD’s frequency, a decision that the Court of Appeals upheld in 1929. Federal courts frequently defended Commission decisions, often embracing public utility law precedent. For example, a United States District Court reasoned in 1929 that “…the Fifth Amendment does not have the effect of overriding the power of Congress when exerting any of the powers conferred upon it by the Constitution, to establish all regulations that are reasonably necessary to secure the health, safety, good order, comfort, or general welfare of the public, and that all contract and property rights are subject to its fair exercise.”

33 “In the matter of the application of Great Lakes Broadcasting…” 34.
The federal government put Voliva’s station in a metaphorical frequency cellar because his station’s content did not sufficiently provide wide-ranging programming, or as the Court of Appeals stated, because of “the comparatively limited public service rendered by the station…” or as the *Journal of Air Law* described the actions of the Commission, “propaganda stations must give way to general public service stations when choice must be made between them.” This outcome started a downward spiral for Voliva’s broadcasting efforts, and in 1934 a commercial, secular outfit bought the station.  

The FRC relegated religious stations to low-powered, time-sharing, and time-restricted positions. Of the 50 religious stations operating in November of 1929, 35 stations were assigned to broadcast at lower than 1,000 watts of power, and 30 were forced to share time with another station. In addition, the Commission placed severe time restrictions on nine of these religious stations, forcing them to cede time to a preferred station on the same frequency.  

The FRC’s bias against religious stations did not stop with the reallocation of 1928. Over the next few years, the Commission went after outlets that did not cooperate with its rules against single-interest programming. Conversely, the FRC continued to favor variety stations. Soon, it would justify this preference as the “American system” of radio, particularly in comparison to the regulatory schemes of other countries.

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37 Doerksen, 115.  
38 One of these stations was allowed to broadcast at 1,000 watts before sunset.  
The Commission vs. the Remaining Religious Stations

In July of 1919, Ira E. Robinson - a future chairman of the FRC - attended a meeting in Cleveland. The conference brought together representatives of the Methodist Episcopal Church (MEC) and the Methodist Episcopal Church, South (MECS) for the purpose of putting together a plan for unification of the two bodies. The Church had divided because of slavery; now it was looking for unity despite lingering disagreements over race.\(^\text{40}\)

Robinson was there as a layman for the MEC. He had always been interested in church affairs; he worked on a variety of committees over the course of his life, even teaching Sunday School.\(^\text{41}\) At the conference, Robinson did not speak very much. However, at one point when the meeting was bogged down in deliberation over proposed racial provisions, he hoped to change the tone of the conversation. “I think this question ought to remain in abeyance,” he said, “and we should assume that the reunion of the two branches of the Methodist Church will be not out of legal questions, but out of the questions of love that have come in this day.” He also said: “I think sometimes and feel that perhaps we are getting too much into a business fashion and away from the personal spiritual fashion. I am glad that Methodists, North and South, are getting together more than ever. But I am not much for a sort of wholesale religion.”\(^\text{42}\)

This intervention from Robinson demonstrated his views on religion - he saw faith as important for its potential to unite and uplift. Late in his life, Robinson wrote in a letter: “My

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\(^{42}\) *Joint Commission on Unification of the Methodist Episcopal Church and the Methodist Episcopal Church, South, Volume III* (New York: The Methodist Book Concern, 1920), 300; see also Davis, *The Methodist Unification*, 60.
Christian religion is that of the first century - the teachings of Christ without the creeds which have since arisen - the love and duty of man to his fellow men."  

A few years later, the Methodist Church had yet to work out a plan for unification. While there was a reinvigorated effort for the cause, this, too, would also be unsuccessful; an outcome that was partially attributable to the work of MECS pastor, Bob Shuler. Shuler - who was a future controversial radio owner - was instrumental in keeping the vote for unification from passing. He did this through a campaign opposing the plan.  

Just as Robinson’s work on the unification question had revealed his religious tastes, so too did Shuler’s anti-unification efforts display his inclinations. At a meeting in July of 1924 to consider the issue, Shuler gave an inflamed speech. As chronicled by a newspaper account: “He spoke against the plan of unification and became so vehement in his discourse that his collar burst its buttons…” While Robinson wanted to focus on Christianity “without the creeds,” Shuler was driven by religious particulars. Shuler would have supported unification if it was done on different terms, but he was committed - to the point of leading a vehement effort to block unification - to his vision for the denomination.  

These differing perspectives between Robinson and Shuler foreshadowed an encounter the two would have in 1931 in one of the most important cases settled by the FRC. The two didn’t meet to debate Methodist unification; however, they did directly confront one another in a dispute regarding the limits of free expression over the radio. Commission Chairman Robinson  

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43 Robinson to Farnum, October 1945, Box 53, Ira E. Robinson Papers, Collection A&M 294, West Virginia and Regional History Center, West Virginia University, Morgantown, WV, quoted and found in Barbara Smith, Judge Ira Ellsworth Robinson: West Virginia Statesman and Man of Letters (Baltimore: Publish America, 2007), 239.  
44 Still, “‘Fighting Bob’ Shuler: Fundamentalist and Reformer,” 557-578; see, particularly, 573.  
45 “Special Session of the General Conference at Chattanooga,” Pacific Methodist Advocate 72 (July 17, 1924): 6, found in Still, 560-561. In regards to the newspaper that recounted Shuler’s speech, Still writes that the Pacific Methodist Advocate did not have the name of the paper from Chattanooga, which was where the meeting took place.  
46 Robinson to Farnum, October 1945.  
47 Still, 562. In fact, Shuler said he liked the plan from 1920, which, I believe, is the one Robinson worked on. See “On Methodist Unification,” Bob Shuler’s Magazine, April, 1925, 31.
and his colleagues took exception to the way Shuler used his Los Angeles radio station, KGEF. Specifically, they were concerned that Shuler engaged in unsubstantiated rumors while attacking LA’s city leaders; they also did not like the way he spoke about Catholics and Jews.

Robinson and his colleagues revoked Shuler’s radio license. As it turned out, the Commission’s dislike for sectarian radio licensees did not end with its overhaul of the broadcast landscape in November of 1928. While it had given many of these stations new wavelength assignments - often on local and regional frequencies - these places were not set in stone. Even on these lesser positions, the FRC was not favorable to sectarian outlets.

The Commission had a number of tools in its arsenal to continue to shape the broadcast landscape. Some of its primary functions were to review applications for new licenses, determine the adequacy of license renewals, and settle disputes over wavelength access. Also, it could threaten - or hold - license renewal hearings, or even revoke a station’s license, as the Shuler case had shown. Using these tools, the Commission continued to implement its vision for religious broadcasting following the reallocations of 1928. It frowned upon single-interest stations, instead preferring variety outlets. And, it went after stations featuring what it considered to be harmful or irresponsible content, including religious attacks and faith healing practices.

On September 26, 1931, Robinson and four other Commissioners faced Shuler in Washington to consider the merits of KGEF. During the hearings, Robinson explained his philosophy of how radio stations should function: “Radio is the greatest thing God has yet given the human race;” he said, “for enlightenment, for culture, for discussion in a high-minded
The Commission was concerned that Shuler was not using his radio station in this “high-minded” way.

Even that very day Shuler raised concerns about his ability to live up to these standards - in defending his radio station the Commission felt he was relying on innuendo. Before the Commissioners, Shuler responded to accusations that he was anti-Catholic. He tried to reason with them, asking them to see the situation from his perspective. However, the exchange that followed backfired on him. “I am a Protestant minister,” said Shuler. “The Catholic member of this Commission would not respect me --” he continued to say before being cut off by Robinson. “I would like you to point him out,” Robinson began, “and get straight who the Catholic Commissioner is.”

Shuler responded: “Well, I understand there was a Catholic Commissioner. I am not going to say anything wrong about him, but I understand --” Shuler was cut off again by Robinson. “There are two Methodists at this end and three very respectable representatives of other respectable denominations at the other end,” he said, “but I have before me an address you delivered recently, and I have wanted to know just who he is and who is apt to desert Protestantism and go to Romanism.”

Shuler was becoming disconcerted. 49 “Well, I am very sorry if my information was incorrect,” he replied. Robinson asked him which commissioner he thought was Catholic. “I understand that the gentleman from New York was a Catholic,” he responded in reference to

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commissioner W.D.L. Starbuck; a reply that was greeted with heavy laughter. “I hope your other
statements are much more accurate than that,” Starbuck replied.50

This exchange was emblematic of why Shuler’s license was up for consideration. In fact,
the petitioner’s counsel jumped at the opportunity to use Shuler’s gaffe regarding the supposed
Catholic commissioner as an example of why he was not reliable as a broadcaster: “[Shuler]
concluded there was a Catholic commissioner; somebody had told him so,” one of the attorneys
said. “He broadcasts it and sends a copy of his broadcast. He does not stop to get the facts.”51

The Commission’s ruling to take away Shuler’s radio license reflected Robinson’s
sentiments about “high-minded” radio. Among other reasons, it silenced the station because it
“has been used to attack a religious organization and members thereof, thus serving to promote
religious strife and antagonism.”52 The DC Court of Appeals upheld the Commission’s decision:

If it be considered that one in possession of a permit to broadcast in interstate commerce
may, without let or hindrance from any source, use these facilities, reaching out, as they
do, from one corner of the country to the other, to obstruct the administration of justice,
offend the religious susceptibilities of thousands, inspire political distrust and civic
discord, or offend youth and innocence by the free use of words suggestive of sexual
immorality, and be answerable for slander only at the instance of the one offended, then
this great science, instead of a boon, will become a scourge, and the nation a theater for
the display of individual passions and the collision of personal interests.53

In the early 1930s, the Commission implemented its vision for religious broadcasting
through other decisions in addition to the Shuler case. For example, the FRC took away the
license of Kingshighway Presbyterian Church - which owned station WMAY - in June of 1931
upon review of its place on the air. The Commission did this largely because the station did not
provide a varied programming lineup to an area - St. Louis - that, the Commission determined,

52 “In re Application of Trinity Methodist Church, South (Station KGEF)...” p. 11, Box 210, Docket 1043, Volume
5, Docketed Case Files, RG 173, NARAII.
already received sufficient service. The Commission reasoned: “The programs broadcast by Station WMAY, have not been varied or designed with the purpose of rendering a complete broadcasting service and one which would appeal to substantially all classes of the listening public.” The Commission also argued that WMAY did not make “full use of the broadcasting facilities” and was not in an adequate financial position.”

Meanwhile, the Commission took away the license of Kansas City station WOQ on December 18, 1931. WOQ - the station of the Unity School of Christianity - was forced to cede full-time use of its assigned position on the radio to Wichita station KFH, the station with which it had previously shared its frequency, after KFH applied for full time on 1300 kilocycles. KFH was a CBS affiliate and the only local station in Wichita. In its decision, the FRC reasoned that KFH’s service was of higher priority than WOQ’s service. KFH was Wichita’s only local station, and the only station that listeners heard with no interference of any sort. Kansas City had numerous stations aside from WOQ, including those that provided, according to the Commission, similar content to the Unity School of Christianity station. The FRC reasoned, “It does not appear that the deletion of Station WOQ would deprive the persons within the service area of that station of any substantial radio service not now received from a number of other broadcasting stations.”

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54 “In re Application of Kingshighway Presbyterian Church (Station WMAY)...” (June 12, 1931), 3-4. Found in folder “WMAY,” Box 463, Radio Division: Correspondence Relating to Applications For Broadcast Station Licenses, 1928-1932, RG 173, NARAII.

55 KFH focused its broadcasting on market reports, news, and local programming. The station also broadcast CBS features, and KFH asked for full use of 1300 in part to increase the amount of shows from the Columbia network. KFH had affiliated with CBS in 1929. I discovered that KFH had affiliated with CBS at this time by comparing the lists of CBS affiliates between January and March of 1929. Radio Call Book Magazine and Scientific Digest 10, no.2 (March, 1929): 8; White's Radio Log 6, no. 1 (Jan. 1, 1929): 15.

56 “In re Applications of Radio Station KFH Company (KFH) Wichita, Kansas For Modification of Station License and Unity School of Christianity (WOQ) and Fairfax Broadcasting Company, Kansas City, Missouri For Consent to Assignment of Station License to the latter company; Statement of Facts, Grounds for Decision and Order of the Commission,” December 18, 1931, Box 1, Federal Radio Commission Decisions, 1929-1934, RG 173, NARAII.
Station KFWF of the St. Louis Truth Center lost its license in 1933 in large part because
the Commission was concerned that it was engaging in reckless and selfish calls for money, as
well as irresponsible claims of religious healing. The FRC was worried about broadcast content
“of a questionable nature regarding healing powers” and messages that attacked hospitals. It
cited Emil Hartmann - the primary speaker over KFWF - as having said over the air:

We have more hospitals today than we have ever had before. In the Rotogravure Section
today you see a picture of the medical center of St. Louis. Look at all of those beautiful
buildings dedicated to but one thing and that is the pagan idea of medicine for medicine
belongs to the pagan’s day, it doesn’t belong to God, because God does not need
medicine, God does not need surgical implements in order to bring health to the human
body. All God needs is a righteous life which means right thinking, right living, and that
one knows what is true.57

In addition to concerns about religious healing, the FRC was equally troubled by the
fundraising efforts of the St. Louis Truth Center, the religious institution that ran the station. The
Commission noted how “no accurate or complete records of receipts and disbursements are kept,
and funds ostensibly collected for charitable and religious purposes are diverted to uses
inconsistent with such purposes.” Hartmann and his two siblings had used Truth Center money
to expense personal items such as a cook, maid, and butler.58

The Commission gave full-time use of 1,200 kilocycles to a different station, WIL,
largely because of the variety of programming it offered, especially in contrast to the sectarian
nature of KFWF. The FRC noted that on WIL, “time is given generously and without charge to
local civic, religious, charitable, and educational institutions and organizations,” which included

57 “In Re Application of...St. Louis Truth Center (KFWF)...,” April 14, 1933, p. 6, Box 1, Federal Radio
Commission Decisions, 1929-1934, RG 173, NARAII.
58 “In Re Application of...KFWF,” 4.
“all churches in St. Louis,” while KFWF was “not available for the use of local civic, patriotic, charitable or educational institutions or organizations.”

Sometimes, the mere threat of a hearing or other Commission action motivated a station to change its policies. For example, in the late 1920s and early ’30s, the FRC was concerned about station WHAP of New York City. By March of 1932, a number of Commission actions had produced stress on station owner Franklin Ford and he decided to make a drastic change.

WHAP was notorious for its anti-Catholic content. As early as 1926, the Commerce Department was receiving letters of complaint against the station. “...[Ford] has forgotten the purpose of a radio broadcasting station by his savage Unamerican and Unchristian attacks on Catholicism,” one protester wrote to Commerce Secretary Herbert Hoover on May 23, 1926. “He is either ignorant, misinformed, or bigoted,” the protester also wrote. Another wrote: “I am appealing to you in a broad sense of justice and fair play, demanding the discontinuance of these ‘flambastic’ talks or the revocation of the license of any broadcasting station that dares to encourage such intolerance against any creed whatever.”

The Commission inherited the WHAP problem from the Commerce Department, launching an investigation of the station in 1929. On May 4, the Commission wrote to the Commerce Department Radio Division that it had received an affidavit against the station. In the letter to the Radio Division, the Commission asked that radio supervisors - who worked for the Commerce Department - monitor WHAP and produce relevant transcripts “for use in any proceedings which it may be deemed advisable for the Commission to take.”

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59 “In Re Application of...KFWF,” 6,8.
60 Doerksen’s chapter “Brows High and Fevered” in Radio Babel provides a detailed overview of the WHAP story.
61 Rowan to Hoover, May 23, 1926, Box 445, Folder WFAB, Radio Division: Correspondence Relating to Applications For Broadcast Station Licenses, 1928-1932, RG 173, NARAI.
62 Browne to Hoover, August 26, 1926, Folder WFAB
63 Scharfeld Memorandum, May 4, 1929, Folder WFAB
The National Catholic Welfare Conference (NCWC) was also intimately involved with the FRC in trying to silence WHAP. By September of 1929, the NCWC had the ear of the Commission regarding WHAP, and was in communication regarding FRC investigations into the station. On September 23, the National Council of Catholic Men (NCCM) Executive Secretary Charles F. Dolle had a meeting with Commissioner Harold Lafount. Dolle put forth a strategy to be rid of the anti-Catholic programming on WHAP: “...I believe that when the time comes to renew the license of the station (which will expire October 31st) it will be possible to have the Commission rule that its programs do not serve the public interest but on the contrary are harmful to the public welfare and that a renewal of the license would be refused or, if not refused, the operation of the station would be made to depend upon the promise of the operator to refrain from using it in an offensive manner.”

Lafount continued to affirm NCWC’s goal to silence WHAP’s controversial programming. Dolle met with the commissioner again on October 16, at which Lafount “informed [Dolle] that he is in complete sympathy with our representation regarding that station.” By early November, the Commission had gathered a substantial amount of material on WHAP through its investigation.

The weight of the complaints against WHAP burdened the Commission; however, they also struggled with the free speech question. In hearings before Congress in January of 1930, Commissioner Robinson asked, “...[H]ow far can we go? How far can this Congress go in censorship, under the constitutional provision of free speech?” Robinson was discussing controversial broadcaster W.K. Henderson of Louisiana, as well as WHAP. “There is hardly a

64 Dolle to Burke, September 23, 1929, Box 136, Folder 8, Collection 10: United States Conference of Catholic Bishops Office of the General Secretary, The American Catholic History Research Center and University Archives (CUA), Washington, DC.
65 Dolle to Burke, October 16, 1929, Box 136, Folder 8, Collection 10, CUA.
66 Dolle to Burke, November 5, 1929, Box 136, Folder 8, Collection 10, CUA.
day but what there is a protest from the Roman Catholics throughout the country,” Robinson said regarding Ford’s station.67

Between late 1929 and early 1932, WHAP retained its license and continued to broadcast anti-Catholic material. Major Catholic institutions remained engaged in pushing back against the station. For example, Reverend Edward F. Garesche of the Catholic Medical Mission Board was active in gathering material to be used against WHAP in any Commission action against the station. Garesche even claimed to have access to information from an undercover Catholic secretary who had worked at WHAP for over a year.68

In the fall of 1931, additional threats surfaced against WHAP. The Commission began an investigation regarding a new issue - complaints regarding critiques of the Italian Fascist political party, Roman Catholicism, and Benito Mussolini from a colleague of Ford, Dr. Charles Fama.69 Meanwhile, a competitor emerged for WHAP’s allotted time on the air when Brooklyn station WMIL applied with the Commission to change to WHAP’s frequency and acquire its time.70

When the American Civil Liberties Union wrote the FRC to defend Fama’s free speech, the Commission clarified that it had the right to review a station’s license. “If it appears that a station’s operation is not in the public interest, the station license may be set for hearing and the

68 McGoldrick to Garesche, January 8, 1932, Box 136, Folder 8, Collection 10, CUA.
licensee has opportunity to present evidence to show that the station license should be renewed,” the Commission wrote.\textsuperscript{71}

The Commission never took direct action to take away WHAP’s place on the air nor ask Ford to change his station’s policies. Still, Ford did just that - on March 5, 1932, he wrote to the Commerce Department Radio Division informing them of the change: “Heretofore we have been emphasizing programs which would primarily support the policies of the Defenders of Truth Society, Inc.,” Ford wrote in reference to his organization. “In the future we desire to place our programs on the same basis as any other station…” he continued.\textsuperscript{72} WHAP was no longer a threat for controversial programming. Rather, Ford sold time to other groups and eventually sold the station.\textsuperscript{73}

The demise of WHAP and other religious stations was indicative of a larger trend towards fewer religious stations - the number of these outlets fell under thirty by 1933.\textsuperscript{74} Of the religious stations that did survive, they often did so by cooperating with the Commission and convincing it that they offered content in the interest of their whole community. For example, in 1929, a competitor applied with the Commission to take away time from Memphis station WGBC. The Commission did not hold it against the station that it was owned by the First Baptist church. Among the reasons it turned down the competitor’s application, the Commission ruled: “The fact that station WGBC is owned and operated by the First Baptist Church does not mean it sponsors any particular creed to the exclusion of others and, on the contrary, it has not sponsored any particular creed but has held its facilities open to other denominations.”\textsuperscript{75}

\textsuperscript{71} Baldwin to Hughes, November 17, 1931, Volume 511, 127, ACLU Papers; see also Doerksen, 68.
\textsuperscript{72} Ford to Radio Division, Commerce Department, March 5, 1932, Folder WFAB.
\textsuperscript{73} “New Programs on Station WHAP,” The Tablet (Brooklyn), March 19, 1932; Doerksen, 69; see Doerksen for station sale. See Doerksen, chapter 3 for WHAP story.
Consider also how the Moody Bible Institute of Chicago handled its radio station, WMBI. As Moody historian Gene A. Getz recounts, WMBI developed and maintained a favorable status with the FRC by sustaining respectful communication with the Commission, cultivating amicable and accommodating relationships with other broadcasters, and avoiding controversial programming.\textsuperscript{76} Moody was consistently successful in defending its place on the air with the FRC. Not only did this involve visits to DC, but also grassroots organizing. For example, in 1927 Moody president James Gray led an effort that resulted in 52,372 signatures in support of WMBI’s place on the air.\textsuperscript{77}

The Commission was so satisfied with WMBI that it felt justified in taking away the license of a different Chicago fundamentalist broadcaster when a competitor applied for the latter’s time. With Moody broadcasting, the Commission believed listeners had access to satisfactory religious content. The Commission wrote that the removal of the other fundamentalist broadcaster “would not deprive the persons within the service areas of those stations of any type of programs not now received from other stations.”\textsuperscript{78} What was the only religious station explicitly cited in the Commission’s decision as providing adequate service to Chicago? The answer: WMBI.\textsuperscript{79}

Despite the success of these religious stations, the overall trend favored variety outlets. By 1934, the FRC had extensively implemented its vision for wavelength allocation. Single-

\textsuperscript{76} Getz, \textit{MBI}, 291-292.
\textsuperscript{77} Getz, \textit{MBI}, 284.
\textsuperscript{78} In the decision, the Commission was also removing station WIBO in addition to WPCC, the fundamentalist broadcaster; full quote: “The deletion of Stations WIBO and WPCC would not deprive…” Citation: “In re Application of Johnson-Kennedy Radio Corporation (Station WJKS), Statement Of Facts, Grounds For Decision And Order Of The Commission, Docket No. 1156,” p.5, Box 470, Folder: Chicago, ILL. - WPCC - North Shore Congregational Church, Radio Division: Correspondence Relating to Applications For Broadcast Station Licenses, 1928-1932, RG 173, NARAII.
\textsuperscript{79} Ibid., 4. The argument was also made that larger political motivations were at play with the decision to take off WPCC in favor of a different station. See Arthur Sears Henning, “‘Drag’ in Radio Forecasts Fate Wires May Face, Politics Shown to Rule Board’s Decisions,” \textit{Chicago Tribune}, May 10, 1934.
interest outlets - including religious outlets - did not fare well; instead, variety stations had the best spots on the dial. By January of 1934, NBC had 88 affiliated stations and CBS had 97 affiliates, up from 76 NBC stations and 72 CBS stations in January of 1931.\(^{80}\)

The FRC favored commercial stations because they were the most likely to provide variety programming. The Commission did not value commercialism per se, but saw advertising as a necessary instrument for a station to economically provide for itself. “Advertising must be accepted for the present as the sole means of support for broadcasting,” the Commission wrote, “and regulation must be relied upon to prevent the abuse and overuse of the privilege.”\(^{81}\)

This was the American system - variety stations supported by advertising. In the early 1930s, some had concerns that radio advertising was becoming harmful to listeners. Reformers attempted to change the way the country regulated radio.\(^{82}\) Congressmen contemplated legislation to deal with the issue and the Commission cautioned stations to take care of irresponsible advertising. “The good will of the listener is the station’s only asset, and therefore, this problem first should rest with the licensees of stations,” the Commission wrote. “The problem should not be taken out of their hands until they have had full opportunity to make the necessary corrections.” The Commission offered a word of warning: “If they decline the opportunity, or seizing it, fail, the matter should be treated with proper legislation.”\(^{83}\)

The Commission did not think government ownership of radio facilities was a solution to the problem. In its statement, the Commission praised the “American system” as being superior to its European counterpart. “There is no practical medium between the two systems,” the statement read. “It is either the American system or the European system.” Rather, the FRC


\(^{81}\) “In the matter of the application of Great Lakes Broadcasting Co…”, 35.

\(^{82}\) For an in-depth look at this movement, see McChesney, Telecommunications.

\(^{83}\) “Warning Issued on Blatant Advertising,” Broadcasting, January 1, 1932, 12.
wanted the stations themselves to improve and it looked to the networks to lead the way: “There is not a single station that can escape responsibility. A heavy responsibility rests upon all chain companies.”

**Developing a Nationwide Church: Religious Policy at NBC and CBS**

Uncle Sam emerged before dinner guests at the Waldorf-Astoria in Manhattan. The Department of National Religious Radio - the broadcasting arm of the Federal Council of Churches - was commemorating fifteen years of broadcasting. “I am speaking for my beloved people,” he said. “From the forests of Maine to the orange groves of southern California, from the farthest reaches of the Northwest Territory to the Everglades, I have heard their testimony. My neighbors on the north and on the south, far voices from the islands of the sea, have echoed the same praises.” The Uncle Sam outfit - occupied by Reverend Elden H. Mills - must have been for the audience a visual representation of what it was Mills was trying to say: the Federal Council’s religious programming had a nationwide impact and responsibility.

Of course, this was thanks to NBC, the chain over which the programming was shared. “I address myself to the National Broadcasting Company and its officials,” Mills said, “to express in solemn utterance some portion of my people’s appreciation for your generous, self-giving genius that has brought the prophet of God into the sacred precincts even of my humblest home.”

By 1938, fascist and communist totalitarianism was threatening the world’s liberal democracies. The religious speakers on NBC felt a duty to confront these ideologies. “Last summer, after a little trip in Europe, when I came back up the Bay and saw the Statue of Liberty,

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84 Ibid., 12.
85 “The Church in the Sky” (Department of National Religious Radio of the Federal Council of the Churches of Christ in America), 4-5, found in Box 1, Folder 9, Series 4D, Harry Emerson Fosdick Papers (HEF), Burke Library Archives, Union Theological Seminary, New York.
I got another thrill,” prominent NBC preacher Ralph Sockman said at the Department of National Religious Radio dinner. “The hand of the Statue of Liberty isn’t out like that or that,” Sockman said as he imitated the salutes of the Fascists and National Socialists, continuing, “it is out like that, holding up the torch of liberty.” The dinner was held in May of 1938. Just a couple months earlier, German troops had marched into Austria in the Anschluss. Sockman finished his thought: “Our challenge is to keep that torch aloft and alight,” he said to the applause of the crowd.86

Harry Emerson Fosdick, perhaps the most prominent radio preacher on NBC, also spoke against totalitarianism at the dinner. “There are three ideologies...competing for the world’s suffrage: communism, fascism, and democracy,” Fosdick said. He continued: “The first two we do not want in this country. We want democracy, more equality of opportunity, more democratic processes in government, more personal liberty, not less.” Fosdick felt their broadcasting could help promote democracy: “It seems to me that the work we have the privilege of doing over the air is not controversially political but is preventative, and that we can build great foundations for the morale of this people.”87

NBC had grown into this responsibility quickly. Since its founding in 1926, the chain added affiliates rapidly. It struck agreements with stations on the spectrum’s most preferable positions - those on the clear channels. It - alongside CBS - became the country’s most important voice on radio, if not the most important in all of mass media. Its reach had a unifying effect on the American people unlike the country had ever experienced before - millions could listen to the same content at the same time.

87 “The Church in the Sky”, 33-34.
This was not the result of mere market forces or technological teleology. Rather, the Commission was using the national chains to fulfill the public interest. The FRC had created the conditions under which NBC and CBS could flourish: a broadcast environment of a limited number of high-powered stations equally spread across the country all under the same Commission prerogative - to serve all listeners equally through a well-rounded programming lineup. NBC and CBS took advantage of these conditions. Their networks helped affiliates across the country become closer to the exact kind of station the FRC was looking for - an outlet that featured a variety of safe and uplifting programming.

These networks took the public interest seriously, particularly when it came to religious programming. They developed religious policies that condemned religious attacks and sectarianism. On the flip-side, these policies promoted religious morality and the role of faith organizations in the development of the American citizenry. The development of these policies show how network religious programming grew to be a defender of the American people and liberal democracy. Those influential in the formation and implementation of these policies viewed radio as the Commission did: wavelengths were public resources, and therefore were not to be used for discriminatory reasons, but rather for the welfare of listeners.

At NBC, a number of factors were influential in the development of its religious policy, including liberal professional norms. Mainline religious organizations were also influential. The chain’s professional norms had foundations at WEAF and WJZ - New York outlets that became the network’s flagship stations. For example, WJZ developed a program for Fosdick in the fall of 1924. In pursuit of Fosdick, the Radio Corporation of America (RCA), which ran WJZ, asked that he avoid controversy in his radio messages. Fosdick was a lightning rod for the fundamentalist-modernist debates; in fact, just over two years prior, he had preached his most
famous sermon, “Shall the Fundamentalists Win?” Fosdick was self aware that he was a contentious figure: “I presume that the wide-spread publicity which unfortunately I have achieved has given many people a picture of me as a controversialist,” Fosdick wrote to RCA. He agreed that it was inappropriate for anyone to broadcast controversial content, and, in a prelude of what would develop as NBC policy, he wrote that it was not right to attack other religions. He desired to focus on “the vital centers of practical religion that are common, rather than in the divisive factors which cause difference.”

Meanwhile, in the mid-1920s, WEAF also developed religious programming that foreshadowed NBC’s religious values. In 1923, the station formed a program for S. Parkes Cadman, who would become president of the Federal Council of Churches. Cadman emphasized that religious broadcasting should be nonsectarian: “If one uses the radio merely to preach special doctrinal view, he will fail,” Cadman told the New York Times. WEAF itself did not want to play favorites - or appear this way - in how it distributed religious time; instead, the station entrusted these decisions with leading faith groups, such as the New York Federation of Churches.

Just as mainline organizations played a significant role at WEAF, they were also given an important role at NBC. For example, for its Protestant and Catholic programming, the network looked to the Federal Council of Churches and the National Catholic Welfare Conference for help. The relationship with these mainline groups indicated NBC’s commitment to ecumenical

and civic-oriented religion. In addition to seeking cooperation and understanding between faiths, these groups valued societal impact.

A religious advisory committee - made up of a representative for Protestants, one for Catholics, and one for Jews - ultimately, implemented the network’s religious policies.\(^{92}\) These policies emphasized that religious broadcasting over NBC was to be tolerant and controlled by the country’s most representative organizations. The network called these five policy points the “five commandments of radio religious broadcasting.”\(^{93}\) They were:

1. The National Broadcasting Company will serve only the central or national agencies of great religious faiths, as for example, the Roman Catholics, the Protestants, and the Jews, as distinguished from individual churches or small group movements...
2. The religious message broadcast should be non-sectarian and non-denominational in appeal.
3. The religious message broadcast should be of the widest appeal; presenting the broad claims of religion, which not only aid in building up the personal and social life of the individual but also aid in popularizing religion and the church.
4. The religious message broadcast should interpret religion at its highest and best so that as an educational factor it will bring the individual listener to realize his responsibility to the organized church and to society.
5. The national religious messages should only be broadcast by the recognized outstanding leaders of the several faiths as determined by the best counsel and advice available.\(^{94}\)

NBC’s main rival, CBS, developed a similar policy: It did not sell time for religion, restricted the influence of individual faiths, and neither allowed its religious broadcasters to make attacks on other doctrines nor make exclusive truth decrees. CBS Vice President Henry Bellows explained that the network avoided radio “series” that were “sponsored by any one sect, creed, or group,” and that it prohibited religious broadcasting that made “claim[s] of exclusive

\(^{92}\) The religious committee was part of a larger Advisory Council for NBC. See Louise M. Benjamin, \textit{The NBC Advisory Council and Radio Programming, 1926-1945} (Carbondale: Southern Illinois University Press, 2009). See 17-18 for these representatives.

\(^{93}\) Elwood to Dolle, September 11, 1929, Box 30, Folder 25, National Broadcasting Company Records, Central Files, Wisconsin Historical Society, Madison, WI.

\(^{94}\) \textit{Advisory Council of the National Broadcasting Company, Second Meeting, March, 1928}, 16-17, Box P566A, NBC Advisory Council Reports, NBC History Files, Library of Congress, Washington, DC.
infallibility,” which he clarified “includ[ed] the statement that everybody else is wrong.” While CBS had a group of religious advisors, its organization and function differed from NBC’s Advisory Council. Rather than develop and adjudicate policy, the CBS group acted as consultants for CBS. Catholics, Episcopalians, Jews, Lutherans, Presbyterians, Congregationalists, Baptists, Methodists, and Christian Scientists were represented in the group.  

Bellows was not interested in his network promoting the absolute truth of one religion over the other; rather, he explained: “We believe that there is essentially a religious unity in all forms of faith; we believe that this can be brought out without offense, without ridicule, without attack…” The 1927 Radio Act - and public utility law precedent - were influential on CBS’s policy: “We believe, furthermore, it is not in the public interest, convenience, or necessity, as set forth in the Radio Act, to permit the use of broadcasting facilities for attack on or ridicule of things that are honestly believed by any large numbers of people.”

CBS and NBC desired their religious broadcasting to be uplifting to all listeners, no matter their particular beliefs. In this way, they had created a nationwide church. “…I have never believed that a community church, which as been the ideal of many people that are religious, would ever be a go,” NBC President Merlin Aylesworth said, continuing, “that we would ever have a community church where the Jews, the Catholics, and Protestants will join in one building. But I do say to you, in my humble opinion, the way we have handled the religious

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96 Ibid., 164-165.
97 Ibid., 161.
98 Bellows said: “I have personally had a good deal to do with the arrangement of some of our religious programs, and in doing it I have simply made one suggestion to the various members of the clergy who have taken part. To the Roman Catholics, I have said, ‘Remember that you are going to have Unitarians, Jews, Atheists, people of all kinds, listening to you. I want them to get out of your program something that they find good.’ I have said the same thing to the Unitarians, except I have pointed out that they would have Roman Catholics, lots of them, listening to the program.” Ibid., 161.
broadcasts, we have come nearer to getting a community church than it will ever be possible to get in any other way.”

This “community church” at NBC grew over the course of the 1930s. For example, by 1938 as many as 67 stations featured the chain’s Catholic program - The Catholic Hour - up from 22 stations when the program began. To take another example, Fosdick’s show - National Vespers - inaugurated on 16 stations in 1927 and by 1941, 125 stations cooperated with the program.

NBC and CBS had created a nationwide church; in this way, they helped their affiliates uphold the religious broadcasting standards of the Commission. Still, there were many stations not affiliated with a national chain. And, network affiliates also had religious responsibilities to their local audience. As Chapter 2 will explore, the Commission held all stations responsible for the religious needs of their listeners. The Commission had created a broadcast environment that favored variety stations. It held these stations accountable for religious content.

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99 Ibid., 139.
101 The word “cooperated” meaning the following: “However, this does not imply that the entire 125 stations regularly carried the program each Sunday, but it is the total number which cooperated.” Frank C. Goodman, “History of “National Vespers””, p.1, Box 1, Folder 10, Series 4D, HEF.
Chapter 2: Well-Balanced Religious Programming

In May of 1932, Broadcasting magazine interviewed the Assistant Secretary of Commerce Julius Klein. The magazine was excited to talk with Klein - his job gave him an informed perspective on public policy. In addition, he had previously served under Herbert Hoover during the latter’s time as Commerce Secretary and a leading figure in the development of American radio.

Klein defended the “American system” of radio. “I can no more conceive of government ownership of radio than of the newspapers,” he said. Klein praised the system of private enterprise for incentivizing program innovation and diversity: “I doubt whether European broadcasting is entirely bereft of a certain element of political intrusion of its radio monopolies,” he said. “On the other hand, there is no question but that any disinterested observer is aware of the far wider range and diversity of our programs as compared to those of the foreign government monopolies, because of the flexibility of private enterprise, as compared with the inevitable impediments to resourceful resilience which are apt to characterize any governmental agency.”

However, Klein did not advocate for an entirely hands-off approach from government regulators. He affirmed a position that the Radio Commission had consistently taken - that radio stations should provide a well-rounded programming lineup. “...I am inclined to accept, in principle, the point of view expressed by several radio commissioners that radio facilities should not be allocated to special groups for special types of programs, but that every station alike should be required to fill a definite public service obligation,” Klein said.

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1 Klein clarified he was not presenting the official views of his administration. Sol Taishoff, “Dr. Klein Favors Self Regulation of Radio,” Broadcasting, May 15, 1932, 13.
The Commission’s preference for a well-rounded lineup had roots with the Federal Radio Commission. Over the course of the 1930s and 1940s, the Commission consistently affirmed this model for broadcasting religion. It valued variety stations, and favored programming lineups that featured time for assorted faiths. And, the Commission often affirmed sustaining religious time as a fair way for an outlet to distribute air space. These were signs of broadcasting’s commitment to public interest religious programming, and signs of liberal policies: free time, rotations between different faiths and creeds, and the use of religion for the moral and spiritual uplift of listeners.

The preference for a diversified program schedule was another part of the Commission’s vision for religious broadcasting. It asserted this vision in other ways: through favoritism for variety stations in its allocation of wavelength space, and, as we will explore in the next chapter, pressure upon controversial speakers. The preference for variegated programming lineups dealt with a different issue - the week-to-week schedules of the variety stations under its watch.

The Commission implemented this preference in a number of ways. Most directly, it compelled licensees to conform to its preferences through new station applications, license renewals, or petitions for better broadcast facilities. Indirectly, the risk of a Commission investigation, or of more stringent Congressional legislation, encouraged stations to feature public interest religious programming. Also as a result of indirect influence, professional norms developed for public interest religious broadcasting.

This project was so successful that by the late 1930s, over 60 percent of religious programming was broadcast on sustaining time. In the 1940s, while commercial religion made

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3 Facilities meaning better wavelength positions, more advantageous times of the day, or increased power.
strong gains, the American system of radio responded with a push for sustaining programming. Of course, there are other ways than a measure of free time to assess the project’s commitment to public interest religious broadcasting. For example, the project influenced how stations chose to distribute time between various faith groups of their community. It also influenced how stations viewed the purpose of religious broadcasting.

As we discussed in the first chapter of this dissertation, the Commission preferred to allocate wavelength space to variety stations. This chapter explores how the American system of radio ensured that these stations provided public interest religious content to listeners.

The 1930s - Diversified Schedules Take Shape

In September of 1930, two Baton Rouge businesspeople sought permission to build a radio station.5 The Commission was impressed with the proposal. The petitioners - A.B. Murray and Mrs. T.P. Singletary - were “well known and highly regarded in their community” and their plans for the station would have been “of benefit to the public,” the FRC wrote.6

However, there was a significant issue with the application. If approved, the proposed station would have significantly curtailed the operations of existing station KTBS, operations that the Commission deemed “meritorious service.”7 In an act to protect KTBS, it turned down Murray and Singletary.

Upon the creation of the FRC in 1927, it expected licensees to feature public service religious shows. KTBS had followed this expectation - the station was attractive to the

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5 “Radio Station License Asked In Baton Rouge” The Times (Shreveport, Louisiana), September 26, 1930; “In re Application of A.B. Murray and T.P. Singletary, Baton Rouge, Louisiana, For Construction Permit, Statement of Facts, Grounds for Decision and Order of the Commission,” Box 215, Docket 1069, Docketed Case Files, RG 173, NARA II.
Commission in part because it had such programming in its schedule: “...Program features include...a daily devotional service conducted by a local minister,” the Commission noted.8

The Commission’s expectations for licensees were made clear in its 1928 *Great Lakes Broadcasting* decision. The FRC clarified that it expected radio stations to produce what it called a “well-rounded” programming lineup: for example, music, entertainment, education, news, and weather. The Commission wrote “that the tastes, needs, and desires of all substantial groups among the listening public should be met, in some fair proportion, by a well-rounded program.”9

This expectation included religion. Throughout the 1930s, applicants would make it clear they valued well-rounded programming and faith content. For example, in approving an application in 1937 for an Indianapolis station, the FCC wrote, “The applicant offered in evidence a tentative program schedule which appears to be well balanced, entertaining, and instructive,” also writing that “It will be the policy of the applicant to furnish ample time, free of charge, over the proposed station for the broadcasting of educational, religious, civic, and agricultural programs.” The Commission noted that the Church Federation of Indianapolis would receive air time.10

Stations emphasized to the Commission their commitment to provide time to a variety of religious perspectives. For example, in 1935 the Commission reviewed the service of station WHOM following complaints about some of its programming. The FCC renewed WHOM’s license when it discovered that the station ceased broadcasting the programs in question, and that “the large majority of programs broadcast by the station were generally meritorious and did serve public interest, convenience, and necessity.” Upon reviewing a station log, the Commission

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found that “programs of a community, civic, charitable, religious, and educational nature constituted a substantial portion of the station’s time.” It noted that WHOM “cooperates with the various religious organizations and the religious broadcasts range from 15 to 30 minutes every other day, representing as many different religious faiths and denominations as can practically be accommodated.”

Some stations embraced liberal professional norms without direct prodding from the FCC. For example, radio station WFBC changed its policy in 1938 to no longer have paid religious airtime, but rather only sustaining time for religion. “We decided that no one should have a monopoly on a particular tenet or dogma or ecclesiastical interpretation,” station licensee Robert Peace said, “so rather than sell time for religious broadcasts we adopted what we thought was a liberal policy of unpaid religious broadcasts.”

Licensees’ commitment to public service religious airtime was emphasized as a defense against proposed broadcast legislation in 1934. For example, at hearings for the legislation in October, Chicago station WGN’s representative Quin Ryan testified that the outlet offered free time for political addresses and religion. “All programs of this nature are broadcast without charge as part of our public service,” Ryan testified. John Elmer of Baltimore station WCBM quoted from a letter that a local church had sent to his station: “The impartial way in which your station has served Catholic, Jew, Protestant and other religious and civic groups, has been the

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means of bringing these groups closer together in the common religious and civic purposes of our great city.”\textsuperscript{15}

Even more testimony illustrated radio stations’ commitment to public interest religious programming. “Since its inception, twelve years and nine months ago, WOR has consistently believed that its right to operate under Government License depended on its service to the people within its licensing area,” Alfred McCosker - president of WOR’s owner - said. “It has interpreted this service to mean that its facilities must be made available to all institutions serving the public as a whole and to those serving large and significant minorities.” McCosker said regarding religion: “The diversity of religious viewpoints enabled to reach the listening public covers practically every form of religious belief.”\textsuperscript{16} Station KWKH of Shreveport, Louisiana submitted its station policies, including how it handled religion: “A 6-day weekly Morn Devotional period is handled by local pastors, divided equally between Jewish, Protestant and Catholic religious leaders, all gratis.”\textsuperscript{17}

At the end of the decade, the FCC affirmed these norms for religious broadcasting. In January of 1939, the FCC released suggested program standards. These standards were not binding policy. However, they reflected how the Commission desired stations to function. “Based upon the experience of broadcasting in this country since its inception it would appear that some ‘standards of public service’ might not be unreasonable,” the committee wrote. Religion was included among these standards. Stations in good standing would be “fair and equitable when making its broadcasting facilities available to citizens and organizations of the

\textsuperscript{15} Ibid., Volume 20, 8978-8979; for a report on these proceedings, see Sol Taishoff, “Class Wave Plan Overwhelmingly Opposed” (p.5-6, 39) and “Highlights of Educational Testimony…” (p.6-7, 15-16, 18, 22-23), Broadcasting, Nov. 1, 1934.
\textsuperscript{16} Official report of proceedings...on section 307(c) of the Communications Act of 1934, Volume 21, p.10919, 10923.
\textsuperscript{17} Official report of proceedings...on section 307(c) of the Communications Act of 1934, Volume 20, 8958.
community in which the station is located, regardless of race, creed, or social and economic status,” and would “[render] a balanced program service of diversified interest to all the public and includes in such service during periods which may be practicable from the standpoint of general public interest, sufficient time for education, cultural subjects, religion, entertainment, news events (both local and general) and the activities of local civic enterprises.”

By the end of the 1930s, Commission pressure and professional norms had led stations to commit to public interest religious programming. In 1938, stations were carrying more sustaining than commercial religion. Over 60 percent of religious time was being given away for free. The networks - as we discussed in the first chapter of this dissertation - were also committed to sustaining time. 95 percent of their religious programs were sustaining between 1928 and 1934; 86 percent were sustaining between 1935 and 1941.

This public service undertaking was put in comparison with what was happening around the world. By August of 1940, the international totalitarian threat against liberal values was as clear as it had ever been over the previous two decades. Germany had overrun France while Britain was fending off bombing raids. In addition, the two greatest ideological threats to liberalism - Germany and the Soviet Union - had signed a nonaggression pact.

This reality was palpable when White House Secretary Stephen T. Early took part in a “Broadcasting’s Day” celebration in San Francisco. He participated in a “free American radio” plaque dedication and spoke over a chain of a record 634 stations. “It is singularly fortunate that,

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19 “Table VIII - Types of programs broadcast for the week beginning Mar. 6, 1938, on a percentage basis.”
at a time when the freedom of mankind is at stake throughout much of the world, we can assemble here to participate in a ceremony which symbolizes liberty in America,” Early said in his radio address. “The American system of free radio, as symbolized by these plaques, is actually a living symbol of the freedom of us all,” he also said, referencing a matching plaque that was unveiled in New York. Three religious officials joined the network broadcast from New York. Federal Council of Churches Executive Secretary Walter W. Van Kirk said broadcasting had unified Protestants, Catholics, and Jews, while Rabbi Jonah B. Wise “observed he could not think of any other device which reaches so many people yet contrives to serve all groups without stirring up animosity,” as Broadcasting reported.

Despite this reverence for American radio and the uplift in religious life it produced - especially in comparison to foreign broadcast systems - some soon became concerned that broadcasters were shirking their public service responsibilities.

**The 1940s - Response to a Rise in Commercialism**

In 1944, a pastor in Los Angeles felt radio had ceased to value religion: “Time is available only at odd hours and at such times as cannot be sold for commercial broadcasts,” Reverend F. H. Nelson said. “Rates are being raised and other bars erected to keep back the tide of interest of people in religion on the air.”

Another sign to those concerned about the degradation of public service religious radio was the increase of commercialized faith broadcasting. For example, in 1938, religious

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23 “Presbyterian Deplores Ultra Commercialization of Radio,” Presbyterian Voice, April 28, 1944, 8, found in Box 1, Folder 9, United Presbyterian Church in the U.S.A. Division of Mass Media Records, RG 303.2, Presbyterian Historical Society, Philadelphia (PHS).
programming accounted for below 10 percent of Mutual Broadcasting System’s revenues.\textsuperscript{25} By 1943, twenty percent of Mutual’s sales were to religious broadcasting.\textsuperscript{26}

In early 1944, Mutual announced a change to its religious policy - it would no longer allow its religious speakers to solicit money over the air, and it would restrict its commercial religious programs to early in the day on Sundays.\textsuperscript{27} These string of events at Mutual - increased commercialization of religion and subsequent change in policy - was emblematic of a larger trend in religious broadcasting. By 1944, according to one study, 63 percent of religious broadcasting was commercial.\textsuperscript{28} “...[T]he church is rapidly becoming ‘big business’ in radio,” \textit{Variety} magazine declared.\textsuperscript{29}

A number of stations updated their religious policies - such as ceasing paid time or splitting time between different churches - in the mid-to-late-1940s, including: WWNC of Asheville, WHOM of New Jersey, KMTR and KMPC of Los Angeles, and WGAR of Cleveland.\textsuperscript{30} FCC action, indirect Commission expectations, strong civic ideals, or a combination of the three, led to these types of changes.

Communications Commission policy had developed for more than 15 years by this time and a number of established edicts were in place: for example, the expectation of well-balanced programming, or the 1941 Mayflower decision, in which the Commission forbid stations from partisan editorializing. Specifically, the FCC wrote that “the licensee has assumed the obligation

\textsuperscript{25} “Network Competition Described by MBS,” \textit{Broadcasting}, February 15, 1939, 76. The Mutual official said this figure was an estimate.
\textsuperscript{26} “Church Big Biz For Radio,” \textit{Variety}, December 1, 1943, 23.
\textsuperscript{27} “Religious Policy Tightened by Mutual,” \textit{Broadcasting}, March 6, 1944, 14.
\textsuperscript{28} “N.A.E. Commission For Radio Presents Report,” \textit{United Evangelical Action} 5, no. 7 (November 1, 1944): 10.
\textsuperscript{29} “Church Big Biz For Radio,” 23.
of presenting all sides of important public questions, fairly, objectively and without bias.”

These Commission rulings offered incentives for stations to maintain liberal religious policies.

The Commission also took direct action to shape religious content. Cases emerged regarding stations that failed to maintain a well-rounded broadcasting schedule. In these proceedings, the Commission was concerned about stations that had too much commercial religious content.

**The Commission Takes Direct Action**

In May of 1948, the FCC turned down radio station WCAM’s renewal application. The Commission, however, gave the Camden, New Jersey station 60 days to rectify the situation. At issue was a contract the station had signed with Mack Radio Sales Company. This contract relinquished WCAM’s responsibility to oversee its programming lineup to Mack. The FCC was concerned that the group with the power to manage the station’s schedule was not the group the Commission had licensed. It also was not satisfied with WCAM’s performance: “Of the 29 hours WCAM is on the air, Mack Radio Sales occupies 25 and continues to exploit it to the maximum commercial advantage of the company without reference to the licensee and to its duties and responsibilities to operate in the public interest under the Communications Act of 1934,” the Commission wrote. Regarding programming, the Commission was looking for the station to demonstrate that it could “operate full time with a properly balanced program which would meet the needs of the area served.”

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34 “In re Applications of WOAX Inc. (WTNJ), Trenton, N.J., et al.” (May 3, 1948) p. 199. The FCC was also looking for WCAM to be “financially and technically able to make certain equipment changes.”
The station made the changes sought by the Commission. It regained full control of its programming. And, it committed to a schedule more accommodating to public interest shows. It promised to significantly diminish commercial programs and drop all commercial religious broadcasting. It reserved sustaining time for Protestants, Catholics, and Jews. The Commission renewed WCAM’s license.  

In the midst of the WCAM case, the Commission developed a formal directive to deal with its concern regarding commercialism. Commissioner Clifford Durr led this project upon studying station logs. He was distressed by the differences between the service record of many stations compared with what they had promised. “What we’ve been doing is not serving the public,” Durr reflected saying at the time, “but among the competing applicants, we’ve been granting the licenses not to the best applicant but to the biggest liar.”

Durr wanted the FCC to take a more aggressive role by holding stations increasingly accountable to the public interest programming they had vowed in their license applications. In response to the situation, he led the Commission in the creation of the *Public Service Responsibility of Broadcast Licensees*, published in 1946. This directive - also known as the Blue Book - ordered stations to take their duties to the public more seriously. It instructed licensees to provide additional sustaining time for public service programming at better hours of the day. The Blue Book was hotly contested. Many broadcasters did not take it seriously, and

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some scholars today question its impact.\textsuperscript{38} Still, it affected programming, reminding licensees that it could - and would - pursue direct action against stations for failing to provide enough public interest content.

The FCC used the Blue Book as a standard-bearer in a number of cases. One such case involved Baltimore station WBAL. In question was the amount of commercial time on WBAL, including paid time for religion. The Commission wrote that the station’s programming was “unbalanced”; it even cited the station’s performance in the Blue Book as an example of why greater FCC scrutiny over commercialism was required.\textsuperscript{39} The Commission found a paucity of sustaining religious shows in comparison to commercial religious offerings on WBAL between 1943 and 1946. And, the FCC discovered that the station allowed religious speakers to solicit money.\textsuperscript{40}

However, WBAL made policy changes. The station decided to no longer sell time for religion. Instead, the station regularly gave time for Catholic, Protestant, and Jewish broadcasts, in addition to “a half-hour program rotating among the various faiths with a different Baltimore pastor as a guest each Sunday.”\textsuperscript{41} The Commission concluded that “a well-balanced sustaining religious program is now available.”\textsuperscript{42}

In a proposed decision from March of 1947, the FCC turned down a Chicago station’s application for an FM license. \textit{Broadcasting} magazine wrote that the decision was influenced by Blue Book standards. The Commission was not impressed with the station’s proposed religious programming. “An examination of the program log for Sunday...indicates that practically the

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\item[38] See, for example, Pickard, \textit{America’s Battle for Media Democracy}.
\item[40] “In re Applications of Hearst Radio, Inc. (WBAL), Baltimore, Maryland,” 1164-1165.
\item[41] “In re Applications of Hearst Radio, Inc. (WBAL), Baltimore, Maryland,” 1165.
\item[42] “In re Applications of Hearst Radio, Inc. (WBAL), Baltimore, Maryland,” 1177.
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entire day is devoted to commercial religious programs and that no time has been set aside for the carrying of religious services on a sustaining basis from the churches of established faiths in the Chicago area,” the Commission wrote.43

The Blue Book also had an indirect impact on broadcasters. It was a declaration to licensees that the Commission cared about content, and that it had the authority to punish broadcasters for not abiding by its standards. This authority not only manifested itself through direct FCC action; it incentivized stations to feature public interest programming as a means of putting itself in the good graces of its regulators. In this way, stations might avoid confrontation with the Commission, or hold a favorable record when applying for a better place on the dial or defending itself from a competitor for its wavelength position.

**The Commission’s Influence Through Indirect Influence**

By the mid-to-late 1940s, the indirect influence of the Blue Book was one among a number of such influences that prompted licensees to include public interest programming. Substantial Commission precedent motivated stations to provide public interest programming whether or not regulators took a direct interest in their performance.

As stations updated their policies on religion in the mid-to-late 1940s, their explanations of these changes often revealed how they were influenced in this indirect way. For example, Minneapolis station WDGY ceased selling time during the week to religion in June of 1946. According to station manager Melvin Drake, new ownership wanted a stronger public interest

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lineup as part of a process to “revitalize and rebuild” the outlet. Drake said that the station desired “a balance of programming.”

Cincinnati station WCKY, in the fall of 1946, redid its programming lineup and removed its paid religious shows. It instituted this change because it felt it had too much religious broadcasting on Sundays and wanted a better balanced schedule. The station planned to put in place a new schedule of free time, handed out to the various churches of the area, “including those now unable to buy radio time,” a local paper reported.

In February of 1945, Philadelphia station WPEN announced a change to its religious broadcast policy: it would cancel all its current contracts, significantly decrease the amount of paid time, increase free time, and remake its schedule to spread religious programming across to a variety of faiths. The station updated its policy in April. It felt this modification was needed upon a change in ownership and a subsequent study of its schedule. It discovered what it viewed to be an overabundance of commercial religion. In particular, it found that on Sundays this type of broadcasting dominated the schedule. “The effect of this use of substantially all of the station’s broadcast time every Sunday completely excluded any opportunity for the station to allot time to other Protestant, Catholic or Jewish denominations,” WPEN wrote to the

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Commission, “or to sell time on Sunday to any one other than these commercial-religious broadcasters.”  

WPEN justified its change based on Commission standards, particularly when responding to the demands of the Philadelphia Gospel Broadcasters Association for the station to sell time to them: “To have acceded to [these] demands...would have prevented the management of WPEN from establishing what it believes to be a diversified program service in the interests of all of its listeners,” the station wrote to the Commission, “and would have required WPEN to shirk its duties as a broadcast licensee.”

The outlet publicly expressed its feeling that the move was for the common interest of its audience. Despite losing an estimated $150,000 of revenue per year, “the station believes that such a sacrifice of revenue is necessary in the interest of Philadelphia radio listeners, so that they may have religious programs representing all faiths in the city,” WPEN’s acting manager said, as reported in the Evening Bulletin. It also expressed this sentiment in a notification of cancellation sent to contract holders, writing that the new policy was “in conformity with the general practice of principal radio stations throughout the country.” The station continued: “We believe it will make for greater public service to the Philadelphia community in the important matter of carrying religious worship into the home through radio broadcasting.”

The Commission received many complaints in the mid-1940s regarding stations’ religious policies. Some protested against stations banning paid time religious broadcasting, or restricting it to weekdays; for example, the Commission received letters of this kind regarding

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48 Wm. Penn Broadcasting Company Attorney Theodore Pierson to FCC, April 2, 1945, p.1, Box 646, ACCC Radio General, Carl McIntire Manuscript Collection, Special Collections, Princeton Theological Seminary Libraries, Princeton, NJ.
49 Pierson to FCC, April 2, 1945, p.3.
WIBC of Indianapolis, KMA of Shenandoah, Iowa, and WHB of Kansas City.\textsuperscript{51} One gospel preacher in Arkansas complained that the local ministerial association had exclusive control of religious broadcasting over the area’s radio station.\textsuperscript{52} And, a California Senator inquired about a Los Angeles station taking a Fundamentalist off their station.\textsuperscript{53}

The FCC reached out to - and even investigated - some of these stations regarding their religious programming. For example, the Commission corresponded with KFAB of Nebraska about accusations that its policy on religion was unfair.\textsuperscript{54} It also investigated the WPEN situation. The FCC’s response was consistent with principles it had embraced since its founding; namely, it desired stations to construct a balanced program schedule. It concluded that WPEN’s move to be in the public interest, determining that it was “consonant with the licensee’s obligation to present a diversified and well-rounded program service.”\textsuperscript{55}

Even without direct FCC intervention, some stations changed their policies in the mid-to-late 1940s. For example, in 1946, the Scripps-Howard Radio board changed the company’s policy to no longer sell time for religious programming.\textsuperscript{56} One station affected by this change was Knoxville’s WNOX. “We suppose this policy has long been in effect elsewhere in the country, and that it has the approval of the Federal Communications Commission,” a Knoxville News-Sentinel editor wrote.\textsuperscript{57}

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\textsuperscript{51} Avery to Curtis, Oct. 3, 1945, Box 290, Programs and Logs, Religious Programs, April 1, 1945 to Dec. 31, 1946, General Correspondence 1927-1946, RG 173, NARAII; Ludlow to Jett, Jan. 19, 1945, Box 290, Programs and Logs, Religious Programs Dec. 2, 1943 to March 31, 1945, General Correspondence 1927-1946, RG 173, NARAII.
\textsuperscript{52} Smith to Federal Communication System, July 15, 1944, Box 290, Programs and Logs, Religious Programs Dec. 2, 1943 to March 31, 1945, General Correspondence 1927-1946, RG 173, NARAII.
\textsuperscript{53} Denny to Wilson, Dec. 6, 1946, Box 290, Programs and Logs, Religious Programs, April 1, 1945 to Dec. 31, 1946, General Correspondence 1927-1946, RG 173 NARAII. Technically, it was the senator’s secretary who wrote to the Commission.
\textsuperscript{54} Slowie to KFAB Broadcasting Company, Jan. 22, 1945, Box 290, Programs and Logs, Religious Programs Dec. 2, 1943 to March 31, 1945, General Correspondence 1927-1946, RG 173, NARAII.
\textsuperscript{55} Slowie to Bennet in FCC News Release, April 24, 1945, Box 290, Programs and Logs, Religious Programs, April 1, 1945 to Dec. 31, 1946, General Correspondence 1927-1946, RG 173, NARAII.
\textsuperscript{57} Quoted in J. Harold Smith, \textit{Termites in the Temple} (Knoxville: Radio Bible Hour, 1946), 20.
The National Association of Broadcasters (NAB) - the industry’s primary trade organization - also felt that public interest religious programming was a good way to appease the Commission. At a meeting of the second district - New York and New Jersey - in April of 1946, an NAB director “urged all stations to examine their religious schedules with extreme care as self-protection against FCC criticism.” There was “general agreement that commercial religious programs form one of radio’s most vulnerable spots.”^58

According to survey data, there were some - albeit limited - results that indicated the second district of the NAB took public interest religious time more seriously. A 1946 study looked at the amount of religious time each week featured on small market stations. It found that stations broadcast 2 hours and 51 minutes of commercial time and 3 hours and 11 minutes of sustaining time.^59 Almost two years later, the survey found that commercial time was down 21 minutes while sustaining time was up 4 minutes. The latter survey also found that five stations had dropped local commercial faith programs.^60

**Professionalization**

Conservative Protestant broadcasters felt that these station policy changes discriminated against their “gospel” programs.^61 Many organized protests in response. For example, following the policy change at station WDGY, Minneapolis conservative Protestants put together a council and organized a rally. These conservatives felt especially impaired by the decision because, according to Minneapolis pastor and rally leader W. H. Murk, other stations in the area did not

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^60 “NAB District 2 Survey Indicates Trend Away From Sponsored Religious Series,” *Broadcasting*, November 10, 1947, 78. There was also a survey between the two cited here, which found that commercial religion jumped to 3 hours and 17 minutes, and sustaining increased to 4 hours even (although in the text there is a typo, which says sustaining was 4 hours, 12 minutes). “Local Religious Commercials On Way Out, Survey Portends,” *Broadcasting*, January 6, 1947, 24. Please note that the number of stations studied varied between first and third surveys, while no number is reported in the second survey.

^61 See also, Hangen, *Redeeming the Dial*, 130-132.
have paid time for religion and aired the religious programs of the networks. The three stations referenced - WCCO, WTCN, and KSTP - were affiliated with CBS, ABC, and NBC respectively; Murk pointed out that the religious programs on the networks went for free to liberal Protestants.\textsuperscript{62} In a two-week span, protesters held two rallies. 5,000 showed up for the first, while 2,500 attended the second. One pastor argued that radio stations had an obligation - like a common carrier - to carry the paid broadcasts of these conservative Protestants: “A station has no more right to deny us the right to broadcast than the telephone company has to deny you the right to make a telephone call.”\textsuperscript{63}

In addition to a show of public force, conservative Protestants began to take the public interest more seriously, professionalizing around the values espoused by the Commission. In 1944, the National Association of Evangelicals formed a radio advocacy group - the National Religious Broadcasters (NRB) - which worked for greater conservative representation among Protestant broadcasts. In fact, in the 1940s, both conservative and liberal Protestant groups professionalized to develop public interest religious programming. Station managers were not the only group affected by the FCC’s push for public service religious broadcasting - those producing programming also evolved to meet the standard.

The NRB’s Constitution and Code of Ethics reflected a desire for respectable professional norms. “The objects of this Association shall be to foster and encourage the broadcasting of religious programs,” Article II of the Constitution in part read, “to establish and maintain high standards with respect to content, method of presentation, speakers’ qualifications, and ethical practices, to the end that such programs may be constantly developed and improved.


and that their public interest and usefulness may be enhanced.”\footnote{National Religious Broadcasters Incorporated, Constitution and By-Laws With Statement of Faith and Code of Ethics, p. 9, found in Box 290, Religious Programs, n.d., General Correspondence, 1927-1946, RG 173, NARAII.} In their Code of Ethics, the NRB declared that “the message disseminated in [their] programs shall be positive, concise, and constructive,” and that “appeals shall be of a bona fide character for legitimate religious purposes, and shall be presented in a dignified Christian manner,” among other points.\footnote{National Religious Broadcasters Incorporated, Constitution and By-Laws With Statement of Faith and Code of Ethics, p. 22-23. See also Hangen, Redeeming the Dial, 122-124.}

The mainline Protestant Church also placed a greater emphasis on professionalizing local programming in the 1940s. The mainliners had always reflected public interest values in religious broadcasting in their relationship with the national networks; for instance, the Federal Council of Churches led the public service Protestant programming on NBC. In the ‘40s, they made a great push to influence local broadcasting.

To take one example, the Presbyterian Church in the United States of America (PCUSA) sought to improve the situation in 1944. In February, the Committee On National Religious Radio of the PCUSA sent a questionnaire asking pastors for their opinion on the state of religious broadcasting. The Committee was concerned about racketeers and other issues: “The public is bombarded by a queer medley of gospel hours, rabble rousers, strange prophets and the claims of special sects.” They felt something should be done: “A group of us in discussing this situation believe that the best answer is not to attempt to prevent the unworthy religious broadcasts but to provide something better.”\footnote{Limouze and Savage questionnaire, February 9, 1944, Box 1, Folder 9, United Presbyterian Church in the U.S.A. Division of Mass Media Records, RG 303.2, PHS.}

Meanwhile, the Congregational Christian Churches also hoped to improve the radio situation. In August of 1944, the denomination put together a radio department for this purpose, led by ordained pastor and radio activist Everett Parker. They quickly began organizing
workshops. That fall, Parker invited the PCUSA to join in what it was doing for religious broadcasting. “[The Congregational Christian Churches’ Radio Committee] is anxious that our work should not be confined to the ministers and institutions of our own denomination,” Parker wrote. “We feel that there is a great need for some agency which will help local religious groups, of whatever faith, to improve their use of radio...”

In January of 1945, the group had its first workshop, held in New York. A number of workshops followed, including a gathering in Chicago in August of 1946. “Religious broadcasting demands of the churches their best,” the Workshop in Chicago declared. “Trivial, ineffective, and low-quality programs and leadership have no place...The Church must insist upon the integrity of its faith and the right to voice the truth as it sees it over the radio. It must resist efforts to reduce its programs to pleasantries. It must accept responsibility for programming its periods on the air.” The Workshop determined that church councils should have a prominent role in the development of religious broadcasting on local outlets. “…[T]he Workshop members were convinced that programs on local stations should be presented under the widest possible interdenominational auspices,” Parker wrote, “preferably through a council of churches or ministerial association.” He also wrote: “High standards of quality are necessary. They should be set by the council of churches in cooperation with the radio station, and only those persons who are willing to adhere to them should be allowed to broadcast.”

67 “Cong’l Church Sets Up Radio Division To Explore Educ’n Via Programming,” Variety, August 16, 1944, 29.
68 Parker to Savage, October 20, 1944, Box 1, Folder 9, United Presbyterian Church in the U.S.A. Division of Mass Media Records, RG 303.2, PHS.
70 For an example of another workshop, see “Durr Will Address Religious Session,” Broadcasting, January 7, 1946, 24D.
FCC Commissioner Clifford Durr addressed the 1946 Chicago Workshop, as well as a New York Workshop held in January earlier that year. In New York, he argued to his audience that radio stations - despite the need to generate revenue through advertising - had public interest responsibilities. “...[T]he radio of the future will continue to be supported, in major part, by advertising revenue,” he said. “This is wholly appropriate to a competitive economy such as ours, but we must be on our guard lest our future radio system become predominantly, or even exclusively, an advertising medium rather than a medium of public service supported by advertising,” he also said. These responsibilities included religious programming: “We have the right to insist that, as part of the public responsibility which he assumed when he accepted his license, each broadcaster be required to make available adequate time at good listening hours for the discussion of important public questions, for education, for religion, and for other programs of a public service nature.”

The committee worked to put together broadcast transcripts. By January of 1945, the group was creating a drama based on the Bible at NBC’s studios. At the 1946 Chicago Workshop, participants wrote scripts, some of which were recorded. Station WAAF broadcast seven programs - sponsored by the Church Federation of Greater Chicago - which were created at the Workshop.

Parker clarified how the Chicago Workshop helped to professionalize religious radio. “The [Chicago] Workshop has provided a base for an intelligent approach to religious broadcasting,” Parker wrote. “Until only two or three years ago religious radio programs have

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75 “Better Church Programs Goal Of Radio Religious Workshop.”
been presented on a hit-or-miss basis without policy, plans or goals. They have been conducted by those persons who happened to be on hand when radio time was made available, or who had enough money to purchase such time,” he also wrote. “Now, it is generally accepted that if religious organizations are to use radio successfully, they must have personnel trained in radio techniques. The 1946 Religious Radio Workshop was a first step on the road to provide such trained leaders.”

The International Council for Religious Education (ICRE) was another interdenominational organization that cared for local religious programming in the mid-1940s. In addition to speaking for many denominations, the Council represented many local religious education committees. Its goals for religious radio reflected those of the Communications Commission - public interest content.

_Billboard_ magazine reported that the FCC influenced the radio industry to seek the kind of programming that the ICRE planned to provide. “Broadcasting itself has been a little worried about where to get worth-while religious programs because it sees the shadow of the FCC over its shoulder,” the magazine wrote, continuing, “it can imagine how the FCC can crack down if religious, public service programs are not given sufficient time.”

The ICRE-produced program “Victorious Living” began on January 2, 1945, and was featured by 25 stations. By June of that year, 88 outlets hosted the broadcasts. The program was honored at the Institute of Education by Radio in 1945. Officials lauded it “for the effective

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80 “Religious Council Sets Plan To Fight Air Abuse With Showmanship, Public Service.”
81 “Giveaway Gimmick On Churcher Basis for 10,000,000 Aug Claim,” _Variety_, June 13, 1945, 41.
use of simple, authentic stories by which to convey religious principles and for the format which makes for wide usability.”  

Commission standards and strong industry professional norms led the ICRE, the NRB, and other religious groups to professionalize in the 1940s. This was more evidence that in this decade, following an increase in commercial religious broadcasting, religious radio renewed its commitment to public interest religious broadcasting. Is there any data that supports this story?

**Evidence for Public Interest Religious Programming**

It is difficult to reach conclusions using data because of the lack of a long term study, aside from some work done on the networks. Separate surveys done by different researchers in different years can be compared, but one must keep in mind the lack of uniformity between these types of sources.

According to one study, by 1954, stations broadcast religion on a commercial basis 51 percent of the time.  

This was down from 63 percent in 1944, a number - referenced above - found in a separate study. The percentage of stations not willing to sell time to religion also increased. By 1948, 26 percent of stations would not sell religious time “under any circumstances.”

This was up from the 20 percent of stations that did not sell religious time in 1944, a result found in a separate study.

On the networks, 95 percent of religious time was sustaining between 1928 and 1934. This dropped to almost 52 percent between 1946 and 1952, an outcome that resulted from

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82 Quoted in “Giveaway Gimmick On Churcher Basis for 10,000,000 Aug Claim.”
83 “Religion on the Air: Abilene Christian’s Findings About Religious Programming,” *Broadcasting*, November 15, 1954, 54. There was no indication for four percent of the time whether it was commercial or sustaining.
85 “Radio Station Policies: With Respect to Politics, Controversy, Religion, etc.” (Columbus, Ohio: Department of Speech, Ohio State University, 1948); see also “Politics Policy: Comprehensive Survey By Ohio State U.” *Broadcasting*, September 13, 1948, 26, 36.
Mutual and ABC selling religious time.\textsuperscript{87} While the percentage of sustaining religious time dropped, the average number of such shows was relatively consistent between 1935 and 1952.\textsuperscript{88}

Critics might not be convinced that these results indicate that a movement for public interest religious programming took place in the 1940s. This data shows that stations took religious public interest programming more seriously - or maintained a commitment, as the networks did - but an extensive movement? There are other ways - besides the limited set of data on sustaining religious programming - to show how broadcasters renewed their commitment to public interest religion in the 1940s. Of course, there is anecdotal evidence that this chapter recounted: the pressure from the Commission and trade organizations, and the numerous stations that changed their policies. And, there are other data sets that indicate that stations cared for public interest programming. For example, by 1954, 60 percent of broadcasters said “local ministerial alliances arranged their religious programs.”\textsuperscript{89} In addition, while the paid vs. sustaining time dichotomy is an accessible way to understand the issue, it is reductionary. For example, a station could still show its commitment to public interest religious broadcasting through the time it sold for religion, a topic we will explore in chapter 6 of this dissertation.

Whether or not there was a large-scale movement in the 1940s, the evidence clearly indicates that over the course of the 1930s, ‘40s, and ‘50s, as a general proposition, radio stations were committed to public interest religious programming. Commission prodding and strong professional norms led to stations embracing a well-balanced program lineup, including religious

\textsuperscript{89} “Religion on the Air: Abilene Christian’s Findings About Religious Programming.” Of course, this was 60 percent of broadcasters that were surveyed.
content - often spread among a variety of faiths or creeds - broadcast for the well-being of listeners.

In 1939, the National Association of Broadcasters passed a Code that regulated the practices of member stations. This Code - which will be discussed in more detail in the next chapter - reflected the professional norms regarding religious broadcasting discussed in this chapter. “...[I]t should be the purpose of the religious broadcast to promote the spiritual harmony and understanding of mankind and to administer broadly to the varied religious needs of the community,” a provision of the Code regarding religious broadcasting read. The provision also had a requirement that it keep certain religious speech off the air: “Radio, which reaches men of all creeds and races simultaneously, may not be used to convey attacks upon another’s race or religion.”

The religious mandate of the Commission - that is, holding stations accountable that they broadcast public interest religion - was a positive requirement that stations feature certain kinds of programming. The Commission - just like the 1939 Code of the NAB - also had standards against particular content: in regards to religion, this was a concern to protect listeners’ beliefs. While this was more difficult to achieve given legislation against censorship, the Commission had other means of instituting its will, a topic we turn to in the next chapter.

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Chapter 3: Going After the Deviants (and Suppressing An International Populist Impulse)

On November 19, 1938 FCC Chairman Frank McNinch spoke over CBS. In his talk, which took place at a meeting of the National Association of Broadcaster’s Fourth District, he directly addressed the threat of religious discrimination over the air; a threat, he reminded the audience, that had become a reality in Germany. “Should there ever be, however, any attempt by anyone to so debase radio as to use it as an instrument of racial or religious persecution, the Communications Commission would employ every resource it has to prevent any such shocking offense,” McNinch said, adding that “under no circumstances will I sacrifice my conviction that radio must be kept free and never be permitted to become the instrument in the designing hand of any who would lift it against the minorities, against the Jew, the Gentile, the Roman Catholic, or any group that is a part of us.”

Years of economic and social anxieties preceded the McNinch speech. Financial uncertainty from the Great Depression is the most evident of these anxieties. Not as well-known are the fears many had that foreign entities were manipulating American institutions. For example, many feared an international Jewish conspiracy in banking and other leading institutions. By 1938, this type of reactionary scapegoating had manifestations around the world. National Socialists in Germany had been in power for five years. And, in Britain, Sir Oswald Mosley led the British Union of Fascists.

Throughout the 1930s and 1940s, the Commission intently kept watch as this movement materialized over the radio in the United States. While it was restrained from overt censorship by

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1 “McNinch States Free Radio is Vital; Warns Against the Danger of Monopoly,” Broadcasting, December 1, 1938, 71; “Sarnoff, McNinch At NAB Gathering,” Broadcasting, December 1, 1938, 67.

the 1927 Radio Act and the 1934 Communications Act, it had other means to assert its will. It could hold stations accountable through its licensing power. Or, it could work to influence private industry for self-regulation. The Commission used these tools to keep the movement in check.

The major thrust of control came in the late 1930s when the National Association of Broadcasters (NAB) - a radio industry trade organization - implemented a content code that was a powerful instrument to control the populist movement. The Commission was active in the buildup to this moment, weathering complaints about the controversial speakers, corresponding with the stations that featured them, and applying pressure on the industry to regulate its content. 1939 was a decisive year. Jewish persecution escalated in Germany and the International community failed to alleviate the situation. For example, in regards to the latter, the American and Cuban governments were not cooperative with the *St. Louis*, a German ship carrying Jewish refugees across the Atlantic; 254 of these refugees died in the Holocaust. In September, World War II started when Hitler invaded Poland. And, later that fall, the NAB implemented its code. While it was not a direct response to these international events, it was correlated with them.

NAB self-regulation had significant consequences. As we will discuss, it directly impacted populist broadcasters such as Father Charles Coughlin. This type of control was part of the American system of religious broadcasting - restricting discriminatory content for the protection of listeners.

Populist Religious Aggression

On June 18, 1933 a network of 169 stations broadcast the message of Jehovah’s Witness leader Judge Joseph Franklin Rutherford. His feelings on the Catholic Church came through loud and clear:

Jehovah God has written His judgment against Satan and every part of his organization, both visible and every part of his organization, both visible and invisible; and at the battle of the great day of God Almighty, led by Jesus Christ, that judgment will be executed, and every part of the wicked organization shall go down to destruction. Then the Catholic organization, as such, will be no more, and only those honest Catholics who turn their ears away from man worship and who turn them wholly to the worship and service of Jehovah God and Christ will survive.

Over the course of the 1930s, the Commission kept watch on Rutherford. They had grown concerned about his religious aggression, especially after they received hundreds of complaints about two of his broadcasts. “...[T]here was some matter that we thought was rather objectionable,” Commissioner E.O. Sykes reflected regarding the matter.

The FRC reached out to Rutherford and the participating stations for basic information regarding these broadcasts. The Commission said it was a basic fact-finding endeavor - to confirm what was said and which outlets had featured the programs. The FRC wrote:

Copies of certain speeches made by Judge Rutherford by means of electrical transcription entitled ‘Way of Escape’ and ‘Holy Year’ have been received in the Commission, together with information to the effect that said speeches were broadcast over your station respectively, June 18 and June 25, 1933.

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6 This is from a hearing regarding a Congressional bill to amend radio policy supported by the Jehovah’s Witnesses; see chapter 4 for a more complete look at this proposed legislation. Hearings...on H.R. 7986, 189. See the same page for the Commission receiving complaints.
7 Hearings...on H.R. 7986, 189.
These have been examined, and it is requested that you advise the Commission immediately whether in fact the said speeches were broadcast over your station and on the dates alleged.\(^8\)

Some of the stations receiving the letter felt it was potentially a warning against featuring Rutherford. For example, a manager for stations in Colorado and New Mexico wrote that the Commission’s letter regarding Rutherford “made us presume that the Watchtower programs were looked upon unfavorably by the commission and we have refused to renew the contract for” one of his outlets, “...and are withholding action on the programs which [the Witnesses] wish to start over” the other station.\(^9\) Another station wrote: “The recent lectures of Judge Rutherford have been, to say the least, very pointed and we have been hesitant to broadcast any of them since the receipt of your letter.”\(^10\)

The Commission did not feel these letters of inquiry amounted to censorship or intimidation.\(^11\) In fact, the Commission decided not to pursue license renewal hearings. “...[W]hile it appeared to us that certain parts of these programs were objectionable,” Sykes explained, “at the same time, since they were such a small part of the broadcasting of these stations, we did not consider, after our study, it was of such moment that we should set for hearing before the Commission the applications for renewal of licenses of these 169 stations.”\(^12\)

The Commission also kept its eye on Father Charles Coughlin. The controversial priest did not descend into overt anti-Semitism until 1938, but the Commission still was concerned about his radio broadcasts in the early-to-mid 1930s. One objector wrote in 1935 that Coughlin

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\(^8\) *Hearings...on H.R. 7986*, 107.
\(^10\) General Manager, KFH to Petty, November 4, 1933, Program Complaints: Rutherford, Nov. 1, 1933 to March 1st, 1934, NARAII.
\(^11\) *Hearings...on H.R. 7986*, 190.
\(^12\) Ibid., 191.
incited his listeners to an overthrow of the American Republic: “We have just listened with
horror to the seditious appeal, by a Catholic Priest, to millions of the unfortunate and the ignorant
to a ‘revolution’.” There was also a concern about his attacks on the American banking system
and government officials. “[Coughlin] has been filling the air with bombastic statements relative
to cheap bankers, etc. and when President Hoover was our President, his denunciations of the
President’s cabinet and others was vitriolic,” another protestor wrote in 1933. “Causing
controversy and dissension at this time, when we are endeavoring to pilot the ship through
troublesome seas, is uncalled for, unnecessary, and certainly unchristian,” he also wrote. 

Commissioner Harold A. Lafount and other radio commissioners tracked the Coughlin
problem. Lafount was in communication with National Catholic of Catholic Men Executive
Secretary Charles F. Dolle regarding the Detroit priest and the American Catholic Church’s
opinion of him.

Commission Chairman Charles McKinley Saltzman wrote in a memo to his colleagues
that he was “of the opinion that [Coughlin] is as objectionable as Shuler” upon seeing some
protests against the Detroit priest. Protestors also compared Coughlin to “Fighting” Bob Shuler,
the Methodist pastor out of Los Angeles who lost his broadcasting license in 1932 due to his
aggressive radio talks. For example, Mrs. Florence E. Richards did this in a letter of protest sent
on December 30, 1932.

Lafount replied to Richards, offering a key distinction: Shuler owned KGEF, the radio
outlet taken away from him. The FRC had the authority to review a radio station license, not an

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13 Rettuson to the Honorable Attorney General, March 31, 1935, Box 199, Program Complaints: Coughlin, Rev. Charles E., January 7, 1931 to August 31, 1935, General Correspondence, 1927-1946, RG 173, NARAIL.
14 Horn to Radio Commission, April 1, 1933, Program Complaints: Coughlin, Rev. Charles E., January 7, 1931 to August 31, 1935, NARAIL.
15 Dolle to Lafount (n.d.), Program Complaints: Coughlin, Rev. Charles E., January 7, 1931 to August 31, 1935, NARAIL.
16 Saltzman to the Commission, February 24, 1932, Program Complaints: Coughlin, Rev. Charles E., January 7, 1931 to August 31, 1935, NARAIL.
individual broadcaster, Lafount explained. However, he offered a solution: she could organize with like-minded listeners to protest to the Commission regarding the station over which they heard Coughlin. That way, “the Commission will doubtless set for hearing the application for renewal of license and the station will be subjected to the same character of hearing that Reverend Shuler was subjected to,” Lafount wrote, continuing that “if the evidence is sufficient to convince the Commission that the continued operation of the station would not be in the public interest, then certainly it would be denied its application for renewal of license to continue operation.” Protesters would send in complaints to the FCC throughout his time on the air. Every so often, the Commission would follow up on these protests by reaching out to certain radio stations that featured him.

Even at this early stage of Coughlin’s radio career - that is, before his overt anti-Semitism - the Commission contacted the hub of his network, Detroit station WJR. Station General Manager Leo Fitzpatrick was cooperative with the Commission and its policies. He was compliant enough that WJR’s license was not put up for a hearing; in fact, no station was put up for a hearing regarding Coughlin’s broadcasts. While controversial, Coughlin had not caused enough trouble yet for real action to be taken against him.

Even though Coughlin had yet to cross the line into overt anti-Semitism, the Commission was still concerned about this issue in the mid-1930s. For example, in 1935, the Commission reviewed a broadcast of Reverend Martin Luther Thomas of Los Angeles. “There is some

17 Lafount to Richards, January 6, 1933, Program Complaints: Coughlin, Rev. Charles E., January 7, 1931 to August 31, 1935, NARAII.
18 Pettey to WJR, April 3, 1933, Program Complaints: Coughlin, Rev. Charles E., January 7, 1931 to August 31, 1935, NARAII.
19 See, for example, Fitzpatrick to Federal Radio Commission, April 18, 1933, Program Complaints: Coughlin, Rev. Charles E., January 7, 1931 to August 31, 1935, NARAII.
20 At least, I have not come across any evidence of this.
question as to the public interest of this address because a radio attack was made upon persons of the Jewish race,” Andrew Haley of Complaints and Investigations wrote.\textsuperscript{21}

“I do not want any man or woman tonight to think that I am making any attack upon any nationality or any people as such,” Thomas said at the beginning of his broadcast. “I am speaking tonight of conspirators against the ancient liberties of my people,” he continued, “against old-line fundamental Americanism….”\textsuperscript{22} Thomas relied on Jewish stereotypes and conspiracy theories to make his points. “Behind all of this is the scheming mind of this group of internationalists who base their actions upon the age-old promise that this particular group shall inherit the whole world,” he said. “They have conspired to acquire the world and all its wealth by political intrigue and by financial domination.”\textsuperscript{23}

Haley also wrote: “He attacks certain governmental officials on the theory that they belong to an international group which is working to overthrow existing forms of ‘Christian government.’” He continued: “In this connection the names of appointees of the present Administration who are of Jewish extraction were mentioned as being potentially dangerous.”\textsuperscript{24}

Thomas remained on the Commission’s radar for the next few years, but they were hesitant to take action against stations that featured his broadcasts.\textsuperscript{25} “It appears that the material broadcast by Rev. Thomas greatly resembles material distributed by certain patriotic societies,” Haley reasoned. “The widest latitude should be allowed to radio broadcasters talking upon political, economic, religious and social problems. The Commission did not set for hearing a station broadcasting programs sponsored by ‘Friends of the Soviet Union’. In my opinion the

\textsuperscript{21} Haley to Deibler, March 14, 1935, Box 233, Program Complaints: Martin Luther Thomas, General Correspondence, 1927-1946, RG 173, NARAII.
\textsuperscript{22} “Speech of Martin Luther Thomas, February 11, 1935, 8:30 p.m.,” 2, Program Complaints: Martin Luther Thomas, NARAII.
\textsuperscript{23} Ibid., 5.
\textsuperscript{24} Haley to Deibler, March 14, 1935.
\textsuperscript{25} At least, no record exists of direct action in his complaints file at the National Archives.
single speech in question does not call for disciplinary action upon the part of the Commission.”  

**McNinch, the Commission, and the White House Confront Religious Attacks**

Frank McNinch was confirmed as FCC Chairman in 1937. His religious background influenced his time at the FCC. He was an ordained ruling elder in his mainline denomination, the Presbyterian Church in the United States of America (PCUSA). He had also taken an active role in the 1920s Fundamentalist-Modernist debates, fighting against the former.

“Stormy Scenes Mark Meeting of ‘Committee of One Hundred’ Here,” the front page of *The Charlotte Observer* of May 5, 1926 read. Fundamentalists - organized as the “Committee of One Hundred” - had gathered to strategize on how to fight the teaching of evolution in North Carolina’s public schools. It was an impassioned day of morning and afternoon meetings.

Some in attendance were not in agreement with the Fundamentalists, and tensions flared between the two sides. With the beginning of the afternoon meeting, presiding officer Reverend H.B. Searight declared: “those here who are not in sympathy with us might find the proprieties suggesting that they go elsewhere and form an organization of their own,” a statement that was greeted with applause and amens.

At one point during the meeting, a ruckus developed. McNinch - who had served as Charlotte’s mayor - was able to gain everyone’s attention. His words revealed his view of religion’s role in American life. He said he agreed “with those declarations in the proposed platform which would safeguard the Bible as the revealed word of God from assault by any in our public institutions.” However, McNinch did “not approve and cannot endorse the method

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26 Haley to Deibler, March 14, 1935.
27 “My Eldership,” Box 1, Folder 2, Frank McNinch Papers, J. Murrey Atkins Library Special Collections and University Archives, UNC Charlotte, Charlotte, North Carolina.
proposed for effectuating this high purpose,” he said. “I deprecate the feeling and appeal to you for a calm, sober, and dispassionate consideration of the proposed platform declaration for legislation as a last resort upon a purely religious question.”

McNinch called it “an evil day in North Carolina when theology becomes the subject of legislation.” He continued: “Such a course would be a violation of our fundamental law, the constitution, and would let loose a paralyzing and deadly plague of religious intolerance, bigotry, and denominational strife.”29

McNinch maintained these liberal religious views during his time as FCC Chairman. Early in this role, McNinch expressed his desire for stations to avoid content that attacked a listener’s religious beliefs. In February of 1938, he addressed the National Association of Broadcasters (NAB). The NAB had passed a Code of Ethics in 1935. Regarding offensive content, the Code read: “Recognizing the radio audience includes persons of all ages and all types of political, social and religious belief, every member station will endeavor to prevent the broadcasting of any matter which would commonly be regarded as offensive.”30 McNinch approved of the Code, particularly this section. “This is a sound declaration for the protection of the rights of minorities, which has always been one of the proudest boasts of our American traditions,” he said.31

McNinch said he was opposed to Commission censorship, and that the improvement of program standards was in the hands of industry.32 Still, this did not stop him, nor the

30 “McNinch Warns Industry to Toe the Mark,” Broadcasting, February 15, 1938, 104.
31 “McNinch Warns Industry to Toe the Mark,” 104.
32 “McNinch Warns Industry to Toe the Mark,” 103.
Commission as an institution, from pursuing other means to protect listeners’ religious sensibilities.

At the end of the decade, the hope for religious toleration became desperate. In Germany, National Socialists intensified persecution of Jews. Anti-Semitism also emerged domestically. In February of 1939, 22,000 gathered in Madison Square Garden in New York City for an assembly sponsored by the German-American Bund. “Wake Up America - Smash Jewish Communism,” a banner read at the rally. “Stop Jewish Domination of Christian America,” another read.\(^33\)

Meanwhile, Rutherford continued to attack Catholics over the air. While he had scaled back his time on the air in the fall of 1937, he still periodically aired his talks.\(^34\) For example, Rutherford “charged that all religionists are working for the devil and accused the Catholic hierarchy of making common cause with Fascists, Nazis, and Communists to rule the world,” the National Catholic Welfare Conference News Service reported of a speech from June, 1938, originating out of Seattle.\(^35\) Station KOL apologized: “The regrettable lapse in policy that countenanced a broadcast so offensive to our listeners has been corrected.”\(^36\)

Sometimes stations dropped Rutherford before he could finish his talk. For example, New York station WMCA stopped a broadcast “when it became evident that his speech was an attack on Roman Catholics and was designed to stir up religious hatred in this country,” the station

\(^33\) “22,000 Nazis Hold Rally in Garden; Police Check Foes,” *New York Times*, February 21, 1939.
\(^34\) On his radio scaleback, see James LeRoy Stasko, “Radio broadcasting as used by Jehovah’s Witnesses” (Master’s thesis, Boston University, 1958), 70-71.
president explained.37 Boston station WORL also halted a Rutherford broadcast before it had finished, as did Colorado stations KVOR and KLZ, as well as Oklahoma station WKY.38

While Rutherford found stations for his broadcasts, outlets that featured him were under pressure. Catholic leaders protested these talks, sometimes directly with station representatives.39 A boiling point was building for the Jehovah’s Witnesses leader.

Meanwhile, Father Coughlin had become more controversial by the end of the decade. On November 19, 1938, McNinch gave the radio address quoted at the beginning of this chapter, in which he said: “Should there ever be, however, any attempt by anyone to so debase radio as to use it as an instrument of racial or religious persecution, the Communications Commission would employ every resource it has to prevent any such shocking offense.”40 Just one day later, Coughlin would shock many with a radio speech of his own.

In the early-to-mid 1930’s, Coughlin was controversial for his views on monetary policy and his harsh critiques of President Roosevelt. However, in 1938, his critics had another significant reason to be concerned: anti-Semitism.41 For example, Coughlin’s magazine Social Justice published parts of the Protocols of the Elders of Zion.42 And, his radio talks became increasingly anti-Semitic in nature.

Before Coughlin’s November 20 broadcast, German Jews had been subject to deadly and violent pogroms in a night that became known as Kristallnacht, or Crystal Night, a reference to

37 “Flamm Explains Refusal to Broadcast Coughlin,” Broadcasting, December 1, 1938, 79.
39 For example, see Heffron to Carroll, September 29, 1938, Box 135, Folder 23, Collection 10, Catholic University of America Archives, Washington.
40 “McNinch States Free Radio is Vital; Warns Against the Danger of Monopoly,” Broadcasting, December 1, 1938, 71.
42 Donald Warren, Radio Priest: Charles Coughlin, the Father of Hate Radio (New York: The Free Press, 1996), 224-225; Brinkley, Voices of Protest, 266.
the shattered glass of Jewish synagogues and businesses. While Coughlin condemned religious persecution in the broadcast, he cited anti-Semitic tropes common to Nazis and other anti-Semites of the time without criticism: He implied that Jews might be to blame for their own maltreatment. For example, he presented Nazi Germany’s belief that Jews were culpable for the rise of Communism - hated by Hitler and the Nazis - as well as German misfortune following World War I. “It is the belief, be it well or ill-founded of the present German government, not mine,” Coughlin said, “that Jews not as religionists but as nationals only, were responsible for the economic and social ills suffered by the Fatherland since the signing of the Versailles Treaty.”

For many, Coughlin had crossed a line. This included New York station WMCA president Donald Flamm, whose station had carried the inflammatory broadcast, albeit with a disclaimer both before and after the program. Flamm instituted a new policy: WMCA would have the right to revise Coughlin’s scripts, which were to be turned in prior to his broadcasts. And, the station would drop the program if he declined to abide by these rules.

WMCA did not broadcast Coughlin’s November 27 talk; instead, during his allotted time slot, an announcer presented an explanation from Flamm regarding why it was withholding the program. The FCC’s policies were influential on this decision. Flamm explained the Commission’s licensing power and its expectation that every radio station would uphold the public interest. He had doubts that Coughlin’s anti-Semitic talks were in line with this policy. Flamm described, in detail, how WMCA attempted to assert some control over Coughlin, and how this led to the station dropping the broadcast:

Last Sunday, Father Coughlin broadcast over this station a speech that was calculated to stir up religious and racial hatred and dissension in this country. We

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44 Warren, 158-160.
thereupon notified Father Coughlin that we would carry no more such broadcasts and that hereafter we would have to submit his script to us in advance in order that we might determine its character.

Father Coughlin failed to submit his script to us, although we repeatedly urged it upon him and gave him until noon today to do so. And by such refusal on his part, he has made it impossible for us to live up to our inescapable responsibility under the terms of our license from the United States Government. 45

WMCA even “paid particular heed,” as Flamm put it, to McNinch’s talk of November 19 in the station’s determination to control Coughlin’s broadcasts. 46

The ACLU was concerned that McNinch was chilling free speech, writing as much in a letter to members of the Commission. “[M]any stations have been restrained in dealing with Father Coughlin, Judge Rutherford and other speakers by the pronouncement of the Commission’s chairman,” the Union wrote. The ACLU felt that announcements like McNinch’s “are wholly contrary to the intent of Congress as expressed in the provision of law prohibiting to the Commission any power of censorship over utterances on the air.” 47

McNinch personally felt driven to sympathy for the Jews in Germany. He was also concerned about the rising tide of foreign despotism. On December 11, The Federal Council of Churches invited him to speak on NBC in celebration of Universal Bible Sunday. He spoke on the rise of religious persecution abroad. “Today, as we look toward Europe, we witness the temporal power in some of the states assaulting the Bible and religion,” he said. “The gathering storm of atheism and bigotry blackens the horizon in the East,” he continued. “Many have been terrified and driven from their homes, with no place to lay their weary heads. They are scourged with the whip of ostracism and seared with the hot iron of hate; and only because they are Jews,

45 “Flamm Explains Refusal to Broadcast Coughlin.”
46 “Flamm Explains Refusal to Broadcast Coughlin.”
47 Qtd. in “FCC Is Cautioned To Avoid Duress,” Broadcasting, February 1, 1939, 40.
or, if Christians, whether Roman Catholics or Protestants, because they refuse to surrender their religious faith.”

McNinch issued a challenge for his audience - defend America against a domestic manifestation tyrannical discrimination. “By a solidarity of the spirit of religious freedom at home, and by proclaiming this inalienable right of all men everywhere, let us erect an insurmountable barrier against the invasion of our shores by the hydra-headed monster, religious persecution,” he said.

McNinch offered a disclaimer that these were his private opinions. However, his very public words offered insight into his state of mind as he led the Communications Commission. He wrote his pastor following the radio address: “I feel there is a considerable undercurrent in America which is running not only against the Jews but against Christianity; and hence I am convinced that all of us who believe in religious tolerance and in Christianity need to be vocal as appropriate occasion offers.”

More pressure came from the Commission regarding Coughlin in the summer and fall of 1939: It ramped up its inquiries to radio stations that had featured the Detroit priest. For example, in September it began an inquiry into Pittsburgh station WJAS regarding allegations that it had, among other things, failed to provide balanced, open programming. Reverend Walton E. Cole - who wanted to offer a different perspective than Coughlin - claimed WJAS had turned down his program, even though they had a contract. “It is requested that you advise the Commission as to the practices and policies of Station WJAS with respect to the use of its facilities for the discussion of controversial questions,” the Commission wrote to the station. It continued:

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49 McNinch, “Religious Freedom.”
50 McNinch to Marshall, December 17, 1938, Box 1, Folder 2, Frank McNinch Papers.
“Included in this statement should be information concerning what steps, if any, are taken by Station WJAS to insure that controversial issues discussed over this station are discussed in a well-rounded and not a one-sided manner.”

The Commission also acknowledged another solution to the problem that had been building over the course of the year - industry self-regulation. In response to a complaint about Coughlin in June of 1939, the FCC responded - as it usually addressed such protests - that it could not censor radio broadcasts. However, it noted that the National Association of Broadcasters “has been making a comprehensive study of program structure, and in an effort to bring about drastic changes with respect to program policies and practices, a self-regulation code has been drafted for the guidance of its members.” It continued: “If adopted...the code will provide for certain changes with respect to religious programs, the broadcasting of controversial public discussions and other programs of general public interest.” This code would bring about the end of Coughlin’s broadcasting career.

The NAB Code

On December 22, 1938, NAB President Neville Miller released a statement that addressed the religious radio situation. “The particular problem which we confront today is that of preserving the precious right of freedom of speech,” Miller wrote. “However, the same Constitution which guaranteed us freedom of speech, also guaranteed other rights, such as freedom of religion, and in protecting one right we must not violate the other rights.” He also wrote: “...[W]e must also be cognizant of the fact that radio by its very nature reaches all classes of our fellow citizens, regardless of race, religion or conviction, and that there is no obligation to

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52 Slowie to Radio Station WJAS, September 13, 1939, Box 201, Program Complaints: Coughlin, March 1, 1939 to September 30, 1939, General Correspondence, 1927-1946, RG 173, NARA II.
53 Slowie to Montgomery, June 16, 1939, Program Complaints: Coughlin, March 1, 1939 to September 30, 1939, NARA II.
broadcast a speech which plays on religious bigotry, which stirs up religious or racial prejudice or hatred. Such a speech is an abuse of the privilege of free speech and unworthy of American radio.” For Miller, it was particularly important for broadcasters to have high standards at the then-present moment of international uncertainty with the tension of the looming war. “In these troubled times throughout the world, there is a great need for national unity.”54

Over the course of 1939, the NAB would put together a Code that hoped to solve the growing predicament of domestic religious prejudice. The origin of the Code came in November of 1938. At hearings for a Commission investigation of the national chains - which we will explore in chapter 4 - NBC Board Chairman David Sarnoff testified: “An industry code should emerge that advances beyond all previous standards. Such a code should be an act of voluntary self-regulation on the part of the entire broadcasting industry in the United States,” he said, continuing later, “I make this recommendation in the belief that such self-regulation is the American answer to an American problem. In every consideration of radio broadcasting, the ‘public interest’ we are pledged to serve is that of the entire nation.”55 Sarnoff and Miller talked after the former’s address. Soon, an NAB committee was formed to handle the issue of self-regulation.56

FCC Chairman Frank McNinch was also influential in the development of industry self-regulation. On November 7, he met with the principal leaders of the three primary chains - NBC, CBS, and Mutual - to talk about content standards, doing the same on November 10 with Miller. They primarily talked about news standards, but a number of controversial programs preceded

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55 “NBC Operation Reviewed at FCC Probe,” Broadcasting, December 1, 1938, 60.
56 “Self-Regulation Move Comes From Inquiry,” Broadcasting, December 1, 1938, 14; see also David R. Mackey, “The National Association of Broadcasters -- Its First Twenty Years” (PhD diss., Northwestern University, 1956), 362.
the talks, including Mae West’s *Adam & Eve* - which featured sexual innuendo - and Orson Welles’s *War of the Worlds*.57

The FCC itself was also looking into the problem of content standards.58 This was in addition to its chain monopoly investigations. It was apparent that industry self-regulation was about more than just high-minded civic principles - while it was about these ideals, it was also a response to pressure from the Commission.59 “[The Code] gives a dramatic assurance to government...of the sincerity of purpose with which we approach our job of operating in the public interest, convenience and necessity,” Miller wrote to NAB members in June of 1939 regarding a draft of the Code.60

As the NAB gathered in Atlantic City in July to discuss the Code, they also received a speech from White House Press Secretary Stephen T. Early. The press secretary gave one more nudge towards the industry to institute the Code. While Early disavowed government censorship, he reminded the Association of a broadcaster’s responsibility to listeners, and defended the FCC’s role as a licensor in the public interest.61

More specifically, he strongly suggested that Coughlin was a problematic broadcaster, even though he did not mention him by name. “You are just as aware as I am that within the past few years there have been newspaper columnists and radio commentators whose words have been hailed with glee in certain portions of the earth as proof that the United States is friendly to certain principles of international conduct, which, as a matter of fact, the overwhelming majority of Americans dislike and abhor,” Early said.62 This was almost assuredly a reference to

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58 “Program Standards Studied by FCC.”
59 See also Mackey, 360-361.
60 Miller to All NAB Members,” June 10, 1939, Box 396, National Association of Broadcasters, April 1, 1936 to June 27, 1939, General Correspondence, 1927-1946, RG 173, NARAII.
62 “White House Secretary Lauds Industry,” 40.
Coughlin, whom National Socialists had praised. For example, in November of 1938, the *New York Times* reported that “the German hero in America for the moment is the Rev. Charles E. Coughlin because of his radio speech representing national socialism as a defensive front against bolshevism.”

These were not Early’s words; rather, President Roosevelt prepared these comments for him to include in the lecture. With these comments, Roosevelt was prodding the broadcast industry to take care of the Coughlin problem.

The NAB approved the Code at the Convention. It regulated religious broadcasting, reading: “Radio, which reaches men of all creeds and races simultaneously, may not be used to convey attacks upon another’s race or religion. Rather it should be the purpose of the religious broadcast to promote the spiritual harmony and understanding of mankind and to administer broadly to the varied religious needs of the community.” It also regulated the broadcasting of “controversial public issues,” a section that would affect Coughlin. The category read:

As part of their public service, networks and stations shall provide time for the presentation of public questions including those of controversial nature. Such time shall be allotted with due regard to all the other elements of balanced programs schedules and to the degree of public interest in the questions as to be presented. Broadcasters shall use their best efforts to allot such time with fairness to all elements in a given controversy. Time for the presentation of controversial issues shall not be sold...

The Code activated on October 1. Soon, the Code Committee met and discussed its implementation; the “situation of the Detroit priest predominated” the discussions, as

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63 Otto D. Tolischus, “Germany To Keep Dieckhoff At Home,” *New York Times*, November 27, 1938; see also “Father Coughlin, Hero of Nazi Germany” in *Father Coughlin: Self-Condemned* (Kansas City: Friends of Democracy, Inc.), 22, found in Box 50, Folder 8, Collection 11, Catholic University of America Archives, Washington DC.
64 “By the President,” 2, Box 38, Address - National Association of Broadcasters - July 11, 1939, Stephen T. Early Papers, Franklin D. Roosevelt Library Archives, Hyde Park, NY.
The Committee decided that any paid talks regarding American neutrality in the European war violated the “controversial issues” provision of the Code. This had direct ramifications for Coughlin, who was outspoken in his opinion that the United States should not intervene in European affairs.

FCC Chairman James Lawrence Fly - who took over for McNinch in September after he fell ill - picked up where the latter had left off in applying pressure on the industry to regulate itself. He believed that even though there were many different religious organizations, religion had a fundamental purpose to create unity. He asserted that radio stations had a duty to broadcast religion, but not every group that asked for time. “This conclusion results from the extremely large number of religious groups,” he wrote, “and also from the essential identity of the ultimate purpose served by these groups.” He also wrote: “It is at least my own hope, that whatever the personal social and political views of particular ministers of the Gospel and other clergymen the message of belief and pursuit of a moral order dictated by such belief does not become a controversial issue.”

Fly approved of the Code, applauding it in a broadcast over CBS. According to journalists Joseph Alsop and Robert Kintner he was “known to believe that radio propagandists must be dealt with somehow,” with the story continuing that “it is understood that if the code

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69 These quotations come from Fly writing to Carl McIntire in 1944 regarding McIntire’s difficulty obtaining time over NBC. Quotes found in Robert J. Mulholland, “Carl McIntire: The Early Radio Years (1932 to 1955)” (PhD diss., Graduate College of Bowling Green State University, 1984), 158-159, found in Box 650, Carl McIntire Papers, Princeton Theological Seminary Libraries, Special Collections, Princeton, NJ.
breaks down, the F.C.C. will consider transforming the code rules into binding commission regulations.”

Some speculated at the time that President Roosevelt was working backchannels to influence the industry towards self-regulation, including leveraging his relationship with Fly. Broadcasting magazine reported: “The fact that Chairman Fly had visited the White House only two days prior to his sudden decision to accept an invitation to broadcast [over CBS] also appeared significant.” In fact, Fly stopped by to see Roosevelt four times in October of 1939, including three times before the October 26 broadcast. Meanwhile, Alsop and Kintner reported that “the President heartily favors the N.A.B. code…”

In the fall of 1939, Coughlin began losing stations for his broadcast. The next fall, enough high-powered stations refrained from signing a contract with Coughlin that he decided to step back from radio altogether. “… Practically every large radio outlet contacted, either directly or indirectly, refused to sign contracts,” Coughlin’s magazine Social Justice read. “Although many small stations were willing to sign contracts, however, it would be a tremendous financial waste to accept their offers simply because their coverage is generally inadequate.” Coughlin commented: “As much as I would desire to resume my place before a microphone, I recognize how futile my efforts would be if they were restricted to a group of small stations handicapped by a lack of power.” Some stations directly cited the NAB Code in responding to Coughlin’s request for a contract. “Sorry that we do not feel that we can take Father Coughlin’s series

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73 Discovered through a search at Franklin D. Roosevelt Day by Day: A Project of the Pare Lorentz Center at the FDR Presidential Library, accessed November, 2019, http://www.fdrlibrary.marist.edu/daybyday/.
76 “Comment: No Coughlin Broadcast, Many Important Radio Stations Refuse Time,” Social Justice (September 23, 1940), 3-4.
beginning October 20th,” WHAM of Rochester, New York said. “It is our intention to comply with the N.A.B. Code in this respect.”

In addition to Coughlin, the Code mostly silenced Rutherford. While he could still broadcast over his New York station WBBR, he no longer put together a large network of stations.

Two of radio’s loudest populists had been suppressed. Their attacks on religious groups were heightened with extra meaning in an era of uncertainty about liberal democracy. These attacks also, ultimately, led to their silencing. The ouster of Coughlin and Rutherford from the airwaves was a product of strong civic ideals. Their removal was also a product of government intervention. It had other ways to assert its will regarding content aside from direct intervention, and it exercised these options, particularly for Coughlin.

The Commission would continue to pressure controversial speakers in the 1940s. This was particularly true during World War II as the American war effort demanded certain compliances among radio stations domestically. The Commission targeted fascists and alleged Nazi-sympathizers, pressuring fundamentalist - though not necessarily fascist - religious broadcasters as a result.

**Domestic Surveillance During World War II**

The evening of April 12, 1942, around 700 people gathered at Trinity Methodist Church in Los Angeles. Pastor Don Householder initiated the offering and prayed: “We need money to fight our way back to the radio. I hope we will get back.” At this, Bob Shuler, also a pastor of

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77 Qtd. in “Comment: No Coughlin Broadcast, Many Important Radio Stations Refuse Time”
79 Stasko, 73; see also 1941 Yearbook of Jehovah’s Witnesses (Watch Tower Bible & Tract Society: Brooklyn, 1940), 83 and 1942 Yearbook of Jehovah’s Witnesses (Watch Tower Bible & Tract Society: Brooklyn, 1942), 56.
Trinity Methodist, exclaimed, “We are going to be back!” to the applause of those in attendance.\footnote{Report of Bob Shuler Meeting at Trinity Methodist Church, Sunday Evening, April 12,” April 13, 1942, Box 95, Folder 6, Collection: “Jewish Federation Council of Greater Los Angeles, Community Relations Committee Collection, Part 2, circa 1920-1950,” (CRC 2) California State University, Northridge, Special Collections & Archives, Oviatt Library (CSUN).}

Shuler had just been kicked off the air again. In 1931, the Radio Commission revoked his radio license for station KGEF. Having been forced off of his own station, Shuler bought time on local Los Angeles commercial stations. However, in early 1942, station KMTR took him off of their schedule. Shuler was a Protestant Fundamentalist who was cast by critics as something more sinister - a right-wing seditionist.

Shuler believed that KMTR sidelined him via FCC pressure on the station: “…It is certain that the local authorities of KMTR believe that they will lose their license if they do not put me off the station,” Shuler wrote. In fact, the Commission had refrained from renewing KMTR’s license; rather it gave the outlet a temporary license and investigated the station. According to Shuler, KMTR’s legal counsel - after speaking to the Commission - advised that the station cancel his programming. “Under these circumstances how can any man feel that anything else has happened except that the Commission has given KMTR to understand that if they continue me on their station, they do so at their own peril,” Shuler wrote.\footnote{Bob Shuler, “Radio Talk Prepared, But Delivery Prohibited...KMTR 8:45 a.m. - Sunday [April] 12, 1942,” Box 95, Folder 6, CRC 2, CSUN. Shuler wrote proposed radio talks even though he knew they would not go out over KMTR. See also “Report of Prayer Meeting of Bob Shuler’s Trinity Methodist Church, April 5,” April 6, 1942, Box 95, Folder 6, CRC 2, CSUN.}

The FCC was looking into Shuler’s alleged isolationist broadcasts, as well as controversial content from other speakers over KMTR. In a call for the investigation of KMTR in April of 1942 after receiving complaints about the station’s service, the Commission stated: “There is some reason to believe that the programs carried by this station during the past year have been decidedly unbalanced and in favor of the isolationists’, and later of the defeatists’,...
points of view.” The FCC also stated that it had received complaints about others, including accused Communist Ed Robbin.\textsuperscript{83} The Commission was concerned that the station was not presenting a balanced perspective on America’s role in WW2:

...Are there other speakers who have cast reflections on the Army, the Navy, or other governmental services directly connected with the war, in such a manner as to make listeners believe that ours was a hopeless cause? Have such speakers deplored the sending of troops to other fronts or given the impression that it would be hopeless to stop the Japanese in the Western Pacific, or the Germans in Europe?\textsuperscript{84}

According to troubled listeners, Shuler expressed right-wing seditious sentiments. According to one critic, he “preached weekly a theme tending to divide the present unity of the American people in a war against Fascism -- and we are today fighting Fascism and not Communism, Catholicism, Protestantism, Paganism or Vegetarianism.” The critic continued, comparing Shuler to Coughlin: “It is obvious that the Rev. Dr. Shuler and Father Coughlin followed the same line, which is sedition.”\textsuperscript{85}

Shuler spoke aggressively about his perceived enemies, remarks which could easily be interpreted as anti-Semitic. “The Jews gave us Jesus Christ, our Lord,” Shuler said at the April 12 gathering at his church. “They are God’s chosen people, they are a good fine loving people. My heart bleeds for them for what Hitler has done to them.” Shuler’s son fought in WW2: “I hope my son to die to avenge the wrong that Hitler has done to the Jewish people in Germany.” These kind words, however, set up the following: “But this little bunch of political Jews who took over Russia, and started the revolution, they are different. This same bunch of Jews have

\textsuperscript{83} Taylor to the Chairman, “Station KMTR, Los Angeles, California,” April 14, 1942, Box 231, Complaints & Investigations: Robert P. Shuler, General Correspondence, 1927-1946, RG 173, NARAlII.
\textsuperscript{84} Krieger to McDowell, April 18, 1942, Box 231, Complaints & Investigations: Robert P. Shuler, General Correspondence, 1927-1946, RG 173, NARAlII.
\textsuperscript{85} Seldes to Miller, May 19, 1942, Box 231, Complaints & Investigations: Robert P. Shuler, General Correspondence, 1927-1946, RG 173, NARAlII.
taken over America, and have to a large extent taken over Hollywood, and I could name them. I could name the man who took me off the air, a Jew communist.”

The Commission was steadfast that it had not silenced Shuler, but rather KMTR via the advice of its lawyers: “...the Commission has taken no action except to request script of certain of the talks [of Shuler and Robbin].” And, the FCC maintained that there was no meeting to talk about Shuler’s broadcasts with KMTR’s legal team. In fact, after the FCC looked into the matter, the evidence did not implicate Shuler too strongly. “The broadcasts of Reverend Bob Shuler do not to any large extent represent the Nazi line,” one report stated. “The internal evidence strongly suggests that Rev. Shuler’s ideological roots are those of fundamentalist religion rather than being Axis-inspired,” another investigator added.

Still, license holders very often perceived FCC investigations as threats for revocation. So, while KMTR’s attorneys in Washington maintained that the Commission did not silence Shuler, they also advised that KMTR should take controversial speakers off the air, namely Shuler and Robbin, to protect the station’s license. Washington lawyer Frank Roberson explained to KMTR’s local attorney, Reed Callister, that “Rev. Shuler was the first person ever to have a radio station taken away from him and that I felt that his standing with the Commission would probably cause it to scrutinize very minutely any broadcasts by him.” Roberson continued: “I told [Callister] that my only concern was the license of the station and that my advice to him was to cancel immediately any contract with Rev. Shuler, and to advise the

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86 “Report of Bob Shuler Meeting at Trinity Methodist Church, Sunday Evening, April 12.” It is unclear, but this could be a paraphrase.
87 Seymour Krieger, “Memorandum to Mr. McDowell, Subject: Radio Station KMTR, Los Angeles, California,” April ?, 1942, Box 231, Complaints & Investigations: Robert P. Shuler, General Correspondence, 1927-1946, RG 173, NARAII.
88 Fly to Ford, Box 231, Complaints & Investigations: Robert P. Shuler, General Correspondence, 1927-1946, RG 173, NARAII.
89 Newcomb to Spear, April 30, 1942, Box 231, Complaints & Investigations: Robert P. Shuler, General Correspondence, 1927-1946, RG 173, NARAII.
Commission of his action.” Still, Roberson maintained that this was not censorship on his part, nor on the part of the FCC: “Of course, I did not ‘Order’ Mr. Shuler to be taken off the air nor did I tell him anyone at the Commission had ordered or requested that such action be taken.” He continued: “What I did was on my own responsibility and I gave him what I then thought was good advice and I still think so.”

The Commission also monitored another speaker over KMTR who was accused of being anti-Semitic. When G. Allison Phelps agreed to a contract with the station, he told management he would be speaking on philosophy and reading poems. “Political and religious controversy will not be given,” the contract read. However, KMTR received complaints when Phelps argued that Hollywood employed refugees at the expense of Americans.

Phelps hosted the “Program of American Life” and broadcast on a number of Los Angeles stations. He was for American neutrality and was highly controversial for his stance on refugees: He “criticiz[ed] those who were engaged in the unAmerican practice of illegally importing European exiles into the United States and giving them jobs so badly needed by American citizens in American industries,” he wrote to the FCC.

Phelps was particularly concerning because of the War and his accused ties to National Socialism. “I want to thank you for your letter...regarding the pro-Nazi broadcasts of G. Allison Phelps,” the Commission replied in September of 1941 to a concerned listener. “This matter will be given immediate attention by the Commission.”

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90 Roberson to Slowie, April 13, 1942, Box 231, Complaints & Investigations: Robert P. Shuler, General Correspondence, 1927-1946, RG 173, NARAII; see also “Ban is Placed on Shuler Broadcasts,” Santa Ana Register, April 3, 1942.
91 Tinkham to Federal Communications Commission, July 30, 1941, Box 220, Program Complaints: Phelps, G. Allison, General Correspondence, 1927-1946, RG 173, NARAII.
92 A memo explained his broadcasting history in Los Angeles. McDowell to Krieger, April 30, 1942, Program Complaints: Phelps, NARAII.
93 Phelps to Fly, July 1, 1941, Program Complaints: Phelps, NARAII.
94 Slowie to Baker, September 9, 1941, Program Complaints: Phelps, NARAII.
The Commission had an investigator looking into the Phelps situation in Los Angeles. And, it reached out to the FBI for help. Chairman James Lawrence Fly wrote to FBI Director J. Edgar Hoover: “In cooperation with other interested government agencies, the Commission is undertaking a continuing survey of the war-time programs of standard broadcast stations, particularly in the fields of news and news commentary.” He continued: “In this connection, it would be extremely helpful if the Commission could have access to whatever relevant materials may be available in the files of the Bureau.”

The Commission was engaging in domestic surveillance during the war. Its attention in part was focused on anti-Semitism. Sometimes the scrutiny of this surveillance led to stations dropping controversial speakers; other times, protests from listeners led to this outcome. This was part of the larger American system - a protection of listeners’ religious sensibilities. During the Depression, in the buildup to the war, and as the war unfolded, the tension of the era was profound. The American system responded in kind.

Coughlin, Rutherford, and others had been driven off the radio. As this indicates, American policies produced outsiders. These outsiders were not dormant in response to the situation. Rather, as we will explore in the next chapter, they worked for reformation.

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95 See, for example, McDowell to Chief, War Operations Section, Attention, Seymour Krieger, April 30, 1942, Program Complaints: Phelps, G. Allison, NARAII.
96 Fly to Hoover, n.d., Program Complaints: Phelps, G. Allison, NARAII.
Chapter 4: Defending the Project

Picket lines in support of Father Charles Coughlin stormed the streets of New York and Philadelphia in late 1938. These protests in front of WMCA in New York and WDAS in Philadelphia came after the stations stopped broadcasting the Detroit priest. Coughlin’s controversial messages that fall had led these stations to require scripts up front; he did not cooperate.¹

A gathering of the Committee for the Defense of American Constitutional Rights to “protest against radio monopoly and censorship” preceded the New York picket.² The 5,000 to 6,000 attendees applauded Coughlin while jeering those stations that refrained from carrying his program. The FCC also met their disapproval. “We ought to put WMCA out of business,” America Patriots Inc. leader Allen Zoll yelled to the applause of the crowd. “Let’s make a horrible example of this station.”³

Ultimately, the Coughlin team wanted the government to do something about the radio situation. “Other meetings will be held,” Coughlin’s magazine, Social Justice, read following the December protests. “This movement will grow rapidly and will not be stemmed until Congress and the Communications Commission break the monopoly which now controls radio, press and cinema.”⁴

Coughlin and his protestors felt ostracized by the American system of religious radio. Others also felt excluded, as the system created religious insiders and outsiders. Insiders were usually part of a mainstream religious organization in good standing with their community;

² Qtd. in “Coughlin Furore Persists Despite Shift in Subjects,” 68; “6,000 Laud Coughlin, Boo All Opponents,” Daily News (New York, New York), December 16, 1938.
³ “Coughlin Furore Persists Despite Shift in Subjects,” 68; “6,000 Laud Coughlin, Boo All Opponents”.
stations often looked to these groups for faith content as part of a well-rounded programming lineup. Outsiders were the religious groups or speakers that were more sectarian in nature. Often, they attacked other religious organizations. Or, they were at least more likely to emphasize the distinctiveness of their particular beliefs.

In an attempt to secure more airtime, outsiders fought to change broadcast policy. These attempts attacked the American system with a number of alternate visions for religious policy. For example, some groups fought to make radio stations common carriers, and thus force stations to be nondiscriminatory in the provision of time. Other groups thought the wisest policy change would be for the FCC to allocate more wavelengths to religious and nonprofit organizations. Throughout the late 1920s, ‘30s, and ‘40s, these groups lobbied for change. One of the first alternate visions was an argument for spectrum property rights.

**Property Rights**

At 10am on October 9, 1929, Mr. Chief Justice Martin opened a hearing at the D.C. Court of Appeals for three radio stations.⁵ Wilbur Glenn Voliva’s station - WCBD - was among those represented. As we discussed in the first chapter, the Radio Commission changed WCBD’s wavelength assignment to a poor place on the dial in a re-allocation of the spectrum in 1928. Voliva appealed this decision.

The station’s representative - John Guider - made the case that WCBD had a right to its previous wavelength - 870 kilocycles - because of the great length of time it had been there. “We were there before WENR was put there,” Guider said in reference to the station that took WCBD’s spot on 870 in the 1928 re-allocation. “[W]e were there before WLS was put there,” he

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continued; WLS and WCBD previously shared time on 870. “We shared it with WLS very happily for a number of years.”
Guider quoted Voliva: “Let us come back on 870 kilocycles where we have always been,” continuing the quotation, “Let us have those periods that the public has come to know we use. Let us have the frequency where we have always been received. Let us have that which our priority entitles us to -- that we were one of the earliest stations in the United States.”

WCBD and others forced the Commission to face the property rights argument; this argument was at times about a right in physical broadcasting equipment and at other times about a spectrum property right. Individual stations made a property argument when appealing Commission decisions. Also, the radio industry attempted to influence Congress in this direction when it created broadcast legislation in 1926.

Prior to the passage of the 1927 Radio Act, some in the radio industry argued that a stations’ place on the air should be protected by a priority-of-use principle. In 1926, the American Bar Association’s Air Law Committee advocated for air property rights as Congress put together legislation to govern broadcasting. It believed it was “sound law” that “priority of time creates a superiority in right.” The Committee wrote this in a report, adding that “existing stations have acquired rights certainly as against other private parties.”

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6 In the Court of Appeals of the District of Columbia......(Nos. 4900, 4901, 4902)......p.41; see also Great Lakes Broadcasting Co. v. Federal Radio Commission 37 F.2d 993 (1930).
7 In the Court of Appeals of the District of Columbia......(Nos. 4900, 4901, 4902)......p.40.
9 Quoted in “Interim Report On Radio Legislation,” American Bar Association Journal 12, no. 12 (December, 1926): 848; see also Banner, 207. The Air Law Committee did not argue for unlimited property rights. While it did not want set periods of time after which licensees had to apply for renewal, it was comfortable with content and engineering standards enforced by the federal government. “Interim Report On Radio Legislation,” 848.
The Air Law Committee relied on an Illinois District Court decision - *The Tribune Company v. Oak Leaves* - in reaching this conclusion.\textsuperscript{10} “...Priority of time creates a superiority in right…” the Court reasoned.\textsuperscript{11} Voliva also used the *Oak Leaves* decision in arguing his case with the DC Court of Appeals.\textsuperscript{12} Voliva’s brief made a property rights plea, asserting that “priority of time as against any subsequent station gives to the appellant superiority of right. He has a property right to be free from interference caused by subsequently established stations.”\textsuperscript{13}

“Fighting” Bob Shuler also made a property rights claim. As we discussed in chapter 1, the Commission took away Shuler’s radio license in 1931. In his appeal before the Commission, Shuler argued: “...I feel that this Commission should absolutely be certain as to its position and as to what it is doing before it should sacrifice property that belongs to the people who have put up the money to put that medium of publicity in contact with the public over the air.”\textsuperscript{14}

Shuler petitioned the D.C. Court of Appeals to overturn the Commission’s decision. He was confident in the case made by his attorney, Louis G. Caldwell: “He…shows that an American citizen’s rights to voice his convictions has been abridged and property confiscated,” Shuler’s magazine read.\textsuperscript{15} In his brief to the Court, Caldwell cited the Fifth Amendment to make a free speech argument: “Freedom of speech is a liberty within the meaning of the Fifth Amendment,” he wrote. “The Fifth Amendment to the Constitution of the United States provides

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\textsuperscript{11} Congressional Record 68 (1926-1927): 219; See also Banner, *American Property*, 205-206.
\textsuperscript{12} In the Court of Appeals, District of Columbia, No. 4901, Wilbur Glenn Voliva, Appellant, vs. Federal Radio Commission, Brief in Behalf of Wilbur Glenn Voliva, p. 21, Box 487, General Docket Briefs, 1893-1956, RG 276, NARAII, Washington, DC.
\textsuperscript{13} In the Court of Appeals...Brief in Behalf of Wilbur Glenn Voliva, p. 21.
\textsuperscript{14} Hearing Before the Federal Radio Commission, Washington, D.C., In re: Trinity Methodist Church, Call Letters: KGEF, Docket No. 1043 (September 26, 1931), p.65, Box 210, Docket 1043, Docketed Case Files, RG 173, NARAII.
\textsuperscript{15} “Mr. Caldwell and KGEF,” *Bob Shuler’s Magazine* 11, no. 3 (May, 1932): 372-373.
among other things that ‘No person shall … be deprived of … liberty or property without due process of law.’”

Despite these efforts to make a property right claim by the radio industry and by individual broadcasters such as Voliva and Shuler, the federal government was not convinced. The 1927 Federal Radio Act ruled: “...[T]his Act is intended...to provide for the use of [radio] channels, but not the ownership thereof...for limited periods of time...and no such license shall be construed to create any right, beyond the terms, conditions, and periods of the license.” As the Commission made wavelength allocation decisions, it did not treat the spectrum like private property. As we discussed in Chapter 1, it at times favored stations that had been on a wavelength for longer; however, it clarified that this was a principle that would be disregarded for more important considerations.

The D.C. Court of Appeals also did not agree with the property rights argument. In its decision to uphold the Commission’s ruling on Shuler’s license, it wrote: “Nor are we any more impressed with the argument that the refusal to renew a license is a taking of property within the Fifth Amendment.” The Court continued: “There is a marked difference between the destruction of physical property...and the denial of a permit to use the limited channels of the air.”

Although the property argument did not succeed, religious broadcasters made other efforts to reform radio law. One such attempt was to make radio a common carrier.

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16 In the Court of Appeals, District of Columbia, No. 5561, Trinity Methodist Church, South, Appellant, vs. Federal Radio Commission, Appellant’s Brief, p.32, Box 584, General Docket Briefs, 1893-1956, RG 276, NARAI, Washington, DC.
17 The Radio Act of 1927, Public Law No. 632 (February 23, 1927).
Jehovah’s Witnesses and the McFadden Bill

In a hearing before Congress in the spring of 1934, the Jehovah’s Witnesses spoke out against the American system of radio. Anton Koerber, a Witness representative, read aloud a letter from the group’s leader, Joseph Franklin “Judge” Rutherford, who was unable to make the hearing: “[NBC and CBS] by their offices have undertaken to determine what the American people may or may not hear with reference to what the Bible contains and hence have limited the use of their facilities to certain religious organizations and have unjustly and do unjustly discriminate against all others, including ourselves, and which is detrimental to the interest of millions of American citizens.” Rutherford was right; CBS and NBC both refused to let him use their networks. And, as he testified, he was correct that the Catholic church was pressuring radio stations to not broadcast his messages. The primary radio gatekeepers did not want him broadcasting.

At the hearing, the Witnesses supported Pennsylvania Republican Congressman Louis T. McFadden’s radio bill. The McFadden Bill stipulated that no radio station “shall discriminate...in favor of a program of speech sponsored by [a person or group] and against or to the exclusion of another [person or group] because and for the reason that such [person or group] holds and promulgates and advocates views contrary to those expressed in programs that have been broadcast.” McFadden was a populist like Rutherford. He castigated big corporations and the mainline organized church, and opposed American participation in the League of Nations and

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21 Hearings...on H.R. 7986, 1. Instead of “person or group,” the bill reads: “any person who is a legally qualified candidate for any public office, and/or by any religious, charitable, or educational company, corporation, association, or society or any other like association or society” or something similar.
the World Court.\textsuperscript{22} McFadden’s broadcast bill was an attempt to wrestle away some control from the radio corporations.\textsuperscript{23}

Between 1927 and 1934, the Jehovah’s Witnesses fought strenuously to maintain their position on the air. They took this pursuit very seriously, investing in two radio stations - WORD of Batavia, IL and WBBR of New York - and building their own “Watchtower” network.\textsuperscript{24} Rutherford was the primary person to lead the Witnesses in pursuit of broadcasting. He had taken over leadership of what was then known as the Watch Tower Society in 1917. The religious commitments of the Witnesses - such as pacifism - led to a rocky relationship with mainstream society.

These non-mainstream commitments, for example, left the group outside of the religious consensus of broadcasting. Because of their commitment to religious exclusivism, the Witnesses often attacked other religions, particularly the Catholics.\textsuperscript{25} This controversial programming led the religious broadcasting gatekeepers to restrain the group’s radio reach. The radio industry - including the networks and a significant number of independent stations - did not cooperate with Rutherford’s demands to be given time.

Rutherford had difficulty obtaining time on the networks. NBC, for example, was opposed to his religious attacks. Some of this opposition came from a first-hand experience the chain had with Rutherford in 1927 when they let him use their facilities. The genesis of the broadcast was not from the goodwill of NBC executives. Rather, NBC’s president Merlin

\begin{footnotesize}
\textsuperscript{22} Hearings...on H.R. 7986, 11-13.
\textsuperscript{24} See James LeRoy Stasko, “Radio broadcasting as used by Jehovah’s Witnesses” (Master’s thesis, Boston University, 1958), chapter 3.
\textsuperscript{25} On religious exclusivism and the McFadden bill, see Goodman, “The Tentacles of a Mighty Octopus.”
\end{footnotesize}
Aylesworth agreed to let Rutherford use the network strategically as part of a larger battle with the Radio Commission.

The FRC’s first realignment of the radio dial in June of 1927 led to the Rutherford NBC broadcast. Rutherford appealed the Commission’s placement of WBBR and applied for a better wavelength position. Standing in the way of this better assignment was WJZ, an NBC station out of New York. The FRC held a hearing to settle the dispute.\textsuperscript{26}

Aylesworth, who was at the hearing to defend WJR and NBC, cleverly handled a challenge from Rutherford for time on the NBC chain.\textsuperscript{27} He did not want to provide Rutherford and his group “an additional excuse to make trouble” by denying them time; he also did not want to “[give] the Commission additional reason [to take] some of the time of our Station WJZ or WEAF,” as Aylesworth explained.\textsuperscript{28} Even before Rutherford’s broadcast, the Commission ruled in favor of WJZ, thus allowing NBC to retain the favorable wavelength.\textsuperscript{29}

Rutherford continued to request time over NBC’s network, but was met with opposition. For example, in January of 1929 at the Advisory Council Meeting, the NBC committee denied further advances made by Rutherford’s group. Rutherford’s 1927 broadcast - and its controversial nature - came up at the meeting.\textsuperscript{30}

Independent stations were also reluctant at times to broadcast Rutherford. As covered in the third chapter of this dissertation, they felt pressure from the FRC in the fall of 1933 to drop his programs, although the Commission denied this was its intention. There were other reasons to not feature his broadcasts - sometimes outside groups organized protests and boycotts and these

\textsuperscript{26} James LeRoy Stasko, “Radio broadcasting as used by Jehovah’s Witnesses” (thesis, Boston University, 1958), 28-32.
\textsuperscript{27} See Stasko, 30-31 for transcript of back and forth between Aylesworth and Rutherford.
\textsuperscript{28} Aylesworth to Macfarland, July 23, 1927, Box 17, Folder 24, RG 18, Presbyterian Historical Society, Philadelphia.
\textsuperscript{29} “Radio Hearings Closed,” \textit{The Philadelphia Inquirer}, June 23, 1927.
\textsuperscript{30} Extract of Minutes of the Meeting of the Advisory Council of the National Broadcasting Company, January 30, 1929, Box 15, Folder 13, NBC Records, Central Files, Wisconsin Historical Society, Madison, WI.
stations ran the risk of being in disrepute for association with his aggressive messaging. In particular, the NCCM led campaigns against independent broadcasters giving Rutherford time, an understandable objective because Rutherford was especially critical of the Catholic Church. For example, in the fall of 1933, the NCCM pressured WOL of Washington DC, a campaign that *Catholic Action* - a NCWC monthly periodical - claimed was “partly instrumental in having that program banned.” *Catholic Action* readers were informed that the NCCM had gathered material on Rutherford’s programs that could be used to discourage stations from providing him airtime.  

For the Jehovah’s Witnesses, the McFadden Bill would allow them to sidestep these roadblocks. By stipulating that no radio station “shall discriminate....in favor of a program of speech...against or to the exclusion of another…” the bill would force outlets to take their content. In addition, the McFadden Bill would compel stations to disregard the complaints of the NCCM, or anyone else who might campaign to have Rutherford off the air. As the Jehovah’s Witnesses said at the hearing, they were attempting to use the bill to fight back against Catholic pressure groups. In the Rutherford letter, read aloud at the hearing, he claimed that the Witnesses were not “asking for any favor of Congress,” but rather “demanding that our rights and the rights of the general public be safeguarded.” Rutherford was “asking this Congress to make it a criminal offense for any person or organization to use threats, boycotting or other coercive methods to hinder or interfere with the free making and performance of contracts between persons or organizations with reference to radio broadcasting.”

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33 *Hearings...on H.R. 7986*, 1.
34 *Hearings...on H.R. 7986*, 38.
The bill was a direct challenge to existing broadcasting policies. Regulation consistently maintained that radio outlets were not common carriers, so regulation that compelled stations to broadcast particular religious programs would be a drastic change.

The Radio Commission understood the stakes of the threat, and defended the system in place. At the hearings, Commissioner E.O. Sykes testified that the bill went drastically against how radio had been regulated to that point; he was also highly concerned about the common carriage aspects of the legislation.\(^35\) “...I would like to say, first, that the provisions of this bill would make broadcasting stations in the United States to that extent public-service companies of that character,” he said. “That is directly contrary to broadcasting as it has grown up in the United States prior to the Act of 1927 and is directly contrary to the theory of broadcasting under the Act under which we operate…” he continued.\(^36\)

Sykes also said: “[The 1927] Act puts upon the individual licensee of a broadcast station the private initiative to see that those programs that he broadcasts are in the public interest...Now this particular bill, as I say, would do away with that.” If stations were required to broadcast those who requested, like a common carrier, “the private initiative would be abolished,” he said. He defended the American system, as opposed to those of others around the world: “All diversification of programs which, by comparison with the programs of other countries are very much more diverse here than they are there, would be abolished,” he said.\(^37\)

Congressmen of the Merchant Marine, Radio, and Fisheries Committee - which hosted the hearings - were skeptical of the merits of the Jehovah’s Witnesses’ arguments. Congressman William Sirovich was concerned that the Witnesses attacked other religious groups. He did not believe that any specific religion had an exclusive claim to truth. “If a man wants to take a

\(^{35}\) Hearings…on H.R. 7986, 188-189.
\(^{36}\) Hearings…on H.R. 7986, 188.
\(^{37}\) Hearings…on H.R. 7986, 188.
railroad that goes to God that is called the Catholic road, and another one wants to take a Protestant road, and another wants to take a Methodist road, and another one the Jewish road, why should you object to any individual taking any road he wants?” Sirovich asked. “They all lead to God in the end.”38

Other gatekeepers of the American system also testified against the bill. CBS vice president Henry A. Bellows argued airtime scarcity made it impossible for radio stations to be common carriers. Under the confines of the bill, Bellows argued, should CBS, or any radio station or broadcast network, choose to put a particular religious, educational, charitable, or political program on the air, the broadcaster would “have no further right of selection.” Bellows called this “impossible of application,” and that in reality, CBS would no longer broadcast religion should a law compel broadcasters in this way.39 Meanwhile, NBC President Merlin Aylesworth testified that the bill “will serve to restrict rather than to liberalize and will severely limit rather than broaden the use of radio in religion, governmental and public affairs, education and public information.”40

The National Council of Catholic Men and the Federal Council of Churches of Christ in America - two groups that had time on a national network - also opposed the bill. At the hearing, NCCM Executive Secretary Henry Caravati defended public interest programming as enforced by the FRC, individual stations, and the networks. He argued that those who testified in favor of the bill “seem to have fallen into the not uncommon confusion that free speech over the radio is quite the same as free speech orally or in print.”41 He cited the Shuler case - *Trinity Methodist Church, South, v. Federal Radio Commission* - as precedent that some religious speech should be

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38 *Hearings...on H.R. 7986*, 28.
39 *Hearings...on H.R. 7986*, 158-159 and 172.
40 *Hearings...on H.R. 7986*, 146.
41 *Hearings...on H.R. 7986*, 179.
left off the air. He also argued that the bill would compel a Protestant station to broadcast Jewish, Catholic, and all other religious programming; the same for a Catholic station and the same, even, for WBBR, a Jehovah’s Witness station. He found this type of coercion unfair. “Why should such stations be compelled to become instruments for the dissemination of doctrines which are, by very definition, opposed to their own respective doctrines?” he asked.42

Behind the scenes, Catholic leadership expressed disapproval of the bill. One internal memo clarified the existing policy situation, that broadcasters had partnered with religious groups to put out programming “on a higher plane than mere debate,” and that these messages were free from restraint provided they were not offensive. The memo argued that the McFadden bill “would make it impossible for radio stations to adhere to this practice.”43 Another memo asked about the bill, “Would it not, were it to pass, put every Catholic radio station out of business?”44

The Federal Council of Churches was also against the McFadden bill. Executive Secretary Frank Goodman, who led the Federal Council’s radio efforts, emphatically defended the current religious radio system at the hearing, fearing that the bill would lead to religious bigotry on the air. He contrasted this with the existing policy that the Federal Council supported. This policy worked to “present messages that are constructive, noncontroversial, spiritual, stimulating…” in addition to promoting national uplift.45

42 Hearings...on H.R. 7986, 180-181.
43 Ready to Butler, March 7, 1934, Box 135, Folder 20, Collection 10, The American Catholic History Research Center and University Archives (CUA).
44 Heffron to Ready, February 27, 1934, Box 110, Folder 23, Collection 10, CUA, reproduced online under finding aid for “United States Conference of Catholic Bishops Office of the General Secretary.” Underline in original.
45 Hearings...on H.R. 7986, 187.
The McFadden Bill failed. The insiders successfully defended the American system from reformation. Soon, however, another attempt would be made. This time, reformers would try to force the Commission to re-allocate the spectrum to more religious and non-profit stations.

**The Wagner-Hatfield Amendment**

In May of 1932, Paulist Father John Harney of station WLWL was - again - scrambling to defend his station. The Radio Commission, by the directive of the State Department, had informed him that Canada would share his station’s wavelength. This came after having already fought multiple battles with the Commission for better wavelength positioning, battles lost to the FRC’s preference for variety stations.46

Harney reached out for help among the Catholic community. He sent a letter to various Catholic leaders, requesting that they petition the commissioner assigned to their radio zone on WLWL’s behalf. Harney was concerned that the Commission would order a decrease in WLWL’s power to accommodate Canada, which, according to Harney, “would practically mean annihilation.” He argued that “WLWL’s hope for more time and for a more secure position on the dial, lies solely in the pressure that is brought to bear upon the various members of the Federal Radio Commission.”47

The choice of the word “pressure” - underlined in the letter - indicated Harney’s willingness to be aggressive in defense of his radio interests. He pursued a belligerent course advocating for Catholic radio with the Commission and others, having long been concerned about the ability of Catholics to produce programming that was particular to the faith. For instance, Harney had been concerned about Catholic content on NBC for this reason.

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47 “WLWL: Its Past…Present…Future(?)” stapled to Burke to Dolle, June 10th, 1932, Box 136, Folder 17, Collection 10, CUA. Underline in original.
Other Catholic leaders shared this concern when they were first approached by NBC. They were taken aback by NBC’s strict non-sectarian policy, fearful that this would force them to water down, or compromise, deeply-held Catholic principles. On September 11, 1929, NBC’s John Elwood wrote to National Council of Catholic Men (NCCM) Executive Secretary Charles F. Dolle to discuss the network’s offer for free time. Elwood recounted the five points of NBC’s religious policy and stated, should the NCCM accept their offer, “it is our hope that the religious message broadcast will be of such a broad appeal that no one can ever say that the Roman Catholic viewpoint is being over-emphasized.”

Reverend John J. Burke, General Secretary of the National Catholic Welfare Conference (NCWC), wrote to Dolle to bring this policy to his attention. While Burke would acquiesce to the policy if it simply asked for on-air restraint from aggressiveness towards other faiths or overzealous dogmatism, he would not agree should the policy dictate “that there is to be no difference between a Protestant, a Catholic and a Jewish talk.”

Dolle also met with the Federal Council of Churches radio leader Frank Goodman to discuss Catholic broadcasting. Goodman took the same position as Elwood: He asked that Catholic programming avoid dogmatism. To emphasize how the Federal Council did not engage in any overly-doctrinal programming, Goodman even admitted to removing the word “Protestant” from any pre-broadcast scripts.

Later that month, Dolle met with Elwood to iron out these differences. Prior to the meeting, Dolle had conceded that dogmatic programming was not in the best interests of the NCCM. He wrote to Burke that it was “obvious that if our own programs are to be effective, all

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48 Elwood to Dolle, September 11, 1929, Box 30, Folder 25, National Broadcasting Company Records, Central Files, Wisconsin Historical Society, Madison, WI.
49 Burke to Dolle, September 23, 1929, Box 110, Folder 13, Collection 10, CUA.
50 Dolle to Burke, September 13, 1929, Box 110, Folder 13, Collection 10, CUA.
of those things must be avoided that would tend to promote controversy, disharmony and strife. Otherwise we would ourselves defeat one of our principle purposes -- to promote harmony and better understanding among all religious groups.”\(^5^1\) However, Elwood maintained that NBC’s policies would not restrict the NCCM from retaining a Catholic perspective in its programming.\(^5^2\) With the issue settled, the path forward for Catholic programming on NBC seemed clear.

However, Burke and Dolle had to maneuver through one more barrier: resistance from WLWL. The station, which had a difficult enough time with the FRC, feared that Catholic broadcasting over NBC, also originating out of New York, would greatly interfere with its goals. The Paulist Fathers station anticipated that it would have to compete for Catholic speakers, music, fundraising, and prestige with NBC. Harney wrote to Burke that if the NCWC was to start broadcasting over NBC, it “may even compel us to give [WLWL] up.”\(^5^3\) Harney felt that private, Catholic stations better served the church than agreements with commercial networks. He was concerned that NBC would censor the Catholicity of the NCWC’s message, while WLWL was free to fully proclaim the faith. Burke assured Harney that NBC would not restrict the NCWC in any significant way, and the *Catholic Hour* first broadcast in March of 1930.\(^5^4\)

Harney retained this concern for Catholic radio as the years progressed. In fact, when he was drafting his letter petitioning for help in regards to the Canadian threat to his station, he had included a paragraph that defended WLWL as one of the best hopes for distinctively Catholic radio: “The chief reason for the existence of WLWL is the conviction that there must be an independent radio outlet for the presentation of CATHOLIC TRUTHS AND PRINCIPLES,

\(^5^1\) Ibid.
\(^5^2\) Elwood to Dolle, September 27, 1929, Box 110, Folder 13, Collection 10, CUA.
\(^5^3\) Harney to Burke, September 25, 1929, Box 110, Folder 13, Collection 10, CUA.
\(^5^4\) Harney to Burke, September 25, 1929 and Burke to Harney, September 28, 1929, Box 110, Folder 13, Collection 10, CUA.
without any restrictions, censorship, or limitation,” he argued, capital letters included. Harney felt pressure against including this in the letter, and it was not in the final draft. In petitioning the help of the Archbishop of Cincinnati John McNicholas with the WLWL situation, Harney shared the early letter draft and explained that those pressuring him - whom he did not reveal - were concerned that those with an anti-Catholic bias might see the letter, and presumably then have more reason to oppose the radio station. “But that thought is the very soul of my appeal,” Harney reasoned as he struggled to agree with those concerned about his letter.

Harney not only sought a more preferable radio position, but more stability, understandable given how often the Commission had made WLWL’s place uncertain. Harney developed a solution to the problem.

In March of 1934 Harney proposed to the Senate Interstate Commerce Committee an amendment to Senator Clarence Dill’s radio bill. The Senate and the House were in the thick of updating broadcast law, a process that would result in the 1934 Communications Act and the creation of the Federal Communications Commission. In the amendment, Harney called for broadcast regulators to set aside 25 percent of the radio spectrum for non-profit - including religious - stations.

Like the Jehovah’s Witnesses, Harney was attempting to fight back against the established American system of radio. While the McFadden bill would have helped religious minorities by ensuring a chance to speak on existing radio stations, the Harney Amendment demanded that the government guarantee spectrum space for radio stations owned by religious minorities themselves.

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55 “WLWL: Its Past…Present…Future (?)” attached to Harney to McNicholas, May 26, 1932, Box 136, Folder 17, Collection 10, CUA.
56 Harney to McNicholas, May 26, 1932, Box 136, Folder 17, Collection 10, CUA.
57 In regards to Harney’s desire for stability, see “WLWL: Its Past…Present…Future (?)”
58 McChesney, “Crusade Against Mammon,” 123.
The amendment, as Harney explained at hearings for H.R. 8301 in May, specifically demanded that “educational, religious, agricultural, labor, cooperative, and similar non-profit making associations” receive 25 percent of the spectrum. Harney also emphasized that the channels distributed to these non-profit groups were to be on par with the ones given to commercial organizations, and that regulators give sufficient time to each group “to enable those stations to be in a fair measure reasonably self-sustaining.”

These provisions addressed the ways in which the FRC had restrained religious stations through poor channel assignments and limited time - including, notably, WLWL - over the previous seven years.

The Harney Amendment did not pass. Instead, Congress ordered hearings to investigate the questions raised by Harney - that is, the state of religious and educational broadcasting under the current system, and the possibility of targeted allocation for stations of this type. The issue came under section 307(c) of the Federal Communications Act of 1934, which was signed into law by President Roosevelt in June of that year.

307(c) was a dangling vestige of Harney’s reform efforts. While the hearings began in October of 1934, he felt the damage had already been done. Scores of witnesses testified about the condition of religious and educational broadcasting under the current American system. While some religious leaders supported the amendment for 25 percent radio allocation to

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61 Communications Act of 1934, Public Law 73-416. See also, McChesney, “Crusade Against Mammon,” particularly page 127-128.
nonprofit broadcasters, many opposed it. For example, members of CBS’s religious broadcasting advisory group testified in defense of the current system. Maurice Sheehy, assistant to the Catholic University of America Rector, stated that he did not want speakers to bypass recognized religious gatekeepers. He desired a religious broadcaster to be an “authorized spokesman of the religion he represents,” and he feared the repercussions should “we allow irresponsible individuals on their own initiative and without securing any ecclesiastical (sic) sanction” time on the radio. Rabbi Jonah B. Wise of New York’s Central Synagogue, also a part of the CBS advisory group for religious broadcasting, testified in support of his time on the major networks. Wise affirmed the “extreme goodwill and good judgment” of CBS and NBC. Wise testified that he could “think of no arrangement which would better the present one” and that he felt “no reason for a change in the arrangement.”

NBC also brought out its most prominent religious broadcasters in defense of its network. In addition to introducing Wise, Dunham presented John Langdale of the Federal Council of Churches. Langdale, chairman of the Federal Council’s Joint Religious Radio Committee, testified against the provisions of Harney’s amendment. Specifically, he argued they had “no confidence” the provisions would result in programming “as widely acceptable or as free from religious controversy as is now the case.” Langdale concluded: “…It is our hope that nothing

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64 For references to members of this group, see Jennings, “Policies and Practices of Selected National Religious Bodies as Related to Broadcasting in the Public Interest, 1920-1950,” 71, and Hearing...on H.R. 7986, p.164-165.
65 Official report of proceedings before the Federal Communications Commission: Hearing...before the Broadcast Division of the Federal Communications Commission on section 307(c) of the Communications Act of 1934, Volume 21 (Washington: Smith & Hulse Official Reporters, 1934), 11259-11260.
66 Official Report of the Proceedings...on Section 307(c), Volume 23, 12442.
67 Ibid., 12444.
will be done which will weaken or diminish the splendid ministry” of the Federal Council’s religious programming. 69

The testimony of the NCCM’s Henry Caravati highlighted the differences between the insiders from the outsiders of the American system. The NCCM had a secure position on NBC, while Harney struggled to maintain a good position for WLWL. Harney and the NCCM were allies on many issues; however, at the hearings, Caravati tried to not take a side. He said he was there “simply to present to you certain facts concerning the Catholic Hour,” not to speak to the spectrum allocation issue; he also affirmed the NCCM’s “firm conviction” in defense of the “liberty and rights” of nonprofit broadcasters. 70 However, his testimony was nothing like Harney’s sharp rebuke of existing radio policy. Harney had claimed that the networks censored their religious speakers; Caravati said that NBC “has never once sought to exercise any censorship over our speakers.” 71 He also spoke about the positive effects of the Catholic Hour: “...I should like to say that religious rancor and hostility have notably decreased in many parts of our country, and that their places have been taken by a spirit of sympathy and friendly understanding - due in great measure to the Catholic Hour.”  72

Following the hearings, the Commission defended the American system. In a report of its findings, it explained its decision to forego targeted allocations. “Most of the witnesses who testified in behalf of the non-profit groups expressed the belief that the interests of such institutions would be best served by a more efficient use of the radio facilities maintained at the present time and a more extensive use of the resources and audiences of stations now licensed,” the letter read. “It is clearly established by the Commission’s study of the problem, that no

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69 Ibid., 12433.
70 Official Report of the Proceedings...on Section 307(c), Volume 23, p.12438.
71 Regarding Harney’s claims, see, for example, Hearings...on H.R. 8301, 158-159.
72 Official Report of the Proceedings...on Section 307(c), Volume 23, p.12438-12440.
allocation of facilities for special services could be effected by the authorizing of new stations to make up the proportion of facilities proposed to be allocated to special services,” the letter also said. “Limitations of physical laws on the number of available frequencies absolutely prevent any general enlargement of the number of broadcast stations.” The Commission also defended its preference for variety stations, and that all listeners had access to such outlets: “Before undertaking to provide special services through the addition of new stations, it would seem a fundamental requirement that the general public throughout the whole country be provided with at least one radio service of general interest and dependable signal quality lest there be discrimination against areas not receiving any service.” While the FCC ordered a conference for broadcasters and non-profit representatives to work towards a more beneficial arrangement, the American system was unharmed by the 307(c) hearings.

As the Harney Amendment illustrated, the Paulist Fathers were active in Washington DC. Their activism did not stop following the conclusion of the 307(c) hearings. “Anyone familiar with radio and Congress know that probably 90 percent of the adverse talk on radio on Capitol Hill has been caused by the Paulist Fathers…” an anonymous White House memo read. According to the memo, a liason for the Paulist Fathers worked on a few Congressmen for these purposes, including Massachusetts Democrat Lawrence Connery - whose late brother had put forward a resolution for an investigation - and New York Democrat John J. O’Connor. However, the Paulist Fathers had sold WLWL and, according to the memo, they were backing

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73 Submitted by E.O. Sykes, Report of the Federal Communications Commission to Congress Pursuant to Section 307 (c) of the Communications Act of 1934, p.3-4.
74 Sykes, Report of the Federal Communications Commission to Congress Pursuant to Section 307 (c) of the Communications Act of 1934, 7.
75 Specifically the memo said the Paulist Fathers were “acting through a labor contact man -- Mike Flynn, who in turn has planted such distorted information with Connery, Wigglesworth and lately O’Connor.” Theoretically, the memo could be referring to the deceased William Connery, not Lawrence. “Confidential Memo Re: George Henry Payne,” n.d., 1, OF 2001 - Radio Station WLWL (New York City), 1936, Franklin D. Roosevelt Presidential Library, Hyde Park, New York.
down from their push for Congressional radio intervention. They “have passed down the word that they have ‘called off the dogs’, meaning [that] Connery will not press for his investigation resolution which has been close to approval by O’Connors rules committee.”

However, Congressional efforts to investigate radio did not end even if - at least according to the memo - the Paulist Fathers had backed off. A push for Congressional action became a tactic for religious groups who had become radio outsiders to fight back.

**Congressional Investigation of Broadcasting**

On June 14, 1938, Harney sent a telegram to Congressman John O’Connor: “We demand passage of resolution to investigate radio industry.” As the telegram indicated, Congressional attempts to investigate broadcasting persisted in the late 1930s. Harney was not the only aggrieved broadcaster to want an investigation. Father Coughlin also desired such action.

Coughlin believed he was treated unfairly by the networks. His magazine - *Social Justice* - took the network monopoly issue seriously. “...[I]n the not too distant future the American public is going to demand that something be done about the monopoly now existing in the matter of radio chains,” the magazine read in May of 1939. “Radio is fast becoming a monopoly...” Harney had used Coughlin as an example when arguing that radio was a monopoly. “The essential facts in this situation are: First, that Father Coughlin is persona non grata to the financial powers that stand behind the NBC and the CBS,” Harney wrote, continuing, “and secondly, that he is persona grata to millions of Americans who eagerly listen to his views and who desire to be educated into a better understanding of the factors that have gone into creating

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76 “Confidential Memo Re: George Henry Payne.”
77 Harvey (sic) to O'Connor, June 14, 1938, Box 40, Radio Monopoly, O’Connor mss., 1911-1941, Lilly Library, Indiana University, Bloomington, Indiana.
78 “No Sale!” *Social Justice*, May 1, 1939, 6.
our present economic turmoil and the means which might possibly be used to bring about a greater degree of social justice in the present order.”

Harney, Coughlin, and Coughlin’s allies championed Congressional efforts for an investigation. These were outsiders fighting against a system they felt was unfair. The FCC - particularly Chairman Frank McNinch - fought back against these efforts and ultimately implemented anti-trust action of its own.

An ally of Coughlin - Father Edward Lodge Curran - worked to pass an investigation during the summer of 1938. At least, this was what McNinch believed. “During the last session of Congress I had reliable information that Reverend Curran was cooperating with Payne, John J. O’Connor and others in the effort to force an investigation,” McNinch wrote to President Roosevelt in October of 1938. Curran was a priest of a Brooklyn parish and president of the International Catholic Truth Society. He called Coughlin “the most outstanding crusader in the cause of social justice in the United States.” Curran was even referred to at one point as the “Father Coughlin of the East.”

Payne was an FCC Commissioner who felt the networks had too much power. In May of 1938, he gave a talk before the National Academy of Broadcasting and addressed remarks by Radio Corporation of America President David Sarnoff. “Mr. David Sarnoff’s attack on Government regulation, in his recent speech, is amazing not only because of its disregard of the

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80 I do not mean to imply by this statement that I have found evidence for a Harney-Coughlin alliance on this issue. I simply mean that their interests aligned.
81 McNinch to Roosevelt, October 1, 1938, Box 1, Folder 14, Frank McNinch Papers, J. Murrey Atkins Library Special Collections and University Archives, UNC Charlotte, Charlotte, North Carolina.
82 “Father Curran Praises Father Coughlin; Gives Reply To His Critics,” The Tablet (Brooklyn, New York), July 29, 1939.

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facts and its defiance of public opinion,” Payne said, “but because it is evidence of the organized movement of the radio monopoly to mold public opinion to its will, and to control, not only the radio industry but the regulatory body known as the Federal Communications Commission.” He later said: “The only effective answer to Mr. Sarnoff is the long-needed congressional investigation.”

In the summer of 1938, O’Connor hoped to pass legislation for an investigation of the networks. Specifically, the resolution called for a committee to “inquire into and investigate the allegations and charges that a monopoly or monopolies exist in radio broadcasting, alleged to be held by the Columbia Broadcasting System, National Broadcasting Co., Mutual Broadcasting System, or others.” Testifying in front of O’Connor’s House Rules Committee, Payne “charg[ed] that certain of his colleagues had been influenced by a powerful radio lobby”; he also declared “‘free competition’ is rapidly disappearing in broadcasting and that the industry has exchanged its social consciousness for ‘spoils.’” Tension intensified as Payne spoke critically of his co-workers. “You mean me?” McNinch intently asked of Payne’s accusations after standing up from his chair. Payne responded negatively.

The Committee did not find Payne convincing, particularly because they felt he was unable to provide specifics or evidence in regards to his accusations. After a closed-door meeting, a Committee member said: “I see no use for any more hearings with that sort of

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testimony.” Another one also said: “Payne made a very unfavorable and poor impression on the committee. He fluked out altogether. There was nothing to what he had to say.”

On the other hand, McNinch impressed Congress. While he acknowledged before the House Rules Committee that “the question of an investigation is a matter for Congress to determine and we would not be so presumptuous as to advise you,” he also offered a reminder that the FCC itself was studying the radio monopoly question. When the House debated the resolution, congressmen praised McNinch. “No one could have the slightest doubt in the world” that the Commission’s monopoly study would be done thoroughly, one congressman said. The Congressional inquiry into radio monopoly failed to pass.

However, Curran didn’t give up the effort to castigate the FCC. That September, he sent a telegram to President Roosevelt attacking McNinch; he also sent it out to the press. Curran argued, among other things, that McNinch was not pursuing a strict-enough investigation of the radio industry. By this time, the Commission was putting together its study of the network monopoly question. However, for Curran, McNinch was not leading the FCC in the right way. He resented McNinch’s efforts to impede the Congressional push for a radio investigation. He also argued that the radio industry did not fear McNinch, quoting a Variety story: “The article states that the holders of radio monopolies are unperturbed, and the ‘industry fixers are relatively calm about the outcome’ of Chairman McNinch’s Investigating Committee, because…” the transformation of Chairman Frank R. McNinch, who started out with ideas of regulation which

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88 “Commissioners Before House Committee on Payne Charges,” 13. One committee member even said that Payne took back the allegations leveled against his co-workers.
89 “Commissioners Before House Committee on Payne Charges,” 12.
90 Brown, “House Repudiates Radio Investigation Plan ,”, 12, for quote, see 16.
subsequently have been forgotten or modified, is also somewhat reassuring.” He called for Roosevelt to dismiss McNinch from the FCC.\textsuperscript{91}

McNinch fought back. He wrote Roosevelt, linking Curran to Payne. He called the Curran telegram “just another piece of cowardly intrigue by Commissioner Payne.” He also wrote that it was “obviously a part of Payne’s campaign to sabotage our chain broadcasting investigation...hoping thus to build up further propaganda for a Congressional investigation.”\textsuperscript{92}

As McNinch indicated, the efforts for a Congressional investigation - although the attempt in the summer of 1938 failed - were not done. Coughlin believed such an investigation of the chains was still possible entering 1939. He turned down an appearance on NBC for this, among other reasons. “[Coughlin’s] friends in Washington advised him against doing this because of the impending investigation of NBC in Congress,” an NBC official relayed after talking to Coughlin. “They felt that going on this program would jeopardize his case.”\textsuperscript{93}

However, there would be no Congressional investigation in 1939.\textsuperscript{94} Instead, the Commission pursued an investigation of its own. The inquiry began in March of 1938, partly motivated by intense pressure from Congress.\textsuperscript{95} The FCC inquiry - Order No. 37 - ultimately led to antitrust regulation against the broadcast networks in the 1940s.

Order No. 37 took a number of years to complete. After a round of hearings between November of 1938 and May of 1939, a committee report released in June of 1940, follow-up briefs and oral arguments in late 1940 through early 1941, the FCC released the Report on Chain

\textsuperscript{91} Curran said the article was from September 7, 1938. “Seeks to Stop F.C.C. ‘Purge,’” \textit{The Tablet} (Brooklyn, New York), September 24, 1938.
\textsuperscript{92} McNinch to Roosevelt, October 1, 1938.
\textsuperscript{93} “Following from Marion Carter,” (December 29, 1938), Box 59, Folder 86, NBC Records, Central Files, 1921-1950, Wisconsin Historical Society, Madison, Wisconsin.
\textsuperscript{94} At least, not that I discovered in my research.
Broadcasting in May of 1941. The reforms were sweeping: Among other things, the report ruled that networks were not allowed to sign stations to exclusive contracts, that contracts between networks and stations were prohibited from lasting longer than a year, and that a single organization was barred from owning more than one network.

The Commission’s defense at the Congressional hearings - along with its anti-trust action - held off a Congressional investigation, and the American system of radio was largely unchanged. However, in the 1940s, there would be more attempts at reform. As we discussed in chapter 2, many stations changed their policies in the ‘40s to reduce their amount of commercial religious content. Those affected by these changes - primarily Protestant Fundamentalists - fought back.

Fundamentalists and the White-Wolverton Bill

In April of 1946, thirty thousand marched the streets of Knoxville, Tennessee to protest station WNOX dropping its paid time for religious broadcasting. Fundamentalist J. Harold Smith had a paid program - Radio Bible Hour - on the station before the policy change. He addressed the crowd: “I want all my friends to know as well as my enemies that this fight on WNOX has not been pleasant nor easy,” Smith said. “It has been no easy thing to wrestle against powers, against the rulers of the darkness of this world, against spiritual wickedness in high places,” he continued. “But we feel that we have a cause, a right, a privilege and a glorious

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97 *Report on Chain Broadcasting*, 91-92. The last of these contained provisions.
freedom at stake. Our liberties are more valuable than life itself. Did our boys not gladly go into the withering machine gun fire at Okinawa, did they not march over the dead bodies of their buddies on the beach-head of Normandy, that we might enjoy the liberties that spell America and not Russia?"\(^{100}\)

In the mid-to-late 1940s, conservative Protestants felt excluded by the American system of radio. A number of stations across the country ceased broadcasting their programs. As we discussed in Chapter 2, these Protestants organized in an attempt to secure more airtime under the given rules of the system. They also attempted to amend broadcast legislation to a system they felt was more amenable to their interests.

Smith reached out to fellow Fundamentalist Carl McIntire upon learning of WNOX’s policy change.\(^{101}\) McIntire had his own trouble securing radio airtime - for example, in 1944, with Philadelphia station WPEN.\(^{102}\) He sought relief from the Third Circuit Court of Appeals to no avail.\(^{103}\) Before the Court, he argued that the station was “discriminat[ing] illegally” and that its rationale for stopping the program was “illegal, invalid, and contrary to the terms and intent of the Federal Communications Act and the First Amendment.”\(^{104}\) McIntire maintained that he was denied his right to “bid for radio time on a competitive basis.”\(^{105}\)

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\(^{100}\) J. Harold Smith speech, qtd. in “Sermon Preached to 30,000 People at Protest Meeting, Sunday April 14, 1946,” *Carolina Watchman* 109, no. 115 (May, 1946), 6. Found in Box 646, WNOX, 1946, Radio Problem, Carl McIntire Manuscript Collection, Special Collections, Princeton Theological Seminary Libraries, Princeton, NJ.

\(^{101}\) Smith to McIntire, April 2, 1946, Box 261, Smith, J. Harold, The Carl McIntire Manuscript Collection, Special Collections, Princeton Theological Seminary, Princeton, NJ.

\(^{102}\) See chapter 2 of this dissertation.

\(^{103}\) *McIntire et al. v. Wm. Penn Broadcasting Co. of Philadelphia*, 151 F.2d 597 (1945).

\(^{104}\) Qtd. in *McIntire et al. v. Wm. Penn Broadcasting Co. of Philadelphia*.

\(^{105}\) This quote is the Court’s recounting of McIntire’s argument. *McIntire et al. v. Wm. Penn Broadcasting Co. of Philadelphia*. 

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In May of 1946, McIntire joined Smith at a second Knoxville rally to protest WNOX’s changed policy. A four-point resolution was agreed upon. Among other things, it asked the FCC “to thoroughly investigate station WNOX in its refusal to sell time to Gospel Religious Broadcasts in free open competitive American Market…” The resolution also asked Congress “to amend the Federal Communications Act of 1934 by a provision that no licensed radio station shall exclude Religion from the right to purchase time in the free and open market in which they present the gospel of the Lord Jesus Christ.”

Soon, Fundamentalists would be presenting their case before the House Un-American Activities Committee (HUAC). Smith shared his story with HUAC. “Their eyes opened wide when the 55,000 letters were poured on a great table in their room,” Smith wrote to McIntire regarding the meeting. “EVERY LETTER they opened contained protest against such radio action. The first letter John Rankin [D-MI] opened was from a 14 year old boy who praised God for saving him from Hell through the Radio Bible Hour [Smith’s broadcast],” he continued.

“Agents were notified to begin investigation of the...station here!” Smith noted to McIntire.

Fundamentalists also had the chance to make their case to Congress. Senator Wallace White and Congressman Charles Wolverton had proposed matching bills in the Senate and House that called for stations to provide equal opportunities to differing perspectives on issues of public importance. McIntire used the opportunity at the hearing for the Senate bill to push an

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106 “Resolution Adopted At A Mass Meeting in Evans-Collins Stadium, Knoxville, Tenn.” (May 5, 1946), Box 646, WNOX 1946, Radio Problem, The Carl McIntire Manuscript Collection, Special Collections, Princeton Theological Seminary, Princeton, NJ.
107 “Resolution Adopted At A Mass Meeting in Evans-Collins Stadium, Knoxville, Tenn.”
108 Smith to McIntire, May 22, 1946, Box 261, Smith, J. Harold, The Carl McIntire Manuscript Collection, Special Collections, Princeton Theological Seminary, Princeton, NJ.
amendment to the legislation that would compel radio stations to provide time to religious groups like McIntire’s American Council of Christian Churches.111

The American Council argued that the government should force stations to sell time to various religious perspectives by defining religion as an issue of public importance. It accepted a primary premise that had guided broadcast policy since its founding in 1927: the airwaves were public property. If religion was defined as a primary issue for the public, stations that broadcast religious programming would be forced to provide time for faith groups of various perspectives. The Council believed that stations had an obligation to provide time for religion; preferably paid time, an issue their amendment also addressed.112

The more moderately conservative National Religious Broadcasters (NRB) was also represented at the White-Wolverton hearings. Reverend Dale Crowley testified at the Senate hearings, arguing that not only should stations and networks provide paid time, but that this time should be at desirable hours. Crowley testified that the current landscape did not live up to these expectations: “Within our knowledge, there are, in fact, less than 50 radio stations out of more than 1,500 in the Nation which will provide choice periods of time at regular commercial rates for a religious program.”113 The NRB was particularly concerned about the time of the week given to religious broadcasts as a response to a policy change at Mutual that restricted religious broadcasting to Sundays before 1:00 pm.114 Mutual had been the premiere landing spot for conservatives because the other major networks - NBC and CBS - did not provide regular time to evangelicals.

111 See also, Hangen, 132-135; *Hearings Before a Subcommittee of the Committee on Interstate and Foreign Commerce United States Senate Eightieth Congress First Session on S. 1333 A bill to Amend the Communications Act of 1934, and for Other Purposes* (Washington: United States Government Printing Office, 1947), 370-388.
112 *Hearings...on S. 1333*, 370-388.
113 *Hearings...on S. 1333*, 472.
According to Crowley, free speech and the 1934 Communications Act did not allow for “a licensee to assume that he has the right or authority to discriminate against the broadcasting of religion.” Crowley felt listeners would be best served by outlets selling time to faith broadcasters on desirable hours. This way, they would hear more than just the programs of “some central religious organization whose program personnel is frequently incapable, in our opinion, of airing a broadcast worthy of the listeners’ time.”

The hopes of the Fundamentalists and other conservative Protestants to re-shape the American system of radio would not be fulfilled. HUAC turned down their request for help. Although it dispatched investigators to Knoxville - among other places - “the committee considered the complaints and felt that the issue was not within our purview,” Chairman and Democratic Congressman John Wood said.

The White-Wolverton bills also failed, and the amendments proposed by conservative Protestants were defeated along with it. Ultimately, Congress turned down the idea that the public interest would best be served by religious broadcasters having the right to buy time on radio stations. This rejection allowed the FCC to maintain its policy that sustaining religious time, spread across a variety of faiths, was best for programming balance and therefore most beneficial to listeners.

Over the course of two decades, religious groups tried to reform radio policy, but the American system remained in place. However, there would be a different way for outsiders to gain an advantage - going to stations beyond the jurisdiction of the FCC. These outsiders went to Mexico.

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115 *Hearings...on S. 1333*, 475.
Chapter 5: The Mexico Problem – American Wavelength Sovereignty

The First Church of Nazarenes in Little Rock, Arkansas had a robust broadcasting schedule on station KARK.\(^1\) Every weekday morning, the church broadcast for an hour; on Sundays it had two morning hours and over two evening hours. Their songs and sermons reached out from the city across the state. In particular, the church endeavored to help the rural “shut-ins” - or, those stuck at home or in bed because of illness or disability - through their broadcasts.\(^2\)

In the early-to-mid 1930s, however, the church had a problem - their programs at night were being drowned out for a significant portion of their audience by a competing signal. This competition was not domestic. By this time, the Radio Commission had cleared the interference that plagued listeners in the 1920s. Rather, it was coming from a radio station in Mexico.\(^3\)

KARK applied with the Federal Radio Commission to increase its power.\(^4\) First Church minister Agnes White Diffie hoped the FRC would accept the station’s appeal. “...[I]n your personal opinion the added power would be a benefit to the rural districts and to those not receiving broadcasts properly?” Diffie was asked in a deposition. “I know by those that have written in and asked for an improvement in the receptions,” she responded, “and I could get hundreds if not thousands of letters recommending this additional power.”\(^5\)

The Commission approved KARK’s application. “Programs rendered by the applicant had been varied and both entertaining and instructive,” the Commission reasoned. “Operation with increased power would enable applicant to overcome the signal of a foreign station

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2 “Deposition of Agnes White Diffie,” Box 646, Docket 2804, Docketed Case Files, RG 173, NARA II.
3 “Deposition of Agnes White Diffie”.
5 “Deposition of Agnes White Diffie”. 

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sufficiently to serve at night the entire metropolitan area of the city in which its station is located and during the day a greatly increased number of persons.  

However, KARK was not the only station that suffered interference from Mexican stations. In the 1930s, a number of radio stations emerged just across the Mexican border that caused interference with many domestic outlets. Some of these Mexican border stations had the financial backing of Americans, and many intended to reach a United States audience.

Canada was not an option because the United States had already reached an agreement with its northern neighbor for sharing spectrum space. In the reallocation of 1928 - which we discussed in chapter 1 of this dissertation - America set aside 6 frequencies for exclusive Canadian use, and 11 frequencies for shared use between the two countries.

Mexican border stations caused two primary issues. First, they created interference with domestic stations. Second, their content was problematic; much of it had been driven off the American airwaves by the Commission.

This was a religious problem. The interference from Mexican border stations obstructed the American system of religious radio, which - as chapters 1 and 2 explored - offered a robust amount of laudable religious content for American listeners. And, much of the problematic content coming from these Mexican stations to American audiences was religious in nature.

The American government attempted to find a solution. The Commission increased the power of domestic stations in certain circumstances, and Congress formed legislation - part of the 1934 Communications Act - that regulated the domestic creation of content to be used on an international station for consumption by an American audience. However, these were insufficient

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solutions. The problem required a more robust resolution through international diplomacy, something the American government achieved with Mexico and other neighbouring countries.

However, after the war, the border station problem confronted the State Department again. It received complaints about Fundamentalist programming from Mexican border stations. Ultimately, the State Department did not interfere with this content, reasoning that, while it could make agreements with Mexico regarding spectrum space, it was not within its purview to meddle with the programming of Mexican radio stations. Mexico became a long-term home for many conservative Protestants who felt religious expression limitations in America had left them restricted domestically.

This was another aspect of the American system of religious radio - protecting domestic content from wavelength interference originating abroad and curtailing illicit speech from stations just across the border. To achieve this, the FCC and the State Department worked together. The airwaves were more than a domestic issue.

The Problem of Mexican Border Stations

The night of November 20, 1931, Gary Holden of Riverside, California, had friends over. Upon turning his radio on and switching through different channels, he and his guests - who were of both genders - heard the following: “I want to talk to men of forty, fifty, and sixty, who are suffering with enlargement of the prostate gland.” Holden was not pleased to hear this, and he made as much known to the Federal Radio Commission. “If one of my male acquaintances at that moment present in the room had made a remark of that kind I would have shown him the

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8 Holden to Federal Radio Commission, November 21, 1931, Box 192, Program Complaints: Brinkley, Dr. John R., February 3, 1931 to December 28, 1931, General Correspondence, 1927-1946, RG 173, NARAII.
door in a hurry, and perhaps would have accompanied him outside,” he wrote to the Commission.⁹

The station transmitting this content was XER, located in Villa Acuna, Mexico, just over the border from Del Rio, Texas. This was Dr. John R. Brinkley’s station.¹⁰ Brinkley, known colloquially as the “goat-gland doctor” because of his unorthodox techniques of boosting virility by transferring goat testicles to men, had his Kansas radio station taken away from him by the Federal Radio Commission in the early 1930s. The Commission felt Brinkley’s medical advice - which involved “the practice of a physician’s prescribing treatment for a patient whom he has never seen, and bases his diagnosis upon what symptoms may be recited by the patient in a letter addressed to him” - was “inimical to the public health and safety.”¹¹ Subsequently, he crossed the border not merely hoping to find time on the air, but also searching for an economic opportunity to build his own radio station. He successfully convinced the Mexican government to approve this venture, taking advantage of Mexican authorities who felt the North American spectrum power balance was disfavorable to them.¹²

In addition to XER, many other border stations surfaced, bringing interference to the American airwaves with them. For example, quack doctor Norman Baker - who lost his American station after the Commission revoked his license - set up station XENT in Nuevo Laredo.

The Commission was concerned about the content on these border stations in addition to wavelength interference. They broadcast astrology, quack medicine, and eccentric religion. Like

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⁹ Holden to Federal Radio Commission, November 21, 1931.
¹² Fowler and Crawford, Border Radio, 28, 203-204.
Brinkley and Baker, much of this content had been excised by the Commission from the American airwaves.

Religious broadcasting thrived on Mexican border stations. The Commission and domestic radio station owners had frowned upon much of this content. Broadcasting across the border, however, these speakers found large American audiences.

**Problems Created by Border Radio: Religious Content**

One of these religious - or at least pseudo-religious - groups that did well in Mexico were astrologers. Astrologers struggled domestically. The FRC and the FCC disapproved of this programming because, the Commission believed, it preyed upon its listeners, exploiting their desire for a better life and their religious sensibilities.\(^\text{13}\)

The FCC made it clear in a May, 1931 announcement that it frowned upon astrology:

“Upon frequent occasions there have been brought to the attention of the commission complaints against radio stations broadcasting fortune-telling, lotteries, games of chance, gift enterprises or similar schemes offering prizes dependent in whole or in part upon lot or chance.” The announcement also read: “There exists a doubt that such broadcasts are in the public interest. Complaints from a substantial number of listeners against any broadcasting station presenting such programs will result in the station’s application for renewal of license being set for a hearing.”\(^\text{14}\)

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Soon, the Commission took action as forewarned in this announcement. For example, it held separate hearings to review the licenses of two Northern California stations for astrology broadcasts. In both cases, the stations dropped the programs in question.\(^{15}\)

The Commission was concerned about the religious connotations of fortune telling programming. For example, in 1934 the Commission held a hearing regarding Missouri station KFEQ’s license. It was concerned that the fortune telling broadcasts in question over KFEQ “were intended to exploit and victimize the credulous, to capitalize the troubles and distress of questioners, and in some instances even to draw upon the public by appeal to religious instincts.” One such broadcaster was “Dr. Price,” who was “introduced...as world famed spiritual psychologist presented by ‘The Spiritual Psychic Science Church,’” as the FCC reported on the case.\(^{16}\)

The Commission was also uneasy about another broadcaster who had appeared on KFEQ: Ralph Richards. The Commission had shown concern about the astrologer in the past - in 1931 Pennsylvania station WCBA ceased broadcasting the fortune teller after the Radio Commission scheduled a renewal hearing because it had featured his broadcasts.\(^{17}\) Regarding Richards - as well as Price - the Commission had concerns that KFEQ had “broadcast matter obviously designed primarily to exploit the public.”\(^{18}\)

While Richards found trouble in the United States, he did well in Mexico. Many astrologers found success on Mexican stations. XEPN of Piedras Negras - just across the border from Eagle Pass, Texas - featured an astrologer named Marjah. “...I want to tell you that I know


\(^{16}\) “In re application of Scroggin & Company Bank (Station KFEQ)” *Federal Communication Commission Reports* 1: 196.

\(^{17}\) Thad H. Brown, Memorandum to the Commission, October 23, 1931, Box 13, Minutes of Commission Meetings and Hearings, RG 173, NARAII.

\(^{18}\) “In re application of Scroggin & Company Bank (Station KFEQ),” 195.
you are doing a great and wonderful work, helping everyone who asks you for help,” a listener from Mount Vernon, Illinois wrote to Marjah in early 1935. “I have an understanding of the work you are doing and I have all the faith in the world in it and in you also,” she also wrote.19

E.R. Rood succeeded in Mexico, having come across roadblocks in the United States. The Commission targeted Rood. For example, it held up the license renewal of New Orleans station WJBW before it found that the station had only featured him on its schedule for a short time.20

Rood mixed in eccentric religion with his fortune telling. He referred to himself as a reverend; he was ordained in the Spiritual Psychic Science Church of California.21 This church was a recognized religious body, yet it held unorthodox beliefs, even ordaining a duck.22 “Rev. Rood’s inspirational work is needed in this day and age,” New Orleans paper Radiotime wrote in 1934, “for it inspires listeners to do things at the proper time which is in exact accordance with the bible, ‘Ecclesiastes Chapter 3.’”23

Although he was kicked off of WJBW, Rood was able to use Baker’s station in Mexico, XENT.24 “Now, folks, I want to say that I am deeply sincere in this work,” Rood said over XENT one night in 1935. “I don’t claim any supernatural powers either. I make no pretense other than I give my true findings to the best of my ability.”25

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19 “Stenographic Report of Talks Made Over Radio Station X.E.P.N., 590 kilocycles, Located at Piedras Negras, Coahuila, Republic of Mexico, At Intervals From January 24, 1935 to February 5, 1935,” p.59-60, Box 580, Docket 2636, Docketed Case Files, RG 173, NARA II.
20 George Porter, Memorandum to the Broadcast Division, June 26, 1935, E.R. Rood (Reverend) Complaint File, Box 63, General Correspondence 1947-1956, RG 173, NARA II.
21 Theodore Deiler Memo on Rood, August 24, 1934, E.R. Rood (Reverend) Complaint File, Box 63, General Correspondence 1947-1956, RG 173, NARA II.
22 “Ordained Duck Ousted by Church Archbishop,” Los Angeles Times, April 10, 1936.
23 “Rev. Rood Radios Super Feature,” Radiotime (New Orleans, LA), week of September 30, 1934, 11, found in E.R. Rood (Reverend) Complaint File, Box 63, General Correspondence 1947-1956, RG 173, NARA II.
24 Theodore Deiler, Astrological Program of Rev. E. R. Rood, over Station WJBW, October 22, 1934, E.R. Rood (Reverend) Complaint File, Box 63, General Correspondence 1947-1956, RG 173, NARA II.
25 E.R. Rood broadcast, 1935, 11:00pm Station XENT, Nuevo Laredo, Mexico, E.R. Rood (Reverend) Complaint File, Box 63, General Correspondence 1947-1956, RG 173, NARA II.
Other religious content thrived on border radio. For example, J. Frank Norris and Sam Morris used border radio to preach against alcohol.\textsuperscript{26} Morris had trouble using American radio stations. In 1933, he was charged with operating a radio station without a license. At the time he lived in Stamford, a small town in Texas. Initially, Morris tried to defend himself by claiming that his station’s broadcasts did not cross state lines and that they didn’t interfere with other radio signals.\textsuperscript{27} At this time, he was already aware of the opportunity Mexico presented: “…If it becomes necessary, we expect to secure time on a big Mexican station to tell every step connected with this unfair prosecution.”\textsuperscript{28} However, he soon gave up the fight, instead waiting to hear from the Radio Commission about an application he placed for a radio station permit.\textsuperscript{29}

**Problems Created by Border Radio: Interference with Meritorious American Stations**

The Commission was also very concerned about the interference Mexican border stations brought upon domestic stations. A fundamental reason Congress created the Radio Commission was for regulators to create clear signals for American listeners. The Commission had worked hard to clear up wavelength disturbance only to see the American ether disrupted by outside forces beyond its control.

Starting in 1927, the Commission worked to reallocate the broadcast spectrum in the interest of the listener. Through this process, it favored stations that provided a well-rounded programming lineup, including healthy religious offerings. Some of these stations came under threat from Mexican interference. Station WSB of Atlanta was one such outlet. “For some time the disturbance from Villa Acuna, Mexico and a station in Texas has been so great that the reception from W.S.B. has almost been ruined,” a concerned listener wrote to the Radio

\begin{itemize}
\item \textsuperscript{26} Fowler and Crawford, *Border Radio*, 125-126.
\item \textsuperscript{27} “Rev. Sam Morris, Abilene Man, 16 Others Charged With Violating Radio Regulations,” *Abilene News-Reporter* (Abilene, Texas), August 23, 1933.
\item \textsuperscript{28} “Pastor Will Give His Side In Radio Case,” *Abilene News-Reporter* (Abilene, Texas), August 25, 1933.
\item \textsuperscript{29} “U.S. Dismisses In Sam Morris’ Case,” *Abilene Reporter-News* (Abilene, Texas), April 10, 1934.
\end{itemize}
Commission in November of 1931. “We believe that W.S.B. is serving with a great number of people and in justice to these listeners something should be done to remove this disturbance.”

The Radio Commission had given WSB a clear channel. It featured public service programming and was committed to protecting its religious content. “We will not accept, and several times have declined to accept, commercial programs, not only during that hour, but within thirty minutes after its normal close, lest we, because of some circumstance such as a baptism, communion or rally, impair or curtail the program,” station manager Lambdin Kay said in 1934 regarding its broadcast of First Presbyterian Church, which it had featured for almost thirteen years.

By the mid-1930s, Mexican interference was plaguing Omaha, Nebraska Station WOW’s night broadcasts. American regulators had praised the station, including a recognition of its religious programming. “Station WOW is a highly efficient station...and is operated by a large force of competent experts,” the DC Court of Appeals wrote in 1932. “It is the only station in Omaha giving regular day and night service, and is an outlet for the chain programs of the National Broadcasting Company,” it also wrote. “Its programs have presented local, religious, educational, civic, emergency, and charitable features, also news bulletins, agricultural information, and market reports.”

If the Commission was going to maintain the laudable service of WSB and other stations, it would have to solve the interference problem. And, if it was going to protect American listeners from harmful religious content - and other problematic programming - it would have to

30 Boone to Federal Radio Commission, Nov. 19, 1931, Box 192, Program Complaints: Brinkley, Dr. John R., February 3, 1931 to December 28, 1931, General Correspondence, 1927-1946, RG 173, NARA II.
31 Official report of proceedings before the Federal Communications Commission: Hearing...before the Broadcast Division of the Federal Communications Commission on section 307(c) of the Communications Act of 1934, Volume 21 (Washington: Smith & Hulse Official Reporters, 1934), 10928-10929.
33 Woodmen of the World Life Ins. Ass’n (Station WOW) v. Federal Radio Commission 57 F.2d 420 (1932).
find a way to regain its influence over what American audiences heard. The Commission attempted to accomplish these goals.

**Limited or Failed Solutions**

The Commission had some means - albeit limited - of alleviating the situation. As the KARK situation illustrated, it could increase the power of the affected stations. To take another example, Georgia School of Technology station WGST applied for more power from the Commission because of interference from Mexican radio. The FCC approved the application, reasoning that its programs “appeared to have been well-balanced, entertaining, and enlightening.” The Commission noted its faith content, adding that “a reasonable amount of time is devoted to educational, religious, charitable, and civic broadcasts.”

Or, the Commission could stop domestic studios from producing content with the intent of shipping it to a Mexican station to be transmitted back across the border. This was enshrined in legislation as Section 325(b) in the Federal Communications Act of 1934. The law gave applicants the chance to petition the Commission for permission to build and maintain such a studio. Some made attempts to do so, attempts that revealed the Commission’s intolerance of border station interference and inappropriate content.

Thelma Yount applied with the Commission to operate a studio in Laredo, Texas. Yount intended the content to be used on Mexican stations, especially XENT, which was located just

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34 “In the Matter of Georgia School of Technology (WGST)...For Modification of License,” (March 10, 1936), *Federal Communications Commission Reports* 2: 378.
35 “In the Matter of Georgia School of Technology (WGST)...For Modification of License,” 380.
36 Section 325(b) read: “No person shall be permitted to locate, use, or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there having a power output of sufficient intensity and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor.” *Communications Act of 1934*, Public Law 73-416. For more on the clause, see Fowler and Crawford, *Border Radio*, 213-214.
across the border from Laredo. She had connections to quack doctor Norman Baker, including at one time being a secretary at his company. By this time - 1935 - the Commission had taken away Baker’s domestic radio license. However, he was active on the Mexican airwaves - he had started XENT.

The FCC was not impressed with Yount’s application. It had concerns about her ties to Baker, as well as XENT’s interference in American and Canadian wavelength space. The Commission also did not approve of XENT’s content, having made note of its astrology programming. “The character of the programs likely to be arranged and transmitted from the proposed studio did not appear to be such as would promote better international relations or to serve the public interest in any of the other ways suggested in the application,” the Commission reasoned. As the FCC wrote, Yount had claimed the content would be meritorious. “We shall endeavor to better International Relations, programs of good character, advertising, and music, as well as sustaining programs of variety nature,” Yount wrote in her proposal.

Similarly, the Commission denied an application under Section 325 for a domestic studio to provide programming for station XEPN of Piedras Negras, Mexico. The applicants hoped for FCC approval to supply the station content from Eagle Pass, Texas, a city that neighboured Piedras Negras. The FCC was concerned that XEPN featured content from Dr. John R. Brinkley whose domestic station, KFKB, the FCC had shut down.

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37 “In the Matter of T. Yount, doing business as Universal Advertising Agency, Laredo, Texas, For Permit to Locate, Maintain, or Use Studio or Apparatus for Broadcasts of Programs to be Transmitted or Delivered to Foreign Radio Stations,” Federal Communications Commission Reports 2: 201.
38 “In the Matter of T. Yount…” 201.
39 “In re Application of Norman Baker (Station KTNT)...Docket 967” (June 5, 1931), found in Box 1, Decisions of the Federal Radio Commission, 1929-34, RG 173, NARAII.
40 “In the Matter of T. Yount…” 202; for more on Baker and XENT, see Fowler and Crawford, Border Radio, 86-102.
41 “In the Matter of T. Yount…” 200, 206.
42 “In the Matter of T. Yount…” 206.
43 “In the Matter of T. Yount…” 200.
44 Qtd. in “In the Matter of T. Yount…” 205.
45 “Morris,” 269-270.
programming on XEPN was of the same nature as found on KFKB. The FCC also determined that the station “does not broadcast civic, religious, or educational programs, as such,” and that it interfered with Omaha, Nebraska station WOW.46

In 1937, Baker and two associates - Roy Richardson and E.R. Rood - were indicted for breaking 325(b).47 Like Rood, Richardson was a radio astrologer. The FCC wondered if Richardson was the same person as Ralph Richards, the astrologer whom the Commission had targeted domestically.48 Richards developed many aliases over his long career.49 For clarification regarding Richardson - assuming he was a different person than Richards - he was also a radio astrologist. He spoke over Baker’s XENT. A Laredo, Texas jury found the three guilty of violating section 325(b) of the Federal Communications Act.50 On appeal, however, the U.S. Circuit Court of Appeals in New Orleans decided in Baker’s favor, ruling that provision 325(b) was not written with enough precision. It’s possible, the court determined, that the provision was written with the objective of outlawing what Baker and his associated did, “but the intention is not expressed with the clearness that is required in a penal law.”51 This was bad news for the American authorities regarding the border radio situation - section 325(b) was a major method they had hoped to use to control border blasters.

Mexican border stations were not primarily a problem of domestic regulation. Every alteration the Commission made to the American spectrum would not change the fact that

46 “Morris,” 271.
48 Kratokvil to McGregor, April 30, 1936, E.R. Rood (Reverend) Complaint File, Box 63, General Correspondence 1947-1956, RG 173, NARAII.
49 Regarding Richards’ aliases, see Deibler Memo to Porter, August 14, 1935, Box 225, Program Complaints: Richards (Doctor) Ralph, Executive Correspondence, 1927-1946, RG 173, NARAII.
51 Qtd. in “Recordings May Be Transported Abroad Under Decision by Appellate Tribunal,” *Broadcasting*, January 1, 1938, 22.
interference was coming from the Mexican border stations. And, it had no jurisdiction over stations on Mexican soil. The solution to the problem required international diplomacy.

**Successful Solutions**

As a solution, the U.S. throughout the 1930s tried to work out a deal with the Mexican government to share wavelength space. The border blaster problem played a significant role in these negotiations. While no agreement would be reached during conferences in 1933, something came together in late 1937 at a meeting in Havana among the many countries of the region: The North American Regional Broadcasting Agreement (NARBA).  

Almost four years later, in March of 1941, a reallocation of wavelength assignments was put in place. The border station problem was a big part of this reallocation. As *Broadcasting* magazine put it regarding an early 1941 conference among North American countries on wavelength disbursement: “...The Mexican border station situation generally was cleared to the entire satisfaction of the various delegations.”

To comply with the treaty, many of the border stations were ordered to be relocated further away from the border. Baker’s XENT, for example was supposed to be moved from Nuevo Laredo to Monterrey, although the problem took care of itself when Baker was sent to prison for mail fraud in March. Other stations went off the air altogether, including Brinkley’s XERA, which was taken by the Mexican government in June. By 1945, station XELO was the “last of the border stations.”

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The Commission also cooperated with the United States Post Office as the latter pursued mail fraud allegations against some of the elicit broadcasters that used the Mexican airwaves. For example, in January of 1940, the FCC recorded Mexican broadcasts of astrologer Ralph Richards for the Post Office.\textsuperscript{58}

Mail fraud became an effective way for the federal government to control the illicit behavior of these broadcasters. In 1942, Richards was sentenced to prison.\textsuperscript{59} And, as mentioned above, Baker was sent to prison for mail fraud.\textsuperscript{60}

NARBA played a substantial role in handling the troublesome speakers from Mexican border stations. However, following the war, the problem resurfaced, and important questions re-emerged for the State Department. Through agreements and diplomacy it could certainly work towards an equitable share of spectrum space with America’s neighbors, but content questions would again become an issue.

**Problems in the Late 1940s**

On May 5, 1947, fundamentalist Gerald B. Winrod wrote a letter to some of his supporters; more specifically, as Winrod put it, “to a small group, upon whom we have come to rely, when emergencies arise in connection with the work.” The “emergency” was a chance for Winrod to broadcast over radio stations in Mexico. “I have just had a long distance call...and must drop everything, to leave at once for the Mexican border,” he wrote. “No time can be lost and I am therefore making the trip by airplane.” Winrod was traveling to negotiate and discuss contracts. “Try to visualize the possibilities of our broadcasts, through these stations, as a means

\textsuperscript{58} Aldrich to FCC, January 19, 1940, and Linden to Chief, Field Section, January 27, 1940, and other letters, Box 225, Program Complaints: Richards (Doctor) Ralph, Executive Correspondence, 1927-1946, RG 173, NARA II.


\textsuperscript{60} Fowler and Crawford, *Border Radio*, 101.
for advancing and promoting the interests of the Defenders organization [Winrod’s institution] and the Gospel of the Lord Jesus Christ,” Winrod wrote.⁶¹

Many Fundamentalists - like Winrod - took advantage of the opportunity to broadcast in Mexico. As we explored in chapter two of this dissertation, fundamentalist Protestants felt they were pushed off the domestic airwaves in the 1940s. And, as we discussed in chapter four, they unsuccessfully tried to reform radio policy to a system they felt was more amenable to their interests. In response to their treatment by American radio, many Fundamentalists found the Mexican airwaves appealing. American regulators, networks, and local stations only had power over domestic radio, and the radio waves from these Mexican stations reached well into American territory. Border stations seemed like a literal answer to prayer.

Fundamentalists could be heard over stations like XEG, Monterrey or XERF, Villa Acuna. Gerald B. Winrod, J. Harold Smith, and Wendell Zimmerman, to name a few, all broadcast over Mexican stations. While it was a hassle to work across the border, the high power of these “border blasters” was a huge draw. With high wattage, these stations ensured its broadcasters could be heard deep into the United States.

There was a surge in the number of Fundamentalists on border stations in the mid-1940s. For example, Fundamentalist Gerald B. Winrod of Wichita took his broadcasts to Mexico. Winrod was an aggressive anti-communist, tried for sedition in 1944 in United States v. McWilliams in a case that alleged that thirty defendants were guilty of conspiring with Nazi Germany to bring a fascist regime to the United States, among other places.⁶² Winrod had a

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⁶¹ Gerald B. Winrod, “Defenders Launch Radio Crusade Through The Two Most Powerful Broadcasting Stations In The World” (May 5, 1947), Box 1B, FF 16, MS 87-09, Gerald B. Winrod Papers (GWP), Wichita State University Libraries, Special Collections and University Archives.

history of broadcasting in Mexico. For example, in March of 1937 he spoke over XEAW, Reynosa against FDR’s proposed court packing proposal.63 And, in 1939 he broadcast over XERA before the Mexican and American governments shut the station down.64

Winrod started broadcasting in 1947 from two Mexican stations, including XERF, which in February of 1947 had officially begun broadcasting on the same site as XERA in Villa Acuna, across the American border from Del Rio, Texas.65 According to Winrod, while broadcasting in 1937 in Mexico against FDR, he was acquainted with the men who had become the owners and operators of the stations over which he now hoped to broadcast. “These men have now expressed a desire to welcome me, and our Gospel message, through their air channels,” Winrod wrote in a newsletter to his followers. “It will give us the greatest opportunity, in the history of our work, to proclaim the message that the world so much needs.”66

Winrod included himself among the Fundamentalists who had a hard time getting on the air in the 1940s: “I have been, for several years, subjected to the same kind of CENSORSHIP, that has crowded more than 1,000 Gospel Preachers, off the radio,” he wrote to his followers. Winrod pointed to left-wing activist organizations as the cause of his troubles, continuing, “You know the shameful methods, used by Jewish and Communist organizations, to destroy Dr. Walter Maier and the ‘Lutheran Hour.’”67

Winrod was correct about the pressure left-wing and Jewish advocacy groups like the Friends of Democracy (FOD) and B’nai B’rith placed on right-wing Protestant broadcasters. For

63 “Winrod Talks from Reynosa,” The Brownsville Herald (Brownsville, Texas), March 3, 1937.
64 Gerald B. Winrod, Radio Speeches on War and Peace (Wichita, Kansas: Defender Publishers, 1939).
66 Winrod, “Defenders Launch Radio Crusade Through The Two Most Powerful Broadcasting Stations In The World”
67 Gerald B. Winrod, Letter to “Prayer-Circle Friends” (June 6, 1947), Box 1B, FF 17, GWP. Capital letters in original.
example, he was right that FOD’s Leon Birkhead had complained about Maier to the FCC, the NAB, and Mutual. And, he was even correct that these groups sometimes succeeded in influencing radio stations that it was in the public interest to take Fundamentalists off their station. For example, in April of 1947, news broke that Detroit-area station WCAR had taken off Winrod; it turned out that B’nai B’rith had complained to the station about giving him time.

Winrod felt the opportunity to use Mexican stations was an answer to prayer: “...I say it is nothing short of PROVIDENTIAL, that the present opportunity to broadcast, over the two most powerful stations in the world, should be placed at our disposal,” Winrod wrote in a newsletter. It was such great news to the gospel preacher because the powerful Mexican stations gave him a wide reach across the United States. While he was successful in placing his radio program, The Defender Hour, on some American stations, he had trouble on others. For example, he had trouble buying airtime in his hometown of Wichita. For example, in the summer of 1949, station KFH informed him and the FCC - which had reached out to a number of Wichita stations to investigate the situation - that they did not sell time to religion, instead handing out time to groups such as the Wichita Council of Churches. Station KFBI also denied Winrod’s request and informed the FCC that it had done so, furnishing it with research on Winrod put together by the FOD among other watchdog groups. And, station KANS denied him time: “This station tries at all times to present a well-rounded program schedule carrying all the various programming for a variety in that programming,” the station general manager wrote Winrod. “At

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68 Birkhead to the Federal Communications Commission, July 9, 1945, Box 213, Maier, Walter (Dr.) Program Complaints, General Correspondence 1927-1946, RG 173, NARA II.
70 Gerald B. Winrod, Letter to “Prayer-Circle Friends” (June 6, 1947).
71 For Winrod on domestic stations, see, for example, Gerald B. Winrod newsletter, December 24, 1952, p.3, Box 1C, FF 52, GWP.
72 Webb to Winrod, July 2, 1949, and Webb to Slowie, August 6, 1949, Winrod, Gerald B. Complaint File, Box 54, Series: General Correspondence 1947-1956, RG 173, NARA II.
73 Bondurant to Slowie, August 9, 1949, Winrod, Gerald B. Complaint File, NARA II.
the present time we feel that with a Sunday morning schedule already full of religious programs, we have as many programs of this type as we should carry."^74

Even though Winrod had trouble getting on Wichita stations, his programs from Mexico reached his hometown, plus many more places. By late June of 1947, he reported that he heard his program from XEG, Monterrey “with perfect clearness,” listening in Wichita. He was very happy with the results of broadcasting across the border: His program was broadcast every night, and he received listener mail from Mexico, Canada, and 25 states.^75

J. Harold Smith - Fundamentalist of Knoxville who had trouble on local station WNOX following a policy change - also broadcast in Mexico. As early as March of 1946 he broadcast on XEG.\(^76\) He started on XERF on February 15, 1947, and was scheduled to take part in the grand opening of the 50,000-watt station on February 22.\(^77\) He settled in to a favorable schedule, broadcasting 30 minutes every morning and 30 minutes every evening.\(^78\)

WNOX’s policy change made border radio a great option for Smith; the change also affected Fundamentalists George W. Cooper and J. Bazzel Mull.\(^79\) Mull was aware of the chance to broadcast in Mexico, but felt ill-equipped; instead, he informed Cooper of the opportunity. XERF, among other border stations, was soon broadcasting the *Cooper Old-fashioned Gospel Hour*.\(^80\)

Other American broadcasters on Mexican stations shared Fundamentalists’ belligerent anti-communism. For example, Upton Close developed an independent radio voice in the 1940s,
building an audience based on his opposition to communism. He was an iconoclast, and the networks grew tired of his controversial broadcasts. Soon, he also took advantage of the opportunity Mexico presented to broadcast unimpeded by the editorial constraints of the American networks.

Solutions to the New Problem?

The State Department received complaints about the Fundamentalist broadcasts from Mexico. In December of 1947, Birkhead - who had an antagonistic relationship with Winrod that stretched back to the late 1920s - contacted the State Department, protesting the use of the border station airwaves by Fundamentalists. “I would like to direct your attention to the fact that a group of individuals calling themselves Fundamentalist ministers is using two Mexican radio stations to broadcast questionable propaganda to United States listeners,” he wrote. “Included in this group of Fundamentalists, which mixes politics with their own brand of religion, is Gerald B. Winrod of Kansas, who was indicted for sedition during World War II,” he reminded the State Department. He urged American authorities to intervene and contact Mexican officials about the situation. “Since it is my opinion that the messages broadcast by this group are appeals to prejudice, intolerance, bigotry and disunity, I herewith request that the State Department investigate and bring this matter to the attention of the proper authorities in Mexico,” L.M. Birkhead wrote to the Secretary of State on December 13.

In addition to complaining about Fundamentalists, Birkhead notified the State Department that Close was also broadcasting over these Mexican radio stations. “Like the Fundamentalists who also use the Mexican radio facilities, Close appeals to prejudice,

81 “The Facts” (February, 1949), Box 30, Folder 14, Upton Close Correspondence 1949, Jewish Federation Council of Greater Los Angeles, Community Relations Committee Collection, Part 3, 1933-1951 (CRC 3), California State University, Northridge, Special Collections & Archives, Oviatt Library (CSUN).
82 On Winrod and Birkhead, see Ribuffo, The Old Christian Right, 123.
83 Birkhead to Marshall, December 13, 1947, Box 5127, 812.76/12-1347, Decimal File 1945-1949, RG 59, NARA II.
intolerance, bigotry and disunity,” Birkhead wrote the State Department later that month. “For example, he identifies Judaism with Communism and persists in the myth that President Roosevelt was responsible for Pearl Harbor,” he also wrote. “Therefore, I am requesting that the State Department institute an investigation of Upton Close and the others who use the Mexican stations for broadcasting. I also urge that this be brought to the attention of the proper authorities in the Republic of Mexico.”84

Was there anything the Commission could do about this situation? While the State Department and the Commission had shown great resolve to handle astrologers, Brinkley, and Baker, in this instance federal authorities were hesitant to pursue censorship. They had to fend off complaints from congressmen and listeners, some of whom accused the State Department of having subversive elements among its ranks. “I think I need not call to your attention the fact that we have some pretty slippery characters in our State Department since you no doubt know more on that situation than I do,” a concerned listener wrote to Senator Tom Connally (D, Texas). “I give you credit for knowing that many subversive termites have wormed their way into some of our government departments and bureaus in the past fifteen years,” the listener continued in a letter that Connally forwarded to the State Department.85

In response to Birkhead’s complaints about the Fundamentalists, the State Department reached out to the American Embassy in Mexico. The Department was hesitant to be overly aggressive with Mexican officials, concerned that it would be inappropriate to formally protest broadcasts originating out of a different country. The State Department thought it best for the Embassy to “informally” address the situation with Mexico.86

84 Birkhead to Marshall, December 31, 1947, Box 4086, 800.20211/12-3147, RG 59, Decimal File 1945-1949, NARAII.
85 Orr to Connally, March 16, 1948, Box 4086, 800.20211/5-2148, Decimal File 1945-1949, RG 59, NARAII.
86 Otterman to Slowie, Jan. 22, 1948, 800.20211/12-1347, Box 4086, Decimal File 1945-1949, RG 59, NARAII.
News of possible State Department involvement in the situation was soon made public. Birkhead announced in his magazine that he had contacted the State Department regarding Close and the Mexican border stations. Upon learning about the Birkhead protest, Close reached out to Congressmen to complain. Soon, the State Department received complaints about the possibility that it had censored Close. “...I am extremely disturbed to be informed that the American government is apparently exercising censorship and suppression of free discussion on Mexican stations operating so as to be heard in the United States,” Congressman Howard Buffett (R, Nebraska) wrote in a telegram to the Secretary of State.

The State Department had a crisis on its hands: many were concerned that it was engaging in censorship of an American broadcaster. To make matters more urgent, the Mexican stations broadcasting Close suddenly dropped him from their programming. Was the State Department responsible for the sudden silencing of Close?

Close believed the State Department was culpable. He felt it was hypocritical for the Department to engage in censorship when it was in an ideological fight against totalitarian communists. Close argued this in a telegram he sent to the Department:

Respectfully ask how can State Dept which protests Russian dictatorial method suppression of free speech in Hungary and Poland and which asks public money to broadcast its viewpoint to the world [a reference to the State Department’s international broadcasting efforts], take part in a smear and intimidation campaign of communists sympathizing group [called] Friends of Democracy by protesting to Mexican Government through US Embassy against the broadcast of Upton Close and [Gerald] Winrod over Mexican stations, as [he was] informed by ministry communications Mexico City last night?

Mexican authorities ordered Close off the air. After investigating the situation, the State Department learned from Mexico that its Embassy in Washington DC had raised concerns about

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87 Close to Marshall, January 16, 1948, 800.20211/1-1648, Box 4086, Decimal File 1945-1949, RG 59 NARAII.
88 Buffett to Marshall, February 7, 1948, 800.20211/2-748, Box 4086, Decimal File 1945-1949, RG 59, NARAII.
89 Close to Marshall, February 5, 1948, 800.20211/2-548, Box 4086, Decimal File 1945-1949, RG 59, NARAII.
Close to the Mexican Foreign Minister, even suggesting that he be silenced. A Mexican informant did claim that the Mexican Embassy was influenced by a conversation about Close at the State Department, a claim the Department vigorously denied.

The State Department was anxious to clear its name of being the ones responsible for Close’s censorship. It used the information gathered through its investigation of the situation to respond to the numerous inquiries that it had played a role in kicking Close off the Mexican stations, emphasizing that it was Mexican officials - and not anyone within the American government - who had taken Close off the air.

The Mexican ban on Close was not permanent; however, he was soon - in April of 1948 - kicked off again. The restriction also affected Winrod and other Fundamentalists. Again, the State Department was flooded with complaints, many from Congressmen forwarding letters from their constituents; only now the protests were about conservative Protestants losing access to the air. “When two men can so completely run the United States Government and especially the State Department as the two vipers which I am going to name are doing it is time for an investigation to find out where these two men get their power,” a constituent of Arkansas wrote to Congressman John L. McClellan (D, Arkansas). “These two vipers have power to say who can preach and talk over the radio in the United States and also in Mexico,” the constituent also wrote in reference to Birkhead and radio host Walter Winchell, later continuing, “The only reason they give for wanting these preachers silenced was because they preached the gospel and

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90 Also cited as someone who recommended the removal of close was Ernest Schwarz, “whose identity is unknown.” Washington to Secretary of State, “Subject: Suspension of Upton Close Broadcasts,” February 9, 1948, 800.20211/2-948, Box 4086, Decimal File 1945-1949, RG 59, NARAII.
91 Washington to Secretary of State, “Subject: Suspension of Upton Close Broadcasts,” and Paul J. Revely Memorandum, March 3, 1948, 800.20211/2-2048, Box 4086, Decimal File 1945-1949, RG 59, NARAII.
92 See Box 4086, Folder 800.20211/1-148-3-3148, Decimal File 1945-1949, RG 59, NARAII.
93 “The Facts” (February, 1949), Box 30, Folder 14, Upton Close Correspondence 1949, CRC 3, CSUN; Gerald B. Winrod Newsletter, “Zero Hour For Our Country is Approaching,” (April 9, 1948), Box 1B, FF 35, GWP.
94 See Box 5128, around documents 812.76/..., Decimal File 1945-1949, RG 59, NARAII.
are fighting the Communists. Well, the State Department said this was a good excuse and obeyed the order. If you doubt this, look into the matter. That is what the people are going to demand.”

Many other complaints about alleged communist subversion reached Congressmen, who forwarded the letters to the State Department. “A group of gospel ministers, who have been preaching Christianity over some Mexican border radio stations, were cut off the air last week by the Mexican government,” a family from Nashville, Arkansas wrote to Congressman Fadjo Cravens (D, Arkansas). “This action was taken by the influence of our own State Department, which had been pressured by the invisible empire of Communist-front organizations existing in this Country,” they also wrote. A protester from DeFuniak Springs, Florida complained to Senator Claude Pepper (D, Florida): “I am absolutely convinced that most of America is not aware of the insidious attacks these atheistic agents of Russia are making to destroy our Government.”

This was the context in which the State Department was operating - significant pressure from anti-communists. In response to these letters, the Department insisted that it was not involved in silencing anyone. “The Department has received a number of inquiries on this subject apparently the result of an incorrect report that either the Department of State or the American Embassy at Mexico City had protested to the Mexican authorities regarding broadcasts of this nature,” the State Department wrote to Senator Pepper. “It is desired to emphasize that this Government has made no representations to the Government of Mexico on this subject.”

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95 Constituent letter quoted in McLellan to Marshall, April 20, 1948, 812.76/4-2048, Box 5128, Decimal File 1945-1949, RG 59, NARA II.
96 Fergusons to Cravens, April 17, 1948 and Cravens to Department of State, April 21, 1948, 812.76/4-2148, Box 5128, Decimal File 1945-1949, RG 59, NARA II.
97 Matthews to Pepper, April 12, 1948 and Pepper to State Department, April 21, 1948, 812.76/4-2148, Box 5128, Decimal File 1945-1949, RG 59, NARA II.
98 Bohlen to Pepper, April, 1948, 812.76/4-2148, Box 5128, Decimal File 1945-1949, RG 59, NARA II.
Despite being kicked off the Mexican airwaves in April, Close and Winrod were soon back on border radio. In fact, Mexican border radio became a haven for Close, Winrod, and other Fundamentalists in the late 1940s. Other conservative Protestants who used these stations included Harvey Springer and Wendell Zimmerman, a Fundamentalist from Kansas City who was in a battle of his own with the FCC for the right to start his own radio station in America.

In January of 1949, Birkhead and the Friends of Democracy again complained to the State Department about the broadcasts of Close, Winrod, and other Fundamentalists. Birkhead, who acknowledged that these broadcasters had trouble getting on American stations, nevertheless warned that their “propaganda” was dangerous to democracy and implored action. “If the democratic United States demands that broadcasts originating here be responsible as well as free, shouldn’t it request that broadcasts beamed in our direction assume the same responsibility?” Birkhead asked.

As the State Department set about investigating the situation, it was anxious to do so quietly. It asked the American Embassy in Mexico City to “make discreet inquiries.” It also wrote: “The Embassy should not at this time present any protest to the Government of Mexico or indicate, in any way, that the United States Government is contemplating protesting this matter.” The American Embassy in Mexico was especially concerned about causing a firestorm of controversy like that of 1948. “It will be impossible for the Embassy to undertake any effective investigation of this matter without revealing it is doing so,” the Embassy responded to the State Department. “In view of the highly disagreeable consequences that resulted from the receipt of a similar instruction from the Department last year, involving Mr.

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99 Birkhead to Marshall, January 4, 1949, 800.20211/1-449, Box 4087, Decimal File 1945-1949, RG 59, NARA II.
100 Ibid.
101 To the Officer in Charge of the American Mission, Mexico City, January 31, 1949, 800.20211/1-449, Box 4087, Decimal File 1945-1949, RG 59, NARA II.
Upton Close and Mr. Gerald Winrod, it is believed that it would be imprudent for the Embassy again to expose itself to similar consequences. The Embassy thought it wise for the American federal government to obtain more information about the content of the broadcasts in question before making any other move; subsequently, the State Department reached to the CIA to see if they could monitor the broadcasts.

The responses of the State Department in both 1948 and 1949 to the controversial broadcasts across the border show it was hesitant to intervene based upon the content of Mexican stations. It did arbitrate international disputes over wavelength space; however, at this time the Department felt content was outside its control. Mexico would become a home for Fundamentalists for years to come.

In the late 1940s, the State Department was under considerable pressure from anti-communists regarding the conservative broadcasters on Mexican border stations. In addition, America had already reached an agreement with Mexico regarding spectrum sharing - the 1937 NARBA agreement. There had been no such agreement when Baker and Brinkley had radio stations on the Mexican border. In the late 1940s, America was hesitant to interfere with the content the Mexican government allowed on its stations. “...[T]he supervision of the program content of Mexican stations is a matter falling within the jurisdiction of the Mexican government,” the State Department wrote to Senator Ernest McFarland (Arizona, D), who had forwarded a complaint from a constituent. This was a typical response to such complaints.

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102 Thurston to Secretary of State, February 17, 1949, 812.76/2-1749, Box 5128, Decimal File 1945-1949, RG 59, NARA II.
103 Confidential, March 21, 1949, 800.20211/1-449, Box 4087, Decimal File 1945-1949, RG 59, NARA II.
104 See Fowler and Crawford, Border Radio, 295-327.
105 McFarland to Marshall, April 22, 1948 and Bohlen to McFarland, April 29, 1948, 812.76/4-2248, Box 4087, Decimal File 1945-1949, RG 59, NARA II.
These were pressures the State Department faced as it declined to intervene regarding the controversial broadcasters. Regulators displayed a determination to clean up both the interference and problematic content from border stations in the 1930s and early 1940s. This included protecting American domestic religious broadcasting from interference by Mexican border stations, as well as working to eliminate the controversial content found on these international stations. In the late 1940s, American regulators were more hesitant to intervene when complaints surfaced.

The rise of television and FM radio in the 1950s presented another opportunity for outsiders to change the American system. Would federal regulators fundamentally change policy with these new technologies? And, another challenge presented itself: the growing threat of Communism within the theater of the Cold War.
Chapter 6: FM, TV, and Anti-Communism

In October of 1953, the FCC wrote a letter to WHOO, Inc., which was seeking approval for a television station in Orlando. The Commission informed WHOO that it had concerns about Edward Lamb, the leader of the corporation: “[the FCC was] studying information which may possibly bear on Mr. Lamb’s qualifications to own and operate a broadcast station.”¹ The Commission was worried about Lamb’s purported ties to Communism. Allegedly, he had been a part of subversive groups and had championed a revolution against the American government. Although Lamb denied any affiliation with Communism, the Commission was aware of accusations that he had been a Communist Party member.² These allegations put into question Lamb’s fitness as a station owner and his application was delayed.³

In this early Cold War period, the federal government had doubts that Communism was compatible with American institutions. In 1950, the federal government passed the Subversive Activities Control Act. Regarding broadcasting, the Act restricted registered Communist groups from “broadcast[ing] or caus[ing] to be broadcast any matter over any radio or television station in the United States, unless such matter is preceded by the following statement, with the name of the organization being stated in place of the blank: ‘The following program is sponsored by ____, a Communist organization.’”⁴

² Ibid., p. 1370.
⁴ “Title I - Subversive Activities Control” in the Internal Security Act of 1950 64 Stat. 987, section 10. Technically, the Act specified the Communist groups required to be registered as “Communist-action” or “Communist-front”. See section 7.
Commissioner John C. Doerfer led the case against Lamb.\textsuperscript{5} Doerfer was a Republican from Wisconsin and a strident anti-Communist. President Eisenhower appointed him to complete the term of a departed commissioner in April of 1953.\textsuperscript{6} In June of 1954 - as a sign of Doerfer’s anti-communism bona fides - Wisconsin Senator Joe McCarthy backed Doerfer’s reappointment.\textsuperscript{7}

Lamb tried to interfere with Doerfer’s reappointment. “We feel that [Doerfer’s] actions have been motivated by personal, selfish, political considerations, far beyond the scope of his duty,” Lamb’s attorney and executive vice president said at the hearings for his reappointment. “Mr. Lamb has been retarded in the handling and the proper management of his properties practically from the day Mr. Doerfer took his seat on the Federal Communications Commission,” he also said.\textsuperscript{8}

At the hearings, Lamb defended himself from accusations that he was anti-American. As part of this defense, he used religion to show that he operated his stations as a loyal American citizen and in the public interest. Oklahoma Senator Mike Monroney asked Lamb: “During all these conferences, hearings, negotiations, filing of affidavits and a few answers by the Federal Communications Commission, has there ever been any charge by the Federal Communications Commission that your radio stations or your television stations have been operated other than on a basis of 100 percent loyalty to our form of government?” Lamb responded: “Obviously not.


\textsuperscript{6} Brinson, “Reds Need Not Apply: Communism and the FCC, 1940-1960,” 117; see also \textit{Nomination of John C. Doerfer to Be a Member of the FCC, Hearing Before the Committee on Interstate and Foreign Commerce, United States Senate...} (April 1, 1953) (Washington: United States Government Printing Office, 1954).


\textsuperscript{8} \textit{Nomination of John C. Doerfer to FCC, Hearings Before the Committee on Interstate and Foreign Commerce, United States Senate, Eighty-Third Congress...}(June 23 and 24, 1954), p.3.
We have won every interfaith award. We’ve won all the public service awards in the business.” Lamb later continued: “…I’m sure the records would show that we carry more religious programing, and have on my Erie television station, than any other television station in the United States.” While Lamb did not stop the Senate from confirming Doerfer, his broadcast license was renewed in June of 1957.

The Lamb-Doerfer episode was revealing. Just as an international populist movement concerned the Commission before World War II, following the War, communism - another international ideology - influenced the Commission’s decisions and actions. Anti-communism became a strong component of the American system of radio, particularly in the country’s messages disseminated overseas, a topic we will explore in chapter 7. Domestically, the belief that communism was a subversive worldview dominated American institutions as the Commission made its decisions.

There were religious implications to this anti-communism. Most prominently, the Commission struggled through the religious connotations of domestic Cold War politics. It wanted radio stations to be open to broadcasting controversial ideas - even those of atheists - but it found this difficult in a time when atheism was linked to communism.

In addition, advances in the broadcast medium became influential in the early Cold War period. The number of AM radio stations vastly increased, and FM and television became household staples. These developments created new challenges for the Commission and the American system of radio. The FCC drew from its experience with AM radio as it navigated the new landscape.

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9 Nomination of John C. Doerfer to FCC... (June 23 and 24, 1954), p.30.
10 “Dispatch, Inc.”
Despite the new media of FM and TV, and the new era of anti-communism, the Commission’s faith in its system would not be shaken. It continued to regulate broadcasting - including religious broadcasting - like it had since 1927: that listeners would receive meritorious service. In this way, it carried forward its project for religion. The FCC saw religion as a stabilizing force for American society and defended its place on the air. In the Commission’s estimation, religion would be a source of moral uplift for the country and would continue to be so over new media and in the era of a new ideological threat.

**Religion’s Place on the Air: The FCC and Atheism**

New developments in media did not change the Commission’s policy of requiring licensees to feature religion. Historically, the FCC had consistently affirmed that every American had a right to hear inspiring spiritual content as part of a balanced program lineup. This policy continued, even over the new technologies. For example, in the early 1950s, the Commission discovered television stations that “had reported no time devoted to broadcasts of a religious nature,” as Commissioner Paul Walker reported to the Presbyterian Church, U.S.A General Assembly of 1953. After the FCC reached out to these stations to investigate the situation, Walker revealed that they had “since been granted renewals because we have been assured either that they had in fact devoted time to religious broadcasts, or that they would do so in the future.”

Despite the FCC’s efforts to ensure that religion had a place on the air, some felt the FCC was not doing enough to defend faith broadcasting. They pointed to the controversial dispute of whether or not atheists had a right to reply to religious broadcasters over the air. For example,

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Eugene Bertermann - director of the popular radio show *The Lutheran Hour* - wrote in the conservative Protestant magazine *United Evangelical Action* that there was a “sector in the American broadcasting scene” that “declare that even the very existence of a God is a matter of controversy, and that, therefore, a radio station has the obligation of giving equal time for the airing of both points of view on a controversial issue.” Bertermann was worried that this would push stations to cease their religious programming out of concern that the Commission might take away their licenses if they did not also broadcast atheists. He called this “an intolerable situation.”

Bertermann was right that the FCC had given broadcasters cause for concern regarding this issue. In 1946, the Commission had considered a petition from Robert Harold Scott - an atheist from Palo Alto, California - to not renew the licenses of three California stations after they had refused to allow him to go on the air to talk about and defend atheism. While the FCC turned down Scott’s petition, it did not deem his complaint to be superfluous. The Commission’s argument caused some to be concerned about whether or not stations had an obligation to carry atheists over their facilities. For example, in the decision, the FCC encouraged broadcasters to not think about religion as a topic above reproach. “...Freedom of speech can be as effectively denied by denying access to the public means of making expression effective - whether public streets, parks, meeting halls, or the radio - as by legal restraints or punishment of the speaker,” the FCC wrote. San Francisco station KQW ended up giving time to Scott in the fall of 1946.

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FCC Commissioner Clifford Durr wrote the opinion in the Scott case.¹⁶ For Durr, it was important to clarify what the Commission believed about free speech. He reflected on the incident: “I said, ‘Okay, I’ll go along with the idea of dismissing his complaint, but I think that for the future guidance of the stations, we should let the stations and the public know exactly where we stand on this issue...just to let them know where we stand on free speech.’”¹⁷ In the Scott decision, Durr wrote:

Underlying the conception of freedom of speech is not only the recognition of the importance of the free flow of ideas and information to the effective functioning of democratic forms of government and ways of life, but also belief that immunity from criticism is dangerous - dangerous to the institution or belief to which the immunity is granted as well as to the freedom of the people generally. Sound and vital ideas and institutions become strong and develop with criticism so long as they themselves have full opportunity for expression; it is dangerous that the unsound be permitted to flourish for want of criticism.¹⁸

Durr’s views on free speech came in part from his religious convictions. For example, he believed that the story of St. Paul and his trials of persecution reveal that controversial speech needed to be protected. “To the ‘right thinking’ people of his day, Paul’s ideas were certainly offensive,” Durr wrote. “To them, he was not a very nice person...However, as a Justice of the United States Supreme Court once remarked: ‘It is a fair summary of history to say that the safeguards of Liberty have frequently been forged in controversies involving not very nice people.’”¹⁹

¹⁸ “Robert Harold Scott,” 375.
Commissioner Rosel Hyde also defended the Scott decision. He would later say his Mormon religion taught that differing perspectives should be allowed to be heard. “It would be a violation of the trust to restrict broadcast content to only such content as would be approved under Church views,” he commented regarding Mormon radio stations. “It would also violate the principle basic in Church philosophy that the ideas of others should not be repressed.”

More opportunity soon materialized for the Commission to implement its views on the atheism question. Atheist Arthur Cromwell complained to the Commission that WHAM of Rochester, New York refused him airtime to respond to a hostile message that Catholic broadcaster Ignatius Smith had given over the outlet. “If the godlessness, the irreligion of so many dozens of millions of our people continues to grow, our greatness is doomed and our future is damned,” Smith said on October 6, 1946. “We must learn to fear those who repudiate God’s right in America because human rights are ignored where divine rights are neglected,” he also said. “We must learn to esteem and protect, within the Republic, every force that preserves real Americanism by promoting loyalty to the Almighty.” Would the Commission demand that WHAM give Cromwell airtime? Would the Scott and WHAM cases affect the FCC’s commitment to religious broadcasting?

After looking into the matter, the Commission decided to renew WHAM’s license without forcing it to give time to Cromwell. The FCC was satisfied with a response letter it had received from WHAM’s owners. The Commission asked the station: “Has Cromwell or the

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23 Hearings Before the Select Committee to Investigate the Federal Communications Commission...Pursuant to Authority of H. Res. 691...Part 1, 141.
24 Othman, “Broadcasters on Spot In Spat Over Atheism.”
Society of Freethinkers or anyone else been denied time by WHAM because WHAM disagrees with their point of view?” WHAM responded: “…The answer is ‘No.’ [Station owner] Stromberg-Carlson Co. has always attempted to give WHAM listeners an impartial program service regardless of its own viewpoint, and no changes in this policy are contemplated for the future.”25 With this letter, the Commission quietly made a decision during a routine morning meeting.26

Pressure built against the Commission because of its actions regarding atheism. For example, Edward Heffron of the Religious Radio Association wrote to the Commission following the Scott decision that should a broadcast manager give time to an atheist because he felt his hand was forced by the Scott decision, this “would undoubtedly arouse widespread opposition among his believing listeners, with the probable result that, for sake of peace, he would tend to keep broadcasts of ‘church services, prayers, Bible readings, and other kinds of religious programs’ at an unavoidable minimum, or avoid them completely if he could.”27

The FCC received many protest letters regarding its Scott decision.28 The Los Angeles chapter of the Ancient Order of Hibernians in America sent the Commission a resolution.

“Whereas: such a Godless advocacy over the air lanes of our country is an insult to the religious traditions dear to a God-fearing people and to the principles of the founding fathers of this great republic,” the resolution read. “Be it Resolved: that the Ancient Order of Hibernians and Ladies Auxiliary of Los Angeles County do hereby protest the granting of radio time to a Godless, 

25 Hearings Before the Select Committee to Investigate the Federal Communications Commission...Pursuant to Authority of H. Res. 691...Part I” 183, 188.
27 Quoted in “FCC Asked by RRA to Clarify Ruling,” Broadcasting, August 9, 1948, 58.
28 Programs and Logs, Religious Programs, Atheism, Box 291, General Correspondence, 1927-1946, RG 173, NARAII. The Commission received letters in support as well. For example, one letter read: “To offset that ‘flood’ of fanatical letters, I hereby emphatically...commend you for your decision, which is expressive of the U.S. constitutional provision that freedom of speech is guaranteed to all people and, needless to say, all controversial questions are debatable publicly and freely on the platform, in the press and over the radio.” (Illegible) to FCC, January 30, 1947, Programs and Logs, Religious Programs, Atheism.
atheistic program such as might befit a communistic state,” it continued. “Be it Resolved: that the Federal Communications Commission be petitioned to withdraw its sanction of such un-American and anti-religious programs,” it also read.29

As evidence of the FCC’s uneasiness regarding the public’s reaction to its decision on atheism, its information director, George O. Gillingham, had advised that it avoid public statements following the Scott ruling. “...Further explanation will not only be futile but will add fuel to the fire,” Gillingham wrote in a memo in late 1946. “Also it is foolish for us to suggest subjects which our enemies can play up to embarrass us in this critical period,” he continued.30

Atheism was not a respected worldview in American society. According to an Ohio State survey from the summer of 1948 merely 13 percent of the radio outlets sampled would sell air time to atheists without qualifications to the agreement.31 To take another example, a broadcast attorney testified at the Harness committee hearings about a script from an atheist proposed to one of his clients: “It’s an understatement to say it was shocking.”32

Pressure also came from the hearings at which Hyde had testified. A House committee had been formed to investigate the FCC, and among the topics of interest for the committee was the atheist question. The House committee hoped to overturn the Scott ruling and also showed a great interest in the WHAM case.33 In fact, on the same day the House committee asked for

29 Ancient Order of Hibernians in America Resolution, Programs and Logs, Religious Programs, Atheism, Box 291, General Correspondence, 1927-1946, RG 173, NARAII.
30 Qtd. in Ed Keys, “FCC Spanking,” 26, 52. Keys reported that an FCC commissioner clarified that the Commission did not “consult [Gillingham] on how we should decide issues before the Commission,” as the commissioner put it at the hearings before the House committee (52).
31 “Politics Policy: Comprehensive Study By Ohio State U.” Broadcasting, September 13, 1948, 26, 36. The specific wording of the survey: “Will your station sell time - in addition to any that might be provided on a sustaining basis - … To an atheistic organization, for talks in behalf of atheism? Yes: 13[%]; Yes - Qualified: 17[%]; No: 64[%]; No Answer: 6[%]” (p.36).
32 Qtd. in Keys, “FCC Spanking.” 56.
33 Regarding overturning the Scott decision, this was, at least, according to an investigator of the House Select Committee Investigating the FCC, as told to a Catholic official. “...He informed me that the Committee had tentatively decided to conduct a public investigation of the FCC for the purposes of determining the grounds on which the Scott Decision had been rendered, and it at all possible to upset it.” Butler to Carroll, August 30, 1948,
information from the Commission about the Rochester station, the FCC renewed WHAM’s license, and therefore turned down the atheist’s request for time. However, the Commission maintained that their renewal decision came before receiving the inquiry from the committee.\(^{34}\)

“...I am persuaded, after listening to this testimony and such examination of the act as I have been able to make personally, to believe that the Commission went beyond its power and authority under the law in making the Scott decision,” Chairman Forest Harness said at the hearings. “I think it is a most unfortunate action of the Commission, and certainly I would be pleased, and I know the country would generally, if the Commission might remove that unfortunate decision from the books and records of the Commission.”\(^{35}\)

Also, these events happened in an era - i.e. the Cold War - when many viewed atheism to potentially be a subversive worldview. For example, a newspaper column read:

America stands on the motto, ‘In God We Trust,’ and the ultimate objective of Communism is anti-God. It is, therefore, against the interests of our democracy, that broadcasters should be compelled, by order of the Federal Communications Commission, to consider the anti-democratic atheist entitled to deny God - the God of America - whenever a religious program is sent over the airwave.\(^{36}\)

American presidents signaled their commitment to religion in this era. For example, in 1948 President Truman wrote the Federal Council of Churches to honor the 25th Anniversary of Federal Council broadcasting: “My anniversary message is ever to hold fast to the eternal truths by which our fathers lived and to bear faithful witness to the unchanging principles of the Christian religion.”\(^{37}\) A few years later, President Eisenhower would pray at his inauguration:

\(^{35}\) Hearings Before the Select Committee to Investigate the Federal Communications Commission...Pursuant to Authority of H. Res. 691...Part I, 208.
\(^{37}\) Truman to Caver, May 21, 1948, Box 143, President’s Personal File 33, Harry S. Truman Papers, Independence, MO.
“Almighty God, as we stand here at this moment my future associates in the Executive branch of Government join me in beseeching that Thou will make full and complete our dedication to the service of the people in this throng, and their fellow citizens everywhere.”38

Despite the concerns of the time, the FCC continued to value religion’s place on the air.39 “In the light of my knowledge of what the consistent position of this Commission has been on religious broadcasts, I am at a loss to understand the complaints made before this committee,” Commissioner Hyde said at the hearings. “For if anything is clear, it is that the Commission has consistently and unequivocally stated that the broadcasting of religious programs is an important element of service in the public interest,” Hyde continued. He said the fears that an atheist had the right to respond to every religious broadcast were unfounded. “In the Scott decision the Commission made it amply clear - at least we thought it did - that the mere carrying of religious broadcasts did not of itself create in any person or groups the right to carry programs in opposition to religion.”40

FCC Commissioner Paul Walker saw religion as a stabilizing influence during an era of unease about tyrannical governments. A few years later - in 1953 - Walker emphasized this in a speech at the Presbyterian Church, U.S.A., general assembly in Minneapolis. “Each one of us must realize all too clearly that in these troublesome times the religious foundation of our democracy is essential to our hopes for the creation of a better world,” Walker said. “This nation’s religious heritage is one of our principal forces in the fight against totalitarianism. We must live religion, breathe it, and let it capture the heart and mind of every man.”41

39 See also Hangen, 138-139. For Hangen’s account of the Scott decision, see p.135-140.
40 Hearings Before the Select Committee to Investigate the Federal Communications Commission...Pursuant to Authority of H. Res. 691...Part 1, p. 199.
41 “Address by Commissioner Paul A. Walker, Federal Communications Commission, Before the 165th General Assembly of the Presbyterian Church, U.S.A., Minneapolis, Minnesota, Saturday, May 30, 1953,” 1.
In the long run, atheism did not fare well on the radio. No atheist successfully used the Scott ruling as precedent to gain time via FCC fiat and Scott himself would not receive more radio time, despite petitioning the Commission further.42 And, atheist Madalyn Murray O’Hair tried - yet failed - to appeal to the Commission for radio time in Hawaii in the 1960s.43 Meanwhile, religion thrived, doing so even on emerging media like FM radio and television. The Commission played a significant role in bringing about this outcome.

**The Rise of New Possibilities - TV, FM, and more AM Stations**

On August 11, 1952, FCC Chairman Paul A. Walker spoke at a radio workshop held at Butler University’s School of Religion in Indianapolis. It was the seventh annual such workshop, and the National Council of Churches (NCC) sponsored it.44 The Council - which before 1950 had been the Federal Council of Churches - had a long history of advocating for interdenominational radio. Walker would advocate for the same in his talk.

It became a common practice at the time for FCC commissioners to address religious radio groups. In the 1950s in the early Cold War, Americans increasingly attended church, synagogue, or mass, and the Commission wanted to reiterate that it was an administrative body friendly to religion. For example, FCC Chairman Wayne Coy told a Southern Baptist Convention television conference: “Serving religious needs is part of the general pattern of public service that we expect from all broadcast licensees...I can envision no time in the future when that requirement will be changed.”45

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42 At least, I found no evidence of the former. For Scott, see Hangen, Redeeming the Dial, 140 and Waple to Scott, April 10, 1963, Federal Communications Commission Reports 40: 545.
44 “Chairman of the FCC To Speak at Religious Radio Workshop,” The Indianapolis Star, August 9, 1952.
At the radio workshop at Butler University, Walker challenged religious groups, the radio industry, and the FCC to use the new technologies of FM broadcasting and television in a responsible way. Theoretically, the introduction of these technologies could have radically changed how the FCC regulated broadcasting. Fundamental to the logic of the 1927 Federal Radio Act and the 1934 Federal Communications Act was that the spectrum was a scarce resource, and therefore the government had an obligation to distribute it fairly after evaluating individual station applications. Potentially, the great number of new channels brought by these new technologies - combined with the fact that the Commission had drastically increased the number of AM stations by the early 1950s - could have made the scarcity argument less persuasive.

Influential leaders indicated that the rise of new broadcasting media would create more competition. President Truman himself argued this in a letter to Sol Taishoff, the editor and publisher of Broadcasting magazine. In the letter - which Taishoff published - Truman wrote: “With many hundreds of new stations possibly by virtue of the opening of these new frontiers [television and FM] by our scientists and engineers, the free competition of the present will become even freer.”46 In addition to Truman, the creator of FM radio - Edwin H. Armstrong - felt that FM would lead to more freedom; he also argued that it would create less of a need for government intervention. He believed, in fact, that FM technology had been restrained, a limitation that prolonged the government’s strong regulatory presence, which he opposed. For example, he was against the FCC’s Blue Book. Armstrong expressed this at the 1946 NAB convention, telling the crowd: “You have the Blue Book with you today and its related Constitutional question of free speech because radio leadership in 1936 failed to pass on to the

46 Truman to Taishoff, July 3, 1945, published in Broadcasting, July 9, 1945, 15.
public the benefits of FM’s development to which it was entitled...That is when radio missed its first great opportunity to escape from the straitjacket of frequency scarcity.”

However, if Walker’s speech was any indication, the Commission had no plans to change course even with the new technologies. He made it clear that the FCC would not let go of the scarcity rationale: “Since the radio channels and television channels belong to all the people, and since they are limited and must be used to serve the public interest, we are always faced with the delicate problem of how religious organizations may employ them consistent with fairness and freedom for all.” He also spelled out that the Commission would continue to regulate religion in a liberal manner, something it had done ever since the creation of the Federal Radio Commission in 1927. “If we are to preserve our historic stand for freedom of conscience,” he told his audience, “we must insist that the licensee of a broadcasting station be fair to the members of the various faiths in his community, for the frequency he uses is a publicly-owned frequency and he is not an owner but a steward.”

For Walker, this project included a commitment to free expression. He explained to the crowd: “We have a solemn responsibility -- all of us, broadcasters, religious leaders and the government licensing authority -- to exert all our intelligence, our good will and our tolerance to insure that this instrument shall promote freedom, not injure it.” But how did he define free speech? An indication came from a decision he cited in which the FCC affirmed the right of a station to refrain from broadcasting a particular religious group. This group - Fundamentalist Carl McIntire’s New Jersey Council of Christian Churches - held different opinions than those

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47 Qtd. in “Blue Book, Slow Production Retard FM,” Broadcasting, October 28, 1946, 68-B.
that were able to get on the air; many felt these opinions were discriminatory. Walker quoted from the FCC’s decision in the case:

We cannot say that a station operates contrary to the public interest because it restricts the use of radio time, made available free to the various religious denominations in the community for the broadcast of religious services and other devotional material, to the purposes for which the time was intended and refuses to allow any of the participants to make attacks on other church groups or to engage in any name-calling.\(^{49}\)

This seeming contradiction from Walker - between advocating for free speech, and then using an example of the Commission upholding station censorship - was, in fact, not an inconsistency at all for the FCC. Ever since the late 1920s, the Commission had regulated radio in the interest of the listener, not the speaker. Free speech for the FCC, therefore, was about the rights of those that consumed information, not in the ability to say whatever one wanted before a microphone. The Commission felt it had a duty to protect and uplift the American public: to defend listeners, for example, from attacks or other predatory practices, and uplift them through information, entertainment, and other kinds of programming, including religion. And, as Walker indicated in his speech, the FCC remained committed to this project at the mid-century mark.

**Radio at the Mid-Century Mark: Controlling Station Owners**

On April 7, 1947, Federal Council of Churches President Charles P. Taft met with FCC Commissioner Clifford Durr and several other members of the Commission.\(^ {50}\) He was there to discuss criticisms Fundamentalists had levied against the Federal Council. “It seems to me that the main thing is to help Mr. Durr to understand that the attacks which are being made upon the radio program and policies of the Federal Council of the Churches of Christ in America are being made by groups which have their own special axes to grind,” Federal Council General Secretary

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\(^{50}\) Taft to Cavert, April 9, 1947, Box 84, Federal Council of Churches, American Council of Churches, Part I: Church Activities, Charles P. Taft Papers, Manuscript Division, Library of Congress, Washington, D.C.
Samuel Cavert wrote to Taft prior to the meeting. Fundamentalists like Carl McIntire - whose organization Cavert mentioned in the letter as being a perpetrator of these attacks - believed the Federal Council was trying to keep them off the air. Taft and Cavert wanted to discuss the situation with the FCC. “It seems to me that our general approach should be not one of defending the Federal Council but of insisting that the Federal Council should not be thus misrepresented in radio circles.”

“I reviewed the situation and showed them the material, in all of which they were much interested. I think there is no question that they will have a better background for any matter that may come up,” Taft wrote Cavert following the meeting. Taft reported that Durr and the other members of the FCC were “much more concerned” about the right thing to do when Fundamentalists applied for their own broadcast licenses.

Durr and the Commission remained concerned about this even though there had been a proliferation in the number of broadcast stations in the late 1940s and the 1950s. By 1945, there were 981 broadcast stations, including AM, FM, and TV. By 1959, there were 4,600 broadcast stations. In the past, the Commission had contended - among other arguments - that the scarcity of radio facilities justified its regulation of religious broadcasting. The scarcity argument that there was “not 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,” as the Commission wrote in its 1929 Great Lakes Broadcasting decision, remained an accurate description of the Commission’s mindset.

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52 Taft to Cavert, April 9, 1947.
The Commission was wary of irresponsible and sectarian license holders. It seriously considered accusations that applicants attacked other faiths or people groups. And, it required stations to serve their entire community, not just one subsection.

Prior to the Taft-FCC meeting - on October 10, 1946 - the Commission approved an application from Fundamentalist J. Harold Smith for a construction permit for an AM radio station. Smith was McIntire’s friend and an ally in their fight against the Federal Council and for radio airtime. “Again, I say with all my heart, ask your pastor does his church belong to the Federal Council, and if it does, get out of that church, FAST,” Smith said at a rally in May of 1946 with McIntire present. “Flee it like you would a den of rattlesnakes. This...is from Hell! It is a wolf in sheep’s clothing. It is full of dead men’s bones. It is a green eyed monster seeking to devour the precious doctrines of FAITH.” In the speech, Smith claimed the Federal Council was nefariously controlling radio. “We know it to be a fact that this group is bringing pressure on the great radio networks, the private owners of stations, the FCC, our Senators and Congressmen, and others in power to ‘cut off’ to ‘ban’ all ‘paid religious’ programs,” he said.

However, the Commission reopened the case upon learning of possible misinformation in Smith’s applications and other documents. Durr led the Commission’s hearings in the fall of 1947 regarding the matter and wrote an initial determination, recommending that the Commission turn down Smith’s application. According to Durr, the record “leaves a trail of questions raised and unanswered. It is replete with confusing and contradictory statements.” He also wrote that “[t]he record reveals that the information contained in the application was far

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56 Smith’s speech reproduced in Termites in the Temple (Knoxville: Radio Bible Hour, 1946), 40, 46. “FAST” and “FAITH” capitalized in reproduction. See also “9000 Hear Preachers Hit WNOX,” The Knoxville Journal, May 6, 1946.
57 “Independent Broadcasting Co., Inc.,” 72.
from complete and in instances wholly inaccurate.”

Durr also mentioned that Smith had allegedly engaged in maligning other religious and racial groups.

The Commission agreed with Durr and turned down Smith, concluding that he was not fit to run a station. The FCC determined that he had been misleading in regards to information he had - and had not - reported. The Commission also did not approve of Smith’s belligerent messages. “In attempting to anticipate his behavior as a licensee, the only guide we have to go by is the past pattern of his behavior as a private individual,” the Commission wrote. “Using that guide, we cannot conclude that the public interest would be served by vesting in Smith the public responsibility of a broadcast licensee.”

In other application decisions, the Commission maintained its position that station owners should not harbor religious prejudice. For example, concerns arose about the suitability of Fundamentalist Wendell Zimmerman to own a station. When Zimmerman applied with the Commission to build a station in Kansas City, accusers stepped forward to claim that he had questionable character and beliefs.

As the FCC recounted in its decision in the case, he was accused of being “an actual and potential vehicle for the expression and fomentation of sentiments of intolerance, prejudice and bias against minority religious and racial groups” and

58 Qtd. in “WIBK Denied: Rev. Smith Held Unfit,” Broadcasting, July 5, 1948, 63.
60 Technically, the Commission turned down two Smith applications - one for an AM broadcast license and the other for an FM station construction permit. “Independent Broadcasting Co., Inc.,” 94.
61 “Independent Broadcasting Co., Inc.,” 90-93.
63 See also “Storm Brewing in Religious World Over FCC Inquiry On Station Bids; Evangelists Coy on Financial Aid,” Variety, November 12, 1947, 40.
“that he has had and continues associations with individuals who are known to be advocates of such undemocratic principles and practices.”⁶⁴

While the FCC refused to charge Zimmerman with bigotry - finding that the evidence merely pointed to “guilt by association,” which the Commission argued “must be rejected” - it seriously considered these charges.⁶⁵ By not dismissing them, the FCC signaled that it took seriously the accusation that a licensee would be unfit because of discriminatory beliefs.

The Commission also continued to oppose sectarian licensees, an issue that arose for the Commission in early 1951. On February 8, it received a letter of concern from the National Catholic Welfare Conference (NCWC).⁶⁶ One of the Commission’s examiners - J.D. Bond - had made a controversial statement regarding the application of the Reorganized Church of Jesus Christ of Latter Day Saints (LDS) for a station in Independence, MO, a city just outside Kansas City. He turned down the application in large part because of the First Amendment, stating that it precluded the FCC from being able to judge religious applicants who wanted a radio outlet to broadcast for their own purposes. Essentially, this ruling raised questions about whether or not the FCC could hand out licenses to religious groups that did not want to provide their facilities for a diversity of interests.⁶⁷ Bond wrote that “the First Amendment forbids that this Commission, an arm of the Federal Government, should employ the public interest concepts entrusted to it by the Congress in measurement of the broadcast service proposed by an applicant


⁶⁶Slowie to Carroll, Feb. 19, 1951, and Allred to Butler, May 1, 1952, Box 34, Folder 24, Collection 10, CUA.

which is an established church body whose intended use of the broadcast station includes the purpose of fostering the church’s religious interests.”

Over the previous two decades, the FCC had been reluctant to license religious groups, concerned that these organizations were not as adequately suited to provide content that would serve all listeners, not just the listeners of the particular faith of the station licensee. Bond’s First Amendment concern was consistent with this policy. Bond was worried that the LDS church would run the station “completely to foster the religious and educational interests of the applicant on a non-commercial basis.”

In its decision regarding the LDS application, the Commission argued that the First Amendment did not pose a problem. However, it clarified that it was looking for a station owner to not be sectarian. It approved of the Church’s diverse programming lineup, one that was not put together merely for its own purposes. The Commission wrote that the Church “proposes to broadcast a diversified type of program service in order to fulfill the radio broadcast needs of the community’s religious, civic, charitable, governmental, agricultural, labor and industrial interests.” The Commission continued: “Its program schedule includes educational civic, news and music programs, dramatic programs, varied discussion and organizational programs, and religious programs on behalf of other denominations.”

These policies - concern that station owners are responsible and that they serve the entire community - informed the Commission as it dealt with new media, including FM broadcasting.

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68 Qtd. in “Examiner Would Limit Church Ownership”.
69 Qtd. in “Solely Sectarian Radio Ruled Out”.
70 “Kansas City Broadcasting Co., Inc., et al.,” 702. The Commission did not rule in the LDS Church’s favor because of the requirements of the Communications Act regarding American citizenship of license applicants. “Kansas City Broadcasting Co., Inc., et al.,” 700.
By 1959, there were 729 FM stations. The FCC’s religious policies for these licensees largely mirrored its treatment of AM licensees.

**FM Radio**

In 1938, radio evangelist Percy Crawford made a key blunder in his attempt to secure a permit for the construction of his own radio station in Philadelphia: He failed to make the case to the FCC that his proposed outlet would be a home for more than just his particular religious worldview. The Commission turned down the application for this reason, among others, writing that Crawford had indicated regarding religious programming, “...the station’s facilities would be extended only to those whose tenets and beliefs in the interpretation of the Bible coincide with those of the applicant.”

In 1960, Crawford again applied for a construction permit to build a radio station in Philadelphia. This time he was asking for an FM station, and he did not make the same mistake again. At the hearing to determine if Crawford was a qualified applicant, the Commission brought up his failed application of 1938. He affirmed that the exclusionary policies of his old proposal would not apply to his FM station, stating that he would give time to any faith. The only condition was that these broadcasts were to be “in order and not controversial and not attacking any other organization.” The Commission approved of Crawford’s application, satisfied that it wouldn’t be a voice merely for his personal religious beliefs.

Crawford’s change in approach tells a significant story: With the rise of FM broadcasting, the Commission remained committed to ensuring that radio stations, including those that transmitted over FM wavelengths, were open to multiple faiths. The FCC even extended this

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73 Qtd. in “The Young People’s Church of the Air, Inc.,” p.632.
policy to new FM stations owned by religious groups, as the successful Crawford application shows. The policies that had guided the Commission for AM stations would also guide it for FM stations.

To take another example, in January of 1949 the Southern Baptist Convention (SBC), in partnership with the Baptist General Convention of Texas, petitioned the FCC to designate for religious organizations a special class of low-power FM licenses. The timing was advantageous because of the proliferation of channels becoming available, an expansion that had come in large part because of the rise of FM broadcasting. “Petitioners understand that AM broadcasting channels are not available in a sufficient amount for the many churches which have indicated a desire to establish broadcast stations in their communities, and that in any event the cost of AM operation would be prohibitive to almost all of these churches,” they reasoned.\(^\text{74}\) The SBC and its partner felt this new technology would allow them more airtime, as opposed to strictly using commercial stations.\(^\text{75}\) This was not just a passing curiosity for these Baptists; in fact, they had shown a desire to set up hundreds of radio outlets.\(^\text{76}\)

In large part, FCC licensing preferences had historically forced religious groups to find time on commercial stations. Ever since the founding of the Federal Radio Commission in 1927, it maintained a policy of preferring to give broadcast licenses to groups - often commercial - committed to variety content, believing that these groups did a better job at providing content for all listeners. Historically, the Commission favored groups that could maintain better broadcast facilities. Often, these were commercial groups with more money and expertise. The Baptists

\(^\text{74}\) The Radio Commission of the Southern Baptist Convention, Executive Board of the Baptist General Convention of Texas, Leonard H. Marks, Bernard Koteen, “Petition for Amendment of Rules Relating to Low Power Operation of Non-Commercial FM Stations” (Submitted January 15, 1949), p.3, Box 4201, Docket 9470, Docketed Case Files, RG 173, NARA II.

\(^\text{75}\) “Petition for Amendment of Rules Relating to Low Power Operation of Non-Commercial FM Stations,” 6.

\(^\text{76}\) “Low-Power FM,” Broadcasting, Nov. 6, 1950, 41.
argued that low-powered FM facilities were cheaper, and therefore, more feasible for religious groups: “Petitioners submit that the need...for facilities for non-commercial broadcasting by recognized religious groups can be practically implemented because of the availability of low power FM equipment at modest cost which requires minimum operating expense…”77

When it became evident that their proposal might become a First Amendment issue, the baptists made their petition more inclusive.78 Namely, they expanded it from religious organizations to “tax exempt non-profit organizations.”79 Unfortunately, in the Commission’s reasoning, there was not enough interest from “tax exempt non-profit organizations” for the special class of FM stations. The FCC ruled that a “substantial demand” was not sufficiently demonstrated, finding that only one non-religious group showed interest. “It developed in the course of this proceeding that, with one exception no organization of a type other than the original joint petitioners evinced interest to the Commission in the proposal,” the Commission wrote.80

Two commissioners disagreed with the decision. Although they agreed that “no substantial demand” was made, they felt religious organizations deserved what the Baptists were seeking. “The primary influence that the clergy have always exercised in community affairs answers a personal and public need of our people,” they wrote. “Radio and television broadcasting has been superimposed upon the community life. There is no reason why this

77 “Petition for Amendment of Rules Relating to Low Power Operation of Non-Commercial FM Stations,” p.4.
78 See also Official Report of Proceedings Before the [FCC]. October 30, 1950, In the Matter of the Joint Petition of the Radio Commission of the Southern Baptist Church... p.8, Volume 1, Box 4201, Docket 9470, Docketed Case Files, RG 173, NARAII.
80 “Radio Commission of the Southern Baptist Convention,” 47.
continuing personal and public need should not be utilized primarily by the clergy in radio as suggested by petitioners.”

However, the FCC passed up an opportunity to give religious groups their own stations despite the increase in the number of stations made available by FM technology. This prolonged an FCC policy of hesitancy to license religious groups, particularly those organizations that failed to offer its station for a variegated programming lineup. Overall, the Commission regulated FM radio like AM broadcasting. It would do the same for television.

**Television**

On May 30, 1953 FCC Commissioner Paul Walker spoke before the General Assembly of the Presbyterian Church, U.S.A. He addressed the rise of television and the need for religion to positively impact its use. “We have made tremendous technological progress in communications, and the development of improved television represents the ultimate in technological achievement,” he said. “We can be proud of this progress. We want to be sure that we use these communications mechanisms in the right way. Religion must help make television better, and it must use television to help spread religion.”

By 1953, there were 126 television stations. This would grow to 545 stations by 1959. As Walker indicated in his speech, the FCC used television to serve religious life in America. The Commission extended its established policies regarding religion in the public interest to the new medium. It wanted television stations to be ecumenical and tolerant of multiple religious expressions.

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82 “Address by Commissioner Paul A. Walker, Federal Communications Commission, Before the 165th General Assembly of the Presbyterian Church, U.S.A., Minneapolis, Minnesota, Saturday, May 30, 1953,” 2.
83 Sterling and Kitross, Appendix C, Table 1-B, 632-633.
The most effective way in which the Commission expressed this policy was through license applications, often when multiple parties were hoping to use the same wavelength. For example, in 1955 the FCC debated between two applicants - Richmond Television Corporation under the call letters WRVA and Richmond Newspapers, Inc. under the call letters WRNL - for Channel 12 in Richmond, Virginia. The Commission determined that WRNL offered a programming schedule of greater religious diversity. The FCC wrote: “WRNL broadcast regularly scheduled programs for the Catholic, Protestant and Jewish faiths. WRVA programs, for some faiths, were carried only on a special basis. We therefore believe WRNL has made a better showing with respect to religious programming than has WRVA.”

Or, to consider another example, the FCC made a similar determination, also in 1955, when contemplating competing applications for the use of Channel 7 in Evansville, Indiana. The Commission decided that the applicant On The Air, Inc. offered a more diverse religious lineup than its competitor, Evansville Television, Inc. The FCC wrote:

Each [applicant] proposes programs to be produced in cooperation with the Evansville Council of Churches. On The Air, Inc. also proposes regularly scheduled programs to be produced in cooperation with Catholic and Jewish religious groups. ETV, while contacting Catholic and Jewish religious groups and testifying that they would be given representation in its religious programs, proposes no regularly scheduled programs for such groups. We therefore believe that On The Air, Inc. merits a preference in this category in view of the more positive proposal for providing time to diverse religious faiths.”

Despite the consistent way in which the Commission applied its policies developed for AM radio to FM and television, an important FCC statement from 1960 had the potential to alter this course. This statement - part of a larger programming directive - made the Commission

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Note: In both the Richmond and Evanston cases, neither station with the more diverse religious lineup received a license; this was because the FCC considered multiple factors when making a decision.
indifferent to whether stations freely provided or sold time for religious programming, and thus de-incentivized the former method of distributing time to faith broadcasts. Specifically, the statement said that paid time for religion was just as satisfactory to the Commission as free time for stations to fulfill their duty as license holders: “...[T]here is no public interest basis for the distinguishing between sustaining and commercially sponsored programs in evaluating station performance.”

**Paid Time vs. Sustaining Time**

Over the course of the 1950s, there were signals that the Commission would come to fully embrace paid religious time. In a number of decisions over wavelength allocation, the Commission clarified that it did not consider paid time for religion as unacceptable in and of itself. For example, the Commission wrote in a decision from 1959: “...Although [the station’s religious programing was] virtually all commercial, the Commission has frequently stated that there is nothing inherently objectionable to such programming.” Or, to take another example, the Commission wrote in 1954 regarding an application of the Trebit Corporation to build a television station: “In our opinion, commercially sponsored religious programs are not inherently objectionable or against the public interest; and Trebit is not to be penalized merely because it contemplates such programs.”

However, prior to 1960, the Commission also made it clear that when given the choice it preferred sustaining religious time to paid time. As we discussed in chapter 2, the Commission made this clear in many cases, particularly in the 1940s. Years later - less than a year before the

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1960 directive - the FCC made a similar ruling. Writing in regards to two competing applicants from Oswego, NY - Standard Broadcasting Corporation vs. Clifford C. Harris - the Commission not only indicated that it preferred sustaining time, but that it wanted a diversity of religious expression:

While the Commission does not regard commercial religious programs as inherently objectionable, nevertheless, it is concluded that the provision of more religious programming by Standard than by Harris and all on a sustaining basis is better calculated to serve the varied religious needs of the community than the more restrictive proposal inherent in Harris’ all-commercial programing over a shorter total time period. Moreover, the Standard schedule for religious programming is also superior in that it provides with particularity for the use of time by the several faiths on a regular basis as contrasted with the Harris approach of merely allotting all religious programming to two 1-hour segments on Sunday without definite indications as to how this time would be used with reference to the various faiths. It is concluded that the Standard religious programing merits a wide preference over that of Harris.89

The Commission’s change in 1960 did not occur in a vacuum. For example, NBC - which had always offered sustaining time for religion - updated its policy in 1956.90 Among the reasons for the change, officials wanted to find more sources of revenue as financial pressure mounted at the network.91 “Estimates of the income that NBC would receive if the radio network accepted paid radio religious programs are from 1 million to 2 million dollars annually,” a memo read from May of 1954 on the issue.92

NBC felt confident that a change in policy would be accepted by both the public and the FCC.93 After all, the network was aware of the Commission’s rulings that “commercially

91 See, for example, Stanley to Taylor, March 13, 1953, Box 583, Folder 5, National Broadcasting Company Records, Office Files, Wisconsin Historical Society (WHS), Madison, WI.
92 “Proposed Commercial Sponsorship of Religious Programs,” (May 12, 1954), Box 583, Folder 5, National Broadcasting Company Records, Office Files, WHS.
93 For the assurance that the public would be okay with the change, see “Proposed Commercial Sponsorship of Religious Programs,” WHS.
sponsored religious programs are not inherently objectionable or against the public interest.” 94

And, NBC recognized that the code of the National Association of Radio and Television Broadcasters (NARTB) also did not prohibit commercial religious broadcasting. 95 The network also justified its updated policy by confidence in its ability to maintain high standards for its commercial religious content. It even thought that a change in policy might lead to better programming: “...The position can consistently be taken that the sale of time for religious programs would permit wider and more diverse opportunities for using broadcasting to bring spiritual comfort and inspiration to the audience,” a memo from 1954 read. 96

The FCC’s programming directive of 1960 came on the heels of these changes from other leading industry groups. On July 29, 1960, the FCC released its directive, which would come to be known as the 1960 Programming Statement. The sentence that affected religious programing specifically read: “Our own observations and the testimony in this inquiry have persuaded us that there is no public interest basis for distinguishing between sustaining and commercially sponsored programs in evaluating station performance.” 97

However, the document signaled that the Commission still cared about regulating religion in the public interest. For example, the FCC retained standards for religious broadcasting, even though the means of distribution had changed. In fact, this was indicated in the very next sentence following the declared alteration to fully accept commercial religious broadcasting. It read: “However, this does not relieve the station from responsibility for retaining the flexibility to accommodate public needs.” The Commission even thought that the change might bring about

94 Qtd. in Memo (June 23, 1954), Box 166, Folder 12, National Broadcasting Company Records, Office Files, WHS.
95 Adams to Fineshriber, April 1, 1953, Box 583, Folder 5, National Broadcasting Company Records, Office Files, WHS.
96 Memo (April 22, 1954), Box 583, Folder 5, National Broadcasting Company Records, Office Files, WHS.
even higher standards: “Sponsorship of public affairs, and other similar programs may very well encourage broadcasters to greater efforts in these vital areas.”

In fact, this directive put a demanding responsibility on station license holders to serve community needs through a well-rounded programming schedule. “In the fulfillment of his obligation, the broadcaster should consider the tastes, needs and desires of the public he is licensed to serve in developing his programing and should exercise conscientious efforts not only to ascertain them but also to carry them out as well as he reasonably can,” the Commission wrote. “He should reasonably attempt to meet all such needs and interests on an equitable basis,” it continued.

The FCC’s decision in 1960 did not absolve licensees from their duty to listeners. The directive emphasized that licensees were still responsible to the public interest, even if the Commission approved of this content being paid time. After 1960, the Commission remained committed to religious broadcasting as public interest programming.

Regulating Religion in the 1960s and Beyond: The Implementation of the 1960 Directive and Other Measures

On June 3, 1964, the FCC postponed its decision with regard to the license renewal of Jackson, Mississippi television station WLBT. It was the height of the Civil Rights Movement and, being in the South, the radio station had the potential to serve as a public forum for a constructive conversation on race and justice. The FCC’s standard for radio stations - as

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98 “Enbanc Programing Inquiry,” 2315. The broadcast industry’s evolution towards paid time for religious and other public interest broadcasting influenced the FCC on this point: “There is some convincing evidence, for instance, that at the network level there is a direct relation between commercial sponsorship and ‘clearance’ of public affairs and other ‘cultural’ programs.”


100 Religious broadcast historians have covered this ruling, focusing on the implications it had for evangelicals, the mainline church, and the decline of paid time. However, they have overlooked the public interest implications of this directive; implications that are of fundamental importance to the FCC’s policies on religion. Hangen, Redeeming the Dial, 152-155; Hadden and Shupe, Televangelism 50-52.
formulated in the Fairness Doctrine - asked that there be a public forum of this kind; more specifically, the Doctrine expected them to air multiple perspectives on controversial issues. The Fairness Doctrine - which was passed in 1949 - specifically required stations to “devote a reasonable percentage of their broadcasting time to the discussion of public issues of interest in the community served by their stations and that such programs be designed so that the public has a reasonable opportunity to hear different opposing positions on the public issues of interest and importance in the community.”

While WLBT had potential to constructively serve its community in this way, the radio station had failed the black community of Jackson; at least, this was true according to various complainants including the United Church of Christ (UCC). Accusers alleged that WLBT did not include enough black voices on the air and had neglected the perspective of Civil Rights activists on a number of occasions. The accusers also complained that the radio station failed to provide enough time for black churches. Because of these accusations, the FCC investigated the situation and deliberated about the station’s license renewal application.

Dr. Everett C. Parker - communication director of the UCC - led the intervenors. Parker was a veteran of the broadcasting industry, particularly religious radio. He led religious radio workshops and was an eager activist for mainline concerns. Southern ministers - including Martin Luther King, Jr. - informed Parker about the problem of racial representation on Southern broadcasting stations before he took up the cause.

WLBT defended itself vigorously. As part of its defense, the radio station cited a new policy directive from the FCC that gave stations both the discretion and the responsibility to

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investigate how it should serve its community and, then, provide the necessary programming. WLBT argued that it “sincerely believes that a vast majority of all the people in its service area much prefer the programming presented by the station and that petitioners [UCC and others] speak for only an extremely small minority.”

This new policy directive was the 1960 Programming Statement, and, according to the Commission, there were questions about whether or not WLBT had lived up to its requirements. Rather than help the radio station, the statement put it under the watchful eye of the FCC. “The 1960 statement placed considerable emphasis on ‘consultation with leaders in community life,’” the FCC wrote. “The persons submitting affidavits in support of the petition are responsible leaders, who would appear to represent not ‘an extremely small minority,’ as the licensee claims, but a very substantial group or voice in the community.” The Commission continued: “These community leaders have asserted that WLBT has not made a good-faith effort to meet the needs of the Negro population, especially Negro individuals and organizations active in civil rights activities, that Negro organizations are excluded from the station’s programing on the basis of race, and that, for example, the Negro churches are excluded from the WLBT rotational church program.”

While WLBT’s license was renewed, it was only done so provisionally for a year, with the long term renewal contingent upon the station providing better public interest programming, including more representative religious content. For instance, the Commission demanded that WLBT:

...immediately cease discriminatory programming patterns. Thus, it is up to the licensee to make the programing judgment whether or not to have a daily 10-minute devotional program at noon, in which appearances are rotated among the area churches; but once

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having determined to have such program, it cannot follow or approve a deliberate pattern of excluding half the churches in the area on the basis of race.  

Just like the Fairness Doctrine, the 1960 statement was clear that radio stations had an obligation to the public. And, as the WLBT case indicates, these obligations often included the requirement that stations investigate and serve the religious needs of its listeners. The WLBT case was about more than just Civil Rights. It was also about minority religious broadcasting.

WLBT began updating its policies. The station started offering apprenticeships to black college graduates and began broadcasting worship gatherings, alternating between Protestants, Catholics, and Jews, as well as black and white pastors. “While prior to June of 1964, WLBT programmed only one Negro religious program, ‘Voice of Good Will,’ it now additionally presents ‘Faith for Life’ and ‘TV Gospel Time,’ the Commission reasoned in 1968. “A rotational schedule respecting programming of various religious services, which includes Negro ministers, was instituted by WLBT in 1965.”

The UCC protested against other Jackson stations in addition to WLBT. The Commission investigated stations WSLI and WJTV - AM and TV stations respectively - after protests and violence erupted during the fall of 1962 when black student James Meredith enrolled at the University of Mississippi. As was the case with WLBT, the Commission was looking into whether or not these stations had lived up to its expectations in their treatment of the Civil Rights

107 “Lamar Life Broadcasting Company” (1968), 437.  
Movement and Jackson’s black community. Specifically, the United Church of Christ protested to the FCC that WJTV failed, among other things, Jackson’s black religious population.\footnote{109}

While the FCC - having been convinced that licensee Capitol Broadcasting Co. had successfully answered the concerns about its performance - renewed the broadcasting licenses, the Commission used the investigation as an opportunity to remind broadcasters of their duties as largely laid out in the 1960 directive. The Commission argued that licensees had a responsibility to seek out and serve its entire listening audience. Specifically in regards to religious content, the FCC wrote: “...If a licensee had one rotating church program and never presented Negro churches even though they represented half the churches or population in the area, the obvious question is presented whether the licensee is seeking in good faith to serve his area’s needs or simply following or acquiescing in a deliberate exclusionary pattern.”\footnote{110}

As these examples of the Commission’s implementation of the 1960 directive indicate, the Commission remained committed to its project for religion in the 1960s. The Fairness Doctrine remained an effective tool, most famously used in the \textit{Red Lion} case in which the Commission demanded that the Red Lion Broadcasting Company radio station give airtime to journalist Fred Cook, whom Fundamentalist Billy James Hargis had spoken critically of in a broadcast.\footnote{111} Hargis made a number of accusations against Cook in the broadcast, including a critique of Cook’s book - \textit{Goldwater - Extremist on the Right} - about former Republican presidential candidate Barry Goldwater:

Who is Cook? Cook was fired from the New York World Telegram after he made a false charge publicly on television against an unnamed official of the New York City government…After losing his job, Cook went to work for the left-wing publication, The Nation, one of the most scurrilous publications of the left which has championed many

\footnote{109}“Capitol Broadcasting Co.,” 1137.
\footnote{110}“Capitol Broadcasting Co.,” 1139.
communist causes over many years... Now, among other things Fred Cook wrote for the Nation, was an article absolving [alleged Soviet spy] Alger Hiss of any wrongdoing... now this is the man who wrote the book to smear and destroy Barry Goldwater called Barry Goldwater - Extremist of the Right!  

The Commission also used the Fairness Doctrine to take away the radio license of Fundamentalist Carl McIntire after accusations that his station was one-sided in its presentation of public issues.  

McIntire also ran into trouble broadcasting over station WINB. This time, however, the FCC was not the only federal department interested in implementing its religious broadcast standards. WINB had an international signal, and the State Department was unhappy with the messages McIntire was sending to the world. By this time, in fact, the federal government had put together an extensive information program for the world, as the next chapter will explore, and McIntire’s religious broadcasts were not what they had in mind.

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Chapter 7: The American System of International Religious Radio

On March 26, 1963 U.S. Congressman Bill Brock telephoned the Federal Communications Commission. He was concerned about Fundamentalist Protestant Carl McIntire’s radio program, “The Twentieth Century Reformation Hour.” The FCC had been investigating station WINB of Red Lion, Pennsylvania, which beamed its programming overseas, including McIntire’s show. In question was whether the international station had been living up to what it promised on its application for a license, where, according to the FCC, it vowed it would provide a well-balanced religious programming lineup. The Commission wrote to Brock that it was concerned that the station was not doing this: “...It was represented that the station would present religious programs reflecting all American faiths, but the information before the Commission raises a question as to whether the station has confined its efforts in the field of religion to programs in behalf of one faith only.”

The United States Information Agency (USIA) - the leader of America’s Cold War international messaging effort - asked for the FCC’s help upon discovering that McIntire’s program was being heard overseas. For the USIA, McIntire’s combative messages - that included, for example, criticisms of President Kennedy - threatened what it intended to be a unified information offensive to promote the country’s interests abroad. The USIA wanted liberal, uplifting messages that built up and defended American ideals; McIntire’s religiously-infused critiques were not what they had in mind.

1 Waple to Brock, March 28, 1963, Box 653, FCC WINB Correspondence, The Carl McIntire Manuscript Collection (CMC), Special Collections, Princeton Theological Seminary Libraries.
3 “The FCC gets a ‘gift’ from VOA - Dr. McIntire,” Broadcasting, April 22, 1963, 76.
The Commission made it clear it was investigating WINB, not McIntire himself. Its authority was based around licensing and reviewing a station’s overall performance. To this end, the FCC was investigating if WINB had violated a specific regulation for private international broadcasters that permitted these stations to “render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation.”

America had a larger goal of using international radio to both promote and practice its liberal values. The United States used a number of different broadcasters toward this end. As the WINB situation showed, the country used private international broadcasters. It also used broadcasters with direct ties to the federal government: the government-run Voice of America (VOA) and the government-funded Radio Free Europe (RFE).

These liberal values included understanding, tolerance, and respect for individual rights. America hoped its international broadcasting would inspire geopolitical cooperation. The United States also hoped that its foreign broadcasting would encourage listeners to embrace a commitment to individual rights and liberties, a theme particularly important to its ideological confrontation with Soviet communism. In addition, tolerance shaped the policies of America’s international broadcasters. This liberal value did not mean, however, unconditional access to the country’s microphones. As this chapter will explore, boundaries and rules were required to create tolerant content.

A major component of American international broadcasting was religion. Religious broadcasting undergirded a prominent theme of America’s message to the world - that the

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5 Section 3.788(a), “Service, commercial or sponsored program,” qtd. in Waple to Brock, March 28, 1963. Waple does write that “this rule is presently under review as a part of a general review of the overall allocations for private international broadcasting.”
country’s liberal principles rested on belief in God. This was an ecumenical message. America
did not proselytize the world, nor claim any specific religious belief was right and others wrong.
Nevertheless, the message did claim belief in a God and that this belief was essential for
liberalism to flourish.

The religiosity of America’s propaganda to the world was important because of its
ideological opponent - what it called atheistic communism. This ideology was principally found
in the Soviet Union, America’s primary geopolitical opponent following World War II. In the
Cold War, VOA and RFE used religion to fight communist atheism. They highlighted
communist persecution of religion and argued that religious freedom was a vital component of a
just society.

Prior to the Cold War - and, thus, prior to RFE and VOA - the American federal
government relied on private stations to broadcast American messages to the world. These
broadcasters would remain an important component of the country’s international offering, even
after the rise of RFE and VOA.

Private International Broadcasters

The Commission had a broad vision for these private international outlets. For example,
in 1938 the FCC handed out two licenses for private stations - one to the World Wide
Broadcasting Corporation and another to General Electric - to broadcast over wavelengths that
had been designated by treaty for international use among the two American continents. 6 As a
condition upon the grant of these licenses, the FCC required, inter alia, that “the primary
purpose” of these stations was to provide “reliable broadcast service to the Pan American

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5: 108; see also Jerry Redding, “American Private International Broadcasting: What Went Wrong -- And Why,”
(PhD diss., The Ohio State University, 1977), 129.
The Commission was greatly influenced by the Buenos Aires Inter-American Conference for the Maintenance of Peace, held in December of 1936. American delegates agreed at the conference that radio should be used for “themes relative to the benefits of peace” and “the promotion of a spirit of mutual understanding,” among other purposes. Regarding the licenses given to World Wide and GE, the Commission ruled that they were to respect the results of the Inter-American Conference, specifically that “the character of programs to be transmitted shall be based upon the principles contained in the Buenos Aires agreement.”

The Commission also had a history of turning down applicants that desired a license for a narrow purpose. For example, in 1939, the FCC denied an application from the Pillar of Fire, a doctrinaire religious group with Wesleyan roots, for an international broadcast license. The group desired to broadcast to England, where it had followers. Unfortunately for the Pillar of Fire, the FCC found this limited purpose - combined with the fact that its service would interfere with Commission-approved international broadcasting facilities belonging to NBC and CBS - to be unworthy of a license. “Station operation will be directed and limited primarily to an attempt

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8 Report of the Delegation of the United States to the Inter-American Conference for the Maintenance of Peace (Washington: United States Government Printing Office, 1937), 219. The full resolution read: “1. To recommend that the Governments of America, in so far as their respective internal legislation may permit, shall endeavor to encourage, in radio broadcasting, the inclusion of themes relative to the benefits of peace and the peaceful settlement of international controversies, the scientific, intellectual, and material progress of Nations, and the promotion of a spirit of mutual understanding and moral disarmament of peoples; 2. To recommend that the Governments endeavor to avoid any radio broadcasting, originating in any of the American Republics, or re-transmitted from some other source, by a radio station within its territory, that may disturb the peaceful relations between peoples, or wound national sensibilities of listeners in another country.” As a caveat to the second resolution, the American Delegation wrote that it “agrees to this resolution with the understanding that the following words in paragraph 1, ‘To recommend that the Governments of America in so far as their respective internal legislation permits,’ are intended also to apply to and limit the language of paragraph 2.”
11 See Redding, 233-234, on the relationship between the federal government and NBC/CBS. He points out the “close cooperation which had come about in 1939 between the government and existing private international broadcasters,” 233.
to render program service to England,” the Commission wrote, “and it is not shown that the station will, or could, render satisfactory service to any other country.”

The FCC administered its vision for international broadcasting through broad outlines of what it desired from licensees. Explicit content standards were more difficult to enforce. For example, in 1939, the Commission instituted a new regulation regarding international content: “A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation.” Critics vigorously opposed the policy, deeming it to be government censorship, and the Commission suspended the policy. “It cannot be emphasized too strongly that the Commission has no desire, purpose or intention of setting itself up as a board of censorship,” the FCC said, “and that it does not and will not exercise any such jurisdiction.”

The Commission maintained its high expectations for licensees following World War II. For example, in 1954, the FCC approved an application renewal for World Wide, noting: “There is no question that [World Wide’s] programming proposal is worthwhile and that its implementation would promote the public interest in the international broadcast field.” The Commission also acknowledged in regards to the station’s “present and proposed” programming, “the value of such operations to the promotion of better understanding by other peoples of our

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12 “Pillar of Fire,” 273
13 Chapter IV - Rules Governing Broadcast Services Other Than Standard Broadcast, Part 42 - International Broadcast Stations, 42.03 (a), reproduced in Federal Register 4, no. 104 (May 30, 1939): 2189.
14 “Censorship Seen in International Ruling,” Broadcasting (June 1, 1939), 60; “FCC Suspends International Ruling,” Broadcasting, July 15, 1939, 17, 85; see also Redding, 169-171.
15 “FCC Disclaims Intent to Censor; Suspends Rule…” Broadcasting, July 15, 1939, 98.
cultural and governmental processes and hence, better international relations with the countries involved.”

Rarely did the Commission’s chosen licensees cause concern for the regulatory body. Even when McIntire’s show created tension, this was an aberration from what WINB promised in its application for an international license; or at least it was a distinction between its definition of “goodwill” and that of the federal government. The station had written that it would “render a program service which will consist of...religious messages and forum discussions by leading and representative persons.” It continued: “The applicant’s objective is to meet this program need with a view toward promoting international goodwill, understanding and cooperation.”

Ultimately, the Commission did not take action against WINB, a result that could have been in part due to the pressure it received for its investigation into the station. For example, protest letters flooded the Commission. And, a group of McIntire supporters even visited the FCC offices to bring up their point of view on the matter. The censorship question seems to have mattered to the FCC, and they let the issue slide. After all, America’s private international stations other than WINB did not cause problems.

Still, the WINB case was revealing; it gave the FCC the chance to disclose to concerned congressmen its reasons for regulating private international broadcasters. Namely, it felt that these broadcasters should be regulated for the purpose of American interests, not strictly for the license holder. Key to this explanation was the regulation that stations were required to provide programming that would “reflect the culture of this country” and “promote international

17 Redding makes this point, see p.242, 246.
18 Qtd. in Redding, 242-243.
20 Garrison to Trato, April 28, 1963, Box 651, FCC WINB Correspondence 1963, CMC.
21 Redding, 242, 246.
goodwill, understanding and cooperation.” This was the rule that had been suspended in 1939; however, it was reinstated in 1955. After Congressman Albert Quie reached out to the Commission about WINB and the “goodwill” rule, the FCC showed why it regulated private international broadcasters: “As a consequence of the restricted number of frequencies available, the Commission has in the past felt that such frequencies as were allocated to private international broadcasting should be used to the best advantage of the United States,” the Commission replied to Quie, adding that it felt the “goodwill” rule “reflects this judgment.”

Over the course of these rulings, the Commission had shown it had a project for private international broadcasting. In regards to religious speech, much like its domestic policy, it showed a preference for stations that featured content in the public interest for all potential listeners, not merely a sectarian audience. Also much like its domestic policy, the FCC implemented this policy in broad strokes, primarily through its licensing power, and not in strict, content-specific ways. For international broadcasting, however, the federal government had something it lacked domestically: access to its own broadcasting network.

While the FCC had indirect control of broadcast content via its licensing power over private stations, the State Department had direct control over its international propaganda efforts. This gave officials the express authority to produce content in a way they saw fit, something the FCC was not able to do for private stations. Here, the American federal government could implement its religious policy over the Voice of America (VOA), its overseas broadcasting propaganda network. As America’s project in international propaganda broadcasting unfolded -
both over the Voice and its semi-private sister network, Radio Free Europe (RFE) - it became clear that the endeavor itself was a venture in presenting a liberal worldview. The primary aspect of this undertaking was its commitment to the belief that religious freedom was necessary for a just society.\textsuperscript{26}

**The Voice of America**

On March 2 of 1953, VOA religious programming director Roger Lyons took the witness stand in Washington to defend himself against accusations that he was an atheist. The incident was another example of mid-century American anxiety about subversive infiltration of its institutions. The hearing - held by Senator Joseph McCarthy’s Permanent Subcommittee on Investigations - was put together to thoroughly examine the Voice; it was part of McCarthy’s larger interrogation of alleged Communist incursion into American life.

Lyons defended himself: “I do believe in God, and I would not have accepted the position of Religious Director of Religious Programming if I had not believed in God, and I realize the importance of emphasizing religious and moral factors in the Voice of America broadcasts.”\textsuperscript{27} He was defending himself from a rather vague accusation - which was even repudiated by the alleged source - that arose during the hearings.\textsuperscript{28} It might have appeared somewhat questionable - or at least surprising - for the leader of America’s religious radio propaganda efforts to be an atheist. McCarthy and his committee certainly felt this way. “Of course, every man has a perfect

\textsuperscript{26} An important resource on America’s international information program in the early Cold War - and influential on my thinking - is Jonathan P. Herzog, *The Spiritual Industrial Complex: America’s Religious Battle Against Communism in the Early Cold War* (New York: Oxford University Press, 2011).


right to be an atheist or agnostic or whatever he wants to be,” McCarthy said at the hearing, “but it seems rather unusual to have an atheist in charge of the religious desk of the Voice.” 29

Historians have highlighted this episode mostly as an example of a McCarthy-era witch-hunt. 30 Less noted is what Lyon’s testimony revealed about the particulars of his religious beliefs. At the hearings, McCarthy tried to pin Lyons down about church attendance. “You have a perfect right to do what the devil you please in this country,” McCarthy told Lyons. “The only question is whether or not a man whom witnesses say is an atheist, and you say that you are not - good - you say you do not go to any church. The question is whether it would be better to have a man heading the religious desk who clearly believes in a church.” The response from Lyons indicated his philosophy on religious broadcasting over the Voice:

I think one of the reasons it is almost a good thing that a man does not have a particular religious affiliation in connection with this job is because we are not dealing with any one particular denomination. It is necessary to deal in my job with areas of the world that are largely non-Christian such as areas which are Buddhist, Moslem, Hindu, and so forth. A man who is professed to belong to any particular denomination might very easily be prejudiced so that he could not deal objectively with these points of view, especially in a country where there is freedom of worship such as you have described. 31

Lyons led the Voice to adopt a certain type of religion for its propaganda: open, tolerant, and against proselytizing. For years to come, these values would guide VOA faith programming. Voice administrators all agreed - even as new religious advisers replaced old ones - that its religious messaging should be guided by these values.

**VOA’s Religious Apparatus Established**

Between 1950 and 1951, VOA developed its organizational structure for its religious programming. By late December of 1950, the United States Information and Educational

29 *State Department Information Program...Part 4, March 2, 1953*, 235.
31 *State Department Information Program...Part 4, March 2, 1953*, 301-302.
Exchange Program (USIE) was putting together a group of advisors - drawn from the DC area - to enhance its faith content. The Voice had already informally met with advisors in 1950; for example, in March three officials met with four religious figures - a Jew, a Methodist, a Catholic, and a representative from the Catholic ecumenical group The Christophers - to discuss the VOA program “A Parable from St. Matthew.” To take another example, a “Committee on Religion” met in August and September to go over a proposed English-language religious program.

Notably, Policy Adviser Edwin Kretzmann argued that the broadcast should have particular goals; goals that reveal the Voice’s principles at this early stage of its existence:

1) Projection overseas of the fact that the United States has spiritual values. This projection will serve to counter charges of materialism.
2) Reflection of American life as seen in religion. This point will cover the problems of representation of the various religious denominations.
3) To obtain material whose content supports the general objectives of the Voice of America -- the dignity of man, freedom of expression, etc.

In addition to developing a formal advisory group, the Voice also sought a Religious Editor as part of what Director Foy Kohler explained was an effort to devote “increased attention to working out the problem of religious programs in an orderly manner.” It also had conversations with the mainline Protestant Radio Commission, and planned to do the same “with similar organizations representing other religious faiths.”

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32 Hulten to Reed, December 29, 1950, Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARA II.
33 “Audition of VOA Program ‘A Parable from St. Matthew,’” March 21, 1950, Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARA II.
35 Kohler to Harris, February 20, 1951, Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARA II.
By 1951, the Voice had put together its leadership structure for religious programming. The broadcaster had a director: Roger Lyons. And, in April, the Voice announced its religious advisory board. Three advisors made up the panel: National Catholic Welfare Conference (NCWC) representative Reverend Thomas J. McCarthy, Jewish Community Council of Greater Washington representative Isaac Franck, and American Baptist Convention President Reverend Edward Pruden. There was also a panel chair: Albert J. McCartney.

Soon, the Voice established its religious policy. It had a number of liberal components. For example, it was anti-dogmatic; that is, it opposed any kind of emphasis on religious doctrine. The policy was also bound by the First Amendment, which the Voice felt compelled it to refrain from creating its own religious programming - instead it used content created by others - and for its content to not favor certain religions over others. And, the Voice’s policy focused on what it viewed as the shared morals of all religions. Finally - and possibly most importantly - the policy was shaped in response to communism. This happened in two primary ways. First, VOA religious programming identified itself as spiritual as a counter to Soviet atheism, and second, it intently covered communist persecution of religion in its programming.

**VOA Religious Policy: Anti-Dogmatic**

The State Department put together a press release to announce the formation of the advisory panel, reporting that it would be represented by the three primary faiths of American life. The release quoted a hopeful Edward Barrett, who was the Assistant Secretary of State for Public Affairs. “We are convinced that our Campaign of Truth can be made tremendously more effective through increasing the proportion of religious materials in the radio programs,

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36 See Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARA II.
37 Department of State, For the Press, No.299, April 20, 1951, Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARA II. Note that the memo says “for release” one day later.
38 Cedric Larson, “Religious Freedom as a Theme of the Voice of America,” *Journalism Quarterly* 29, no. 2 (March, 1952): 188.
pamphlets and motion pictures that we are sending to people of all religious faiths the world over,” he said, referencing America’s propaganda operation against the Soviet Union - the “Campaign of Truth”. Barrett also indicated that the Voice would follow an important liberal precept: religious tolerance. “We will of course continue to adhere strictly to the principle of absolute impartiality in dealing with the various religious sects,” he said. In fact, the makeup of the Religious Advisory Panel - one Protestant, one Catholic, and one Jew - in and of itself indicated how the Voice would value this principle.39

The VOA had substantial reasons to follow this precept. For example, it broadcast to countries around the world, and, therefore, embraced ecumenism. The broadcaster made this clear in a policy paper: “It has never been felt that the broadcasting area of the Government’s information program should promote, on a regular basis, any single religious denomination or even any particular religious faith because of the many different religious groupings to which VOA programs are directed.”40 The Voice even reached countries in the Middle East; for example in June of 1951 it transmitted religious broadcasts during Ramadan “on the classical Arabian books.”41 And, it broadcast to the Tatar Republic, extolling Islamic law and expressing concern about Soviet suppression of that law:

The wisdom in the laws governing a society depends on the law-giver and the people governed. In a dictatorship, the people, deprived of all liberty and human rights, are governed by decrees issued by the dictator and his clique. The Islamic laws which the Soviets suppress as outmoded and reactionary have a different background.

Islam proceeds from the premise that...basic laws...must be based on divine wisdom, not on human wisdom whose capacity is very limited. This does not necessarily mean that the Koran applies only to a static society. The Koranic laws are very broad,

39 Department of State, For the Press, No.299, April 20, 1951, Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARA II.
40 “VOA Policy on Religion,” Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARA II.
41 Roger Lyons, “Religion in VOA Output” May-July 1951, Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARA II. This could be a paper draft.
elastic and liberal. Liberty is their basic conception. It is the birthright of man. Its most basic concern is the welfare of the individual and society.  

The Voice also embraced ecumenism because it sought to show America’s many faiths to the world. In a policy paper, the Voice wrote: “...VOA’s consistent policy has been to cover the activities of all representative religious faiths practiced in this country.” One of the advisory panel members - Isaac Franck - suggested that American messages to the world advocate for this doctrine of religious pluralism, which he described as a worldview that was “philosophically and aggressively committed to a pluralistic, multi-group world order in which there will be safety and respect for the religious, moral, and spiritual beliefs of all peoples...”  

As part of its program to exhibit America’s various faiths, the Voice had a weekly show “selected from the leading domestic religious broadcasts and alternated, on a fair and representative basis, among the major faiths and denominations existing in the United States,” it explained in a policy paper. Why did the Voice draw programming from the domestic airwaves? It added crucial context in the policy paper to answer this: the First Amendment.  

**VOA Religious Policy: First Amendment Concerns**  

The establishment clause was of great concern to the Voice. For instance, it was a primary reason why the broadcaster did not create its own religious shows. “VOA has purposely avoided originating any religious programs on the ground that it would not be the proper function of a Government agency under the Constitutional provisions for the separation of

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42 “VOA to the Tatar Republic,” *The Voice of America this Week Broadcast Highlights* (Week of September 5-11, 1952), VOA This Week - #10, Box 7, VOA Historical Files, 1946-1953, RG 59, NARAI.
43 “Religion in VOA Output” n.d., Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARAI.
44 “Suggestions of Mr. Isaac Franck re Moral and Spiritual Content of the IIA Program,” May 27, 1953, Box 1, Religion, Records of Special Assistants to the Director, 1952-1953, International Information Administration Office of the Administrator/Office of the Special Assistant, RG59, NARAI.
45 “Religion in VOA Output” n.d., Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARAI.
Church and State,” the Voice explained in the policy paper. And, the Voice - as an agency of the state - felt the establishment clause prohibited it from favoring certain religions over others. “Although the United States is primarily a Christian nation, there exists an official separation of church and state,” Division of Public Liaison Chief Margaret R.T. Carter wrote in response to a request for information. “As an instrument of the United States Government, the Voice cannot plead for the Christian religion as such, or for any particular religious denomination,” Carter continued. The Voice also felt that, “as an organ of the State Department committed to the principle of the separation of the Church and State,” it could not “assume the function which rightly belongs to the Church,” as Roger Lyons wrote to a concerned columnist.

The Voice felt it had to outsource spiritual programming and it turned to the domestic airwaves, looking for shows to rebroadcast that exhibited American religion. Specifically, it found what it called the “leading” faith programming, which included national network content. For instance, it broadcast NBC’s “Catholic Hour,” “National Radio Pulpit,” and “Religion in the News,” as well as CBS’s “Church of the Air” and Mutual’s “Faith in our Time.” This “leading” programming was ecumenical in nature: in addition to the programs just cited, the network also broadcast non-mainline shows such as Mutual’s “Lutheran Hour” - an evangelical offering - as well as Mutual’s First Church of Christ Scientist.

Why might the Voice have looked to these “leading” programs as the network’s representative of U.S. spiritual life? The massive reach of the chains gave these religious

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46 “Religion in VOA Output” n.d., Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARA II.
47 Carter to Troy, April 19, 1951, Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARA II.
48 Lyons to Considine, June 14, 1951, Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARA II.
49 “Religion in VOA Output” n.d., Carter to Troy, April 19, 1951, Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARA II.
50 Carter to Troy, April 19, 1951, Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARA II.
programs a big audience. And, the networks produced high-minded and non-offensive content built for a heterogeneous public. These characteristics made these programs feel like the electronic representation of American church life. By the early 1950s, this is the exact kind of programming that the Voice needed to fight the early Cold War.

Mainstream, ecumenical religious groups were favored by the Voice’s policies. For instance, the Voice was ensuring an influential place for these groups - which had featured content on the national networks - by repurposing this programming. And, the VOA often went to these ecumenical organizations for advice. For example, the mainline Protestant Radio Commission (PRC) influenced the Voice of America. To take another example, Lyons met with the NCC leader Walter Van Kirk in mid-1951, and was thankful for the help the Council was providing to the Voice. “...Since we are unable to originate religious programs, we are in a certain sense dependent on the suggestions and advice of organizations like the National Council of Churches in giving an accurate picture of religious life in the United States,” Lyons wrote Van Kirk following their meeting. “We therefore would warmly welcome your continued cooperation.”

In addition to obtaining programming from mainline ecumenical organizations, the Voice also received information it repurposed for broadcasting from the news organizations of these groups. For example, the Religious News Service, which was associated with the ecumenical National Conference of Christians and Jews, provided news content.

51 “Religion in VOA Output” n.d., Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARAII.
52 Lyons to Van Kirk, June 6, 1951, Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARAII.
53 Roger Lyons, “Religion in VOA Output” May-July 1951, Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARAII; for RNS history, see “History,” https://religionnews.com/about/.
These mainline religious groups helped the Voice uphold its policies on religion. They were an answer to the broadcaster’s dilemma regarding the First Amendment. And, they aided the Voice in its attempts to produce ecumenical content. Meanwhile, evangelicals felt excluded by the Voice’s policies. For example, James DeForest Murch - editor of the conservative *United Evangelical Action* magazine - would write in his autobiography: “We investigated the situation and discovered that broadcasters of religion had to be approved as ‘responsible’ by the Synagogue Council of America, for Jews; the National Catholic Welfare Conference, for Roman Catholics; and the National Council of Churches, for Protestants.”

Evangelicals expressed their frustration, even meeting with State Department officials. While the Voice proved willing to work with groups like the conservative National Association of Evangelicals (NAE), there was an important condition: that the Voice’s established liberal policies be followed.

**VOA Religious Policy: Evangelicals Left Behind?**

“...The VOA is so fearful of becoming evangelistic that it actually becomes an adjunct of faiths entirely foreign to the American way of life,” an editorial in *United Evangelical Action* magazine read. “We urge our readers to deluge their congressmen with protests about this insufferable pussyfooting and temporizing policy of VOA with respect to religion,” the author also wrote. As this editorial from *United Evangelical Action* - which was the the journal of the NAE - implies, American evangelicals felt left behind by the Voice’s programming.

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54 James DeForest Murch, *Adventuring For Christ In Changing Times* (Louisville, KY: Restoration Press, 1973), 181. Murch - as an outspoken evangelical leader - was a biased source. I only quote him here to show the evangelical mindset at this time.

In April of 1952, speakers at the annual convention of the NAE lambasted the Voice for its alleged exclusion of conservative Protestant voices. United Evangelical Action, in a report on the convention, wrote that “the VOA was by-passing the NAE type of evangelical on its religious programs being beamed to Europe and VOA was failing to promote a vigorous Christian American religious offensive against the blatant atheism of the Kremlin.” The convention passed a resolution to address the situation with the State Department. 56

Murch led the evangelicals’ case for better representation on the Voice. “The certain fact remains...that the distinctively evangelical Christian message is not represented on VOA,” he wrote in a statement. He even referenced an article in The Christian Herald, which he felt “reflects in many respects my own thinking on the matter.” 57 Roland Wolseley investigated the religious broadcasting situation on VOA, visiting the office in New York and interviewing staff. He concluded: “The place of religion in the broadcasts of VOA, showplace of democracy, while extensive, is comparatively feeble. Whereas our religious faith is one of the strongest timbers undergirding our democratic way of life, it is treated mainly as a curious piece of American folklore.” For Wolseley, the Voice’s reticence about proselytizing watered down its religious messages, noting that the failure to include evangelist-type broadcasters left a large swath of American religious life unrepresented. Wolseley wrote that humanity’s sinfulness was avoided on VOA, a criticism that would have strongly resonated with Murch and the evangelicals: “Anything that seems to be of a condemnatory nature about man, that might suggest his depravity and his need to be saved, is firmly excluded.” 58

Wolseley talked to religious advisor Albert McCartney for the article. McCartney agreed that the Voice could improve its religious programming by being more blunt: “Why do we have

56 “By the Grace of God -- Ten Good Years,” United Evangelical Action (May 1, 1952): 6, 8.
57 “By the Grace of God -- Ten Good Years,” United Evangelical Action (May 1, 1952): 6.
to be so cagey about the part that religion has to play in American life?” he asked. “It is high time, in the face of so much unbelief in our own country and the aggressive atheism of the Kremlin, to mount a forthright spiritual offensive with everything that we have got. Let us soft pedal the apologetic note.”

While McCartney had acknowledged that the Voice had room to improve in his interview with Wolseley, he was defensive in response to Murch’s accusations. “Your statement surprises me coming at this time when the Voice of America has made such extended efforts in the ‘Campaign of Truth’ to express moral and spiritual values,” McCartney wrote to Murch. McCartney was referencing President Truman’s push for international propaganda, and felt frustrated that Murch did not fully acknowledge the Voice’s commitment to religious broadcasting, listing as a rebuttal to Murch the names of 23 clergymen the Voice had used during Lent or were hoping to use between Easter and Pentecost.

Murch didn’t feel McCartney understood his complaint: “There is not a single name in your list that definitely represents our viewpoint,” he wrote of the 23 clergymen McCartney had provided, which included mainline stalwarts such as Henry Sloane Coffin. “Certainly a constituency of more than ten million evangelicals deserve some consideration.”

An NAE group met with the State Department in June of 1952. Evangelicals felt the Voice should have “a more dynamic presentation of the Christian gospel to offset the religious appeal of Communism,” the meeting minutes read. The NAE intentionally framed itself as distinct from the mainline - or liberal - church. As the minutes recounted, “there was

59 Ibid., 60.
60 McCartney to Murch, April 17, 1952 (telegram), Box 12, Voice of America, James DeForest Murch papers, 1928-1973, The Holloway Archives at Milligan College, Milligan College, TN (JDM).
61 Murch to McCartney, April 29, 1952, Box 12, Voice of America, JDM.
62 “Minutes of Meeting - National Association of the Evangelicals,” (June 5, 1952), Box 8, Religious Folder, IIA Office of Administrator Subject Files 1950-1953, RG 59, NARAII.
considerable emphasis placed upon the fact that there are two broad categories of Protestants in this country, the ‘conservatives’ and the ‘liberals’, - the NAE being conservative. They believe in the infallible and absolute authority of the scripture.”⁶³ This was important to the NAE because they felt the mainline church sacrificed orthodoxy for ecumenism; they also noticed how the Voice valued this and put liberal Protestants on the air as representative of the faith.

VOA religious adviser Albert McCartney read a memo at the meeting that presented the State Department’s perspective. As this memo clarified, the State Department interpreted the NAE’s complaint as a desire for its international messages to be more explicitly Christian. The statement emphasized that the State Department’s attack on Soviet atheism “cannot be done by using the VOA as a medium for Christianizing the world.” It continued: “This would not only be strongly resented by our audience, but it would also be unconstitutional.”⁶⁴ The statement reiterated a few key policy positions: “One of the basic positive aims of VOA is to reflect the spiritual life and heritage of Americans,” it read. “This can only be done by broadcasting programs which are warm, interesting and inoffensive to our listeners.” The memo also emphasized that the Voice “cannot promote any particular religion or theological point of view,” and that the broadcaster’s “aim is to create good will and friendliness on the part of the adherents of the other great religions [of the world], and to show wherever possible how we share in their ideals and faith.”⁶⁵

Both sides were able to reach some conclusions. Notably, they agreed that the evangelicals “will try to supply clergymen skilled in various languages who can read sermon

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⁶³ “Minutes of Meeting - National Association of the Evangelicals,” (June 5, 1952).
⁶⁴ “Religious Programs on VOA,” Box 8, Religious Folder, IIA Office of Administrator, Subject Files 1950-1953, RG 59, NARAII. This could be an “edited version” of the McCartney memo. See “Minutes of Meeting - National Association of the Evangelicals,” (June 5, 1952).
⁶⁵ “Religious Programs on VOA,” Box 8, Religious Folder, IIA Office of Administrator, Subject Files 1950-1953, RG 59, NARAII.
scripts for the VOA,” and that they “will encourage its members to submit scripts to the VOA fitting these into the general outline and needs of the program as presented in Dr. McCartney’s memo, and with the understanding that there is no guarantee that submitted material will be used.” It seemed an agreement had been reached: evangelicals could attempt to increase their presence on the network, but they had to abide by the VOA’s policies.

McCartney later sent the memo he read at the meeting to Murch and other evangelicals. There was one policy reiterated in the document that would have resonated with the conservative Protestants: anti-communism.

**Communist Persecution of Religion**

According to the McCartney memo, while the Voice tailored some religious content to fit the needs of the specific situation - after all, it broadcast across the world - “there are certain subjects, however, which can be treated generally by all desks.” One such subject was communist rights-violations, or as the memo put it, “religious persecution and subversion under Communism.” In fact, the Voice’s policy was built on covering communist abuse of religious actors, and its violation of individual rights to religious freedom. For example, the Voice heavily covered Soviet persecution of Hungarian Catholic Cardinal Jozsef Mindszenty. Mindszenty had been arrested in December of 1948 and convicted of treason the following February. Coverage of his persecution became a mainstay on the network.

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67 For an evangelical perspective on this meeting, see Murch, *Adventuring For Christ In Changing Times*, 181.

68 See, for example, McCartney to Decker, June 23, 1952, Box 40, Folder 2, National Association of Evangelicals Records, 1941-2000, Special Collections Buswell Library, Wheaton College (IL); McCartney to Murch, June 17, 1952, Box 12, Voice of America, JDM.

69 “Religious Programs on VOA,” Box 8, Religious Folder, IIA Office of Administrator, Subject Files 1950-1953, RG 59, NARAII.

While Mindszenty’s imprisonment was the most well known case of communist persecution, the VOA focused on other incidents as well. For example, it covered the persecution of Hungarian Archbishop Josef Groesz, who took over for Mindszenty after his conviction, but was imprisoned himself soon after. In May of 1951, the Hungarian communist regime arrested Groesz and sent him to prison for conspiracy.

Also, the Voice covered the persecution of Archbishop Josef Beran in Czechoslovakia, who was detained by the Communist regime for over a decade. Beran became a symbol of resistance to the regime’s attempts to subvert the religious freedoms of the Church. The Voice covered the situation in Czechoslovakia closely. As described in a memo regarding the Voice’s coverage in 1949, the VOA “both in Czech and Slovak used every opportunity to bring to focus the substance of the present struggle for power and to explain in detail and very often the underlying principles for which the Catholic Church in Czechoslovakia stands.”

And, the Voice covered the persecution of Protestant pastors in Bulgaria when 15 of them were put through a show trial. The VOA followed the proceedings closely, reporting on what were allegedly forced confessions and Communist annoyance at the Voice’s coverage of the situation. *Presbyterian Life* reported that as broadcast by the Voice “the wholesale ‘confessions’ of the pastors were placed in the proper perspective of inhuman intimidation and torture.” The story contended that the communists - agitated by VOA coverage - forced one of the pastors to exclaim during the trial “I do not need the defense of the Voice of America!” The paper wrote

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71 Roger Lyons, “Religion in VOA Output” May-July 1951, Box 10, Religion Folder (1 of 2), VOA Historical Files, 1946-1953, RG 59, NARAII.
74 “Foe of Nazis and Reds, Josef Beran”
75 “VOA Output to Czechoslovakia on Archbishop Beran and Problems of Church-State,” Jan. 31, 1950, Box 10, Religion Folder (2 of 2), Voice of America (VOA) Historical Files, 1946-1953, RG 59, NARAII.
that “the sensitiveness of the Sofia regime to Voice of America criticism was evident” by this story.76

The Voice was not the only American radio network to take advantage of the opportunity to cover communist persecution. While VOA was America’s official propaganda radio network, a sister network was founded in 1949 to focus on the Eastern Bloc.77 Like the Voice, this broadcaster - Radio Free Europe (RFE) - made much of those imprisoned by the communist regimes. Also like the Voice, It had a purpose for its religious broadcasting: a defense of Western liberal values.

Radio Free Europe

“See how the skies proclaim God’s glory, how the vault of heaven betrays his craftsmanship,” Catholic priest Alexander Heidler read out of the book of Psalms on May 1, 1951 at the Bayerischer Hotel in Munich for the dedication of a new radio transmitter and the beginning of RFE transmissions to Czechoslovakia. “Each day echoes its secret to the next, each night passes on to the next its revelation of knowledge; no word, no accent of theirs that does not make itself heard, till their utterance fills every land, till their message reaches the ends of the world.”78

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77 For a good introduction to RFE, see Robert T. Holt, Radio Free Europe (Minneapolis: University of Minnesota Press, 1958).

Heidler was RFE’s recently appointed religious advisor. He was from Prague and had been Beran’s deputy. Just as the communists persecuted Beran, they also harassed Heidler before he fled to Germany’s American Zone.79

In his speech, Heidler used the Psalmist’s words about God’s creation to connect to broadcast technology: “Nowadays, electro-magnetic waves can transmit human words to all parts of the world. So we are today able not only to conceive messages from the heavens, which silently proclaim God’s glory, but also to transmit messages from man to man.” Heidler specifically pointed to radio as a medium given by God for the purpose of reaching the Eastern Bloc: “At a time when part of mankind is separated from the rest of the world by an Iron Curtain of violence and lies, this is really a great benefit God has granted us.”80

As Heidler’s speech indicated, religion would play a primary role on the network. Programming would target communism as an ideology inhospitable to religious institutions; it would also defend religion’s role in a free society. For the network, while the Communists could implement laws restricting the freedom of worship, they could not stop religious broadcasts from crossing the Iron Curtain.

Radio Free Europe first began broadcasting to the Eastern Bloc not long before Heidler’s speech, in 1950.81 It was ostensibly a private endeavor, although evidence would later surface that the CIA was aiding and funding it.82 Through individual stations it targeted Eastern Bloc countries: Poland, Czechoslovakia, Hungary, Romania, and Bulgaria.

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79 “Background Information, Biographical Sketch - Rev. Alexander Heidler (Czech), S.T.D. (Doctor of Divinity),” Box 1, Dedication Ceremonies, Forrest McCluney Papers, Radio Free Europe File, HST.
80 Heidler, “Meditation On the Inauguration of Broadcasts to Czechoslovakia by Radio Free Europe”.
82 For an overview of the relationship between RFE, the CIA, and the State Department, see Puddington, Broadcasting Freedom, 22-32.
From the beginning, religion played a primary role on the network. Like over the Voice, religion on RFE served as a counter to Soviet atheism. However, instead of reflecting America’s faith practices to the world, RFE produced religious programming targeted at the specific audiences of the countries it served. This reflected how its core mission differed from that of VOA. While the Voice was an official propaganda arm of the United States government, RFE was a semi-private enterprise - meaning it had both private and governmental financial backers, as well as both private and governmental policy goals - whose mission was to serve content to specific Soviet-occupied countries. “When I left Germany,” Army retiree General Lucius Clay said, “I came home with a very firm conviction that we needed in addition to the Voice of America a different, broader voice - a voice of the free people - radio which would speak to each country behind the Iron Curtain in its own language, and from the throats of its own leaders who fled for their lives because of their beliefs in freedom.”

Still, in many ways the religious policies of RFE were similar to the VOA. Both emphasized that religious freedom was a fundamental human right, and on both networks this principle was put in contrast to Soviet atheism. And, if either network evangelized, they did so for an American conception of a just society.

Prior to RFE’s first broadcast, the organization put together an information and money-gathering campaign across the country. This “Crusade for Freedom” relied heavily on religious themes. Indeed, its appeal to the American public would presage the religious policies of the network once it started broadcasting.

**Crusade For Freedom and RFE Launch**


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Eisenhower was at a gathering during the World Council of Churches’ Second Assembly on August 19, 1954. Earlier, he had addressed the gathering of over 23,000 people.\textsuperscript{84} “I believe that you, spiritual leaders of a great world organization, together with your brethren of other faiths, can lead the way,” Eisenhower said to the crowd, which included religious leaders and delegates from 48 countries. “The goal should be nothing short of inviting every single person in every single country in the world who believes in the power of prayer to a Supreme Being to join in a mighty, simultaneous, intense act of faith,” he also said. “That act of faith might take the form of a personal prayer, by hundreds upon hundreds of millions delivered simultaneously and fervently, for the devotion, wisdom, and stamina to work unceasingly for a just a lasting peace. If this mass dedication launched an unending campaign for peace, supported constantly by prayer, I am certain wondrous results would ensue.”\textsuperscript{85}

The speech was covered by the Voice of America.\textsuperscript{86} In fact, Eisenhower and his administration were instrumental in developing America’s international information systems. He also supported Radio Free Europe and its religious goals. For example, prior to being president, Eisenhower participated in raising support for the Crusade for Freedom and the Free Europe Committee (FEC), which was formed to establish RFE. He used religion to make his case. On Labor Day in 1950, he addressed the nation over the radio, requesting that listeners sign a “Freedom Scroll.” The “scroll” featured a “Declaration of Freedom”: “I believe in the sacredness and dignity of the individual,” it read. “I believe that all men derive the right to freedom equally

\textsuperscript{84}“Ike Urges World to Pray,” Chicago Tribune, August 20, 1954.
\textsuperscript{85}Quoted in “Ike Urges World to Pray.”
\textsuperscript{86}Box 750, Official File 247-D, White House Central Files, 1953-61, Dwight D. Eisenhower Library, Abilene, Kansas.
from God. I pledge to resist aggression and tyranny wherever they appear on earth. I am proud to
enlist in the Crusade for Freedom.”

As Eisenhower’s broadcast indicates, this initial fundraising effort - the Crusade for Freedom - built up religion as a core value. For example, prominent members of the mainline church were part of the National Council for the Crusade for Freedom. These included Pastor Emeritus of Riverside Church in New York Harry Emerson Fosdick, Union Theological Seminary professor Reinhold Niebuhr, and Presiding Bishop of the Episcopal Church Henry Knox Sherrill. And, Crusade organizers put together “Freedom Sunday” to build support for the movement. “Churches and Synagogues Join in Freedom Sunday Rites Today,” a headline in The Anniston Star of Anniston, Alabama read; “Thousands of Philadelphia area church members yesterday joined others throughout the Nation in pledging their support to the Crusade of Freedom by signing the Freedom Scroll and giving contributions to help Radio Free Europe,” the first line of a story in The Philadelphia Inquirer read. Newspapers across the country reported on these events. “I support the Crusade for Freedom...because I believe that ultimately truth will triumph,” Rabbi Philip Bernstein of Rochester, New York said. “Lies can prevail for a moment, dictators may take temporary control over the minds of men, but ultimately truth wins out.”

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Soon - after RFE’s launch - it would have individual desks producing content for five countries of the Eastern Bloc: Poland, Czechoslovakia, Hungary, Romania, and Bulgaria. The radio network tailored a programming lineup for each specific country, even providing airtime to emigres who had escaped the communist regimes. Free Europe Committee Board Chairman Joseph Grew addressed the issue at a press conference when the Committee was incorporated. “[One purpose] will be to put the voices of these exiled leaders on the air, addressed to their peoples back in Europe, in their own languages, in the familiar tones,” Grew said. By 1955, Radio Free Europe broadcast 2,800 hours every week over 29 transmitters.

Despite separate desks, Radio Free Europe did have a unified policy for its religious programming. RFE was thoroughly anti-communist, and its religious policy reflected this. In fighting communism, the network emphasized the ideology’s godlessness, as well as the religious freedom abuses perpetrated by the Soviet regimes in power. RFE was clear that it was broadcasting in defense of liberal values; it pronounced that freedom of worship was a human right and supported religious institutions, particularly those - like the Roman Catholic Church - that struggled against the governments of the Eastern Bloc.

**RFE Policy: Promotion of Religious Freedom**

In the fall of 1954, RFE broadcast a harsh critique of the communist regime in Poland. It came from a former member of the Polish secret police, Josef Swiatlo. Swiatlo - who had defected in December of 1953 - provided for the Voice of Free Poland a first-hand perspective of religious persecution. His broadcasts described the communist treatment of a Polish priest, Cardinal Stefan Wyszynski. Specifically, Swiatlo specified the conditions of his imprisonment:

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If the Cardinal was to open the door leading down the stairs in order to take a walk in the garden, an additional alarm would be sounded. On such occasions, a guard would leave the building by a separate special door and find himself within a few seconds in an observation point placed up a high tree. The park was surrounded by a high wall. But, just to be sure, the technicians of the UB had erected a high wire netting which would not even allow the Cardinal to approach the wall. On the other side of the wall, more guards were on duty day and night.94

RFE’s support for Wyszynski exemplified its policy of denouncing Eastern Bloc regimes for its religious persecution. There was much for the radio network to cover as these communist governments had a hostile relationship with religious institutions. By supporting Wyszynski and other persecuted leaders in the Eastern Bloc, RFE was defending a Western liberal conception of religion’s societal role. The radio network defended religious freedom and its civic value; they did this while arguing that communism was opposed to religion in these ways.

Like the Voice of America, RFE protested the Czechoslovakian communist regime’s persecution and imprisonment of Archbishop Josef Beran. “We play him up as a martyr to freedom of worship,” an RFE policy guidance read. “[We play him up as] a noble resistant whose authority over his flock was so great that the Regime could not any longer suffer his presence in the archiepiscopal palace,” the guidance continued, referencing how the communists had sent the archbishop out of Prague.95

RFE also pushed the importance of religious holidays and their civic value. For example, RFE boasted that during Christmas of 1954, the Voice of Free Poland “broadcast many special

programs in harmony with the religious and traditional aspect of the Christmas Festival.” It even gave airtime for “Christmas greetings” to be provided to the imprisoned Wyszynski.96

The entire radio network rallied around defending religion’s positive value in a free society, and promoting its place in the Eastern Bloc. However, RFE’s religious policy regarding political issues was more complicated and divisive. So complex, in fact, that some employees thought about leaving over the network’s decisions.

**RFE Deals with Political Disputes**

On March 8, 1954 a number of Slovak Catholics wrote a letter of protest to Radio Free Europe Director Robert Lang. These Catholics, who worked at the Czechoslovak Desk, had a pressing concern: They felt the Slovakian perspective was underrepresented on the radio network. “...It appears that the broadcasts of the Czechoslovak Dest, broadcast to Czechs as well as Slovaks, are adapted only to the Czech mentality,” the Slovak Catholics wrote. “No account is taken of the Slovak mentality which is profoundly different.”97 These Catholics were Slovak separatists, a position that threatened American foreign policy.

This complaint got to the heart of important RFE guidelines: The network followed the American foreign policy line and was uncompromisingly anti-communist. It was official American foreign policy that Czechoslovakia be united, a position RFE wished to uphold. In addition, RFE officials worried this controversy might be a distraction from the network’s battle with communism.98

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97 Slovak Catholics in RFE to Robert E. Lang, March 8, 1954, Box 276, Desks Czechoslovak 1954, Alphabetical File, RFE/RL.
Radio Free Europe did not let religious or political situations interfere with its overall goals as a network: The promotion of Western liberalism in ideological opposition to Soviet communism. The network’s religious policy backed up this position. It did not tolerate dissident opinions from religious groups that might distract the network from its goals, particularly those opinions that went against official American foreign policy.

The Slovaks sent their protest in 1954; however, Lang was aware of the tensions between Czechs and Slovaks well before this. In fact, prior to the network’s first broadcast, a Catholic group from Brooklyn had badgered RFE about the issue. Even at this early stage - the fall of 1950 - Lang knew that RFE would have to find answers in how to handle the delicate political situation. He wrote to RFE European Director Forrest McCluney regarding the problem of selecting a religious programming leader for its Czech service: “…Should he be Protestant, should he be Catholic, should he be Czech, should he be Slovak, or should he have no church affiliation?”

By 1951, the radio network’s policy was becoming clearer. In discussing the Slovak issue at a meeting in April, political advisor W.E. Griffith clarified that RFE was anti-separatist. In addition, he agreed that the radio network needed a sufficient number of Slovaks on staff. The solution seemed simple: Avoid separatist speakers, but ensure there was a suitable Slovak representation.

However, this answer would prove to be complicated as the line between proper Slovak representation and Slovak separatism was blurred. For example, in the fall of 1951, RFE made a controversial decision to kill two proposed broadcasts from Slovak Catholic Priest Father Osusky. These scripts - at least according to Griffith - were “inappropriate”; for example, he felt

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99 Lang to McCluney, Oct. 9, 1950, Box 1, Correspondence 1950, Forrest McCluney Papers, Radio Free Europe File, HST.
100 Griffith to Dolbeare, April 24, 1951, Box 275, Desks Czechoslovak 1951, Alphabetical File, RFE/RL.
that one “lauds all Slovak Catholics to the very definite detriment of the Czechs.” \(^{101}\) Passages from the script in question seem to back Griffith’s assertion. For example, Osusky had planned to argue that Catholic Czechs put their national identity above their religious identity, something he claimed was not done by Catholic Slovaks: “While the Czechs stress the point that they are, above all, Czechs and only in the second place Catholics, one can say about us Slovaks that we are, above all, Catholics and only in the second place Slovaks.” \(^{102}\)

A group of Slovaks at RFE considered resigning over the network restricting Osusky’s broadcasts. \(^{103}\) This was an early sign that the problem would continue for RFE. By the summer of 1952, Griffith was still tracking the issue: “We have within the [Czechoslovak] Desk, I think, something like a hard core of covert Slovak Separatists,” he wrote in a letter. \(^{104}\) All of this preceded the Slovak Catholic letter of protest sent in March of 1954.

In response to this letter, RFE produced an internal memo to address the situation. RFE’s policy was strict anti-communism. Religious disputes - in this case a controversy that was also highly political in nature - were not to mislead the network from this overarching goal: “RFE cannot allow the waters of its single-minded anti-Communist effort to be troubled by the intrusion of topics which are not pertinent to the higher interests of the American people, which distract attention from our anti-Communist fight, which have nothing to do with the Cold War against the Soviet power,” the memo read. Should the Slovaks want independence, the memo continued, this was only to be worked out following the defeat of the communist regime in Czechoslovakia: “These are matters to be settled by the peoples concerned after those peoples have become free.” In addition, RFE followed American foreign policy: “It is not the policy of

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\(^{101}\) Griffith to Lewis, November 2, 1951, Box 275, Desks Czechoslovak 1951, Alphabetical File, RFE/RL.
\(^{102}\) Osusky, “Fighting Church No. 34,” (October 30, 1951), Box 275, Desks Czechoslovak 1951, Alphabetical File, RFE/RL.
\(^{103}\) Griffith to Lewis, November 2, 1951, Box 275, Desks Czechoslovak 1951, Alphabetical File, RFE/RL.
\(^{104}\) Griffith to Lewis, July 12, 1952, Box 276, Desks Czechoslovak 1952, Alphabetical File, RFE/RL.
the U.S. Government to advocate the erection of an autonomous Republic of Slovakia,” the memo read.⁰⁵

As long as the communist regimes of the Eastern Bloc restricted religious freedom, RFE felt it had a duty to broadcast religion to these countries. This was the overarching goal of the radio network. Only when the influence of communism faded would RFE reconsider its religious programming.

**The Lasting Impact of America’s Religious International Broadcasting**

RFE started broadcasting to Czechoslovakia and the other Eastern Bloc countries in the early 1950s. Almost forty years later, the Berlin Wall fell and Soviet influence began to wane; still, the radio network continued broadcasting. As the restrictive religious laws of the communist regimes began to recede, however, RFE began to question the necessity of its religious programming. If the domestic radiowaves of these Eastern Bloc countries were open to churches and other faith groups, did RFE need to continue its religious broadcasting? The radio network wrestled with this issue. “The end of legal and political restraints on the practice of religion in Poland and Czechoslovakia largely eliminates the traditional justification for broadcasting services to these countries,” an RFE memo read.⁰⁶

As RFE struggled with whether or not to continue its religious programming - in this case to Poland and Czechoslovakia - it reflected on why it pursued religious broadcasting in the first place. “These services have been amply justified over the years as compensating for the denial of the basic human rights to profess and practice the faith of one’s choice,” the memo read. “These services have also helped preserve and strengthen the moral authority of the churches of Poland.

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⁰⁵ “In re: Memorandum addressed on March 8, 1954 to Robert E. Lang by ‘Slovak Catholics in RFE.’”
⁰⁶ Gillette to Pell, March 17, 1991, Box 426, Folder 2, Executive Vice President’s Office, RFE/RL.
and Czechoslovakia in their struggle for national independence and basic freedoms." Indeed, RFE’s religious policy - based around anti-communism and religious freedom - was relevant even in the early 1990s.

The groundwork for this religious policy had been built decades prior, in the early 1950s, as had the Voice of America’s policies. This foundation - for both RFE and VOA - used religion as a liberalizing force throughout the world, predicated on the idea that prosperous societies valued religion and freedom of worship. Moving forward, as the United States struggled with communism, this foundation proved vital: American international religious broadcasting - predicated on Western liberal values - played a critical role in the Cold War.

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107 Gillette to Pell, March 17, 1991, RFE/RL.
Conclusion

As the Cold War came to a close - and America’s international information systems began to drastically change - the radio industry underwent a transformation. While the FCC remained relatively consistent in its project for religious broadcasting during the last decades of the Cold War, there were important changes in the broadcasting field. The number of broadcast stations drastically increased. In 1960, there were 4,865 radio and television broadcast stations. By 1989 there were 11,905 such stations. There was also a significant increase in the number of religious radio stations. By 1986, there were 796 of these stations, up from 49 in 1928.

Most notably, the Fairness Doctrine was repealed in 1987. FCC commissioners became increasingly skeptical that the government should make judgments on radio content. For example, by the mid-1960s, Commissioner Lee Loevinger challenged the idea that the Constitution supported the FCC’s intervention in religious radio. “[It seems the Commission has proceeded] far beyond the limits that have been marked by the Supreme Court as permissible government action [regarding religion],” he told his audience at the National Religious Broadcasters annual convention in 1965. In September of 1987, Loevinger signed a letter against the Fairness Doctrine: “The fairness doctrine should be allowed to pass into history,” it read.

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4 Loevinger quoted in “Is FCC trampling on First Amendment?” Broadcasting, February 1, 1965, 54. He did qualify this opinion. “He said his views are still ‘uncertain,’” Broadcasting wrote, “and added that scholars may differ on interpretations of the Supreme Court decisions affecting the First Amendment bar against establishing a state religion.”
Developments in the media landscape and the changed opinions at the FCC led to the repeal of the Fairness Doctrine. The Doctrine’s revocation was largely predicated on the notion that spectrum scarcity was no longer a reality, and thus no longer a justification for its regulations. “We believe that the interest of the public in viewpoint diversity is fully served by the multiplicity of voices in the marketplace today,” the FCC wrote in a 1985 report on the Doctrine, “and that the intrusion of government into the content of programming occasioned by the enforcement of the doctrine unnecessarily restricts the journalistic freedom of broadcasters.”

In 1949 - when the Doctrine was passed - there were 2,690 radio and television broadcast stations. The number of outlets increased more than four-fold by 1987, when the Doctrine was repealed.

Some FCC commissioners - including former ones - disagreed with the decision to repeal the Fairness Doctrine. For example, former commissioner Rosel Hyde expressed support for the American system of radio as it was when he oversaw it in the late 1940s, the 1950s, and the 1960s. He was not impressed by the argument that the change in the media landscape justified the Doctrine’s repeal. He felt the justification for the Doctrine did not depend on the paucity of the number of stations. “Contrary to representations of the FCC opinion undertaking to repeal the Fairness Doctrine, it is not based on the rationale that restrictions on First Amendment rights of broadcasters are justified as necessary to allay some absolute shortage in broadcast outlets,” Hyde wrote in 1988. He was anxious that absent the Fairness Doctrine, a broadcaster would be able to exploit religion for personal interests; in his words, he was concerned about “what could happen in other areas of interest, such as religion, where broadcast facilities could be used as an

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6 “Fairness Doctrine” (August 23, 1985), Federal Communications Reports 102, second series: 147.
7 Sterling and Kitross, Stay Tuned, Appendix C, Table I-B, 632-633.
adjunct to other business interests.” He continued: “The problems that could result in the area of separation of state and religion make the fairness obligation very modest by comparison.”

The end of the Fairness Doctrine in many ways marked the end of the American system of radio. No longer were individual stations supposed to provide a variety of programming for the diverse needs of the audience. Rather, the Commission expected listeners’ needs to be met by various narrowly-purposed stations. By the 1980s, there were a growing number of stations described as “Religious,” “Top 40,” and “News,” among others.

Between 1927 and 1987, the American system controlled radio. It allocated wavelengths, held stations accountable, restricted certain content, protected signals from foreign interference, sustained its policies with the advent of new media, and evangelized the American way of life to the world. This project focused on the listener, not the broadcaster. It had a liberal vision in mind for religious radio - that all Americans would have access to uplifting faith content and that they would be protected from predatory speech, and that listeners abroad would be introduced to this type of religiosity.

American radio framed its purpose in opposition to authoritarian systems. The twentieth century saw the rise of tyrannical regimes worldwide - Nazi Germany, Soviet Russia, Maoist China, and the Japanese Empire, among others. The American system of radio was determined to not be totalitarian and to protect the country from foreign, tyrannical ideologies. Before and during World War II, the American system was vigilant about fascism; following the war, it turned its eye upon communism.

In the end, the American system of radio benefitted its listeners and played a meritorious role in the world. In a century defined by totalitarian governments, this system proved that liberal

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10 “Radio stations in the U.S. and Canada listed by Region and Format.”
principles could produce a robust and enlightening mass communications medium – both
domestically and internationally. Religious radio played a significant role in the salutary aspects
of the American system. The airwaves were full of religious content, much of it spiritually
uplifting for all listeners. And, the system was appropriately sensitive to concerns that listeners
not have their religious beliefs attacked over the air. Internationally, America used religion to
promote liberal principles around the world.

Critics of the American system of radio abound. They come from both the Left and the
Right. In some aspects, their critiques – from both progressives and libertarians – are persuasive.
However, these criticisms often fail to see the larger picture.

It’s true – as progressives argue – that the government could have played a more
proactive role in its regulation of broadcasting. For example, the FCC could have exercised more
resolve at times in holding broadcasters accountable. And, there would have been room for a
federal government broadcaster before PBS and NPR. However, America avoided the fate of a
totalitarian takeover of its broadcasting system, a noteworthy achievement given the large
number of authoritarian governments in the century.

It’s also true – as libertarians argue – that a property rights spectrum scheme would have
been possible. Were this scheme to have been implemented, particular minority voices would
have been able to keep their radio licenses. And, the public interest, convenience, and necessity
standard - particularly as the Commission applied it to content - led to questionable
interpretations of the First Amendment. Despite these issues of concern, the American system
had admirable content standards and goals for its allocation schemes. For example, the system
subdued an authoritarian movement that might have flourished if not for these standards.
The American system of international broadcasting was a beneficent force for liberty in the world. This was particularly true in the ideological war against the Soviet Union. Here, American broadcasts often presented a convincing argument for liberty, democracy, and liberalism as compared to totalitarian communism. Religion was an integral part of America’s case for civil freedoms to the world.

Critics of the era recognized that the American system promoted freedom of discussion. In 1932, international journalist William Hard argued that political candidates were more free on the American airwaves than on the European radio system. “American private broadcasting gives a more hospitable welcome to contending and contradictory schools of political and economic thought than any other broadcasting known at present to the world,” he wrote. Hand maintained that “...European governmental broadcasting generally exceeds American private broadcasting in the potential cultivation of good taste - by a graceful margin.” However, he argued: “I will contend that American private broadcasting exceeds European governmental broadcasting, in any European country, in the potential cultivation of free citizenship - by a vital margin.”

Six years later, the Federal Council of Churches argued that the European airwaves were not as open to contentious programming as American broadcasting: “Even the democracies in Europe permit, in general, far less outspoken discussion of controversial affairs than is common in the United States.”

Religious radio in America was built on this principle of tolerance in access to the airwaves. There was no state-chartered monopoly, such as the BBC in Britain. As a consequence, many religious groups had access to the air; at least there was more religious diversity on

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American than British airwaves. Historian Asa Briggs recounted religious broadcasting on the BBC: “It was not thought of as a substitute for going to church or chapel, and if there was no open access to the microphone for rationalists or for Christian Scientists, Spiritualists, and Mormons (and no Jewish services from synagogues), there was no ‘gospel religion’ either.”\textsuperscript{13}

Yet, American radio produced a unifying religious message - that the country’s morals were built on an ecumenical God and that human beings had inherent dignity. Strong professional norms, incentivized by regulatory pressure, produced this message. For regulators, religious radio had an important role to play in American life and in disseminating this way of life around the world. For them, religion was a democratic, unifying force.

This meant making particular choices regarding content. American regulators preferred general programming over niche programming, doing so in an effort to - in their view - make the best use of the medium. They chose this form of programming because they wanted the radio - inherently characterized by spectrum scarcity - to serve the largest possible audience. They also preferred broadly appealing content because of the potential harmful programming of unconventional broadcasters, magnified by the alleged powerful effects of the medium. Generally speaking, mass programming was designed to serve the public interest.

In favoring mass religious content, regulators chose faith programming that did the most for the most people - it was uplifting, inspiring, and ecumenical. For example, this took the form of a broadcast church service that reached a shut-in, or national programming emphasizing “comfort,” “healing faith,” and “moral stability,” as one Federal Council of Churches pamphlet

put it regarding its shows on NBC. Meanwhile, regulators restrained offensive or eccentric religious content, such as astrology or aggressive Christian fundamentalism.

The Commission risked censorship for serving what it saw as the public good. Was this tradeoff worthwhile? As we consider public policy in the future, it is beneficial to recognize that all policy - even if it is well-intentioned or produces positive outcomes - has tradeoffs. As regulators create policies for modern media, this is likely to be a persistent issue to consider.

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