

ENTERPRISE IN RADIO:  
WWL AND  
THE BUSINESS OF  
BROADCASTING  
IN AMERICA

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To four who may want to read it--

Steve, Barb, Cathy, and Dave

And to one who I wish could--Dad

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## PREFACE

Business history has been defined as the written record of decision-making by individuals seeking a private profit from the production and distribution of goods and services.<sup>1</sup> Its glamour and social impact aside, broadcasting is essentially a business and, therefore, it too deserves the careful attention of any historian of American enterprise. Yet, that historian has thus far devoted relatively little attention to broadcasting despite the fact that it has emerged over the past half century as a crucial force in modern society.

As a result, broadcasting lacks some fundamental historical studies--a full scale account of any of its national or regional networks, a comprehensive treatment of the Federal Communications Commission and its predecessors, and solid biographies of the nation's key radio and television stations that emphasize their role as individual companies engaged in a rapidly evolving industry. For the business historian, this last type of study is essential; the biography of the firm is an indispensable building block upon which any general synthesis should be constructed.

A partial explanation for the failure of the historian to deal with these business organizations may lie in the fact that at the station level, they are essentially small establishments when compared to the corporate giants of petroleum, transportation or other well-documented industries. In addition, stations seem, at first glance, to have only a regional impact at most. But broadcasting is different than most other industries. Because of the physical characteristics of the radio spectrum, access to the public is closely regulated. Radio frequencies, unlike locations for plants or super markets, are a scarce commodity. Only a limited number of entrepreneurs can be granted the privilege of engaging in the business. Nevertheless, it is through the medium of these few stations, oligopolists in their own market areas, that the listening and viewing public who make up their audience and the potential advertisers seeking to reach that same audience are brought together. The story of the broadcasting station, therefore, is the story of the industry itself. An understanding of it is critical to an understanding of a central feature of life in twentieth century America.

This work is a history of a broadcasting station. The subject is WWL in New Orleans, licensed to Loyola University, a Catholic educational institution in the same city. Taking the air for the first time in March 1922, it was the first station in Louisiana and one of the earliest in the South and in the United States. Moreover, since the 1930's, it has been of substantial importance in the industry. Transmitting on a clear channel frequency with a strength of 50,000 watts, it counted itself among a small number of elite radio stations endowed by federal policy with the capability of reaching and influencing a public in large portions of the United States, an inter-regional audience. Concomitant with this status was another capability, that of significant commercial success. As a business enterprise, WWL more than fulfilled the profit expectations of its managers.

The ownership of WWL by a church-related university and, at the same time, its operation as a fully commercial enterprise was an exceptional situation in broadcasting. Educational stations were formed by the dozens in radio's infant years, but the overwhelming majority failed dismally. They rigidly adhered to non-commercial policies, seeing themselves as having only instructional and inspirational responsibilities, and thus they were unable to solve the complex economic problem of survival. A few did choose a path of limited commercialism, but they embraced it reluctantly, without enthusiasm, and consequently, without success. How the university authorities at Loyola came to grips with the same problem, the unique strategy formulated, and the decisions made--both bad and good--to implement the strategy will be a major feature of this history. Further, the special questions, theological as well as economic, posed by the engagement of a religious institution in commercial broadcasting form an important portion of the narrative as well. A recent journalistic critic of the media has caustically characterized broadcasting as "one part conscience and nine parts profit motive."<sup>2</sup> If that statement is even partially true, how did a university-owned station with denominational ties seek to rationalize the imbalance?

Another major aspect of WWL's history was its continuing relationship with governmental authority, a topic that cannot be ignored in a treatment of a regulated industry such as broadcasting. Inevitably, it forms a vital part of the life of any station, and WWL was no exception. The victories the New Orleanians won in Washington before and sometimes against the FCC and other

federal agencies were in many ways a factor more telling in the fortunes of their enterprise than the broadcasting activities they engaged in at home.

Overall then, this will be the biography of a business for whatever its ownership, WWL's managers were moved primarily by the classic goal of profit maximization. The WWL experience, therefore, is a case study in the growth and development of commercial broadcasting in the South and in the United States. The focus of this history will be upon the radio era, the years from the first experiments in wireless telephony thru the moment when a prosperous AM service found itself forced to reach an accommodation with the new and threatening medium of television. More specifically, the study will follow WWL from its amateur antecedents to its initiation as a multi-service organization offering AM, FM, and TV.

Acknowledgements for whatever success this work may have should be extended to a large number of people, indeed too many to all be mentioned here, deserving as they certainly are. A special thanks, however, must go to the administration of Loyola University and to its President, Rev. James C. Carter, S.J., as well as to Mr. J. Michael Early, General Manager of WWL. They gave valuable support to the project by opening available records to me and by encouraging key staff members to cooperate. My thanks also to dozens of radio and television professionals at WWL, at other stations, and in the industry generally who allowed themselves to be interviewed and who answered my questions with candor, patience, and good humor. Some of these persons are mentioned in the text. Unfortunately, many others are not.

Certainly, librarians and archivists in New Orleans, Baton Rouge, and Shreveport, Louisiana, in Washington, D.C., and in New York City were an important aid in the research, with an individual recognition due Ms. Catherine Heinz, Director of the Broadcast Pioneers Library in Washington, for her generous assistance. I am also appreciative of the aid of Ms. Terry Smith who typed the final copy with diligence, speed, and accuracy, and of the willingness of Mr. Phil Johnson, News Director of WWL, to read the entire work and to comment helpfully on it. To Dr. Forrest McDonald of the University of Alabama goes my sincere gratitude for the active interest he took in this project and the encouragement he gave it. The revisions that resulted from his review

of the manuscript have made the work considerably stronger than it would otherwise have been. Whatever weaknesses remain, alas, are the sole responsibility of the author. Finally, a specific salute to a former colleague, Dr. Maurice P. Brungardt, who first suggested the idea of the WWL story to a somewhat skeptical departmental chairman. And, as always, to my wife, Barbara.

C. Joseph Pusateri  
San Diego, California  
September 1979





## THE COMING OF RADIO TELEPHONY

New Orleanians scanning copies of the Times-Picayune over their breakfast tables on the morning of March 31, 1922, would have had little reason to expect the day would mark the beginning of a new era in mass communications in Louisiana. The morning newspaper carried no mention of the impending inauguration of the state's first broadcasting station. Radio would come to New Orleans and to Louisiana unobtrusively rather than with the fanfares and hoopla that would later surround the medium.

To be sure, the Times-Picayune would not wholly ignore radio that March day. A photograph of a Bridgeport, Connecticut barber was displayed on an inside page. The barber, a modern businessman, had installed a "receiving set" in his shop so that his customers could "listen to concerts, lectures, and other radio subjects" while their tonsorial needs were being attended. Barbers aside, however, primary attention that day focused upon a threatened nationwide coal strike rather than the new phenomenon of broadcasting.<sup>1</sup>

Nevertheless, the city's residents were generally aware of developments surrounding the emergence of radio, and some of them had directly participated in giving life to the infant. The incubation had indeed been a lengthy one. Prior to the nation's centennial in 1876, the telegraph was the only available means of rapid, long-distance communication. Then with the introduction of the telephone in 1876, a revolution in communications technology quickly unfolded.

The telephone made possible the transmission of a greater number of words per minute than the telegraph, but more important, the words could be transmitted in

plain speech rather than in some form of code. The next step was clear--could messages be transmitted and received without the use of wires altogether?<sup>2</sup> After Heinrich Hertz, a young German physicist, demonstrated the existence of radio waves in the 1880's, it was Guglielmo Marconi, stimulated by Hertz's discovery, who exploited their commercial potential, sending the first "wireless" message across the Atlantic in 1901 and establishing a British company to provide a world-wide maritime service. Marconi, however, melded telegraphic code with his wireless system, and as a result, it remained for a Canadian working in the United States, Reginald A. Fessenden, to successfully superimpose speech and music on a high frequency radio wave, thus making what eventually would be termed "broadcasting" possible.<sup>3</sup>

In December 1900, Fessenden, utilizing a spark gap transmitter at Cobb Island, Maryland, was able to send intelligible speech by radio waves for a distance of about one mile. The result was less than satisfactory, however, since the transmission was poor in quality and accompanied by loud and unpleasant noises created by the irregularity of the short spark bursts. Fessenden continued his experiments and in 1904 he requested the General Electric Company to construct for him an "alternator" capable of producing "continuous waves" in the radio frequency range. He was assigned Ernest F. W. Alexanderson, a new employee of General Electric's Schenectady plant and a talented, young, Swedish engineer, who was able to construct for Fessenden an alternator with one kilowatt of power. Completed in September 1906, it was delivered to Fessenden at Brant Rock, Massachusetts where his newly formed National Electric Signalling Company maintained an installation.<sup>4</sup>

Three days in advance of Christmas Eve 1906, Fessenden notified both United States Navy and United Fruit Company ships in the area of his intention to present musical programs on December 24 and on New Year's Eve, in effect the first radio broadcasts. Fessenden later described the content of the Christmas program: "First a short speech by me saying what we were going to do, then some phonograph music--the music on the phonograph being Handel's 'Largo.' Then came a violin solo by me...of which I sang one verse, in addition to playing on the violin, though the singing, of course, was not very good."<sup>5</sup> During the following year Fessenden continued his demonstrations of "radio telephony," extending the range of his transmissions to Washington, D.C., five hundred miles away.<sup>6</sup>

Meanwhile, another early experimenter, Lee DeForest, part inventor and part radio missionary, had begun to attract attention. DeForest, whose 1899 Yale doctoral dissertation had dealt with "Hertzian" radio waves, succeeded in 1907 in interesting the Navy in his radio telephone system, and as a result won a contract for the equipping of America's "Great White Fleet" with his transmitting and receiving units. That Fleet's impending around-the-world cruise offered obvious possibilities for the boosting of radio telephony, a fact DeForest had not failed to notice. The DeForest Radio Telephone Company was formed earlier the same year. Spectacular promotions were his style--in 1908 he broadcast from the Eiffel Tower in Paris, in 1910 he aired two Metropolitan Opera Company productions from New York City, direct from the stage and featuring the voice of Enrico Caruso. The listening audience, in all cases, was limited to the small group of radio enthusiasts who had been forewarned of the broadcasts or who tuned in on their sets by accident, and to ship operators guarding the frequency.<sup>7</sup>

Indeed, such a sufficient amount of progress had been made by 1915 that David Sarnoff, young executive of the Marconi Wireless Telegraph Company of America, a subsidiary of the British corporation, was encouraged to address a memorandum to his General Manager. "I have in mind a plan of development which would make a radio a 'household utility' in the same sense as the piano or phonograph," he wrote. "The idea," Sarnoff proposed, "is to bring music into the house by wireless," and he labeled his system the "Radio Music Box." The memorandum brought no response from American Marconi, and Sarnoff put the idea aside only temporarily.<sup>8</sup>

As developments in radio unfolded in these years, the federal government had not been inactive. In June 1910 the United States Congress passed and President William Howard Taft signed the first American radio law. This initial legislation, dealing with wireless telegraphy, was prompted by concern for the only significant use for radio then envisioned--safety at sea. The Wireless Ship Act of 1910 applied to any vessel of the United States or to any foreign vessel leaving an American port. Under its provisions "an efficient apparatus for radio-communication, in good working order, in charge of a person skilled in the use of such apparatus, which apparatus shall be capable of transmitting and receiving messages over a distance of at least one hundred miles" was required in all ships carrying fifty or more persons. Significantly, the

administration of the law was placed in the hands of the Secretary of Commerce and Labor, his Department having jurisdiction over marine navigation. The Act thus served as a precedent for the later continuance of radio regulation in the Department of Commerce.<sup>9</sup>

In the following year a Radio Service Section was established within the Department's Bureau of Navigation to insure proper enforcement of the legislation. Moreover, in 1912 Congress returned to the subject of radio yet again. First, in July, the provisions of the 1910 Act were extended to include cargo vessels; then in August Congress passed the Nation's first comprehensive radio regulation statute. A public, aroused by the failure of radio communication to prevent the Titanic disaster in April 1912, served as an effective incentive for governmental action.<sup>10</sup>

The Radio Act of 1912 required every station to secure a license from the Department of Commerce and to employ a licensed operator. The frequency bands, or wave lengths as they were then classified, were also defined for each category of service. Four such categories were indicated: ship, coastal, government, and amateur (the latter being referred to as "private" in the law). The amateur band was designated in the shorter wave lengths, less than two hundred meters, thus relegating the supposedly few such radio devotees in the country to the higher and least desirable frequencies. In later years the limits of the authority that the Secretary of Commerce could exercise under the 1912 Act would become a major issue since in the year of its origin, the Radio Act did not envision broadcasting as a class of service to which it need address itself. Attempts by Herbert Hoover, as Commerce Secretary in the 1920's, to adopt the provisions of the 1912 legislation to the new situation created by the emergence of the broadcast industry, were to meet vigorous opposition from many fiercely individualistic station owners of the next decade.<sup>11</sup>

The 1912 law served another purpose. It awoke amateurs to the realization that there was a significant number of them scattered across the country. Under the law "call letters," designated by the Commerce Secretary, were assigned to each licensee, and a list of the radio stations so licensed was published. The surprising number of amateurs listed was a revelation, and a sense of comradeship began to develop. Radio clubs sprang into existence for the exchange of information since

there were few books that adequately dealt with the subject of wireless communication. The contact tended to reinforce the enthusiasm of the members and from many such organizations came the early broadcasters of the 1920's.<sup>12</sup>

Amateur enthusiasm received something of a temporary setback with American entrance into World War I in 1917. The Radio Act of 1912 had provided that the President "in time of war or public peril or disaster may cause the closing of any station for radio communication and the removal therefrom of all radio apparatus."<sup>13</sup> Under this authority, the Radio Service in April 1917 required the dismantling of amateur stations, stipulating that "antennae and all aerial wires be immediately lowered to the ground" and that equipment be rendered generally inoperative. At the time, 8562 amateurs were licensed to transmit, and an estimated 125,000 Americans possessed receiving equipment. Both sending and receiving, however, were banned by the war-time order.<sup>14</sup>

Even so, radio overall experienced a dramatic leap forward with the impetus of America's overseas adventure. The threat of a German severance of the transatlantic cables brought an immediate governmental interest in the utilization of alternative forms of communication. In addition, the nation's armed services now sought high quality transmitters and receiving sets for use in the struggle against Germany and her allies and were prepared to pay handsomely with generous congressional appropriations. Patent disputes between corporate giants such as American Marconi and the American Telephone and Telegraph Company were set aside for the duration and production forged ahead. And because a key feature of the needed equipment was vacuum tubes, two massive light bulb manufacturers, General Electric and Westinghouse, were also drawn irrevocably into the radio picture. General Electric, which had housed the construction of the Alexanderson alternator for Fessenden in 1906, also continued its development work in that area. By 1918 it developed a 200,000 watt transmitter which President Wilson employed to beam a plea directly to the German people for the overthrow of the Kaiser. A prewar era, seemingly marked by the individual inventor and radio promoter, was now about to give way to a postwar dominance by large scale business organizations.<sup>15</sup>

The prohibition on the use of amateur receiving sets was not lifted by the federal government until

1919; that on amateur transmissions remained in effect until September 1920, though it seems safe to conclude that a not insignificant number of operators had ignored both bans all along. In any event, the removal of the restrictions opened the door to the appearance of the nation's initial broadcasting stations.<sup>16</sup>

Historians of broadcasting have never ceased disputing which station among a half dozen contenders rightly can claim the honor of being the first. Among those claimants is KQW in San Jose, California (now KCBS in San Francisco) which, under the direction of Charles D. Herrold, began something like primitive broadcasts as early as 1909, before even call letters were assigned. Also vying for the title are Detroit's WWJ, which began broadcasts of music programs under the amateur call letters 8MK in 1920, and a University of Wisconsin amateur station, 9XM (later Madison's WHA), that was also transmitting music in the same year. If, however, the requirements be imposed that the station must have been providing "a continuous program service" and be licensed by the federal government as well, then the claim of the station traditionally regarded as the first, Pittsburgh's KDKA, seems most justified.<sup>17</sup>

During World War I the Westinghouse Electric and Manufacturing Company became involved in the production of radio equipment and in wireless telephony research, both under the supervision of Dr. Frank Conrad, an engineer and an amateur operator himself. Conrad's amateur activities, which had been licensed by the Department of Commerce in 1916 as 8XK, were carried on in the home workshop over his garage in a Pittsburgh suburb. Gradually they had begun to attract a considerable amount of attention. A local music store even began to provide phonograph records in return for proper credit being given on the air, and a regular schedule of "concerts" was introduced. When a Pittsburgh department store, noticing the interest in Conrad's station, advertised in the Pittsburgh Sun in September 1920 that it had receiving sets for sale and that these sets could be used to tune in the Conrad concerts, the commercial possibilities of broadcasting dawned on a few Westinghouse executives.<sup>18</sup>

Moving quickly, they invited Conrad to build a station at the Westinghouse plant itself which would provide a regular and dependable service to present owners and to future purchasers of radio sets manufactured by the company. Thus at one and the same time

Westinghouse could produce the receivers and create a market for them by the programming it broadcast over its own station. The station would thus become a means to an end, the sale of sets, rather than an end in itself. In October 1920 Westinghouse applied to the Department of Commerce for a special license to operate a broadcasting service. On October 27, the Department replied, assigning the call letters KDKA, those of a commercial coastal station rather than an amateur call sign, and authorizing the use of a wave length of 360 meters (833.3 kc.), a channel relatively free from interference and a considerable distance from those frequencies used by amateurs. A shack was then constructed on the roof of one of the plant buildings, a one hundred watt transmitter assembled, and broadcasting begun on the evening of November 2, 1920 with the results of the presidential election held that day. The Harding-Cox contest offered a golden opportunity to demonstrate the public service potential of broadcasting and to attract maximum attention to the station relaying the election bulletins.<sup>19</sup>

An estimated 500-1000 listeners heard KDKA's election night program, and when the station followed up on succeeding evenings with regular programming, at first only an hour in length but gradually expanding, a national mania was born. Since there was little interference from other stations as yet, KDKA's signal, especially after it replaced its first transmitter with one of five hundred watts power, could be heard at great distances from Pittsburgh. It quickly became a mark of social sophistication in America to casually remark in conversation with friends that one had "picked up" KDKA or one of the other pioneer stations the previous evening. Electrical shops were deluged with requests for parts and department stores set up special radio displays. Radio suddenly became a public passion.<sup>20</sup>

Especially significant was the number of new stations spawned in the wake of the publicity attending KDKA. During 1921, the year in which the Commerce Department formally established "broadcasting" as a separate service classification, twenty-eight new stations received licenses and took the air. But 1921 was a year in which the national economy experienced a sharp and severe recession, and ten percent of the labor force found itself unemployed by July. As a result, the full effects of America's new-found infatuation with radio were not felt until 1922, when



the economy regained its balance and began the upward climb that would characterize the decade as a whole. In the first three months of 1922, 109 fledgling broadcasters were licensed with the peak yet to be reached. The single month of May saw 97 licenses issued, and by December the total would be 570. Moreover, an estimated 400,000 receiving sets were now in use in the United States, a figure that would be almost tripled in 1923. Radio broadcasting had come to stay.<sup>21</sup>

The South and Louisiana, in particular, were not oblivious to these developments in radio telephony. The Commerce Department's 1913 list of "amateur radio stations" contained the names of only three Louisiana operators, all located in New Orleans, but by 1916, the state's number had increased to thirty-two, including amateurs in Shreveport, Covington, Baton Rouge, and Franklinton. Appearing on the 1916 list were some Louisianians who would play key roles in the emergence of broadcasting in the 1920's. William E. Antony of Shreveport, Dorr R. Simmons, and the Uhalt brothers, William and Joseph, of New Orleans were later to have important associations as broadcasters in the State. By June 1921, nearly the eve of the birth of the industry in Louisiana, the number of amateur stations totalled fifty, substantially exceeding the figures for other deep South states in the Commerce Department's Fifth District.<sup>22</sup>

Further, 1921 also marked Louisiana's first experimental broadcasting. Dorr Simmons, factory manager for the Interstate Electric Company, a large New Orleans electrical supply house, constructed "the first complete wireless instrument of its kind in the South" at his home in the uptown area of the city. Simmons and two neighbors began transmitting broadcasts of phonograph records in January 1921, and received responses from owners of receiving sets as far from their New Orleans location as Shreveport. Simmons claimed coverage of five hundred miles with his transmitter and predicted, somewhat modestly in view of KDKA's already achieved success, that he expected to see "wireless telephony developed to such a point that a band in one city can supply music for a dance in another many miles away."<sup>23</sup>

The first licenses issued to any private individuals or organizations in the South under the Radio Service's new "broadcasting" classification were granted in February 1922. They were secured by two utility

companies, one in Alabama and the second in Arkansas. Montgomery Light & Water Power Company of Montgomery, Alabama received call letters WGH and the Pine Bluff Company, a subsidiary of Arkansas Light and Power, received WOK. As was the case with many early stations, however, the realities of broadcasting quickly overcame the glowing visions of the initial moments on the air with the result that both stations were soon deleted from the roster of those still operational.<sup>24</sup>

March 1922 saw nine more Southern stations joining the initial pair, including the first two in Louisiana. On March 21, Interstate Electric was authorized to broadcast, using the call letters WGV, and on March 31, the call letters WWL were assigned to Loyola University of New Orleans. Only WWL would actually take the air that March month, and thus, to it would fall the honor of beginning the history of broadcasting in Louisiana.<sup>25</sup>

## THE STATE, THE SCHOOL, THE STATION

Louisiana in 1920 shared most of the characteristics of its sister states of the old Confederacy. In a year when for the first time a majority of the nation's population could be classified as urban rather than rural, Louisiana's urban residents were only 34.9% of its citizenry. Even so, that degree of urbanization placed second only to Florida within the South itself.<sup>1</sup>

Louisiana's high urban ranking was directly attributable to the state's boasting the South's largest city, New Orleans. In 1920 the Crescent City's population numbered 387,219, nearly twice the size of Atlanta, the nearest rival. Within Louisiana, however, no urban area approached New Orleans in size. The state capitol of Baton Rouge counted its population at less than 22,000, while Shreveport, Louisiana's second city in 1920, could muster some 44,000 only.<sup>2</sup>

The most striking demographic difference between Louisiana and the remainder of the South has been the former's distinctive French and Catholic heritage. The first major settlements in the state were made by the French in south Louisiana, and French influence was increased even more by the advent of the Acadians, exiles from French Canada who began arriving in 1760 and who settled the southern and southwestern parishes of the state. Their "Cajun" culture became characteristic of that area. Northern Louisiana, on the other hand, the parishes above the 31st parallel, saw a population influx somewhat later and from a quite different source. Not until after 1812 did immigration begin there, and it was marked by the westward expansion of the Anglo-American, Protestant civilization of the United States. Thus two different cultures divided

the state between themselves in an uneasy social and political detente.<sup>3</sup>

Both the French and the Anglo-American societies of Louisiana regarded agriculture as their economic mainstay. Three cash crops dominated farming in 1920-- sugar and rice in the south, and cotton in the north. In the antebellum years a substantial slave community was employed in their production, and by 1920 blacks still numbered 39% of the state's overall population. Unfortunately, the average Louisiana farm was valued at only \$3,499, placing it far behind such Southern leaders as Texas (\$8,486), Virginia (\$5,501), and Florida (\$5,212) as well as the national average of \$10,284.<sup>4</sup>

In the 1920's industrial interests of some significance were making their presence felt in Louisiana. Sugar refining and lumber products were still the leaders, but petroleum refining had moved into third position and would displace the first pair by 1930. While oil and gas production were centered in North Louisiana, the largest refinery in the state was based at Baton Rouge and operated by the Standard Oil Company of Louisiana. Political power, which had long been a monopoly of the Bourbons, a planter-commercial aristocracy, was now being shared with industry. But the degree of industrial penetration should not be exaggerated. Louisiana at the end of the second decade of the century could still point to only 2,617 manufacturing establishments, placing it eighth among the eleven former Confederate states.<sup>5</sup>

With Louisiana's available supply of cheap labor not being sufficient to counterbalance its lack of a wide variety of raw materials and its relative distance from the mass markets of the East, the economic growth of the state was sluggish. While per capita personal income nationally averaged \$223 in 1920, Louisiana's reached only \$131. The effects were felt across a wide spectrum of the state's social and political life. As late as 1921, only some 70% of the 565,000 white and black children of school age were actually attending school. The depressed conditions of life in the Louisiana countryside would prove fertile soil for the rise of Longism in the 1920's.<sup>6</sup>

In New Orleans itself, a native French, Spanish, and black Creole population dating from colonial times, joined by a substantial number of Germans, Irish, and

Italian immigrants in the nineteenth century, formed the community of 1920. Politically, power resided in the Choctaw Club, the Regular Democratic Organization of New Orleans or the "Old Regulars" as they were generally known, organized in 1897 and still in control at the close of World War I. The Old Regulars, finding solid support in the conservative oligarchy of the city, railroad and public utilities executives, commercial factors, and the new industrialists, represented those business interests effectively both locally and in Baton Rouge. Despite occasional setbacks, the Choctaw Club maintained a dominance over New Orleans politics and a decisive influence in state affairs until the emergence of Huey Long.<sup>7</sup>

Economically, the city's strength rested upon two pillars--the port and its position as the financial center of the Deep South and Southwest. In terms of foreign trade, New Orleans was the nation's third busiest port with Latin American imports forming the bulk of the goods handled on the docks. Banking and the cotton, rice and sugar exchanges were central to the city's financial muscle.<sup>8</sup>

Perhaps the most startling fact regarding the New Orleans economy was the degree to which it dominated the state's. Its citizens earned half the personal income and its retail businesses transacted a full third of the sales in Louisiana, despite New Orleans comprising only 20% of the population. This economic hegemony produced a substantial hostility in the rural sections of the state, and especially in the Protestant North where New Orleans' heavily Catholic orientation engendered equal resentment.<sup>9</sup>

Despite this seeming wealth, the prosperity of the city was narrowly based. New Orleans lacked any impressive industry. As late as 1939 it did not share in the output of any of Louisiana's four major industries--petroleum and sugar refining, lumbering, and chemicals. What manufacturing there was tended to be light in nature and the largest source of industrial employment lay in the railroad repair shops. Yet because of the overall size of the city and its available commercial resources, it was not surprising that Louisiana's first broadcasters should claim New Orleans as home.<sup>10</sup>

\* \* \* \* \*

The renowned Roman Catholic clerical order, the Society of Jesus, first acquired property in New

Orleans in 1847 at the corners of Baronne and Common Streets in the central business district. Two years later it established there the College of Immaculate Conception, or as it was more generally known then, the Jesuit College. In 1889 land in the uptown area of the city, across St. Charles Avenue from Upper City Park (later Audubon Park) and in the vicinity of the newly incorporated Tulane University, was acquired by the New Orleans Province of the Society. When enrollment at the downtown College passed 400 students in 1904 and the school was deemed overcrowded as a result, Father Albert H. Biever, S.J., was assigned by Province officials to found a new institution at the second site.

Loyola College, as it was initially named, began accepting its own students in September 1904. Then after some seven years of co-existence, the original Jesuit College was transformed into a high school only, and a 1912 Louisiana charter of incorporation was conferred upon the retitled Loyola University uptown.<sup>11</sup>

The 1922 broadcast grant eventually assigned the young University marked, not the beginning of its radio involvement, but a further step in a process by then over a decade old. Father Anton L. Kunkel, S.J., a tall, stoop-shouldered Jesuit whose German accent betrayed his birthplace, had provided the impetus. Kunkel moved from Baronne and Common to the new Loyola College in 1909. As a physicist, he found himself drawn to the work being done in wireless telegraphy, and he quickly determined to participate in it. Together Kunkel and Biever bought \$150 worth of radio parts from the Electro Importing Company of New York, and Kunkel undertook the task of constructing a receiving set and later a transmitter. He received assistance in the project from a young Immaculate Conception College graduate, L.J.N. "Joe" du Treil. Even though du Treil had a regular employment with American Marconi as a wireless operator, he devoted his spare time to collaborating with the Jesuit physicist.<sup>12</sup>

Kunkel, in due course, assembled a spark gap transmitter, a beast of a machine that was described as "an awe-inspiring piece of apparatus with its pyrotechnic display rivaling the light and sound effects of the good old fire cracker and cannon cracker days." Another observer likened its horrendous noise to "a daily repetition of the battle of Gettysburg." Capitalizing on this growing body of experience, the University determined in 1913 to organize a Wireless

Telegraphy School. Classes would be scheduled in the evening and consist mainly of code practice and some theory. The course of study was expected to be approximately six months in length. To serve as the School's first Director, du Treil was recruited. Enrollment averaged eight to ten students at a time, all expecting to find eventual jobs as wireless operators on ships or in coastal stations. When du Treil, who had retained his position with American Marconi while simultaneously directing the small University program, was transferred by that company to Galveston in 1916, a succession of one year appointments marked the School's administration thereafter.<sup>13</sup>

With American entrance into World War I, the School's facilities, as well as those on other campuses, were taken over by the Armed Forces for their own training purposes. A naval program was established at Loyola with some two hundred sailors prepared for duty as wireless operators by the Armistice in 1918. Once the wartime emergency had passed, University control was resumed and classes for civilians, who proved to be mainly veterans desiring a radio career, were opened once again. Now styled the Radio School, its classes were continued until June 1922 when the enterprise was finally closed down, in large part because of substantial competition from several similar operations in the New Orleans area. It was, however, shortly before that closing that the decision for broadcasting was made.<sup>14</sup>

\* \* \* \* \*

Early broadcasters did not establish their stations with the classic economic aim of direct profit maximization. Rather they sought indirect benefits, if they sought any at all. In 1922 radio stations were begun in the United States for one of four basic reasons. The largest number were the creations of business organizations interested in the sale of radio sets. Manufacturers, radio shops, and department stores all saw broadcasting stations as devices for increasing public demand for the receiving sets in their inventories. They anticipated no revenues from the stations themselves. A second group of broadcasters were businessmen who saw radio as a means of generating community goodwill and of attracting favorable attention to themselves. Newspapers formed the major component in this second group that looked upon investments or affiliations with stations as part of normal promotional activities. A Florida publisher commented in the summer of 1922 that while there had been no direct benefits from his new

radio operation, "it was a good means of keeping the name of a morning paper impressed on the public mind during the hours when the paper was not for sale on the streets." Print journalism regarded the broadcast medium at this early date "as a toy, a rather complex and sophisticated publicity tool in which there was a growing public curiosity." A possible circulation increase for the primary activity, the newspaper operation, was the only payoff envisioned, and the contingency that radio might eventually become a dangerous competitor escaped consideration.<sup>15</sup>

Educational institutions and churches formed the third bloc of 1922 broadcasters. In January the Universities of Minnesota and Wisconsin were the first to receive licenses. They were followed by some sixty other college stations during the remainder of the year. Many were outgrowths of experiments conducted in the Physics Departments of the various schools; most were founded in bursts of enthusiasm but with very little money appropriated for expenses, thereby insuring a short life span. All anticipated a public appetite for educational programming that was never to materialize. Religious groups too found that early idealistic hopes of significant additions to their congregations through radio preaching were to be largely disappointed. Nonetheless, in the first euphoric days after the acquisition of a license, a college president or an energetic minister could entertain roseate visions of radio's sway not yet clouded by later realities. Finally, a smaller number of stations were established by broadcasters possessing no motives other than indulging their own love for technology. As one early observer noted: "They have gone into it merely to satisfy their desire for a hobby, or because they wanted to learn the tricks of the new game, or as a method of giving vent to their pent-up enthusiasm." This amorphous band of radio-struck zealots would likewise soon find broadcasting a harsh reality.<sup>16</sup>

Louisiana broadcasting in 1922, the year of its inception, followed all four of the patterns mentioned above. The first station licensed by the Commerce Department, WGV on March 21, was a joint venture of the Interstate Electric Company and a daily newspaper, The New Orleans Item. Interstate Electric, one of the five local firms then listed as dealers in "radio supplies," was a large wholesale and retail electrical supply house located at Baronne and Perdido Streets in downtown New Orleans. Owned by Percival and Ferdinand Stern, it was, as mentioned previously, the



employer of Dorr Simmons, the originator of the first radio telephone experiments in the state. The Item, an afternoon newspaper, claimed the second largest circulation of the city's dailies, trailing the morning Times-Picayune by a margin of 74,000 to 65,000 in 1920 figures, but well ahead of its afternoon competition, the New Orleans States, which admitted an everyday count of only 39,000 readers.<sup>17</sup>

There is good reason to presume that it was Clarke Salmon, the Item's associate managing editor, who first proposed the joint venture. Certainly, it was Salmon who corresponded with the Radio Service Section's New Orleans district office and its supervisor, Theodore G. Deiler, on matters involving the station during the spring of 1922 despite the license being formally granted only to Interstate Electric. Salmon undoubtedly knew that newspapers in other sections of the country had already moved to cement relations with the new medium. KDKA commenced broadcasts from the newsroom of the Pittsburgh Post in September 1921, and in the same month the Post began carrying the first program schedule published in a daily paper. Some journalists were even then moving to acquire licenses in their own name; indeed, by the end of 1922, seventy publishers had secured the necessary permission to go on the air. It was not a time for an aggressive and imaginative newspaper executive to hang back.<sup>18</sup>

While WGV's license was granted on March 21, the station did not immediately begin to broadcast. The delay, which the Item would later maintain was due to a necessity for "the perfection of a few arrangements for outside cooperation with points at a distance, and the formulation of programs," would cost WGV whatever distinction lay in being first on the air. While Dorr Simmons worked at the installation of a transmitter on the seventh floor of Interstate Electric's Baronne Street building, others were making preparations as well. On March 31, just ten days after WGV's, a license was awarded Loyola University. The Jesuits, unlike the Item-Interstate planners, would not wait even a single day before putting theirs to good use.<sup>19</sup>

The specific inspiration leading to the establishment of a Loyola station was developmental rather than academic. It was simply money and the need to raise it. In the spring of 1922 Father Edward Cummings, S.J., who had assumed the University Presidency in 1919, announced a major campaign to raise \$1,500,000 in funds for the construction of six new campus buildings. The

drive was accompanied by elaborate promotions: parades on Canal Street, benefit contract bridge games, slogan contests, a huge clock elevated over a downtown street (its face featured fifteen hours, one for each \$150,000 collected), and whatever other eye-catching public relations devices were available. A radio station was another possible campaign tool. What better way to convince prospective donors in a technology-infatuated decade of the up-to-dateness of an emerging college than by a little injection of the KDKA magic into the New Orleans scene?

Responsibility for the project was given to Edward T. Cassidy, then a Jesuit seminarian and physicist who was serving as the current head of the Radio School. Cassidy was able to secure the assistance of an old University friend, Joe du Treil, who had returned to New Orleans in 1919 to become Assistant Supervisor of American Marconi's Gulf Division, and who in 1921 had joined the Radio Service Section's New Orleans district office as a field inspector. Du Treil's holding that key Commerce Department post would prove both greatly beneficial to Loyola and a focus for some controversy in years to come. Together Cassidy and du Treil worked to secure the necessary equipment that would bring broadcasting into being. Money was a first problem, one which Cassidy solved by converting a \$400 donation from a ship's captain for the purchase of Radio School wireless equipment into the starting capital of New Orleans' first radio station. Then he and du Treil sought out their required hardware.<sup>21</sup>

On a ship docked in port they found a discarded Morse code transmitter featuring huge coils, Leyden jar condensers, vacuum tubes, all contained in a trunk. After purchasing it and other parts with their available funds, they modified the set to their needs, building their own voice modulator. When completed, the composite equipment supported a microphone extending from the trunk set on a long arched arm, much as in telephones in use at the time. An antenna wire was then strung from Marquette Hall, the only classroom building on campus, to the steeple of the nearby Holy Name of Jesus church. With installation accomplished, a Department of Commerce authorization was requested.<sup>22</sup>

In 1922 such applications were filed with the nearest district office of the Radio Service, which in turn forwarded them to Washington for final approval. The New Orleans Customs House headquarters of the Fifth District served Alabama, Arkansas, Mississippi,

Oklahoma, New Mexico, Tennessee, and Texas, as well as Louisiana. It was not until Friday morning, March 31, that the telegraphed permission from Washington was finally received. The federal approval stipulated that broadcasting could be done on a wave length of 360 meters (833.3 kilocycles, or kilohertz in today's terminology for frequencies) with a transmitter of 100 watts power. In addition the telegram assigned to the new station the call letters which it would retain throughout its long history--WWL.<sup>23</sup>

The letters had previously belonged to the Pacific Mail Steamship Company's steamer San Jose but on August 10, 1921, that vessel was unlucky enough to run aground on the coast of Lower California. A salvage party was dispatched from San Francisco to assist, but all efforts to refloat the San Jose proved unsuccessful. After ten days a decision was made to abandon her. The call sign WWL, which had been assigned the doomed ship's transmitter since 1920, now passed back into the reservoir of designations available for reuse. The letters, unlike many special combinations requested by later stations, had no special significance in themselves applicable to Loyola University. They were simply transferred to the New Orleans institution on a luck of the draw basis.<sup>24</sup>

Without any advance publicity, Father Cummings determined that WWL would take the air the same morning that the telegram authorization was received. He recognized the publicity value inherent in being first and that others in the city were nearing the flash point of actual transmission. Thus on the morning of Friday, March 31, 1922, he seated himself in front of the trunk set's telephone-style microphone, and at 10:52 a.m. began the history of Louisiana broadcasting. Appropriately enough, perhaps, the state's premier station began with a commercial.<sup>25</sup>

Cummings' opening speech was short, a three minute fund-raising plea on behalf of the University's building drive. In it he explained the role of radio:

We are organizing the radio operators in the state to spread the story of Loyola's needs. Will you lend your support to our campaign, both by radio and individual effort which will aid us in making Loyola University one of the greatest institutions of learning in the Southland?<sup>26</sup>

Cummings' appeal was then followed by a musical selection, Guisepppe Ferrate of Tulane's Newcomb College faculty playing an original piano composition. Edward Cassidy served as the program's announcer and exuded enthusiasm over the station's prospects. He bragged that the transmitter was "of the most modern type;" that while its present range was limited to some two hundred miles, that would soon be increased, and that daily broadcasts to farmers of "crops, weather, and agricultural reports" would be forthcoming. Such was the city's introduction to broadcasting.<sup>27</sup>

Immediately following the half hour broadcast, a hasty telephone call was placed to Immaculate Conception College downtown to determine if the program had in fact been heard. It had! Listeners there received it on a "catwhisker" crystal set. How many other New Orleanians, not warned in advance, heard the first broadcast is an open question. In early May, the Times-Picayune placed the number of listeners in the city at 3,000, but that estimate (really little more than a guess) followed a month of intensive publicity for the emergent stations. Given the unannounced nature of the first program, the fact that it was broadcast in a morning hour when most males interested in the novelty of radio were at work rather than home, and the prevailing custom of listening in evening hours when distant stations could be picked up on the primitive receivers available, it is doubtful that anyone other than an alerted few Jesuits and students at Baronne and Common actually formed the audience.<sup>28</sup>

Only after the belated publication of stories describing WWL's debut in the three daily newspapers two days later, were the city's residents aware of the birth of local broadcasting. Since none of those three papers had reporters present at the actual event, each was forced to rely upon prepared copy furnished by the University. Hence the first stories carried were identical. On succeeding days the Loyola station began evening programming, usually thirty minutes to one hour in length. On Sunday night, April 2, Cassidy, who had now assumed the role of WWL's first station manager, positioned a portable victrola before the transmitter and played into the microphone John McCormick's recording of "When Irish Eyes Are Smiling." Cassidy thereby became Louisiana's first disc jockey. The general nature of the programs broadcast in the first weeks of operation was a melange of fund-raising, live instrumental or vocal music, and recordings. On a typical evening, an initial building campaign talk was followed

by a recording of a Thomas Edison speech, live cornet, piano, and tenor solos (the latter "I'll Take You Home Again, Kathleen), and concluded with a recording of the Edison Concert Band. At this very early date no serious thought was given to the copyright issues raised by the playing of recorded or live music on the air. All of the broadcasting originated in the third floor Physics lab of Marquette Hall, where the trunk set transmitter had been installed.<sup>29</sup>

The zest for radio of the Loyola administration in the spring of 1922 and the progress of its campaign for donations were in direct proportion. As a distinct lack of success became apparent in the funds drive, WWL came to appear as more and more of an unnecessary luxury. By early May, when only \$90,000 of the needed \$1,500,000 had been subscribed, one disappointed volunteer conjectured that too many prospective givers were "laboring under the erroneous impression that the Jesuits are wealthy." A final report given at a closing luncheon at the end of May revealed that pledges and cash of just \$316,000 had been collected. The campaign chairman attributed the shortfall to "depressed business conditions." Cummings, however, was more caustic, referring to "the way our friends have failed us in the most critical hour of Loyola's history."<sup>30</sup>

In the face of these dismaying results and in the light of no long range commitment to broadcasting ever having been made by University officials, the station being viewed simply as a temporary donation-producing gimmick, WWL's future became highly uncertain. The strong probability existed that it might suffer the same mortality that soon would befall many others. By August 1924 the Department of Commerce had licensed 1,105 broadcasters but 572 of that number had already surrendered their licenses and retired from the field, a death rate of nearly 52%. The losers in the early radio game faced three impersonal challenges too difficult to overcome: high start-up costs, continuing and increasing operating expenses, and the absence of a tangible income from their broadcast activities.<sup>31</sup>

College-owned stations fared somewhat better than most in the first two problem areas but were, in the long run, defeated by the third. A 1924 industry survey revealed that the initial capital investment for college stations was invariably less than that required for non-collegiate facilities, usually under \$3,000, since the equipment was ordinarily assembled in a

Physics Department, and since space was provided free of rent by the institution. Further, day-to-day operating expenses were kept in line by the fact that the college stations normally were on the air for short periods of time, often at irregular intervals, and that a non-paid staff (faculty members and students) and unpaid artists and performers were utilized. For such operations, annual operating costs of \$1,000 or less, principally spent for equipment maintenance, were normal. Nevertheless, even those modest sums could quickly pose difficulties, especially as public pressure upon station owners to lengthen broadcast hours, to increase power, and to improve program quality began to build. With no income being provided by programming that was, of course, entirely non-commercial at this early date, many broadcasters inevitably asked themselves, "Does it really pay?" They understandably concluded that good will simply did not suffice; it did not pay the bills.<sup>32</sup>

The Loyola administration reached essentially that same conclusion by mid-June 1922 when it announced that WWL had been "closed down for the summer." A vague promise was given of a re-opening in the fall, but every indicator signalled a diminished Jesuit relish for radio. That interpretation was confirmed by an almost total lack of activity in the months that followed. The trunk set transmitter remained in its place in the third floor Physics lab and was used but "spasmodically and intermittently" between the summer of 1922 and the summer of 1923. Even with an only occasional use, costs were still regarded as excessive. In 1923 the large tubes of the transmitter that allowed it to perform at its authorized 100 watts were replaced by smaller and more economical tubes. Power was accordingly reduced to a meager ten watts at a time when other stations were urgently moving to increase theirs.

By the summer of 1923 WWL broadcasting was non-existent. The newspapers had not carried notices of past or future programming for months beforehand and the station existed in name only. The license, which under existing law required renewal every three months if it was to be retained, was re-applied for as necessary, thanks largely to the conscientiousness of Joe du Treil in the Radio Service office, but it was little more than a formality. No judgment could be reached other than to pronounce WWL in extremis, with death all but certain, probably sometime in 1924.<sup>33</sup>

## STATIC IN THE 360 JUNGLE

WWL was not the only broadcast station to take the air in the spring of 1922. Rather, it quickly found itself joined by a rush of others, and almost overnight an industry had begun to develop, though not to prosper, in Louisiana. The outstanding feature of this early stage in the state's radio history was an intense competition, indeed a race, between the three New Orleans daily newspapers, each striving to launch stations under their own banners. The Item initiated the dash by contriving the WGV venture with Interstate Electric, but the Times-Picayune and the States were not far behind. The WWL breakthrough on March 31 came as an unwelcome shock to the three newspapers, but it was still possible to salvage some considerable measure of value from a radio affiliation, even if one could no longer claim to be the first. It would be simple enough to largely ignore the University station and instead to turn the publicity guns loose on their own projects. Besides, even if first was no longer possible, there still would be great satisfaction in finishing ahead of the rest of the journalistic pack.

The Times-Picayune was the next to move. Leonard K. Nicholson, who had assumed the presidency of the Times-Picayune in 1918, was mildly infected with radio fever. Moving partially on his own and partially out of reaction to rumors of the Item plans, he sought out the necessary technical expertise. He found it in the person of Valdemar "Val" Jensen, an automobile salesman who dabbled in amateur radio during his leisure hours. In 1922 Jensen was the used car manager of the Fairchild Motor Company, but also a radio devotee. He operated a licensed amateur transmitter from his home on New Orleans' St. Patrick Street, and it was that equipment and that home that Nicholson proposed to grandly designate as the broadcasting station of the Times-Picayune.

Without leaking word to his competitors or to the public, Nicholson received the required governmental authorization and his assigned call letters of WAAB in early April, and prepared for the station's surprise opening.<sup>1</sup>

Colonel Robert Ewing, the walrus-mustached publisher of the New Orleans States, was not lacking in aggressiveness even though his was the smallest in circulation of the city's three newspapers. He had managed to construct a Louisiana journalism empire, acquiring the States in 1900, and then adding to it the Shreveport Times and two Monroe papers, and he was a force in Democratic Party politics in the state. The broadcasting potential had not escaped him as well, and even before the Times-Picayune's station received its license, Ewing was already ordering up the same menu for the States. He chose for his technical talent Clyde R. Randall, manager of a storage battery company in the city, who combined an electronic knowledge with some previous show business experience. The station, to be installed in Randall's Calhoun Street home, would be licensed in both the name of the operator and of the States.<sup>2</sup>

Progress was, however, too slow to please Ewing. In an April 4 letter to a Louisiana Congressman, he admitted: "We are installing a Radio Broadcasting Station here on the States to send out news and a short entertainment daily and have already applied for a license from the Inspector for this district." But Deiler was proving an obstacle, refusing to recommend a license until the installation was complete. Ewing described his plight, hoping the Congressman could intervene: "This will delay even my publicity for several weeks more. As the parts arrive they are installed, but I must start my publicity now if I expect to beat some of the others."<sup>3</sup>

Help was not to be forthcoming. Two weeks later the situation had not materially changed. The station was still unfinished. John B. Draper, a States executive, reported to Ewing "that everything was in place but two 50-watt tubes," which had not yet been delivered. Draper promised: "The moment these 50-watt tubes are in place the Inspector will go out to the Plant and give us an inspection. As it stands it is impossible for him to do anything because his powers are limited to inspecting a station when it is in shape to operate and not before." The delay would put the States far behind in the radio race, and finally cause Ewing to



place less and less emphasis on his broadcasting association as his less tardy competitors garnered public attention.<sup>4</sup>

The Item was the first to openly publish its intentions. On April 6, it splashed the WGV story across its front page. A page one editorial asked, "What is WGV?" and answered its own question:

Scarcely a dozen persons know today. Within two weeks there will be scarcely that many in and about New Orleans who do not know... This station will be opened formally within a short time under the joint auspices of the Interstate Electric Company and the New Orleans Item. WGV will give a nightly program of concert music, Item news bulletins and theatrical arts for everyone within a radius of 300 miles or more.<sup>5</sup>

While the announcement indicated WGV's opening was still some days off, that timetable was scrapped when it became apparent that the Times-Picayune had every intention of beating WGV to the air. By late afternoon on the same day, word reached the Item that its newspaper rival was going on the air that very evening. The news jolted the Item strategists who had not anticipated the Times-Picayune's preparations being that near completion. It is probable that Nicholson had deliberately pushed ahead WAAB's inauguration in order to lessen the impact of the WGV announcement. In any event, the Item had only a few hours at most in which to react. Dorr Simmons was ordered to put WGV on the air immediately and a hasty opening program was formulated.<sup>6</sup>

Musicians were borrowed from the Strand Theater, owned by Julian Saenger, a switch was thrown, "two lamps set in the front of a polished black, instrument-studded bakelite panel, suddenly glowed cherry red", and WGV went on the air. After an initial greeting, a Strand orchestra violinist played "Mighty Lak a Rose," two vocalists dueted on "I'll Forget You," and a cellist and a violinist combined on a pair of classical selections. New Orleans had its second station, and the Item had won the intramural newspaper sweepstakes. When the Times-Picayune's WAAB opened later that evening, it found itself the state's third station.<sup>7</sup>

WAAB looked to Phillip Werlein's music store for its program content. It began with an Enrico Caruso recording of "Memories of Naples," secured from Werlein's. Caruso was followed by another record, the Dixieland Jazz Band's arrangement of "Lazy Daddy," which the newspaper claimed put "unmistakeable pep into the air and the feet of those who were listening." A little later two live cornet solos by the manager of Werlein's "small goods department" were followed by the same gentleman switching to a banjo. WAAB's first night programming ran two hours in length, the longest single time segment broadcast to that time in the city. Overall, the Times-Picayune's treatment of the story was restrained and in keeping with the somewhat more aristocratic and stuffy nature of the paper's journalistic philosophy. At no time did the newspaper state the location of the station itself, thus giving the reader the impression the transmitter had been installed in the Times-Picayune's Lafayette Square headquarters rather than in its actual site, the Jensen home. The newspaper also avoided any mention of WGV which had begun broadcasts on the same day.<sup>8</sup>

The contrast with the Item's treatment of the same story was stark. A banner headline on April 7, "RADIO CONCERTS START," topped breathless reporting of the previous night's events. The Item admitted it had not intended to go on the air that Thursday evening but had decided to do so as a result of the excitement created by its announcement earlier that day. It referred to itself as "the first newspaper to take steps to bring the new wonders of radio-telephony within the reach of the people of New Orleans, Louisiana, and neighboring states." A formal opening on Friday evening was also publicized with speeches by Mayor Andrew McShane, President A.B. Dinwiddie of Tulane University, and Archbishop John W. Shaw promised.<sup>9</sup>

The Item, moreover, used its tie with Interstate Electric for a marketing promotion. On this and succeeding days, it vigorously advertised a "Junior Item Receiving Set," being sold by Interstate Electric for 75¢. The set, which came in kit form and required the buyer to assemble it himself, included "wire, crystal, nut, bolt, tack, screw and switch already cut to exact dimensions." The only additional materials necessary, according to the advertising, were "as much wood as there is in a cigar box lid and an old round oatmeal package or mailing tube of cardboard." When completed, the crystal set could, with the attaching of earphones (available at Interstate Electric

for as little as \$1.75 extra), tune in all the exciting programs being broadcast on WGV. Even a contest was announced to be judged by Dorr Simmons, who was by now something of an instant civic celebrity. For the best set built by anyone using the Item kit, a \$25 order of radio parts from Interstate Electric was awarded. A few days later, the Item was offering a completely assembled receiving set together with earphones for any boy securing twenty new subscriptions to the newspaper.<sup>10</sup>

Both the Item and the Times-Picayune did agree on one matter, the effect of the radio activity on the city of New Orleans. The morning newspaper referred to interest in the new medium as being "at fever heat" and reported that dealers in parts and supplies were "swamped with orders." The Item termed the city "radio-mad" and claimed supply houses "were swept clean of material by a purchasing craze." It added that the Sterns at Interstate Electric had been forced to add extra employees to package the popular crystal set kits.<sup>11</sup>

Broadcasting firsts of one type or another became an every day event that spring. The first children's program was carried on WGV, "Uncle Wiggly Bedtime Stories," read by Suzanne France, a Strand Theater singer. The same station presented the city's first radio drama--a production of a Shaw play, Dark Lady of Sonnets. On May 6, WAAB held an amateur night talent contest with the winner promised three appearances on the vaudeville stage of the Palace Theater in New Orleans. Mailed-in votes from the listening audience were to be the basis for the decision. The eventual winners were two young sisters, Martha and Constance Boswell, whose later fame as pop singers would carry them far beyond Louisiana's borders. And in early May, WAAB aired the first "remote control" broadcast. Jensen successfully placed microphones in the Jerusalem Temple and sent the sound of a musicale back to the transmitter in his home by means of an ordinary telephone line. The Times-Picayune described it as having been done "with the same dependable volume, the same intensity and color, and with as little distortion as would be possible if the concert were being given in the sending room alongside the radio transmitter itself."<sup>12</sup>

Even more new stations were now coming on the air. On April 5, the Commerce Department licensed Tulane University's wireless telephone operation and designated

it WAAC, though the station did not actually begin broadcasting till a few weeks later. On April 22 the call letters WBAM were assigned a New Orleans realtor, I.B. Rennyson, who had become intrigued by radio's business possibilities. As Rennyson explained: "The idea struck me that real estate could be sold by use of the wireless telephone and I applied for government authority to broadcast." And on May 4, Colonel Ewing's States at last achieved its license, and as WCAG became the city's sixth station.<sup>13</sup>

It was not just New Orleans, though, that saw stations coming into being at this time in Louisiana. In Shreveport some broadcasting activity was taking place as well, and William E. Antony was at the center of it all. Antony, a telephone company employee, had long demonstrated his interest in radio, particularly by the operation of an amateur transmitter since 1916. In May 1922 he built and conducted from his home a short-lived station licensed to the Elliott Electric Company, and then in July he performed the same service for William G. Patterson's Glenwood Radio Corporation. Patterson, a Shreveport merchant, would eventually see his station, WGAQ, under new ownership and with the new call letters of KWKH, play a major and controversial role in the history of American broadcasting. As for Antony, except for one brief flirtation with station ownership in the late 1920's, he would confine his interests to the technical aspects of radio, and would become at KWKH one of the best known and most senior Chief Engineers in the South. Nowhere else but in New Orleans and in Shreveport did Louisiana broadcasting make an appearance in 1922.<sup>14</sup>

In New Orleans, where six stations were authorized to broadcast by mid-May, a major crisis had developed-- a traffic jam on the one available wave length had to be unsnarled if radio was to perform any service for the community. The wave length confusion stemmed from a lack of foresight on the part of the Commerce Department. In granting licenses to the pioneer stations of 1921 and 1922, it had assigned them all to the same 360 meters. This created no great difficulty when only a single broadcaster existed in a community, though it did prevent out-of-town stations from being tuned in when the locals were on the air and for that reason "silent nights" were observed in many cities. But when additional stations jumped into the same market, chaos reigned supreme. Unless all those who wanted to broadcast would negotiate together some rational scheme for dividing the available time, the

tower of Babel would seem more intelligible. Unfortunately, such divisions were depressingly difficult to establish as the required meetings were thorny tangles of inflated egos, grandiose ambitions, and pure rugged individualism. New Orleans was no exception, especially with three of the stations being the flagships of competing newspapers.<sup>15</sup>

Theodore Deiler, heading the Radio Service's District Office in New Orleans, found himself the man in the middle. Oral and written protests from disgruntled listeners and from unhappy broadcasters bombarded him at his Customs House desk. They demanded that the Radio Service or Secretary of Commerce Hoover or someone in authority establish order and put into effect by federal fiat a reasonable allocation plan. WWL was among those insisting upon action. Father Florence D. Sullivan, who in 1925 would become Loyola's fifth president, wrote an angry letter to Deiler on April 8, calling on the government official to arbitrarily assign WWL "at least one hour every night between 7:00 P.M. and 9:00 P.M." Sullivan warned that unless this time was set aside for the University's use, "our valuable installation which we developed before others came into the field will be rendered useless, and our U.S. permit to broadcast will be a fiction." Deiler, helpless to settle the controversy himself in the absence of any precedent or ruling from Washington, forwarded the correspondence on the problem to his immediate superior, the Commissioner of Navigation.<sup>16</sup>

He explained the stalemate that had been encountered, and noted that he had suggested that the stations arrive at their own plan, but self-regulation had been unsuccessful. In a classic understatement, Deiler added: "The fact that intense newspaper rivalry exists among the three newspapers of New Orleans considerably complicates matters." He openly asked for help, requesting that an "actual division of time" be dictated by Washington. The response was less than Deiler had requested but sufficient to accomplish his purpose. On May 3, A.J. Tyrer, the Acting Commissioner of Navigation, informed the New Orleans office that if local stations were unable or unwilling to come to an agreement among themselves, "the Secretary of Commerce has authority to specify in the licenses the hours these stations shall operate." In effect, Deiler was told to make one more try, but this time with a warning clearly stated to recalcitrant operators that if they could not agree upon a satisfactory solution, they would have to accept a Washington version of one.<sup>17</sup>

Armed with the threat, Deiler called another conference to meet in his office, and this time successfully hammered out a temporary *modus vivendi*. It was a seven night a week rotating schedule, beginning each evening at 6:30 P.M. and concluding at 10:00 P.M.<sup>18</sup>

Since no one expressed an interest in daytime broadcasting, when the tiny 10 to 100-watt transmitters then in use lost most of their already meager coverage, those hours were ignored. The newspaper stations of the Item and the States fared the best in the division, with WCV being the only one slated for programs seven nights each week. The university stations collected only the crumbs from the bargaining table with WWL being heard just three hours weekly spread over three separate evenings, and Tulane's WAAC allotted only time on Friday nights. Since neither of the University stations were especially active in programming by late May, with Loyola's enthusiasm by this time experiencing the severe chill already described, the academic institutions acquiesced in their less favorable assignments.

The most surprising drop-out, however, was the Times-Picayune's WAAB, which did not appear on the schedule at all. Unexpectedly, the city's largest newspaper had shrugged off broadcasting entirely. In imperial prose on May 14, it announced that it was no longer interested in a radio association, and cited a number of factors shaping its negative decision. Included among them was the uncertainty of the regulatory situation, clearly a reference to the unsettled issue of the limits of Department of Commerce authority, a matter which would not be permanently resolved until 1927.<sup>19</sup>

Even more specifically, the newspaper pointed to an increasingly worrisome patent problem: "A group of associated enterprises, through control of certain patent rights are in a position apparently to wield a powerful influence on radio in the future." It also admitted: "Many of the broadcast stations operating today are doing so in technical violation of this group's patent rights and could be closed down or at least subjected to a costly court fight." The Times-Picayune was rightly concerned with the implications of a License Agreement reached on July 1, 1920 by the American Telephone and Telegraph Company, its Western Electric subsidiary, and the General Electric Company and its newly organized subsidiary, the Radio Corporation of America. The Agreement, which Westinghouse joined in 1921, seemingly gave AT&T, through an exchange of patents, exclusive rights to the manufacture of

transmitters for broadcasting stations. Nonetheless, by 1923 only thirty-five stations were using Western Electric equipment as opposed to that manufactured by other companies or homemade by themselves. Broadcasters could not help but wait uneasily for the first sounds of the telephone giant's legal machinery being set in motion. While AT&T debated within its own board room the best policy to pursue towards patent infringements, radio stations lived under a cloud of anxiety.<sup>20</sup>

Perhaps, most important to the Times-Picayune was the lack of a tangible return from broadcasting. As the newspaper phrased it: "Nor have the brightest minds in the newspaper world hit upon a scheme by which a broadcast station efficiently operated could be made even to pay for itself." Others shared the New Orleans' paper's pessimism. Radio Broadcast, in its inaugural issue of May 1922, could offer no solution to the puzzle of station financing other than philanthropy. The magazine concluded that the "most attractive" alternative was "the endowment of a station by a public spirited citizen." Comparing broadcasting to libraries, it argued "there is no doubt that a properly conducted radio broadcasting station can do at least as great an educational work as does the average library." Ironically, within a few months after the Times-Picayune's public despair, the ultimate solution to bearing the economic cost of station operation would be tested in New York City.<sup>21</sup>

On August 28, 1922, station WEAF, owned by AT&T, initiated "toll broadcasting." At 5:15 P.M. a spokesman for the Queensboro Corporation began the first of a series of fifteen minute sales talks on behalf of Hawthorne Court, an apartment development in Jackson Heights. The charge for the time furnished by the station was \$100, but broadcasts were said to have been directly responsible for several thousand dollars worth of apartment sales for the corporate sponsors. In September WEAF carried sales presentations for two more business organizations, Tidewater Oil and American Express. Reluctance to conceive of radio as an advertising medium was difficult to overcome, though, despite these early experiments. After two months, WEAF was successful in selling to sponsors only three hours of air time, and gross income for the station was a paltry \$550. In some quarters absolute hostility to the idea had surfaced. Printers' Ink referred to the possibility as "positively offensive" to most Americans, and warned: "The family circle is not a public place, and advertising has no business intruding there unless it is invited." Even the nation's respected Secretary of

Commerce, Herbert Hoover, spoke disapprovingly of the new development: "It is inconceivable that we should allow so great a possibility for service to be drowned in advertising chatter."<sup>22</sup>

Plainly, the emergence of advertising as the solution to the financial dilemma confronting broadcasting would be both slow and beset by a host of enemies. The Times-Picayune, therefore, while not demonstrating any appreciable imagination or gambling spirit, was certainly basing its decision to abandon radio on the hard realities of the moment. Costs, even if minimal in 1922 as compared to later years, were still uncompensated by any palpable gains. Once the immediate publicity values had been siphoned off, there appeared little reason to continue the enterprise. The other dailies, in part prompted by the Times-Picayune withdrawal, would soon beat the same retreat.

Thus the "Treaty of New Orleans," mediated by Theodore Deiler in May 1922, was marked by the conspicuous absence of WAAB. The eventual return of the station under Val Jensen's sole control was expected. For that reason open slots were provided in the schedule so that it might be slipped in at a later date. The weakness in the Treaty, a weakness apparent to all parties involved, was its failure to accommodate the future. It was predicated on the existence of only those stations already licensed. No mechanism was available for reconciling the demands of other stations that, without a doubt, would be spawned in the months ahead if the public's appetite for radio entertainment failed to diminish. No mechanism was even provided for an orderly assumption of the time thrown open by the default of an existing station. In both instances only a re-convening of the original negotiating sessions, with all their attendant difficulties, would suffice. The ultimate answer to the perplexities of wave length division lay in Washington and not in the local communities. Only when the Department of Commerce embarked on a policy of wave length differentiation among stations, was the 360 jumble eliminated.<sup>23</sup>

The groundwork for such action was already in place. In early February 1922 Hoover called for the convocation of a National Radio Conference. Referring to "the critical situation that has arisen through the astonishing development of the wireless telephone," he asked government and private representatives of various broadcasting interests to meet with him in



Washington. Fifteen official delegates were present at the opening session on February 27 and heard Hoover equate safeguarding the air waves from needless interference with conservation of the nation's natural resources. While conflicting viewpoints prevented the recommendations of the Conference from being more than general, the delegates did strongly recommend vesting "adequate legal authority for the effective control" of both commercial and amateur radio in the Secretary of Commerce.<sup>24</sup>

Acting under the encouragement given him by the Conference's recommendation, and in the absence of any congressional legislation, Hoover moved on his own to alleviate the chaos. In August 1922 he made the first attempt at classification of broadcasting stations by establishing a new group termed "class B." They would operate on a separate wave length entirely, 400 meters or 750 kc. Class B stations were required to have transmitters capable of 500 watts power and to use live music only in their normal programming. Obviously, Hoover was creating an elite group in this category. He emphasized their special status by warning Class B broadcasters that if they did not maintain acceptable standards, they would be relegated by him back to the no man's land of 360 meters. No New Orleans stations qualified for the honor. None were broadcasting with what was then regarded as "high power," 500-watts or more.<sup>25</sup>

Hoover took even more sweeping action the following year. Again, the recommendations of a National Radio Conference, which like its predecessor had been summoned by the energetic Commerce Secretary, featured as a primary aim an attempt to broaden even more the available channels for broadcasting. The resulting resolution of the delegates called for "making available all wave lengths from 222 to 545 meters for public broadcasting, the various possible bands to be assigned to different stations, so as not only to reduce direct interference but also to build up zonal regions of distribution." Hoover quickly responded, setting up a new three-fold channel classification. Class B stations, still the elite, were to be assigned wave lengths between 300-345 and 375-545 meters. Such stations were required to use power of at least 500 watts and as much as 1,000 watts (1 kw.). A new intermediate group with "power not exceeding 500 watts" was assigned positions between 222 and 300 meters. This subdivision, it was hoped, would include virtually all stations not qualifying for Class B, thus spreading the great mass of licenses across the full range of the broadcast band.

Since serious doubt still remained as to the legality of any coercive action undertaken by Hoover's Department, a third category was shrewdly established. Class C included any stations not desiring to move from the 360 ghetto. Thus no broadcaster was required to change wave lengths, and any such change was cloaked in the guise of voluntary action. No new Class C stations would be licensed. In 1923 classification order was the effective beginning of radio spectrum allocation. Shortly afterwards, again acting upon a Conference suggestion, the Radio Service informed station operators that it was abandoning the wave length terminology and substituting references to "frequencies." Thereafter assignments were stated in terms of kilocycles rather than meters. By trial and error, a federal regulatory policy was being shaped.<sup>26</sup>

WWL was one of the stations choosing to move on to an uncrowded frequency in Class A. In July 1923 it was assigned 1070 kc., a location on the radio dial which it would hold for just one year until a 1924 change shifted it slightly to 1090 kc. Yet with broadcasting at a standstill at Loyola, WWL's frequency alterations seemed of minor consequence.<sup>27</sup>

As if the struggling broadcasters of 1922 had not enough burdens to bear, they found nature itself placing another on their shoulders in the heated atmosphere of summer evenings. Static became a disconcerting feature of every program attempt. The States exclaimed: "Static! The word which is on every radio fan's lips these days! We have heard it, heard about it, thought about it, dreamed about it, and finally, in much disgust, cussed it."<sup>28</sup> Earlier the Item had been moved to poetry of sorts by the maddening phenomenon:

The melancholy days are come, the  
saddest of the year  
When static snaps across the skies  
e'en though the night be clear  
When all the headsets in the land  
will crackle, hiss and slam  
As though the stars were shifting  
gears and frying eggs and ham.<sup>29</sup>

As the summer months dragged on, static interference became more and more severe. It drove listeners and broadcasters alike into never-ending discussions on how to overcome it. Countless newspaper articles offered advice but given the state of available

equipment and knowledge, the task was impossible to accomplish. The States predicted, however, that "fame and fortune awaits the one who does it."<sup>30</sup>

Plagued by static, ensnarled in the tedious diplomacy of time division agreements, harassed by mounting costs and non-existent incomes, many broadcasters withdrew rapidly from their exposed positions in the new industry. In New Orleans the Times-Picayune led off the parade to the rear, and once the city's leading daily made its decision, it was easier for the other two to follow. Program news gradually slipped from the front page to an inside page, from detailed stories to cryptic listings, and then finally to no mention at all. By mid-1923 WCAG's license had been officially transferred to Clyde Randall, and the States had bowed out of any direct radio connection. A Sunday column, written by a local licensed amateur operator, Hubert de Ben, offering technical advice, was carried but no program or station news was included. The Item likewise had ended its participation in the WGV venture, turning that station over to the undivided control of the Sterns and Interstate Electric. The Sterns maintained the operation until they too became discouraged with its future prospects, at last shutting the transmitter down permanently in 1924.<sup>31</sup>

I. B. Rennyson, the realtor with a taste for broadcasting, lost that taste rather quickly. WBAM was deleted from the Radio Service's list of active stations in October 1922. Tulane likewise lost interest in WAAC as it began to demand too expensive a lifestyle. Little programming was done after 1922 and the station was allowed to die a quiet death in 1925. By November 1923 the States reported only three active New Orleans stations remained on the air--WGV (soon to expire), WCAG, and WTAF (a new station licensed in the summer of 1923)--half the number broadcasting over a year before. Major problems, principally economic, had yet to be solved if the industry was to have a basis for growth. If there was in fact a pot of gold at the end of the radio rainbow, it was still a considerable distance off, and it would be someone other than the first New Orleans broadcasters of 1922 who would find it.<sup>32</sup>



## TROUBLED GROWTH, 1924-1925

In the life of any organization, decisive moments will occur when it may take the path to growth or to decay. For WWL such a moment presented itself in June 1924 with the assignment to the Loyola campus of a short, slightly-built, thirty-five year old Jesuit with a flair for electronics. The Reverend Orie L. Abell, S.J., was the product of a mechanically inclined family; his brothers were professional engineers and he himself held a degree in physics. By nature a humble man, he was at the same time exacting in his requirements, a perfectionist in his demands, and unafraid of stating his own views in any argument in the most forceful terms. He also possessed an extremely long memory, especially for those battles which he had lost, and his memories were not always kind. Capable of a single-minded dedication to projects or enterprises in which he believed, Abell, more than any other individual, reversed the downward slide of WWL and set the station on a course towards eventual financial success.<sup>1</sup>

He arrived at the University as the new Chairman of the Physics Department, replacing Edward Cassidy who was leaving temporarily to pursue further theological studies. Abell would head that Department for the next eight years, though an increasing amount of his time during that period would be devoted to the station rather than to classroom duties. For the next thirteen years, the fortunes of WWL and the Jesuit physicist would be synonymous. When a separation did finally come, it would not be without pain and some bitterness.<sup>2</sup>

Within weeks of his arrival, Abell had formed a close association with L.J.N. du Treil. The federal Radio Inspector continued to devote a significant portion of his evening leisure hours to experiments in the Marquette Hall Physics Lab. Du Treil was soon successful in convincing the Jesuit that the now virtually

abandoned transmitter be rehabilitated and WWL resume broadcasting. During the summer and early fall, Abell rebuilt the old trunk set, increasing its power in the process to 50 watts. On October 3, after months off the air, WWL underwent an official rebirth, and Abell announced the station would broadcast on Saturday evenings for one hour from 8:00-9:00 P.M. The schedule was devastatingly modest, but at least some activity was again taking place.<sup>3</sup>

By now a complete believer in WWL's potential, Abell was chronically discontent with the status quo. Like most broadcasters of this period he sought increased station power almost as a goal in itself. Power meant coverage and coverage translated into influence to be used in whatever fashion management might dictate, for economic gains or for fulfilling intangible educational or religious aims. But all rested upon power, the number of watts with which a station was authorized to transmit. Abell would never rest with the last amount assigned. There was always a larger figure towards which he could reach and for which he could strive. As a result the Abell years were marked primarily by an inexorable climb in wattage, and the perquisites of this increased power followed in direct proportion.

Less than two months after WWL resumed broadcasting in the fall of 1924, Abell set about rebuilding the transmitter yet again. He introduced "electrolytic" or chemical rectifiers in order to eliminate a disagreeable hum heard by listeners; he added a late model Western Electric carbon microphone; and most important, he boosted power to 100 watts. While Commerce Department permission to use the increased power was not granted until March 28, 1925, it seems possible that Abell was utilizing it as early as January of that year. One other change of significance for the station was made. The transmitter itself was placed in a new home, a small, square brick structure located at the south door of Bobet Hall, the recently completed classroom building constructed with the funds raised in 1922. The structure, which had formerly housed the University's seismograph, was just barely large enough for a single transmitter operator and, as a result, required separate production facilities. A studio was arranged in a second floor Marquette Hall auditorium--the station's first separation of the two broadcast functions of production and transmission.<sup>4</sup>

Finances remained a critical problem. The power increase necessitated expenditures for which little

institutional support was forthcoming. Abell later recalled, somewhat caustically, that in these years he had "received no encouragement, either financially or otherwise from the University authorities towards the upkeep of WWL." Rather the station had come to be regarded by them as "Father Abell's Hobby" and even "Father Abell's Folly." He solved his problem by turning part-time salesman. He negotiated an arrangement with the local distributor of an opaque projector whereby Abell received a commission on each piece of equipment sold to a prospect developed by the Jesuit. The commissions were then devoted to the purchase of transmitter parts and studio furnishings. Abell also solicited a contribution from the Pastor of Holy Name Church sufficient for the acquisition of the Western Electric microphone (\$125.00) in return for WWL's broadcast of the 10:30 A.M. Solemn High Mass each Sunday. That program was to become a permanent feature of the station schedule. By utilizing his own labor and the volunteered services of du Treil and some willing students, the necessary manpower was coupled with purchased parts to forge a newly active broadcasting station.<sup>5</sup>

\* \* \* \* \*

While WWL was regaining the momentum lost in 1922, radio in general and New Orleans' broadcasting in particular was experiencing an erratic and troubled growth. One factor brightening the prospects for the industry was the improvements being made in receiving sets. By 1925 the consumer could choose either an inexpensive crystal set capable of receiving a signal from a distance of up to one hundred miles, or a far more superior set employing vacuum tubes and requiring two separate batteries, one for filament voltage and another for plate current. Prices varied from \$10-25 for crystal sets requiring headphones to \$100-500 for sets employing as many as six vacuum tubes. Each manufacturer lauded his particular model: Crosley, "The Height of Efficiency"; Magnavox, "Magnavox Keeps the Stay-at-Homes Happy"; RCA, "Get Long Range with RCA Radio"; Super-Heterodyne, "The Rolls-Royce of Reception"; and Paragon, "Aladdin's Lamp Outdone." The States estimated in March 1924 that the average New Orleansian spent \$100 for an assembled receiving set, though a substantial percentage were still buying only parts and building the set at home. Whereas the 1923 City Directory listed just five shops dealing in "radio supplies," the 1925 edition listed seventeen under "radios and supplies" including all major department stores.<sup>6</sup>

An improved device for listening was only half the equation, progress was also being made in transmission. The overall number of stations had not significantly increased; as late as 1926 it still remained below 600, but there had been a sizeable jump in the average power used per station. From .17 kilowatts in 1924, the figure had become .37 in 1925 and .66 in 1926. By 1929 average power for the first time surpassed one kilowatt or 1,000 watts.<sup>7</sup> The following table illustrates the shift in power distribution for stations in the decade:<sup>8</sup>

Station Power Distribution, 1923-1929

<u>Watts</u>	<u>1923</u>	<u>1924</u>	<u>1925</u>	<u>1926</u>	<u>1927</u>	<u>1928</u>	<u>1929</u>
0-100	409	389	355	269	331	297	246
100-500	159	136	184	175	258	263	209
500-1,000	11	16	23	58	66	79	95
1,000-5,000			18	29	45	61	58
over 5,000					6	9	28

The ten years between 1923-1932 thus saw a major trend toward continuous and aggressive power increases for most licensees. During that period the total number of active stations rose by only 5.4%, but the power employed soared by more than 1400%. The philosophy Abell pursued at WWL was mirrored in the actions of other broadcasters of the period.<sup>9</sup>

The combination of increased transmitter power and more sophisticated receiving sets was also winning the technical battle against static. One New Orleans newspaper commented in late 1924 that "Old Man Static" certainly was "not cutting the capers he used to" in the light of these advances.<sup>10</sup> But if engineering problems were proving less intractable, others remained formidable and fresh concerns had arisen. One of these was an escalating dispute with the American Society of Composers, Authors, and Publishers--ASCAP.

As music quickly became the principal broadcast fare for the emergent stations of the early 1920's, ASCAP, the nation's dominant licensing or "performing rights" association, grew alarmed by what it perceived to be a decline in royalty payments stemming from the sale of sheet music and phonograph records. Radio was supposedly not only slaking the public demand for such items, it was also ignoring its own responsibility to respect copyright requirements. ASCAP, organized in 1914 by a group led by composer Victor Herbert, saw its



sole function to be a clearing house for the bulk licensing of public performance rights held by its members. It took the leadership in defense of those rights. The matter was raised at the 1923 National Radio Conference by J.C. Rosenthal, ASCAP general manager. Rosenthal warned the delegates that unless station owners paid royalties to copyright holders, prosecutions under the federal copyright law would follow.<sup>11</sup>

Broadcasters were outraged at the ASCAP demands. They denied any deleterious effects upon the music industry. Indeed, they contended that radio exposure helped popularize songs, multiplying sales of records and sheet music. Moreover, radio was in no position to pay royalty fees. Most stations earned no incomes in this pre-advertising era, and, therefore, there were no funds from which royalties could be paid. The editors of Radio Broadcast, the newly established industry organ, argued: "When a station can be shown to be on a paying basis, then it seems proper for music writers to collect as their share of the proceeds as much as seems reasonable, but to insist on large royalties while the game is in the experimental stage seems very much like killing the goose which might some day lay golden eggs for them." The ASCAP executives, however, saw little validity in those counter-arguments.<sup>12</sup>

Shrewdly, the association attacked on two fronts. It demanded an annual license fee from each station with amounts scaled upwards from \$250. Simultaneously, it pressed its case in the courts, winning a 1923 judgment against Newark's WOR, owned by the Bamberger department store, for the playing of "Mother Machree" without payment of a royalty. Buttressed by the WOR decision, and with broadcasters suddenly aware that under the copyright law even "innocent infringement" could be penalized by a \$250 fine on each count, ASCAP was in a commanding position. Stations were faced with two alternatives: they might avoid playing ASCAP material entirely, and program only music in the public domain or for which rights had been negotiated in some private manner; or they must succumb to the ASCAP demand for an annual license payment. Despite abortive efforts at both boycotting ASCAP music and reversing the WOR precedent in the courts, stations gradually fell into line by signing the ASCAP agreements.<sup>13</sup>

Even if the music license fee appeared moderate in actual dollar terms, it represented another financial drain on stations already hard-pressed to meet ordinary

day to day expenses. Such burdens represented the principal reason why the fatality rate among early broadcasters reached a calamitous level by the summer of 1924, almost 50% of those granted licenses since 1921. And ASCAP's was not the only license fee broadcasters found themselves facing in these months, for AT&T was now demanding a tribute as well.<sup>14</sup>

The telephone giant had been reluctant to move against those broadcasters who had blatantly ignored its patent rights since such an action, no matter how appropriate in purely legal terms, involved an enormous public relations and political risk. Further, it was clear that many of the infringing stations had begun in innocent ignorance of the patents held by AT&T. In view of the probability that a substantial portion of the stations would not survive the financial rigors of daily operation, the wisest course seemed to be one of restraint. By 1923, however, the question became complicated by an increasing demand on the part of broadcasters for telephone "pickup" lines to make remote control programs possible. If Bell System companies agreed to the leasing of such lines to stations using outlaw equipment, tacit approval of the patent infringements could be implied. A resolution of the issue was thus inexorably forced upon the worried telephone officials.<sup>15</sup>

Two decisions were reached at a Bell System conference in February 1923. Local Bell companies were told to refuse remote lines to infringing broadcasters, and at the same time plans were set in motion for the offering of a license to such violators. The license agreement eventually submitted to the nation's radio stations provided for a scale of fees ranging from \$1 for churches and colleges to \$3,000 for non-educational commercial operations employing transmitters of 500 watts or more. A minimum fee of \$500 for smaller stations was set. Criticism of the plan was met head on by a vigorous defense of patent theory and principles. H.B. Thayer, AT&T President, in a March 1924 statement, argued: "The laws of the United States provide for a reward to those who make meritorious inventions in the shape of control over the right to make, use and sell such inventions." Thayer pointed out: "When the public became interested in entertainment by wireless telephonic broadcasting, the Telephone Company arranged so that these inventions could become available to the public by purchase of apparatus at reasonable prices," and added that "the Courts have held that unless the owners of patents protect them and prosecute infringements, the patents lapse." The thesis was clear.

Unless AT&T moved to protect its valuable patents, they would be lost. It had no alternative. Yet at the same time, it would be magnanimous and forgiving. It would offer to license the violators at a reasonable cost so that the public would not be deprived of radio entertainment. Consoling statements were offered the public: "There is no need of any broadcasting station closing down. The freedom of the air is not in question."<sup>16</sup>

Radio Broadcast greeted the solution with some sympathy, commenting that "the fee is certainly no more than adequate to cover the various costly developments which the Telephone Company puts at the disposal of the licensee when he is operating one of their equipments." Others exhibited less understanding of the AT&T situation, and termed the fee excessive. For small stations without visible incomes, the license payment could be an insurmountable hurdle. Indeed, some New Orleans stations found it exactly so, the culminating financial burden that brought their own broadcasting activities to a halt.<sup>17</sup>

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Only one new New Orleans station actually emerged in 1923--WTAF, operated by Louis J. Gallo, a partner in a firm billing itself as "designers and builders of high-grade transmitting and receiving apparatus."<sup>18</sup> The following year, 1924, saw a good deal more action. The Coliseum Place Baptist Church became the first such institution in the city to acquire a broadcasting permit. Using the call letters WABZ, "The Station With a Message" was the product of the efforts of its minister, Reverend L. T. Hastings, a radio enthusiast who supposedly understood "the importance of radio in connection with a livewire church."<sup>19</sup> Following closely behind was the First Baptist Church, the city's second church to own a transmitter. Designated WBBS, it was destined to have a much shorter life span than the Baptist station which preceded it.<sup>20</sup>

Two more stations joined the enlarging group in 1924. The first, WCBE, marked the official advent of a family name that would play a major role in New Orleans radio. A license, issued on February 15, 1924, was granted to the Uhalt Radio Company, a partnership of two brothers, William J. and Joseph H. Uhalt. In later years, the Uhalts would cite July 1923 as the actual starting date for their enterprise, but Commerce Department records indicate no earlier broadcasting class license than 1924. Natives of New Orleans,

they had both served as wireless operators aboard ship, held amateur licenses, and opened a radio shop on Baronne Street in the early 1920's. The younger man, Joe, was born in 1899, attended school only to the third grade, but was self-educated, becoming an avid reader and an articulate speaker on a variety of subjects. His career in New Orleans broadcasting would span two decades.<sup>21</sup>

The second station, WEBP, was a joint venture of New Orleans Public Service Inc., the city's multi-function private utility company and Crescent Amusement Company of Spanish Fort Park. The Park, a popular amusement area in the 1920's was also the location of the station in May 1924. President H. B. Flowers of the utility company noted a connection between the name of his own organization and the new venture: "We would be remiss in this ideal of public service had we neglected to keep pace with some 15,000 radio owners in New Orleans."<sup>22</sup>

On a typical Sunday in April 1924, the stations in operation in the city divided the time thus:<sup>23</sup>

11:00 A.M.-12:30 P.M. WBBS "Morning Service and Sermon"  
1:00 P.M.- 2:00 P.M. WCBE "Dinner Concert by Strecklin's  
Melody Boys"  
8:00 P.M.- 9:00 P.M. WABZ "Evening Service and Sermon"  
10:00 P.M.-12:00 P.M. WTAF Various musical performances

On Mondays Clyde Randall's WCAG could be heard, and on Fridays Tulane's WAAC did occasional broadcasting. When WEBP was added, the schedule was rearranged again, giving the new station four evenings with Saturday becoming a "silent night." Even with the stations now operating on different frequencies, early broadcasters were still loath to program against each other, preferring instead to rotate their on-the-air hours, thus requiring the listener to shift the dial as one station signed off and another signed on.<sup>24</sup>

Each owner attempted to meet the financial strain of broadcasting in his own way. Clyde Randall labelled his station "the invisible theatre" and began selling "tickets" to his listening audience. "Pit" seats were offered for fifty cents each, while "box" seats were priced at five dollars. Randall promised the revenue so raised would be used to secure "the highest class professional talent." WCBE, WTAF, and WEBP, owned by business firms, received their support directly from company treasuries. Nevertheless, the announcement of

the special AT&T license fees posed even those stations serious problems.<sup>25</sup>

Quickly denouncing the imposition as excessive and worse, some non-institutional stations found themselves required to ask for public aid. Only WEBP, relying on the resources of New Orleans Public Service, forwarded to AT&T the necessary \$500 and applied for a license. The States rallied to the support of the remaining broadcasters, noting that since they gave "their time, money and equipment to entertain us night after night," it would be "a calamity sure enough for them to be forced to close down." It asked readers to contribute one dollar each to a fund for meeting the necessary cost.<sup>26</sup>

By late July, despite the States' efforts, only WCAG had successfully raised sufficient funds and had joined WEBP as AT&T licensees. The Uhalts at WCBE and Gallo at WTAF had fallen short and, rather than risk a confrontation with the Bell System, temporarily took themselves off the air. The three institutional stations, WWL and the two Baptist churches, faced with only a token one dollar fee, experienced no interruption in their programs. The States, the only newspaper publishing significant information on radio developments in New Orleans in 1924, chided a public which it felt had been too slow to respond to the plight of the stations. It warned "those who listen to radio shouldn't hesitate to feed the kitty."<sup>27</sup>

Ironically, WCBE and WTAF were soon joined off the air by the station that had been the first to secure an AT&T license, WEBP. In mid-September New Orleans Public Service announced its intention to suspend operations of WEBP because of "apparent lack of interest on the part of the public." Like other broadcasters before it, the utility company had found no tangible returns in broadcasting and the cash box value of good will questionable indeed.<sup>28</sup>

But if New Orleans lost stations in the fall of 1924, their absence was more than balanced by the buoyant news that the Crescent City might soon have its first Class B 500 watt, "high power" station. In early October the States had commented "there is a lot of talk about it, but nothing is being done." The difficulty, according to the newspaper, lay not in the \$25,000 plus required for initial installation, but the more than \$20,000 per year necessary "to maintain it properly." Only an operation backed by major business

organizations ready to accept substantial outlays without the prospect of any corresponding income could make the enterprise a reality.<sup>29</sup>

The wish was granted later in the fall. On November 9, the States was able to proclaim:

A great, big 500-watt radio station for New Orleans! A real, honest-to-goodness Western Electric broadcasting station, with all the trimmings of the big stations that local listeners tune in on every night in other cities--and then some! Remote control! Big studios! Day time programs--and everything!<sup>30</sup>

Two major New Orleans corporations were combining in a joint venture to bring the city's first Class B station into being. The original idea may well have stemmed from the aggressive and controversial General Manager of the Saenger Amusement Company, E.V. Richards. A rough-hewn, self-made man who many regarded as ruthless, Richards had become associated with Julian Henri Saenger in the operation of motion picture houses in eleven Southern cities and in Central America. From a vaudeville-nickelodeon begun in Shreveport in 1911, the Saenger Amusement Company had snowballed into an organization owning more than 150 theatres. In 1917, it opened the Strand Theatre in New Orleans, the "first deluxe motion picture theatre in the South." It was from the Strand that musicians were rushed to WGV to begin that station's programming in 1922.<sup>31</sup>

Joining Richards and Saenger in the venture was the Maison Blanche Company, Louisiana's largest department store. Representing the store were S.J. Schwartz, Jr., its Vice President, and Treasurer Edgar Newman. Both were quick to disavow any intention of commercializing the project. Schwartz claimed, perhaps a bit too hastily to be believed: "We are not putting it in for the purpose of boosting our radio department, but rather with the idea of Maison Blanche service to the community." The division of responsibility between the two corporate parties to the undertaking quickly became clear. The department store would furnish the studio space, on the thirteenth floor of the Maison Blanche building, while Saenger would supply the talent, provided largely by the artists regularly or occasionally playing on and for the theatre company's vaudeville stages. Lastly, to manage the entire affair, the hiring of Clyde Randall was announced in early February

1925. The veteran radio man was induced to give up his own station, WCAG, and to join the new enterprise. By mid-summer, WCAG, one of New Orleans' earliest assigned call letter sets, was deleted from the Commerce Department's list of active stations.<sup>32</sup>

The project was federally licensed on April 16 with the call letters WSMB (the last three letters representing Saenger-Maison Blanche) assigned. The frequency of 940 kc. was designated as its dial location, and authorized power was stipulated at 500 watts, making it by far the city's strongest station. Broadcasting did not actually begin until April 21 and then only after considerable fanfare. The Item-Tribune, the Sunday version of the New Orleans Item which in 1924 had begun publishing a Morning Tribune to compete directly with the Times-Picayune, distributed a "special souvenir edition" dedicated to WSMB. It featured a sprawling picture lay-out of the facilities and lengthy and breathless descriptions of plans and personnel. The publicity noted, for example, that in the main studio: "Restful lounges, wrought iron chairs, Castillian settees, and a deep webbed carpet, concentrate the voice waves into the microphone and insure perfect modulation. A concert grand piano, and soft-tinted candelabras add a cozy and colorful touch." Not surprisingly, the whole was termed the "South's finest radio station" by the States, while its afternoon competition promised, somewhat vaguely, that WSMB meant "prosperity for the people of New Orleans."<sup>33</sup>

The Item had a rather special stake in the proceedings. After two years of relative coolness towards radio, a distinct contrast to the exuberance it manifested in the spring 1922, the journalistic pendulum had swung back to enthusiasm again. In early 1925 the Sunday Item-Tribune suddenly blossomed forth with a full page and sometimes more of "Radio News," and a neglected subject was once again being covered. The Item's fresh interest was understandable. It had negotiated a working agreement with WSMB whereby the station broadcast Item news bulletins at various times daily. They originated from a remote studio set up on the third floor of the newspaper's own building, a ten foot square cubicle in which a young Item reporter, Ted R. Liuzza, read the available copy. It was to be a second radio honeymoon for the newspaper, and like the first, it too would not last.<sup>34</sup>

Remote lines were also maintained to the Saenger Amusement Company theatres in the city, the Strand and

the Liberty (and later the Saenger when it was constructed in 1927), from whose stages live performances were transmitted. There was, of course, a certain business risk for Saenger and Richards in their association with WSMB. In the first years of the twentieth century, some two thousand theatres featured vaudeville acts. With the advent of silent movies, an accommodation of sorts had been arrived at since those motion pictures could still be combined with vaudeville performances, as the Saenger houses were successfully doing in 1925. But radio posed a potentially more dangerous threat. It had the effect of sapping vaudeville acts of their novelty as songs and stories which had previously taken a year or more to cross the country could now do so in a matter of weeks only. The popularity of radio thus might translate into declining theatre admissions, and for Saenger Amusement to voluntarily embrace the intruder represented an act of faith of sorts. Saenger executives were gambling that the exposure vaudeville artists received on WSMB would encourage theatre attendance to see the same performers in person rather than the reverse. It was a gamble destined to be ultimately lost as a combination of network broadcasting, the advent of talking pictures, and the hard times of the depression doomed vaudeville to a virtually complete extinction by 1933.<sup>35</sup>

During its first year WSMB quickly took the lead among New Orleans stations. Broadcasting six days a week with Sundays silent, its programs fell into three distinct blocks. From 12:30-1:30 P.M. it transmitted a "Noonday Hour Musical Program" complete with Item news bulletins. This block represented a breakthrough, the first systematic effort at daytime operation of any of the city's stations. A second block of time was utilized from 6:30-7:30 P.M. for "dinner concerts," followed later in the evening by the principal segment, usually 8:30-10:30 P.M. It was altogether the most extensive programming per week ever taken on to that time by a local radio organization, and it established standards that competitors were required to emulate. No commercial announcements were carried other than the publicizing of Maison Blanche merchandise and the current play bills of Saenger theatres. Within six weeks of its inauguration, the station had already received 40,000 letters, postcards, and telegrams from listeners in every state in the nation as well as Canada, Mexico, and Cuba. A newspaper exclamation that "New Orleans is at last on the air!" seemed to be well borne out by the developing facts.<sup>36</sup>



\* \* \* \* \*

The Department of Commerce's Radio Service Bulletin listed nine New Orleans stations with licenses in force as of May 31, 1925:<sup>37</sup>

<u>Call Letters</u>	<u>Licensee</u>
WAAB	Valdemar Jensen
WAAC	Tulane University
WABZ	Coliseum Place Baptist Church
WBBS	First Baptist Church
WCAG	Clyde R. Randall
WCBE	Uhalt Brothers Radio Company
WOWL	Owl Battery Company
WSMB	Saenger-Maison Blanche
WWL	Loyola University

Of the nine, two, WAAC and WCAG, would surrender their licenses before the end of the year. WAAB, inactive at the end of May when the list was drawn, would return to the air in January 1926 under a new designation--WJBO (Jensen Broadcasting Organization)--but with the license still held by Val Jensen. WOWL were the new call letters of Louis Gallo's former WTAF, now operated by the Owl Battery Company, local manufacturers of storage batteries. The station under its new owners would have a short life span, however, suspending operations by the summer of 1926. As for the Uhalts' WCBE, which had temporarily left the air when AT&T had imposed its fee schedule in the spring of 1924, the necessary financial arrangements had finally been concluded, allowing the station to resume broadcasting some six months later.<sup>38</sup>

Overall, Louisiana boasted fourteen licensed stations by mid-1925. Besides the nine in New Orleans, Shreveport claimed two, and Alexandria, Baton Rouge, and Jennings one each. The state's figures compared most favorably with the remainder of the South, as did the city's as well. Elsewhere in the region, Tennessee showed ten active stations, Florida seven, and Georgia and Arkansas but six each. Only Texas' twenty-five surpassed Louisiana in the Old Confederacy. Further, New Orleans' nine broadcasters placed it well ahead of all other urban areas of the South, as befitting the region's largest city. Yet the active stations in New Orleans in 1925 were, with the exception of WSMB, small-scale operations with uncertain futures. Thus despite three years of eager effort and considerable ambition,

broadcasting's foothold in the Mississippi Delta remained tenuous indeed.<sup>39</sup>

## NEW LAW, NEW POWER, NEW QUARTERS

For the young radio industry, 1926 was a year of turmoil. The jerry-built regulatory system erected by Secretary of Commerce Herbert Hoover collapsed under the shock of twin legal blows, one delivered by a federal district court, the second by the Department of Justice. Both stemmed from the same case, the United States vs. Zenith Radio Corporation. Eugene L. McDonald, Zenith president, challenged Hoover's authority to assign a station to a specific frequency or to restrict its broadcasting hours. Usurping a frequency supposedly allocated only to Canadian broadcasters, Zenith's Chicago station, WJAZ, forced a federal prosecution.<sup>1</sup>

To the dismay of the Washington officials the decision of the United States Court for the Northern District of Illinois, rendered on April 16, 1926, upheld the Zenith contention. It found that there was indeed "no express grant of power in the act (Radio Act of 1912) to the Secretary of Commerce to establish regulations." Before appealing the decision to higher court, Hoover referred the matter to the Attorney General for an opinion, and thereby received yet another rebuff. On July 8 that office announced itself in agreement with the Zenith findings. The Secretary of Commerce, it informed Hoover, was required to issue broadcasting licenses when requested, and could not specify wave lengths or frequencies, assign hours of operation, or limit power to be used. The opinion effectively removed whatever authority was heretofore exercised by the Commerce Department, and made the issuance of licenses purely a perfunctory matter.<sup>2</sup>

Following upon the Justice Department opinion, Commerce found itself admitting to inquiring licensees that "each station is at liberty to use any wave lengths they may desire." The result was a stupefying confusion.

Hoover himself pronounced broadcasting in "imminent danger of chaos," and the events that followed seemed to bear out his prediction. Despite a plea from him for broadcasters to impose a voluntary self-regulation on themselves and to avoid interfering with each other as well as those channels reserved for Canadian use only, wholesale disruptions followed.<sup>3</sup>

With no supervisory authority controlling their actions, stations "pirated" frequencies in use by other operators and "jumped" their power to whatever level they desired. Proper separation between stations in the same community was often ignored. Instead of the normal fifty kilocycles, separations were reduced to less than ten at times, with the result that stations began "blanketing" each other, and providing listeners with gibberish instead of intelligible programs. In self-defense stations resorted to legal action, requesting injunctions and similar court orders against interfering pirates. Further, some 220 new broadcasting applicants, who had previously been denied licenses by Hoover on the grounds that the existing channels were too crowded, now demanded and received permissions to go on the air, further complicating the deteriorating situation. The chaos did serve to convince most broadcasters as well as governmental officials of the imperative need for new regulatory legislation. Congress was not long in responding.<sup>4</sup>

Pressure upon that body had been intensifying as the crisis deepened. In December 1926 Calvin Coolidge added his voice to the clamor, calling for action in his Annual Message to the Congress. He warned that "the whole service of this most important public function has drifted into such chaos as seems likely, if not remedied, to destroy its great value." The basis for the congressional action which followed was a Senate bill drafted by Clarence C. Dill, a Democrat from the state of Washington. Dill had been drawn into the radio issue almost by accident, having earlier proposed as a favor to friends, an amendment dealing with the broadcasting-ASCAP controversy. Suddenly finding himself regarded as the Senate's only radio "expert," he later described his role as that of a "one-eyed man among the blind." After some modification by a joint Senate-House conference committee, Dill's handiwork passed the House on January 29, the Senate on February 13, and received the presidential signature on February 23, 1927.<sup>5</sup>

The Radio Act of 1927 created a bipartisan Federal Radio Commission consisting of five members, appointed by the President with the advice and consent of the Senate. Each member was to be selected from one of five zones into which the law divided the country. The third zone contained most of the South including Louisiana. Power was vested in the Commission to classify radio stations, assign frequencies, decide upon power and hours of operation for any station, regulate the equipment used, and make rules with respect to chain or network broadcasting. The Act also stipulated that the Commission should move toward equal service for all parts of the country. It required "such a distribution of licenses, bands of frequency of wave lengths, periods of time for operation, and of power among the different states and communities as to give fair, efficient, and equitable radio service to each of the same." The last requirement would prove the focus for considerable debate during the Commission's first year in existence. The Commerce Department retained some responsibility under the Act. The Secretary was to receive all applications for station licenses, prescribe the qualifications for and issue licenses to individual radio operators, inspect transmitters, and report violations to the Commission. The Radio Service of the Department was now separated from the Bureau of Navigation and reorganized as the Radio Division, headed by a Chief under the direct supervision of the Secretary of Commerce. As the FRC had no field service of its own, it depended upon the Radio Division for its investigations. Not until 1932 were the personnel of the Division transferred to the FRC itself, becoming the Commission's Division of Field Operations.<sup>6</sup>

Admiral William H.G. Bullard was selected as the first FRC Chairman. Born in Pennsylvania in 1866, a graduate of the Naval Academy, and the Director of Naval Communications before his retirement from active duty in 1922, Bullard was to serve only a few months as Chairman before his death in late November 1927. He would be succeeded by Judge Ira E. Robinson, a West Virginia jurist. More significantly for Southern stations, the Commissioner representing zone three was Judge Eugene O. Sykes of Mississippi. Sykes, a Democrat, had been a Justice of the Mississippi State Supreme Court before his appointment by Coolidge to the FRC. In 1932 he would assume the Chairmanship of the Commission, and when that body was superseded by the Federal Communications Commission in 1934, he would become one of the original members of the new regulatory agency. It was Bullard, Robinson, and Sykes

whose actions would touch the fortunes of WWL and other Louisiana stations most directly.<sup>7</sup>

The immediate problem facing the FRC at its first meeting on March 15, 1927, was the turmoil created by the aftermath of the Zenith decision, a condition in which, according to one Commissioner, "anarchy reigned in the ether." On April 17 the FRC took its first step to clear up the accumulated confusion, ordering a change in the frequencies of 129 stations that had been operating at dial locations other than those originally authorized by the Department of Commerce. General reallocations that altered the frequencies used by virtually every station on the air soon followed. WWL thus found itself in changed circumstances as a result of the FRC action in 1927.<sup>8</sup>

\* \* \* \* \*

WWL had not taken advantage of the 1926 disarray to seize a new frequency or inflate station power. As Abell later proudly stated: "WWL bided its time and observed the spirit of the Radio Law of 1912, refusing to profit at somebody else's expense." There had, in fact, been no great incentive to do so as Abell admitted the station broadcast a total of only 75 hours during the whole of that year. With the formation of the FRC, however, Abell no longer held back. In July 1927, he wrote Theodore Deiler, still the local Radio Supervisor, requesting an increase in WWL power to 5,000 watts (5 kilowatts) and a more favorable frequency than the 1090 kc. presently being occupied. Copies of the letter were sent to Commissioner Sykes and to the two United States Senators from Louisiana as well as the state's Governor in hope of winning their endorsement of the project.<sup>9</sup>

The scheme was nothing if not audacious. A 100 watt station broadcasting little more than one hour per week was requesting an enormous increase in its power to a level that would place it among the nation's most important radio operations. Moreover, the increase was being requested despite the fact that the financial support offered WWL by the University had been scanty indeed in the past, and a five kilowatt installation would require a probable expenditure of \$10,000. In the last respect Abell now found himself in a somewhat better bargaining position than earlier. The death of an incumbent University President in early 1925 brought the Reverend Florence D. Sullivan, S.J., to the post. Sullivan, who had participated in many of the early

WWL broadcasts in 1922, was distinctly more sympathetic to the enterprise of radio than earlier Jesuit Presidents, and more willing to give Abell's visions freer rein. Yet it was undoubtedly too much to expect that the FRC would approve, at least in one step, such a stride upward in radiated power. On November 16, the Commission replied to the Abell application with a partial grant. WWL power was boosted but only to 500 watts, a sizeable increase in itself. Meanwhile, as a part of a general reallocation of the broadcast band, the station's assigned frequency was shifted to 1220 kc., a higher and somewhat less desirable position on the dial. The Commission, in its order to WWL, seemed to have delicately balanced advantage and disadvantage in its blending of power and frequency. In any event the FRC decision transformed WWL into the second most powerful New Orleans station in terms of wattage, trailing only WSMB whose output the Commissioners swelled to 750 watts.<sup>10</sup>

Abell filed a "vigorous protest" with the FRC, claiming its reduction of the WWL power increase application was unfair both to Loyola and to Louisiana. Nevertheless, since the 500 watt transmitter would, in Abell's words, "form the driver for the 5,000 watt amplifier," construction went forward. At the same time he continued to press the WWL case for five kilowatts. Preparatory to the design and assembly of the 500 watt transmitter, Abell and the ever-present du Treil traveled to Texas, visiting stations in Galveston, Houston, Dallas, and Fort Worth and inspecting the equipment employed by each. Particularly helpful was W. E. Branch, Chief Engineer of Fort Worth's WBAP. Branch had done a good deal of radio research and experimentation, especially in adapting a mercury arc rectifier to transmitters. He placed his findings at the disposal of the WWL representatives. Upon returning to New Orleans, du Treil undertook the task of designing both the 500 and the hoped-for 5,000 watt transmitter, while Abell with the assistance of two Jesuit brothers, handled the assembling and installation. The entire apparatus was completed in the workshop of the University, often using already available materials.<sup>11</sup>

Meanwhile, steps were being taken to raise the funds which would eventually be needed for the construction of the five kilowatt transmitter. Abell was forecasting a favorable FRC decision in the not-too-distant future and preparing accordingly. He and Sullivan called upon the assistance of a University affiliated social-religious organization, the Catholic Alumni Sodality of Loyola. Under the scheme finally agreed upon, the

Sodality would guarantee a \$10,000 bank loan secured from Canal Bank & Trust. Abell estimated that amount would be necessary for equipment and for new studios suitable to a 5 kilowatt station. Simultaneously, a public funds drive was launched, seeking donations from the community at large which would, hopefully, make the guarantee signed by Sodality members superfluous. Beginning in March 1928 and continuing for the remainder of the year the campaign brought in contributions ranging from one dollar to the \$1,000 provided by the Fourth Degree Knights of Columbus and the \$500 tendered by Archbishop John W. Shaw. A different form of contribution was received from the city administration. Abell and Sullivan negotiated a contract with municipal officials whereby the New Orleans Police Department was allowed "the privilege of making use of the station any hour of the day or night in connection with its police work." In addition, WWL agreed to broadcast descriptions of stolen automobiles. In return for this access, the city was obligated to pay the station \$2,500 yearly. It might thus be argued that the very first WWL sponsor was the Police Department.<sup>12</sup>

On March 7 the initial \$2,500 payment from the city was received, and on April 19 the second--to cover the calendar year 1929--was accepted. Thus \$5,000 of the necessary \$10,000 had that quickly been raised. By April 1929 the total of all contributions reached \$9,101, short of the original goal but sufficient for the purpose. Testing of the transmitter began in May with the formal inauguration date set for July 3, 1928.<sup>13</sup>

Not only a new transmitter but new studio facilities as well were readied for the July inaugural. Space on the ground floor of the recently constructed Bobet Hall was made available as a permanent home for the station. Included was a 20 x 25 foot studio "well draped and apparently well appointed" containing a Baldwin Piano, a turntable, and thick sound-proof padding on the walls. Also completed was an adjacent 20 x 20 foot waiting room separated from the studio itself by a glass partition. Later this would serve as an auxiliary studio and a Western Union teletype machine would be installed. The transmitter was housed in the "power room," a smaller cubicle located closest to the main entrance to the building. It featured a bank of 2 1/2 feet tall mercury arc rectifier tubes immersed in oil for cooling. Abell was to find that the "arc" would prove most temperamental. The tubes would have to be physically rocked back and forth in order to be "fired" when the power was turned on. Further, they had the annoying



habit of quitting entirely during broadcasts, until they were rocked once again. After considerable exasperation and experimentation, Abell devised an "automatic shaker" consisting of a solenoid actuated by the direct high voltage current of the mercury arc itself. Not until a Corpus Christi, Texas, station engineer suggested a modification in the apparatus was the problem fully corrected. Atop the building two fifty foot steel towers were implanted with an antenna consisting of a half dozen wires strung between them. In this fashion WWL entered its adolescent years in 1928.<sup>14</sup>

The formal initiation of the new facilities on July 3 was carried out with the by-now customary ceremonies. Present were the usual dignitaries including the Mayor and Theodore Deiler representing the Radio Division and the FRC. The inaugural program's announcer was Jean Pasquet, a local pianist employed by D. H. Holmes Department Store, who had volunteered his services. The musicians and singers who performed were likewise volunteers. Broadcasting plans promising "a better music period each Tuesday and Saturday evenings at 8 P.M." were publicized, but within weeks that schedule had been increased. By December the station had operated a total of 300 hours during 1928, a 400% increase over its 1926 figure. The schedule consisted of programming on Monday, Wednesday, Friday, and Saturday evenings along with Sunday mornings and afternoons. Tuesdays and Thursdays were silent. Programming fell into two basic categories--classical or semi-classical music and lectures, usually by Loyola faculty members. Its decorum was obvious, its popular appeal was not.<sup>15</sup>

Abell's plans called for even more increases in broadcasting time. He predicted that during the first quarter of 1929 alone, WWL would be on the air for a minimum of 150 hours. He envisioned five nights per week and daytime programs on Saturdays and Sundays. To handle the load, the only available announcers were Pasquet and a Loyola senior, Jefferson Davis Bloom, who also assisted Abell with the engineering duties. Pasquet and Bloom, as well as the artists who appeared on the station at this time, were unpaid volunteers. Bloom occasionally even tripled as talent himself, entertaining on a guitar and the musical saw. Abell too faced multiple duties, serving as WWL manager, chief engineer and designer of the five kilowatt transmitter, while maintaining his teaching responsibilities

as Chairman of the University's Physics Department. But as the extent of WWL activity continued to grow, it became clear that the stage of voluntarism was passing and that of professionalism was about to begin.<sup>16</sup>

The operation of a 500 watt transmitter in the up-town residential area of New Orleans was not greeted with universal approval. Complaints quickly began to arise from University neighbors, one even referring to the station as "a public nuisance." Deiler, heading the Radio Division's New Orleans office, found himself the repository for the unhappiness expressed. Deiler was not unsympathetic to the complainants. In September he informed Washington that while WWL's equipment was "very neatly installed," the station was located "in the heart of a very fine residential section and their operation severely interferes with other transmissions." He also warned that the granting of the application for 5,000 watts would result "in the station blanketing over three quarters of the listening population of New Orleans." He argued that the FRC should require the location of any future five kilowatt transmitter "at least five miles from the city limits." Loyola had declined to do so voluntarily.<sup>17</sup>

Deiler found on his desk criticism of another sort-- criticism that involved the conduct of his own staff in relation to WWL. Unnamed "radio interests" in the city had leveled the charge of conflict of interest against du Treil and his close association with the University station. Deiler reported fully on the situation to Washington. He explained that du Treil had indeed designed the current transmitter at WWL and was "planning the engineering details" for the next. But Deiler pointedly noted that the work had been done in the Radio Inspector's spare time with no neglect of his regular duties, and that du Treil was receiving no compensation for his efforts. Nevertheless, Deiler asked for guidance from Washington on how to handle the matter. An answer was quickly forthcoming. The Radio Division's Solicitor ruled that employees "should have no connection with the construction or operation of any station which they, undoubtedly, will be later called upon to inspect." Plainly, du Treil must sever his WWL connection.<sup>18</sup>

When the ruling was communicated to du Treil and Abell, the latter characteristically refused to accept it as final. Blaming the jealousy of WWL competitors for its arising at all, Abell countered by writing directly to W. D. Terrell, Radio Division Chief. Using

reasoning at times difficult to follow, Abell maintained du Treil was "absolutely freer and less hampered in fulfilling the duties of his office than he would be otherwise, for the very reason that Loyola is deeply obligated to him." Then the Jesuit suggested a simple solution; someone else should make the inspections of WWL in the future. He added that depriving the station of du Treil's services would "work a great hardship upon us." Terrell was prepared to compromise. He informed Abell that du Treil could continue but "in an advisory capacity only." The actual work of design and construction must be carried on by WWL's own staff. Deiler, on the other hand, remained unsatisfied. Opposed to the operation of a high power transmitter in the residential section of the city, he regarded du Treil's participation in it in any way as a contradiction of his own policies and "a situation that will be very much against the interests of the general listening public." Nevertheless, the matter seemed settled. None of the parties could perceive at this point that the issue would be raised again in less than two years, and that the question would be the focus for an acrimonious legal debate.<sup>19</sup>

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While Abell was successfully heightening the impact of WWL, two more stations entered the New Orleans scene. WJBW, "The Friendly Broadcasting Station," had been licensed in 1926 to Charles C. Carlson, a self-employed electrician, who utilized his home for a studio. Carlson introduced the city's first female announcer, his wife, Louise Elsie Carlson, who also served as program director. The station remained a small, independent operation as it tenaciously continued broadcasting activities until its eventual demise in 1949.<sup>20</sup>

More directly a problem for WWL in the years ahead was the transformation of the Uhalts' WCBE. By 1927 the eldest Uhalt brother, William, had dropped out of the partnership, relocated to Houston, and established a station there. The younger of the brothers, Joseph, carried on the operation in New Orleans with significant changes. In June 1927 the studio was moved to the top floor of the De Soto Hotel in the central business district. At the same time a working relationship, akin to WSMB's with the Item, was established with the New Orleans States. A remote studio was similarly established at the States for the broadcasting of news and sports items. Then on May 10, 1928, the station's call letters were officially changed to WDSU. In

soliciting the change, Uhalt explained to Deiler: "The requested call letters stand for W being the government letter, D for De Soto Hotel, S for New Orleans States, and U for Uhalt Radio Broadcasting Company."<sup>21</sup>

The States began its second honeymoon with radio with the customary self-inspired excitement. With a grand opening of WDSU scheduled for the summer of 1928, the newspaper headlined: "Greatest Radio Station in New Orleans" and "De Soto Hotel, States, and Uhalt in Combine." An investment of \$35,000 was claimed, and, significantly, network broadcasts were promised: "According to present plans, (WDSU) will be linked in on the New York 'chain' seven days a week, thus bringing New York's famed Broadway to Canal Street." Six weeks later, with opening night slated for July 6, the States was deploring the fact that no previous New Orleans station had been carrying chain programs, for which it claimed the city's radio listeners had been clamoring. It again promised "WDSU is going to do its utmost to provide them."<sup>22</sup>

There seems little doubt that interest in receiving programs of the recently established chains or networks on a local rather than a distant station was building in Louisiana. Deiler explained in his correspondence with Washington that atmospheric conditions in the summer months made it virtually impossible to receive out-of-town network stations, and that programs produced by local broadcasters were "very ordinary." The attraction of top-name New York talent being featured on network radio shows was, therefore, great indeed.<sup>23</sup>

In 1941 the Federal Communications Commission defined a network as "the simultaneous broadcasting of an identical program by two or more connected stations." Using that definition, the first network broadcast could be said to have taken place on January 4, 1923, when a program on WEAf, AT&T's New York station, was also aired on WNAC in Boston. More commonly, networking is dated from 1924 when stations connected to WEAf began broadcasts of the Eveready Hour, sponsored by the National Carbon Company. By the end of 1925, AT&T had a network or chain of twenty-six stations extending as far west as Kansas City. But the most decisive step toward the creation of chain broadcasting on a fully national scale took place in 1926 when the Radio Corporation of America purchased WEAf from AT&T, and utilized a subsidiary of its own, the National Broadcasting Company, to assume the network operations it

had acquired. By the summer of 1927, just six months after its establishment, NBC had two different chains carrying programs: a "Red" network of fifteen stations including WEAJ, and a "Blue" network of ten stations. There was an additional group of eight stations affiliated with both chains. Then in September 1927, NBC found itself with competition when the Columbia Broadcasting System was launched with an initial sixteen affiliates. Network broadcasting had come to stay.<sup>24</sup>

Networks made possible the distribution of higher quality programming to all parts of the nation, but from an economic standpoint their primary effect was to open the door to the enormous profit potential of the industry. For the first time sponsors had a means of conducting efficient and effective nationwide advertising campaigns through radio. Attractive programs could be created as vehicles for commercials that would be broadcast at specified times in virtually all the key cities of the nation.

From the standpoint of a local station, a number of economic advantages existed in network affiliation. An affiliate would have access to the larger listening audience attracted by chain programs, thus allowing the station's own rates for local and national "spot" advertising to be set at a higher and more lucrative level. Equally significant for a struggling station, as an affiliate it would receive a revenue from the carrying of network commercial fare.

These arrangements for compensating affiliates differed between chains. From 1927 to 1930, NBC paid most of its stations \$50 per evening hour and \$30 per daytime hour for commercial programs carried, while charging them \$45 per evening hour and \$25 for an equivalent daytime hour for the sustaining programs it provided. The only exceptions were a few affiliates located in major markets so necessary to NBC that the local outlets could insist upon both increased rates for commercial and decreased rates for sustaining programming. In 1930 regular sustaining charges were reduced, and in 1932 they were to be replaced entirely by a flat \$1,500 monthly fee.

The CBS arrangement for station compensation took a somewhat different form. Beginning in 1929 the network agreed to pay each station a specified hourly rate. This rate varied with such factors as the size and importance of the market served and the demand for

coverage of that area by national sponsors. A distinction was made between an evening and a daytime hour with compensation for the latter one-half the former. Then in return for the stations waiving payment for five hours of evening commercial time per week, CBS agreed to supply all sustaining programming free. This last feature of a CBS contract held a considerable attraction for smaller affiliates struggling to find and support quality local shows of their own. It was much simpler to just relinquish that time to the network and rely on the CBS creative resources and talent budget, at least until the home community could be more effectively scoured for willing sponsors.

While the majority of both NBC and CBS stations were compensated at a rate in the neighborhood of \$50 per evening hour of chain commercial programming, the charges to advertisers by the networks were of a quite different magnitude. These charges were indicated on a network rate card. The CBS card, for instance, listed the stations available, the groupings in which they must be purchased, and the individual station rates, which ranged from \$125 to \$1,250 per "converted" hour during the 1930's. The rate applicable to each affiliate was determined by the network after a consideration of the outlet's market, relative popularity, power, physical coverage, and the price at which time was sold to national advertisers for spot business. A formula was used to translate the less valuable daytime and after midnight periods into the equivalent of evening prime time units, hence the term "converted" hours. NBC employed much the same system for billing its advertisers.

Also a feature of the standard affiliation contract by the 1930's was a network option time clause. A CBS contract, beginning in 1929, gave the network an option on all the broadcasting time of the station for the chain's commercial programming. This arrangement was modified slightly in 1937 when CBS agreed an affiliate need not air network commercial programs for more than fifty converted hours per week. But since CBS had, in fact, never yet exercised its options for as many as fifty converted hours, the change was only theoretical. A similar system for network option time was not inaugurated at NBC until 1933.<sup>25</sup>

Not surprisingly, the multiple attractions of a chain contract became almost irresistible for broadcasters once networks established their permanence. Uhalt, therefore, was quick to act on his own promise

of chain programs for New Orleans. Shortly after the July opening of WDSU, he traveled to New York to meet with officials of NBC. While the conference resulted in WDSU's carrying at least one NBC program, a speech by the Democratic nominee for the Presidency, Al Smith, on August 22, the network proved to be more interested in Uhalt's rival, WSMB, which joined that chain in March, 1929. Faced with defeat in his attempt to secure an NBC affiliation, Uhalt and P. K. Ewing, the States' Radio Editor who had moved over to WDSU to handle special events announcing, sales, and act as the owner's principal lieutenant, turned to CBS. There they found a more receptive situation and by February 1929, WDSU was already carrying Columbia network programs.<sup>26</sup>

Uhalt did not credit the entire success of his station to simply a network affiliation. Rather, he boasted of WDSU's sports activity as the decisive factor. In 1927 he noted that his station was the first to broadcast "the play by play details of every baseball game played on the road by our home club in the Southern League." Indeed, the station was the first not only to broadcast baseball but football and boxing as well. The events that took place away from New Orleans were "recreated" from cryptic wire reports. The announcers, P. K. Ewing or Uhalt himself or others, added their own embellishments to the story--the noise from a pencil being rapped on a table became a bat meeting a ball, etc. The technique was accepted by a still unsophisticated listening public without noticeable objection.<sup>27</sup>

The broadcasting schedule of the new WDSU generally matched that of WSMB, its principal competitor, with one innovation, an early morning hour from 7:00-8:00 A.M. six days per week. Power, however, remained at an unsatisfactory 250 watts on a less than desirable frequency, 1320 kc., until another general FRC reallocation in the fall of 1928. The nationwide shuffle of stations, made necessary by Congress' passage of the so-called Davis Amendment (of which more later), worked dramatic changes in the fortunes of New Orleans broadcasters. The arrangement scheduled to take effect at 3:00 A.M., eastern standard time, on November 11, 1928, reflected the following alterations in power and frequency for New Orleans:<sup>28</sup>

<u>Station</u>	<u>Former Power</u>	<u>Former Frequency</u>	<u>New Power</u>	<u>New Frequency</u>
WABZ	50 watts	1260 kc.	50 watts	1200 kc.
WDSU	250 watts	1320 kc.	1,000 watts	1270 kc.
WJBO	100 watts	1140 kc.	100 watts	1370 kc.
WJBW	30 watts	1260 kc.	30 watts	1200 kc.
WKBT*	50 watts	1190 kc.	50 watts	1420 kc.
WSMB	750 watts	1010 kc.	750 watts	1320 kc.
WWL	500 watts	1220 kc.	500 watts	850 kc.

\*formerly WBBS

Clear gains and losses were apparent. WSMB had not secured a power increase and had slipped to a somewhat less desirable frequency. WDSU, on the other hand, had taken a stride forward by moving to the one kilowatt level. Its attractiveness as an affiliate to CBS was plainly enhanced. As for Abell and WWL, the FRC reallocation was an enormous triumph. Not only was the station shifted to a highly desirable cleared channel frequency, 850 kc., but a construction permit at last authorizing the installation of the five kilowatt transmitter was issued by the FRC. For the time being power remained at 500 watts, but only until the new equipment was properly in place. With the new power would come an altered program policy as well, bringing major revisions in the nature of the WWL operation. Only one small cloud hovered over the good news; WWL was not to occupy its channel alone. The FRC had thrown the New Orleans Jesuits into a forced sharing of the frequency with Shreveport's KWKH, a station owned by one of the most notorious and controversial of the nation's broadcasters, W. K. Henderson, "the Bolshevik of radio." If Abell and his associates expected a normal, professional relationship between the two stations, they would be quickly disillusioned. The Commission had handed them a five year war that would finally end only when one of the belligerents was forced out of the industry altogether.<sup>29</sup>



## THE CLEAR CHANNEL WAR--ROUND ONE

During radio's formative years the President of the University of Wisconsin optimistically concluded that the new medium was "the deadly enemy of the demagogue--a ruthless revealer of 'hokum.'" His judgment was not borne out by events. In the 1920's the infamous "goat-land surgeon," Doctor John R. Brinkley, used the vehicle of his Milford, Kansas, station, KFKB, to bilk millions from naive, trusting, and desperate patients. And for almost a decade in the 1920's and 1930's an unvarying formula--"Hello, world, doggone ya! This is KWKH in Shreveport, Lou-ee-zee-ana, and it's W.K. Henderson talkin' to ya..."--introduced the South's most potent pitch man and radio rabble rouser.<sup>1</sup>

Henderson's daily radio audience stretched across the bulk of the United States. In 1932 a congressional ally boasted from the floor of the House of Representatives that Henderson's voice was heard not only in every Southern state but in "every state in the Mississippi Valley from Canada to the Gulf, and, in short, every state with the possible exception of two or three states on the Pacific and some of the North-eastern states."<sup>2</sup>

Henderson's controversial broadcasting style delighted the majority of his listeners while simultaneously offending and infuriating the others, including a substantial number of public officials in Washington. His influence, for good or harm, was felt in politics, in economics, and in the shaping of governmental policy towards the emerging broadcast industry. In an era of radio history that has been rightly termed "a salmagundi of blunders and power grabs," Henderson stands out as one of the more flamboyant and important personalities.<sup>3</sup>

Henderson was a successful businessman in a wholly unrelated field when radio first burst upon the scene in the early 1920's. Born in Bastrop, Louisiana, in 1880, he moved to Texas while still a small boy. After completing his education at St. Edward's College in Austin, he found employment with his father and for a period operated a garage business of his own. In 1918 when his father died, Henderson inherited the family enterprise, assuming the presidency of Henderson Iron Works and Supply Company located in Shreveport. Manufacturers of machinery, mill, and oil field supplies, the firm was already one of the most successful businesses and largest employers in the city when the younger Henderson took control.<sup>4</sup>

Meanwhile, station WGAQ had been licensed to William G. Patterson in June 1922, but by 1923 had encountered financial difficulties and was seeking fresh capital. At that point Patterson first approached Henderson, by then not only a prominent businessman but also vice-president of the local Chamber of Commerce. In order to interest his unimpressed prospect, Patterson proposed reading one of Henderson's own letters over the air. As Henderson described the experience, Patterson "placed some kind of a little cabinet with dials on it on my desk and he intended to take a letter and go to some distant part of town and read this letter to me." A short time later, as Henderson recalled: "I was at work at my desk and the first thing I knew I heard a frying, whirring, buzzing noise and then a faint sound or two--a human voice." Altogether the experiment was hardly a success. Patterson persisted, however, and by 1924 finally prevailed.<sup>5</sup>

In 1924 Henderson was instrumental in the calling of a conference that temporarily established the station as a partnership of Patterson, the city's largest newspaper, its principal hotel, and himself. The partnership was shortlived. Before the end of the same year Henderson bought out all but Patterson and was the owner of a three-quarters interest in WGAQ. From that point on, he dominated the operation, a Class A station then broadcasting on a wave length of 252 meters (1190 kc.) with 150 watts of power. Patterson offered explicit testimony of the new Henderson role early in 1925 by requesting the Commerce Department change the call letters of the station to KWKH "in honor of W.K. Henderson who so unselfishly has given of his time and money to the development of his community."<sup>6</sup>

But within a year Henderson was to become a notorious name to public officials in Washington charged with regulating broadcasting. Henderson, like many individualistic and aggressive station licensees, was dissatisfied with both his dial location and his authorized power. He determined to take matters into his own hands. Though he increased power to one kilowatt despite a new Commerce Department grant of only 500 watts, Henderson denied committing any illegal act. Proudly he boasted to Theodore Deiler: "We have a Federal Court house here and, if I have violated any laws, the right officials to find me will not have any trouble."<sup>7</sup>

A few weeks later Henderson was again brought to the attention of Deiler's New Orleans office. The Shreveport businessman had arbitrarily moved his station's signal to 950 kc. rather than the authorized 1150 kilocycles. Louis L. McCabe, one of Deiler's radio inspectors, could only report: "Arguments with Mr. Henderson seemed to be of no avail, and he even told me to inform our office to save our postage as he did not care to correspond on the subject." Henderson insisted that he was violating no law by occupying whatever wave length he desired and by broadcasting with whatever power suited his fancy. By April 1926 his antics had begun to attract considerable attention with even the New York Herald-Tribune commenting upon the impasse.<sup>8</sup>

It was at that moment that Henderson's stand was indirectly upheld by the federal court decision in the Zenith case. He had won a victory, and it served only to enhance the substantial esteem in which he already held his own opinions in disputes with public officials.

Within the KWKH organization, William G. Patterson, Henderson's forgotten partner, was finding his position untenable. Not surprisingly, the two partners soon parted company with Patterson quickly starting up his own Shreveport station operation, utilizing the call letters KSBA. In addition to abandoning Patterson, Henderson also forsook the city of Shreveport itself. He moved the studios and transmitter to his own estate at Kennonwood, Louisiana, eighteen miles north of the city. There a single building adjacent to the main residence housed the transmitter, the record library, and the main studio. Supplementary studios were located in the residence including a small upstairs room adjoining Henderson's own bedroom from which Henderson

could broadcast at odd hours or whenever the whim seized him. On the second floor of the residence were also located "dormitories" for the unmarried male and female staff of the station. Other buildings on the estate housed the married personnel. Finally, another auxiliary studio was set up in the owner's office at the Iron Works in Shreveport. Eventually, during the hard times of the depression, the operation took on the aspects of a commune with staff members eating food grown on the estate as well as using Kennonwood as a home.<sup>9</sup>

The newly established Federal Radio Commission found its relations with the volatile Henderson no more placid than the Commerce Department's had been. The initial mass reassignment of stations ordered by the FRC in April 1927 placed KWKH on a frequency of 960 kc. with power of one kilowatt. But Henderson again paid little attention to prescribed limits on his transmitter power, using as much as three kilowatts instead. As a result, in August 1927 the Commission recommended to the Justice Department the criminal prosecution of Henderson for "illegal operation" of a broadcast station, specifically the use of "excessive power" on more than forty occasions in June and July of 1927 alone. The recommendation was the first such ever made by the FRC, and if convicted, Henderson could have been liable for fines totaling \$20,000. However, the case was never pressed by the Justice Department--possibly because Henderson temporarily subsided in the use of unauthorized power, and possibly because KWKH was already regarded as one of the most popular Southern stations.<sup>10</sup>

Indeed, Henderson had enlisted a considerable amount of public support in his campaign for more power. A barrage of letters exploded on the desks of FRC members and other governmental bureaucrats. Some even reached the President. In September 1927 a Paducah, Kentucky, listener to KWKH angrily demanded action from President Calvin Coolidge: "Do not we citizens have any say so in our Radio Question; why cannot we have super power at KWKH in Shreveport?... Don't we taxpayers and voters have any say so for our own south-land?"<sup>11</sup>

Henderson neatly joined his own private campaign for more power with a regional issue, that of equal treatment for the South as a whole. Since broadcasting had, in fact, been slower to develop in that section of the country, he was capitalizing on a valid complaint.

In fact, he went far towards assuming the leadership of the cause. With the vehicle of one of the more powerful Southern stations at his disposal and with his willingness to challenge Washington officials, he was a most effective spokesman for the regional chauvinism being expressed on the question.

The Radio Act of 1927 had called for "fair, efficient, and equitable radio service" to each of the regions of the nation, but by 1928 many Southerners denied that clause was being effectively implemented. They pointed out that zone 3, including the bulk of the Southern states, actually contained the largest population of any of the five zones but the smallest number of stations and only 7.8% of total national station power. While some Dixie partisans were willing to admit that the situation had not been the result of intentional discrimination and were simply seeking justice for the future, Henderson was much less ready to concede the good intentions of governmental regulators. He charged them with "denying the South free speech by denying the Southern stations power when they want it." He chose as his particular target Commissioner Sykes who he accused of betraying the region he was obligated to protect.<sup>12</sup>

Most infuriating to the FRC was the style of Henderson's on-the-air fulminations. He openly referred to the FRC as "parasites" and "sapheads" and sprinkled his broadcasting conversation with "hell" and "damn." By January 1928 Judge Sykes was requesting the Radio Division conduct an investigation of Henderson whose "very strong language about numbers of officials" was proving especially offensive. Dutifully, the Division's field inspectors began making verbatim transcripts of KWKH broadcasts and forwarding them to Washington as possible future ammunition. There was much to transcribe. As Henderson's relations with both the Commerce Department and the FRC began to deteriorate, his own role in his station's programming increased. Devoting more time to KWKH and less to the Iron Works, the station's program content began to degenerate into extended monologues by the station manager, punctuated by some recorded music and a small number of live singing or musical groups, the latter invariably unpaid, amateur talent.<sup>13</sup>

The FRC defended itself against the Henderson attacks as best it could. Admiral Bullard, the Commission Chairman, admitted the South was "not particularly well represented in the broadcasting field"

but denied the FRC was responsible. Rather, the disparity was simply due to the region's own lack of energy. He noted, somewhat coldly: "If the people of the South do not want broadcasting stations and do not make applications for them, the Commission can not take any action whatsoever." Sykes voiced a similar defense, denying the validity of the discrimination charge and claiming instead that the FRC had been "quite sympathetic" to Southern needs. Congressional support was also forthcoming with sympathy expressed for the vilified Sykes and references on the floor of the House of Representatives to "an unscrupulous broadcaster in Louisiana."<sup>14</sup>

In response to the popular feeling incited by Henderson and others, Representative Ewin L. Davis of Tennessee drafted an amendment to the existing radio law stipulating that each section of the nation was "entitled to equality of radio-broadcasting service, both of transmission and reception." The Davis Amendment, which became law on March 28, 1928, placed upon the FRC the heavy burden of carrying the required equality into effect. During the summer of 1928 the Commission sought to work out an allocation of broadcasting stations with respect to frequency, power, and hours of operation that would conform as closely as possible to the dictates of the Davis Amendment. The first step toward that end was the issuance of General Order No. 40 on August 30. Under its terms forty frequencies were set aside for stations on cleared channels with the aim of delivering a better service for rural listeners remote from the usual city-based transmitters. In a victory for the South, the forty cleared channels were to be allocated equally, eight to each zone. Henderson regarded the FRC decision as one for which he was in large part responsible. General Order No. 40 was soon followed by the announcement of specific new assignments for stations, including the fateful placing of KWKH and WWL on the same 850 kc. frequency, effective November 11.<sup>15</sup>

Sharing the same frequency necessarily required the negotiating of a time division agreement between the two stations. For that purpose Henderson travelled to New Orleans and confronted Father Abell. The apparition was more than a little unsettling for the Jesuit. Henderson sported "sparkling diamonds" on his tie and finger, and, in honor of the candidate he supported in the 1928 presidential race, wore an Al Smith brown derby as well as "loud socks with the embroidered name of Al Smith prominently displayed on

them." Abell, whose background had been a somewhat sheltered one--born in a small town of South Mound, Kansas, educated in religious schools in Albuquerque and Denver, and entering the Society of Jesus at the age of eighteen--may have been a bit out of his element in dealing with the stormy petrel from Shreveport. Nevertheless, an agreement was soon reached.<sup>16</sup>

Since neither Henderson nor WWL had any particular interest in the daylight hours, the first division concerned itself only with evenings. On Mondays, Wednesdays, Fridays, and Saturdays, WWL was to broadcast between the hours of 6:00-9:00 P.M., while KWKH would go on the air at 9:00 and sign off at midnight. On Tuesdays and Thursdays the hours would be reversed. On Sundays the only WWL programming would be the Solemn High Mass in the morning at 10:00 and a brief evening lecture on a religious topic during the dinner hour. In the fall of 1928 a series of lectures on Catholic Church history was being delivered by Wallace A. Burk, S.J., Chairman of the University's History Department, at that hour. Other than the Sunday morning Mass, no daytime programs were scheduled.<sup>17</sup>

The newly created clear channels were highly desirable commodities since possession of one enabled a broadcaster to reach large sections of the country with his signal. Each clear channel station would operate with a five kilowatt or more transmitter and would, under the nature of the system, be guaranteed freedom from interference. The FRC defined its purpose in creating the forty privileged channels as bringing "a fair diversity of programs to every home in the United States, including the remote 50,000,000 of our population on farms and ranches, in the mountains, along the coasts, and in towns, villages and cross-roads, more than 100 miles from any broadcasting station." Henderson's possession of a clear channel and his controversial record and questionable conduct on the air inevitably left him an obvious target for rival broadcasters seeking a better situation for themselves. As for WWL, its forced marriage with KWKH destined it to a share in any challenge to the latter's assignment.<sup>18</sup>

In the first months of 1929 such a threat materialized. A Tulsa, Oklahoma, station, KVOO, owned by the Southwestern Sales Corporation of which William G. Skelly, president of the Skelly Oil Company, was the principal, had found the fall 1928 FRC reassignment not to its liking. Formerly occupying a frequency

of 860 kc., it was now being ordered to shift to a less desirable dial location, 1140 kc., and to divide time with an Alabama station. While 1140 was one of the eight clear channels allocated to the South, coverage would be considerably less than the lower frequency KVOO had been required to abandon. Hence Skelly opened a campaign to acquire the channel assigned to KWKH and WWL, thus precipitating the first major confrontation between rival broadcasters before the new FRC.<sup>19</sup>

Placing the best possible face on his move, Skelly argued that KVOO was simply seeking justice for the state of Oklahoma, "a fair deal in the location of wave lengths," and that he was attempting to spare the state "obscurity, slang and vulgarity over the air." The Shreveport station, according to the Oklahoman, was being "used largely for personal attacks" and was not being "conducted in a dignified manner." Skelly admitted his action was directed at KWKH primarily, but since it involved an attempt to gain undivided control of the Louisiana channel, it would also necessarily result in the ousting of WWL from its assignment as well.<sup>20</sup>

The Louisiana counter-attack took a variety of forms. Both WWL and Henderson relied upon endorsements solicited from private citizens and from public officials, but the Shreveport station operator carried his response far beyond the expected. He launched an invective-filled assault on Skelly and on the Skelly Oil Company that came to have little logical relation to the merits of the pending case.

The Federal Radio Commission scheduled a hearing on the KVOO application for February 20, 1929. In these early days of the FRC's existence, hearings were generally held before the entire Commission. Later a system of examiners was begun with each of those officials, after presiding over a hearing in which written evidence and oral testimony was submitted, forwarding to the Commission a report containing specific recommendations. The KVOO hearing, however, would use no examiner; the battle was joined before the Commissioners themselves.<sup>21</sup>

Abell solicited support for WWL wherever he could find it. Within the University it came especially from a fellow Jesuit, Wallace A. Burk. As a close personal friend of Abell's, Burk had found himself being drawn closer and closer to the WWL operation. He was, as



already noted, delivering lectures on religious history as a chief feature of the station's Sunday programming. Now Burk became involved in the station's business affairs for the first time. Within two years he would assume the title of Faculty Director, relieving Abell of that responsibility. In late January 1929 Burk sharply criticized the KVOO action, terming it an "injustice to Loyola." He called for citizens of the state to sign specially prepared affidavits addressed to the FRC and testifying to the worthwhile service being provided by WWL. He boasted that several hundred such documents had already been forwarded to the Commission.<sup>22</sup>

From outside of Louisiana aid came through a prominent Catholic laymen's organization, the National Council of Catholic Men. Headed by an enterprising Paulist priest, John J. Burke, C.S.P., the NCCM had earlier lobbied for WWL in the New Orleans station's successful effort to gain increased transmitter power. The organization was following a general policy of supporting any Catholic broadcasters embroiled with federal regulatory authorities. Now it provided the legal services of its executive secretary, Charles F. Dolle. In a late January letter to the University, Dolle disdained receiving any compensation for himself and suggested instead that "any honorarium you might wish to send me would be gratefully received and the money turned over to our organization." In the hearing that was to follow Dolle served as the principal attorney representing WWL.<sup>23</sup>

Assistance was also soon forthcoming from Louisiana's elected officials. Congressmen and United States Senators announced their support for the KWKH-WWL cause as a war of words began to resemble a mini-civil war between two sovereign states. Most prominent in offering assistance was the newly elected Governor of Louisiana, Huey P. Long, Jr. The fiery young Governor denounced the KVOO application as an "attack on the state's medium of advertising and her commercial interest" and promised a vigorous protest to the FRC from his office. Long went even farther. He appointed a "special attorney" to represent himself at the hearing in order to "safeguard the radio interests of the state." In reality, the attorney, J.J. Grimmitt of Shreveport, served as counsel for KWKH, as well as the state of Louisiana at the hearing.<sup>24</sup>

Long's support was not unexpected. Henderson had been one of the Kingfish's earliest backers and had

raised \$10,000 during the politician's first and unsuccessful gubernatorial campaign in 1924. The two men had met during World War I when Long acted as Attorney for a plaintiff bringing a suit against Henderson. Striking up a friendship thereafter, Long soon began handling legal matters for the Shreveport businessman. In addition to monetary campaign contributions, Henderson rendered substantial assistance to candidate Long by allowing him use of the powerful KWKH facilities on an almost unlimited basis. Long was thus given ample opportunity to perfect a potent radio style well before his emergence on the national stage. Moreover, the KWKH facilities proved invaluable in April 1929 when, as Governor, he successfully but barely withstood a determined legislative effort to impeach and remove him from office. Long was not even required to speak from the KWKH studios. Instead remote broadcasts were often arranged from the Governor's various public meetings or even from his bedroom. Invariably he spoke without notes or manuscripts, quoting the Bible, telling rural jokes, and flying into towering rages against his enemies. The style bore a remarkable similarity to that of Henderson himself and it seems fair to conclude that each undoubtedly played a key role in shaping the other's radio personality.<sup>25</sup>

The political weight thrown into the struggle against KVOO by the Governor was thus a friendly quid pro quo, but Henderson was not content to rely on that alone. Unwilling by nature to remain on the defensive, he tore into the leader of the opposition, William G. Skelly. In one on-the-air attack after another, Henderson branded Skelly a liar, hi-jacker, drunk with power, contemptible, and an armed robber. He called upon his listeners to boycott Skelly Oil products, and in a final flight-of-far fetched-fancy referred to Skelly's son-in-law, a Shreveport resident, as "a German spy." Not unreasonably, Skelly protested to the Commission that he had been "attacked, maligned, and misrepresented" by the KWKH broadcasts. He could only term the Henderson tactics "unethical," a restrained piece of understatement.<sup>26</sup>

On another flank Henderson was also engaging in affidavit collection maneuvers. In January newspapers both in Louisiana and outside of the state suddenly began carrying paid advertisements labelled: "Help Radio Station KWKH Keep Its Wave Length." The ads featured a tear-out blank which the reader was asked to carry to a notary public. Before the notary the blank was to be signed attesting that KWKH was the

individual's "favorite" station and that the FRC was implored to allow KWKH to "retain its present status." The affidavits were then to be dispatched to Henderson for use in the up-coming hearing. By early February Henderson called the response "overwhelming" and claimed to be employing twenty persons just for "receiving, sorting, and packing affidavits."<sup>27</sup>

On behalf of WWL, Abell and Burk travelled to Washington by train to join Dolle at the scheduled hearing. From Shreveport on February 19, Henderson too set out but in a grander style. He rented a private railroad car to transport himself, his family, and friends, taking care to have broadcasted in advance his itinerary. The result was crowds at each stop bearing additional affidavits and calling upon Henderson to deliver back-platform addresses. No further proof was necessary of the impact of the broadcasting medium in the hands of a shrewd and dynamic manipulator.<sup>28</sup>

In addition, Henderson focused public attention on the massive outpouring of public support supposedly represented by the testimonials. An airplane was chartered to carry a portion of the documents to Washington with the gesture being, of course, well publicized. Even more publicity was received, though this unexpected, when the plane crashed in Alabama, shortly after taking off from a stop in Birmingham. There were no serious injuries. Since Henderson was carrying the bulk of the affidavits with him, their desired effect was not significantly diluted by the accident.<sup>29</sup>

By now the case had attracted considerable national attention. Because of the throng of spectators seeking admittance to the hearing, the Commission quickly chose to move the site to a large auditorium in the Department of Interior building. There on February 20, the proceedings got underway. On the first day testimony from the KVOO applicants were heard. Not until February 21 did the Louisiana stations present arguments in defense of their assignment. Burk testified that the topography of the New Orleans area was not conducive to good signal coverage on a higher frequency. He also pointed out that atmospheric conditions in the Gulf South made it impossible to pick up stations at great distances, thus making it more essential that the area have its own powerful broadcast operations. Moreover, since Mississippi had not been assigned a clear channel station of its own, the WWL-KWKH combination actually served the needs of both states. Abell's testimony which followed also pursued a technical

defense for retention of the channel.<sup>30</sup>

Henderson's appearance on the stand the same day took the hearing in quite another direction. Beginning with his now famous "Hello, World, doggone ya!", he quickly asked permission of the Commission to present his affidavits. When assent was given, two black station employees dressed in uniform with the letters KWKH on their caps wheeled in three immense red, white, and blue packing cases, placing them on the auditorium stage to the delight of the audience and the dismay of the Commissioners. Henderson had made his point. The wooden cases contained 163,000 affidavits theoretically testifying to public satisfaction with the current operations of KWKH. The Times-Picayune estimated the total weight of the "evidence" at two tons, four thousand pounds.<sup>31</sup>

After order had been restored, another uproar was to shortly break out again. Harsh words between Henderson and Skelly's "German spy" son-in-law erupted into a fist fight between Henderson and Skelly himself. The police were called upon to intervene. The hearing was by now degenerating rapidly. Its tone was not uplifted either by an unprecedented and bitter verbal onslaught upon Henderson by a member of the very Commission seemingly sitting in judgment on the case. Commissioner Orestes H. Caldwell shocked the room by launching into a public excoriation of the KWKH owner. Henderson was accused of character assassination by his slanders of public officials, and Caldwell held him especially responsible for the recent death of the FRC's first chairman, Admiral Bullard, who had supposedly succumbed to the vicious attacks made upon him by the Louisianan. Caldwell pleaded with his fellow Commissioners to revoke altogether the broadcasting privileges extended to KWKH. On that rather unjudicial note, the substantive portion of the hearing concluded.<sup>32</sup>

WWL emerged from the proceeding generally unscathed as the real cannonballs flew only between Shreveport and Tulsa. Some criticism of the New Orleans station had surfaced, primarily dealing with the narrow appeal of its regular programming. An impression had been left that WWL had not "measured up to the opportunity presented by a clear channel." Nevertheless, since the Commission in its original 1927 mandate had been denied any authority to censor programs unless they offended public decency, it was apparent an FRC decision would not be made on those grounds. As for Henderson, despite a harrowing cross-examination from KVOO attorneys

charging him with everything from libel to failure to identify phonograph records played on the air as recordings and not live performances (in accord with an FRC order), and despite the Caldwell attack, he had resolutely weathered the experience and appeared unchastened.<sup>33</sup>

Now the waiting for the verdict began. Not until June was the Commission's decision made public. When it was, it proved to be a complete victory for WWL and KWKH. The application of KVOO for the 850 kc. frequency was denied and the status quo remained in effect. Surprisingly, the decision held that the charges against Henderson had not been "substantiated to the satisfaction of the Commission." Caldwell's pleas for punitive action failed to win over a majority of his colleagues. In the case of WWL, since the FRC could find no violation in its operations, it reasoned correctly that there was no justification for withdrawing its right to operate half-time on its clear channel. It followed logically also that in view of the satisfactory WWL performance, the most that KVOO could hope for would be a shift from time-sharing on one frequency to time-sharing on another, an insufficient gain to warrant the move being made. KVOO quickly filed an appeal of the decision with the Court of Appeals in the District of Columbia but then withdrew the motion within a month without explanation. The Oklahoma station in the future would take no further action in the matter.<sup>34</sup>

The episode would have three short-run effects. For Henderson it marked yet another victory in Washington, increasing thereby his complete confidence in himself. Within weeks of the decision he was well launched on an entirely new crusade, one destined to be his most famous, a full scale war on the nation's retail chain stores. The chain store war would bring him back to the bar of the FRC but this time with much less satisfying results. For WWL also a measure of over-confidence was bred by the KVOO decision. Abell especially became convinced that Henderson had survived only because of his association on the channel with WWL. Abell later wrote regarding Henderson that "it would have gone hard with him, and in all probability he would have lost the decision" had it not been for WWL's good record. As a result Abell and the Loyola administration felt themselves freer to take a hard line in future negotiations with Henderson, and they fully expected that in any disagreement between the two Louisiana broadcasting enterprises, the FRC would without a doubt find in New Orleans' favor. The months

ahead would painfully disabuse them of that belief.<sup>35</sup>

Finally, the KVOO case would quickly cause the FRC to alter its own hearing procedures. In its 1929 Annual Report, the Commission warned that stations soliciting affidavits and petitions to support their cases before the FRC were engaging in "a regrettable practice." The effect was to only create "an encumbrance of the record without particular significance." The Commission conjectured that the supposed support was "usually more indicative of the diligence of the broadcaster than of the popularity of the station." Henceforth the Commissioners would not accept or consider such "evidence." In May 1929, while testifying before a congressional committee, the General Counsel for the FRC admitted the new rule stemmed directly from the Henderson fiasco. When asked by a Senator on the committee whether he or the Commission had actually read any of the KWKH affidavits, the attorney replied wryly: "I must stand on my constitutional rights."<sup>36</sup>

The case, spectacular as it was, had reflected no great credit on any of its parties including the judging authority. What was even worse, for three of the parties--WWL, KWKH, and the Commission itself--the 1929 experience would be only the first round in a continuing series of battles. The Louisiana clear channel over the next five years would prove a prize for which a good deal of political and economic blood would be shed.

## COMMERCIAL EXPECTATIONS AND REALITIES, 1929-1931

Orie Abell had not campaigned for increased power and a more favorable dial location for WWL simply to continue the narrow interest programming that had characterized the station's efforts during those early years of existence. Abell's vision of WWL took quite another form. The added expense of maintaining the new five kilowatt transmitter, put into service on Easter Sunday, March 31, 1929--seven years to the day after the station had first taken the air--was obvious. More important to Abell, however, was the potential he saw in WWL for providing a continuing income for the University. Given a fresh policy direction, Abell was convinced, the station could not only meet its higher operating costs out of revenues of its own, but also act as a continuing endowment for Loyola. There need only be a decision by the University administration to allow the station to "sell time," to adopt a frankly commercial format.<sup>1</sup>

Loyola's President, Father Florence Sullivan, was sympathetic to the goal, even though the operation of the station as a commercial venture would entail changes, possibly of a troublesome nature. The present almost wholly educational, religious, and fine arts programming would to a considerable extent be replaced by fare of a more popular, perhaps too popular, type. How would such programs and the advertisements that accompanied them comport with the image and dignity of a church-related educational institution? Might the revenues generated be more than offset by a loss of community good will? How much censorship would the Jesuits have to exercise or even be able to exercise over live shows performed by artists who might not reflect the same values as the station licensees. Further, a frankly commercial policy would undoubtedly mean an expansion of the WWL staff, now consisting of virtually Abell alone serving as manager, chief engineer, announcer, and program director.

Hired employees, accounts to be sold and maintained, management strategies to be planned and implemented--all these and more implied an expertise in broadcasting and in the business world in general not necessarily possessed by clerics and teachers. Would day-to-day control of WWL activities have to be relinquished to laymen not associated with the University, and if so, under what terms? All these issues and more were debated by Sullivan and Abell as they struggled to formulate a policy in early 1929.<sup>2</sup>

There were at hand local precedents for the operation of a commercial station, though not by a university. By the spring of 1929 nine stations remained on the air in Louisiana, five in New Orleans and four in Shreveport. Of that number six were classified as commercial in varying degrees. In New Orleans WDSU (now a CBS affiliate), WSMB (now an NBC affiliate), and WJBO were already offering time to advertisers. Their example and that of radio nationally provided Abell with the encouragement needed to contemplate commercialism.<sup>3</sup>

By 1929 the number of radio sets in use in the United States had passed the ten million mark, an increase of over 100% from just five years before. Moreover, surveys soon revealed that the average American could be found listening to his set four to six hours daily. As for Louisiana, the 1930 census placed "radio families" at 11.2% of the state's total number of families, a figure which compared closely to the South's overall 11.9%, but was dramatically smaller than the 76.4% counted in the Northern states. While the potential radio audience of the South was relatively weak, so were its available broadcast facilities, thus lessening competition. But Abell was not confining his attention solely to his own region; the assignment of WWL to be a cleared channel with a five kilowatt transmitter allowed it to deliver to any national sponsor, in the evening hours where the bulk of its schedule lay, an inter-regional audience. A wall map of the United States, Canada, and Mexico in the main WWL studio featured multi-colored pins indicating points from which listeners had responded to broadcasts with letters or telegrams. Within two weeks after the new transmitter was put in service, the pins marked Vancouver, Saskatchewan, Ottawa, Quebec, Nova Scotia, British Honduras, Mexico City, and Vera Cruz as well as numerous points in the West, Midwest, and South.<sup>4</sup>

\* \* \* \* \*



Meanwhile, major national developments on the business side of the broadcasting industry were unfolding, heightening the income possibilities for an emerging commercial station such as WWL. Advertisers were discovering that radio could be an effective means of moving products, even without the costly purchase of network programming. Better than satisfactory results could be attained by sponsoring time, weather or news reports over selected stations scattered across the country or by the insertion of advertising messages into locally produced programs. Such insertions could be purchased at a nominal cost and roughly correspond to the traditional classified advertisements of a newspaper. Thus the "spot announcement" offered a new avenue for the effective use of radio as a marketing tool for both the local and the national advertiser, and an important source of income for the individual station, especially one without network affiliation.<sup>5</sup>

In response to the demand for radio time, a new middleman structure took shape. The advertising agency had for years served as the standard representative of the firm with a product to sell, and had acted as the instrument through which advertising was prepared and placed, principally with print media. But agencies knew little of radio in general and even less about particular stations in distant parts of the United States far removed from an agency's own headquarters ordinarily located in New York City or Chicago. Conversely, the station operator usually lacked the means and the practical knowledge needed for initiating the contact himself with either the sponsoring firm or its representative, the agency. To bridge this gap another type of intermediary appeared--in the late 1920's, the "time broker," and by the mid-1930's, the "station representative." This new intermediary fulfilled two basic needs. It was he who secured for the agency necessary station information regarding rates, listenership, and available hours and programs; it was also he who actively sought new business from agencies and sponsors for his client stations, and who heralded the efficacy of broadcasting as an advertising medium.<sup>6</sup>

Aiding considerably in the rise of spot advertising was the introduction of electrical transcriptions which made their debut in 1929. These wax disks enabled an advertiser to produce a program, give it a permanent form on a record, and then have it broadcast over any station he chose at a time of his own pleasure. While some of the largest business organizations utilized

the "E.T.," as witnessed by the popular Chevrolet Chronicles series of 1931, it was the medium size manufacturers or distributors selling to a national market who found them most useful. Those companies possessed resources too limited or aimed at market areas too restricted for network broadcasting. With the production of higher quality transcriptions, they actually came to be preferred programming fare on smaller stations where their only competition was inferior local talent. Even a suspicious Federal Radio Commission, concerned that the use of the E.T. would deceive a gullible audience into believing it was hearing a live program, could not diminish the employment of the new program vehicle. While the Commission's General Order No. 78, issued on December 5, 1929, required an explanatory announcement: "This program is an electrical transcription made exclusively for broadcast purposes," the caution had no appreciable effect on their popularity with stations and sponsors alike.<sup>7</sup>

As commercial programs became prevalent on the nation's radio stations, so also did published rate cards quoting charges for the use of each broadcaster's facilities. Rates were usually offered for units of one hour, a half hour, and a quarter hour as well as lesser periods down to one minute of time. Gradually even the one minute rate was subdivided into prices for 50, 75, or 100 words. Distinctions were drawn between day and evening programs with the dividing line set at 6:00 P.M., and separate rates were frequently quoted for local and national advertisers with the latter averaging at least 50% more than the former. This disparity was most often justified by the argument that the national account was able to utilize all of a station's signal coverage and potential audience while the local merchant sold his goods in only a segment of the station's market area. At least some industry spokesmen, those dealing with national accounts, regarded the rate difference as blatant discrimination, a classic example of charging "whatever the traffic would bear." Nevertheless, the higher national rates persisted and became institutionalized within the industry. Also quickly acquiring the status of common practice was the allowance of a commission of 15% for advertising agencies and another for time brokers and station representatives. The necessity of paying double commissions to these middlemen for national accounts placed with the station was a major factor too in the inflation of rates charged non-local business.<sup>8</sup>

The sales tool for which the sponsor was paying had taken on greater sophistication by 1929. Early practice had been based on the theory that indirect selling alone would be tolerated by the listening audience. As a result commercial announcements contained little more than a mere mention of the sponsor's name, usually in the title of the program itself. Typical of this approach was the Happiness Boys, featuring Billy Jones and Ernest Hare and sponsored by the Happiness Candy Stores of New York City, who went on the air for the first time in December 1923. Aside from the often repeated catch phrase, "Happiness Is Just Around the Corner," no direct selling was done. During 1928 and 1929, however, a more aggressive approach began to be developed. The latter year saw the first dramatized announcements produced for Fels Naptha Soap. In one a cautious uncle required his niece to prove her housekeeping ability before bequeathing her the family estate. Needless to say, she successfully demonstrated her prowess by means of the sponsor's product.<sup>9</sup>

Soon some commercial announcements had acquired the smoothness of Graham McNamee's opening for the Coca-Cola Program in November 1931:

Good evening, ladies and gentlemen of the radio audience. This is Graham McNamee, happy to be offering you the refreshment of another sparkling Coca-Cola program. Familiar melodies you love, beautifully played by Gustave Hoenschen and the all-string orchestra, Lewis James as soloist... So just lean back at your ease and enjoy it with us tonight. And then tomorrow remember that whatever you're doing, you can always pause and refresh yourself around the corner from anywhere. Take a minute from your busy day. Relax at a cool cheerful soda fountain with ice-cold Coca-Cola. It will leave you refreshed--off to a fresh start.<sup>10</sup>

\* \* \* \* \*

Thus as WWL contemplated the adoption of a strategy of full commercialism in 1929, the necessary institutional structure in the industry to make that strategy successful was nearing completion, and advertising techniques were already coming into use that would remain generally permanent features of broadcasting's business practices. A station, even without

network affiliation, could expect to mine important sources of revenue through spot advertising, which by 1931 totalled an estimated \$32 million or 46% of all broadcast advertising expenditures for the year. Abell, sensing the drift toward a near total victory for commercialism, sought to place WWL in line with the industry's obvious future and to reap for Loyola thereby the accompanying rewards.<sup>11</sup>

But before any action could be taken, an immediate problem of an unusual nature required solution. Sullivan recognized a major difficulty was the Code of Canon Law of the Catholic Church. Under Canon 142: "Clerics are forbidden to engage personally or through another in business or to carry on commerce whether for their own benefit or for that of others." Furthermore, the Epitome of the Institute of the Society of Jesus, a compilation of canon law and Jesuit rules that provided an up-to-date summary for the Order after the 1918 revision of the Code, added to the restriction. Paragraph 533 of the Epitome quoted Canon 142 for "diligent observance" by Jesuits, and then went even farther. It prohibited "even the appearance of profit-seeking." Examples were cited, but the question of the sale of advertising time on a radio station was, obviously, new. It did not fit the categories delineated. Canon 142 itself merely repeated a rule passed by the Church Council of Elvira held in the year 324, and enunciated again in an encyclical of Pope Benedict XIV in 1741.<sup>12</sup>

When WWL embarked upon the policy of commercialism in 1929, it soon found itself facing the issue of Canon 142. The Superior General of the Society of Jesus called Father John W. Hynes, rector of Loyola's Jesuit community, to Rome to investigate whether the operation of a commercial station violated both the canon law and the Society's own rules. In response, Hynes sought out the Spanish Jesuit canon law scholar, Antonio M. Arregui, who had authored a commentary on the Epitome. Arregui prepared an opinion presented to the Superior General to the effect that the operation of a broadcasting station and the selling of its time was no more of a business venture than that of publishing a religious newspaper or magazine. According to Arregui, some columns in those were used to convey substantive information, while other blank pages or space were sold for advertising to pay for the costs of publication, with the overall purpose being the support of a worthy cause. So also on a radio station, a certain amount of time would be used for religious

and educational messages, while other time, like the extra pages in a magazine or newspaper, could be sold for a revenue. The analogy may not have been altogether appropriate, for Arregui probably did not realize the volume of commercial programming that WWL was carrying on in relation to the educational and religious portion of its schedule. The paramount purpose for which WWL existed after 1929 was to furnish a flourishing source of endowment funds for the University which held its license. By largely abandoning the objective of directly propagating the faith, both religious and academic, it survived and it insured the ultimate economic viability of the institution that established it. Thereby, it was at least indirectly supportive of that same first objective. Arregui's argument carried the day, no matter what its accuracy, and the commercial era of WWL was not brought to a premature end.<sup>13</sup>

Abell and Sullivan also sought out the lay business support which they believed necessary to put their enterprise on a sound foundation. They found it in the offices of the Standard Fruit Company, one of the pioneers in the development of the banana industry in Latin America. Headquartered in New Orleans, it was controlled by the Vaccaro-D'Antoni interests. Salvador D'Antoni arrived in the United States at New Orleans in 1886. He quickly went into business operating a boat and selling fruit on the lower Mississippi River. One of his principal suppliers was Joseph Vaccaro, a Crescent City produce wholesaler. Eventually, a partnership resulted with D'Antoni serving as the general manager of the firm's new ventures in Honduras where banana and coconut plantations were being established. In 1923 the Standard Fruit and Steamship Company was incorporated, but it still remained basically a family alliance with control in the hands of Joseph Vaccaro and his two brothers, and Salvador D'Antoni (who had married Joseph Vaccaro's daughter in 1899) and his sons Blaise and Joseph. Their investments broadened even more in 1923 when the Vaccaro brothers purchased the downtown Grunewald Hotel. The old structure was quickly demolished and a new building constructed in its place. Finished in 1925, the hotel was renamed the Roosevelt, and as such, it would eventually play a major role in WWL's history.<sup>14</sup>

Standard Fruit was not a surprising choice for Sullivan to make. The corporation's principals had maintained close ties with the University and with the Jesuits. Both D'Antoni sons had been educated in Jesuit schools including the downtown College of

Immaculate Conception and Loyola itself. A series of meetings between Standard Fruit officials and the Jesuit planners hammered out an approach acceptable to both sides. A new corporation, the WWL Development Company, Inc., was chartered by the state of Louisiana and an agreement formalized between it and the University on October 29, 1929. Under the terms of this first agreement, Loyola granted to WWL Development "the exclusive right to contract for the broadcasting over said station of all matter and programs for which compensation in money is paid." In return Loyola was to be credited with "an amount equivalent to the gross revenues" of WWL Development each year after expenses had been paid. In effect, the new corporation was being given the management of the station, but it would exercise that authority on a non-profit basis, for all revenues over and above expenses would be funneled into the University's treasury. One other restriction was placed upon the managing company--"the character of all matter to be thus broadcast" remained subject to University approval. In this way a concern on the part of some Jesuits regarding the possibility of embarrassing or offensive programming being aired was alleviated.<sup>15</sup>

Two thousand shares of capital stock were initially authorized of which fifty were subscribed at \$100 each, all purchased by Standard Fruit. Three office employees of that organization served as the first Board of Directors of WWL Development even though they played no part in contributing the original capital. In 1931 they would resign, to be succeeded by a new Board made up of local businessmen without connection to Standard Fruit; but until that time, the Vaccaro-D'Antoni firm would maintain a general but loose supervision over the business affairs of the station. The account books were maintained in the Standard Fruit office, all bills were paid from that location, and a WWL manager seeking the most minor supplies--stamps, for instance--was required to secure them from the banana importers.<sup>16</sup>

Abell, admitted that the arrangement was "a little more involved than was really necessary." The rationale for the holding company device was variously explained. One early station employee suggested that its purpose was to create an entity which could assume legal responsibility for the station's activities and could be the target of law suits, if necessary, without the University also being held liable. In view of the program control retained by the University under the 1929 agreement, it is extremely doubtful that this was the original intention. Ten years later a Loyola

President described WWL Development as "a corporation of convenience which saves us Priest-Educators from dealing in the commercial world." At the same time another Loyola Jesuit close to the station recalled that WWL Development came into being when "it was seen that it would be improper to have Priest-Educators in the business world to be worried about contracts, about the sale of time, whether or not a party should be contacted, and such matters as those." In 1930 Wallace Burk explained the company consisted "of a number of businessmen who are supposed to develop our station commercially." He added: "As a university, a religious institution, we do not like immediately to embark upon any directly commercial enterprise."<sup>17</sup>

It seems most likely the formation of WWL Development met the desires of both Loyola and Standard Fruit. For the University administration it offered a means of escaping direct violation of the constitution of the Society of Jesus and the canon law prohibition against engaging in business ventures. It also provided a method of marshalling outside contributions in the form of both capital and services. The latter would be especially critical during WWL's early months as a commercial station, a period prior to the standardization of internal routines and practices that would only evolve with time and experience. In effect, the Standard Fruit intervention allowed the station to make the transition to its new policy with a minimum of trial and error. For Standard Fruit, on the other hand, WWL Development offered a means of overseeing its \$5,000 gift to the University, and making more certain its efficacious use. When it appeared, as it would in 1931, that the difficult transition period had been safely passed, then control was passed to others and more authority vested in the station's own staff.

The management company plan as formulated for WWL was unique. It can be noted that less than two months after the signing of the WWL Development agreement, another university station took an ostensibly similar step. WGST, an Atlanta station licensed to Georgia Tech, had fallen on hard times. It elected to lease its entire operation to Southern Broadcasting Stations, Inc., a private corporation which maintained control until 1943. The WGST case, however, differed markedly from that of WWL in that Southern Broadcasting retained a healthy share of the profits of the enterprise and made no pretense to being anything other than it was, a privately owned firm interested in an increasing return on its own investment. In another variation,

Cornell University in 1932 sold the bulk of time available on its station to the Elmira Star-Gazette for commercial resale, while retaining a small portion for its own educational programming. Again the newspaper assuming de facto control was a profit-making organization, and in that respect departed from the WWL Development case. The design arrived at in New Orleans in 1929 was a unique accommodation to the problem at hand.<sup>18</sup>

The transition to commercialism began even before the October signing of the WWL Development agreement. In anticipation of that step, the station's first salaried employee was added to the staff in early September. Jean Pasquet, a musician who had participated regularly as unpaid talent in previous WWL broadcasts, now resigned his position with a local department store to take on the combined duties of Program Director, Announcer, and Sales Manager. His salary was placed at \$150 per month with no provisions for commissions on new accounts attracted to the station. Abell remained as Station Manager, as well as Chief Engineer and Transmitter Operator, in addition to his teaching duties in the Physics Department.<sup>19</sup>

Again, in anticipation of the WWL agreement, an official announcement of the new commercial policy was made in advance. The October 1929 issue of Radio Advertising, compiled by Standard Rate and Data Service and the industry's official handbook of station charges, published for the first time national rates for WWL time sales. In previous years the station had simply been listed with the notation: "Does not sell time." Rates for "General Advertising" were now shown as follows on that first national rate card:<sup>20</sup>

(6:00 P.M. to 12:00 Midnight)

	<u>1 time</u>	<u>13 weeks</u>	<u>26 weeks</u>	<u>39 weeks</u>	<u>52 weeks</u>
1 hour	\$150.00	\$142.50	\$135.00	\$127.00	\$120.00
1/2 hour	90.00	85.50	81.00	76.00	72.00
1/4 hour	50.00	47.50	45.00	42.50	40.00

(7:00 A.M. to 6:00 P.M.)

1 hour	75.00	71.25	67.50	63.75	60.00
1/2 hour	45.00	42.75	40.50	38.25	36.00
1/4 hour	25.00	23.75	22.50	21.25	20.00



The data was generally comparable to other stations in WWL's category--an independent clear channel station with 5,000 watts of broadcast power. The usual agency commission of 15% was provided for, and the rates were specified as applying only to air time with the costs of talent extra. The station announced it would "gladly assist the advertiser in securing talent and arranging programs." The right "to omit or alter programs not acceptable to the station management" was also stipulated. The station further pointed out that it was "equipped to handle programs by electrical transcription, using double turn-table." In general the first WWL commercial information differed little from that being published by competitors within and outside the state of Louisiana.<sup>21</sup>

Despite the October rate announcement, WWL did not abandon its non-commercial status until December 3 when a fifteen minute sales talk was carried for the General Research Laboratories of Des Moines, Iowa. The contract, secured by Pasquet, called for the program to be continued for thirteen weeks with the product "some kind of a radio appliance." No other details remain available on this initial commercial account. Others were soon added, however, with the first month's time sales totalling \$360. Abell and Pasquet regarded the amount as "encouraging."<sup>22</sup>

New program features were also being added, including a dance music remote broadcast from the Restaurant de La Louisiane four evenings per week, and in an innovation, two weekday afternoons from noon until 2:00 P.M. The string trio received no talent fees. The restaurant and the musicians exchanged the entertainment for the publicity opportunity. The galloping popularity of NBC's Amos 'n' Andy, already a national phenomenon that had inspired a comic strip and phonograph records as well as sending hordes of customers into radio shops, fostered its own local copies. In New Orleans the show was Smoky Joe and Tee Tain, aired nightly by WWL beginning in 1929. Structured as a comic serial and running for years on the station, the Negro impersonators put their characters into one far-fetched situation after another. In January 1930 the two had supposedly wandered by mistake into a zeppelin hanger and switched on the airship's engine instead of the lights. As the program information described their plight: "Now they are up in the air in a runaway zeppelin and don't know what to do. Their fate may be known by tuning in on WWL next Monday night."<sup>23</sup>

More remote broadcasts were introduced in 1930, offering greater scheduling variety. Among them were organ concerts from the recently constructed Loew's State theatre. The orchestral organ installed in movie houses had become standard broadcast fare. WSMB especially had been featuring such remote pick-ups from Saenger-owned theatres since that station's establishment in 1925. Later in 1930 a Canal Street store was the scene of yet more WWL organ programming as the Kress variety store housed an instrument claimed to be valued at \$50,000. But each of these remotes entailed a line cost of some \$35 for the necessary telephone circuit because of the considerable distance from the central business district and the French Quarter to the WWL studios located far uptown.<sup>24</sup>

To save a portion of this expense, Abell determined to terminate remote lines at a centrally located downtown studio. Such a studio would also provide a convenience for visiting or local talent who would not have to be asked to travel across the city to the University and, therefore, might be more amenable to an invitation to appear before the WWL microphones. As a result Abell and Pasquet opened negotiations with the Monteleone Hotel, located in the French Quarter near Canal Street, for the station's first permanent remote studio. The space, secured in August, consisted simply of a single room but it came to serve as both a solo studio and a "cubby-hole" sales office. Abell built a "remote speech input amplifier" and a switching panel for it, and estimated that new facility and its equipment saved the station \$25 per month on each remote location.<sup>25</sup>

In May 1930, WWL employed electrical transcriptions for the first time. A series of programs titled High, Wide and Handsome and distributed by Stanley Recordings was used as the content for shows sponsored by Gliddens Paint Company. The talent cost for the transcriptions as well as the time charges were borne by the sponsor. Other accounts, mainly sold by Pasquet, included at this early date an insurance company, an automobile dealer, a ladies' dress shop, and two department stores.

During the first quarter of 1930 Abell placed gross revenue from time sales at \$820, but as the year progressed the figures improved even more. The month of August alone, the same month in which space in the Monteleone was rented, saw total billings of \$2,080.75, the best thirty day period to that time. Principally responsible for the excellent summer income was a

heated campaign for the United States Senate between Huey Long and the incumbent, Joseph E. Ransdell. Both sides bought large quantities of air time, and WWL shared in the political largesse. With the election being held in early September, it was inevitable that the income for that month would show a decline. It did, to the more realistic figure of \$950. Nevertheless, the last five months of 1930 saw billings of over \$5,000.

Profit estimations at this early date are few and unreliable. Abell himself placed the August net profit at \$1,600 but it seems certain that figure was highly inflated. With much of the office work of the station being done by Standard Fruit, and with Abell admitting the electrical power expense of the station was being absorbed by the University in its "advertising" budget, realistic cost figures for the broadcasting operation were simply not being computed. It would be some months more before accounting methods began to give a reliable picture of the station's financial health.<sup>26</sup>

An expansion of hours on the air accompanied the growth in commercial accounts. By the fall of 1930 the station was broadcasting from 8:00 A.M.-1:00 P.M. daily except Sunday. On Sundays daytime programming covered the periods from 10:00-11:15 A.M. (Mass from Holy Name Church) and noon - 4:00 P.M. Evening time was still shared with KWKH. On Monday, Wednesday, Friday, and Saturday, WWL was heard from 6:00-9:00 P.M. On Tuesday and Thursday it was heard from 9:00 P.M. - 1:00 A.M., and on Sunday nights it had a short segment from 6:00 - 7:45 P.M. Naturally, Henderson was scheduled for the evening periods in which WWL was not. A total of 57 hours per week were now being programmed by Abell and Pasquet, a massive increase over just two years before, for instance, when only 300 hours were scheduled during the whole of 1928.<sup>27</sup>

Widening the broadcast day was a step not confined to WWL. The principal stations of the city were following the same course, with the lead being taken by WSMB. The Saenger-Maison Blanche station had fashioned a breakthrough; it began in September 1930 continuous programming from 7:00 A.M. until midnight, seven days per week. This unprecedented length of time on the air was made possible only by the availability of network shows. The quantity of locally-produced programming remained essentially the same while more and more NBC entertainment, both sponsored and sustaining, was heard on WSMB.

Unhalt and his WDSU were quickly forced to defend themselves against their chief competitor's tactic by duplicating the maneuver. As the CBS affiliate in New Orleans, WDSU too had network shows available to it which it quickly threw into the gap to fill the newly opened blocks in its schedule. Other than WWL, however, the city's independent stations, without great resources of their own or outside assistance in the form of network ties, were unable to follow suit. The effect inevitably was to relegate the surviving independents--WJBO, WABZ, and WJBW--to even more of a minor league status, and to make the entrance of new broadcasters into the field increasingly difficult.

With the slump in the nation's economy more painfully apparent each passing week, the threshold of entry into the business of broadcasting in a competitive community quickly came to be set at a level virtually unreachable for any but the wealthiest of individuals or organizations. Only in small to medium sized markets without existing or adequate service already available, were good opportunities still to be grasped. In Louisiana, a Monroe businessman such as laundry-owner J. C. Liner, could in July 1930 still successfully establish a KMLB in his own community which lacked any other local station. New Orleans, on the other hand, already served by six competing stations, would see no new facilities activated until after World War II.<sup>28</sup>

The expansion of WWL broadcasting hours was accompanied by a similar expansion of its staff. With the station on the air nearly sixty hours per week, it was physically impossible for Abell to be on duty during the whole period. For that reason, Raymond N. Toups was taken on at the beginning of September 1930 as WWL's second full time employee. Ray Toups' interest in radio had existed for some time. In 1924 he had won a "Freed-Eisemann five tube Neutrodyne" in a New Orleans States-sponsored contest for writing the best 300 word essay on the subject, "Radio in the Home Today--and Tomorrow." Later he worked for a local radio sets and parts dealer. In joining WWL as its first paid "operator," he shared duties with Abell.<sup>29</sup>

One month later another new staff member was hired by Abell, a staff member whose background differed markedly from others involved in New Orleans radio. Arthur C. Pritchard had been born in London in 1887. With the outbreak of World War I, he joined the British Army, quickly rising to the rank of Captain. Wounded in combat and invalided home, he volunteered for a

Liberty Bond selling campaign in the United States in 1918. When the Armistice was signed while he was still touring America, he determined to remain in this country. He had taken a fancy to New Orleans, one of his tour stops, and after his discharge in 1919, entered the real estate business in the city. Possessing a flair for dramatics as well as a charming English accent, he soon became involved in local stage productions. It was in that activity that he first caught Abell's eye and was induced to join the WWL staff. With the onset of the depression slowing real estate sales to a crawl, Pritchard felt he had nothing to lose by testing the broadcasting waters. "Captain" Pritchard, as he was universally known, thus became the station's third full-time employee.<sup>30</sup>

Taken on as a staff announcer, Pritchard rapidly found himself filling an even more responsible position as the station's first major internal policy disagreement brought with it a personnel shuffle. Abell later wrote bitterly of periodic individuals who portrayed themselves as Moses predestined to lead WWL into a promised land of radio riches, and who sometimes successfully were able to convince the University administration to allow them the chance despite protests from the station managers. In September 1930 two such "prophets" appeared in the persons of a former Tulane football star and a colleague associated with a local advertising agency.<sup>31</sup>

They proposed to the University administration a plan whereby at least seven hours per week of sponsored programming would be guaranteed in return for an even division of the net income. On November 12, 1930, a contract between the "time brokers," who in effect now possessed a lease on the station's available time, and WWL Development was signed. Pasquet and Abell vociferously opposed the contract, claiming that the station was being handed over to men with absolutely no experience in broadcasting, and pointing out that "gratifying and encouraging" progress without the use of time brokers was already being made. When their protests were ignored, Pasquet resigned in January 1931, feeling that the contract was an unfavorable reflection on his own record in the year he had spent as sales manager of WWL.<sup>32</sup>

Ironically, the brokers followed soon after Pasquet. By April it had become obvious that they were unable to deliver on their promises. Only two hours and seven minutes per week of time had been sold and

the station's billings had plunged to \$300 monthly. As a result the contract was cancelled by mutual consent, but not before serious damage to the station's income had been done. Never again would WWL avail itself of the services of time brokers. Indeed time brokers as a class were being subjected to wide criticism in the industry for the variety of questionable practices in which many of their type engaged. By the end of 1931 their role in broadcasting was fast being reduced, and they themselves were disappearing from the scene to be replaced by reputable station representative firms.<sup>33</sup>

Following fast upon the conclusion of the broker episode, a new staff lineup was established at the station. Father Wallace Burk was formally appointed as Faculty Director, thus giving that historian the responsibility of serving as the liaison between WWL Development and the University administration on the one hand and the station on the other. As Burk later described the post, he was "in full and absolute control of the entire operation." Nevertheless, it seems certain that Burk, long a close friend of Abell's, probably deferred to the latter on crucial matters involving the station, especially in the technical or engineering field. Also gaining new stature in the organization was Captain Pritchard who now assumed the post of General Manager, theoretically placing him second only in authority to Burk. As for Abell, he was limited in his formal duties to the posts of Technical Director and Chief Engineer, but in actuality his influence still touched, if not dominated, all phases of the operation through his close personal relations with the other management personnel.<sup>34</sup>

One of Pritchard's first actions as General Manager was the June appointment of Albert S. Foster as Sales Manager. Al Foster was to prove a controversial figure in WWL history, but none would ever doubt he was a born salesman. Though only twenty-eight, he was already a radio veteran. At the age of nineteen he had loaded up an old auto with radio parts in New York City and set out across the country selling his wares as he went. A year later he was working as a set salesman for a large manufacturer, eventually landing in Atlanta where he found new opportunities with WGST. A successful record there resulted in his being brought to New Orleans in 1930 to take over the active management of WSMB. That station, directed by the hard-driving E. V. Richards, was ready for a change. Concerned that it was losing ground to Uhalt's WDSU, the other network

affiliate in the city, Richards fired Clyde Randall, who had brought WSMB into being in 1925, and replaced him with Foster. Within a relatively few weeks Foster wrought a substantial number of changes, instilling new life into the Saenger-Maison Blanche enterprise. He purchased a new transmitter, remodeled the studios, and most important, put WSMB on a continuous broadcasting schedule of seventeen hours per day. In commenting upon this show of energy, one newspaper admitted that "the new gang over at WSMB uncorked some big-time ideas about operating a radio station."<sup>35</sup>

Nevertheless, Foster also found himself a victim of Richards' ready axe less than two months after his appointment. The official explanation given was that Foster had only been hired "for construction purposes and was therefore replaced upon the completion of the job." More likely the two men had found themselves incompatible, with the stern Richards being unable to accept Al Foster's free-spending and free-wheeling style. Foster was immediately succeeded by Harold M. Wheelahan, a figure-oriented accountant who had been employed by the Saenger organization even before the founding of WSMB. A private man and a strict, tough executive, Wheelahan would never win a popularity contest with his staff, as Foster well might have; but Wheelahan pleased Richards, instituted tight fiscal procedures at the station, and remained as its manager until well after the Second World War. Foster, meanwhile, was out of a job.<sup>36</sup>

Foster was, therefore, available and interested when Pritchard approached him in the spring of 1931 about handling sales for WWL. Burk, however, was more than a little wary. The Jesuit had heard Foster described as "difficult" and was reluctant to hire a potential problem. It was only after considerable persuasion on Pritchard's part that Burk finally relented. Abell, who would always prove a Foster partisan, certainly lent his potent weight to the Englishman's arguments too. The new Sales Manager was given no regular salary but placed instead on a 25% commission on all business he secured. It was his task now to repair the damage done by the disastrous time broker experiment.<sup>37</sup>

Thus by the middle of 1931 the WWL organization had finally begun to resemble that of larger and more successful stations, and a definite division of labor and responsibility was at last emerging. Further refinements would follow but the essentials were now in place.

A management team had been forged and it was this team of Burk, Abell, Pritchard and Foster that would be required to face W. K. Henderson and to fight the remaining rounds of the clear channel war.



## DAYLIGHT BURGLARS AND CLEAR CHANNELS

The "Hello World" man was on a rampage. W. K. Henderson, fresh from his victory over the state of Oklahoma, had chosen a new enemy--the nation's retail chain stores--and was storming the barricades of his opposition each evening. His battlefield was 850 kc., and his weapon was KWKH, a broadsword that he wielded with a single-minded determination.

Henderson was the first to employ the medium of radio for a concerted attack on the mushrooming economic phenomenon of chain stores, but he was not the first to raise the issue itself. The Hudson's Bay Company, chartered by the British Crown in 1670, can be regarded as the oldest chain organization in the Western Hemisphere, although most historians trace the beginnings of chain store merchandising in a modern sense to the establishment of the Great Atlantic and Pacific Tea Company's first store in the New York City of 1858. By 1913 A & P was operating over 500 stores, and by 1930 the number had reached a peak of 15,700. The A & P example was copied by firms in nearly every major retail goods category: F. W. Woolworth and S. S. Kresge in limited-price variety stores, Kroger and National Tea in A & P's own grocery line, United Cigar Stores in tobacco products, Walgreen's in the drug field, and others.<sup>1</sup>

In 1929 the Bureau of the Census defined a chain as a grouping of "four or more stores in the same general kind of business, owned and operated jointly, with central buying, usually supplied from one or more central warehouses." The 1929 figures compiled by the Bureau revealed that 10.8% of all retail units in the nation could be classified as chain stores under its definition, but that they accounted for 22.5% of total retail sales. In some fields they completely dominated

the trade. About 90% of variety store volume was controlled by chains, almost 50% among shoe stores, and nearly 40% in groceries. In Henderson's own Louisiana, chain store sales in 1929 were just 13.2% of the state's retail total, actually a small percentage when compared with Pennsylvania (24.2%) or New York (23.9%) as well as with the national average. The same pattern of below average market shares held for the other Southern states too. Yet anti-chain store activity gathered its momentum in the rural distrust of these same Southern states, and with the propagandizing of a fiery champion such as Henderson, it "fanned out into the nation as a whole."<sup>2</sup>

As early as 1922, the National Association of Retail Grocers had formally suggested a legal limitation on the number of chain stores in a single community, and Missouri grocers followed-up by securing the introduction of an anti-chain store bill in the next session of their legislature. The bill called for a graduated tax on chain store units, the tax increasing as the number of units multiplied. While the bill did not pass, it did signal the nature of the fight to come during the next decade.<sup>3</sup>

The smaller merchant and his allies leveled a variety of charges against the chains. Among those indictments were the following:

- 1) Chains impoverished local communities by sending the profits they earned to larger cities, especially New York, and by refusing to patronize local suppliers.

- 2) They deprived local young men of opportunities for advancement by relying on imported management and by their absentee ownership.

- 3) They tended toward the creation of monopolies by forcing out competition through unfair trade practices and low wages.

- 4) They refused to bear their share of the local tax burden.

- 5) They destroyed the "flavor" of the community by their policies of standardization of goods and marketing practices.<sup>4</sup>

The truth of the various charges was irrelevant; they had the appearance of truth to many Americans and

that was sufficient. Additional anti-chain store measures were debated by state legislatures in the 1920's, reaching a peak in 1927 when no less than thirteen were under consideration, most in Southern states. Maryland, North Carolina, and Georgia actually saw bills become law. The Maryland law flatly prohibited the operation of more than five chain stores in a single county and imposed a \$500 license fee on the stores as well. North Carolina also levied a license tax, this one of a more modest \$50, on each store operated by a firm with six or more. Georgia followed the same pattern as North Carolina but set the tax at \$250. Each of the three laws was quickly declared unconstitutional by the appropriate state supreme courts, but the legal reversals did nothing to lessen the general anti-chain store climate. By 1930 the National Chain Store Association sadly noted that "trade-at-home" campaigns were being carried on in more than 400 communities in the United States, supported principally by the smaller merchants and businessmen of those towns. It was into this volatile situation that "Old Man" Henderson boldly marched in the fall of 1929, quickly establishing himself as the nation's "most important anti-chain store campaigner."<sup>5</sup>

He later claimed that his actions were prompted by a provocative speech delivered in the fall of 1929 by a local Shreveport banker: "I was sitting in my office, reading the home paper, when my eye fell upon a speech which had been delivered before one of the city clubs by my fellow townsman," Phillip Lieber. The speech was titled "The Menace of the Chain Store" and so impressed Henderson that Lieber was invited to give it again, this time using the facilities of KWKH. According to Henderson: "This he did. While he was talking I was so stirred by his words that I could hardly wait for him to come to the end of his address." When Lieber's remarks were finished, Henderson stepped to the microphone and added "a few of my own in language that would be pretty damn plain." Henderson's career as an anti-chain store campaigner was thus launched.<sup>6</sup>

Over the months ahead, he devoted little time to anything else. The affairs of the Iron Works were ignored, ordinary station programming and advertising pushed aside, and the bulk of the available time devoted to "talks on the chain store menace," which he was delighted to find "brought a wonderful response from the masses." Undoubtedly, he quickly grasped the empathy of a basically rural audience for his populist

attacks on large-scale economic enterprises controlled by distant and sinister Eastern interests.

His tirades attracted swift attention, especially because he minced no words in assailing the chains. He castigated them on the air as "dirty low down daylight burglars" and as "damnable low down thieves from Wall Street." He bellowed that he wanted "every damn penitentiary in America to open up and give me all the thieves and burglars they have," and he would "exchange them for the damn chain stores, those college guys that come down from Wall Street to gyp you." Warning listeners that trading with chain stores would cause them to become "slaves of the money crowd," he denounced "the short weight trickery of these contemptible daylight burglars" and called them not price "leaders, but bleeders."<sup>8</sup>

Inevitably, Henderson's abusive language raised questions of propriety on the air, but he only scorned the criticism he received for his salty harangues. Characteristically, he defended himself: "Hell! I have to cuss. My vocabulary is limited and I can't express myself unless I do." He also used the criticism as a point from which to counterattack: "It's a hell of a come off when a man cannot talk about the chain stores.... The newspapers cannot print anything about the truth regarding chain stores. Of course, they take advertising and cannot print anything because they are too damn yellow to print it."<sup>9</sup>

Nevertheless, he could not for long avoid a confrontation with governmental authority. In January 1930, Senator Clarence Dill, by now widely regarded as the watchdog of radio in the Congress, rose in the upper house to express his concern with Henderson's antics. Describing the language used on KWKH as "a disgrace to this country," Dill called upon the FRC to take action. The Senator related that he had been "traveling on a train on Friday night west of Minneapolis, and the radio on the train brought in (Henderson's) swearing and abuse as clearly as though the station had been 20 miles away." According to Dill, "women with children in the car" requested that another station be tuned in. As a result, the legislator felt a duty to the public "to call attention to this abuse of the use of the radio."<sup>10</sup>

Yet despite the existence of a section in the Radio Act of 1927 forbidding the use of "any obscene, indecent, or profane language" on the air, the FRC was

slow to take formal action against Henderson. The regulatory body exhibited this marked restraint in part because the 1927 law creating it had specifically enjoined it from exercising "the power of censorship" and from interfering "with the right of free speech by means of radio communications." Further, no adequate standard as yet existed whereby it could have readily determined whether Henderson had overstepped the bounds. When told by an irate Dill in a hearing before the Senate Interstate Commerce Committee that the language used on KWKH was "billingsgate," the current FRC Chairman Ira Robinson thoughtfully replied that billingsgate was probably not a violation of the law. Questioned more specifically regarding the use of the words "hell" and "damn" on the air, the core of the criticism, Robinson admitted that he simply was not sure they were in fact outlawed by the 1927 act. He added: "The question is how far can we go in the matter of censorship and still preserve the liberty of the people in their right to freedom of speech."<sup>11</sup>

In the practical realm, the FRC could not fail to recognize KWKH's obvious popularity. A 1930 Radio Digest poll based on ballots mailed in from listeners to the nation's various stations had revealed KWKH to be the "South's Most Popular Radio Station." The metallic cup shaped like a microphone awarded by Radio Digest and the attention Henderson was receiving, even in such establishment periodicals as Nation's Business, symbolized the political problem faced by the FRC. Any move to revoke his license or to call upon the Department of Justice to prosecute the Shreveport broadcaster could result in voter-listeners taking out their displeasure with a Republican-dominated Commission on the party itself in an election year. Even Dill was forced to ruefully admit his criticism of Henderson had quickly produced "a flood of letters and telegrams to me from all over the country on both sides of the question." The cautious Senator felt compelled to state that his remarks regarding KWKH should not be interpreted in any way as a defense of chain stores. The lesson was obvious. Henderson was a "no-win" political issue, and one best avoided by the prudent public official.<sup>12</sup>

The Federal Radio Commission, caught in the middle, chose the mildest of reprimands, the issuance to KWKH of a thirty day probationary license renewal instead of the usual ninety days. The move was sufficient, however, to extract from Henderson a promise of better behavior and less "cussin" in the future. He telegraphed

Congressman John Sandlin of Louisiana, pledging that he would refrain from using "hell" and "damn" in his radio talks though he still did not regard the words as profane in themselves. Dill, attempting to repair some political damage done to himself by the episode claimed to "really have done a service to those who want to permit Mr. Henderson to fight the chain store movement... because if he had not stopped using language violating the law he would undoubtedly be taken off the air." The FRC soon followed with the issuance of a regular license to replace the probationary grant. It appears probable that the Henderson experience played a key role in shaping the standard developed by the FRC and the courts in the very next year, 1931, a standard that determined what constituted profanity on the air.<sup>13</sup>

Meanwhile, Henderson had thrown himself completely into the anti-chain store crusade. He later remembered that during the winter of 1929-1930 "I remained inside one building (at Kennonwood) for 38 days, without going out to the sidewalk, and devoted about 18 hours a day on the fight against the chain stores." He was soon considering the purchase of time on "relay stations" so that listeners in the Northeast and the Northwest, the only areas not satisfactorily reached by KWKH's signal, "can be certain of clear reception." He also transferred the station's ownership from himself individually to a new entity, the Hello World Broadcasting Corporation, though actual control remained, naturally, in his hands alone. The transfer was made, in part, to separate the affairs of KWKH from those of the Iron Works which had fallen upon hard times. By 1930, as a result of the early depression and of Henderson's own negligence, the Iron Works had passed into receivership with a substantial outstanding debt. He blamed the financial setback on disloyal and untrustworthy employees and on the machinations of the chain stores and their allies: "I was cut off from all financial aid from banking institutions, for they have crippled me in every way they could." With the Iron Works in serious trouble but with the station attracting more attention than ever, Henderson as President of Hello World Broadcasting had the opportunity to manipulate the affairs and the revenues of the healthy enterprise to suit the needs of the distressed firm. The opportunity was not wasted.<sup>14</sup>

While Henderson never claimed to have initiated the anti-chain agitation, he did boast that he "hotted it up." In line with that role and with an eye to his clouded business affairs, he moved in early 1930 to

establish a nationwide organization to ostensibly assist him in the chain store struggle. Originally naming it the "Merchant Minute Men" and later the "Modern Minute Men," the membership numbered over 32,000 by September 1, 1930. A dues contribution of \$12 was required with about 60% of the total collected by mail in response to Henderson's constant radio appeals. The remainder represented the work of bonded agents hired by him to travel the countryside soliciting candidates for the organization. The agents worked on commission, keeping \$3 out of each \$12 secured from new members. Auxiliary groups were even formed with women's and youth clubs created. At the height of the operation, KWKH was employing dozens of girls to handle a flood of mail with the money contained in the letters placed in barrels in the office until such time as they were full enough to be hauled to the bank. Some \$350,000 had been collected by the end of the first nine months of 1930.<sup>15</sup>

In October 1930 the first and only national convention of the Merchant Minute Men was held in Shreveport. Henderson sent invitations to each of the 35,000 members of the organization as well as to other selected individuals, especially prominent politicians who might be sympathetic. The invitation was signed simply, "Old Man Henderson." When the first session of the convention was called to order in Shreveport's municipal auditorium, some one thousand delegates from twenty-four states were said to be present.

The public officials in attendance included the Governor of Louisiana, Huey P. Long, who proclaimed that the meeting marked "the beginning of a fight to end a slavery more far-reaching than human slavery that existed before the Civil War." Long denounced chain store operators as "bloated plutocrats" who "grapple at the throats of the people of America." In their final session on October 22, the delegates elected Henderson as president of a renamed "Modern Minute Men," thus effectively broadening the membership beyond small merchants, and called upon the FRC to give KWKH, termed the "mouthpiece of individual thought," power equal to any station in the country as well as undivided time on its clear channel. For Henderson it was a successful meeting though most of the larger newspapers of the state virtually ignored the proceedings.<sup>16</sup>

The MMM effort was not Henderson's only fund-raising venture in 1930. He also established something he titled the "Save Our Roads Club." Again a combination of radio appeals for dues and traveling membership

drummers was utilized. This time dues was set at a more modest one dollar figure, of which fifty cents was retained as a commission by any agent inducing a live prospect to join the body. The villains of the Save Our Roads effort were truck and bus lines, which Henderson somehow connected to his other campaign. Truck and bus operators were vaguely "like the chain stores waiting for the tax payers, after they had the bonds voted and sold, that they are in debt for...and then they come in and destroy our roads and highways, and at the same time they are destroying our railroads." Ironically, despite Henderson's populist rhetoric and his anti-bigness fulminations, the principal backers of the Save Our Roads project seem to have been the railroads. He later admitted that the Missouri-Pacific, the Texas and Pacific, and others had made contributions to the campaign. The total amount collected by the "Club" in this period averaged \$3,000 monthly, not an insignificant figure but considerably less than from the MMM operation. In neither venture was an accounting of the money or its use ever made to the membership, and in all cases the funds were deposited in the name of the Hello World Broadcasting Corporation with Henderson free to use it however and for whatever he wished.<sup>17</sup>

A substantial amount of direct selling for products in which Henderson had a vested financial interest also began to punctuate his nightly monologues on political and economic philosophy. One of the most popular items was Hello World Doggone Coffee, which he lavishly advertised and exorbitantly priced at one dollar per pound when coffee on grocery store shelves cost only a fraction of that figure. The coffee can featured a brown label with red lettering, a picture of Henderson, a facsimile of his signature, and the legend: "Shreveport on the Air--Shreveport Everywhere." The label also bragged that the coffee had been "blended from the highest grades, selected especially for fine drinking qualities, strength and aroma" and was "guaranteed 100% pure by Radio Station KWKH." Henderson would inform the FRC some months later that he paid 46¢ per pound for the coffee which was prepared for him by a Shreveport grocer, and that between February and September of 1930, he sold 48,953 pounds. When questioned from time to time about the high price of the product, the broadcaster had a standard reply: "Any idiot knows a pound of coffee isn't worth a dollar--you're paying for the picture."<sup>18</sup>

Also marketed on KWKH was a biography of the station's favorite philosopher--The Life of W.K. Henderson--



sold at one dollar per copy. The first nine months of 1930 saw almost 5,000 copies purchased by eager fans. From time to time other items were added to the list of products: Hello World Syrup, pecan trees, life insurance, real estate, "lucky" elephants carved from ivory (on which the station received 40% of the cash price of each sale), and even oil wells in Texas.<sup>19</sup> In 1931 Henderson informed his listeners:

Some of my good friends, good oil men, who has (sic) reliable information about this field, have asked old man Henderson if we will get together and form an oil company, and call it the Hello World Oil Syndicate and Development Company. If you want to gamble or take a little chance, I believe we can all make a little money. This station through its announcer and honest old man Henderson will see to it that you can't buy over \$100 worth, and we are going to do the best we can with your money.<sup>20</sup>

Very little local or national advertising of a conventional nature was aired by KWKH. Its "Night School of the Air," as Henderson styled it, was not especially interested in or conducive to ordinary broadcast marketing. He dreamed larger dreams, and his answer to those critics who charged that his aims were not idealistic, but only directed towards helping W. K. Henderson get rich was a crisp, "Suppose I do?"<sup>21</sup>

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As a matter of course, Henderson's burgeoning national reputation was bound to collide with the limitations of KWKH's time-sharing agreement with WWL. The Loyola administration was not altogether surprised therefore when Henderson laid before it a request that WWL relinquish to him almost all its evening hours in order that he might more effectively press his anti-chain store crusade. Henderson's request was swiftly refused. Burk, Abell, and Sullivan had determined that Henderson's "language and methods were...beneath the dignity of a university and of a religious institution." Perhaps equally important, the proposal, when discussed with New Orleans business and social leaders close to the school, met with cold hostility. Henderson's antics had won him no friends among the conservative New Orleans establishment. Abell opposed the overture for an additional reason. The Jesuit felt any time so given up would be lost to WWL forever, and

therefore such a step would be tantamount to a station suicide. As a result he vigorously supported the WWL decision in early 1930 to refuse "in no uncertain terms."<sup>22</sup>

Henderson was not so easily put off. He invited the WWL officials to come to Shreveport and see for themselves the scope of the KWKH operation. Wallace Burk dutifully made the journey in April 1930, but "more in the hope of showing Henderson the unreasonableness of his request...than for any other reason." Burk returned to confirm that the activity at KWKH was indeed hectic with thousands of letters received each day, hundreds of guests visiting the studios in person, and a force of sixty girls employed as office staff. But the WWL decision remain unchanged. In the face of this refusal, Henderson turned to threats. He was through asking for what he regarded as "a reasonable favor," and as he warned in an interview with the University president: "Since Loyola won't give me the time, I'll take it away from you." Sullivan at that point returned ultimatum for ultimatum, promising Henderson that if KWKH filed with the FRC for full-time on the channel and lost its fight, Loyola would immediately itself apply for full-time to drive the Shreveport station off the frequency and, the Jesuit predicted, WWL would win that fight. The second round of the Clear Channel War was about to begin.<sup>23</sup>

True to his word, Henderson promptly asked the Federal Radio Commission for permission to operate full-time on 850 kc., and to install a new 30 kw. transmitter, thus tripling his power. Shrewdly, Henderson determined to base part of his case on supposed technical deficiencies existing in the WWL operation. On June 10, in response to a request from the FRC for an "immediate investigation" of the WWL equipment, Theodore Deiler had filed an evaluation with the Radio Division in Washington. Deiler reported that while the station's programs were "very mediocre," the apparatus was "a very neatly constructed and installed composite installation." He still disapproved of the transmitter being located in a residential section of the city, but readily admitted that overall WWL was being "run in a very high class manner."<sup>24</sup>

The Deiler report fell far short of Henderson's expectations. The Shreveport firebrand was certain that serious deficiencies existed in WWL's technical performance, and an objective investigation would bring them out. He immediately renewed his request for such

a check but this time he pressed "that some other supervisor make a careful inspection of the equipment of the Loyola station, together with the power they are now using." The implication was more than clear. Henderson was charging that the relations between Deiler's New Orleans field office of the Radio Division and the University were much too close for complete objectivity to be maintained. Abell consistently denied any favoritism existed and, ironically, claimed the reverse: "As a matter of fact, we have never considered Mr. Deiler as particularly well disposed towards our station." In the face of the Henderson insinuations, W. D. Terrell, Radio Division Chief, felt no alternative but to call for a new inspection of WWL and to ask the Atlanta office, rather than Deiler's New Orleans office, to carry it out. It was to prove a contentious step.<sup>25</sup>

Henderson's decision to focus upon WWL technical problems was astute. Even Abell admitted they did exist. He had recently installed an improved modulation system, but the required adjustments were delicate and "a considerable amount of experimenting had to be done." As a result, Abell acknowledged, "WWL frequently broadcast on a power considerably below five kilowatts." To Abell's consternation, however, the Atlanta inspectors did not wait until after he had corrected the situation to make their visit. Instead they arrived unannounced on the evening of July 13, and the station was scarcely prepared for their coming.<sup>26</sup>

The visitors were Atlanta Supervisor of Radio, Walter F. Van Nostrand, Jr., and his assistant. When they entered the WWL transmitter room, they found a young temporary employee, L. D. Freret, in his first week at the station, on duty at the controls. Abell was in the adjoining studio as the on-the-air talent at that moment. Freret's vague answers to the difficult questions directed at him by the Radio Division officials, a quick examination of the equipment, and a determination that the station was broadcasting that evening with power of slightly over one kilowatt, far below its authorized strength, had done the damage before Abell was able to break away from the program in progress and intervene. Abell's hurried explanations of the low power and general condition of the transmitter failed to impress Van Nostrand. The inspection was over in less than an hour, and the written report that followed reflected the disastrous experience.<sup>27</sup>

On July 17 the team from Atlanta filed their evaluation of the WWL situation. It was a scathing

document. They concluded the transmitter was "very crude in construction," and even more dramatically, termed it "a death trap." They noted with alarm that "none of the equipment is screened or shielded, wire carrying high voltage all over the room without any protection, and some of the panel meters are 'hot,' rendering the equipment exceedingly dangerous to anyone who enters the room." Van Nostrand recognized, of course, the disparity between his own report and that filed a month earlier by Deiler, and he had an explanation for the variance--gross favoritism. In a separate "additional report" written the following day, he criticized severely the "very close connection" between Loyola and Deiler's office, a situation supposedly compounded by the fact that both Deiler and du Treil held Master's degrees in science from the University. Van Nostrand charged further that "Deiler's action in knowingly permitting Mr. du Treil to maintain such close contact with this institution and build equipment for its radio station constitutes gross misfeasance of office." Even the physical state of Deiler's own offices were called to account by Van Nostrand who, after a visit to them, denounced the premises as "in a filthy and uninviting condition" and as a "disgrace to the service."<sup>28</sup>

Despite the damning nature of the report, a copy did not reach the hands of the WWL management until early September, almost two months after it had been submitted by Van Nostrand. Only when Charles F. Dolle, the station's Washington counsel, secured a copy and forwarded it to Father Sullivan in New Orleans did the extent of the indictments finally become clear.

Sullivan reacted bitterly, as was to be expected. He denounced the Van Nostrand report as containing numerous "inaccuracies" and "unjust and absurd comments," and he accused the Atlanta Radio Supervisor of having "been actuated by an ulterior motive." The Jesuit did not elaborate on what the unspecified motive might have been. Moreover, Sullivan called on Deiler to refute the unfounded charges against WWL. This Deiler was fully prepared to do for his own competence was in question. In a September 13 letter to Washington, Deiler admitted the Loyola station had been operating on low power at the time of the Van Nostrand visit, but he claimed the cause was "a defective radio frequency choke, which was replaced a few days after the inspection." He further defended the WWL facilities arguing that the composite transmitter would compare "favorably with some factory built equipments," and he denied vigorously there was

any real shock danger. According to Deiler, in order to contact any high voltage, one would have to stand on a chair and reach behind the panels, an unlikely procedure for the casual observer. Deiler made no reference, however, to Van Nostrand's "additional report" dealing with the conduct of the Radio Division's New Orleans office. It is likely that Deiler had not even been made aware of its existence yet.<sup>29</sup>

Matters stood thus when an FRC Hearing Examiner, Elmer W. Pratt, called the parties together on September 22 in Washington for a presentation of evidence and testimony on the KWKH full-time application. The hearings lacked the "spectacular display," as one newspaper phrased it, of the KVOO proceedings the previous year, but the stakes for WWL were just as high. Representing the station again was Charles Dolle, as he had in 1929, and traveling to Washington to testify once more were Burk and Abell. Henderson, as usual, was the center of the show, and all of the first day's session was taken up with the direct testimony and the cross-examination of the Shreveport broadcaster.

He concentrated upon two lines of argument. First, he contended that WWL was "inadequately equipped and managed to be permitted to continue use of one of the forty cleared channels of the nation." To support this conclusion, he relied heavily upon the Van Nostrand report. Rather than a clear channel serving a national audience, WWL was instead, according to Henderson, a "local" station only with a signal limited to short distances. He offered to let it share time with a small Shreveport station he had just acquired a few months before, KWEA. That station had been the property of William E. Antony (hence the call letters KWEA), one of the earliest Louisiana broadcasters and in 1930 KWKH's chief engineer. The license was transferred to Hello World Broadcasting Corporation in March when the station was operating on a frequency of 1210 kc. with the tiny power of 100 watts. Henderson seems to have picked up the station in part as a favor to Antony and partly with a view to eventually moving its location to Baton Rouge, at that time a city without any broadcasting of its own. Secondly, Henderson claimed the clear channel should be his alone because "the people want me to have it." He argued that the added power and time were necessary to carry on his essential educational campaigns against the various evils threatening the nation.<sup>30</sup>

The Times-Picayune, no friend to Henderson, decided that he had not made a favorable impression as a witness. The newspaper pointed specifically to numerous "evasions and his flippant answers" while testifying. Abell himself referred to Dolle's cross-examination as "masterly," and certainly it must have been an uncomfortable afternoon for the witness. Dolle was able to bring out the fact that some \$151,800 of the funds collected by the various KWKH campaigns had apparently been used to pay off the overdue debt of the Iron Works, rather than for the purpose for which they had been contributed originally. He was also able to show that Henderson had only the haziest ideas as to his station's expenses, overhead, and profits.<sup>31</sup>

On the following day both Burk and Abell testified. The former praised WWL for its use of local talent and for its general avoidance of recordings in its musical programs, neither policy being hallmarks of KWKH's schedule. Burk also noted that "only an insignificant portion of the total time" of WWL was devoted to Catholic subjects, a peripheral matter not really raised in any substantial way as yet by Henderson, and then in a surprising concession, stated that the University stood ready to drop all Catholic-oriented shows from its programming "if the Radio Commission believes the time can be used otherwise to greater advantage, or if there is objection to it from any substantial portion of the public." Earlier, Burk, in an obvious reference to Henderson, denounced "the use of a broadcasting station to array one group of the population against another and to broadcast propaganda material almost exclusively."<sup>32</sup>

Abell's role in the WWL case was to refute as much as possible the evidence contained in the Van Nostrand report. He exhibited blueprints and photographs, cited an approval of the WWL transmitter room by the New Orleans city electrician, and called Van Nostrand's judgment "a gratuitous assumption made after an inadequate inspection." The Atlanta inspector himself, Abell described as "not very well qualified or very familiar with the regulations that he is supposed to enforce." The Times-Picayune, at least, was impressed by Abell's performance, concluding that he had "picked to pieces" the adverse report.<sup>33</sup>

The two days of hearings left unresolved a key issue--the quality of WWL's technical performance. Conflicting evidence had been presented, and some resolution of the question was required before Examiner

Pratt could issue his recommendation to the Commission. Understandably, therefore, a third opinion was sought and another inspection ordered. This time the task was placed in the hands of two other Radio Division staff members, Arthur Batcheller and William J. McDonell. They visited the WWL facilities in early November and submitted their report to Washington the same month. Essentially, in a victory for Abell, they upheld Deiler's original evaluation.

Batcheller and McDonell, unconnected to either the New Orleans or the Atlanta Radio Division offices, found that while "the transmitter proper and wiring are not as neatly installed" as might be desired, the situation did not prevent the apparatus from functioning properly. Regarding the electrical shock threat raised by Van Nostrand, they determined "this equipment is dangerous only in the sense that all high voltage equipment is dangerous to those who enter the room." The new report added: "Persons not having business to transact in the transmitting room are excluded from it," and commented approvingly on "a sign posted on top of the filter bank bearing the inscription 'THINK, 10,000 VOLTS!'" In a separate report Batcheller and McDonell exonerated Deiler of any wrong-doing, declaring that he was "administering the duties of his office in accordance with the general policies of the Radio Division."<sup>34</sup>

The new findings were a body blow to the KWKH case. The only argument of substance which Henderson had put forward in support of his application for full-time was the alleged technical deficiencies existing at WWL. With that position now largely eroded, the weight of the decision shifted to Henderson's own conduct as a broadcaster, hardly the ground upon which he wished the matter settled. Therefore, the recommendation of the Examiner, issued on January 20, 1931, should not have been unexpected. What might have shocked him, however, was the harsh tone of Pratt's opinion. Pratt detailed Henderson's method of operation, agreed that the broadcaster was "an interesting radio personality," and then sliced him to ribbons. Henderson, according to the Examiner, was guilty of using "derisive and abusive language," and of contravening, at least in spirit, the sections of the Radio Act of 1927 dealing with proper on-the-air behavior. Most damning of all, Pratt stated that there was indeed "strong indication that Station KWKH is being used by an ingenious man for the purpose of soliciting funds for his personal aggrandizement and the settlement of his personal obligations." Pratt recommended to the Commission a denial of KWKH's

applications for both full-time and the increase in power as not in the public interest.<sup>35</sup>

Henderson's reaction to the Examiner's findings was predictable. In order to sway the Commission to reverse Pratt's verdict, he employed a mixture of public appeals and threats of unilateral action as well as the conventional legal steps, filing exceptions to the Examiner's report and requesting an opportunity to present an oral argument before the FRC members. On the very day the report was made public, Henderson signed a four page blast at the federal government's regulation of broadcasting. Addressed to several members of the United States Senate and inserted into the Congressional Record by Senator Tom Connally of Texas, the letter was an open challenge to Washington.<sup>36</sup>

It began with a denunciation of the "electrical and radio monopoly" and a charge that this combination was being "specially favored by the Radio Commission." Proceeding to describe KWKH as "the only medium of publicity, with reach and spread, that can be relied on and used to combat the present destructive system of monopoly," it pictured a vast conspiracy being organized against the Shreveport station "to limit to the minimum the scope of publicity" available to it. Henderson then quickly shifted to the well-trampled ground of states' rights and portrayed himself as the defender of the true construction of the Constitution. He saw himself in heroic terms: "If the Constitutional right of the National Government to foster and protect monopolistic tyranny can only be resisted and met by offering myself as a burning sacrifice on the altar of liberty and an untrammelled medium of communication, then I say to all enemies of Constitutional Government and the Shylock of the jingling guineas--Come and get me." He proclaimed that the question must be tested, and that he knew no better way to do so "than to disregard the allocation of time and power granted the State of Louisiana."<sup>37</sup>

Henderson's reference to the State of Louisiana was significant. He was depending upon support from the now increasingly famous Senator-elect and Governor of the Pelican State, Huey Long. In a broadcast of January 26, Henderson described Long as being "of the uncompromising conviction that the State of Louisiana cannot...be deprived of the control of the air within the borders of Louisiana." To Theodore Deiler, that support appeared to mean more than simple legal assistance. Deiler warned the Radio Division in Washington that Henderson was boasting the State Militia would be



used to protect KWKH against federal action. Whether Long ever, in fact, offered the use of the militia for such a purpose is highly doubtful. No evidence other than Henderson's post-Pratt fulminations exists for the offer. Indeed, as will be shown shortly, Long may actually have been in the process of abandoning the alliance with the fiery broadcaster and instead drawing much closer to WWL, the other antagonist in the clear channel struggle. A break between Long and Henderson was not far in the future.<sup>38</sup>

Despite his bluster, as the days passed Henderson made no actual move to violate KWKH's time or power limitations. As Deiler informed Washington, with no indication of license violations having taken place, it was becoming apparent that Henderson had "no intention of carrying out this plan at the present time." This conclusion was confirmed by information from one of Deiler's assistants, Louis McCabe. In mid-February, McCabe spoke to both Henderson and his lawyer, and the station owner had not only promised to abide by the rules but had also been "courteous and cooperative." It seems clear, therefore, that Henderson's first outbursts after the publication of the Pratt report had been largely for public effect, probably to divert attention away from the damaging personal evidence contained in the document. In addition, he now faced a serious threat to his very continuance on the channel. In keeping with Father Sullivan's original threat and taking its cue from Pratt's searing indictment of Henderson's conduct, Loyola had filed an application of its own, requesting unlimited time on the frequency as well as an increase in power to 10,000 watts. Henderson would, for a time, become the courteous Southern gentleman.<sup>39</sup>

The original application of Hello World Broadcasting was now referred back to the hearing docket and consolidated with the new WWL application. A hearing date of June 11 was set, and again Elmer W. Pratt would serve as the examiner. Once more Abell and Burk traveled to Washington, this time accompanied by Father Hynes, who succeeded Sullivan to the University Presidency in March. Dolle represented Loyola as counsel, as he had in the 1929 and 1930 proceedings. Since the September hearings had explored the merits of KWKH's case extensively enough, those findings were simply made a part of the new record and the concentration in June 1931 was upon presentation of evidence dealing with WWL.<sup>40</sup>

The WWL officials came armed with resolutions from various New Orleans civic groups endorsing the station's application for full time and enhanced power. The Chamber of Commerce, Board of Trade, and the City Council, among others, supported the request. Financial information was also submitted to prove the station could bear the expense of the higher-powered transmitter. As to programming, Burk testified that preliminary talks had already been held with NBC looking towards WWL becoming a second New Orleans affiliate of that organization. With NBC operating both a Red and Blue network since 1927, the plan was distinctly feasible. However, as Burk admitted ruefully: "They did not think they could hook up with us as a half-time station." The line of argument was clear, unlimited time for WWL would mean more national programs for the city and for the larger area of nighttime coverage.<sup>41</sup>

The discussion of a network link also left an opening for Henderson, and in a pre-hearing affidavit, he pounced upon it. He accurately pointed out that KWKH was the only independent station of ten kilowatts or more on a clear channel in the nation. He then gravely warned that if WWL was granted undivided use of the 850 kc. channel, and that station went ahead with plans for an NBC connection, the result would be "completing the chain broadcasting monopoly to one hundred percent and reducing independent thought and opportunity of education of the people to zero except as a few local stations might broadcast." Henderson raised another significant issue--the nature of Loyola's relation to its broadcasting station. He charged that the University could not have it both ways. It could not portray itself as an educational institution operating a station as a part of its instructional mission while at the same time conducting the affairs of WWL in the same manner as that of any other fully commercial broadcast licensee in the country. He offered statistics attempting to prove that the amount of religious and educational programming carried on KWKH far exceeded that on the University-owned station. Indeed, Henderson placed the "educational" figures for his operation at 42.1% of the total program time while that for WWL at only 10%. Needless to say, there was a question of defining what could legitimately be termed educational. Henderson's figures were delightfully soft in that respect. Nevertheless, he had raised an issue that would haunt WWL again and again over the next quarter century in controversies ranging from the granting of federal income tax exemptions to the awarding of television franchises.<sup>42</sup>

Despite the Henderson arguments, the June 1931 hearings lacked the fireworks of either the KVOO contest of two years before or of the first KWKH-WWL encounter of 1930. Elmer Pratt's second report, made public September 12, represented no substantial victory for either side. The denials of KWKH's twin applications, originally published in January, were continued, as expected. Loyola fared somewhat better. Pratt concluded that the power increase would "promote the economical and efficient use of radio facilities by improving and increasing service on that channel," and Loyola was "financially able properly to construct, maintain, and operate the proposed new transmitter." Taking cognizance of the earlier heat generated over the technical issue, he acknowledged that the present WWL transmitter was "faulty in construction," but he agreed that the proposed new equipment would conform "to modern engineering standards." Not so pleasant news was Pratt's other judgment. He determined that New Orleans already had "an abundance of radio service from a number of stations, and there is not a sufficient showing of a need for more time for WWL to warrant a finding that public interest, convenience or necessity would be served by the granting of the increase in hours of operating requested." He added that there had been an insufficient showing by WWL "of proposed programs or availability of talent" to warrant full-time. The New Orleans station had gotten but half a loaf.<sup>43</sup>

If the WWL management was disappointed in the Examiner's report, their spirits were buoyed by its immediate aftermath. Al Foster, the station's newly hired and aggressive Sales Manager, took the lead. Calling Henderson directly, he invited the Shreveport man to a conference in New Orleans; the subject matter was a new time division. Meeting with Henderson at the Monteleone Hotel were Foster and Captain Pritchard. Their aim was to convince KWKH's owner to turn over to WWL virtually all of the daylight broadcast hours in return for a slight increase in evening time. Foster and Pritchard reasoned correctly that Henderson's ego was massaged sufficiently only by his nighttime national audiences, and that the reduced coverage available during the day bored him. They well remembered his remarks in the 1930 hearings: "I don't fool with it in the daytime. I probably get up in the morning early when they are on the air and say to the housewives, 'Please don't go to the chain stores. This is old man Henderson talking.' And I am through with it then until late in the evening." On the other hand, Foster sensed the enormous commercial potential in those same

daylight hours for a station willing to launch an energetic selling campaign. The exchange, therefore, seemed desirable. When the conference broke up in the late afternoon of September 14, Foster had a Henderson signature on a new time-sharing agreement. Delighted with his accomplishment, he rushed uptown to the University to secure Hynes' acceptance as well. When the Jesuit hesitated and asked, "Are you sure this is a good deal?", Foster replied, "Absolutely!" Abell agreed. He termed the agreement the foundation of WWL's later commercial success.<sup>44</sup>

Under the old division, the Loyola station had broadcast 57 hours weekly, of which some 22 were classified as evening. The new plan allotted WWL almost 85 hours weekly, a nearly 50% programming increase, while only slightly reducing the nighttime hours from 22 to 17. The agreement called for KWKH to be on the air from 6:00 A.M. until 8:00 A.M. each morning except Sundays, and each evening from 8:30 P.M. until midnight (7:45 P.M. until midnight on Sundays). Meanwhile, WWL would have unbroken control of the entire period from 8:00 A.M. until 8:30 P.M. six days per week, and from 10:00 A.M. until 7:45 P.M. on Sundays. The solid blocks of time offered enormous opportunities for a shrewd and dynamic Sales Manager, and Al Foster was well qualified to recognize and to take advantage of the possibilities. The time-sharing contract was to be in force for a minimum of one year, and could be renewed.<sup>45</sup>

While the agreement still did not make a network affiliation possible, it did pave the way for a more profitable operation as an independent. Moreover, it lessened considerably the disappointment with the FRC's long-awaited decision in the clear channel case. That ruling was handed down on December 4, 1931. It contained few surprises, as the Commission upheld Examiner Pratt on each point at issue. Repeating nearly verbatim every critical comment on the KWKH operation made by Pratt, it forcefully rejected that station's now hopeless applications. Yet at the same time, while approving a power increase, it did not grant WWL's petition for unlimited time, arguing, as did the Examiner, that the New Orleans broadcasters had "failed to show that sufficient program material is available to insure the successful full time operation." Hidden between the lines of the decision was the implication that if WWL bolstered its proposal in the programming area, the FRC might well look with favor on another application. It was plain that Henderson had little to hope for from another journey to Washington,

and that he had been fortunate to retain his license at all.<sup>46</sup>

One might indeed question why, in view of the evidence, the Commission had not already taken such a step. Part of the explanation, perhaps, lay in the fact that the evidence itself may not have seemed entirely conclusive. Henderson, in effect, was being given the benefit of the doubt. Not to be overlooked also were the obvious political considerations involved in revoking the license of as popular a broadcaster as the Shreveport radio maverick. The regulation of broadcasting has always been, in the words of a recent study of the subject, an "intensely political process," and the FRC particularly, according to one observer, "operated on a level only slightly above that of the old-fashioned ward heelers."<sup>47</sup>

Just as important, however, was the vulnerable legal and constitutional position of the Commission in these years. The Radio Act of 1927 had been "a far more daring legal experiment than generally has been recognized." Passed in an era when governmental regulation of economic enterprise was hardly in high favor, the FRC's authority was constantly being challenged in the courts. During the seven years of its existence, federal judges decided some sixty controversies involving the FRC, two-thirds of them touching upon the agency's basic power to regulate broadcasting at all. An especially debatable issue was the right of the Commission to revoke existing licenses because of the past performances of licensees. Not until appeals by the owners of stations in Kansas and California were denied by the Court of Appeals for the District of Columbia in 1931 and 1932, was it a settled point of law that an FRC refusal to renew a license did not deny an owner his First Amendment rights of free speech. Thus at the time the KWKH-WWL struggle was taking shape, the FRC had yet to firmly prove itself in the courts. The Commissioners were still slow to use the ultimate power of withdrawing broadcast permits.<sup>48</sup>

As for the two Louisiana stations, the September 1931 time-sharing agreement marked a cessation of hostilities. But the period that followed was to be only a truce, not a final peace; more rounds in the Clear Channel War were yet to be fought. In the meantime WWL's management would be concentrating upon preparations for ten kilowatt operations, preparations that once again would involve a shift to new quarters.



## THE ACHE AND PILL STATION OF THE NATION

The decision to expand WWL operations in 1932 contained equal measures of vision, courage, and foolhardiness. The nation was then mired in a deepening depression and economic statistics were dismal. The New York Times' "Weekly Index of Business Activity," which had stood at 114.8 in June 1929, plummeted to a low of 63.7 by early 1933, and the number of unemployed in the land ranged upwards of fifteen million. One writer said of the depression: "It was like a raw wind; the very houses we lived in seemed to be shrinking, hopeless of real comfort."<sup>1</sup>

The times offered no brighter prospects in Louisiana. Like most states of the Deep South, Louisiana had not shared significantly in the business prosperity of the 1920's, and the depression only aggravated an already distressed condition. Per capita income was slashed from a poor 1929 figure of \$415 to a disastrous \$239 in 1932. Louisiana farmers who had received just \$170 million for their crops in 1929, were forced to settle for only \$59 million in 1932. And the New Orleans experience was little better.<sup>2</sup>

At first the city fathers assumed an optimistic stance, bravely claiming that the business depression had less impact on the South than on any other section. But by mid-1930, the signs of trouble were unmistakable. Letters to the editor began to frequently appear in the daily newspapers commenting upon the unemployment problem, sometimes offering crank solutions. In December 1930 Mayor T. Semmes Walmsley put forward his own solution--an orange selling campaign. For just \$2.70 a box, "carefully selected needy persons" would be allowed to purchase oranges which they in turn were permitted to peddle on busy corners for whatever profit they could earn. Within the month over 250 vendors were in business on New Orleans' streets.<sup>3</sup>

Stronger action was obviously necessary. Retail sales in the city by 1933 had eroded to 62% of their 1928 level and spendable income in 1932 declined by almost 60% from four years before. Unemployment was above the national rate and the average wages of factory workers who still retained their jobs were calculated at less than an "emergency budget" for a family of four. In early 1931 the Mayor formed the New Orleans Welfare Committee, a body whose purpose was the provision of relief and the finding of work for the unemployed. By the summer of 1932 the Committee was providing part-time employment for some two thousand jobless men. The work consisted principally of grading streets, mowing lawns, and collecting rubbish. The make-work projects were invariably inadequate in the face of the massive problem, as the depression in New Orleans was "sharper and more severe" than in other major Southern cities and in the nation as a whole.<sup>4</sup>

Broadcasting, however, suffered less dislocation than other American industries as the audience for its product continued to swell. The number of radio sets in use in the United States in the depression year of 1932 reached eighteen million, twice the figure of just four years before. The hard times did stabilize the number of stations in the nation with only 604 active licenses in 1932, a slight decrease from each of the two preceding years but a sharp drop from the 1927 high of 681. The major impediment to the investment of new capital, in short supply already in view of the prostrate condition of the overall economy, was the high threshold of entry into an industry characterized by its technological nature.<sup>5</sup>

For a five kilowatt station in 1931, invested capital averaged nearly \$170,000 and equipment alone \$80,000. Annual maintenance costs, including salaries and replacement parts, represented an additional burden of some \$20,000. An increase in power to ten kilowatts, such as WWL was about to undertake in 1932, meant even higher dollar amounts. Further, there was no guarantee of profits if the necessary investment was made. A 1932 Federal Radio Commission survey revealed that over one-third of the country's stations reported losses rather than profits in their operations. Significantly, the loss rate was nearly 40% for stations using five kilowatts or more of transmitter power. For the industry as a whole, gross receipts declined during the first four years of the decade, reflecting the general state of the economy, but by 1934 a turnaround was at last experienced.<sup>6</sup>



With the public's continued purchasing of receiving sets, with broadcasting usurping a mounting share of the advertising revenues formerly enjoyed by the print media, and with the Federal Communications Commission, established as the FRC's successor in 1934, forcing new license applicants to prove that a particular market could indeed support an additional station without rendering economic damage to existing licensees (thus effectively discouraging many new entrants), the later depression years brought smiles to the faces of industry accountants. The broadcasters' rate of return on investment rose from 11% in 1934 to 23% by 1939. Thus if a station owner could survive the setbacks of the early 1930's, better days would soon be on the way. The result was a substantial reward for owners with grit and vision. The decision-makers at WWL fell into both categories.<sup>7</sup>

The Loyola station's own figures for 1931 showed a slight profit of \$463 for the year, and billings reached \$24,200. Much of the overall sales gain was the result of the persistent efforts of the new sales manager, Al Foster, who tramped Canal Street from end to end, calling upon every possible business prospect. One of his earliest successes was a \$1,500 contract with the Krauss department store, not only WWL's largest to that date but also an effective wedge in convincing other concerns to sign as well.<sup>8</sup>

Without a chain connection, however, WWL remained a struggling independent, inevitably destined to an also-ran position behind the local network affiliates. In early 1932 Price, Waterhouse & Co. carried out a CBS-ordered nation-wide "audit" to determine relative station popularity in every major market. The firm of public accountants mailed questionnaires to names chosen at random from the phonebooks of seventy-two cities. Each questionnaire asked the respondent for the call letters of the stations to which he regularly listened. Price, Waterhouse termed the results "the only adequate measure of station preference." For New Orleans, the single Louisiana city surveyed, the data was not surprising. WSMB led the field as 86.1% of the replies listed that NBC affiliate as regularly heard. Close behind was the CBS station, Uhalt's WDSU, with a mark of 82.5%, but the gap between the two leaders and their remaining competitors was staggering. WWL held third place, but its 23% was unimpressive in the light of the WSMB and WDSU figures. Even weaker were the showings of WJBO (18.2%), WABZ (4.8%), and WJBW (1.9%). The Price, Waterhouse audit did not measure, of course, WWL's non-local coverage. Its five kilowatt signal

and clear channel guaranteed it a rural, evening audience that other weaker-powered New Orleans stations, including the network affiliates, could not reach. Yet for local sponsors, the New Orleans market alone was significant, and therefore the independents faced a difficult path to survival, much less any substantial success.<sup>9</sup>

The WWL planners had no taste for the hazardous road of the independent. Discussions with NBC, as described earlier, had already begun, and only the shared-time status with KWKH seemingly prevented a satisfactory conclusion of the arrangements. Recognizing that clear fact, the New Orleans management was continuing to press the struggle with Henderson for complete control of the Louisiana clear channel. As Abell candidly admitted: "Full-time meant a good chain contract, and a chain contract meant a quick road to better programs, a better class of business and large financial returns." Both Abell and Burk regarded such a contract as inevitable, especially in view of the station's newly authorized ten kilowatt strength, and they soberly predicted that the operation could eventually produce an annual net income to the University of \$100,000 or more. They were especially vehement in their opposition to the periodic suggestion, made both by outsiders and by members of the Loyola community itself, that the station be sold for whatever immediate price it might bring. Abell particularly deplored the fact that too many voices in the University "woefully undervalued the possibilities of WWL as a money-maker." He did not.<sup>10</sup>

In the meantime, as an independent, WWL would garner all the business, both local and national, that it could in order to earn acceptable profits. In this regard, the rates it charged national advertisers had increased substantially since the first published figures in 1929. In fact, they had basically doubled and become more complex. National advertising rates for WWL time, as of October 1, 1931, stood at the following:<sup>11</sup>

(6:00 p.m. to 8:30 p.m.)

	<u>1 time</u>	<u>13 times</u>	<u>26 times</u>	<u>39 times</u>	<u>52 times</u>
1 hour	\$300.00	\$285.00	\$270.00	\$255.00	\$240.00
1/2 hour	180.00	171.00	162.00	153.00	144.00
1/4 hour	108.00	102.60	97.20	91.80	86.40

(5:00 p.m. to 6:00 p.m.)

1 hour	210.00	199.50	189.00	178.50	168.00
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1/2 hour	126.00	119.70	113.40	107.10	100.80
1/4 hour	75.60	71.82	68.04	64.26	60.48

(8:00 a.m. to 5:00 p.m.)

1 hour	180.00	171.50	162.00	153.00	144.00
1/2 hour	108.00	102.60	97.20	91.80	86.40
1/4 hour	64.80	61.56	58.32	55.08	51.84

A new category of "Announcements" was also added and described as one hundred words to the minute with a minimum of one minute and a maximum of five. For these a separate set of rates were published:<sup>12</sup>

Night Rates

	<u>1 time</u>	<u>13 times</u>	<u>26 times</u>	<u>39 times</u>	<u>52 times</u>
5 minutes	\$35.00	\$33.25	\$31.50	\$29.75	\$28.00
3 minutes	25.00	23.75	22.50	21.25	20.00
1 minute	15.00	14.25	13.50	12.75	12.00

Day Rates

5 minutes	21.00	19.95	18.90	17.85	16.80
3 minutes	15.00	14.25	13.50	12.75	12.00
1 minute	9.00	8.55	8.10	7.65	7.20

These rates were somewhat higher than those charged national advertisers by WWL's major New Orleans competition. The disparity reflected the Loyola station's greater coverage, especially in the evening hours. WDSU was still operating with one kilowatt of power while WSMB yet retained its original 500 watts, and neither were broadcasting on a cleared channel. But in the hands of the aggressive Al Foster, rate cards meant little. Foster was more than willing to "go off the card" and make whatever bargain he could with a prospective sponsor.<sup>13</sup>

In doing so, Foster was following practices that had become endemic in the industry. Small independents, faced with dimming financial prospects in the depths of the depression, were especially willing to accept accounts at virtually whatever figures sponsors might dictate. The economic strain also prompted station managers to agree to carry advertising of doubtful quality and honesty. Patent medicines were thus given a new lease on life in the early 1930's. Reputable newspapers and magazines throughout the nation had ceased to carry such dubious copy, but hard-pressed broadcasters preferred to choose survival over high

standards. In 1929 the National Association of Broadcasters issued its first important statement on radio advertising. The pronouncement included a promise to refuse "fraudulent, deceptive, or obscene" copy and a pledge to exercise "great caution in accepting any advertising matter regarding products or services which may be injurious to health." Nevertheless, in an era when few broadcasters belonged to the Association, the NAB's power to influence industry actions was slight. Not until after the establishment of the Federal Communications Commission in 1934 and a crack-down by that agency, were the stations pressed to tighten their sales policies. It may also be noted that the belated clean-up campaign was simultaneous with a generally brightening profit picture in the industry, thereby allowing a fresh devotion to the public interest to work no damage to the income potential of radio properties.<sup>14</sup>

Another form of questionable practice introduced in these years was payment by accounts "per inquiry" or "P.I.," as it was termed. Under this system the station was compensated on the basis of the number of inquiries it received as a result of broadcasting the advertiser's appeal, rather than at its usual time card rates. In a typical situation, a station might be paid fifteen cents for each request for a product sample resulting from the airing of an announcement or a sponsored program. In this way the broadcaster's ordinary charges for time were completely nullified, and he found himself selling access to his facilities not on the basis of the real worth of that access, but instead on the basis of a fluctuating measure of value over which he could exercise only partial control at best. Further, the type of product usually offered in this mode served only to bring it to added disrepute.<sup>15</sup>

The fruits of Al Foster's diligence as WWL sales manager were the acquisition of a substantial number of these patent medicine and P.I. accounts, many of them associated with country music performers, who were dubbed in the idiom of the time, "hillbillies." The volume of such accounts rose sharply after the inauguration of the ten kilowatt transmitter in 1932, with the result that WWL was soon scornfully labeled by its competitors "the ache and pill station of the nation."

Standard practice, in the words of one WWL employee of the period, was to "promote the hell out of the P.I. items," particularly if the mail response, by which the station's fee would be determined, was

slow in coming. The product would be pushed throughout the day, and especially on the evening hillbilly music programs that were most effective in reaching the large and distant rural audience. The Loyola authorities were more than a little discomfited by the direction programming and advertising on the station had taken, and from time to time Father Hynes, the University's President, expressed himself on the subject to Pritchard. The latter recalled that Hynes often complained of "too much of this patent medicine business" and of the country music format. Pritchard's continuing rejoinder was to point to the rising income figures of the broadcasting operation and to explain that "people who buy patent medicines only want to listen to hillbillies." Hynes would leave less than satisfied but reluctantly acquiescent.<sup>16</sup>

The nature of the patent medicine, P.I. commercials carried can be seen in the following two samples from WWL advertising copy of the early 1930's:

If you are one of the many folks bothered with disagreeable colds all the time, the kind that go from one right to another, and cheat you out of a lot of fun, make a resolution that you are goin' to do somethin' that may make your life happier, more enjoyable-- that you're goin' to give Peruna a chance just to see if it won't help you, as so many others say it has helped them to spend entire winters free from bad colds. You see, Peruna is a tonic that helps build up cold-fightin', cold-chasin' resistance so you may dodge bad colds. If you have a cold now, take Peruna to help build up your cold-chasin' resistance so it may not only knock out the torture of your present cold, but also try to keep free from bad ones in the future. Your druggist can supply you with a large sized bottle. Your money back if you're not satisfied with the results. If you'd like, a generous sample bottle of Peruna will be sent to you absolutely free. Just send your name and address to Peruna, care of WWL. Give the Peruna way a chance to knock out the torture of colds and to help you stay free from bad colds the rest of the winter. Think of it. You can get all this simply by sending in a penny postcard to Peruna. So be sure and send for yours today.<sup>17</sup>

Friends, if you are suffering from stomach trouble, due to excess acid, I want you to have Willard's Message of Relief. This vital message explains the marvelous Willard Treatment, for heartburn, poor digestion, poor appetite, acid dyspepsia, gassiness and stomach ulcers that are due to or persist because of excess acid. If such stomach trouble results in headaches or loss of sleep; if you are unable to eat the foods you need, because you're afraid of the pain and misery they may cause; if these conditions interfere with your work, and perhaps with your earning power, then you owe it to yourself and to your family, to get this helpful message and find out about the remarkable Willard Treatment. This unique formula has brought definite relief to stomach sufferers all over the United States. Well, no matter how long you have suffered or what you may have tried in the past, remember this...you must get relief, you must get satisfactory relief, or the Willard Treatment won't cost you one penny. Be sure to read the money-back agreement. Friends, you have everything to gain, and nothing to lose, so if you suffer from stomach trouble, due to excess acid, I urge you to get Willard's Message at once, and read it over in the quiet of your own home. I will be glad to send it to you, without cost, without obligation. Simply drop me a postal card or letter asking for Willard's Message, and this valuable booklet will be sent to you, free, through the mail. Remember the address--Willard's Messenger, in care of WWL, New Orleans.<sup>18</sup>

Whether the product was Peruna, the Willard Treatment, or Grove's Tasteless Chill Tonic, as well as many others, the image of the station underwent a considerable change. Programming dominated by amateur performers and salon music had, in the space of less than two years, given way to a rural and regional orientation in both advertising and entertainment. By 1934 WWL's logs were populated by Lou Childre and Wiley Walker, country singers who billed themselves as the Crazy Water Crystal Boys; Jerry Behrens, the Yodeling Guitarist; Tex Cole and his Drifting Cowboys; the Four Crazy Hickory Nuts; J. E. Mauney and his Caroline Ramblers; the Country Break-Downs; the Fiddling Bees; Smiling Henry Berman's Village Barn; and perhaps most popular

of all--the Pickard Family. The latter were a long-time fixture in the WWL schedule and attracted an enormous audience response. During one Christmas season, a picture of this family of country music singers was offered to their listeners in exchange for a Peruna boxtop. It produced a flood of mail, including 7,000 letters in a single day, the largest number received by any performers on the station prior to World War II.<sup>19</sup>

What strides WWL's management was making in developing the revenue potential of the broadcasting operation, were made without the support of the city's newspapers. In this respect the New Orleans experience duplicated that of other communities. The decade of the 1920's had been the "friendly" period in newspaper-radio relations, an era in which publishers laid stress on the different appeals of the two media and on the possibility of actually using radio to promote circulation. One newspaper executive conjectured that it would be of benefit by "creating more and more of a demand for the complete facts which are briefly touched upon in radio broadcasts." Moreover, cooperation probably was mutually beneficial since there seems little doubt that the rapid growth of broadcasting during the Twenties was due in no small part to the newspaper publicity given the new medium.<sup>20</sup>

Even within the friendly period, some voices were raised in warning. In February 1922 the Associated Press advised its members against allowing wire service news to be broadcast by radio. The admonition was without effect; too many newspaper members of the A.P. also owned or had working relationships with emerging stations. Three years later the American Newspaper Publishers' Association moved more directly to the heart of the problem. Taking cognizance of a trend toward the commercialization of broadcasting, it self-servingly declared at its 1925 annual meeting that "direct advertising by radio is likely to destroy the entertainment and educational value of broadcasting and result in the loss of the good-will of the public." It called upon ANPA members to refuse to publish "free publicity" on sponsored programs. Within months newspapers in New York City acted, organizing a boycott of radio news and requiring program schedules to be placed only in paid advertisements. Nevertheless, favorable income statistics overcame all misgivings during the decade. The newspaper share of the advertising revenues amassed by all media had in fact risen from 70% in 1919 to 80% in 1928, and in the latter year, radio's share was a skimpy 1.4%. No serious challenge had been posed as yet.<sup>21</sup>

With the advent of the depression, however, attitudes abruptly changed. In the face of the economic slump, many advertisers reduced expenditures for newspapers while those for radio continued to climb. Publishers inevitably concluded that radio's growth had been a major contributor to their own losses. One later analyst has agreed and suggested the more intensive audience research done by broadcasters, a recognition by advertisers that the editorial position of newspapers and public opinion were increasingly at variance, the belief that radio was "depression-proof" since it was a cost-free form of entertainment for its audience, and the rigidity of print journalism's space rates in the 1930's, were largely responsible for the alteration in media competition. The radio share of gross advertising spending rose from 1.4% in 1928 to 6.6% in 1931 and to 12.3% in 1935. By 1939 the figure had reached 19.8% and, for the first time, surpassed magazines.<sup>22</sup>

A special problem arose over the subject of radio news. Radio had begun beating the press at the latter's own game--the rapid reporting of fast-breaking news stories. The old-fashioned special edition was all but completely eliminated by the bulletins broadcasted by station announcers. Eventually, newspaper owners would learn that when major events were reported on the air, the brief bulletins actually whetted the public's appetite for the additional details which only a printed story could provide. But for the moment, war rather than co-existence seemed the order of the day.<sup>23</sup>

This concern over radio's intrusion into the reporting of news was the predominant issue at the 1931 meeting of the ANPA. Again the Association urged its members "to make broadcasting stations pay for the publication of their programs," but it also added a call for "a conference with the great news-gathering agencies to devise a means of restricting the broadcasting of news to the newspapers and the agencies." On December 11-12, 1933, an even broader conference than that envisioned by the publishers was finally held at the Biltmore Hotel in New York City. Representatives of the ANPA, the various wire services, and the two broadcasting networks participated and formulated the so-called "Biltmore Program." Slated to go into effect on March 1, 1934, the plan established a Press-Radio Bureau from which stations were to receive sufficient news to fill a single five minute broadcast in the morning and a second in the evening. Each broadcast



was to be unsponsored. Only bulletins of "transcendental importance" would be furnished for airing at other times of the day.<sup>24</sup>

While the Biltmore agreement bound the network-owned stations, it could not control independents or even all the local chain affiliates, and upon that rock it foundered. Rebel services such as Transradio Press were quickly established to supply news to those stations that refused to conform. Further, the agreement quickly came under the hostile scrutiny of Washington. The ever-present Senator Clarence Dill denounced it as "a failure" that "satisfies nobody because it flies in the face of progress." He pointed out that local broadcasters were "trying all sorts of schemes to furnish news by radio in violation of the spirit of the agreement." Ultimately, the Press-Radio Bureau concept collapsed in the face of its opposition. By 1935 the United Press and the International News Service had withdrawn and chosen instead to sell material directly to stations for sponsored broadcasts, thus precluding any possibility of the Bureau's success. While the episode was a fiasco of sorts, it demonstrated the panic experienced by the traditional print media in its competition with the upstart radio industry.<sup>25</sup>

Much the same trepidation was exhibited by Southern journalists in the early depression years. In 1931 the Advertising Committee of the Southern Newspaper Publishers Association recommended that "radio programs be classified as paid advertising, and so marked." Twelve months later the SNPA was clamoring for the wire services to discontinue furnishing news to broadcasters. The New Orleans experience evolved similarly. Throughout the 1920's close relations had existed between the two media, with the newspapers having been responsible, as described earlier, for bringing into being some of the city's first stations. Again in 1927, the States had played a role in the establishment of WDSU, the first CBS affiliate in New Orleans. By March 1931, however, the States had broken with Uhalt and WDSU and was seeking new radio ties. It found them temporarily in Loyola's WWL. An arrangement was reached whereby Thomas Ewing Dabney, a popular States newspaperman, would also become WWL's "official News Commentator." Utilizing copy from the States, Dabney handled two fifteen minute news programs daily, each carried directly from a small remote studio constructed by Orie Abell himself in the newspaper's own downtown building. The innovation proved relatively popular as Dabney, who possessed an effective radio

personality, gradually won an increasing following. But then the city's dailies, following the lead of press associations and publishers nationally, reversed their policies and imposed a publicity blackout.<sup>26</sup>

On June 10, 1932, the journalistic axe fell on radio in New Orleans. On that day, and without any advance warning to their readers, the newspapers of the community ceased carrying any information about radio--no news articles, no radio columns, no station schedules--in short, broadcasting as an activity no longer existed. Though none of the three managements publicly acknowledged the fact, it was patently clear that the States, the Item, and the Times-Picayune had agreed beforehand on a common policy. There is some indication that not only had an understanding been reached among them, but that it was also enforced by a sizeable penalty (rumored as \$10,000), to be forfeited by the newspaper that first broke the pact and carried any non-paid radio information.<sup>27</sup>

Remonstrances were to no avail; the publishers appeared unyielding. Pritchard approached the Times-Picayune executives on behalf of WWL, arguing the station's connection to the University placed it in a different category than the usual broadcasting enterprises, but with no success whatsoever. The blackout continued. The newspapers seemed determined to place their economic woes on radio's shoulders. All had suffered from the deepening depression--advertising space sold in the Times-Picayune, for example, had decreased from 20 million agate lines in 1926 to barely over 11 million in 1933. Circulation for all the daily papers had declined as well. The States, already buffeted by the death of its long-time publisher, Colonel Robert Ewing, in April 1931, would shortly find itself in such difficult straits that it would sell its entire operation to the Times-Picayune in July 1933. Thereafter, the latter newspaper corporation continued the publication of the States, but with a business policy common to that followed by the parent organization.<sup>28</sup>

The only cracks in the blackout were paid advertisements inserted by the stations themselves or their supporters. Maison Blanche, the major department store holding a substantial interest in WSMB, quickly utilized its regular retail advertising to publicize the station. A cryptic log was carried, listing programs and times amid the displays of the usual merchandise of the store. In later months, the retailer used separate small boxed ads, labeled "By Courtesy of Maison Blanche," to convey

the program information. The same technique was employed by WDSU, utilizing the advertising of another of the area's department stores, Feibleman's, an operation associated with the Sears-Roebuck chain. Again only the most cryptic data was included, but the very appearance of the listings served the purpose of at least confirming the continued existence of the station.

WWL was unable to employ any business concerns to act for it in this fashion. Occasionally, a notice would be placed in a newspaper promoting a single program, with the item paid for by the sponsor. Again occasionally, the full schedule for a particular day would be displayed in a small, boxed ad accompanied by the brief statement: "Paid For by Friends of WWL." Aside from these irregular items, no significant journalistic notice was taken of the Loyola station for more than two years.<sup>29</sup>

Not until May 24, 1934, was unpaid radio information again carried, and then only for the two network affiliates, WSMB and WDSU. Just as suddenly as it had been dropped in 1932, the program data, without prior warning, appeared again. Only the barest essentials were printed, the time and the name of the show, usually without elaboration or enthusiasm. The listings were often incomplete--the Times-Picayune titled its version, "Highlights of Radio," and the Item, "Best Spots on the Air." Because the schedules were incomplete, for some months after the re-appearance of the free radio data, Maison-Blanche and Feibleman ads continued to be employed as publicity vehicles for their respective stations. This partial lifting of the blackout seemed directly connected to the creation of the ill-fated Press-Radio Bureau. That body's operations began in the spring of 1934 after the Biltmore conference had repaired relations between publishers, wire services, and networks. In recognition of the modus vivendi, the affiliates of the networks in New Orleans were once again publicly acknowledged. No other local stations, however, were given such recognition in 1934; WWL would have to wait until well into 1935 for such a lofty concession and the smaller independents years longer.

For WWL the blackout came at a particularly troublesome time. Just as its managers had come to believe that the station had finally passed through adolescence and was entering young adulthood with the inauguration of the 10,000 watt transmitter in 1932, it was unable to secure any significant publicity for the event.

Even though New Orleans broadcasters were supporting a small weekly periodical called Radio Time in order to counter the effects of the newspaper actions, the effort was inadequate. Radio Time carried complete schedules for all of the city's stations, but its distribution inevitably fell far short of the circulation of the major metropolitan papers. Thus the substantial publicity that stations received in the 1920's was absent completely in the fall of 1932 when WWL began its ten kilowatt service. Outside of a single congratulatory advertisement inserted in the States by a WWL account, the Krauss department store, the event passed unnoticed in the regular press.<sup>30</sup>

Preparations for the event had begun considerably earlier, immediately after FRC approval of the power increase in December 1931. A necessary first step was the purchase of a ten kilowatt transmitter, since Loyola had promised the Commission that the equipment utilized this time would be modern and factory manufactured, not a jerry-built composite as in the past. Burk and Abell opened negotiations with both RCA and Western Electric, and shrewdly placed the two giant organizations in the position of bidding against each other for the WWL contract. RCA was especially anxious to win the battle since it had previously sold no transmitters in the Gulf states region. Western Electric, on the other hand, had equipped WDSU and WSMB, though each of those installations was smaller than the WWL specifications. The victor in the contest proved to be RCA with whom a contract was signed in January 1932. The price for the transmitter along with associated studio and remote equipment was \$59,000. The purchaser was WWL Development, then undergoing a reorganization of its own.<sup>31</sup>

The three Standard Fruit employees who claimed nominal membership on the WWL Development board since 1929 were now replaced, and a new board of directors created representing a broader spectrum of the city's business community. Assuming the posts of directors were Andrew Fitzpatrick, John Legier, Larz A. Jones, Edward E. Lafaye, and Charles I. Denechaud. Each held a token single share of WWL Development stock, while the University held forty-five shares in its own name. Fitzpatrick, a prominent New Orleans banker, accepted the presidency of the new board. John Legier, who became the board's treasurer, was a banker and a lawyer as well. A particularly strong voice in the body was supplied by Edward E. Lafaye, a former Commissioner of

Finance for the city of New York and a successful wholesale coffee dealer. Larz Jones headed two regional railroads, the Alabama and Vicksburg and the Vicksburg, Shreveport and Pacific. Charles I. Denechaud's connection with Loyola was destined to be a lengthy one. Born in New Orleans, he had attended the downtown Jesuit College and then received a Tulane law degree in 1901. He served as a legal counsel for the University from its 1912 chartering until his death in 1956. His would be a major role in shaping overall WWL policy, and in protecting the station's interests in a succession of legal battles. In 1932 he was elected secretary of the revamped board of directors.<sup>32</sup>

Representing a wider segment of the New Orleans business establishment, the board was in a position to serve as an effective advisor to the station's management when called upon, and also to evaluate the quality of managerial success. Day to day decision-making, naturally, continued in the hands of the Faculty Director and the Station Manager. Indeed, Arthur Pritchard later commented that he himself met with the board on only a handful of occasions during his whole tenure as Station Manager. Moreover, both the original 1929 agreement between WWL Development and the University and a "supplemental agreement" signed in January 1933 left no doubt that "the conduct of the station and the character of all matter to be broadcast is and shall always be under the absolute control and subject to the unconditional approval of the University." In addition, the gradual expansion of WWL operations dictated that it take control of its own internal business routines, and so the office services formerly provided by Standard Fruit in those first, halting months of commercial operation were no longer required. The station thus disengaged itself from that financial backer, as it sought an infusion of new advice and capital elsewhere.<sup>33</sup>

Fresh capital was required, not only for the purchase of the RCA transmitter and studio equipment, but also for the establishment and furnishing of new locations for each. The answer to the problem of securing the needed investment funds was found in an adjunct organization of the University, the Marquette Association for Higher Education. It had been chartered in 1907, when its first task was the construction of the main administrative and classroom building on the campus, Marquette Hall. Once the structure was completed, attention was directed to the acquisition of real estate, especially property contiguous to the University. To further that

purpose it received in 1926 a legacy of nearly \$250,000 from the estate of a wealthy donor friendly to Loyola. It was a portion of those funds that WWL would now call upon to finance the next step in its growth.<sup>34</sup>

The arrangement was not simple. The Marquette Association purchased 1,250 unissued shares of WWL Development stock for \$125,000, thereby becoming by far the largest stockholder in that corporation. Since Loyola's Jesuit community was, in turn, the only stockholder in the Marquette Association, WWL Development thus remained firmly in the University's hands. In effect, holding companies were pyramided. With this infusion of capital, the necessary equipment would be purchased for the station by the Development Company, and a revised financial arrangement with the University concluded. Under its terms, agreed to in January 1933, WWL Development expended a total of \$80,000 for the ten kilowatt transmitter, studio equipment, and furnishings. It now sold those items to the University for the same amount with payment represented by a demand note bearing 5% interest.

WWL Development retained the right to contract "for all broadcasting time over said station, for which compensation in money is paid" and promised each October to credit the school with the gross revenues earned by the station, after deducting operating expenses, a 5% interest on any funds advanced by the company if revenues were insufficient to meet those expenses, the 5% interest on the promissory note, and beginning in 1936, an annual payment of \$10,000 on the principal. In this fashion the 1932 expansion was financed. The entire investment represented a conviction on the part of the WWL management, the businessmen-advisors of WWL Development, and the Loyola administration that radio offered a profit potential far beyond the sizeable funds being currently expended. In 1932, that was a conviction built more on hope than hard evidence. As yet, there had been little to demonstrate that sizeable profits could be earned, especially by a station operating independent of any network affiliation and in the depths of a national depression.<sup>35</sup>

Bearing out those impressions were the results of WWL's initial period of 10,000 watt service. For the first eleven months of 1933, broadcast time sales totaled \$48,395, but expenses were even higher, \$67,376. Those expenses included almost \$20,000 in talent costs, \$11,000 in commissions, and nearly \$15,000 of staff salaries. Legal fees incurred in the

clear channel fight with KWKH added to the burden. Prospects, despite Abell's optimism, did not seem inviting.<sup>36</sup>

Burk and Abell were, nevertheless, not deterred by any voices of caution as they planned for their station's expansion. They realized that a part of their plans must necessarily be new sites for both WWL's transmitter and its studios. Deiler's Radio Division field office had long been opposed to the transmitter's location on the campus, and the increase in power would make any continuance there impossible. In addition, Abell termed the need for new studios "imperative." While he admitted the Bobet Hall premises were adequate in their physical layout, they were too far removed from the downtown area for the convenience of artists who might be attracted to appear on any scheduled programs. A separation of transmitter and studio was inevitable now, with the former moving to some rural site and the latter to the busy central business district.<sup>37</sup>

The first location to be secured was that for the transmitter. The place was the old Troudeau Plantation near Kenner, Louisiana, some twelve miles by 1932 automobile road from Loyola, and within "the shadow of the Mississippi's east bank levee." Since the ground chosen was already under cultivation as a truck garden, there was no necessity to clear it of trees. While the surface was dry, the water level was no more than eighteen inches below, thereby convincing Abell that "a good ground system" was certain. In the weeks that followed the March 1932 acquisition of the land, a one story brick building to house the transmitter was constructed. The antenna system consisted of twin 200 feet high towers, and was designed by a Bessemer, Alabama, firm to withstand hurricane winds of 125 miles per hour. Delivered, it was priced at \$6,000. The actual erection was handled by the Nashville Bridge Company and required a five week effort. While the transmitter itself was of RCA manufacture, Abell personally handled the installation, with help from any available willing hands at the University. By mid-August the work was complete and tuning began, with testing carried on between midnight and 6:00 A.M., as prescribed by FRC rules. Abell deemed the results "gratifying" since letters were received in response to the signal from as far away as New Zealand.<sup>38</sup>

While Abell supervised the transmitter activity near Kenner, Burk took charge of the search for new studios. He had already announced that the new ten kilowatt operation would "place New Orleans upon the radio map of the world," and he was determined to find

space for the station's broadcasting operations in keeping with WWL's new stature. The remote studio at the Monteleone Hotel was still being utilized, but the management of that hostelry proved less than willing to provide more radio space and the current amount available there was wholly inadequate. Burk now looked elsewhere, and once again, the principals of Standard Fruit offered a solution.<sup>39</sup>

They suggested the newly constructed Roosevelt Hotel on University Place near Canal. The site had earlier been the location of the Grunewald Hotel, opened in 1893, but the Grunewald was sold in 1923 to a syndicate headed by the Vaccaro family, founders of Standard Fruit. The old 1893 structure was demolished, a new building erected in its place, and christened the Roosevelt. Managing the enterprise for the syndicate in 1932 was an individual whose rise in wealth and in political influence was little short of meteoric-- Seymour Weiss. Born in Abbeville, Louisiana, the son of a Jewish merchant, his formal education had not gone beyond the third grade. After working in a New Orleans shoe store, he was hired to manage the barbershop of the Roosevelt in 1926. In quick succession he was then named the Hotel's Assistant Manager, Associate Manager, and in 1931, its Vice President and Managing Director. Three years later, as head of the New Orleans Roosevelt Corporation, he would buy out the Vaccaros and become the Hotel's principal owner.<sup>40</sup>

Weiss also acquired a powerful friend in the person of Huey Long. The two men first met in 1928 when Long established his gubernatorial campaign headquarters in the Roosevelt, and soon Weiss "learned to love and admire" the Kingfish. Long, in turn, respected Weiss' elegant manners and expensive tastes as well as the hotel man's ability as an executive. Weiss became one of the politician's closest confidants and the keeper of Long's personal treasury. The Roosevelt also became recognized as "the bailiwick of Long forces." For WWL to move its studio operations to the Roosevelt meant, therefore, a closer relationship with the political organization that was increasingly dominating Louisiana life.<sup>41</sup>

Weiss, according to Abell, was at first skeptical about the value of a WWL connection, preferring instead to house a station with a network affiliation and undivided time on its own channel. Nevertheless, with the Vaccaro blessing, an agreement was rapidly concluded. The Roosevelt agreed to supply space for WWL facilities,



rent free, and in return the Hotel would be given recognition in every station break, along with a thirty minute broadcast of the Hotel's orchestra during the daytime and another such program in the evening. The quarter hour station break announcements would specify: "This is Station WWL, from its studios in the Roosevelt Hotel." In the years to come, broadcasts of the dance music from the soon famous Blue Room of the Roosevelt would become a regular feature of much of the nation's nighttime radio listening. The station, the Hotel, and the big bands that performed in the Blue Room all benefited from the publicity generated. Abell and Burk believed that WWL alone transformed the Roosevelt into a profit-making vehicle for the first time. Certainly, the skepticism that "Colonel" Weiss, as Burk referred to him, had first felt turned to a genuine delight with the broadcasters.<sup>42</sup>

The Roosevelt was not anxious in 1932 to sacrifice revenue producing guest rooms to the radio needs, so the WWL executives settled for a large "somewhat irregularly shaped hall" that formerly had been a short-lived indoor miniature golf course. Now unused, the second-floor hall offered the possibilities of being converted into satisfactory facilities. Burk himself drew plans for that conversion, plans calling for three studios, the largest of which measured 18 x 36 feet, a control room and office space. By early October, the station had successfully moved from the old location in Bobet Hall to its new home in the Roosevelt.<sup>43</sup>

On October 2, 1932, a Sunday, 10,000 watt operation began with the broadcast of a High Mass from Holy Name Church on the campus and a special inaugural program from the new studios. The higher level of power placed WWL in a select group of stations. At the beginning of 1932 only four other stations in the FRC's Southern zone matched or surpassed WWL's increased strength of signal--two in Texas, one in Arkansas, and, of course, Henderson's KWKH. Operations in 1932 and 1933 were still being conducted at a loss, but gradually the pre-conditions to an eventually profitable broadcasting business were being laid.



## THE CLEAR CHANNEL WAR--THE FINAL ROUND

Simultaneous with the inauguration of ten kilowatt operations, the WWL managers readied themselves for the final round of the clear channel struggle. One of the maneuvers in the WWL strategy had already begun to unfold--the winning away of W. K. Henderson's principal political support, Senator Huey P. Long. As described earlier, the friendship between Long and Henderson had pre-dated the former's rise to power, and during Long's electoral campaigns, Henderson had supplied heaping quantities of both financial support and KWKH broadcasting time. Even Long associates, including the rabble-rousing Reverend Gerald L. K. Smith, were given the use of the station's facilities for programs of their own, while Longite opponents were conversely denied radio time. In view of this close relationship, a Loyola announcement in December 1930 that it was awarding the Governor and Senator-Elect an honorary Doctor of Laws degree undoubtedly came as a shock to Henderson, following so closely as it did the bitter September KWKH-WWL hearings.<sup>1</sup>

The University quickly admitted the award was out of the ordinary. It was "departing from its custom of conferring such honors at regular graduation exercises" in the spring only in view of the Governor's "exalted office and manifold duties." Instead the ceremony would take place in February with New Orleans' Municipal Auditorium rented for the occasion. One newspaper predicted "a throng that will probably set a record for its kind in the history of the city and the state." Not only were seating arrangements prepared to accommodate 12,000 spectators within the auditorium, but loud speakers were placed to carry the speeches to an expected overflow outside.<sup>2</sup>

The citation read at the ceremony laid great weight upon Long's various political accomplishments and referred to him as "a man of action, with ideas born of outstanding vision, who cares to fight for the realization of his ideals, watchfully waiting, working continually." Later, Long's biographer, T. Harry Williams, would judge the politician pleased but not overwhelmed by the honor. Nevertheless, it can be noted that Long devoted a chapter in his autobiography to the episode and quoted the citation in full. Williams also concluded that the University's primary motive, "the real reason for the award," was Long's responsibility for the passage of a state law making free textbooks available for the first time to Louisiana children, including those enrolled in Catholic schools. It seems just as likely, however, that the University administration had the clear channel war well in mind when the decision was made to singularly recognize the Kingfish.<sup>3</sup>

Geographically, Long and Loyola had moved closer as well. Two years before WWL's shift to the Roosevelt, where Long maintained a permanent suite and where a chief New Orleans lieutenant presided, he transferred his law offices to the recently constructed Pere Marquette Building in the downtown central business district. The new office building, erected on the site of the previous Jesuit College, was owned by the Society of Jesus.<sup>4</sup>

The facilities of WWL were, with the shift to the Roosevelt, now easily available to Long, and he purchased sizeable blocks of time for political broadcasts. Pritchard recalled Al Foster returning to the station one evening in high good humor. The sales manager happily related how he had just visited Long, sold the Senator \$1,000 worth of air time, convinced him to pay cash in advance for it, and then prevailed upon one of the Kingfish's bodyguards to provide an escort back to WWL. Long, there is reason to believe, had even offered the University a gift of \$10,000 to assist in the conversion to 10 kw. in 1932. The offer was declined.<sup>5</sup>

Certainly, an understanding between Long and WWL's owners had been reached. He had promised assistance to the New Orleans station and John Hynes, Loyola's President, was not hesitant to ask for it. Hynes took notice of a growing estrangement between Long and Henderson and its happy consequences for WWL. As the Jesuit guardedly wrote the Senator in February 1932, Long could now act "with even greater freedom because you have been liberated from your obligations to a certain party."<sup>6</sup>

That "certain party" reached his own conclusion and voiced them on the air in his usual blunt terms. By the fall of 1932, Henderson was denouncing what he believed plainly to be a Loyola-Long alliance. The University "had put a cap" on Long and granted him an honorary degree, expecting "that with this almighty and godly power" WWL would have no difficulty in wresting the channel from KWKH. He accused the New Orleanians of inflated egos, developed "by transfusion from that dictator, Hooey P. Long." The Jesuits, Henderson ranted, were "licking boots with the dirty low down politicians, moving into a hotel used by the dictator of politics who has this state in charge at this time."<sup>7</sup>

Despite Henderson's public forebodings, what support Long might have given to the WWL cause in the final round of the clear channel war was not readily apparent. The round had, in fact, begun with Henderson striking the first blow. In June 1932 he served notice upon WWL that he would not renew the time-sharing agreement due to expire in September. His purpose may simply have been to secure better terms by re-opening negotiations. If so, he was shocked by the WWL response, for two days later that station officially informed Henderson it would once again press for full time on the frequency in a new application to the FRC. Responding to the application and to the failure of the two Louisiana stations to arrive at a mutually agreeable time-sharing formula, the Commission designated the matter for hearings in February 1933, the fourth set of hearings in which those same broadcasters had participated since 1929.<sup>8</sup>

Again the parties traveled to Washington to testify, and again Burk, Hynes and Abell along with Pritchard and Denechaud made the journey from New Orleans. New faces were also present in 1933. In addition to Denechaud and Dolle, WWL was to be represented by a Washington-based firm of attorneys, Webster, Segal and Smith. The lead in the case would be taken by the fresh counsel, Paul M. Segal and B.M. Webster, Jr., with the latter handling the crucial cross-examination of Henderson himself. But attorneys were not the only new entrants into the litigation. Applying for KWKH's half of the channel was the just organized International Broadcasting Corporation, headquartered in Shreveport. The company's principal was a wealthy oil man and prominent Shreveport citizen, Sam D. Hunter, who the hearing examiner, noticeably impressed, would refer to as "a public spirited citizen of high moral standing

and a man of refinement and culture." It seems likely that the Hunter venture represented the belated response of the conservative Shreveport business establishment to the increasingly unacceptable Henderson antics.<sup>9</sup>

The weeks and months immediately prior to the February 1933 hearings were disastrous for Henderson as both his financial and his radio empire began to steadily crumble. Moreover, as it became clear that he would have to face attacks from both WWL and from Hunter with little ammunition to use in his own defense, the tone of his broadcasts became more strident than ever. Deserted by his long-time political ally, Huey Long, in deep financial difficulties, and faced with the imminent prospect of meeting a hostile FRC once again, Henderson desperately sought to rally his one resource, his listeners, by appealing to their possible religious prejudices. The struggle for the channel became a Protestant-Catholic issue in his appeals for support: "I say to you Methodists, Baptists, Episcopalians, are you going to sit still and let a Catholic institution claim the entire wave length of 850 kilocycles?"<sup>10</sup>

As the date for the opening of the FRC hearings drew closer, Henderson's anti-Catholic attacks grew more frantic. He accused them of "putting on a whispering campaign" against him in order to "hold the wave length from the rest of the religious sects," and he somewhat awkwardly asked his audience: "Why should the Catholics under the caption of Loyola University, supported by the political influence of the Kingfish of Louisiana, rob away from the rest of people and religious denominations and take a whole wave channel." Finally, in January 1933, he turned his attention to the Catholic menace to the nation as a whole. He cited "statistics" that supposedly revealed over sixty percent of all federal government officials were Catholic, that Catholics made up three-quarters of the teachers in the public schools of the country's principal cities and ninety percent of the police forces of those same communities. He claimed West Point and Annapolis were "dominated by Catholics," that "the men who shot Roosevelt, Garfield, and Lincoln were Roman Catholics or dominated by Catholics," and that "bridge dynamiters" and "bomb throwers" were invariably also Catholic. Later, under Webster's intense cross-examination in the hearings, Henderson grudgingly admitted that he did not believe "all of it was true," but he refused to retrench on his general position.

Under Webster's questioning, Henderson also acknowledged appealing for funds in his broadcasts "to carry on this expensive fight before the Federal Radio Commission." Ruefully, he disclosed that, unlike previous years and appeals, "very little" was forthcoming from his unseen audience. In the depths of the depression, Henderson's largely rural following had no cash to spare for anything but their own necessities of life. The Shreveport broadcaster's own business empire lay in ruins as well. The Iron Works had long since passed to his creditors with Henderson claiming a loss of \$1,000,000 in its collapse. In 1932 another venture, the Henderson Timber, Land and Investment Company, failed, and finally, in November of the same year, he was forced to file a personal bankruptcy petition listing unpaid obligations of \$1,381,596. Nevertheless, he claimed that those disasters in no way affected the fortunes of the Hello World Broadcasting Corporation since he now was only a minor stockholder in that company. In late 1931, seeing the probable future course of events, Henderson transferred Hello World's stock to his sister and aunt, retaining just ten shares for himself as opposed to almost ten thousand held by his relatives. The charade created no illusions in the mind of the FRC Examiner, however; he quickly determined Henderson still exercised the practical control of KWKH and the "last say" in its affairs, and that "none of the stockholders have anything to do with the management of the station which remains in his hands."<sup>12</sup>

A financial statement for Hello World Broadcasting, dated December 30, 1932, and filed with the FRC Examiner, revealed the station's precarious situation. The only assets of real value were the equipment and furnishings, listed at some \$44,000 after depreciation. Also carried on the statement as assets, but totally valueless in actual worth, were over \$140,000 in accounts and notes receivable due from Henderson himself or his other bankrupt enterprises, plus \$200,000 common stock investment in the now defunct Iron Works and the Timber venture. Cash on hand totaled just \$288, and some \$2,000 in back salaries was still owed to station employees. Henderson referred to those loyal staffers as "Chinese labor" since "they work for nothing." Liabilities were not large, consisting principally of nearly \$28,000 owing on two bank loans, but with virtually no income coming in to the station, with operating costs continuing unabated, and with constant legal fees, only the liquidation of the fixed assets and thus of the station itself, could meet the existing

obligations. For the last four months of 1932, KWKH showed a net loss of \$6,404. Henderson's other broadcasting outlet, KWEA, had already gone off the air entirely. Ellis A. Yost, the FRC Examiner in the hearing, concluded in an almost tongue-in-cheek understatement Hello World Broadcasting was "not a strong financial corporation."<sup>13</sup>

If Henderson's experience before Examiner Yost was defensive in nature, the case for WWL had a much more positive tone. Burk, Abell, Pritchard, Hynes, and Denechaud, supported by local and federal officeholders from Louisiana, argued the case for WWL's sole control of the channel. Particular emphasis was placed upon the fact that WWL was the only New Orleans station capable of providing reliable radio service to rural residents in much of Louisiana, Mississippi, and Alabama, an area encompassing a population of almost two million. Attention was also drawn to the nature of WWL programming, which included the only educational features being aired in the city. Pritchard testified only 20% to 30% of all programs were sponsored while the rest were carried on a sustaining basis. Left largely unspoken, of course, was the management's fervent desire to eliminate many of the sustaining shows, and to substitute network programming for the bulk of the local features carried. In general, the argument was constantly used that full time on the channel would particularly result in both more public service programming and profitable operations for the first time.<sup>14</sup>

Sam Hunter's International Broadcasting Corporation proposed the installation of a ten kilowatt transmitter on the shore of a lake ten miles from the center of Shreveport. An initial investment in equipment of \$60,000 was anticipated, the entire sum to be furnished by Hunter. A shrewd promise, formulated with Henderson's record in mind, was offered that KWKH, under new operators, would be conducted "on a high plane," but no specific details as to program plans were submitted other than a desire to secure a network affiliation. The case for International Broadcasting was primarily based on the controversial past performance of KWKH's present management.<sup>15</sup>

The hearings were concluded on February 20 but it was not until April 8 that Ellis Yost submitted his recommendations to the FRC. Yost dwelled at length on Henderson's financial condition, the questionable advertising KWKH carried on in the past, the lack of



commercial relations with Shreveport's business community, chain store attacks (citing, for example, the reference to Montgomery Ward as "the most damnable contemptible thieves...Monkey Ward"), and myriad personal assaults on individuals, groups, and institutions with which the Shreveport station owner had come into conflict at one time or another. Yost noted that under FRC regulations an applicant requesting the facilities already assigned to another licensee "must establish by competent evidence that the proposed transfer and use of such facilities would serve the public interest, convenience, and/or necessity." WWL, in his opinion, had satisfactorily met that requirement. There was "a greater public need" in New Orleans for the time utilized by KWKH than in Shreveport, and the transfer would result "in a more equitable distribution" of service within the state. As to International Broadcasting, it had failed, in Yost's view, to prove that either the "available talent" or the "public need for the service" were sufficient for it to be granted a share of the channel. Henderson was given short shrift in the Examiner's conclusions: "The financial qualifications, the public service heretofore rendered and the public service proposed to be hereafter rendered... do not warrant a finding that the continued operation of Station KWKH would serve the public interest, convenience or necessity." Thus, in April 1933 the WWL management confidently believed they had finally achieved their goal; after a four year campaign, the New Orleans station appeared on the verge of full control and unlimited time on its assigned frequency.<sup>16</sup>

Henderson, meanwhile, faced a disheartening situation. If the FRC upheld the Examiner's recommendation, as it seemed likely to do, his career in broadcasting would not only have reached an apparent finale, but he would have succumbed to a foe for whom he felt only animosity, the New Orleans broadcasters of WWL. Their feud had continued on the air as well as off. Pritchard, especially, had taken great pleasure in taunting the Shreveport man and ridiculing his crusade against "the nasty little chain stores." Henderson, in turn, spoke acidly of "that mealy-mouthed Englishman" in New Orleans. To surrender the field to WWL was more than Henderson was prepared to accept; therefore, he chose the only viable alternative yet open to him, selling his station to Hunter's International Broadcasting Corporation. The sale, recommended by his attorneys and concluded in early June, carried a purchase price of \$50,000 and a necessary stipulation that it was contingent upon FRC approval of the re-assignment of the KWKH license. Better Hunter than Loyola.<sup>17</sup>

The sale would be meaningless, however, if the FRC could not be persuaded to reverse the recommendation of its own Examiner and to maintain a share of the 850 kc. frequency in Shreveport. To bring about this reversal, Henderson and International Broadcasting joined forces. The former continued to blast on the air the alleged WWL-Long alliance, and the latter turned to political figures for support. The Louisiana clear channel war was brought to the attention of two Democratic party Senate stalwarts, Majority Leader Joseph T. Robinson of Arkansas and the respected Senator Pat Harrison of Mississippi. Knowing of Robinson's bitter antipathy towards Huey Long, the International Broadcasting officials warned of the presumable consequences of WWL gaining full time on a clear channel. Robinson, who was serving as one of the special targets of Long's ridicule in the Senate, was quick to react. Recruiting the assistance of Harrison, another anti-Long conservative, they turned to the White House, newly occupied in 1933 by Franklin Roosevelt.<sup>18</sup>

By July 1933, Roosevelt and Long had found themselves at odds over a number of pieces of early New Deal legislation, notably those dealing with banking, industrial recovery, and veterans' benefits. FDR had come to see Long as a man dangerous not only to New Deal policy but also to the President's own political future. He had determined, therefore, to strip the Senator of much of his influence, especially control over federal patronage posts in Louisiana. Diminishing, or at least not expanding, the prominence of a supposed Long-inclined radio station fit well with the decision to "write Long off."<sup>19</sup>

Robinson and Harrison, accepting the argument that WWL was Long-controlled, approached Louis Howe on the White House staff with the details of the situation as they understood it. Howe was the new President's oldest and closest advisor and in many ways Roosevelt's "alter ego." Having particular jurisdiction over patronage distribution, he was also FDR's "personal political agent, gauging every move with a cautious glance toward 1934 and 1936." Since Howe was customarily assigned "the most nasty and delicate jobs," the curbing of Huey Long was his special task. Moving rapidly, he contacted in turn Commissioner Thad H. Brown, who was acting as FRC Chairman while Judge Sykes attended a Mexican conference; the only Roosevelt appointee on the FRC, Democratic lawyer James H. Hanley; and Herbert L. Pettey, the Secretary of the Commission. The message was the same in each case; the White House was concerned that

"no injustice" be done to the good citizens of Shreveport.<sup>20</sup>

That message was received loud and clear by the Democrats on the Commission, now in the majority for the first time. Apparently, even though Commissioners had already tentatively agreed to affirm the Examiner's report of April, a new vote was called and the three Democrats (Sykes, Brown, and Hanley) reversed their positions and Yost's recommendations as well. The likely replacement of the FRC with a Roosevelt-favored "communications commission," whose members had not as yet been selected but which might include some of the present Commissioners, certainly did not serve to strengthen the regulatory body's independence from political influence. The problem of executive or legislative branch interference was not, by any means, unknown to the FRC even before the Louisiana case. Rumors of wardheeler politics permeating the operations of the Commission were already current.<sup>21</sup>

After 1930 appointments to the FRC had primarily been lawyers rather than the "technical experts" who served in earlier years. The shift meant the selection of men whose ties to politics and political power were even closer than their predecessors. Roosevelt, as well as other Presidents, was not unwilling to communicate his opinions and advice on pending cases to the Commissioners whose positions derived from his own largesse. For WWL, the result was an FRC decision of September 15, 1933, that Orrie Abell angrily described as the "Big Steal."<sup>22</sup>

To the bewilderment of the New Orleanians, the FRC unexpectedly reversed the recommendations of the hearing Examiner, Ellis Yost. In its decision, the Commission noted that WWL still had available for commercial sale a considerable portion of its current time on the air. That fact contradicted the station's contention that additional time was necessary for a profitable operation. On the other hand, the Commission took pains to point out that KWKH was "the only broadcast station in a position to deliver a really serviceable signal over a great area centering in Shreveport." Yet, even though Yost had argued much the same fact with regard to WWL, no mention was made of the New Orleans station's similar role. Only the vaguest of explanations was given for the FRC ruling. There was said to be simply no need for "additional broadcast facilities in the New Orleans area" such as to warrant

"the deletion of the Shreveport station." The KWKH license was ordered transferred to International Broadcasting and time-sharing between the two Louisiana stations was continued for the indefinite future.<sup>23</sup>

It was not the FRC's finest hour. The decision offered a weak and generalized rationale for the reversal of a detailed and strongly argued Examiner's Report. The intrusion of politics seemed plain, and the WWL team reacted accordingly. Paul Segal, WWL's Washington-based legal counsel, promised an appeal of the FRC order to the Circuit Court in the District of Columbia and termed the ruling "unconscionable." Abell was even stronger in his denunciation, calling the verdict "one of the most unjust decisions ever handed down by this politically-bossed FRC." In later months, Senator L. J. Dickinson, an Iowa Republican, charged on the floor of Congress that FRC Commissioner Harold A. Lafount would not be appointed to the newly organized Federal Communications Commission because Lafount had "failed to vote according to instructions from the White House" in the Louisiana case. Not unexpectedly, Huey Long too charged "pressure exerted from the White House" had determined the FRC ruling. Long called for the appointment of a special congressional committee to investigate the matter, a suggestion that was never acted upon by the Senate. The NAB journal, Broadcasting, also reported the common understanding that the Commission had been "ordered" by the Roosevelt administration to decide the issue in favor of the Shreveport interests.<sup>24</sup>

But the FRC was not through reversing itself; one more twist was yet to come. Determined not to accept the verdict or to rely solely upon the courts to bring them justice, WWL mounted a political counter-offensive. Father Hynes boarded a train for Washington to confront Senators Robinson and Harrison in person and to convince them that no real ties existed between the University station and Huey Long. Meanwhile, Father Burk also journeyed to Washington to assault the Roosevelt administration directly, meeting with both Louis Howe and with Postmaster General James A. Farley, since the latter was serving as an unofficial New Deal liaison to the Roman Catholic community in the United States.<sup>25</sup>

To buttress their protestations of independence from the Long machine in Louisiana, WWL's management shrewdly initiated a "no politics" policy in its programming. The station would no longer carry political speeches or advertising of any kind. The ostensible

explanation offered was based on the station's clear channel occupancy. It was argued that WWL's huge rural audience outside of both New Orleans and the Louisiana area would be disinterested in presentations tied to local or state political issues and elections. In actual fact, the strategy was designed to prevent the station's use by Huey Long, thus verifying to FDR that Henderson's charges of an alliance were unfounded. Long himself never publicly reacted to the change in WWL policy; he merely shifted his New Orleans radio usage to the facilities of Uhalt's WDSU. Further, he denied any association with the clear channel case, claiming only "grapevine" knowledge of the matter at issue. Ironically, the "no politics" formula, originated in late 1933, would far outlast the situation for which it had been established. Two years later in September 1935, Huey Long would face an assassin's fatal bullets, yet two decades later WWL radio was still refusing to air any local political broadcasts.<sup>26</sup>

The assurances tendered to the White House by WWL were apparently sufficient. Abell was informed by the returning Burk and Hynes that Howe had promised them "some way would be found to give WWL full time." The Chicago-Tribune, no admirer of the incumbent President, also reported that FDR was trying to extricate himself from a potentially disadvantageous position with Catholic voters "by some concession to the New Orleans station." Particularly worrisome to the administration in Washington was the possibility that, in view of Henderson's earlier anti-Catholic statements, the FRC decision might be interpreted as an indirect reflection of New Deal religious preferences. To avoid any additional escalation of a local case that was already becoming too important nationally, pressure was again applied to the ever-pliable FRC.<sup>27</sup>

With only a few weeks remaining in its own life before it was to be succeeded by the new FCC, and without a formal hearing, the FRC announced on June 8, 1934, the settlement of what Broadcasting termed "one of the most agitated cases in radio history." WWL and KWKH were each granted full time status but on two different frequencies. Under a "special experimental authorization," WWL was to operate on an unlimited time basis on 850 kc. while KWKH was moved to 1100 kc. The new KWKH frequency was also in use by WPG in Atlantic City and by WLWL in New York City, but with the installation of a directional antenna for the Shreveport station, interference could be avoided. The expenses incurred by KWKH in changing frequencies were to be underwritten by WWL, and Loyola

agreed to withdraw its appeal of the September 1933 FRC ruling still pending in the Circuit Court. Essentially, a delicate political problem had been solved with a favorite political device, the compromise. Though the Shreveport Times headlined its report of the FRC solution, "KWKH Winner of Fight for Full Service," Abell and his colleagues regarded it as a victory for New Orleans.<sup>28</sup>

While WWL's sole occupation of the disputed 850 kc. frequency was designated as temporary and experimental, it would in fact prove permanent. On the other hand, KWKH could hardly regard itself as securing better than a draw at most in the struggle. It gained a new frequency assignment, but one at a higher and therefore less desirable dial location, and one restricted somewhat by the operations of two Eastern stations. If a clear loser emerged from the affair, it was most likely the FRC itself. The inglorious conduct of that regulatory agency produced no remorse when it passed from existence in July 1934, replaced by the FCC.

A clear winner was Franklin Roosevelt. The White House had been victorious in three ways. It had been able to render a political favor for the anti-Long forces in Louisiana and in the United States Senate, and at the same time it also deprived Long of a powerful radio voice which had previously been available to him. The Louisiana stations upon which the Kingfish was now forced to rely delivered much less coverage to him than WWL. Finally, by eventually securing the clear channel for Loyola, the Roosevelt administration was able to placate Catholic supporters of the New Orleans station's cause and extract the President from a possible religious backlash. Certainly, the Louisiana clear channel war bears out the conviction of governmental skeptics that genuine political independence for regulatory officials is "unsustainable against presidents or governors who wished to interfere with scientific deliberation, or thwart it through the appointment of cronies and hacks." The KWKH-WWL experience offers the historian of broadcasting additional evidence that the regulation of that communications medium has indeed been an "intensely political process."<sup>29</sup>

The new owners of KWKH began immediate negotiations with the Columbia Broadcasting System, one of the chains that Henderson took such delight in reviling, and soon the station became the 100th affiliate of that network. In 1935 its ownership changed once again, this time passing to the Times Publishing Co. Ltd., publishers of

the Shreveport Times. Since that newspaper was controlled by the Ewing family, the former principals in the New Orleans States, the same interests that helped promote the establishment of broadcasting in the Crescent City, returned to the industry once more. During the 1940 gubernatorial campaign in Louisiana, candidate Earl Long, Huey's brother, secured time on KWKH for political speeches. Each time the earthy Earl lapsed into the use of "hell" or "damn" on the air, he was cut off by the station's engineers. Clearly, KWKH was no longer a Henderson station.<sup>30</sup>

The forgotten man in the settlement of the clear channel war was W. K. Henderson. With the sale to Hunter affirmed, he lost his radio voice. From time to time he made "guest appearances" on KWKH during the year following the FRC decision, but thereafter he faded rapidly from sight. Only occasional glimpses of him were seen. For a brief period he traveled the country in a trailer caravan under an official appointment made by Governor Richard W. Leche. Henderson was billed as "Louisiana's ambassador to America." On June 28, 1935, he placed an advertisement in the Shreveport Times, headlining it: "I'm Still W. K. Henderson." The text read: "I have everything I used to have except money. I'm not in any business and I don't know what business I'd get in if I had money. But you can bet I'm still Old Man Henderson to my friends throughout the land." Pointedly he suggested: "Maybe you have some ideas to our mutual interest. Two plus two still makes four with me." His address was included to facilitate communication.<sup>31</sup>

A few years after the publication of that ad, Henderson was stricken with a paralysis resulting from complications that followed a wasp sting on his face. He spent the last six years of his life, until his death on May 28, 1945, in a helpless condition. Interviewed during that final illness, he seemed characteristically unrepentant: "I was right you know. I was right about the chain stores. I was right about the government control of radio. I guess I was fighting for free speech and free enterprise."<sup>32</sup>

What conclusions can be drawn from Henderson's stormy career? Certainly his radio battles did help shape both public and governmental responses to real problems. He influenced the course of broadcast regulation and, sincere or not, he was the nation's most important anti-chain store campaigner. That campaign eventuated in the passage of laws temporarily inhibiting

or penalizing the growth of retail chains in 27 states by 1939, and the most stringent of those laws was passed in Louisiana. Historian Richard Hofstadter once analyzed "the paranoid style in American politics." The characteristics of that style, he found, included conduct and speech that is "overheated, oversuspicious, overaggressive, grandiose, and apocalyptic in expression." The individual engaging in the behavior "constantly lives at a turning point, it is now or never in organizing resistance to conspiracy. Time is forever just running out." While the description fits the Shreveport broadcaster's career, the explanation presumes a real though fanatical devotion to principle. It may not correlate with Henderson's eye for the main chance and for simple survival.<sup>33</sup>

Opportunism rather than deep personal commitment seems more his dominant motivation. Like other depression demagogues, he played upon the "prejudices and passions of the population by tricks of rhetoric and sensational charges, by specious arguments, catchwords and cajolery." But no matter what his personal sincerity or personality compulsions, Henderson did represent a significant phase in the life of the broadcasting industry in America. In an era of emerging network supremacy, he epitomized, in his own bizarre and complex way, a fast receding figure, the fiercely independent, outlandishly unpredictable radio maverick. Few of his type would be seen again.<sup>34</sup>



## A PROFIT-MAKING ENTERPRISE--AT LAST

There was no exaggerating the importance of radio to Depression-mired America. Their loyalty to the medium seemed almost irrational. Social workers testified that poverty-stricken families would choose to surrender an icebox or furniture or even a bed before they would part with their radio sets. Radios somehow symbolized lifelines to the outside world that must be preserved at virtually any cost.<sup>1</sup>

Given that degree of popular addiction, the broadcasting industry experienced a boom which grew in intensity as the nation struggled back to economic equilibrium in the middle and late years of the 1930's. By 1937 the Gross National Product of the United States finally regained the level it had last reached in 1929, while unemployment fell below 15% for the first time since the early moments of the Depression. Broadcasting's recovery, if indeed it ever experienced a real slump at all, was even more rapid. The Federal Communications Commission estimated that some 8,000,000 receiving sets were sold to the public in 1936 alone, and that altogether some 45,000,000 sets were in use across the nation, a total investment of \$1,350,000,000. During the worst economic crisis in the country's history, the number of radios in use had more than doubled, from 18,000,000 in 1932 to 45,000,000 just four years later.<sup>2</sup>

Moreover, the rest of the industry's statistics were equally buoyant. Over a thousand factories were engaged in the manufacture of sets, tubes, transmitters, and other equipment, and more than four thousand retailers were exclusively involved in selling this output to the public. There were, at the time of the FCC report in 1937, seven hundred active stations divided into four general classes--clear channel, high power regional, regional, and local. The clear channel

stations, operating on forty uncluttered frequencies, utilized power of up to 50,000 watts, though one, WLW in Cincinnati, had begun using in 1934, on an experimental basis, "super power"--500,000 watts--making it the most powerful station in the world.<sup>3</sup>

In addition, three national chain organizations operated four coast-to-coast networks, and twenty-five regional network groups also existed. The largest and oldest of the chains, NBC, established in 1926 and a subsidiary of RCA, managed two systems--the Red and the Blue networks--and counted 161 affiliates by 1938. Second in size and established a year later than NBC, was CBS, controlled by William S. Paley and his associates, with 113 affiliated stations. The smallest network, the Mutual Broadcasting System, had been founded in 1934 and was largely under the control of the Chicago-Tribune and R. H. Macy & Company in 1938. It claimed 107 affiliates but they tended to be smaller stations on less desirable frequencies. Together, the three national organizations transacted almost half the total commercial business done by America's broadcasters. Their network time sales grossed over \$46,000,000 in 1938, as compared to \$101,000,000 for the entire industry.<sup>4</sup>

Particular types of sponsors were also becoming especially prominent in the radio advertising of the 1930's. The networks sold nearly 20% of their available time to companies vending toiletries and almost 19% to food accounts. On the non-network level, commercials for food products were the most prevalent, with drugs, apparel, and autos following closely after. But equally as influential were the major advertising agencies. By the early years of the decade, virtually all sponsored network programs were packaged by the "radio departments" of those agencies. The department heads, as Erik Barnouw has noted, "became an elite, besieged by time salesmen, producers, directors, and performing artists." Network approval of the programs developed by the agency executives became perfunctory.<sup>5</sup>

Many programs being supplied for broadcasting were little more than vaudeville moved to radio. Comedy and musical shows dominated, though as the decade closed drama was becoming increasingly popular. More talk and less music seemed the overall trend. An NBC survey revealed only 10.8% of that network's time devoted to drama in 1932, but 20.1% by 1939. Nevertheless, comedians and singers were kings of the hill, as Eddie Cantor, Amos 'n' Andy, Ed Wynn, Rudy Vallee, Fred Allen,

Jack Benny, and others attracted enormous audiences. On any weekday evening in 1936, over 50% of the nation's sets were tuned in to a family's special favorites.<sup>6</sup>

While most of radio's output was assimilative rather than original, having been borrowed from the vaudeville stage, the concert hall, or the legitimate theater, it did make at least one unique contribution--the adult daytime serial or "soap opera," as it was derisively named. One observer deemed it "the great invention of radio, its single notable contribution to the art of fiction." Ma Perkins, one of the earliest and longest lived, had first been heard as a local show on Cincinnati's WLW, only to be quickly picked up by the NBC Blue network in 1933. The indomitable Helen Trent began on CBS the same year. The fall season of 1933 marked a major turning point in scheduling when CBS introduced "block programming," the placing of several serials in back to back fifteen minute time slots. Until then they had been scattered throughout the day, and they were not mutually supportive. Now one served as a lead-in to another, and the housewife was encouraged never to turn a dial to a different station. Within a few years more than half the commercial network time on weekdays was devoted to serial dramas, and, by 1941, one could be found in every quarter hour between 10:00 A.M. and 6:00 P.M., with two available in most periods.<sup>7</sup>

Children's serials supplemented the soap operas. Blending adventure and fantasy, they dominated the hours after-school and prior to the beginning of the major evening shows. In 1931 The Shadow and Little Orphan Annie made their appearance, to be joined by The Lone Ranger and by Jack Armstrong in 1933. As the years passed, the serial plots were tailored to the issues of the moment. During World War II, Tom Mix battled for weeks a mysterious giant terrifying the Western countryside. The cowboy hero finally won out, unmasking the giant as only a huge balloon manipulated by sinister Japanese agents for reasons totally inexplicable. In like manner, heroines of soap operas in the war years suddenly found themselves kidnapped by Nazi saboteurs rather than the garden variety of villains of the 1930's.<sup>8</sup>

In the late Thirties, network programs comprised 50-70% of the average affiliate's daily schedule with the remainder either local live talent or electrical transcriptions. The use of transcriptions ranged from 10% on an affiliated station to as much as 85% on an

independent. The improved quality of the E.T., greater sales aggressiveness on the part of firms marketing them, a larger available variety, as well as a reduction in their price, encouraged their wider usage. Sponsored programs likewise were more common than ever before, but the NAB Code stipulation that commercials should be limited to no more than 15% of any daytime hour and 10% of an evening hour was honored more in theory than in practice.<sup>9</sup>

In 1936 the Bureau of the Census published what it believed to be "the first complete measure of the extent and character of the radio broadcasting business." The study, based on 1935 statistics, revealed that net revenue for the nation's stations had totaled \$56,000,000 for the year, and 71% or \$40,000,000 stemmed from the direct sale of radio time by licensees. An additional \$12,500,000 was derived from network payments to affiliates for carrying commercial programs offered by the chain organizations, and some \$2,500,000 was earned through selling the services of station talent. The direct time sales of broadcasters were two-thirds local and one-third to national advertisers. Naturally, the more powerful stations drew the majority of their incomes from national sources, both major advertisers and networks, while their weaker competitors relied primarily on local businessmen as their financial mainstay.<sup>10</sup>

Broadcasting on the individual station level was not a lucrative profession during the 1930's, especially while the Depression was at its worst. The average weekly wages of radio artists and announcers varied from a low of \$21 on the small 100 watters to a high of \$63 on 50 kw. operations. Technicians earned similar salaries; office and clerical personnel did even worse. At many stations, salesmen worked only on a commission basis with no salary guarantee, while some on-the-air staff members accepted positions without pay of any kind, simply in hope that wages would eventually be offered. One later WWL announcer, Don Lewis, recalled accepting a six month probationary job at WDSU in 1933, his first in radio, with only the promise from Joe Uhalt of "car fare and lunch money." In 1935, Louisiana stations, specifically, averaged just nine full time employees and weekly wages of just \$21-22 for announcers and artists, placing the state far down the scale in the national tabulations of both categories.<sup>11</sup>

Still, Louisiana had made some significant broadcasting gains during the decade. Between 1930 and 1934 the state had acquired over 98,000 new radio homes, an

increase of nearly 200% over the figure for the earlier year, the largest percentage gain in the United States. Total radio homes in Louisiana in 1934 stood at 152,000 or 31.4% of all homes in the state. While Louisiana still lagged badly behind the national figure (60%), it did out-pace all other Southern states except Florida (40%), Virginia (39.2%), and Tennessee (33.7%). By 1937, with an improving economy, Louisiana radio homes would number 260,000, and of those 90,800 could be found in Orleans Parish alone.<sup>12</sup>

New stations also made their appearance in Louisiana in the 1930's. Baton Rouge, after some false starts in the 1920's, took the air on a permanent basis in 1934. In 1932 the license for WJBO, a station dating back to Val Jensen's association with the Times-Picayune in those first frenetic days in the spring of 1922, was transferred to the Baton Rouge Broadcasting Company, owned primarily by Charles P. Manship, Sr., publisher of the capital city's only two newspapers. Jensen's New Orleans station was thus moved to Baton Rouge with a new management placed in charge. In 1937, WJBO joined the NBC Blue network.

The year 1935 saw three Louisiana cities, all previously without broadcasting facilities, acquire them for the first time. In Lake Charles, radio executives formerly associated with Shreveport's KRMD, secured an FCC license, and as the Calcasieu Broadcasting Company, established KPLC, operating with a daytime power of 250 watts. In Lafayette, the same partnership organized the Evangeline Broadcasting Company and put KVOL on the air in July 1935. In Alexandria, the third new broadcasting venture of 1935, KALB, went on the air, licensed to the Alexandria Broadcasting Company and transmitting with just 100 watts power in the daytime only.<sup>13</sup>

Meanwhile, elsewhere in the state no other major changes had taken place in the general station lineup. Shreveport boasted only three stations (KWKH, KTBS, and KRMD) since the demise of KWEA, Henderson's ill-fated second operation. KMLB continued on the air in Monroe, and New Orleans, now minus the re-assigned WJBO, counted just five stations. One of those New Orleans enterprises was, however, experiencing alterations in both its call letters and its ownership during the 1930's. Originally designated WABZ and licensed to the Coliseum Place Baptist Church, the control had been for a time transferred to Samuel D. Reeks and the call letters changed to WBBX. But when Reeks ran into

difficulties, the station once more became the property of the Church, and in 1934, it was re-identified, this time as WBNO, in keeping with a new location in the Hotel New Orleans. It would continue under that style and ownership until 1939 when the facilities would finally be sold to James A. Noe, who secured permission from the FCC to use the call letters, WNOE. Noe, who was born in Kentucky, moved to Louisiana after World War I and soon became a wealthy businessman with substantial oil interests. He also became active politically, developing a close association with Huey Long. In 1932 he won election to the state Senate, and in 1935 to the position of lieutenant governor. When O. K. Allen, Long's hand-picked successor as governor, died unexpectedly, Noe served as Louisiana's chief executive for four months until a special election was held. While his tenure in the mansion lasted less than half a year, he was "Governor" Noe for the rest of his life. WWL was to hear a good deal from Noe when television made its appearance on the scene after World War II.<sup>14</sup>

With those thirteen stations, five of them in New Orleans, broadcasting in Louisiana entered the decade of the 1940's. But for WWL, the previous half dozen years, from the attainment of full time status on its clear channel in 1934 to the end of the 1930's, would be decisive. In those six years, WWL would wrest the broadcasting leadership of the state and of much of the South from its competitors, and convert the red ink of its early income statements to solid and consistent profits.

WWL initiated full time service on October 2, 1934, broadcasting from 7:00 A.M. until midnight, seventeen continuous hours. The date also marked the second anniversary of the station's residence in the Roosevelt Hotel studios. The day featured a special evening program in which Loyola's President, Father Hynes, offered an address of thanks to all friends of the University who had given their support in what he called "the long and bitter campaign" for sole control of the channel.<sup>15</sup>

There was no immediate change in the program content of the WWL schedule. Country music, featuring a variety of hillbilly groups, still dominated. In that orientation, WWL was hardly alone, however. Southern radio stations, beginning with WSB in Atlanta in 1922, featured country music from the first, and they were followed by such large Midwestern stations as Sears-Roebuck's influential WLS in Chicago. The latter aired

a country entertainment program in 1924 which eventually evolved into a popular and long-running National Barn Dance. Likewise, WSM in Nashville began a barn dance show in 1925, and when Program Director George Hay noted on the air in 1926 that it was following a classical music presentation, he commented: "For the past hour we have been listening to music largely from Grand Opera, but from now on we will present 'The Grand Ole Opry!'" The name, of course, stuck and survives to the present. For the independent station such as WWL, in a time when talent budgets were small, hillbilly singers and musicians were attractive. They were available, cheap, and popular.<sup>16</sup>

WWL scheduling also assumed some of the regional character of southern Louisiana. While the New Orleans broadcasters did not follow in the footsteps of KPLC in Lake Charles and offer French language programs in the 1930's, the flavor of the Cajun culture was represented. In this vein, Walter Coquille portrayed a comedy character named Telesfore Boudreaux, Monsieur le Maire of Bayou Pom Pom. In 1934 the Mayor of Bayou Pom Pom and his adventures with his neighbors--Robleau, the long suffering utility man, as well as Fifi Le Blanc, the Mayor's "best friend," and Pete Patalano, the "ica man"--could be heard on Monday, Wednesday, and Friday evenings on WWL at 7:00 P.M. One critic judged the show "one of those God-sent patches of sunshine in a sky now nearly solid cloud."<sup>17</sup>

The Loyola station was also boasting the city's only "official News Commentator" in the person of Irving Victor, who used the spelling Ervin Viktor for publicity purposes. He joined WWL when the Roosevelt studios were opened after work on the New York stage and as a newspaperman. By early 1934, he was handling two news programs daily, one scheduled at 12:45 P.M. and the other at 6:45 P.M., with the first sponsored by "Cooling, Refreshing, Invigorating--Eagle Beer." Viktor's vogueish and pretentious opening line on each broadcast--"Mr. and Mrs. New Orleans, Louisiana, and points East, West, North, and South--Greetings and Salutations--and, Heigh-ho!"--became quickly familiar to his listeners. Since no local station could afford to employ a full-time news commentator, Viktor was required to double as an announcer. He performed that chore all too well; his ability as a "selling announcer," especially on P.I. accounts, soon resulted in his receiving offers from larger stations. He left WWL in 1936 for a position on a Chicago station at a substantially increased salary.<sup>18</sup>

With the inauguration of 10,000 watt operations and the larger studio facilities, and in anticipation of the expanded scheduling that followed undivided time on the 850 kc. frequency, other new personnel were soon joining the staff. Some of these were to have long and important careers with WWL. James V. "Jimmie" Willson became Program Director in 1934. Billed as "the best announcer in New Orleans," he was better known for his singing voice which was featured in a succession of sponsored and sustaining shows during the decade. Another early mainstay was Karl Lellky. Born in Sweden in 1905, he traveled to the United States in 1928 and joined WWL four years later. He served as the staff pianist, the leader of the WWL String Trio, and the arranger and conductor for the impressively named WWL Little Symphony Orchestra. His wife, Maureen, a violinist, also played in the String Trio which performed on Sunday afternoon programs that featured dramatic readings.<sup>19</sup>

Especially important to the future of the station were two other staff members who were hired in these transition months--Henry Dupre and Irvine "Pinky" Vidacovich. Dupre was a native New Orleanian, born in 1906 and graduated from the old Jesuit College in 1925. For two years after his graduation, he performed in juvenile and character parts for the St. Charles Stock Company, a New Orleans theatre group, before leaving for New York and a hoped-for stage career there. When a family illness called him back to Louisiana in 1932, he decided to linger. Applying to WWL for a job, he emphasized his Jesuit educational background, and was able to secure a position as a part-time announcer.

In 1933 he was given a show of his own. Called Souvenirs, it featured poetry readings, and was carried by the station on a sustaining basis for the first few weeks until Al Foster successfully sold it to the Ouliber Coffee Company. Dupre's "talent fee" for the program was originally two dollars a broadcast, which he supplemented eventually by collecting his poems into a book and selling the volume for fifty cents a copy. His strength, however, lay in his abilities as a master of ceremonies. A marvelous "straight man," he served as a foil for a parade of studio comedians, and he delighted in participating in radio stunts. It might be broadcasting from atop a one hundred pound cake of ice on Canal Street while wearing only a bathing suit (the result of losing a Sugar Bowl bet), or from the bottom of the Mississippi River in a diver's outfit.



He seemed equal to any emergency or situation. When the Mayor of Bayou Pom Pom staggered into the studio one Christmas Eve "boiling drunk," Dupre ad-libbed a show with him that supposedly featured the Mayor tipsy. When the program finally limped to its conclusion, Coquille turned to Dupre and exclaimed: "Henry, that was wonderful; we are going to do that again." Dupre shot back: "Like hell we are." He felt he had aged ten years in thirty minutes.

Souvenirs was followed in a few years by Street Broadcast, a public participation show done at first in front of the Loew's State Theatre on Canal Street and later at other locations. Passers-by would be interviewed and each would receive a coupon for a "Carioca Cooler," the drink sponsor's product. The program lent itself especially to free plugs for the ventures and wares of influential New Orleanians. From such efforts eventually evolved the single most popular program in the city's radio history, the Dawnbusters. Dupre would succeed Jimmie Willson as Program Director after several years and, in the space of more than two decades with WWL, hold virtually every possible staff position at the station outside of engineering and sales.<sup>20</sup>

Closely associated with Dupre, as the years passed, was Pinky Vidacovich. A native of Buras, Louisiana, he was a well-regarded musician and orchestra leader when he made a first appearance before WWL microphones in 1932. On Sunday afternoons at 1:30 in 1933, his orchestra was billed as the Hillcrest Little Symphony on a program paid for by Hillcrest Dairies. Later his band became the regular WWL studio orchestra, and was featured in all manner of musical broadcasts under a variety of names. Gradually, with the inauguration of the Dawnbusters in 1937, Pinky's comic genius began to blossom. Having come to New Orleans at the age of three, speaking only French, he had a strong grasp of the flavor of Cajun culture, and he employed it effectively in what seemed countless skits, usually performed by himself and Henry Dupre. Through the years that followed, Pinky wrote perhaps 15,000 scripts, each approximately 3-3½ minutes in length. As one WWL veteran later recalled: "With Pinky's superb writing of sketches and songs, Henry's talent doing voices and ad libs, and a band that just wouldn't shut up,...the Dawnbusters became an institution." The institution was to endure for over two decades, and Vidacovich came to be regarded as "a modern-day minstrel using 20th century methods to immortalize in song and playlet

the customs of a rapidly vanishing race."<sup>21</sup>

It has been said that broadcasting; like a newspaper or a billboard, is essentially an advertising vehicle, "a conduit through which a vendor crying his wares may be heard by prospective purchasers." Certainly, a growing number of such vendors were, by 1934 and 1935, availing themselves of the conduit of WWL. The number of unsponsored or sustaining programs had declined significantly with the 1932 increase in power and the 1934 attainment of full time on a clear channel.<sup>22</sup>

Daily schedules reflected a heavy musical orientation until the acquisition of network affiliation. The musical bias was understandable, production costs were less, relying primarily upon the salaried staff musicians of the station who were already available and who could be employed in a multitude of programs under a countless number of different names and titles. When an outside orchestra was used, it usually performed for publicity only until a sponsor was found. The schedules also lacked any significant Loyola University character. One casualty of the shift of the studios from the campus to the Roosevelt was educational programming. Other than High Mass on Sundays and infrequent presentations by various University departments, in the 1930's averaging fifteen minutes per week, the station might as well have been owned by any private enterprise firm. In 1939 a brief "Thought for the Day" program was added to the schedule at 6:45 A.M. It featured a succession of Jesuit Fathers over the years, and was carried as a remote broadcast from the Loyola campus.<sup>23</sup>

The product of the enhanced commercial activity could be read in WWL's income statements. Whereas time sales for 1933 totaled something over \$50,000 and operations were conducted at a loss, the 1934 figures showed a gross income of \$115,760, and even after "rent" to Loyola of nearly \$20,000, as well as federal and state income taxes, a final profit of \$3,617 was shown, the first earned on any significant volume of business. The year 1935 proved even better. Gross income reached \$187,783 and stemmed from three sources:<sup>24</sup>

\$ 15,625	network programs (Nov. & Dec. only)
133,514	national advertisers
38,644	local advertisers
<u>\$187,783</u>	total

Even after a substantially increased rent to Loyola of \$49,984, the WWL Development figures reflected a net profit after taxes (\$869) of \$4,905. The station was finally a profit-making venture, and it would remain that way. Moreover, the income to the University was rapidly beginning to approach the amounts Abell had all along felt WWL was capable of generating. What he did not anticipate was how much beyond his original vision the station would eventually travel.<sup>25</sup>

Operating expenses were the lion's share of WWL costs in 1935. Included in this category, naturally, were salaries and commissions. The former were not impressive. The staff orchestra earned \$125 weekly-- as a group, not individually. Even Pritchard, the station manager, received but \$200 monthly. He did, however, have the opportunity to supplement that amount by commissions earned on time sales for which he was responsible. Indeed, sales department commissions made up the largest single cost items on the 1935 statement. Pritchard's commissions totaled \$5,236 for the year, but Al Foster did considerably better than that. The most highly paid staff member on the station, Foster's commissions reached almost \$14,000 during the year. The size of those commissions would prove in the future to be a matter of some bitter disagreement between the WWL management and the University's administration.

Renewed negotiations with the two principal broadcasting networks were the inevitable result of the clear channel war victory. WWL had never made any secret of its desire to acquire a chain affiliation, and talks with both NBC and CBS had been held intermittently over the past few years. But the discussions always foundered on the rock of divided time on the channel. Now with that obstacle removed, CBS acted quickly to add WWL to its lineup. Of course, CBS already listed a New Orleans affiliate, WDSU, but that station lacked the two advantages that WWL could bring to any agreement--10,000 watts and a clear channel. A 1933 CBS Listening Areas survey placed the extent of WDSU's primary coverage with its 1 kw. transmitter at 17 parishes or counties containing a total population of 858,000 in Louisiana and Mississippi. The number of radio homes in that coverage area was set at 75,000 plus. A secondary listening area for WDSU was calculated as including 56 additional parishes or counties, a population of 1,375,000 and 41,600 radio homes. The method of determination of these zones should be explained. During a week in October 1933 a sixty second message was read by a local announcer, offering to listeners a

free "souvenir radio booklet." The announcement was made for seven days, in the morning, the afternoon, and the evening. All mail received in response by a station was then forwarded to the CBS headquarters in New York where it was audited by counties for each affiliate. Counties with twenty-five or more requests per thousand population were classified as primary coverage; those with ten to twenty-five requests as secondary.<sup>27</sup>

Four years later, after WWL had become a CBS affiliate, a similar survey was completed. The figures, now broken down into daytime and evening listening areas, revealed the advantages that the Loyola station brought to the network. The primary daytime listening area now comprised 74 parishes or counties with a total population of 2,160,000 and 270,000 radio homes. It included not only Louisiana and Mississippi, but portions of Alabama and Florida as well. The after-dark listening area was also impressive, and the survey revealed that 95% of all radio families in Orleans Parish claimed listening to WWL "sometime in the evening."<sup>28</sup>

Also adding to the attractiveness of WWL for the Columbia network was the fact that Abell, ever hungry for more power, filed an application with the FCC on November 17, 1934, requesting authority to broadcast with 50,000 watts. If granted, the boost would place the station among the industry's elite, for only WLW in Cincinnati with its temporary and experimental 500,000 watts service, could boast of more power. Thus with the future as well as the present in mind, the contract with WWL was signed by CBS on November 24, 1934. Uhalt at WDSU was notified that the network was taking its business elsewhere after the expiration in 1935 of the agreement already in effect. Joe Uhalt's reaction to the loss of his CBS affiliation was a bitter one, and his relations with the Loyola station would thereafter remain strained as long as he controlled WDSU. He was able, however, to quickly secure a new chain tie, this one with the Mutual network, the new chain that had come into existence only the previous year. The Mutual association was to last only two years as WDSU switched to the NBC Blue network in 1937 and maintained that affiliation until 1943 when NBC Blue evolved, under federal government pressure, into the American Broadcasting Company--ABC. Meanwhile, WSMB continued to carry the more popular programs of NBC Red, remaining the only other network station in the city until WNOE joined MBS in the 1940's.<sup>29</sup>

In early 1935 the station charge for WDSU on the CBS rate card was \$225 per evening hour. When WWL became the affiliate in the last two months of the same year, that figure was raised to \$250. There was no significant change again in the quoted rate until 1938 and WWL's step up to 50,000 watts. At that point CBS placed the new rate at \$375; the following year it was raised once more, this time to \$400 where it remained for the next decade. As already noted, WWL's share of the rate for two months of affiliation in 1935 totaled over \$15,000.<sup>30</sup>

Not considered until later was the serious question of how a CBS affiliate could exercise effective control over the programming it broadcast when its entire time was optioned to the network. As the FCC eventually pointed out, it was the station and not the network which was licensed to serve the public interest, and which had a responsibility to serve the needs of its local community. Not until 1937 did CBS introduce a clause into its affiliate contracts allowing the possibility of rejection of network commercial programs: "In case the station has reasonable objection to any sponsored program or the product advertised thereon as not being in the public interest, the station may, on three weeks' prior notice thereof to Columbia, refuse to broadcast such program, unless during such notice period such reasonable objection of the station shall be satisfied." But even then, given the scanty advance information that affiliates received on up-coming network shows, the provision was of little value. The FCC recognized the reality:

It is obvious that from such skeletal information the station cannot determine in advance whether the program is in the public interest, nor can it ascertain whether or not parts of the program are in one way or another offensive. In practice, if not in theory, stations affiliated with networks have delegated to the networks a large part of their programming functions.<sup>31</sup>

The entire situation was further complicated by the fact that the networks had virtually conceded the production of commercial programs, the ones that would actually be most listened to by the public, to the major advertising agencies. Thus for a local affiliate such as WWL, the determination of what its listeners would hear was made, to a significant extent, in the offices of New York advertising executives. For WWL this

situation posed a special paradox. The Loyola University agreement with WWL Development in 1933 had been careful to stress "the character of all matter to be broadcast is and shall always be under the absolute control and subject to the unconditional approval of the University." In part this strong statement simply reaffirmed that the licensee retained control over operations, as required by the law, but there was also contained in its meaning the cautious attitude of generally conservative religious educators towards placing too much unfettered authority in the hands of laymen. Now, however, faced with the compelling attraction of network affiliation and the bright economic future it promised, the same caution was conspicuously absent. In the pragmatic choice between WWL becoming a continuing endowment for the University or its substantially reflecting the educational and religious character of its owners, the first alternative was chosen as the greater good for the institution. That course, once chosen, would never see a significant deviation.<sup>32</sup>

On Saturday, October 2, 1935, WWL officially became a member of the Columbia Broadcasting System. That evening a special CBS show was carried over the network. Titled "A City of Contrasts," it originated in the WWL studios and for sixty minutes dramatized the history of New Orleans. The program was produced by Jimmie Willson and its score arranged by Karl Lellky. It gave nationwide attention to the city and to the new CBS outlet.<sup>33</sup>

The immediate change in the WWL schedule resulting from affiliation was wrought primarily in the evening hours. In December 1935, for instance, the hours between 6:30 P.M. and 9:30 P.M. were completely occupied by the network. Names such as Eddie Cantor, Phil Baker, Wayne King, Guy Lombardo, Myrt and Marge, the New York Philharmonic and others now appeared. It was no coincidence that the New Orleans newspapers, which for some months had recognized only the existence of the two network stations, WSMB and WDSU, now suddenly blossomed forth in 1935 with the WWL log as well. The remaining independents, on the other hand, continued to be ignored. A few vestiges of the old programming remained, however. The Pickard Family and some other hillbilly groups were still squeezed into whatever available time slots existed. Abell and Burk and Pritchard and Foster had not altogether forgotten the formula that put their station solidly into the black for the first time.<sup>34</sup>

## THE TWILIGHT OF THE ABELL YEARS

When the Federal Radio Commission shifted KWKH to 1100 kc. in 1934, clearing the 850 kc. channel for WWL, it also created an unexpected new quarrel for the New Orleanians. In an especially delicate situation, the Loyola Jesuits now found themselves pitted against another influential Roman Catholic religious order, the Missionary Society of St. Paul the Apostle--the Paulist Fathers.

In 1925, the Paulists, utilizing some \$100,000 derived from donations to the Society, established a radio station in their rectory on West 50th Street in New York City. They cited as their goal the presentation of "talks on religious, social and literary subjects and discussions of interest of the present day." A featured part of the programming would also be the broadcasting of a Sunday evening service from the Paulist Church, "the magnificent singing of the internationally famous Paulist Choristers," and sermons by "distinguished preachers." The plans for the station received the friendly support of Patrick Cardinal Hayes, Archbishop of New York, and other Church authorities. The Department of Commerce authorized the new station to operate on a frequency of 1040 kc., with power of 5,000 watts, and with the call letters WLWL. But a year later, the Department assigned another New York station to the same frequency, requiring the Paulists to share time with the newcomers. The federal intrusion was roundly denounced by the Paulists as an "overt, deliberate, and outrageous discrimination against a high-grade non-commercial radio station with an unrivaled program of cultural entertainment and of instructive talks on religious, ethical, educational, economic and social questions, in favor of a mere dispenser of jazz and cheap amusement."<sup>1</sup>

Then, in a dizzying succession of changes over the next six years, WLWL was bounced from one new frequency to another--780 kc., 1020 kc., 810 kc., and finally 1100 kc., where it was required to share the channel with WPG of Atlantic City and later, KWKH. Even more infuriating to the WLWL owners, they were limited to a specific maximum number of weekly broadcast hours, 15½, a condition they described as being "brought to death's door" by the FRC's curtailment of their air time to a "starvation allowance." The FRC, on the other hand, contended that during the brief period in which the Paulist station had operated with unlimited time at its disposal, it made use of only three to four hours daily. Moreover, the Commission pointed out the more than twenty other stations active in the New York metropolitan area, raising the fundamental question of the indispensability of the WLWL endeavor. The FRC added that the others already carried educational and religious programs "to a considerable extent."<sup>2</sup>

The Paulists, led by their Father Superior, John B. Harney, C.S.P., had no intention of surrendering. They first attempted to convince the FRC to modify the time division between WLWL and WPG, asking for half time on the frequency. When the Commission, in February 1934, refused to agree, Harney decided to attack on a wider front. He admitted: "Neither the justice of our claims, nor repentance for its own unfair discrimination against us had budged the Federal Radio Commission one inch." Therefore, Harney merged the WLWL cause with a larger issue, justice for non-commercial broadcasters nationally. In his words, the Commission "discriminated not only against our station, but against other educational agencies in the allotment of broadcasting facilities."<sup>3</sup>

In March 1934, Harney proposed to the Senate Committee on Interstate Commerce an amendment to a bill being considered by that body, the bill that would soon establish the Federal Communications Commission. The Harney proposal created nothing short of an earthquake in the industry. It called for the new FCC to "reserve and allocate only to educational, religious, agricultural, labor, cooperative, and similar non-profit making associations one-fourth of all the radio broadcasting facilities." The amendment also required the frequencies set aside for non-commercial stations to be "equally desirable as those assigned to profit-making persons, firms, or corporations." Passage of the amendment would have required, of course, a wholesale redistribution of the broadcasting licenses and assignments of the nation. Nevertheless, the plan received considerable



support. As Harney was shrewdly aware, educators had for years been criticizing the commercialization of radio and their own inability to maintain more than a small foothold in the medium. In 1930 they formed the National Committee on Education by Radio to lobby for their cause, and that group now threw its weight behind the Harney "25% amendment." The Paulists also rallied to the cause various Catholic organizations and periodicals. The National Catholic Educational Association and, significantly for WWL, the Jesuit Education Association were now supporters of the amendment.<sup>4</sup>

Harney organized a meeting of Catholic members of the Congress with religious and educational representatives, and successfully forged an alliance. Senators Robert F. Wagner of New York and Henry D. Hatfield of West Virginia served as the congressional leaders in the floor debate that followed. Yet, despite pressure from outside as well as support from within, the Harney plan failed, and the Communications Act of 1934 took effect with only a vague mandate given the new FCC to "study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular kinds of non-profit radio programs or to persons identified with particular types or kinds of non-profit activities," and to report its findings. The amendment failed in part because of vigorous opposition from commercial broadcasters, in part because of faulty drafting, and in part because the administrative difficulties envisaged in carrying out the reallocations seemed too gigantic. The "fixed percentage" approach to non-commercial broadcasting was never again seriously considered after 1934.<sup>5</sup>

The Paulists remained unreconciled to defeat after the failure of the 25% amendment. They now abandoned a "popular front" strategy and reverted to direct measures for securing aid for their embattled station. On January 14, 1935, they filed an application with the FCC calling for a modification of their frequency assignment, but that application affected many more interests than simply those of WLWL. The ramifications of the new proposal were felt across half the continent, and the audacity of its provisions was little short of staggering. It began simply enough--WLWL asked that the FCC assign the station to a different dial location, 810 kc. But for that change to be implemented, others would be necessary as well. The 810 frequency was already occupied by WNYC, a New York City licensee, and WCCO, a Minneapolis station. The Paulists asked that

both of those broadcasting enterprises be assigned new frequencies. WNYC should operate on 1130 kc., joining two unsuspecting other stations already there, WOV (New York City) and KSL (Salt Lake City). WCCO would be placed on 800 kc.--an assignment that at the moment belonged to WFAA (Dallas) and WBAP (Fort Worth). The application blandly recommended that those two Texas operations also receive a new assignment, 850 kc., the clear channel that WWL had fought so intensely to capture. Finally, WWL was to be ordered to share the proposed WLWL frequency, 810 kc. Thus under the scheme offered by the Paulists, WWL, after five years of legal struggle, would find itself once more dividing a channel with another station. Altogether, the determination of WLWL to move to a new frequency could directly affect the radio activities of seven other stations, and an even larger number indirectly.<sup>6</sup>

The crucial response to this jerry-built structure of change would come from WWL. Father Harney naively anticipated a favorable response from New Orleans, or at least no formal opposition. He misunderstood the basic nature of the WWL operation, conceiving of it as primarily concerned with religious and educational broadcasting, as was his own WLWL. He apparently also believed that he had secured some pledge of support from the Loyola Jesuits. In a July 1935 letter to a fellow Paulist, he recalled that Wallace Burk had once visited him, requesting Harney's and WLWL's backing in the campaign to bring public pressure upon the FRC when that body was considering the WWL-KWKH tangle. Harney believed that as a consequence of Paulist aid, "the Jesuit station at New Orleans owes its present position on the broadcast dial to the friendly and helpful action of WLWL," and that some recompense would now be forthcoming. Finally, Harney anticipated bringing ecclesiastical weight to bear on New Orleans by asking the Papal Apostolic Delegate in the United States to intervene in the matter. Meanwhile, the Paulist Superior and his colleagues were not overlooking political avenues either; they availed themselves of the customary Catholic conduit into federal decision-making, Postmaster General James A. Farley. From that official they secured promises of help and boasts of great "time and effort consumed by me in relation to the matter."<sup>7</sup>

Harney was more than disappointed by the actual WWL response to the reassignment plan; he was bitterly angry. Privately, he warned that the New Orleans Jesuits would "rue the day," and he cried that "their determined opposition to our position brands them as

contemptibly ungrateful." Nevertheless, he remained optimistic that the WLWL application might be approved anyway. Realistically, WWL's negative answer should have come as no surprise to any reasonably close observer of the station's record. The WWL management in no way equated themselves with the non-profit broadcasters who had campaigned the previous year for the 25% amendment. Since the WWL decision in 1929 to pursue commercialism, the amount of religious and educational programming on the station was steadily reduced, and with the promise of network affiliation close at hand, such programming would soon be all but completely eliminated. WWL had given no support to the 25% amendment plan, and if anything, sympathized with the National Association of Broadcasters and the proponents of commercial radio who had vehemently and successfully fought it. The primary purpose for which WWL existed in 1935 was to serve as a flourishing source of endowment funds for the University which held its license, and it was at last beginning to perform that function quite well. Thus the fundamental interests of WWL and WLWL were contradictory. The Jesuits at Loyola recognized that basic fact; Harney did not.<sup>8</sup>

WWL wasted no time in voicing complete opposition to the reassignments, with Paul Segal, the Washington attorney who had represented the station in the last round of the clear channel fight, serving in that legal capacity once again. First, Segal attempted to prevent the matter from even reaching the stage of an FCC hearing. He claimed that the Paulist application violated so many Commission rules that hearings would simply impose an unnecessary expense of over \$5,000 on WWL. When the FCC refused to accept his argument, he complained that the New Orleans station would appear, but only reluctantly and "under protest." The hearings commenced on June 27, 1935, and were adjourned the following day. They resumed in late October and continued until the beginning of November. Once more, as he had done so often in the past six years, Abell traveled to Washington to testify. The bulk of the argument offered in this case, however, rested on the technical impossibility of the WLWL scheme.<sup>9</sup>

On behalf of the Paulist station, an expert engineering witness claimed that though WWL and WLWL would be operating on the same frequency, no interference problems could physically arise during the daylight hours, and the use of directional antennas would prevent interference after dark. Engineering testimony supplied by WWL, however, warned of adjacent

channel interference that would be experienced on 810 kc. due to the presence of WHAS (Louisville) on 820 kc. with 50,000 watts power. It also refused to agree with the WLWL claim that the New Orleans and the New York City transmitters could avoid interference, especially if WWL was granted the requested authority to increase its power to 50,000 watts. Other affected stations joined WWL in opposition for their own special reasons.<sup>10</sup>

It was over a year before the FCC finally announced its decision. During that time attention continued to be focused upon the case by some Catholic opinion-makers. One Catholic periodical, The Sign, in an article on the subject, referred to WLWL as "the oldest and largest Catholic radio station in the country." In doing so, the magazine overlooked the fact that WWL was three years older than the Paulist operation, and was broadcasting with twice the power. Unwittingly though, The Sign was also drawing attention to the plain fact that WWL was now a frankly commercial station, while WLWL's raison d'etre continued to be the propagation of the faith.<sup>11</sup>

In December 1936, the FCC delivered its verdict. The Paulist application was denied. In the words of the Commission: "The ultimate public advantages which would be achieved...are outweighed by the public disadvantages involved therein." There were simply too many "incidental effects" on too many other stations for the proposal to be approved. For WWL, the conclusion of the Paulist dispute meant the failure of the last challenge the New Orleanians would face to a now secure position on their clear channel. For the Paulists, the decision was a severe disappointment hastening their complete abandonment of the WLWL venture. While the station actually earned a small profit in 1936, primarily from a slight excess of donations over operating costs, there seemed no real possibility that circumstance could be long continued. The result was a decision to sell the station to Arde Bulova in March 1937. The Paulist-sponsored magazine, The Catholic World, offered an explanation: "All efforts to make it self-supporting were thwarted by the Federal agencies in Washington that regulate radio. No alternative remained but to sell the facilities." A brief, explosive chapter in broadcasting history had concluded.<sup>12</sup>

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Paradoxically, while WWL was adopting a fully commercial policy in station operations, University administrators did not feel that policy precluded their radio venture from being tax exempt. The income statements for 1934 and 1935, the first years for which real profits were earned, showed both federal and state income taxes paid. They were not paid, however, without protest; the University raised the issue with the Internal Revenue Service, and in the first of a series of such disputations with IRS officials, argued for an exemption. The claim was made that WWL Development, since its stock was held by a tax-exempt University, and since the bulk of its income was paid to that educational institution, should be considered exempt as well. On April 12, 1935, the IRS denied the petition, stating that WWL Development had been incorporated "with broad powers to engage in business and not for the exclusive purpose of holding title to property for Loyola University...and as your stock carried the right to dividends." The 1935 ruling was accepted as final for the time being, but new Revenue Acts passed by the Congress in 1936 and 1938, and new judicial precedents, were to bring a reopening of the question in the early 1940's. In the meantime, taxes continued to be paid, and as earnings climbed, the governmental share did as well; 1936 saw the income taxes paid exceed \$7,000.<sup>13</sup>

The first full year of network affiliation, 1936, showed a startling increase in earnings over a relatively good 1935. Whereas 1935 saw a gross income for WWL Development of \$187,783, the following year income reached \$307,474 with most of the gain stemming from CBS's payments for the carrying of sponsored network programming. Moreover, the rent or contribution paid to the University by the Development Company soared to \$90,253, and even after federal and state taxes, profits of \$35,082 were retained in the enterprise. WWL was rapidly turning into a gold mine--a far cry from the anemic operation that had barely maintained an existence just a decade before.<sup>14</sup>

Improving prospects brought changes in their wake for the station, including some that would permanently alter the history of the enterprise. On a minor scale, 1936 saw a revision in the contractual relationship between the University and WWL Development. The income gains made in 1934, 1935, and 1936 encouraged the University administration to rewrite the terms of the agreement, making it even more of a "sweetheart contract" than before. A Supplemental Agreement, signed on December 26, 1936, now required the Development Company

to pay to Loyola a minimum of \$52,000 annually plus 50% of the remaining profits earned by the station before taxes. Looking ahead to future FCC approval of its application, WWL Development was also authorized "to purchase, install and complete a new standard 50 kw transmitter with all necessary appurtenances" and then to turn over the title for that equipment to the University. The new terms were signed by Father Hynes for Loyola and Andrew Fitzpatrick for WWL Development.<sup>15</sup>

Most significant for the station's future were the management changes of 1937. They marked the first major shift in those positions since the early days of the station's commercial policy. Now the Abell years were about to reach an acrimonious conclusion.

Orie Abell had already re-assumed an old post, Faculty Director. His close friend, Wallace Burk, finally conceded to continuing bad health and resigned that office in 1934. Even while Burk held the position, however, Abell continued to dominate station operations because of his technical expertise and his close personal relations with the lay staff members, especially Pritchard and the aggressive and clever Al Foster. Now in 1937 Abell as Faculty Director faced a new University President, and one not as willing as John Hynes had been to give him the benefit of doubt on policy disagreements. Harold A. Gaudin, S.J., was a Jesuit priest who would preside over the University for only three years, but in that time he reshuffled the entire WWL management team, including Abell himself. Gaudin himself had been educated at Gonzaga University in Spokane, and at the Gregorian University in Rome. He had no previous administrative experience in higher education or connection with WWL. The new President was also facing a difficult personal situation in that he was succeeding Father Hynes, who was almost universally liked and admired.<sup>16</sup>

Trouble between Abell and Gaudin was to come on two fronts: programming policy and the handling of commercial accounts. Regarding the first issue, a problem of image had all along existed, but now with network affiliation and with the station on the verge of 50 kw. service, it became especially acute. Gaudin and the businessmen-directors of WWL Development determined that a station of WWL's emerging prominence should no longer be associated with the hillbilly shows and patent medicine sponsors of the struggling independent days. The "ache and pill station of the nation" phase in WWL's history ought now to be put firmly behind it.

Closely related to the programming issue was the question of the handling of commercial accounts. To a substantial extent, this critical sector of WWL operations had been left entirely to Al Foster's personal care, and he had conducted the station's business out of his hip pocket. To a cautious and, according to his close contemporaries, suspicious Jesuit such as Gaudin, as well as to the conservative executives of the Development Company board, this was no longer acceptable now that the stakes of the game were so much higher. The sums of money with which Foster was dealing were too substantial.<sup>17</sup>

Indeed, Al Foster sometimes dispensed with money altogether and operated on the barter system. He would exchange WWL air time for a sponsor's product rather than cash, load up his car with the cases of a headache remedy or a food item, and then proceed to peddle them to any likely grocery or drug stores for whatever they would bring. Certainly, the standard rate cards meant little to him; he would make whatever arrangement with a sponsor necessary to close the sale. Often, the sponsor's check might be made out to him personally, and there were rumors that not all those funds eventually found their way into the WWL account books. Rumors also flew by 1937 that WWL artists who earned talent fees from programs sold by Foster, were expected to return a portion of those fees to the Sales Manager himself.

Certainly, it appeared to Gaudin and his advisors from the business community, that the real center of power at the station lay not in the office of Abell, the Faculty Director, or Pritchard, the nominal Station Manager, but in the wheeling and dealing of Al Foster. Adding to this concern were the incontrovertible figures that showed Foster by far the most handsomely rewarded staff member, earning over \$17,000 in commissions in 1936, at a time when announcers and engineers were fortunate to be offered \$25 per week. Moreover, there was the constant fear and never proven belief that Al Foster's income actually went far beyond what the auditor's figures read. With those concerns, real or unreal, well in mind, Gaudin determined to professionalize the operations of the station.<sup>18</sup>

The decision was made in April 1937. There would be a change of command at WWL, beginning with the post of Station Manager. Gaudin, operating without the knowledge of Abell or the WWL staff, consulted friends of the University, seeking a recommendation for a new head. From Paul Segal, whose Washington law firm had

represented WWL in both the culmination of the clear channel struggle with Henderson and the Paulist challenge, came a nomination--Vincent F. Callahan. The nominee was what Gaudin had been seeking, a broadcasting professional. Callahan was an Irish Catholic from Boston with considerable radio experience, who was currently employed by a NBC station in Washington, D.C. It was presumed that once a man such as he was brought in, he could be depended upon to make the other personnel changes that might be required.<sup>19</sup>

Abell was the first of the WWL team to be informed. He took the news badly since it could only be interpreted as a judgment on his own recent record at the station. Nevertheless, under pressure and reluctantly, he agreed to travel to Washington, meet with Callahan, and finalize the details of the latter's coming to New Orleans. Abell also agreed to keep the decision secret for the time being. Thus when Arthur Pritchard received a telephone call from Gaudin in mid-May 1937 inviting him to a meeting at Loyola, he did not anticipate its purpose. Pritchard had not yet met Gaudin, though the latter had been Loyola's President for some months, and therefore the Station Manager looked upon the conference as an opportunity to offer some suggestions for improving cooperation between the University and the station. Instead, he found to his shock that he was being demoted to Assistant Station Manager and a new man brought in to direct operations. Pritchard, ever the good soldier, agreed to the reduction of his status.<sup>20</sup>

Later, in a hotel room at the Roosevelt, he for the first time encountered Callahan, who had just arrived in the city. Their introduction was Callahan's offering him a drink--the WWL staff were to find over the next two years that such invitations would be commonplace with their new Manager. Then Pritchard found himself the target of a barrage of questions, all dealing with the supposed machinations of Al Foster. The Englishman denied vehemently each allegation against the salesman. It was clear, however, that under Callahan, Foster would have no future at the station.<sup>21</sup>

The Callahan that Pritchard encountered in May 1937 was of medium height, stocky, with a ruddy complexion and handicapped by a withered arm. He was volatile, aggressive, often abusive, and addicted to horses that never quite ran as fast as he believed they would. Memories of his drinking habits were still vivid for WWL staff members decades after he departed the scene. J. D. Bloom would remember that he picked



up Callahan and drove him to the station each morning, and the Manager would inevitably feel the necessity to stop for a brace of breakfast beers on the way. By noon, he had switched to Scotch. Henry Dupre recalls how Callahan might fire a staff member, sometimes Dupre himself, so that someone would be available to serve as a drinking partner in the afternoon. Then the firing would be rescinded the next day. No matter his personal habits, however, he was a good radio man, he knew the business, and he set about successfully putting a substantial measure of professionalism into the operations of the station.<sup>22</sup>

On the second day after assuming control, Callahan wrote a long, confidential memorandum to Gaudin describing his preliminary findings. In it he deplored a multitude of practices that had previously gone on without objection. He revealed an early version of what, in another generation, would be called "payola," pointing out that: "In my observation I have learned that people are getting hats, suits, shoes, through announcements from which the station gets no return." He complained of the staff moonlighting and warned he would demand notification of all employee outside work. A much more careful check of what actually was being broadcast would also be made now: "Effective within a day or two, the engineers in charge of the transmitter will log all local and national programs originating from WWL. This log will be given to me personally; I will look it over, check it, and then turn it over to the auditing department for a further check." He sternly predicted that any employees "who hide any revenue which they receive will be fired without notice."

On the subject of Captain Pritchard, he was quite clear. If there were questionable practices at the station, they were not of the former Manager's doing. He pronounced Pritchard completely honest in his own activities. The problem with his predecessor, in Callahan's view, was that Pritchard simply was without significant knowledge of the broadcasting industry, and as a result, tended to be under the domination of the more experienced Al Foster. Callahan criticized the insufficient number of local accounts, and the poor job of collecting moneys due the station. He promised the use of Dun & Bradstreet reports in evaluating the credit of new accounts, and he stated that cash in advance would be demanded from the questionable ones. The current existence of \$3500 in past due receivables would be corrected in a Callahan regime.<sup>23</sup>

Interestingly, Callahan reported that he had already been called upon by Harold Wheelahan, WSMB's chief. In addition to the usual words of welcome, Wheelahan raised the sore issue of WWL continually offering air time at below listed card rates. Callahan left no doubts on this point; the rate card would be followed. As he wrote Gaudin: "Regardless of the activities of any other station, WWL must and will retain its prestige. The prestige of the station can only be maintained by contracts according to the rate card." The focus of much of the unhappiness with WWL operations, Al Foster, was not in evidence when Callahan took over. The new Manager smugly stated: "For some strange reason, Mr. Foster, who appears to have been dominating the station until now, has been on a trip out of town," and he confidently predicted a satisfactory settlement of that personal problem whenever the salesman returned.<sup>24</sup>

In light of his own predilections, Callahan's only reference to programming policy seemed ironically humorous. He noted that in the 4:00-4:30 time period, the station was carrying a show titled "The Cocktail Hour." Piously he reported: "When I found that out, it occurred to me that a radio station operated by the Catholic Church should neither condone nor encourage cocktail hours. I have therefore instructed Mr. Willson to rename the program."<sup>24</sup>

Most important, Callahan looked forward optimistically to the future. He felt relations with Pritchard would be satisfactory, as the Englishman had taken the "reduced post like a soldier," and gave every indication of loyalty. Further, budgets for each department would now be set up with over-spending impossible in the absence of his own permission. He summed up his view of the station: "When the station goes to 50,000 watts, I am confident that there is a marvelous opportunity for WWL to become the outstanding station in this town."<sup>25</sup>

Within two months after Callahan's arrival, a clean sweep of the old WWL management was completed. Foster, seeing the situation clearly, departed the scene immediately; he left to assume the position of Commercial Manager on a St. Louis station, never again returning to Louisiana broadcasting. Pritchard, for whom Callahan had expressed some kind words, received his second rude shock of 1937 when he opened a letter from the Station Manager that bluntly fired him.

Three months salary, \$600, was offered in lieu of any notice and in view of his past services to WWL. Pritchard left the station in the summer of 1937 to pursue a career in other fields, permanently forsaking the precarious radio business. The Englishman and the Irishman had not been able to get along after all.

Most wrenching for the station was the departure of Orié Abell. Unable to accept the new order and unwilling to believe the criticisms and allegations leveled at the conduct of WWL affairs during his tenure, he preferred to be replaced in the post of Faculty Director and to terminate an association with the station that extended back for more than a decade. During that time, he took a broadcasting corpse, brought it back to life, put it on a new course, and finally saw his dream for it fulfilled. Abell's WWL, after fighting off a succession of challenges, had become a major financial support for the educational institution he represented. Now that it was reaching the point of even surpassing his dream, of actually wresting the broadcasting leadership from its competitors not just in New Orleans but in the Gulf South as well, he was being shuffled off the scene. He had really built too well. Abell constructed in the end an organization that became too large, too complex and too demanding for a gifted amateur such as himself to direct successfully. The moment had come when he was required to give way to the career executives, to the men for whom broadcasting had become a profession rather than an avocation. Nevertheless, Orié Abell's contribution would never be erased. He would remain, more than anyone else, the founding father of WWL.<sup>26</sup>

Abell's bitterness at the turn of events did not dissipate quickly. Five months after the management change, and even though he was no longer Faculty Director, he took the time to type a long, single-spaced letter to Gaudin tearing into Callahan's methods and accomplishments. From the specifics contained within the letter, it was clear Abell was still keeping in close touch with events at the station. He cited Callahan's supposed inability to develop any significant number of new local accounts, despite the new Station Manager's rosy promises. He further cited the fact that Callahan had taken national time sales away from the now departed Foster, who had earned an 8% commission on those contracts, only to turn that same task of securing national business over to a New York-based station representative firm, the Katz Agency, that was receiving 10% commissions on the same sales. He

denounced an increase in the salary budget, a decline in the quality of announcing, mounting paper work, and Callahan's inability to recognize the inherent limitations of the New Orleans market, at that time ranked as only the twenty-seventh largest radio market in the nation. Callahan had also raised the station's rates for local business by 25%, and Abell asked: "Why is it that so very, very few contracts are signed up at the increased rates, if increased rates are meeting with very little resistance? The best salesman on the staff admitted he hadn't signed up a single prospect the last ten days of October." In addition, Abell predicted the station would gross more in the five months of 1937 that his team had directed operations, than in the seven months of the year under Callahan. Finally, he carefully and in detail noted that patent medicine ads continued to be heard on WWL, even though they were supposedly one of the reasons why the management change took place.<sup>27</sup>

The Abell charges, while true in part, were not entirely fair to Callahan. The new Manager had, in fact, eliminated the most questionable of the medicine accounts, at the cost of temporarily reduced earnings. Salaries were increased, but better personnel were being employed and the quality of local programming was being upgraded as a result. The Katz Agency was earning a higher commission on paper than Foster had, but in the long run, a larger volume and a more desirable type of national business would be attracted to the station by that firm. Equally as important, it was certain with the Katz Agency that 10% was all they were earning. There had been, on the other hand, too many uncertainties in Foster's hip pocket system. Moreover, Callahan was making the rate card stick and eliminating special deals, thus winning for WWL some long overdue respect among its own competitors. Actually, the overall figures for the year 1937 were better than satisfactory. Gross income had jumped again, this time to \$383,237, an increase of over \$75,000 from the previous year, and WWL Development's annual payment to the University surpassed the \$100,000 mark for the first time, reaching \$110,051. Much of that business had been contracted by Foster and Pritchard, of course, but prospects seemed favorable nonetheless.<sup>28</sup>

In any event, there was no turning the clock back for Orie Abell. Gaudin and the WWL Development directors, if they were to become dissatisfied with Callahan's performance, would simply seek out another radio professional to replace him. They would not look back to

the Abell group that had tended the affairs of the station prior to May 1937. A new Faculty Director also sat in Abell's chair, Francis A. Cavey, S.J. He had served at Loyola since 1926 as a professor of philosophy and the Treasurer of the University. He was small in stature, quiet, yet forceful. Cavey would hold the post until his death in 1944. Naturally, he would lack the technical expertise of Abell, and thus his personal relations with the staff would not be close. A new era was beginning for that office. No longer would a Faculty Director be intimately involved in the day to day operations of the station as Abell had been; now they would serve more as a liaison between Loyola and WWL, and particularly as a legal and public symbol of the station's ownership by the University.<sup>29</sup>

As for Orie Abell himself, he remained at the University as a teacher of physics until 1938. In that year he joined the faculty of the new Jesuit High School in New Orleans, then briefly returned to Loyola in 1944 to serve as University treasurer, only to leave again in 1947. He held positions on both the high school and the college level in Dallas and in Mobile during the next three decades before passing away in February 1971. After the trauma of 1937, he never again returned to the field of broadcasting.<sup>30</sup>



## THE CALLAHAN INTERVAL

Vince Callahan's tenure as Station Manager of WWL saw significant steps forward taken, steps that propelled the station to the front rank of broadcasting organizations in the South. He began by tightening the business procedures being employed, introducing office accounting techniques and systems already in use in the nation's larger stations, but up to then not utilized at WWL where trial and error were the rule. The P.I. accounts and most of the more questionable patent medicines that Foster relied upon to increase WWL revenue were gradually eliminated. Foster found these national accounts so lucrative that he, for a time before 1935, opposed the station securing a CBS affiliation. Network programs, in the view of the former Sales Manager, only reduced the quantity of air time available for him to sell. Callahan was not able to throw all the medicine accounts off immediately (indeed some were quite legitimate), for fear of too drastic a decline in WWL income, but he phased them out as quickly as possible.<sup>1</sup>

Foster was replaced as Sales Manager by Paul Beville, but the latter was closely circumscribed in his ability to maneuver. National sales were largely taken from him and placed in the hands of WWL's new station representatives, the Katz Agency. As a result, Beville earned only \$9,127 in commissions in 1938 as opposed to the \$17,254 Foster collected in 1936 and the \$15,416 Foster pocketed for just six months with the station in 1937. Beville's figure was, nonetheless, the most earned by any WWL salesman, and still considerably above the incomes of the on-the-air staff. The popular Henry Dupre's salary for 1938 totaled just \$1,559.<sup>2</sup>

The Katz Agency, to whom WWL turned over national time sales, was founded in the 1880's by Emmanuel Katz

to represent California newspapers in New York City. It grew gradually into a nationwide organization representing some fifty newspapers scattered across the country. In the 1930's, the agency took on the responsibility of serving the national sales needs of radio stations owned by its client newspapers. A Radio Department was created, and Eugene Katz, Jr., grandson of the founder, placed in charge. Soon the radio business overtook and surpassed the original print sector upon which the firm had been based.<sup>3</sup>

In May 1937, Eugene Katz was on a necessary business trip. He had just visited a client in Texas, and was required to change trains in New Orleans on his way back to New York City. Taking advantage of the brief stop in the Louisiana city, he decided to call upon what he then regarded as the "top radio station in town"--WSMB. Here he met a stone wall; Wheelahan was not interested, and WSMB already had satisfactory national representation. Not quite knowing what to expect, Katz then chose to visit the WWL offices just a block away. He arrived at an opportune moment, just ten days after Callahan's taking control and immediately following the release of Al Foster. Callahan was determined to change the procedure for handling national time sales, and to turn that responsibility over to a firm of professional station representatives. The Katz Agency was the first to present itself to him, and solely because Gene Katz was required to change trains in New Orleans.<sup>4</sup>

Callahan began at once to regale Katz with "hair-raising stories" of the confusion the new WWL boss was encountering in the aftermath of Foster and Pritchard. The New Yorker was bewildered both by the tales and by Callahan himself, who seemed perfectly capable of proceeding from endearing Irish warmth and intelligent conversation to verbal abuse, scathing contempt, and blustering pugnaciousness, all in one afternoon's chat. Callahan, Katz later recalled with masterful understatement, possessed "arcane qualities." In the months ahead, Callahan's moods were to cause Katz considerable personal anguish, and that was not lessened by the broadcaster's propensity for using meetings with Katz as opportunities for dedicated drinking at the latter's expense. Nevertheless, with WWL soon to be the only 50,000 watt entry in his firm's stable of stations, Katz chose to grin and bear it.<sup>5</sup>

Negotiations with Callahan were quickly concluded but formalization of the agreement required the approval



of the Loyola administration. When, at the last moment, the Jesuit educators attempted to change the contract terms, Katz drew himself up and solemnly announced: "Gentlemen, I don't want to seem difficult to do business with but the Katz Agency was founded in 1888, and it has been using this contract form for fifty years. If you don't mind, we would like to stick to it." To which Father Gaudin, Loyola's President, answered the Society of Jesus was a good deal older than that, and it had some considerable experience of its own. Eugene Katz later recalled Gaudin as charming and handsome, but had he "lived to be a hundred, he would not have understood broadcasting."<sup>6</sup>

The national rates that WWL put into effect on September 1, 1937, offered a fifteen minute weekly evening program for \$76.50; the same length program in the daytime hours on a weekly basis sold for \$38.25. These rates placed WWL slightly above WSMB, the NBC Red affiliate in the city, where the same show sold for \$63.75 in the evening and approximately \$31 before sunset. Since some 75% of the NBC Red network programs were sponsored, while the same percentage of NBC Blue were sustaining in 1938, the former made WSMB a more formidable competitor than WDSU.

The WWL advantages, however, continued to be power and channel. While WWL broadcast on a clear channel with 10 kw in 1937, and with 50 kw in the offing for 1938, WSMB would see a power increase from just 1 kw to 5 kw in the same years, and WDSU continued with but 1,000 watts. The latter two stations operated on regional channels.

With the advent of WWL's 50,000 watts, its rates, not surprisingly, jumped again. The same weekly quarter hour program in the evening now cost \$102, and in the daytime \$54. A single evening spot announcement of 100 words inflated in price from \$25 to \$35. Nevertheless, rates were not high when compared to Northern stations. For example, though CBS was selling an evening hour on its New Orleans affiliate for \$275 in 1937, the affiliate in Boston was commanding \$425, in St. Louis \$500, in Chicago \$725, and in New York \$1200. The New Orleans and the Southern markets, even with WWL's available power, were not sufficient to command top dollar in station rates.<sup>7</sup>

In keeping with a station about to join the elite corps of 50 kw, clear channel broadcasters, a staff expansion took place, especially in the technical and

the administrative categories. Expenses increased significantly in 1938, Callahan's initial full year as Manager, despite the fact that the overall revenue of the station suffered its first decline in years, from \$383,237 in 1937 down to \$351,288. Nevertheless, operations were still profitable and a rental payment of over \$82,000 was remitted to the University by WWL Development. It was clear that Callahan believed money must be spent in order for money to be made, even if, temporarily, increased operating costs cut into the year's earnings.<sup>8</sup>

Coming to the forefront now under Callahan was new departmental leadership. When Abell left his post of Faculty Director, he also abandoned the title of Chief Engineer. That position was given to Jefferson Davis "J.D." Bloom, who had literally grown up with the station. Born in New Orleans in 1907, he attended Loyola from 1925-1929, and had been a familiar figure around WWL in those years. Later he was employed by two Michigan stations while completing an electrical engineering degree at the University of Detroit in 1932. Bloom returned to New Orleans the same year and accepted a job on WWL offered to him by Abell for \$25 weekly. It was less money than he had been earning in Michigan, but since banks were closing all over that state in 1932, he felt safer in Louisiana. His first task was to wire the Roosevelt Hotel studios. As Studio Supervisor from 1932 to 1937, he worked a six day week. Every fourth day he was required to first open the studio in the morning, next travel out to the transmitter site at noon and operate it from 6:00 P.M. until midnight sign-off, and finally sleep over, acting as the night watchman. In 1937 he succeeded Abell as Chief Engineer, and in the following year, it was Bloom who was given the responsibility for the plans and construction of the 50 kw transmitter. He would continue his new post for the next three decades and more.<sup>9</sup>

Replacing Bloom in charge of studio operations was Francis Jacob, Jr. Born in 1912, he attended Jesuit High School in New Orleans, graduating in 1930. He joined WWL on a full time basis in June 1932, after a year of part-time transmitter duty at the station. He, like Bloom, was hired by Orie Abell who seemed unable to resist a job applicant who could claim a Jesuit education on either the high school or college level. Jacob began at \$60 monthly, working anywhere from 60-80 hours each week. He would later play a major role in bringing about the unionization of the station's technical staff.<sup>10</sup>

By 1939 Callahan's list of employees was a far cry from Abell's skeleton crew of a decade before. In addition to Callahan and Cavey, eleven men (no women) held executive titles. There was now a Director of Special Events (Henry Dupre), a Director of Merchandising (Louis Read), and a Supervisor of Transmitter (Edward du Treil). Also employed were thirty-three other staff members, twenty-two men and eleven women, most of them musicians, singers, and engineers. Musicians there were in abundance as Pinky Vidacovich's orchestra came to play a larger role in programming. Fifteen years later the American Federation of Musicians would acknowledge that from the day the Roosevelt studios opened in 1932 and for the next two decades, WWL "has not had one day without staff employment in your station for a group of our members," and during most of that period, the station averaged eleven or more musicians on its weekly payroll.<sup>11</sup>

While WWL's application for authorized power of 50,000 watts was first filed by Abell in November 1934, it was under Vince Callahan that the goal was achieved. No significant opposition existed to the proposed increase, since KWKH had by 1937 accommodated itself to the 1100 kc. frequency and was negotiating with the FCC to make the assignment permanent. Nevertheless, Abell, a veteran of too many FRC and FCC proceedings, saw no reason why some extra-curricular political intervention should not be of assistance. For this purpose, the station's landlord, Seymour Weiss, and the omnipresent Jim Farley were employed. Weiss, the old Huey Long confidante, possessed a new-found influence in Washington since the compacting of the so-called Second Louisiana Purchase between the heirs of the Kingfish's power and the Roosevelt administration. In late 1936 the Justice Department announced the dropping of a bundle of income tax fraud cases being brought against a number of Longites, including Weiss, and Farley now magically appeared as the commencement speaker at the Louisiana State University graduation exercises. For WWL, the peace settlement offered another avenue for coaxing the FCC into a favorable decision on the 50 kw application.<sup>12</sup>

It was largely, however, a war without a battle. Opposing forces simply did not take the field. The application was heard by FCC Examiner George H. Hill, on June 9, 1937, the month after the departure of Abell and Foster. Paul Segal, George S. Smith and Charles Denechaud represented the station. Examiner Hill dutifully noted that the proposed new transmitter

equipment would cost some \$120,000, and that a line of credit was established at a New Orleans bank for twice that sum. He took account of the new population area that would be serviced, and he concluded it "would not be areas such as would be expected to receive primary clear channel daytime service from other stations." Moreover, Hill found WWL's present coverage in rural areas "would be made more reliable by an increase in power." He recommended the granting of the application. Six months later the Commission itself reiterated the conclusions of the Examiner. It announced that the University was "fully qualified financially" to operate a 50,000 watts station, that it was already "rendering a meritorious service," and that a need existed for the additional service that would be provided by the new transmitter power. On December 30, 1937, it granted the application.<sup>13</sup>

Acting quickly on the favorable decision, WWL employed a consulting radio engineering firm to study the merits of a new lake front site versus the old transmitter location. The firm's February 1938 report favored the new site near Kenner, Louisiana. Two weeks later an agreement was reached between RCA and WWL Development by which the manufacturing giant sold the station a "RCA Radio Transmitting Apparatus" for the sum of \$112,000, of which \$37,333 was paid initially and the remainder financed in 36 monthly installments at a 3% interest rate. Temporarily, WWL Development retained title to the equipment, and its December 31, 1938, balance sheet reflected the additions. Capital items now included the following after small amounts deducted for depreciation:

Transmitting Plant and Equipment....	\$188,150
Buildings.....	25,135
Land.....	18,317
Studio and Office Equipment.....	3,897

Correspondingly, approximately \$130,000 in notes payable were listed under liabilities.<sup>14</sup>

On early Sunday morning, November 20, 1938, between the hours of 1:00 and 4:00 A.M., the new RCA transmitter was tested. The announcers on duty invited any distant listeners to wire the station if they were receiving the signal. In response to the call, WWL received 1,179 telegrams from 47 of the 48 states. Only Utah failed to reply.<sup>15</sup>

WVL, even before the introduction of 50 kw service, had advanced to a major position in the New Orleans market. In the spring of 1937, a CBS survey interviewed radio owners in Orleans Parish, asking them to name the stations to which they regularly listened. The respondents mentioned an average of three stations per interview. Not surprisingly, the network affiliates scored the highest, but WWL was indicated more often than any other. Of those questioned, 95% answered WWL while 93% included WSMB. In third place, and trailing rather badly behind, was WDSU with a 55% response. It must have come as a distinct shock to the other New Orleans stations to learn that in evening listening, WLW from Cincinnati scored higher than the remaining local broadcasters. Nearly one-third of those surveyed regularly heard the Ohio super power station, while only 11% tuned in WBNO and just 6% WJBW.<sup>16</sup>

The programs which the respondents heard on WWL in 1937 and 1938 were approximately 75% network shows in the evening hours, and some 50% during the daytime. The CBS "personalities" featured on the network in those years included Orson Welles, Cecil B. DeMille, Edward G. Robinson, Jean Hersholt, Phillips Lord, William Powell, Conrad Nagel, Eddie Cantor, Al Jolson, Kate Smith, Benny Goodman, Guy Lombardo, Wayne King, Paul Whiteman, Emily Post, and others. CBS programs on WWL included Myrt and Marge, Ma Perkins, Big Sister, Hilltop House, Little Orphan Annie, Easy Aces, Hollywood Hotel with Dick Powell, Big Town, Major Bowes Amateur Hour, Gang Busters, Hobby Lobby, Lux Radio Theater, among others.<sup>17</sup>

But it was upon local programming that much of the attention at WWL fell in the Callahan period. The Station Manager was determined to upgrade the quality of what was produced in the New Orleans studios, and he could claim justifiable progress. By 1938 the hillbilly groups had been virtually eliminated from the station, thereby appeasing the Loyola administration. Replacing the evicted country music were such programs as Tribute to a Gentleman and Roses to a Lady in which prominent civic and social leaders were fulsomely praised; Deep South featuring a "colored unit of ten negroes in spiritual and jubilee songs, also an old negro deacon as the narrator"; WWL Job Mart on which "ten persons appear each week and tell of their qualifications for positions"; the United Press News, Dupre's Street Broadcast, and heaping quantities of music. Orchestra remotes from the Blue Room of the Roosevelt were heard daily (with the network carrying the programs twice

weekly); singers such as Jimmie Willson, Audrey Charles, Dorothy Fields, Louise Hamilton, and the rising Norman Treigle were featured; and Ray McNamara on the studio organ was ever present. Drama was increasingly a feature with efforts such as the WWL Playmakers Lab and the WWL Summer Theatre of the Air. On July 19, 1939, the latter offered an adaption of Oscar Wilde's Lady Windermere's Fan. Three weeks later a production of Ibsen's Hedda Gabler was aired on the same program.<sup>18</sup>

And then there was the Dawnbusters! For two decades it reigned as the single most popular radio program in Louisiana broadcasting, and probably the most remunerative for a station as well. It dominated the morning hours between 7:00-9:00 A.M., especially in the pre-1945 era when the number of radio stations operating was more limited, and the broadcasts were heard by listeners in parts of ten states.

The show had many fathers and gradually evolved into its final form over a period of a few years in the late 1930's. Henry Dupre had begun doing a morning program with phonograph records in the middle years of the decade. Soon a live piano was added, then a string trio, and then through Callahan's suggestion, Pinky Vidacovich's WWL staff orchestra. About a dozen musicians, male and female singers, Dupre as Master of Ceremonies, and a staff announcer were the customary complement. Soon a straight musical format was modified by the addition of comedy, and, in the long run, it would be the humor that would be best remembered.<sup>19</sup>

Certainly, the Dawnbusters was patterned after Don McNeill's successful Breakfast Club program in Chicago. McNeill had taken over that show in 1933, changed its name from The Pepper Pot to The Breakfast Club, and quickly established it on NBC Blue as one of the most popular daytime network shows. Callahan, undoubtedly, had in mind the creation of a regional variation on the McNeill formula when he encouraged the production of a morning musical variety vehicle on WWL. The name of the program was the result of a contest in which listeners were asked to contribute titles with the best receiving a \$25 bond. The winner was a Baton Rouge girl, Garnette Schroeder, who coined Dawnbusters (perhaps somewhat suggested by the current CBS hit evening show, Gang Busters). On April 11, 1938, even though the program had already been on for several months listed as simply Henry Dupre or Pinky's Orchestra, the name Dawnbusters appeared for the first time in the newspaper radio schedules. It would not leave those

schedules for twenty years.<sup>20</sup>

As early as January 1938, Callahan boasted of the program to Father Gaudin. He noted that it was then carried daily except Sunday from 6:30-9:00 A.M., and that it already had received 30,000 letters and cards. He termed it "the most outstanding local program in the City of New Orleans." The Dawnbusters did not depend upon only local popularity, by any means. For several months, the show was a weekly feature of the CBS morning line-up and was carried coast-to-coast. The official explanation for its discontinuance as a network "feed," were the "commercial expenditures necessary" for such a national program. Henry Dupre recalls it differently. He remembers that Pinky Vidacovich had written a line for a Cajun-flavored song: "You got to pick the mirliton, you good for nothing coushon." Network officials objected to coushon, claiming it sounded obscene. Pinky knowing a rough translation would be "fat pig," stubbornly refused. Coushon stayed, the CBS spot went. Whatever the actual circumstance, Dawnbusters remained primarily an immensely successful regional program.<sup>21</sup>

The ingredients were of high quality and blended effectively. A talented dozen musicians including the soon to be famous Al Hirt, a clarinetists' clarinetist in the remarkable Irving Fazola, and Ray McNamara whose performances on theatre organs were heard in the very earliest days of radio in New Orleans, formed the solid core of the program. To that was added a succession of able singers--Norman Treigle, the great base baritone whose career on the operatic stage still lay ahead of him, Bonnie Bell, Gene Paul, Kelly Rand, and most remembered, the O'Dair Sisters, who began on Dawnbusters as girls in their mid-teens. Sally, the oldest, was followed on WWL by her younger sisters Margie and Dottie. Their last name, chosen for radio purposes, was the product of another of those inevitable promotion contests. A female listener won a \$25 war bond by suggesting O'Dair, a name that cleverly combined all the letters contained in the word "radio."<sup>22</sup>

Most of all, however, there was Pinky and Henry. Vidacovich called upon his musical talent and his comedy genius to write a multitude of songs and skits, many of them reflecting his own Cajun background. It was Cajun French blended in an idiosyncratic fashion with English that produced the marvelous dialect that Pinky Vidacovich captured so well. A prime example was a novelty piece written and sung by him on a 1945

Dawnbusters show; it was titled: "When We Kiss This War Goodbye."

There'll be a fae' do do when the whistle blow  
and we kiss this war goodbye.  
Soon as the Japanese surrender, we are going on a  
bender, when we kiss this war goodbye.  
Now when this thing is over with its sorries  
and its strife, doggone I'll be so happy.  
I might even kiss my wife.  
Cause then we'll get some bacon, some  
sausage, and some meat, and a  
certain big, fat butcher will get  
kicked right in his teeth.  
There'll be a fae' do do when the whistle  
blow and we kiss this war goodbye.  
We'll buy gasoline and tire, set our  
ration books on fire, when we  
kiss this war goodbye.  
Till then we've got to sacrifice and  
econom-acize, and wear that  
droopy underwear what come in  
just one size.  
But when this fight is over, there'll  
be a brand new deal.  
The only ones still fighting will be  
me and Cleophile.  
There'll be a fae' do do when the whistle  
blow and we kiss this war goodbye.  
We'll eat butter, jam, and jelly till  
it almost busts our--stomach;  
um, something is wrong there!  
Oh, well, it will be alright when we  
kiss this war goodbye.<sup>23</sup>

Vidacovich portrayed a variety of characters in the comedy sketches he wrote, and, invariably, Henry Dupre was written in as the straight man. Pinky's roles included "the Old Sarge" and his most popular part, Placide Vidac of Bayou Kop Kop. Placide would recount to Dupre the antics of some Bayou residents, among them Wolf Foche, D. D. (the dog doctor of Kop Kop), Deluge LeBlanc (the rainmaker), Humidity Trosclair (the sweater, in the absence of rain he could be employed to sweat over your flowers), Cecile De Mele (the director of the Kop Kop little theater), Bluebeard Batiste (the local bigamist), and Chonkee duTeil (the town crier--for a fee he would agree to cry over a corpse if the relatives wouldn't). A sample of the Placide-Dupre repartee that Vidacovich authored was the following from the 1940's:



Dupre: Placide, I don't find you looking well.  
Placide: I guess maybe so. I have to go to the hospital for a crack-up there. You know Cleophile, my wife, she don't like the way I look. But why I got to go to the hospitals? I don't like the way she looks and I don't ask her to go to the hospitals. Furthermore, I don't mind telling you I am afraid of hospitals.  
Dupre: Oh, there's nothing to be afraid of, Placide. There'll just take your temperature and--  
Placide: Oh, no they won't. I'm too smarts for that. I've put everything in my wife's name.  
Dupre: What hospital are you going to, Placide?  
Placide: Well, I don't know. Where are the good ones at?  
Dupre: Well, you're certainly asking the right man. But don't they have any hospitals in Kop Kop?  
Placide: Sure, sure, they've got the Clovise Clinic there.  
Dupre: Ah! Why was it named Clovise? Was he killed in the war?  
Placide: No, he was killed right there in the clinic. He was the first case that they have at the Clovise Clinic. And right away the doctors then they was have an argument. One say his left kidneys would have to come out, and the other say his right kidneys. So there was, what you call a compromise.  
Dupre: They compromised?  
Placide: Yeah, they took out his liver.  
Dupre: Oh, Placide! But a person can't live without a liver.  
Placide: Yeah!--that was their first importants discovery.<sup>24</sup>

Of the sketches that Pinky wrote, but did not take an acting role in, the best remembered were those featuring the Reknits Twins who supposedly owned a Bourbon Street nightclub. Margie O'Dair, in a little girl voice, took the part of Anna Reknits while Billy Newberger and later Al Hirt played her brother. Neither character demonstrated significant intelligence, and the name Reknits spelled backward (a popular 1940's device) was "stinker." Again, Henry Dupre acted as straight man. A sample of their work from the early 1950's follows:

Dupre: Hello, the Reknits Twins. Anna, honey, how are you? How are things at the nightclub?  
Anna: Pretty good. We've got a new act, a toe dancer, Tilly Trapanya. She used to be with the ballet.  
Dupre: Well, why isn't she with the ballet now?  
Anna: She developed what most toe dancers fear

most, poor thing.

Dupre: What is that?

Anna: An ingrown toe nail.

Dupre: Oh my! What could be worse than a toe dancer with an ingrown toe nail?

Anna: I don't know. Unless, maybe, a fire eater with ulcers.

Dupre: Yes, that would be bad.

Anna: Or a knife thrower with no sense of direction, or--

Dupre: Alright! That's enough, that's enough! Now look, Anna, this ballet dancer, does she still suffer with her toe nail?

Anna: Not for the first show. But in the second show, I felt so sorry for her. There she was doing her toe tap with the tears just streaming down her cheeks. You see, it's usually after the first show that she kicks her husband.

Dupre: She kicks her husband?

Anna: Yeah. They always have an argument and she ends up kicking him. To make matters worse, he's got a wooden leg.

Dupre: That makes it worse?

Anna: Yeah. Sometimes when she kicks him, she aims a bit too low.

Dupre: Oh, oh, yes, yes. Well, is her husband in the act, Anna?

Anna: No, he won't work. That's what makes Tilly so mad. Last year when he lost his leg, Tilly almost divorced him.

Dupre: Well, where did he lose his leg last year? In Korea?

Anna: No, in a barroom.

Dupre: In a barroom!

Anna: He's got a bad habit of taking it off when he's drinking.<sup>25</sup>

The Dawnbusters was a commercial success from the beginning, with some sponsors continuing for years. Griffin Shoe Polish was probably the most constant supporter with its insistent jingle:

Keep your shoes shined all the time,  
Cause all the time is the time to shine.

A fifteen minute segment of Dawnbusters was, in fact, listed in newspaper schedules for a while as "Time to Shine." Other subscribers included the Dr. Tichenor's Antiseptic, Bab-O, Dr. LeGreear Livestock and Poultry Prescriptions, Checkerboard Feeds, and Blackdraught Cough Syrup. As early as September 1937 the WWL national

rate card signaled out the Dawnbusters for special charges, separate from those for ordinary daytime programming on the station.<sup>26</sup>

There was no denying, however, that the elaborate variety showcase was expensive. The staff musicians received union scale, \$27.50, in the 1940's, but comedy performances meant additional talent fees. Al Hirt earned an extra \$10 for acting in the Reknits sketches. Of course, the number of people involved in the program necessarily meant its cost far surpassed that of any other locally produced show on a New Orleans station. It was, in Callahan's eyes as well as his successor's, a trade-off between expense and popularity. The Dawnbusters attracted enormous attention to WWL, and the station's schedule all through the day and its revenues prospered correspondingly--at least until the intrusion of television created an entirely new set of economics in the 1950's.<sup>27</sup>

Under Callahan, the WWL public image underwent a distinct change. From a station that some said had "more guitars than kilowatts," a middle-of-the-road program policy now emerged, emphasizing standard popular music, comedy, and even attempting occasional adventures into serious drama. It was a personality with many facets. It incorporated a more vital style of announcing; a "personality cult" between New Orleans radio announcers and their listeners actually began with Henry Dupre on WWL. The growing dynamism of Paley's CBS added sparkle to WWL too, but the station laid great emphasis on its own home community as well. For many years, its station identification formula placed the city first, a then unique arrangement: "This is New Orleans, WWL..." Certainly, these changes were more in keeping, not only with the station's front row position as a 50 kw, clear channel operation, but also with the desires and inclinations of the Loyola Jesuits and their advisors on the WWL Development board of directors.<sup>28</sup>

Not as pleasing though were other aspects of Callahan's record. The 1938 income figures showed the first decline in gross broadcasting revenues and profits since the early 1930's, the result of both Callahan's commitment to professionalizing and upgrading the station, the preparations for 50 kw service, and an economic slump, the Roosevelt Recession, that gripped the nation in the world's last prewar year. That slippage only added weight to other unhappiness already being expressed with the Station Manager. One problem

was basic--Callahan was an abrasive Northerner in a city that regarded any non-New Orleanians as foreigners, and especially disliked Yankee carpetbaggers come South to teach the locals new ways. His social habits probably were decisive, however. The drinking and the gambling had, in the eyes of many of the Jesuit Fathers, become notorious, and they pressed Gaudin for action against him. Finally, Callahan was less than tactful in his dealings with the Jesuits, some of whom still were uneasy with a commercial station with virtually complete lay direction and control. Since the departure of Abell in 1937, even the position of Faculty Director seemed too symbolic. It was to be a recurring concern; a few Loyola voices would always regard the price in lost authority being paid for expanding the University's endowment as higher than acceptable.<sup>29</sup>

By January 1939, the signs of trouble were apparent. Gaudin wrote Callahan criticizing both the organization of the sales force and the quality of local programs. Despite the success of the Dawnbusters, Gaudin still denied "any marked improvement in talent is discernible." Within weeks, the decision to change Managers was made, and a quiet search for a successor was already begun. Candidates in Pennsylvania, Rhode Island, and Georgia were contacted and interviewed by the summer of 1939. One in particular, W. Howard Summerville, was receiving very serious consideration. On August 5, Gaudin wrote Summerville in Atlanta, advising him: "Our plans have not matured and will not do so until the end of this month. I shall write again as soon as there be something definite." Summerville replied that he was looking forward to hearing from the President again "when your plans are definite," and thanked the WWL Development board "for the time they gave me."<sup>30</sup>

Howard Summerville, often called Slim, was born in Illinois in 1899, and then moved to Texas with his family at the age of three. In 1927 he accepted a position with the Chilton Advertising Agency in Dallas, the starting point for his long career in radio. Chilton was serving as the station representative for KRLD there, and the experience Summerville gained in handling that client caused him to be offered the post of Commercial Manager by those broadcasters three years later. In 1935 he moved to Atlanta as Director and Commercial Manager of WGST, the CBS affiliate in that city. Under his management, WGST, the Georgia Tech station, increased its power from 250 to 5,000 watts.

In temperament, he differed drastically from Callahan. Where Callahan was volatile and overbearing, Summerville was quiet and methodical with a tendency toward choosing the safe, cautious course rather than risk-taking. Where Callahan could often be stubborn, even bull-headed, Summerville would prefer to be pliable and mild-mannered in his dealings with station owners. At WWL he would be especially conscious of the difficulty of his position; he was responsible for the administration of a radio operation and also reporting to a group of conservative priest-educators whose perceptions of the requirements and needs of a commercial station did not always match those of an experienced broadcaster. Some observers came to believe that because of his diplomatic restraint, WWL's success after 1939 was much more the result of the general prosperity of the economy and the industry than his management. Nevertheless, one fact is indisputable. Callahan's tenure at WWL lasted two years; Summerville's would last two decades.<sup>31</sup>

As predicted by Gaudin, Callahan was gone by the end of August 1939. The manner of his firing is not recorded; it is known that he left for a new position with a Westinghouse station in Boston, and still later a non-broadcasting opportunity in Washington, D.C. Ironically, Harold Gaudin, the Loyola President who presided over the revolutions in WWL management in 1937 and again in 1939, found himself replaced in his own office in the same month that Callahan departed. On August 21, 1939, he was succeeded as the University head by the Reverend Percy A. Roy, S.J. Father Roy, another native New Orleanian, was serving as Dean of the College of Arts and Sciences at the time of the appointment. No public explanation for the shift in University leadership was ever announced; the campus newspaper, The Maroon, simply and without elaboration reported that Gaudin had been assigned to a new post in Shreveport. Thus the unsettled conditions at WWL over the preceding three years may have claimed one more casualty.<sup>32</sup>

Moving quickly, Roy traveled to Atlanta and met with the prospective new Manager. An offer was made and accepted. On November 28, 1939, with a salary of \$9,100, W. Howard Summerville became WWL's next Manager, and the last it would have in the station's radio era. The Callahan interval, a critical two years in the history of WWL, was concluded.<sup>33</sup>



## A KEY TO THE MINT

On December 8, 1941, the day after Pearl Harbor, the Green Hornet's valet, Kato, was suddenly and without comment transformed from a smooth Japanese into a likable Filipino, complete with an entirely new accent. Radio was now ready to fight World War II.<sup>1</sup>

December 7 had found WWL offering its usual 1941 Sunday programming. The station signed on at 8:00 A.M. with the CBS news show, The World Today. The morning hours featured the traditional High Mass from the Holy Name of Jesus Church on the Loyola campus, and in the afternoon the New York Philharmonic was scheduled. At 1:31 P.M., however, a terse United Press bulletin was received: "WASHINGTON--WHITE HOUSE ANNOUNCES JAPANESE HAVE ATTACKED PEARL HARBOR." The WWL program interrupted for the first broadcast of the momentous news was a local musical half hour featuring the Jacobs Singers. At 2:00 P.M., the New York Philharmonic concert was delayed while CBS commentator Elmer Davis gave additional and fragmentary details of events in Honolulu. When conductor Artur Rodzinski finally launched the Philharmonic orchestra into Shostakovitch's Symphony No. 1 in F Major a few minutes later, it was simply background music for further bulletins tumbling in rapid succession into the nation's radios. The evening was to have included a locally produced quiz program, Jingle Jam-boree, and the network's Gene Autry, Crime Doctor, Take It or Leave It, and Helen Hayes features. The news from the Pacific, obviously, radically altered that Sunday's routine listening, as it would the overall operations of the country's stations for the next four years.<sup>2</sup>

\* \* \* \* \*

Some steps had already been taken to prepare radio

for war even before Pearl Harbor. Section 606 of the Communications Act of 1934 authorized the President to take control of the industry during a period of national emergency, and, utilizing that power, Franklin Roosevelt established in September 1940 the Defense Communications Board, later called the Board of War Communications. With FCC Chairman James Lawrence Fly at its head, the Board worked out plans for radio's contribution to the national defense and its operation in wartime. In keeping with those plans, the FCC in early 1942 announced a policy of granting no applications for the modification of existing transmitters or for the construction of new facilities that would involve the use of critical materials. Only "essential repairs or replacements for the purpose of maintaining existing services" were permitted. In effect, the FCC banned the establishment of new stations for the duration of the war, thereby limiting the industry for the next four years to its 1941 size. On June 30, 1941, the regulatory authority reported 915 stations licensed or under construction; on the same date in 1945 the number remained relatively unchanged.<sup>3</sup>

The Commission also ordered reductions in station power in 1942 "in the interest of conservation of equipment." As a result, radiated power was reduced some 20% by 1943 with a corresponding prolongation of equipment life (especially that of the high priority vacuum tubes) and, according to the federal officials, "without a noticeable change to the broadcast listener." Previous standing orders were likewise modified. Stations were no longer required to be on the air for at least two-thirds of their authorized time. Instead just one-third of their broadcast day was now regarded as sufficient. In addition, standards for engineers were relaxed "in recognition of the shortage of radio-telephone operators because of the additional demands of military services." By the final year of the war the prohibitions on new construction and modifications were slightly eased. In January 1945 the FCC allowed applications from those localities not receiving primary service from any existing stations, while changes in facilities were permitted if the cost was less than \$500.<sup>4</sup>

One major effect of the ban on new construction was to substantially increase the worth and the selling price of already operating properties. Prospective entrants into the broadcasting field found a seller's market facing them with stations available



only for prices "far in excess of the value of the physical assets to be transferred." With new competition effectively eliminated by the wartime material shortages and resulting FCC prohibitions, with many foreign markets closed to advertisers, and with the print media unable to absorb additional advertising business because of cutbacks in the available paper stock, radio stations in the war years began to resemble well-stocked gold mines. Advertisers appeared to be virtually throwing money at broadcasters in order that products, many of which were not then available to civilian consumers, might be publicized. Sponsors seemed determined to keep their names before the public in preparation for the days following the war when the items might once again be marketed.<sup>5</sup> The following 1943 Elgin Watch commercial from a WWL-aired CBS program, The Man Behind the Gun, typifies this "institutional" approach:

(Sound of bomber engines in background)  
Announcer: Their take-off timed to the split second, these mighty bombers will depend upon exact timing all the way to the target, for seconds may mean the difference between success or failure of their mission. Sure and true before the eyes of many a bomber crew is an Elgin navigation clock. Strapped to many a pilot's wrist is an Elgin service watch. These are among the scores of time-keeping devices and precision instruments being produced in ever increasing quantities by craftsmen of the Elgin Watch Company. Others include split second timers, tank clocks, fine jewels vital to many types of war equipment, time fuses for anti-aircraft projectiles, special timing devices for every branch of our armed services.

Into their production goes a heritage of watchmaking skills that has made Elgin the greatest name in fine American watchmaking since 1865. So if your jeweler's supply of beautiful star-timed Lord and Lady Elgin watches is small these days, remember that the work, material, and skill that would be required to produce new Elgins is going instead to help those you love complete their mission successfully on land, on ships, in planes, and submarines. Ask to see the Elgin watches your dealer does have, and keep the desire for these exquisite, supremely accurate watches warm

in your heart. For once the work of war is finished, there will be Elgin watches again for all, and as always, they will lead in beauty and accuracy.<sup>6</sup>

Not to be overlooked in the expansion of radio advertising in World War II was the impact of high excess-profit taxes on the business community. With rates ranging up to 90%, those levies created an enormous temptation for companies to spend on advertising what would otherwise have been paid out to the federal government in taxes. For radio, the beneficiary, it was a bonanza.<sup>7</sup>

Total revenues from time sales for all networks and radio stations between 1938 and 1944 surged from \$117,379,459 in the earlier year to \$287,642,747 in the latter. Using 1938 as the index year, equivalent to 100, the progression was:

1938	100
1939	111
1940	132
1941	152
1942	161
1943	193
1944	247 <sup>8</sup>

Isolating just stations with annual time sales of \$25,000 or over and excluding the networks, the picture was equally favorable:

<u>Year</u>	<u>Broadcast Revenue</u>	<u>Profits before Taxes</u>
1938	\$ 73,609,869	\$12,306,054
1939	81,679,851	15,650,947
1940	99,063,908	21,965,109
1941	117,347,121	30,149,416
1942	126,829,928	30,646,041
1943	153,388,120	46,561,622
1944	199,916,458	69,356,960

The FCC found that the proportion of the gross revenue dollar of those stations "devoted to serving the public,"--in other words, broadcast expenses--declined from 83¢ in 1938 to just 64¢ in 1944. The greatest savings came in the area of program costs. As a proportion of the revenue dollar, they dropped from 31¢ to only 23¢. Part of the explanation for that saving can be found in the talent lost by stations to the armed forces during the war. By January 1944 some

6,000 radio employees were in uniform, about 25% of the industry's total at the beginning of the war. Of the total number of male employees at WWL in 1941, for instance, nearly 60% (28 of 49) entered service by the end of 1943; the majority of those were musicians, artists, or others directly involved in program production. Even when replacements were found, they could not command the salaries their predecessors would have. Additionally, production costs were trimmed as certain types of programs were eliminated in the interests of wartime security. Soon after Pearl Harbor, a Censorship Office was created to deal with the various media. Its radio code of practice suggested to broadcasters the banning of weather information, news of troop or ship movements, war production or casualty data, man-on-the-street programs, and musical request shows. Impromptu interviews, quizzes, game shows, and similar entertainment now tended to disappear from station logs, and with it, the costs of producing those efforts.<sup>10</sup>

Looked at another way, through the ratio of net income before taxes to depreciated tangible broadcast property, America's stations were good investments indeed. Between 1939 and 1944 standard AM licensees tripled the profitability of their operations. Excluding network-owned stations, the ratio of profits to property increased from 56.8% in 1939 to 78.3% in 1942 to 204.1% in 1944. With new investment in equipment and facilities restricted by FCC edict while advertising revenues were climbing sharply, that remarkable record would not be unexpected. Moreover, 50 kw broadcasters such as WWL did even better than the average. Their ratio of earnings to broadcast property by the end of the war reached 340%. Not surprisingly, industry observers regarded the ownership of a 50 kw, clear channel station during World War II as a key to the mint.<sup>11</sup>

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Some structural changes were also taking place in radio in these same years, though, that did not please broadcasters. For example, they were engaged in a hard-fought renewal of an old struggle. By the late 1930's, ASCAP's total revenue averaged \$6 million a year, two-thirds of it derived from radio. All through that decade, broadcasters chafed at what they regarded as ASCAP's exorbitant rates for the use of music on the air, rates that were gradually increased with each contract renewal. Stations paid 3%, then 4%, and in 1935 5% of their gross income for the privilege of using ASCAP music on commercial programs, with a flat

fee charged for sustaining shows. The performing rights organization refused to issue licenses on anything but a uniform rate basis, and opposed "per-piece" or "per-program" agreements.<sup>12</sup>

The 1935 contract was scheduled to expire on December 31, 1940, and both sides began jockeying for advantageous bargaining positions as early as 1939. The National Association of Broadcasters, handling negotiations for the radio forces, pressed the composers for new terms, but found ASCAP employing delaying tactics. With its authority extending to some 1.2 million pieces of copyrighted music, with other licensing organizations having a combined total of only 10% as much, and with music involved in an estimated 70% of radio programming, ASCAP was prepared to wait until the deadline when the broadcasters would have no alternative but to accept dictated terms.<sup>13</sup>

The NAB chose not to be boxed in, however. Instead, it called a special meeting of its members in September 1939 and organized Broadcast Music Inc. as an industry-owned source of music designed to break ASCAP's near monopoly. Each NAB member station was asked to contribute 2½% of its 1939 gross income to the new corporation. WWL's share was set at approximately \$12,000, considerably less than the \$30,000 it was paying to ASCAP. By June 1940 some 300 commercial radio stations doing 70% of the dollar volume of the industry's business were supporters of BMI, which in turn controlled about 140,000 musical selections by the end of the year. Just as important, by the conclusion of 1940, ASCAP music was estimated to comprise no more than 36% of the selections being played on individual stations, and both NBC and CBS phased it out of their programs entirely.<sup>14</sup>

In March 1940 ASCAP finally announced its own terms for a new contract. The NAB quickly denounced them as unreasonable, and it accused its opponents of stifling the creative talents of American composers and of actually having forced many musicians out of work because of excessive fees. To the NAB and the networks, the new ASCAP proposal was particularly insidious. Instead of requiring a blanket 5% payment from all stations as in the past, it now suggested a multi-tiered structure of fees ranging from 3% for stations with gross revenues of under \$50,000 to 5% for those with incomes in excess of \$150,000 or more, and a new innovation as well, a separate contract for the networks. It proposed to charge the chains, which up to now were exempt from any such payments, an amount equal to 7½%

of their gross incomes. The ASCAP gambit was clear; it was divide and, hopefully, conquer. The music organization planned to split the smaller stations off from the BMI counterattack by offering a more attractive arrangement to those local broadcasters than they had known before.

For the most part the radio ranks held firm, and as a result, on January 1, 1941, ASCAP music virtually disappeared from the air. In its place came seemingly endless renditions of Jeannie With the Light Brown Hair (and other songs in the public domain) plus the newly acquired BMI catalog, as over 650 stations ceased using all ASCAP music. One WWL executive later recalled the tedious task of carefully checking in advance selections to be played by bands performing on the station, and closely monitoring the actual programs themselves to insure there were no last minute changes. Any variation from the scheduled format required the show to be cut off the air. The procedure was good practice, however, for the same policy was required by the pressures of wartime security not many months later.<sup>15</sup>

By the spring of 1941, ASCAP was ready to capitulate. With its dependence on radio's audience now clear, and with the Justice Department gearing for antitrust action, compromise was inevitable. A blanket license was offered and accepted at the reduced rate of 2.25% of time sales for stations and 2.75% for networks. Broadcasters were also given, for the first time, an opportunity to buy the use of ASCAP music on a per-program basis. For radio, it was the last major ASCAP battle; renewals were afterwards negotiated without crisis, but the scene was never again the same. BMI had become a permanent presence and the ASCAP monopoly was broken.<sup>16</sup>

Also affecting WWL was the hostile eye being cast by the FCC toward network operations. Much of this sudden suspicion stemmed from the convictions of the FCC's new Chairman, James Lawrence Fly. Imbued with the anti-bigness philosophy of the later New Deal years, he expressed particular concern with the nature of chain contracts, the extent of common control of stations, the existence of local broadcasting monopolies, and the prevalence of newspaper ownership in radio. Under Fly, the FCC issued a sharply critical Report on Chain Broadcasting in May 1941, and singled out the NBC situation, especially. That network's ownership of two chains was declared unacceptable, and a divorcement

soon after proposed along with other regulations governing the general conduct of network-affiliate relations.

Under the new FCC rules affiliation contracts could not be so drawn as to prevent a station, if it desired, from carrying the programs of another network; affiliates could not prevent another station in their community from carrying a network program in the event they rejected it themselves; affiliation contracts were limited to two years; limitations were placed on network option time; licensees were forbidden from contracting away their right to reject unsuitable or improper network programs; chain organizations were prohibited from hindering their affiliates' ability to set or alter rates for non-network time; and no company was permitted to own more than one network. While the bulk of the regulations affected all networks and their affiliates, the last applied only to NBC and its operation of the Red and the Blue systems. Both NBC and CBS appealed, but to no avail. On May 10, 1943, the Supreme Court upheld the FCC and the rules went into effect.<sup>17</sup>

An immediate result of its Supreme Court defeat was the sale by NBC of its Blue network. On October 12, 1943, the FCC approved the sale to Edward J. Noble, who soon renamed it the American Broadcasting Company. In New Orleans, WDSU now became an ABC affiliate, thus continuing the pattern of four network stations--WWL (CBS), WSMB (NBC), WNOE (MBS), and WDSU (ABC)--and one independent, WJBW.<sup>18</sup>

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An additional dislocation in the World War II years stemmed from the implementation of the North American Regional Broadcasting Agreement, a pact which was signed by the United States, Canada, Cuba, Mexico, the Dominican Republic, and Haiti. It provided for a reallocation of radio frequencies among those nations that was to take effect in March 1941. For the United States, over 800 stations were required to move to new frequencies as a result. WWL's shift was from the much-fought-over 850 kc. channel to the nearby 870 kc. Percy Roy, the University President, had been informed of the planned reassignment as early as September 1940 and considered it "a very good reallocation for us." The new frequency was also a clear channel, and WWL was granted unlimited time on it, thus ending the "special, experimental" full time status it had operated

under on 850 kc. since 1934. Each of the other New Orleans stations found new homes on the radio dial as well: WDSU at 1280 kc., WJBW at 1230 kc., WNOE at 1450 kc., and WSMB at 1350 kc. For WWL, WDSU, and WSMB the 1941 assignments would be permanent and continue into the 1970's.<sup>19</sup>

Other changes on the local level were taking place too. At WDSU, Joe Uhalt decided to put a period to a broadcasting career begun twenty years before. Technical violations cited by the FCC, disagreements with his General Manager, P. K. Ewing, and poor health, helped propel him toward a determination to retire. In 1943 he sold the station to a partnership of E. A. Stephens, Fred Weber, and H. G. "Bud" Wall.<sup>20</sup>

Stephens, successful in the automobile business, was also heavily involved in state politics. He served as Conservation Commissioner under Governor Sam H. Jones, an anti-Long reform candidate elected in 1940 after the state had gained an unenviable national reputation for corruption following newspaper exposure of political scandals in 1939. The scandals eventuated in the conviction and imprisonment of a number of Long machine stalwarts, including WWL's landlord, Seymour Weiss. On his own, Stephens ran unsuccessfully as a reform candidate for the United States Senate in 1942 and 1944. During the last campaign, Stephens' successful opponent, John H. Overton, charged that WDSU had refused him prime time for political broadcasts while granting "ample and well-placed time" to the station's owner. A March 1945 hearing on the complaint resulted in an FCC decision that Stephens "was perhaps more guilty of a lack of understanding of his obligations and responsibilities as a licensee than any wilful intent." Only a verbal reprimand was inflicted.<sup>21</sup>

Wall, another WDSU partner, was described as a "traditional investor in broadcast properties," and the holder of a substantial interest in an Indianapolis station among others. Fred Weber was the only one of the three new WDSU owners to be active in the daily management. He was a former Mutual network executive, who now held the title of Executive Vice President at WDSU and served as its General Manager.<sup>22</sup>

Before his departure from broadcasting, however, Uhalt had already left his mark. Under his ownership, WDSU established a series of firsts in Louisiana radio--his was the first station to carry a network program, the first to describe a baseball game and a

prize fight, the first to broadcast from an airplane, and the first to move its transmitter from the central city to a suburban location. Moreover, it set a record for "the longest continuous remote pick-up of any station in the South" when it aired in their entirety a month-long congressional committee's hearings investigating a disputed 1933 Senate election. Uhalt struck many of the men who worked for him as gruff and difficult to like, but they did not deny his ability or his record as a broadcasting pioneer.<sup>23</sup>

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In 1943, Louisiana State University published the first comprehensive survey of radio listening in the state, and it confirmed the prominent position WWL had come to hold in the industry. Federal census figures for 1940 revealed that radio families in Louisiana now counted over 50% of the total number of families, still well below the national average but higher than most other Southern states. In Orleans Parish, naturally, the figure was considerably higher, 77.2%. But the LSU survey went beyond the census data to examine the listening habits of the average Louisianian. Concentrating on white families, who made up the bulk of radio owners and recognizing that there was no significant programming targeted at black audiences at this time, it found listenership traced a distinct pattern. The audience built slowly with only 4% or less of sets turned on between 5-6 A.M., but by 7 A.M. the percentage had swelled to 23%. At 8 A.M. it reached a temporary peak at 57%, and then began to slide back. About 11 A.M., listeners again increased, reaching a daytime high of 67% at noon. The early afternoon hours saw another slump with a low of somewhat over 40% touched between 3-4 P.M., presumably in the rush of children returning from school and other chores. After 4 P.M. a steady climb began that eventually saw listenership attain its highest point of all, nearly 90% of all sets tuned in between the hours of 8-9 P.M. Then by 11:30 P.M. that vast audience gradually slipped away, as only some 25% remained at the end of the day.<sup>24</sup>

When questioned about their preferences in program content, the largest number of Louisiana radio families preferred comedy with dance music close behind. Only a surprising 2.6% indicated a taste for country music. Thus at least as far as Louisiana was concerned, the format shift made by WWL in 1937 under Callahan was justified. The survey also divided the state into seven distinct regions with the southeastern area



including New Orleans designated as Region #7. Station preferences were than asked of radio families in each region, with 1,704 interviews making up the total sample. The results could not have failed to please the WWL management.<sup>25</sup>

In Region #7, WWL was designated as the station "most frequently listened to" by 26.0% of the respondents. It was the station most often cited and the other New Orleans broadcasters trailed behind:

WWL	26.0%
WSMB	24.0%
WDSU	22.4%
WNOE	11.8%
WJBW	4.7%
Others	11.2% (including 8.1% for a non-Louisiana station)

An additional delight was the fact that listeners in four of the other six Louisiana regions also listed WWL as their first preference, a tribute to the station's broad signal coverage. In Region #2, northeastern Louisiana, WWL ranked third in preference, and only in Region 1, northwest Louisiana where the most popular station was KWKH, was WWL not among the top three. Overall, WWL was mentioned as being regularly heard by 70% of those interviewed. Far behind was the second choice, WSMB, with support from 40% of the total sample. What had Abell and Callahan wrought!<sup>26</sup>

The LSU figures confirmed other ratings available at this time. In 1944, CBS found that 90% of Orleans parish radio families listened to WWL at least once a week. In the same year, NBC determined that 36% of Orleans set owners listened most to WWL, even higher than the LSU figure; and again in 1944, the C. E. Hooper Station Index placed the same essential measurement at an even higher 41% in the evening hours, 27% during the day. Further, CBS calculated that WWL was able to offer primary intense, primary excellent or, at least, secondary good (tertiary) service to counties in seventeen states.<sup>27</sup>

The leadership position that the Loyola station seized by World War II continued to be translated into solid and burgeoning profit figures, as WWL's wide coverage and circulation meant favorable cost per thousand (CPM)--the cost to an advertiser of reaching a thousand listeners--statistics for local and national sponsors both. It also meant a substantial income for

the University. The 1940 financial statement for the school reported total revenues of \$571,720 for the year. Tuition accounted for some \$195,000 of that amount, but WWL provided even more, \$229,680. For a station owned by an educational institution, that was unprecedented. In the early 1940's only thirty colleges still held broadcasting licenses, and of those just nine operated them on a commercial or semi-commercial basis. None of those except WWL occupied a clear channel and offered 50 kw service with a network affiliation. Most educational station incomes came primarily from their supporting academic institutions. For WWL the situation was exactly reversed--it had now become its university's principal support.<sup>28</sup>

Figures for six representative Louisiana stations in 1940 indicate both the extent of WWL's lead in broadcast revenues and the overall profitability of the year:<sup>29</sup>

	<u>WWL</u>	<u>WDSU</u>	<u>WSMB</u>	<u>WNOE</u>	<u>WJBO</u>	<u>KWKH</u>
Power	50 kw	1 kw	5 kw	250 w	1 kw	50 kw
Gross Income From						
1) networks	\$203,628	\$ 15,487	\$ 77,927	none	\$15,671	\$118,826
2) national sales	358,869	17,596	45,699	none	16,649	156,678
3) local sales	120,745	108,479	118,040	118,040	70,848	33,962
net profit	69,509	23,286	87,746	87,746	21,742	118,410

WWL's gross income for 1940 totaled more than twice that of any other Louisiana station. The WWL strength stemmed primarily from its CBS income and from its national time sales. The latter reflected the vast geographic area covered by a 50 kw clear channel station, and therefore, its appeal for major advertisers. In the case of network income, WWL delivered to CBS during 1940 almost 1800 hours of time or an average of approximately five hours per day for network commercial programming. This represented a larger figure than KWKH delivered (1,503) to the same network. Most revealing, however, are the 1940 statistics on the number of hours of sustaining chain shows used by five Louisiana stations (WNOE had not yet acquired its Mutual affiliation)--WWL's total was the smallest of all.<sup>30</sup>

Sustaining hours received, 1940

WWL	1,287
WSMB	2,273
KWKH	2,278

WDSU	2,918
WJBO	3,172

The conclusion is clear. The Loyola station's own resources were so considerable that it was more than able to dispense with the free but unremunerative sustaining hours offered by CBS and instead develop interesting local programs that could be produced and sold successfully. The other Louisiana stations lacking the same degree of capability, were more dependent on all network offerings as a result. The effect was to simply widen the lead WWL had already opened. As WWL sold time the others filled with sustaining programs, its resources increased even more and perpetuated the process. The rich were getting richer.

The WWL net profit figure for 1940, a sum less than that of both WSMB and KWKH was, of course, misleading. While those stations retained virtually all of their operating incomes after expenses, WWL Development, under the terms of its agreement with the University, turned over the bulk of its earnings to Loyola. If this "rent" had been retained in the radio organization, as was the case with the others, the WWL profits would have far surpassed all its rivals. Even with the rent payment, earnings were three times those of WDSU and not far behind WSMB in 1940.<sup>31</sup>

Only one fact marred the picture. While WWL revenues were substantial, they still did not equal the national average for 50 kw stations in 1940. Broadcast revenues for those elite broadcasting properties averaged \$856,000 in that year, while WWL, reflecting its smaller, predominantly Southern market was just 75% of that amount. The conclusion offered by one observer, that the station's performance in the Summerville years was good but not record-breaking, seems borne out by this and later data.<sup>32</sup>

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The 1940 income statement for WWL reported federal taxes of \$47,000 due on the year's earnings. As national defense expenditures rose, so did governmental levies on individuals and businesses. With WWL's swelling profits offering an ever-growing pot of gold for the Treasury Department to dip into, the issue of a tax exemption for the station was raised seriously once again. The University and its attorneys had never really accepted the reasoning in the Commissioner of

Internal Revenue's 1935 ruling, and now had additional ammunition to use against it. In May 1938, the United States Court of Appeals for the Second Circuit handed down what appeared to be a highly relevant decision in the case of Roche's Beach, Inc. v. Commissioner of Internal Revenue.<sup>33</sup>

Roche's Beach, Inc. was a corporation organized by Edward Roche for the purpose of running a bathing beach business in Far Rockaway, Queens County, New York. The company was, however, only a medium through which all profits from the business were funneled into a charitable foundation established by Roche to benefit the destitute, an arrangement not unlike WWL Development's role. When Internal Revenue denied the Roche's Beach claim for an exemption, the corporation appealed to the Circuit Court and won. The Court held that the "destination of the income" earned by the corporation is more significant in determining its tax exempt status than the source from which the funds are drawn. The finding was clear: "No reason is apparent to us why Congress should wish to deny exemption to a corporation organized and operated exclusively to feed a charitable purpose when it undoubtedly grants it if the corporation itself administers the charity." No wonder the Loyola attorneys felt emboldened to push again for exempt status!<sup>34</sup>

Nevertheless, it was recognized that the device of a management company, WWL Development, did pose continuing legal problems, and there was no assurance that the Roche's Beach decision might be the last word on the subject. Preparations were made, therefore, to simplify the legal structure by eliminating the Development Company entirely. In September 1940, Father Roy wrote Paul Segal in Washington asking his opinion on the "advisability of us dropping the WWL Development Company," and Roy added: "We are considering the matter at present." A week later Segal replied. He endorsed the idea "from the regulatory or Washington standpoint," and noted the effect would be to "eliminate all confusion in the minds of the Commissioners." Segal was concerned not just with the tax issue, but with the FCC's suddenly awakened dedication to insuring licensee control of station operations. The FCC had raised the question as to whether in such arrangements as WWL's, the licensee had not in effect handed over to another corporation the responsibility and control of its franchise. Pursuing this point, Segal later held a series of private conferences with the Law Department of the Commission and reached a satisfactory meeting of minds. He reported to New Orleans that the FCC

lawyers agreed the use of WWL Development was, at the most, a "mere technical violation of the statute," and that "in fact and in actual operation the station is entirely controlled by the University." He firmly predicted: "We should not need to take into consideration the Federal Communications Commission in connection with this problem of transferring the license to the University." He added meaningfully: "This becomes a tax problem strictly, upon which, I understand, you are working."<sup>35</sup>

A first step toward resolving the problem was taken in December 1940 when the University bought the stock owned in WWL Development by the Marquette Association for Higher Education. By purchasing that stock for \$110,500, the University directly, rather than through its Marquette Association arm, became the only significant owner of WWL Development. Good news followed soon after. On April 28, 1941, that Company was declared tax exempt under the provisions of Section 101 of the Internal Revenue Code, the Revenue Acts of 1936 and 1938, and the ruling in the Roche's Beach case. The old adverse IRS decision of six years before was reversed, and some \$33,000 in taxes paid between 1936-1940 returned.<sup>36</sup>

The victory proved short-lived. In 1942, the Treasury Department, hard pressed for tax moneys to finance the war effort, reversed itself once again. It announced its intention "not to follow" the rule laid down in Roche's Beach and instead to impose levies on the incomes of companies formerly exempted by the case. On June 1, 1942, WWL Development received the unhappy word from Washington. Basically, the federal authorities retreated to their 1935 position, arguing "the fact that all of your stock is held by an exempt corporation, and that a fixed portion of your income is paid over to Loyola University is not sufficient to make you a corporation organized and operated exclusively for educational purposes within the meaning of section 101(6) of the Internal Revenue Code." No other explanation was offered for the reversal.<sup>37</sup>

The shock galvanized the Loyola administrators into immediate action. Fathers Roy and Cavey set off for Washington to present the WWL argument to whoever would listen and could help. They concentrated particularly on the Congress, and focused upon the Louisiana representatives and senators and upon the Roman Catholic members. Especially helpful in bringing pressure on the Internal Revenue bureaucrats on behalf

of the station were Senator Allen J. Ellender and Congressmen Hale T. Boggs and F. Edward Hebert of Louisiana, as well as John W. McCormack of Massachusetts.

A brief was also prepared by the University attorneys summarizing the history of Loyola and of WWL Development, and stressing that the former, not the latter, determined policy and controlled operations. Along that line, it noted: "The University has, at all times, maintained an office in the studios of the Radio Station for the University's Faculty Director of WWL, who has always been in active attendance and in superintendence of the policies and operations." The brief argued that WWL Development "was organized and operated exclusively for religious, charitable and educational purposes and no part of its net income inures to the benefit of any private shareholder or individual." Precedents were cited, including Roche's Beach, and the point made that "in applying income tax laws, the substance and not the form of the transaction should control." Copies of the brief were forwarded to all members of the Senate Finance Committee by Ellender, and all eight members of the Louisiana House delegation, as well as others, wrote the Internal Revenue Commissioner on behalf of WWL. In the meantime, contingency plans were being laid too. A memorandum prepared at this time warned that taxes were to be expected "of anywhere from \$137,500 to \$350,000," if the protest was ignored, and recommended that the Development Company be dissolved and WWL be operated directly by the University.<sup>38</sup>

The wait was ended in November. On November 10, Ellender's office wired Percy Roy that the Senator had just received word from the Acting Commissioner that for the third time in eighteen months, Internal Revenue changed its mind. The official news arrived soon afterward: "Upon reconsideration and in view of the additional information submitted, the WWL Development Company Inc. has been held exempt under section 101(6) of the Internal Revenue Code and the corresponding provisions of prior revenue acts." Delighted, Roy fairly blanketed the Congress with letters of thanks for the aid rendered. To John McCormack he promised "each priest at Loyola will say a Mass and each brother will receive Holy Communion and say the beads that God may abundantly bless you." Similar tokens of appreciation were received by a number of key and influential national legislators. Another Washington battle seemed over and won.<sup>39</sup>

Nevertheless, the Loyola administration and attorneys recognized that WWL Development, despite its temporary acceptance by federal authorities, might still be a potential legal quagmire in the future. Better, therefore, to eliminate the device entirely in order to forestall trouble at a later time. The station, in any event, had outgrown the need for its existence. In December 1942, the Board of Directors of the University, who were at the same time the stockholders of the Development Company, voted to dissolve the latter and to place the management of WWL directly under the former. The Development Company Directors were now reconstituted as the WWL Lay Board of Advisors with the same membership. Formal transfer of assets took place on December 31, 1942, when another chapter in WWL's evolving story, a chapter that began in the office of the Standard Fruit Company thirteen years before, was closed.<sup>40</sup>

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With the tax issue seemingly settled, the profits resulting from radio's wartime prosperity mounted rapidly. The WWL income figures for the fiscal years ending July 31, 1942, 1943, and 1944 again proved that the "key to the mint" analogy for major station broadcasting in this period was not without solid foundation.

Fiscal year ended:	July 31, 1942	July 31, 1943	July 31, 1944
Gross Income from			
1) CBS	\$239,236	\$281,168	\$357,623
2) National Sales--	487,117	528,263	557,300
3) Local sales--	142,017	141,123	196,658
4) Talent fees--	16,781	35,748	49,420
Total Gross Income:	885,153	986,304	1,161,001
Net Profit:	183,275	455,789	560,989

For the first time, fiscal 1944 saw the station's revenues pass the million dollar mark and its net profits surpass a half million. Profits in that year, without any burden of taxes to be paid, constituted a phenomenal 48% of gross broadcasting revenue. In the same year, 1944, FCC calculations revealed that for all commercial AM stations, profits nationally averaged 36% before federal income taxes and a good deal less than that afterwards. Such earnings for the Loyola station made the road for its New Orleans competitors anything but smooth.<sup>41</sup>

A portion of the profits from the early war years was put into a studio renovation that began in the spring of 1940. A considerable section of the Roosevelt Hotel's second floor was now turned over to WWL, and two new studios as well as additional office space were created for the flourishing organization. Picture windows were cut into the studio walls "so visitors could watch the artists at work" and new technical equipment introduced. With the completion of the remodeling, the station counted four studios, one of which was set aside for rehearsals. J. D. Bloom, in charge of the construction, claimed the work made WWL "the most modern radio station in the South."<sup>42</sup>

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Necessarily, the war changed the complexion of both WWL's staff and its programming. The management team, especially, saw fresh faces. While Summerville remained at his post as General Manager throughout the war years, he worked with a new Program Director and a new Commercial Manager. A. Louis Read succeeded Paul Beville in the latter post in 1939. Read was a 1937 Loyola graduate who had done odd jobs at the station, including serving as its mail clerk, during his college days. After leaving Loyola he worked for short periods in the food and in the insurance business before joining WWL full time in 1938. His employment was the implementation of a Gaudin belief that more Loyola alumni should be added to the staff. His first position was decorated with the newly created title of Merchandising Manager. It required him to visit local and regional wholesalers as well as New York distributors, encouraging them to greater use of radio in general and WWL in particular. One year later Read inherited the post of Commercial Manager after the departure of Beville. But with the outbreak of war in 1941, Read entered the Navy and another staff salesman, Larry Baird, assumed the responsibility for the duration and until his predecessor's discharge from service in December 1945.<sup>43</sup>

Henry Dupre, who had become Program Director succeeding Jimmy Willson shortly before the war, left for military duty after Pearl Harbor. His interim replacement was Edward M. Hoerner, a man with considerable radio and stage experience. Ed Hoerner, a singer, first appeared on a 1929 broadcast from Val Jensen's old WJBO then located in the basement of the Orpheum Theatre. He later worked for a brief period at WJBW before joining WWL as a musical artist in 1939. Hoerner also quickly began to move into



scriptwriting. He was especially interested in developing more live shows incorporating drama and variety into the afternoon and evening hours, and he soon received Summerville's permission to begin their production. The results of his efforts were undertakings such as Neighborhood Theatre, Jingle Jamboree, Play for Pay, Music from the Southland, and others. Hoerner was designated as the station's Production Manager, and then when Dupre left, as wartime Program Director. It became his responsibility to replace the announcers, singers, and musicians lost to the Armed Forces--not an easy task with the pool of available talent shrunk so drastically by enlistments and the draft.<sup>44</sup>

The sudden death of Father Cavey in 1944 deprived WWL of another member of its management team. His tenure as Faculty Director had been turbulent but also highly successful for the station. Regardless of the amount of credit for the WWL success that could be assigned to him personally in his seven years in the post, his contemporaries agreed that his influence had been a calming one in a period of troubled relations between the downtown broadcasters and the uptown University. Temporarily, Father John Hynes, the well-liked former Loyola President, assumed the office of Faculty Director. He was to hold it only one year before a new approach to the position was introduced in 1945.<sup>45</sup>

Under Summerville, the University's image became somewhat more visible in WWL's programming, though the schedule continued, of course, overwhelmingly commercial. A regular series of fifteen minute to half hour shows titled University Time were developed and broadcast. They featured different academic departments, and usually consisted of short faculty talks or interviews. The law school, for instance, dramatized famous cases and even the signing of the Magna Carta. In 1942 alone, ninety-eight University Time programs were aired on a twice per week basis, mainly in prime Tuesday and Wednesday evening slots.<sup>46</sup>

The most obvious characteristic of programming in the early 1940's was its heavy war orientation. In addition to government announcements carried on sponsored programs at requested intervals in place of regular commercials, as provided by a National Spot Allocation Plan administered in Washington, whole new vehicles were created to inform citizens and to stimulate civilian morale and support. WWL offered a Camp Polk Program,

centering on activities in that northern Louisiana Army post and featuring a series of quarter hour playlets under the running title, "The Private Life of Private Price." A similar opportunity was provided the Air Force in weekly programs featuring men stationed at Keesler Field in nearby Biloxi, Mississippi. Other schedule regulars were Eyes on the Sky, a quarter hour promotion for the Aircraft Warning Service and its civilian spotters, Calling All Civilians, which disseminated rationing information issued by the Office of Price Administration, and Skyway to Victory focusing on the Naval Air Station on Lake Pontchartrain and containing a weekly interview with "A Man Who Has Met the Enemy." Already established entertainment shows took on a martial aspect too, as features designed to stimulate enlistments, war bond sales, and general support for the war and governmental regulations were included. The programs, carefully scripted in advance because of security restrictions in impromptu interviews and talks, were suffocatingly patriotic. Eternally upbeat in tone, they contained mawkish rhetoric and oversimplifications that became uncomfortable listening for their own producers and performers a generation later.<sup>47</sup>

Characteristic of these types of programs and features was the "People Who Do Things" segment of Music From the Southland, sponsored by Jax Beer. One evening in 1944, an Air Force Major, Allen B. Martini, was honored for his bombing missions in Europe. The script's prose probably made the Major, an air combat veteran, wince:

(Music swells.)

Announcer: Yes, Major Martini returned eleven times to pour destruction from the heaven on the madmen of Naziland. And here he is to speak to you. Major Martini, for adding new luster to American heroism; for making your purpose great and your achievement greater; for your crushing attacks on Nazi production, the Jackson Brewing Company salutes you, Major Allen B. Martini, United States Army Air Forces, flyer extraordinary, one of those "People Who Do Things."

(Music swells again.)

The Air Force pilot then delivered a brief talk encouraging attendance at an up-coming Four Freedoms War Bond Show in New Orleans that featured "stars of stage, screen, and radio," and "an exhibition of captured equipment."<sup>48</sup>

The lineup of network shows being carried on the station saw some changes in the war years. Daytime listeners now heard The Goldbergs, Kate Smith, Big Sister, Helen Trent, Our Gal Sunday, Life Can Be Beautiful, Pepper Young, and others. In the evenings the station aired Vox Pop, Sammy Kaye's Orchestra, Al Jolson, The Thin Man, Lux Radio Theatre, Burns and Allen, Major Bowes, Blondie, I Love a Mystery, Dr. Christian, Judy Canova, Frank Sinatra, Dinah Shore, Suspense, Big Town, and It Pays to be Ignorant. And, of course, in the morning, the Dawnbusters continued to reign.<sup>49</sup>

Such was the radio war on the Axis. The world may have been in flames, but for WWL the early 1940's were a triumphant era of patriotic service and rewarding profits.



## A PERIOD OF ACUTE ADJUSTMENTS

Radio's postwar era began on October 7, 1945, when the FCC announced it was resuming "normal consideration of applications for new stations and changes in existing stations." Two months earlier it had rescinded its wartime order requiring transmitters to be operated with reduced power in order to conserve tubes and parts. What followed the FCC resumption of peacetime business-as-usual was, however, anything but normal.<sup>1</sup>

The phenomenal earnings of broadcasters in recent years--it appeared almost impossible to lose money in radio--and the hiatus in the ordinary expansion of the industry because of the world conflict had combined to build up enormous pressure, a pressure that was to result in a veritable explosion of new licensees and intensified competition over the next few years. In October 1945 there were still only 909 commercial AM stations authorized to broadcast in the United States, but just sixteen months later, that situation was dramatically changed. Some 600 new stations were either already on the air or under construction and more than 700 applications for permits were pending. By June 1948, there were over 2,000 AM broadcasters licensed to operate, plus something new in the air--some 1,000 FM licensees and, menacingly, 109 television stations, the latter representing more and more the darkening cloud of the future.<sup>2</sup>

Translated into community terms, the number of towns and cities with stations grew from 566 on V-J Day to 1,063 in February 1947. The growth was greatest, of course, in the smaller hamlets which lacked radio facilities before the war. The average radio metropolis became one with a population of but 12,500 residents, and the most common situation was now the single station metropolitan area. The latter represented two out of

every three radio communities. Nevertheless, broadcasters in all levels of the industry inevitably felt the effect as the audience became more and more fractionated. Clear channel stations, especially, found the new small town transmitters cutting into the listeners they once could claim as their own.<sup>3</sup>

The Federal Communications Commission played a major role in creating this explosive growth by following in its licensing policy an awakened devotion to free competition. No longer would it consider the economic effect of granting new construction permits upon existing stations as it had in the prewar years. Spurring the FCC to its revised stance was a 1940 Supreme Court decision. The case involved an attempt on the part of a Dubuque, Iowa, broadcaster to block the establishment of a competing service in his community on the grounds that there was both an insufficiency of advertising revenue and of talent to support the additional station. The Court rejected the argument, proclaiming instead that "the broadcasting field is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the assigned channel." It added that the purpose of the Communications Act was clearly not "to protect a licensee against competition." Rather, a broadcaster would "survive or succumb according to his ability to make his programs attractive to the public."<sup>4</sup>

Louisiana experienced the same expansive trend in broadcasting as the nation. The state entered World War II with 13 operating stations located in only 7 cities (New Orleans, Shreveport, Monroe, Alexandria, Baton Rouge, Lafayette, and Lake Charles). Two cities, New Orleans and Shreveport, claimed 8 of the 13 stations by themselves; and they were the only communities in the state with more than a single transmitter. But ten years after the Pearl Harbor attack, on December 7, 1951, the radio scene in Louisiana was altogether another story. Instead of the baker's dozen of 1941, there were now 45 standard AM stations on the air, and local service had finally come to much of rural Louisiana. Stations now operated in such towns as Abbeville, Bastrop, Bogalusa, DeRidder, Hammond, Natchitoches, Ruston, and others. Moreover, in the larger metropolitan areas, local competition flourished where it had not existed before, or it became substantially more intense. Alexandria, Baton Rouge, Lafayette, Lake Charles, and Monroe became multiple-

station cities, while Shreveport enjoyed five different radio choices. Even a trade organization was formed to facilitate the exchange of needed information on mutual problems and to represent the members in governmental dealings at Baton Rouge. The Louisiana Association of Broadcasters was established in 1947 with James E. Gordon, WNOE's station manager, as its first President.<sup>5</sup>

The stable broadcasting balance in New Orleans was also badly upset by postwar entrants into the field. Where but five AM licensees operated in 1941, ten did a decade later. On February 1, 1951, WBOK, the city's tenth, took the air; and its programming indicated the degree to which specialization had set in. Its fare was directed at only the black population of New Orleans. Thus, as the radio audience became more divided, the community's independent stations found it necessary to tailor their personalities to specific segments of the available market. Only the affluent network outlets could afford to continue the broad, general entertainment programs that had characterized radio's earlier years.<sup>6</sup>

In addition to the chain affiliates--WWL, WSMB, WDSU, and WNOE--and the lone prewar independent WJBW (now controlled by Mrs. Louise Carlson, the divorced wife of the station's founder), four new AM broadcasting organizations began servicing New Orleans prior to WBOK's appearance. They included WJMR, licensed to the Supreme Broadcasting Company in 1946 and quartered in the Jung Hotel; WMRY, operated by Southland Broadcasting and established in 1950; and WWEZ, started in 1947, owned by WWEZ Radio Inc. and located in the Hotel New Orleans on Canal Street. But the station that would loom largest in the future of WWL was WTPS, established in 1947, and the property of the Times-Picayune Publishing Company. The city and the state's most powerful newspaper was back in the radio business once more after an absence of nearly three decades.<sup>7</sup>

The attitude of the stately Times-Picayune towards broadcasting during the 1920's and 1930's was "largely apathetic," if not hostile. By 1939, however, it had finally come to accept the permanence of that rival, and it reluctantly determined to test the waters again, for the first time since its brief alliance with Val Jensen's WAAB in 1922. Leonard K. Nicholson, the newspaper's chief executive officer, chose George M. Healy, Jr., to specifically investigate a new mode of transmission, frequency modulation--FM. Healy, a native of Mississippi who joined the daily in 1926 and rose

rapidly up the administrative ladder, was elected Treasurer of the publishing corporation in the same year of 1939. He favored a return to radio though his preference was for a standard AM station rather than experimentation with FM. Nevertheless, he dutifully traveled East to meet with Edwin H. Armstrong, the inventor of the medium.

The FCC had authorized FM broadcasting on an experimental basis just three years before, and the innovation appeared to offer a number of advantages over AM radio. The FM signal was static-free, its increased audio frequency range allowed for high fidelity broadcasting, and stations using it could be placed quite closely to each other on the dial without interference. Healy was concerned that the transmission was essentially line-of-sight, and therefore a station relying upon FM was limited to local coverage only, but he was sufficiently impressed by Armstrong and the breakthrough to recommend to the Times-Picayune officers that such a station be established.<sup>8</sup>

Full commercial FM broadcasting was authorized by the FCC in 1940, and thirty-five channels allocated, but World War II halted its development with only thirty stations on the air. By the time the war ended in 1945, a backlog of four hundred applications had already accumulated, including the Times-Picayune's. In January 1947, the station, now designated WTPS, finally began operations. Its inaugural program featured a brief speech by Leonard Nicholson ("Never before in our history has an enlightened and informal public been more essential...") and the WTPS string ensemble "to demonstrate the clarity and high fidelity of frequency modulation." The broadcast schedule was 2:00-10:00 P.M. daily, and Henry F. Wehrmann, the newspaper's purchasing agent for twelve years who had some brief experience with amateur radio during his days as a Tulane University undergraduate, was named General Manager. The format was primarily popular music and heavy on the playing of recordings. WWL sent a "floral offering," congratulating the station on its entrance into the New Orleans market.<sup>9</sup>

But the Times-Picayune's decision for FM was an expensive bet on the wrong horse. In January 1945, the FCC issued its "Report on Proposed Allocations from 25,000 kc. to 30,000,000 kc." The document recommended the shift of all commercial FM stations from the 43-50 mc. range to a much higher location in the radio spectrum, between 84-102 mc. The Commission claimed that interference in the lower band was "severe enough to impair



the utility of this service to such an extent that the full development of FM might be retarded." Manufacturers of FM sets and broadcasters already operating FM stations vigorously opposed the switch which would make obsolete over night all existing home equipment, but to no avail as a June 1945 FCC order confirmed a new 92-106 mc. band for commercial FM. Significantly, vocal proponents of the transfer were those interests committed to the early development of television, the service to which the vacated FM frequencies were assigned. The result was to severely delay the progress of FM in the critical years when television was yet in its infancy.

For a time, broadcasters felt obliged to secure FM licenses as an insurance against the possible success of Armstrong's innovation, but by 1948 the shape of the immediate future had become obvious. Television and not FM would dominate, at least for the next decade. The FCC noted a "sudden surge in TV applications and a leveling off of FM interests" in its 1948 Annual Report, and an absolute decline in the number of operating FM stations by 1950. It cited the "economic problems and uncertainties occasioned by the rapid growth of television and the limited number of satisfactory FM receivers" as the explanation. Not until the 1960's, when the rage for high fidelity was coupled with the development of FM stereo, did FM broadcasting come into its own at last.<sup>10</sup>

By 1948 when the trend was clear, WTPS was reverting to Healy's original choice, standard broadcasting. In February a large advertisement in the Times-Picayune announced that the station was beginning AM service. The AM license limited WTPS to daytime hours only, however, so FM was still utilized after sunset. During the daylight hours, simultaneous broadcasting of the same programs on both AM and FM relegated the latter to the role of a superfluous satellite. Probably, the FM activity would have been dispensed with entirely if the FCC had not temporarily denied the newspaper's 1949 application for an evening AM authorization, holding that it would interfere with station CBM in Montreal. Significantly, when WTPS began AM operations, Publisher Leonard Nicholson boasted that the Times-Picayune had always employed "every improved method of communication from carrier pigeon to wirephoto," and he promised "in a not too distant tomorrow we expect to add television to our service." The opposing forces in the New Orleans television battle of the following decade were gathering.<sup>11</sup>

When WTPS first took the air in 1947, it joined two other FM ventures already in being. WRCM was the FM affiliate of Supreme Broadcasting's WJMR, both of which were born in 1946. Also coming into existence in the same year was WWLH, an ill-fated FM effort launched by WWL. Its origin dated back to the friendly urging of WWL's Washington firm of legal representatives, Segal, Smith, and Hennessey. As early as November 1943, they had advised Summerville to "prepare FM applications," and Gene Katz in New York echoed the advice. Great things were expected of the new technological development. But four years later, the brilliant future predicted for FM had not materialized, and WWLH was being regarded as "merely a financial burden costing about \$1,000 per month." Programming was generally the same as that carried on AM with the one variation coming when WWL preempted a network show in order to air a local news or entertainment feature; WWLH then offered the CBS product. When the passage of a few additional years failed to alter the drab FM picture, Summerville sensed a necessity to conserve his organization's resources in view of the potentially sizeable sums that might soon be invested in a television adventure. WWLH had been established as a hedge against the novelty of frequency modulation experiencing unexpected growth. When it appeared certain that no such growth would occur, the FM operation became simply an expensive liability, and its early death was inevitable. In February 1951, the Loyola administration officially informed the FCC that FM service was being discontinued, and WWLH soon after left the air. That little imagination or effort had been expended in promoting the new service was not admitted.<sup>12</sup>

\* \* \* \* \*

Some of the conservatism evident in the handling of the FM question at WWL probably stemmed from an altered command structure. In August 1945, Father Roy completed the customary six year tenure as the University's President, and handed the office over to Thomas J. Shields, S.J. Roy's successor was forty-five years old and a native of New Orleans, who had first come to Loyola as a Latin instructor in 1932. From 1937-1944 he served as Provincial Superior of the Southern Province of the Society of Jesus. It was Shields' decision not only to accept the administration of the University in 1945, but to also merge the post of WWL Faculty Director with that responsibility. Never before had the two positions been joined; yet now the WWL leadership was being assumed by a Jesuit who, like

his predecessors, lacked radio experience, and in this case was without even a science background as well. The basis for Shields' determination to bring together the long separate duties may well have stemmed from a growing belief that the Faculty Director was, since the departure of Abell, exercising little real authority over WWL operations. That situation might be remedied if the Loyola President himself occupied the position. Key decisions were inevitably passed back to the campus anyway for resolution; hence the change seemed only symbolic. Further, the postwar years, from the vantage point of 1945, promised rapid changes in the make-up and the direction of the industry. Critical problems of business strategy would have to be resolved. Better, therefore, that the University President have a working knowledge of station affairs.<sup>13</sup>

There was some logic in the reasoning. Yet, on the other hand, there was the equally valid issue of whether any University head could afford to devote the amount of time required to really fulfill the responsibilities of a working Faculty Director. Even more, there was the critical question of whether Shields himself was the right choice for the dual role. The evidence indicates that whatever merit existed in the theoretical merger of the positions of President and Faculty Director, Shields was probably not the man to carry the scheme out successfully. Wary and conventional, he could generally be found on the conservative side of every issue. In a time of changed market conditions and a veritable technological revolution in broadcasting, Shields would slow rather than speed WWL's adaption to the new day. In 1952, when Shields was himself succeeded as President, that post and the office of Faculty Director were separated once again.

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The changed circumstances after V-J Day were to a degree reflected in WWL's revenue figures. Considering the increased competition from both local and regional radio stations going on the air for the first time, together with the emerging threat of television in the New Orleans area and in other markets to which WWL's signal reached, the income of the Loyola broadcasters held up reasonably well.

In 1945 total time sales were \$1,172,024, slightly surpassing even the remarkable 1944 figures. But at that point they rested, unknown to Shields and Summerville, on a plateau from which they would not

climb farther. Five years later, despite inflation, the gross dollar figures for time sales exceeded 1945 by a bare \$1,000, totaling just \$1,173,079. The 1950 performance was even less impressive when it was noted that WWL delivered to CBS some 2,800 commercial hours, more than in 1945 and over 1,000 more than in 1940. The station was at best marking time.<sup>14</sup>

Meanwhile, in the industry as a whole, the statistical record was not even that bright. The total of broadcasting revenues for the country's 50 kw. clear channel stations in the years between 1945 and 1949 held briefly, and then commenced a slide that would continue into the following decade. Profits dropped even more rapidly than did revenues.

50 kw. Clear Channel Stations, Averages Per Station<sup>16</sup>

	<u>Revenues</u>	<u>Profits Before Taxes</u>
1945	\$1,219,715	458,330
1946	1,225,807	396,040
1947	1,261,878	367,511
1948	1,119,612	296,166
1949	1,083,585	276,189

In Louisiana, the pattern was much the same or even bleaker for stations other than WWL. At WSMB, the NBC affiliate that had represented WWL's closest local competitor, 1945 billings were in excess of \$400,000, less than 40% of the Loyola operation. Five years later, WSMB time sales had slipped under \$350,000, only a third of WWL's. In the waning moments of Wheelahan's tenure at WSMB, the station's history was marked by a turnover in ownership. E. V. Richards, the theatre impresario who had dominated WSMB since its earliest hours on the air, sold his 50% interest in the operation to United Paramount Theatres, Inc., in 1949. When Paramount merged with the American Broadcasting Company in 1951, the station dropped its NBC affiliation in favor of another with its new parent, ABC. Meanwhile, City Stores, Inc., which now held the stock of Maison Blanche, still controlled the other half interest in WSMB. With Richards gone, Wheelahan left soon after in 1953. The station, once the pride of the city as its first "high power" broadcaster, would not regain its balance until well into the 1960's, as the ownership change brought little favorable immediate effect. By 1955, total broadcast revenues barely exceeded \$140,022 and profits had all but disappeared completely.<sup>17</sup>

Faring somewhat more successfully in the late 1940's was James A. Noe's enterprise. Time sales of some \$250,000 in 1945 were considerably augmented when the FCC granted WNOE permission in 1949 to increase power to 50 kw. in the daylight hours and 5 kw. after sunset. WNOE's daytime power thus became the equal of WWL's, though on a less desirable frequency. Coupled to its improved signal was an aggressive commercialism. The FCC noted that in 1946, for example, WNOE averaged spot announcements in excess of one thousand per week, with "double spots" during station breaks, a programming device then frowned upon in first class shops, common. As late as 1953, despite continual FCC criticism, the Commission still found WNOE airing twenty or more spots in a thirty minute period. The combination of more power and more commercials boosted Noe's billings to over \$325,000 in 1950, though expenses from the installation of the 50,000 watt transmitter resulted in a net loss for the year. By the mid-1950's, however, WNOE too found itself caught in radio's malaise, and revenues plummeted to \$176,000 in 1955.<sup>18</sup>

Meanwhile, WDSU, New Orleans' fourth network affiliate, was experiencing ownership changes of its own for the second time in the decade. In 1943 its license had passed from Joe Uhalt to the partnership of Stephens, Weber, and Wall. Then in late 1948, the license was transferred once more; this time to a new partnership consisting of Edgar B. Stern, Sr., and his two sons, Edgar, Jr., and Phillip. Initially, they styled themselves the International City Broadcasting Service, with Edgar, Jr., designated as the managing partner. The Sterns were a wealthy and distinguished New Orleans family. Edgar Stern, Sr., was a native New Orleanian and a Harvard graduate, who had entered a cotton trading firm after leaving college. In 1921 he married Edith Rosenwald, the daughter of Sears, Roebuck and Company's highly successful chief executive officer, Julius Rosenwald. Their son, Edgar, Jr., was born in 1922. He also attended Harvard, earning a degree in Electronic Physics in 1943, and then served as an Army Signal Corps officer until his discharge in October 1946. Phillip, the younger son, worked on the campus radio station at Harvard until his own graduation from that institution in 1947. To a very large extent, their purchase of WDSU was the outcome of a family desire to find Edgar, Jr., an interesting activity in which to engage.<sup>19</sup>

The property that the Sterns purchased had a record of success. Time sales in 1945 totaled \$482,842,

surpassing even those of WSMB for the year. Moreover, WDSU possessed a particularly valuable asset, a television construction permit granted by the FCC in January 1947, and an authorization to utilize channel 6 for that purpose. It was that asset, the CP, in which the Sterns were especially interested since it obviated the necessity of a legal tug-of-war with competing applicants for the only other remaining unassigned channel, and thus offered a short-cut to actual TV operations beginning in New Orleans. Less than two months after FCC approval of the transfer of control, WDSU-TV was born. On December 18, 1948, what one New Orleans newspaper enthusiastically termed "that modern miracle of electronic science" made its debut in the Gulf South.<sup>20</sup>

The opening program was televised from Municipal Auditorium with Don McNeill and his ABC Breakfast Club cast the featured performers. The station promised it would provide programs six evenings per week with only Monday blacked out. Shows from any network would be offered, utilizing filmed versions which were to be available "within 24 to 48 hours" after original airing. By March 1949, WDSU-TV commenced daily at 6 P.M., starting with Kukla, Fran, and Ollie, and signing off at 10:00. Within another year, the sign-on had been pushed back to 5 P.M. and the sign-off to 11:00. One Man's Family, Perry Como, Fred Waring, Garroway at Large, Bing Crosby, the Philco Television Playhouse, Super Circus, and a considerable number of sports events had all been shown.

Meanwhile, retail stores energetically advertised a variety of TV sets at a wide range of prices. A Philco "Consolette" featuring a ten inch picture tube "so bright you can view it day or night in a normally lighted room" was a bargain at \$361, while a Major "Life View Receiver" with a seven inch picture was "priced for the average pocketbook" at \$189.95. Each name brand carried its own billing: General Electric was "Daylight Television," RCA was "Eyewitness," Stewart-Warner "Wonder Window," and Admiral "Magic Mirror." Most avoided mentioning the very small size of the picture tube or chose to quote the size in square inches, thereby citing a figure that sounded more impressive.<sup>21</sup>

During its first years, WDSU-TV's progress was largely measured in the reduction of its losses. In 1950 alone, the station's television operations lost \$116,332 despite time sales of \$440,194. Partly,

the losses stemmed from the Sterns' penchant for the best of everything, including the latest and often the most expensive equipment. In part, it was the product of the well-provided comfort with which the station personalities were surrounded. "The Country Club," as it was dubbed, was a happy place in which to work thanks to the Stern generosity, and a world apart from the WDSU of the Uhalt days.

Just as important, the losses suffered before profits began to flow in the mid-1950's followed the pattern of the industry generally. Television's share of all the nation's advertising expenditures was only a miniscule 1% in 1949. Income in that sector of broadcasting was still reflecting net losses as late as 1950, and gross revenues did not surpass those earned by radio until 1954. Only then were the years in which radio's profits financed its rival's development finally ended as, in Fred Allen's words, stars and sponsors abandoned radio "like the bones at a barbecue."<sup>22</sup>

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The effect of television's emergence on WWL's own fortunes became painfully clear early in 1951 when CBS informed the station that it was reducing the rate at which advertisers could purchase time on its New Orleans affiliate by 10%, from \$450 to \$405 for an evening hour. The compensation to WWL, based on the system of "converted sponsor hours" then in use, would also be reduced correspondingly. It was to that latter fact that Shields quickly reacted.

In May 1951, he drafted a biting letter to Frank Stanton, the network head. Shields complained that "the implications of this reduction in rate are of such fundamental importance that we believe a formal protest should be made by Loyola University as owner and operator of WWL." He recognized that television competition seemed to underlie the CBS action, but he argued it did not "justify any reduction in WWL rates now nor is it likely to do so for some time." There was, according to the Loyola President, only a single TV station "of modest power" within WWL's principal area of coverage, and only 40,000 television sets in New Orleans and vicinity. He bragged: "With all due allowance for its influence in the immediate vicinity of New Orleans, WDSU-TV cannot purport to compete in area or in influence with WWL." Shields then jabbed at CBS's own sprawling enterprises. While acknowledging

a certain "family pride in the advance made by CBS in other fields which are related to broadcasting only remotely," he nevertheless conjectured those very "extraneous activities" had somehow encroached on the network's basic strength and was now threatening "the income to which WWL is reasonably and logically entitled." He cited the CBS ventures in phonograph recordings, color television, and electronics manufacturing specifically, questioning whether they had not drained off the organization's resources. If reductions were to be made, they should take effect only in those communities adversely affected by television, and not be "imposed upon stations where these adverse conditions do not prevail."<sup>23</sup>

Stanton's response was prompt and well presented. Stanton clarified the central issue: "Why should a radio station which has thus far suffered relatively little loss to television be asked to reduce its rate equally with all other stations on the network--including those stations that currently face a good deal of television competition?" The CBS President readily admitted that it was a question the network had itself seriously pondered, and the answer CBS formulated was, in his words, "the only one under which nation-wide network radio, as we know it today, can continue." He admitted that the conclusion had been reached that CBS "could hope to maintain most of our present advertisers only if we reduced network rates." The problem became one of deciding whether to reduce rates "city by city, in direct proportion to the audiences the stations had lost to television," or to seek "a uniform rate reduction all across the country, in all areas, regardless of the amount of television competition." It rejected the first course, even though it seemed on the surface to be the most equitable, after a careful study of the consequences. Stanton predicted the first alternative would require a drastic cut in the rates of stations "in the most important markets of the country," and at those lessened earnings levels, the affected broadcasters would be compelled to "either go out of business or at least be forced to withdraw from an unproductive network contract." When national advertisers then found that CBS could not give them access to the needed markets, they in turn would withhold financial support and "their invaluable network programming." Finally, with the most popular shows disappearing from the CBS line-up, "even the stations relatively little affected by television would no longer have the big day-long audiences that attract local and national spot business."<sup>24</sup>



In short, Stanton maintained, to cut rates unevenly would be to destroy "the entire, complex fabric of national network radio," and to lead to a serious deterioration in the health of even local business. He saw television competition as "a countrywide network problem, common to all stations, regardless of the amount of audience they have presently lost to television." But Stanton's rebuttal was not yet finished. He added "as a completely secondary point," some comments correcting Shields' impression of the WWL audience. A January 1951 Association of National Advertisers report was cited by the network executive, indicating that WDSU-TV had reduced the WWL listenership to such an extent that a 5% drop in the station's time charges was warranted. The 5% figure, Stanton remarked, was "not too far off from the reduction CBS has asked for the entire network." He also updated Shields' estimate of the number of TV sets in the New Orleans area; the correct number was now supposedly 56,400 as of May 1, 1951. Lastly, Stanton singled out the fact that WWL, like other clear channel stations, had lost a significant portion of its audience to the postwar multiplication of AM licensees. A 1949 Broadcast Measurement Bureau study was recalled by him, a study that reflected a decline in WWL's evening audience from 926,460 families in 1946 to 659,040 three years later. Dryly, Stanton observed: "This change, too, cannot help but have a bearing on the advertiser's view of station and network values."<sup>25</sup>

Shields had lost the debate; he was probably never destined to win it. Stanton accurately referred to the time as "a period of acute adjustments," and for WWL there were even more to come. Shields estimated that the 1951 rate reduction would alone cost his station some \$38,000 in lost income for the year. That amount would seem small indeed, however, compared to the rate slash executed by CBS in 1955. From the 1951 figure of \$405 per evening hour, the network drastically pared its station rate for WWL to just \$215, and, under a new system, quoted that single rate for the entire day. Network evening programs of the sort carried for the past two and a half decades had all but vanished, as the big stars and shows moved over to television. The daytime hours, which still retained the women's serials spawned in radio's golden age, were now equally if not more valuable than the former prime evening hours.<sup>26</sup>

For a time, while evening network radio lived out its final days, WWL launched an aggressive publicity campaign to retain its listeners. Using the slogans,

"A Sky-Full of Stars" and "Wonderful, Wonderful, Listening," it advertised regularly and splashily in the city's newspapers. The ads featured pictures of the various CBS personalities who were still appearing on radio--Horace Heidt, Arthur Godfrey, Amos & Andy, Bing Crosby, Red Skelton, Jack Benny, and Edgar Bergen--and the print commercials were duplicated in type by the other network affiliates in New Orleans. Gradually, as those stars shifted to the newer medium, the ads were no longer run, and the day of the disc jockey dawned.

Part record introducer, part sage, and ever the salesman, the DJ had never really been absent from radio, even in its most glorious era. With the advent of the many, small postwar stations, though, he became essential. The DJ promised low overhead and high commercialism, a combination that was difficult for any struggling broadcaster to resist. If large network-connected operations, such as WWL's, eschewed the DJ while radio times remained flush, even they were pushed to employ him by the radically altered economics of AM broadcasting in the mid-1950's. For a time, WWL continued the live shows such as the Dawnbusters and kept its staff orchestra on the payroll, but more and more the schedule slots vacated by the departed CBS entertainment offerings were filled by record programs. Such titles as Hits for Missus began to appear and in late 1954 even Pinky Vidacovich was pressed into that service. Under the title Pinky's Alley, he played records and performed his skits five nights per week from 8-9 P.M. The show's life was only two years, but the disc jockey phenomenon was to be permanent. Gradually, radio would find a solution to the television riddle; it would become mobile, following its listeners everywhere, and personal, tailoring its programs to loyal if limited sectors of the mass audience. In the end it would stage a remarkable comeback, but from the vantage point of the 1950's, the prospects were none too bright as yet. By 1956 an estimated 90% of the population were "within range" of at least one television station, and 75% could tune in two or more.<sup>27</sup>

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The WWL management faced two more unexpected challenges to the station's equilibrium at this same time--the internal test of unionism and an external threat from the Treasury Department once again re-opening the long debated tax question. In the first case, WWL was somewhat belatedly feeling the effects of

the labor movement in broadcasting. Strikes in the industry, for example, had taken place as early as 1926 when the International Brotherhood of Electrical Workers (IBEW) sought to gain recognition as the bargaining agent for employees at KMOX in St. Louis.

As unions appeared in radio, they took various forms. Some were organized only within the industry; others such as the American Federation of Musicians, as well as the IBEW, were already in existence and moved into the medium because it was either providing work for their members or because they were invited to organize certain stations. The National Association of Broadcast Employees and Technicians was the first union formed solely to represent broadcast employees, and in 1934 it negotiated a contract for the technical personnel of NBC. But the major movement towards unionization in radio did not begin until the passage of the National Labor Relations Act in 1935.<sup>28</sup>

Announcers and actors were a group who often felt themselves particularly exploited by station owners. Subjected to long hours and low wages, commonly as little as \$10 per performance for actors with kickbacks all too customary, they saw the 1935 law as a means of rectifying inequities. The result was the chartering of the American Federation of Radio Artists in 1937 with initial locals in New York City, Hollywood, and Chicago. Its first slate of officers included Eddie Cantor as AFRA President and Jascha Heifetz and Lawrence Tibbett as Vice Presidents. Later, in 1952, it would merge with another group, the Television Authority, to become the American Federation of Television and Radio Artists.<sup>29</sup>

At WWL, members of the American Federation of Musicians had been employed since 1932, but none of the other staff were represented by unions prior to World War II, and the same was true of other New Orleans stations. The pattern was first broken by the WWL engineers in 1941. Unhappy with the irregularity of their on-duty shifts, they carried their complaint to J. D. Bloom. But when the Chief Engineer, in sympathy with the cause, presented the demand from his section to Summerville, he found a resistance to any change. Convinced then that a union was the only means of securing better schedules from an otherwise unbending manager, they turned to the IBEW for assistance. Facing a solid front of technical employees and the imperatives of the Law, Summerville and the Loyola authorities acquiesced. A dozen years later, the

Business Manager of Local 1139 of the IBEW would testify "the best contracts maintained with this Local" were with WWL, and those agreements were secured "without threat of a strike or breakdown in any instance during collective bargaining."<sup>30</sup>

The experience of WWL's announcers followed somewhat the same pattern, though feelings were even more strained in the process. The announcers of the wartime years, principally John Kent, Fred Hammond, Don Lewis, and Bill Brangel, chafed under a weekly base salary of \$37.50, that had not seen increases corresponding to the substantial rise in the station's earnings during the early 1940's. They received a sympathetic hearing from Program Director Ed Hoerner, but he was powerless to remedy Summerville's parsimony. By 1946 the situation had become almost explosive. The announcers were able to supplement their salaries with talent fees earned through associating themselves by name with various continuing programs (e.g. Don Lewis served for years as the Esso Reporter), but in the months after the war's end, many of those stipends began to taper off. Hoerner, who was still filling Henry Dupre's shoes as Program Director while the latter awaited discharge from military service, cautioned his men continuously against choosing the alternative of union organization. Once more he promised to carry their cause to the General Manager. The result was not only another refusal to modify the salary structure, but also a rumored warning passed on to the announcers that Summerville was taking steps to fire them all for their recalcitrance.<sup>31</sup>

True or not, the rumor was sufficient to move them to immediate action. A few took the lead in calling upon the New Orleans IBEW representative to organize the announcing staff. While the IBEW was primarily a union for technical personnel, it indicated a willingness to take in the new WWL applicants in the absence of an AFRA local. In 1946, AFRA maintained locals in only two Southern cities, Atlanta and Charlotte. Summerville and Shields stubbornly demanded an NLRB election to verify the staff sentiment, and found themselves, as a result, on the minority side of a unanimous vote in favor of unionization.<sup>32</sup>

Negotiations began on the first union contract with management represented by neither Summerville or Shields, but instead by Charles H. Logan, a New Orleans attorney who headed a firm of labor relations specialists. Usually assisting Logan was a Loyola graduate and lawyer, J. Michael Early, who had been employed for a

time as a Field Examiner for the National Labor Relations Board. During the late 1940's, he began handling the WWL "account" for Logan, and on the basis of that performance over the years, he would be offered and accept the post of General Manager at the station in August 1961. Speaking for the employees at this first contract session and at similar meetings in later years were the union's national representative and the shop steward at WWL, generally John Kent until he left to join WDSU-TV in the 1950's. As shop steward, Kent felt himself in an especially insecure position, and he believed he was more than once close to being fired by the unforgiving Summerville. Kent and some of his colleagues grumbled at the decision of the Manager and the Faculty Director not to deal directly with their employees, using instead the Logan firm of bargaining experts.<sup>33</sup>

Under the contract finally negotiated, the announcers received a substantial and immediate salary increase, improved working hours, the introduction of overtime and of double time on holidays, and the regularization of talent fees. The WWL management's initial reluctance to satisfy staff grievances thus resulted in even higher eventual costs with the intervention of union organization. In 1945 the salaries of program department personnel, exclusive of musicians, were only \$30,901. Five years later, with the union now in place and without any significant increase in revenues or staff, salaries had more than doubled, totaling \$61,442. The adage "penny wise and pound foolish" might well have applied in this case. The organizational relationship between management and labor at the station was clarified more logically in 1947 when the announcing staff transferred from the IBEW to a newly created AFRA local in New Orleans.<sup>34</sup>

If the ownership of WWL suffered a setback in dealing with its own employees, it continued an almost unbroken series of victories in its periodic matches with the Washington bureaucracy. The reopening of the tax issue was only the latest round in that series of contests. If it seemed the 1942 Treasury Department decision granting WWL an exempt status had closed the matter, the Revenue Act of 1950 came as a distinct shock to the Loyola administration. The Congress had become concerned about the frequency with which tax-exempt organizations were becoming involved in competitive commercial enterprises. Private foundations, universities, churches, trade associations, fraternal societies, and certain classes of cooperatives might

thereby "wage competition with a major and often decisive advantage over other businesses." Consequently, the legislators included in the 1950 Act an "unrelated business income tax" designed to eliminate the unfair competition, and they excluded from that impost only churches and the profits of business "substantially related" to the exempt functions of the organizations conducting them. As the New Orleanians soon found to their consternation, the Internal Revenue Service had every intention of applying the new tax to the earnings of WWL. Once more the Jesuits and their legal advisers prepared for a Washington struggle, as Father Shields promised to use "every means possible to avoid the tax."<sup>35</sup>

Shields presented his case in an October 1950 hearing. He began by denying that WWL posed unfair competition for its rival stations, and by disclaiming any "abuse of a tax-free status." While admitting there may well have been abuses by other educational institutions in the operation of private enterprises, such was not the case here. According to Shields: "From the moment the radio station made a profit, we can show that every penny was spent on what is really a public service (at a saving to the federal and state government) in the form of education." The Loyola President's views on the competitive situation were not shared, however, by many of WWL's rival broadcasters who, despite Shields' disclaimers, were convinced the non-taxed privilege granted WWL a strong advantage in negotiating advertising rates. A WDSU executive later commented: "In principle we know it's wrong if one horse carries 140 pounds and the other 110 pounds." Their perceptions of the market situation were not easily changed.<sup>36</sup>

Shields then directed his attention to the issue of the "unrelated" nature of the broadcasting business, arguing strongly that the station was in fact substantially related to the tasks of the University. He contended that the function of a college was "the imparting of knowledge, formulation of character, broadening of culture, etc., by means of instruction, lectures, exhortations, and demonstrations," all of which were also the functions of a radio station. Because of that similarity, he saw an educational institution holding a broadcasting license as in a "totally different class from those which derive revenue from altogether unrelated businesses." To further support his point, Shields cited the fact that students in English, Speech, Dramatics, and Music had found WWL

"an unparalleled outlet for demonstrating, improving and utilizing their talents," and he deemed their experience "a laboratory course." The Physics Department likewise benefited, supposedly, from the aid of WWL engineers "in constructing or repairing electronic equipment." Finally, he called the federal officials' attention to the fact that in all station advertising "even in national and trade magazines, under the letter WWL appears the description 'a department of Loyola University.'"<sup>37</sup>

In effect, Shields portrayed WWL in a fashion that was not notably consistent with its current nature. The rhetoric of the Jesuit President was considerably more appropriate to the station of the 1920's than the one actually existing in 1950. A 50 kw., highly successful, professional operation such as WWL's was far removed from the educationally-oriented adjunct to the curriculum that Shields seemed to be describing, and the Internal Revenue men were not unaware of the difference. Shields' argument did not win the day on that point.

The petitions, appeals, briefs, and legal maneuvers dragged on for months. Gradually, the Loyola spokesmen came to rest their case on the contention that the University should be considered "a church" under the meaning of the 1950 Law. They argued, "the Catholic Church is an organic unity (like a body) and you cannot exempt the whole without exempting its parts," and that Loyola was "the Church teaching and fulfilling its mission of teaching." Very effectively, one Loyola argument turned the church-state issue to the benefit of the University:

The point may here be made that Loyola University receives no direct aid from the state government or from the United States Government for its support. In fact, if the question of direct aid was broached (as even the question of Catholic school children riding on some state buses) in such an instance the cry would be immediately raised by those opposed to the Catholic Church that such aid is a violation of the so-called American principle of "Separation of Church and State." And the point might be made that it is just a little discouraging to have this "principle" scored against an institution positively and negatively, so that you are damned if you are and damned

if you are not. Looks like we lose on it either way.<sup>38</sup>

It was a well-conceived thrust. If Loyola was not eligible for state or federal aid because it was associated with the Catholic Church, then it must also be considered as such on the tax question. Hence the "church" exemption under the 1950 Act was in order.

Nevertheless, Internal Revenue held fast. In August 1954, four years after the passage of the ominous tax law and the re-opening of the WWL status debate, the Tax Rulings Division informed Shields that "the exemption is applicable only to an organization which is itself a church or association or convention of churches." The Division's Director added: "Religious organizations, including religious orders, if not themselves churches, and all other organizations which are organized and operated under church auspices, are subject to the... tax, whether or not they carry out a religious, educational, or charitable function approved by the church."<sup>39</sup>

The latest decision from Internal Revenue ended a battle not the war. Once more the University sought a reconsideration and once more arguments were presented. It is not unlikely that the Louisiana congressional delegation did yeoman service again. In the past, effective use had been made of the Capitol Hill group as intermediaries, and such was the case now. Perhaps as a result, a shift in Loyola's favor seemed to occur in January 1956 when proposed tax regulations were issued by Internal Revenue. No longer was a religious order required to prove itself a church in the strictest sense. It became sufficient to prove it was an integral part of an overall religious body and was engaged in the "ministration of sacerdotal functions." Such a qualified religious order would be exempt from the unrelated business tax in "all its activities, including those which it conducts through a separate corporation or other separate entity which it wholly owns and which is not operated for the primary purpose of carrying on a trade or business for profit." The regulation seemed to deserve the title: "The WWL Corollary."<sup>40</sup>

Closely observing the entire process were network executives at CBS's New York Headquarters. A long, internal memorandum to CBS Radio head, Arthur Hayes, and to William A. Schudt, Jr., Vice President in charge of Station Relations, recounted the whole tax story in detail with predictions as to its future course. The



purpose was clear. The network was considering a possible offer to purchase the station in the event the outcome of the tax dispute was unfavorable for Loyola. To the CBS officials, there seemed at least the possibility that the University administration might be open to a bid in that case, particularly since, under the terms of the 1950 law, the institution would apparently not be taxed on the sale of business assets such as WWL. For the network, such a purchase offered an opportunity for shaving a lead which NBC had built in chain-owned stations. The proposed regulations, however, lessened the chances for the transaction ever taking place, and the memorandum recognized the fact. Loyola's position was said to be "improved" but the exemption was "not as yet a fait accompli."<sup>41</sup>

It became one, finally, in July 1958. The Tax Rulings Division informed the University that "upon reconsideration" the earlier holdings "that station WWL constitutes an unrelated trade or business are hereby revoked." For the third time in less than twenty years, the Internal Revenue Service had seen fit to reverse itself on the issue of WWL taxes. It was a remarkable record of inconsistency on the part of the government and an equally remarkable record of legal and political success on the part of the New Orleans station.<sup>42</sup>

The years following World War II were, as Frank Stanton wrote to Shields, "a period of acute adjustments." The challenges of increasing competition, of new technologies, of internal tensions, and of governmental threats posed sudden and startling problems for WWL, creating the most critical moments in the station's history since the precarious days of the early 1930's. Management decisions were required that severely taxed the capabilities of its cautious and conventional leadership; its responses may not always have been the wisest choices. Nevertheless, considering the unprecedented nature of postwar developments, the WWL managers probably emerged from the period with at least passing grades on the majority of tests faced. But the most bitter and far-reaching test of all, however, was WWL's struggle to win a place of its own in the high stakes game of television.



## FORGING A STRATEGY FOR SURVIVAL

"No one created the American television system," it has been said. "It evolved in a series of patchwork progressions, affected variously by governmental regulations, corporate aims, technological advances, advertising and marketing requirements, and to some degree, by public reaction." It was into those troubled, foreign waters that WWL ventured in the 1940's, at first half-heartedly, then later with a sense of almost frantic desperation as a television hurricane seemed likely to engulf radio broadcasters.<sup>1</sup>

Television, as a potential communications medium, had existed for at least as long as its sister service of radio. It too had been made possible by the electronic discoveries of the late 19th and early 20th centuries. An experimental program, in which Secretary of Commerce Herbert Hoover participated, was transmitted by wire between New York and Washington in 1927, and in 1928 a Schenectady station televised the first dramatic program. Real development did not begin, however, until a Russian-born engineer, Vladimir Zworykin, and his associates perfected an electronic screening device and picture tube in 1931. By 1938, David Sarnoff pronounced home television "technically feasible," and the following year his NBC organization began telecasting from the New York World's Fair. Two years later, after some false starts and not a little bureaucratic indecision, the FCC at last authorized full commercial operation on eighteen channels located in the "very high frequencies" between 50-294 mc., though that number of VHF channels was later reduced to thirteen in 1946 and just twelve in 1947. Before manufacturers could begin large-scale production, progress was interrupted by the war and the diversion of electronic parts and equipment to military needs. Nevertheless, six commercial stations were on the air

by 1945, and some ten thousand television receivers were in use.<sup>2</sup>

Immediate postwar shortages of materials made it impossible to construct new stations or to produce home receivers for some months after the end of the global conflict, and the new industry's emergence was even more complicated by a controversy over color. Two camps had now arisen--one, led by RCA, sought a rapid development of television, utilizing the crowded VHF range in the spectrum and monochrome or black-and-white standards. CBS headed the opposition. It pushed its own color television system, and asked the FCC to assign TV to an even higher section of the spectrum, the "ultra-high frequencies" from 300 to 3,000 megacycles. Here, the CBS executives claimed, there was room for thousands of stations that would not interfere with one another, as well as the potential for better quality reception in color. The CBS faction accused RCA of attempting to clamp pre-war standards on the new medium, to which RCA retorted its opponents were seeking to stall TV development indefinitely in the interest of preserving vested radio interests and gaining time to make up lost ground in the newer service.

As the battle raged, both potential manufacturers and station owners waited on the sidelines for a resolution, unwilling to risk supporting the wrong team. Since the RCA and the CBS systems were incompatible with each other, a choice was required of the FCC. In March 1947, the Washington regulators rendered their verdict; the CBS color system was declared not ready for commercial use, and the utilization of VHF channels and RCA's black-and-white process was reaffirmed. That decision was cast into a questionable light six months later when FCC Chairman Charles R. Denny resigned his Washington duties to become a NBC Vice President. Nevertheless, the 1947 ruling seemed to end television's pioneer stage, and a stampede into the field began. By 1948, 108 stations were authorized to operate, and retail set sales were five times greater than in 1947.<sup>3</sup>

For WWL, the first halting steps towards television were taken during World War II. In November 1943, George S. Smith, a partner in Paul Segal's Washington firm of communications attorneys, advised Summerville that the moment was appropriate for television to be seriously considered. Smith argued it "now offers the speculative possibilities that audio broadcasting did in 1922 but on a more expensive scale." Acting upon that advice, an application for a construction permit

was filed by the University early in 1944, but with the wartime ban on TV development no immediate action was taken by the FCC on the petition. Channel 6 was requested, but that request was to have a short life. Despite Smith's original recommendation, which prompted the WWL application, Paul Segal intervened with quite a different interpretation of the near-term prospects for television. The unsettled issue of color versus monochrome systems and of the placement of TV in the radio spectrum caused him to recommend to the University administrators a withdrawal of the institution's bid for a CP until the direction of the emerging medium was clarified. Accordingly, in March 1946, Segal transmitted to the FCC a Loyola resignation, thus ending WWL's first flirtation with television.<sup>4</sup>

But with the settlement of the color controversy in favor of RCA in 1947 and the rush for channels that followed, WWL's voluntary restraint was inevitably tested. In December 1947, the ever-cautious, ever-conservative Father Shields drafted an in-house memorandum summarizing the TV question as he perceived it at that moment. It was obvious he was feeling some pressure to act positively on the matter. Shields began by taking pride in the fact that "Loyola has hitherto kept pace with the development of radio" and owned "one of the more powerful and leading stations in the country." But now the issue of television had arisen, "another step in the progress of radio," and therefore, "it would seem that WWL in accord with its policy as a leading station of the country should install television." Moreover, Shields noted, since the number of channels assigned to New Orleans was limited, "it would appear that immediate application for a license is indicated."<sup>5</sup>

For Shields, however, negative factors far outweighed any impetus to test the waters. He pointed out that TV was "not yet widespread in the country," nor was it possible "to transmit television scenes from place to place over long distances such as is done with ordinary radio (chain) programs." He further took notice of the smallness of home screens, their expense, and their less than satisfactory performance in terms of picture quality. He contended that TV was still "in the experimental stage," and that the improvements which would eventually be made would mean "the television installations of the present will become obsolete." The wisest course, he wrote, should be one of "extreme caution and prudence," and on that point he quoted the lines of Alexander Pope:

Be not the first by whom the new is tried  
Nor yet the last to lay the old aside.<sup>6</sup>

For Shields, WWL represented a very different enterprise from those of other broadcasting licensees. It rendered a "public service in the form of education by the profits accruing from operation of the station since every cent of said profits is dedicated to and used for the education of youth." Since WWL was the "essential and largest part" of the University's endowment, "every possible safeguard must be taken that the earning power of the radio station be preserved." Television would impair that earning power. Installation costs were estimated at \$250,000 while maintenance and operating expenses would average another \$200,000 yearly. Moreover, those figures did not seem likely to be offset by significant new revenues.

Shields predicted that TV's use would be confined to the evening hours only "for no one has time to look at pictures during the day when men are at work, children at school, and women busy with their household duties." He expected WWL radio to operate in the mornings and afternoons with no competition from television. WDSU-TV, which would be on the air some twelve months later, was indeed operating on such a schedule during the first few years of its existence. Shields then centered his attention on those evening hours between 6 P.M. and 10 P.M. He admitted a rival station might begin telecasts in that prime time, and without competition from WWL, "could take the ascendancy...here in the city of New Orleans." The ascendancy would be limited to the city's immediate area, however, because of the short range of the TV signal, and the Jesuit did not envision the prospect hurting his institution financially, "since without greater power we are selling not only coverage of the city, but also the country districts."

As Shields perceived the situation, WWL had little to gain from sailing into the uncharted waters of television. The large required investment "would not benefit us one bit in the coverage of what is sold as WWL territory except in the city of New Orleans," and in addition, the income from the home community could not compensate for the outlays involved. Even if the station should lose as much as \$100,000 per year because of its failure to meet television competition, WWL would still have found itself ahead since expenses, if a TV license was secured, would likely be twice the amount of the lost profits. Shields saw no threat in an expansion of television to the countryside, the smaller towns and

cities that WWL's clear channel coverage reached so effectively; he termed such a possible expansion "a wholly gratuitous supposition." For any such development to take place, he concluded accurately, a substantial number of new channels would have to be made available by the FCC, and in that case, Loyola would have sufficient time to itself apply for one of those.

A quite different aspect of the television issue was then raised by Shields. A "very great difficulty" for him was his belief that much of the programming "involves women who are scantily clothed." Compounding the problem was the fact that even the advertising on the medium was often sex-appeal based. As a result, he warned: "Loyola will be confronted with the embarrassment of deleting pictures which an amoral (for so many do not even acknowledge a moral standard in these matters) clientele may desire." Along the same line, Shields saw television's heavy use of sports such as horse racing and wrestling as not in "good taste if exhibited by an educational institution."<sup>7</sup>

Shields' position was clear. After his analysis of both the present and the likely future, he determined that a television venture would not be in the best interests of the University at that moment. Acting upon his memorandum, the WWL Advisory Board confirmed the decision on December 19. Yet, Shields had failed to convince his own General Manager; Summerville was "uneasy" with the Board's action and "feared that we might be making a mistake." The President himself was still troubled by enough doubt to seek more advice, and, therefore, composed letters to Gene Katz in New York City and to Paul Segal in Washington. He enclosed his memorandum on television and asked them to comment on it, "pointing out any errors." Segal's reply was brief, recommending that, notwithstanding the Board's decision, the "first draft of a television application" be prepared. Segal assured the Jesuit that such a precautionary step "will not commit anyone, but I think it is essential that it be available as against a quick decision, which you may well make soon."<sup>8</sup>

It was Gene Katz, already a confirmed advocate of television, who carried the weight of the counterattack against Shields' negativism. He believed that TV was "the coming advertising medium," and he urged WWL to "protect its position by going ahead promptly" with an application: "We know it will cost a lot to get going in TV, but we believe it will cost less than to be out of TV." Katz predicted that by 1950 it would be possible

to receive transmissions from both the East and West Coasts, while it was already "possible to televise in New Orleans this evening events which happened in New York or Washington this morning by air-expressed film." As to the quality of reception, Katz stated:

Pictures now received on ordinary low-priced sets are, in our observation, very acceptable. In my home I have the cheapest RCA receiver, \$325.00. On the night of our record-breaking snowstorm, I sat in my living room from 8:30 to 12:30 watching championship tennis matches at Madison Square Garden. I was amazed at my ability to watch a fast-moving game for a 4-hour stretch over TV without eye-strain. Images are satisfactory.<sup>9</sup>

Prices were coming down too, Katz promised, with \$150 sets to be on the market by 1949. Some 150,000 sets were currently in use and "only a small minority are in bars." It was, therefore, a respectable association for a church-related institution.

Most important, Katz saw it as "a question of now or never." He cautioned: "There are only so many channels available for New Orleans. If you don't get one and if there is no re-deal, WWL will be out forever or will be forced to pay a fancy price for a channel someone else has been granted." He turned then to the question of the earning power of the WWL broadcasting operation. To safeguard the University, a satisfactory level of income must be preserved. In order to do that, Katz reasoned, "WWL must be able to supply the up-to-date product which advertisers want. When TV comes to New Orleans, advertisers will want it. If WWL can't supply it, its revenues will decrease." The wisest course would be to insure the University "against the technological obsolescence of its present plant by building a new one to supply the product which will be in demand."

He disputed Shields' suggestion of \$200,000 a year maintenance costs: "It might be that high for the first year, but as receivers increase in number and rates are increased, operating expenses will decrease. He pointed to a Philadelphia station, on the air only since September 15, that was already meeting its costs out of time sales of \$2500-3000 weekly. There was, the New Yorker enthused, "a terrific advertiser appeal



in TV which makes local merchants want to be first on the air with a TV program." It was inevitable that TV would "replace" radio during the peak and most profitable hours in metropolitan areas--"it's as irresistible a progression as the supplanting of silent movies by talkies." Even in the daytime, WWL's primacy was in danger. Katz recalled that TV's greatest audiences yet had been amassed for the 1947 World Series, a daytime event, and he observed that Saturday and Sunday afternoons were already important time periods for the small screen.

Realistically, the rise of a New Orleans television industry without a WWL share of the business could wreak havoc on the station's future. With TV stations in operation, "only the poorer homes" would be left for radio, a less attractive audience from a sponsor standpoint. Moreover, WWL's "outside market" in the rural areas of Louisiana, Alabama, and Mississippi, as well as other states, were, according to Katz, "not very exciting to national advertisers. Who is going to buy WWL to reach them alone? Without the New Orleans market WWL would get very little business." He admitted WWL's TV audience might never be as large as its present AM listeners, but little would be left of that body of listeners after television stations in New Orleans and in other Southern cities began to siphon them off.

Finally, Katz turned to the issue of sexual standards raised by Shields. He acknowledged "some cheesecake in TV and some cases where program material offends religious standards of decency and modesty." Yet, he argued, "cheesecake is being broadcast by WWL now, but not in visual form. If you were to analyze the hundreds of soap operas and network comedy shows now being broadcast by WWL from the point of view of what constitutes cheesecake to the ear, you would find many offenses. However, custom and habituation to the verbal form of such material has dulled our criticism." Optimistically, he foresaw TV's potential for good: "For every case which borders on the offensive, it will bring ten exciting, stimulating and educational eye messages to the people of New Orleans, helping to make them better able to understand a complicated world." He suggested that, instead of Shields' quotation from Pope, one from Robert Browning might be more appropriate: "Progress is the law of life."<sup>10</sup>

The two men represented differing temperaments and conflicting attitudes towards change. Shields, the cleric and the educator, evidenced both an unenterprising

prudence and even a melancholy pessimism. Rather than pursuing a determined effort to maximize profits, which economists traditionally have stated are the objective of the firm, he unconsciously adopted the so-called "minimax" principle--not an attempt to maximize profits in the classic manner but rather a strategy of obtaining the greatest security within the confines of a strategy which minimized losses. He urged a policy calculated to "guarantee" WWL the smallest loss rather than the most profits; in effect, Shields was "satisficing" rather than "maximizing" by agreeing to settle for a return that was "good enough" although not optimal. He was inherently prepared for the worst rather than the best, seeking to hedge against the poorest return "by looking primarily at the most satisfactory of the generally unsatisfactory states of nature which may materialize." One social scientist has designated such inclinations as those of "administrative man" rather than "economic man."

For Katz, on the other hand, the future was both considerably brighter and inevitable. His thrust was in accord with the dictum of management critic, Peter Drucker: "An established company which in an age demanding innovation is not capable of innovation is doomed to decline and extinction." A business strategy based on such a thesis presumes that existing products or services as well as existing technologies will sooner or later decline rather than prosper, and that neither time nor resources should be spent "defending yesterday." Focusing upon the future, of course, entailed risks. Katz, perhaps in part because it was not his resources directly at stake, was more prepared to accept the uncertainty of the future than Shields. Nevertheless, WWL's national sales representative seemed more conscious that "through risk-taking...any businessman earns his daily bread," and that profits are "the premium for the risk of uncertainty."<sup>11</sup>

If Katz's argument was to prove faulty at any point, it was in his seeming low regard for the future of radio. Rather than "replace" radio, as the automobile replaced the carriage, television would find the earlier medium a very healthy competitor by the 1960's. The two technologies would adjust to each other's strengths and weaknesses and find considerable market space for peaceful co-existence. As early as 1954, a few minds were already being changed about the inevitable demise of radio, and it was being termed "that lively corpse."<sup>12</sup>

Shields' response to the Katz advice and to the urgings of Segal and Summerville was to compose a "Memorandum No. 2 re Television" for submission to the WWL Advisory Board. In it he noted that "pressure has been brought to bear for further consideration of the advisability" of filing for a television channel, and that "those of the radio industry interested in television are very enthusiastic about its future." But the Jesuit President remained unconvinced, and despite the pressure and the enthusiasm, he continued to hold that such a venture "will cost Loyola huge sums of money to operate a television station," and that "it will be some time" before any profits could be realized. For Shields the issue reduced itself to a single question: "Is Loyola justified in spending hundreds of thousands or even a million and a quarter dollars in the hope television will some day prove profitable?" He scorned such spending as "speculation," and cited an "acid-test" to prove his point: "Have the enthusiasts for television invested heavily of their own private savings in stock of television companies?" It was a rhetorical question for Shields knew his opponents were not "selling standard securities in order to invest totally in television."<sup>13</sup>

Even granting television might be profitable, Shields admitted, would it be profitable enough: "With the high cost of production of television programs, the station margin of profit can hardly be as great as on audio radio." With that small return on investment, he warned, "it would take many years for Loyola to recover expenditures, and after a lapse of those fifteen or twenty years we would be in no better position than we are today." Furthermore, with other TV stations in the city, each restricted by the nature of the signal itself to the New Orleans area, "the Loyola video station would be, not predominant like WWL (which because of power and coverage of great areas of the country is now predominant) but simply one of the group, and perhaps the poorest since other stations could take programs we could not take because of our religious and educational status." On the last point, Shields was returning to the voluntary censorship issue which he had raised in his initial memorandum. It was an issue which he perceived as peculiarly tied to the new service of television, and not one that had been a major problem or concern in AM broadcasting.

Finally, the University head delved into the subject of macroeconomics. He predicted the onset of an "inevitable and devastating depression" in the United

States, and foresaw the emergence of television "just when the depression arrives." A wiser course, Shields counseled, would be to wait and perhaps at a later time purchase "a station and channel already developed, for in time of depression, video stations not solidly financed and dependent upon profits from advertising could be obtained cheaply."<sup>14</sup>

As strenuously as Shields campaigned against a plunge into TV, he was unable to prevent the step being taken. In the end, the WWL decision-makers were virtually stampeded into acting. In early 1948, the Sterns, not yet in control of WDSU, filed an application for a construction permit. In so doing, the Sterns were requesting Channel 10, the last remaining unclaimed commercial VHF frequency allocated to New Orleans. Previously, channel 6 had been assigned to the Stephens-Wall-Weber partnership at WDSU, channel 4 to Maison Blanche and WSMB, and channel 7 to the Times-Picayune and WTPS. At that moment, it appeared highly likely that the Stern move might well close the VHF television scene to WWL for years to come. For a firm engaged in broadcasting, the "minimal condition is existence," and that is synonymous with an FCC authorization. There was, therefore, a sense of what Gene Katz had called "now or never" in the offices at Loyola and WWL that February.<sup>15</sup>

An urgent telegram was wired by Paul Segal in Washington to Shields: "Filing of Sterns Application for Channel Ten Renders It Imperative That Loyola File Similar Application Within Ten Days." Segal and his associates foresaw the real likelihood of irreparable damage to WWL's fortunes if immediate action was not taken. The WWL Board acted at once. Despite the President's earlier, strong opposition, it voted on February 23 to file a competing application for Channel 10, and Denechaud telegraphed the vote to Segal the same day. Shields was overruled, but loyally he supported the decision and dutifully enlisted in the campaign for the FCC grant. On March 3, the WWL application was transmitted to the Secretary of the Commission. It had been signed by Shields the previous day.<sup>16</sup>

The FCC's Form 301 ("Application to Construct a New Broadcasting Station") was the appropriate document for putting the WWL case before the Washington bureaucrats. A significant portion of the information filed consisted of an estimation of probable expenses. The Loyola planners gauged the cost of a TV transmitter at \$90,000, the antenna system at another \$20,000, and the

necessary studio equipment at \$70,000--a total including other miscellaneous items of some \$204,000. They estimated operating expenses during the first year of telecasting at \$150,000, and they anticipated revenues of but \$75,000. A healthy loss was thus projected.<sup>17</sup>

The loss would not have been untypical. In 1948, the FCC reported that the television industry as a whole showed an overall loss of \$15 million. One business periodical in 1949 commented wryly that "never before in history have so many men lost so much money so fast--and so willingly."<sup>18</sup>

The WWL estimate of its probable first deficit was, if anything, conservative. Its projected outlays were below those being incurred by the bulk of the broadcasters who launched television ventures in these years. Fortune concluded in 1949 that the minimum possible investment in TV in a metropolitan area for the potential broadcaster would be about \$400,000 "before he warms up his first camera," and the minimum operating charges for the first year another \$400,000. But WWL anticipated spending a good deal less. According to Fortune:

Television operation is from the very first at least twice as costly as radio operation, because there must be two of everything. In all operations there are both video and audio; there must be present the same number of audio technicians, announcers, etc., as were necessary in radio, plus the proliferation of video needs. But in addition to this, TV requires another doubling of almost everything for reserves: cameras break down or black out. And then you need a third doubling of camera equipment for the sake of point of view: the viewer's eye is quickly bored by a stationery camera giving a simply front-view picture.<sup>19</sup>

Indeed, the National Association of Broadcasters adhered to a "two by four" formula, which set TV expenses at from two to four times those of radio, while a media columnist chose five as his measure--"five times as difficult, five times as expensive, and five times as effective as radio." It took some degree of business courage and vision, therefore, for radio men to accept "the grim insecurity of plowing in hundreds of thousands of dollars without an immediate, countable clear return certain at hand."<sup>20</sup>

With multiple applicants for the same channel, the Sterns, Loyola, and a fresh entrant into broadcasting, the New Orleans Television Company, the FCC, as a matter of routine, informed the contenders that a hearing would be required. Before the hearing could be held, however, television suffered a rude jolt. On September 30, 1948, the Commission issued a "freeze order." No new or pending applications for TV construction permits would be acted upon by the FCC until the order was lifted at some indefinite date in the future. The nation's would-be television entrepreneurs, including WWL, found themselves in a regulatory limbo that was to last almost four full years.<sup>21</sup>

By the fall of 1948, the FCC had become only too aware of the fact that with just twelve channels available for TV in the VHF range, it would be impossible to meet the public's demand for more stations without creating unacceptable picture interference. To avoid any interference in transmission, FCC rules prohibited stations closer than 190 miles apart being placed on the same channel. With but twelve channels with which to work, licensing enough stations to satisfy both applicants and the public was out of the question. The freeze permitted the Commission time to investigate the alternative of opening up new channels in the UHF range for the first time, and even to explore again the subject of color television. The latter issue had re-entered the picture when CBS in the spring of 1949 successfully televised in color surgical operations from an Atlantic City Hospital to a medical convention.<sup>22</sup>

While the FCC studied these subjects during the freeze, a sparring for positions of competitive advantage marked the New Orleans broadcasting scene. In October 1948, the Sterns dropped out of the triangular contest for Channel 10 because of their acquisition of WDSU and its previously issued construction permit. Then in a significant development, a request by Maison Blanche to extend the time limit on its CP for Channel 4 was denied by the Commission with the result that the department store was forced to surrender its unused permit in January 1950. Channel 4 thereby became available and seemingly offered another path into the new medium.

The WWL decision-makers acted quickly. On February 16, Shields signed a new Form 301 modifying his station's application for a CP from Channel 10 to 4. The Commission, of course, placed the modification in its "pending file" and reminded Shields of the freeze in effect

"until a final determination on allocations has been reached." The New Orleanians were naturally expecting that reaction, but saw a virtue in filing anyway. As Segal advised, it was necessary to make "a clear and open declaration of our intention to use Channel 4, so that should there be some other applicant for this frequency, we shall be in a position to ask him to change to something else on the basis that we have had a request pending for a long time for Channel 4." Meanwhile, the Times-Picayune was taking the opposite course. In August 1949, its construction permit for a station on Channel 7 had expired. In explanation, an executive of the newspaper stated: "In the light of present and probable national economic trends and the serious and fundamental uncertainties confronting the television broadcasting art, . . . it would be impractical to construct a television station in New Orleans at this time." Despite that judgment, the publishers, nevertheless, reversed themselves one year later, and in May 1950 filed a new application seeking WWL's then vacated Channel 10.<sup>23</sup>

The circumstances were again altered in March 1951 when the FCC once more intervened. It issued its "Third Notice of Further Proposed Rule-Making" containing a revised table of channel assignments. The channels it now assigned to the city of New Orleans were 2, 4, 6, and 7 in the VHF band and three in the UHF, 20, 26, and 32. Channel 2, however, was reserved for educational, non-commercial use. Channel 10, which had formerly belonged to the city and for which the Times-Picayune had a pending application was assigned to Baton Rouge by the Commissioners. Temporarily, at least, the New Orleans newspaper was in the position of having filed for a non-existent channel. Paul Segal in Washington quickly perceived the effect of the FCC move. He wrote Denachaud: "There are only two unused commercial television channels proposed to be assigned to New Orleans. There are now three applications pending. This means inevitably that there would be a hearing upon the applications with attendant inconvenience, delay, trouble, and expense." He advised a possible solution, petitioning the FCC to remove the non-commercial restriction on Channel 2.<sup>24</sup>

Shields was reluctant to take that action; it was a question of image in the academic world. He pleaded such a petition would put him in a "very embarrassing position," since Loyola was a member school in the American Council on Education, an organization that was clamoring for more educational channels to be set aside by the FCC. Not for the first time were the interests

of the University as a commercial broadcaster and its identity as an institution of higher learning in apparent conflict, and again, as often in the past, the commercial necessity prevailed. Now Loyola counter-proposed to the FCC that Channel 2 become a commercial assignment, and even that an additional commercial channel--Meridian, Mississippi's, Channel 11--be given to New Orleans. The University claimed the "VHF assignments proposed by the Commission for New Orleans were inadequate to serve the needs of that area since a considerable period of time would elapse before converters or new receivers capable of utilizing ultra high frequency signals could be distributed." Loyola argued that to rely on UHF for service would simply be to perpetuate the existing TV monopoly of WDSU. On the issue of Channel 2, the WWL attorneys argued the regulatory agency was "without legal power to reserve channels" for non-commercial use.<sup>25</sup>

While the counter-proposals were pending in Washington, Shields traveled to New York for a meeting with Katz and with the officials of CBS. Upon his return, he admitted that he had learned much about TV, including the fact that "if we want to retain our affiliation with the national chain, we will have to have television." He pointed out that CBS had already threatened one of its affiliates with loss of service if it did not begin telecasting immediately after the lifting of the freeze, and Shields warned that WWL's separation from the network would be disastrous. Moreover, the Jesuit had considerably altered his views on the future prospects of television. He believed that WWL "could not only break even but make a certain amount of profit on television, now that the pioneering days are over when television stations operated for months and years at tremendous loss." He also had become convinced that, while radio would not "fail entirely," it would experience diminishing incomes in the years ahead. Shields placed the initial investment for a TV station at \$350,000, not including land and buildings. Since the Roosevelt Hotel location seemed unsuitable for television, he estimated an additional \$50,000-200,000 for real estate. He granted the costs were high, but believed that WWL "can profit by the mistakes made by pioneer stations." The negative Shields of 1948 had become the convert of 1951 as the industry's red ink gradually turned to black. In 1950, non-network-owned stations earned \$800,000, the first time they had returned an aggregate profit.<sup>25</sup>

On April 11, 1952, the FCC issued its long-awaited "master plan" for television, hundreds of pages of fine



print unimaginatively titled the Sixth Report and Order on Television Allocations. In lifting the freeze, the FCC established a set of priorities of which the first was: "To provide at least one television service to all parts of the United States." The twelve VHF channels could accommodate some 500 stations, given the necessary miles of separation for licensees on the same channel, and those were spread among the country's larger cities with at least one in each state. When the VHF channels were exhausted, 70 UHF channels capable of accommodating 1500 stations were assigned. New York City, for instance, received seven VHF's and two UHF's, and altogether over 1250 towns and cities were provided with TV service. About 10% of the assignments made were reserved for non-commercial, educational use.<sup>26</sup>

As welcome as the ending of the freeze was for WWL, the FCC's assignment decisions for the Gulf South community represented a discouraging setback. The counter-proposals for adding Channel 11 and opening up Channel 2 to commercial operation were both denied. As if that were not enough, the FCC went even farther and deleted another VHF assignment from the city, Channel 7, substituting a UHF replacement, Channel 61. New Orleans as a result could claim only three VHF possibilities, 2, 4, and 6, with the first of those still designated educational. Four UHF opportunities now existed, 20, 26, 32, and 61, but local broadcasters were highly skeptical of their profit potential at a time when existing sets were not equipped to receive UHF.

An expensive \$50-75 converter was required to adapt a home TV for UHF, an amount that only a small minority of set owners might be prepared to spend. As late as mid-1953, only 15% of all sets manufactured in the nation were UHF-equipped, and the FCC found that the only UHF stations earning profits were those without VHF competition. The mixing of VHF and UHF stations in the same city was an invitation to disaster for the latter. Not only were UHF operations more expensive to build, requiring taller antennas and more powerful transmitters, but they also faced the economic fact that the networks showed an obvious preference for the wider VHF audience, thereby depriving the higher frequency stations of the most popular programming available. The necessary revenues from time sales required to cover back-breaking start-up costs thus proved extremely difficult to amass. In the months immediately following the freeze, over one hundred UHF stations were established and subsequently soon failed, many as early as 1953 and 1954. A decade later, only 7% of the commercial UHF assignments

were actually on the air, and not until 1962 were all new television sets required to be equipped to receive both services.<sup>27</sup>

For WWL and for other New Orleans television interests, the April 1952 FCC announcement created a special problem--it reduced to just one, Channel 4, the number of unoccupied commercial channels. In September 1952 when the Commission replaced Channel 2 with Channel 8, formerly in Mobile, the tightness of the situation was not eased for 8, like its predecessor, carried an educational reservation. On April 26, the WWL Advisory Board met to develop a course of action. Agreement was reached that the essential task was to "avoid the expense and time which may be consumed by a hearing before the FCC," and to "expedite" the WWL application as quickly as possible. The Jesuit administrators and their lay advisers, many from the WWL Development days, together with Paul Segal from Washington and Summerville, Bloom, and Hoerner representing the station, deemed it imperative that theirs be the only application for Channel 4. To insure that eventuality one member of the Board was assigned the responsibility of contacting the Times-Picayune management in order to dissuade the newspaper from creating a contest, while Denechaud was asked to seek out Seymour Weiss and to request the hotel owner to prevail upon ex-Governor Noe not to intrude WNOB into the picture, a possibility that had been recently rumored. Applications from non-local groups were regarded as not of serious concern in view of the FCC's avowed partiality towards community ownership.<sup>28</sup>

Segal also advised an immediate acquisition of the necessary land for the transmitter, the transmitter itself, the antenna, cameras and equipment, as well as the drafting of a program outline. The possession of these, Segal promised, would "put us in a much more favorable position to have our application granted." It was a calculated risk since it was entirely possible the FCC might still reject the WWL bid, and the properties could then represent a wasted investment. Nevertheless, the Board, in an act of faith, chose to assume the risk. The danger of financial loss seemed mitigated, however, by the probability that the properties could always be sold to the eventual winner in the competition for Channel 4, if Loyola did not gather in the prize.<sup>29</sup>

In June, a new Form 301 was filed with the FCC to comply with the technical requirements of the Commission's Sixth Report and Order. The transmitter placement was

now listed as Gretna, Louisiana, across the Mississippi River from New Orleans, while the studio site was still shown as the Roosevelt, even though plans were already formulated for a change of location. Cost figures had changed considerably since the 1948 proposal. The transmitter, listed at \$90,000 four years before, now had increased to nearly \$160,000. Studio equipment jumped from \$70,000 to \$118,000, and most startling of all, the antenna system from \$20,000 to \$105,000. With the addition of over \$100,000 for land and buildings, the application for a CP placed the necessary station investment at \$545,000. Operating expense for the first year was estimated at another \$617,000, but surprisingly, a profit was anticipated with revenues of \$635,000 projected.

In September 1953, an amendment to the Form 301 of the previous year was submitted, principally showing a change in studio location from the Roosevelt to newly acquired property at 829 Camp Street in New Orleans. Land and buildings, reflecting the purchase, were now valued at \$250,000, and the total station investment at \$702,000. Profit figures were even more hopeful, however with operating costs of \$862,000 expected, significantly less than an anticipated income of \$919,000. There was no denying, nonetheless, that a television venture was an enormously expensive proposition, with needed starting capital soaring far beyond what even the pessimists of five years before had predicted.<sup>30</sup>

Meanwhile, the quiet campaign to forestall competing local applications for Channel 4 was failing badly. By the summer of 1952, Jimmy Noe had filed his own Form 301, though WWL efforts "to persuade Governor Noe to request an ultra-high-frequency channel" were continuing. The campaign ended in 1953 when the other shoe dropped, the Times-Picayune also filed for the sought-after channel. On September 30, the FCC officially informed the University that the three applications were "mutually exclusive" and that a consolidated hearing would be required. The direct fears of WWL's management had materialized; a lengthy, costly, and unpredictable struggle would have to be fought in the halls of the Federal Communications Commission. At times, it would rival in bitterness and intensity the clear channel war with Henderson in the 1930's. Once more the future of the station would be determined more by actions in Washington, D.C., a thousand miles away, than in its own studios. Once again WWL's fortunes would lie more in the outcome of a political-legal clash than in the skills of its station personnel.<sup>31</sup>



## POINTS OF PREFERENCE

A former FCC Chairman called it: "The Whorehouse Era...when matters were arranged, not adjudicated." According to another Washington veteran: "It was like a race track up here. Guys running up and down the hall, barging into offices trying to find another arm to twist." Rumors of political favoritism were rampant, and one academic critic accused the FCC of "dealing a heavy blow to good government." In this climate of influence peddling and favor seeking, the three claimants for New Orleans' single remaining VHF channel sought justice from the Federal Communications Commission. If they restrained themselves from ex parte communications with the Commissioners or from employing the good offices of their favorite Washington elected representatives, they might have seemed almost the only competitors for a FCC grant who did show such forbearance.<sup>1</sup>

For the Times-Picayune, Noe, and WWL the adjudication process began with the exchange of "supplementary material" in December 1953. Loyola's consisted of two thick volumes containing biographies of University and station executives, estimated budgets, descriptions of studio facilities, proposed work schedules, policy statements, programming information, complimentary letters, and a mass of other data. The volumes began with a short and laudatory history of both Loyola and WWL before proceeding to capsule biographies of which the first was the University's new President.<sup>2</sup>

In the spring of 1952, Father Shields, having completed more than the customary six years in the office, passed the presidency to W. Patrick Donnelly, S.J., a man of considerable experience in educational administration. Donnelly had last served as head of Spring Hill College in Mobile, another Jesuit institution. In order to prepare himself for the broadcast decisions to be

made, he undertook visits to television stations in eleven different cities, including Chicago, New York, Washington, Dallas, and Atlanta, and held conferences with their managements.

Significantly, the new President quickly chose to separate his office from that of the everyday WWL management. Rejecting Shields' merger of the two posts, Donnelly appointed a separate Jesuit Faculty Director, W. D. O'Leary. A native of Georgia, as was the President, O'Leary, who possessed both an M.D. degree and a M.A. in Psychology, preceeded Donnelly as Spring Hill's chief administrator, and had assumed control of Loyola's School of Dentistry in 1948. Given the FCC's distaste for absentee ownership of stations, the presence of a full-time Faculty Director on the premises, rather than the Shields system of splitting time, showed greater promise of adding strength to Loyola's bid for Channel 4. As for Shields himself, in September 1953, he was appointed principal of a Jesuit high school in Dallas, Texas.<sup>3</sup>

The volumes of supporting material testified to WWL's past record as a commercial radio station. It revealed that for a composite week in 1953, some 78% of the total programming was classified as entertainment, about 11% as news, just 2% as religious, and but 1% as educational. In that composite week, 438 commercial and 151 non-commercial spot announcements were carried. The projected figures for television operations were not significantly different than those for radio. An expected 108 hours per week were to be telecast as opposed to the usual 157 radio hours. About 69% of the TV programming was to be commercial; 64% of the present AM time was sponsored. Some 41% of the television schedule would be taken from CBS, a bit less than CBS's 44% of the WWL schedule on radio. The WWL planners placed the estimated number of commercial spot announcements at 302 weekly, a third less than radio in 1953, but a figure likely to grow as television prosperity gathered momentum. Entertainment would dominate the TV program log, and the educational-religious categories were expected to be less than 4% of on-the-air-time.<sup>4</sup>

The Loyola station proposed to use a large number of filmed programs including the Buster Crabbe Show, Cowboy G-Men, Two-Gun Playhouse, Lillie Palmer Show, Wrestling from Hollywood, and Washington Spotlight. The costs of these ranged from a low of \$30 (Last Edition) to a high of \$250 (Gene Autry Show) per program,

and they would be spotted throughout the seven day schedule. Equally important were the live productions that would be mounted in WWL's own studios. These included religious programs, e.g. In Which We Live (Protestant, Sunday mornings at 10:00) and We Believe (Catholic, Sunday mornings at 10:30), as well as educational, e.g. Art Museum and Great Books, both also Sunday offerings. Entertainment proposals consisted of shows such as Dixieland America, Music with Mac (Ray McNamara), Jill's Hollywood (Jill Jackson), Jive Five (Al Hirt), and Southern Hospitality.

Costs of the live productions were estimated at figures as low as \$18.83, not including talent paid at a staff salary, for ten minutes of Ray McNamara on the organ each weekday morning to \$510 for Show Business Show Case, to be broadcast on Friday evenings. The latter would require Henry Dupre as Master of Ceremonies, a five-piece studio orchestra, and professional variety acts. It would "spot light" WWL radio and TV talent heard during the day "and brought back for a repeat performance at a time when a general audience is available." The \$500 cost did not include the salaries of the staff announcer and orchestra utilized. The local programs projected and the sample scripts supplied left no doubt that the WWL planners in 1953 saw TV as little more than visual radio. The shows revealed an unmistakable aural broadcasting quality, and few if any imaginative uses of the new medium were suggested. Fortunately, most of the proposals never saw an actual airing when WWL-TV was eventually born.<sup>5</sup>

A full statement of the station's expected program policies was also provided the FCC. According to that statement, the policies were founded on "the fundamental premise that the television broadcaster has a definable and constant responsibility toward the community as a whole and toward its major integral component--the family home." It promised adherence to the Television Code of the National Association of Radio and Television Broadcasters so that "decency, propriety, and good taste shall always prevail." In regard to religious programs, WWL recognized a "specific responsibility" to make "adequate program space available" for all faiths, something that had not been a part of the station's policy until relatively recently. No comments were made regarding the carrying of paid political advertisements that had not been heard on WWL radio since the days of Huey Long, but the implication was present that the old AM policy would not be binding on the television operation.<sup>6</sup>

The estimated revenues from the first year of tele-casting were to be derived as follows:

Sale of Station Time

To network	\$262,080
To national advertisers	630,000
To local advertisers	187,500
	<u>\$1,079,580</u>

After deductions for agency and representatives' commissions, and following an addition for talent fees charged, total broadcast revenues of \$919,155 were anticipated. After expenses, an "indicated net income" of \$77,521 was predicted. Salaries formed much the largest portion of first year costs, over \$500,000, with film rentals, the next most important item, far behind at \$64,000. Individual staff salaries were to begin at \$60 per week for secretaries, move up to \$80 for camera men, and \$126 for studio supervisors. Department heads such as the Engineering Director (J.D. Bloom) and the Program Director (Ed Hoerner) would receive \$12,000 yearly, and Summerville as General Manager \$25,000. The staff orchestra members would each earn \$75.66 weekly, announcers \$95, and singers \$74.50.<sup>7</sup>

The sales policy published confined commercial announcements to no more than six minutes in a half hour program. A suggested rate card offered three classes of time and purchase options ranging from ten seconds to one hour. A one-minute announcement in prime evening time could vary from \$90 to \$120, depending on its frequency. The rates included transmitter charges, use of film facilities, the services of an off-camera staff announcer, recorded music as background, the necessary technical staff, and normal rehearsal time. They did not include such items as talent, set construction, and remote lines.<sup>8</sup>

On January 4, 1954, a "hearing conference" with FCC Examiner Elizabeth C. Smith and the three contestants was held. The parties discussed the fact that in the previous month the Commission had authorized "compatible" color television broadcasting based on the standards developed by a National Television System Committee supported by RCA, the major set manufacturers, and eventually even CBS. The Channel 4 competitors agreed to supplement their already filed applications with proposals on the use of color. But the adoption of the new standards and the submission of color data did not



necessarily precipitate any rapid development of the new process. By 1956, for instance, WDSU-TV had sunk some \$500,000 in color and did not expect to earn back the investment for some time yet. That station first began to carry network programs in color in July 1954 and would not acquire a color camera of its own until the following year.<sup>9</sup>

Loyola's color proposal was modest. It promised available network color shows as well as films, and the production of live programs "on a trial basis from time to time, to an extent indicated by popular interest, the availability of receiving sets, and similar relative considerations." It made no commitment as to the number of such programs that would be aired. The Times-Picayune, on the other hand, took more concrete steps. George Healy headed a group from the newspaper who traveled to RCA installations in New York City and in New Jersey to study color operations first hand. A proposal was then filed calling for daily live color programs totaling almost 17 hours per week in addition to film. Noe's submission was, like WWL's, much less detailed. His simply stated an intention to use network color shows "when they become available" and to purchase equipment for the use of color film and slides. No live programs were contemplated by him. On the issue of color, at least, the Times-Picayune seemed to have taken an early lead in the competition with its fulsome and probably unrealistic plans.<sup>10</sup>

\* \* \* \* \*

The procedure followed in determining which of the three contenders would receive the eventual authorization to telecast on Channel 4 had not changed markedly since the days of W. K. Henderson when the issue was a clear AM channel. The applicants first submitted a statement of points upon which they intended to rely in the comparative hearing. Cross-examination of witnesses was then based on material filed in the original applications and supplements and in the points of reliance. After the record was closed, an initial decision would be rendered by the hearing examiner, Elizabeth C. Smith in this case. Exceptions to the decision were inevitably filed by the losers, and oral arguments presented to the Commissioners themselves sitting en banc. The Commission, after further deliberation, would finally announce its ruling, and the next appeal for the vanquished, if they continued to persist in their claim, must be to the federal courts, possibly ending in the chamber of the United States Supreme Court.

In a hearing, the competing parties had a wide margin of choice as to the evidence they presented, selecting, of course, that which might reflect most favorably on themselves and adversely on their opponents. The lengthy process has been described as "ritualistic, formalistic, wasteful, and inefficient." Faced with the necessity of deciding among mutually exclusive applications for the same grant, the FCC was forced over the years to develop some general criteria upon which to base its choice. It was understood, of course, that the applicants were to be "decent and law-abiding, with sufficient intelligence and integrity to fulfill the public responsibility" placed upon the broadcaster. More was needed, however, if the Commissioners were really expected to make any sort of rational decision.<sup>11</sup>

The criteria upon which the FCC came to rely, though not always consistently, featured a preference by the regulatory body for local ownership, participation by the prospective licensees in civic activities, integration of ownership and management, diversification of background, broadcast experience, a commendable record of past broadcasting performance, suitable and realistic proposed programming and operating plans, and diversification of ownership of the mass media of communications. In the New Orleans television case, the applicants would be examined on all those grounds, with some becoming more significant than others in the eventual decision.<sup>12</sup>

In pursuing localism, it has been said, the FCC "appears to conceive of the station owner as a kind of latter-day Mark Twain who understands the needs and concerns of his community in an imaginative and sensitive way." Such an owner would, hopefully, be more amenable to providing "civic, social and business groups appropriate access to the facility." In much the same way, the integration of ownership and management meant that in a contest between applicants, preference would be shown to an owner-manager who supposedly should be more concerned with community needs than a station head reporting to an absentee proprietor.<sup>13</sup>

Diversification of background was a criteria resting upon the theory that a bid for a license from a firm whose investors came from varied business and professional fields might be more civic-minded than one from a single-interest group. Yet, one of the FCC's own hearing examiners admitted there was "no empirical data to support this belief and...very little logic to recommend it."

The desirability of previous broadcast experience and an impressive performance record, especially in the creation of local live programs, formed obvious criteria upon which the FCC relied, along with an evaluation of proposed plans and policies for future station operation. For WWL, the final criteria of diversification in the ownership of communications mass media would be an important weapon to use against the Times-Picayune. The most striking aspect of this criterion was the forcing of newspaper applicants into an unfavorable contesting position against their rivals since the FCC had come to believe local concentration of media ownership did "represent a potential hazard, not only to market competition for advertising but, more important, to the free flow of ideas."<sup>14</sup>

A major highlight of the years following World War II was the widespread entry of newspaper publishers into FM broadcasting and television. The reasons were simple enough, both were promising public services expected eventually to be profitable, and they served as a protection for the newspaper properties against that same competition. As for the FCC, it had long been worried about the problem, and warned of "the spectre of the octopus reaching out ever-further to control mass media" as early as 1941. In that same year, prompted by President Roosevelt, the FCC launched an investigation that was not closed until 1944 when the Commission finally announced a specific rule on cross-media concentration was impossible. It chose instead to adopt a case-by-case approach, but even that policy tended to be marked by rampant inconsistency as the years went by. As Judge Henry J. Friendly later noted: "On some occasions the Commission has preferred a non-newspaper-owner, on grounds of diversification, over a newspaper applicant at least as well or better qualified. On other occasions, it has awarded licenses to newspaper-owning or affiliated applicants despite the availability of other well-qualified contenders without newspaper affiliation." Friendly called the wobbling "intolerable" and urged the Commission to "develop enough courage to penetrate the fog it has helped create."

Eventually, the FCC came to regard newspaper ownership as a "discrediting factor, not a disqualifying factor" for an applicant. In 1954 when the New Orleans Channel 4 hearing began, newspapers controlled over 18% of all AM stations, 33% of FM, and 37% of TV. Those who feared that cross-media concentration might mean the constriction of one medium to protect the interests

of another, combined advertising schemes that would constitute unfair competition for media rivals, and restraints on the free flow of ideas were not consoled by those figures.<sup>15</sup>

The FCC referred to its own hearing criteria as "guideposts." The word emphasized their imprecise nature; they were "capable of infinite manipulation." According to one scholar, they actually became "spurious criteria, used to justify results otherwise arrived at." In an era in which the FCC possessed an "almost invisible prestige" under a barrage of allegations of political favoritism and questionable ethics, the criteria were, nevertheless, the only ostensible rules of the game.<sup>16</sup>

On February 11, 1954, the WWL owners submitted their "Statements of Matters Relied Upon by Loyola University." They claimed a "superior local live and film programming service" as well as a "superior ability to carry out its proposal." Heavy emphasis was placed on "better background and experience than the other applicants," the "length and character of local residence" of the owners, their participation in community affairs, and their broadcasting record. Not overlooked either was the desirability of diversification in New Orleans media ownership. Overall, the points especially stressed were "the comparative history of the applicants" and the need for diversification in media control, both of which under the FCC's usual criteria should have been strong suits in the WWL hand.<sup>17</sup>

The Times-Picayune chose its own ground on which to fight. It cited its "116 years of operation in New Orleans," which gave it a great familiarity with community needs, and the fact that all of its nine officers were residents of the city. The newspaper was quick to note Loyola's top two officials "have not resided in New Orleans longer than six years" and none of the University's officers were life-long residents, while six of the Times-Picayune's were. A "more stable corporate management than Loyola" was also claimed, especially with the educational institution's presidency rotated at least once each decade and the latest occupant in the office only since the preceeding year. The publishing firm sought to use Loyola's own instructional mission against it, warning that deficit operations in television could be absorbed by the newspaper, while for WWL they would result in either a curtailment of broadcast service or the diversion of capital "which would otherwise be used for educational purposes."

Moreover, WTPS-TV operations would be under the direct supervision of George Healy, a senior Vice-President and stockholder in the publishing company, thus providing an integration of ownership and management. On the other hand, in the case of WWL-TV, the Faculty Director was not an officer of the University and had no ownership interest in it in the ordinary sense.<sup>18</sup>

The Times-Picayune argued it was promising more scheduled hours than Loyola, and a considerably more elaborate plan for color telecasts. It also warned that WWL intended to simply carry over its radio talent and programs to TV, while the WTPS proposal provided "opportunities for more different entertainment personnel on a greater variety of shows." A detailed description of the supposedly superior technical facilities and production capabilities of the Times-Picayune was offered as additional proof of the newspaper's case. The journalists took a much more aggressive tack in their presentation than had the educators. While Loyola praised its own record, it criticized its opponents only indirectly. The Times-Picayune, however, followed an offensive-minded strategy, attacking head-on what it considered to be some of its competitor's weak points. But even the newspaper did not carry its offensive as far and press it as hard as the veteran of Louisiana political wars, ex-Governor James A. Noe.<sup>19</sup>

His application for a CP had been filed by a partnership formed in October 1953 and styled James A. Noe and Company. The partners were Noe himself, his son, Harry Allsman (a Louisiana oilman and public official), and Raymond F. Hufft (a one-time general manager of WNOE, a businessman, and a state official). There was little doubt that Noe Sr. would be the managing partner. His broadcasting interests in 1954 included the ownership of KNOE and KNOE-TV in Monroe, Louisiana, and WNOE in New Orleans, and a 50% share of KOTN in Pine Bluff, Arkansas. Noe promised he would be "in direct charge of station policies and planning and supervision of day-to-day operations" of the proposed WNOE-TV.<sup>20</sup>

Among its "points of reliance," James A. Noe and Company cited the fact that Loyola University was actually controlled by "a church group having its headquarters outside of the State of Louisiana"--more specifically in Rome, Italy--and that there was "no assurance of continuity of top management interest and direction" at the college since the Jesuit administrators were subject "to transfer to other assignments at any time." Furthermore, in view of the fact that Loyola was

the property of "an absentee Church Order," it could not present a "well-balanced" point of view in its television programming. The Noe statement warned of Loyola's "fixed principles of thought dissemination representative of a minority group of the population," and urged that the educational institution be confined to its teaching occupation or "to applying for a non-commercial television outlet presently available in New Orleans." Against both the Times-Picayune and Loyola, Noe argued his previous television experience in the operation of KNOE-TV in Monroe.<sup>21</sup>

Noe's concentration on the religious affiliation of WWL continued to be the principal focus of his attack. In June 1954 he demanded specific information relating to the Society of Jesus and its world-wide activities. Noe's attorneys likened the Jesuits to a holding company in business, controlling and influencing the policy of broadcasting media in many locations. Loyola vigorously opposed the demand, claiming that it was an attempt to obtain evidence on a matter not relevant to the proceedings. The applicant in this case, it argued, was the University, not the Society of Jesus, and it was "controlled and operated solely by its officers and board of directors." The religious beliefs of those individuals were immaterial. Noe, nevertheless, won a partial victory. In late July Examiner Smith ordered the University to furnish Noe's counsel a statement by Father Donnelly clarifying the "extent of control, if any, which has been, is now or would be exercised by the Society of Jesus or by the Roman Catholic Archdiocese of New Orleans over Loyola University...insofar as such control relates in any manner whatsoever to the construction and operation of the proposed television station." The issue of outside control was to become almost the whole of Noe's case in the oral testimony that followed in the fall of 1954.<sup>22</sup>

In preparation for the cross-examination to come, Paul Segal briefed each of the Loyola and WWL officials who would be taking the stand. He also asked them to observe other FCC hearings in progress in order that they might familiarize themselves with the procedures followed and the nature of the questions which might be asked. In a rather distinct departure from the prevailing mores of the period, Segal sternly warned his clients against extra-mural contacts with federal officials on behalf of the WWL application.<sup>23</sup>

On Monday morning, October 4, the cross-examination phase of the hearing began in a small room in the

Interstate Commerce Commission building in Washington with Donnelly as the first witness. The Jesuit President was questioned for more than two hours by Warren Woods, Noe's counsel, primarily on the "outside control" issue. Donnelly vigorously denied the station was controlled "from abroad" or by the New Orleans archdiocese. He admitted the Society of Jesus operated 29 universities and colleges and some 30 high schools in the United States, but he held that the policies of those institutions were not dictated by the Order's Superior General in Rome. Under Wood's probing, Donnelly acknowledged that the Loyola administration could not "assume heavy financial obligations without approval by higher authority"--specifically, the same Superior General--but that procedure was adhered to simply to "keep religion from getting a bad name."

Then Woods turned to an especially sensitive matter--the airing of non-Catholic religious programs on WWL, and Donnelly found himself temporarily on the defensive. The Jesuit acknowledged a complaint had been filed with the FCC in August 1953 by Rev. Walter D. Langtry, chairman of the radio and television committee of the New Orleans Council of Churches, protesting the absence of any locally originated Protestant religious programs on WWL. Donnelly explained, however, there had been no recent requests for such offerings up to the time of Langtry's complaint "and that is why the station did not carry them."<sup>24</sup>

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The issue was one of long-standing. During its first twenty years of existence, the station had in fact followed a policy of refusing to carry any non-Catholic religious programs. The policy was maintained, in the words of Father Shields, "in spite of great pressure and some financial loss." But by the end of World War II, the implications of that stance became more serious than ever. In 1945 some Protestant organizations filed suit against a Philadelphia station to compel it to allow them time for their denominational programs. Soon afterwards, WWL itself received an ominous letter from the Protestant War Veterans of the United States asking for the names of any Protestant broadcasts carried on the Loyola station. Paul Segal was quick to warn Shields and Summerville of the potential for trouble in WWL's policy, reminding them of the FCC regulation that at least implicitly gave to other denominations the right to occasionally schedule their own programs over a station which regularly broadcasted the offerings of another

religious body. The Washington attorney cautioned the University "not to give non-Catholic religious groups any particular specific reason to present a case" against it before the FCC.<sup>25</sup>

For Shields, the problem posed a dilemma. At that moment, the Southern Baptist Conference was asking to have its annual convention broadcast by WWL. It was willing to purchase the time, and it claimed that WWL's clear channel signal enabled that station alone among all New Orleans and Deep South broadcasters to reach the rural areas where most Southern Baptists resided. Shields feared if he refused to air the convention, a complaint would be filed with the FCC, charging his station with religious discrimination. The consequence, he bemoaned, might be "the only large radio station under Catholic direction in the western hemisphere and, other than the Vatican Station, the only large Catholic radio in the world, will go off the air." That outcome would likewise mean "financial ruin" for Loyola, the sole Catholic university in the South. He also foresaw if Loyola was forced to sell WWL, the probable buyers would be "Protestants or Jews" with the result that "one of the most powerful stations in the country would be wide open for the broadcasting of all types of heresy."<sup>26</sup>

On the other hand, if WWL agreed to carry the material, Shields feared the University would find itself in the position of, in one Jesuit's words, "propagating a false religion." At the least, it would be "implicit formal cooperation" with a corresponding "spiritual harm to souls" by "acquainting them with a false doctrine." Caught by the dilemma, Shields and his predecessor, Father Percy Roy, presented their difficulty to Archbishop Joseph F. Rummel of New Orleans in a two hour meeting with the prelate on the evening of May 4, 1945. According to Shields, the Archbishop "manifested the utmost sympathy, interest, and understanding," and asked the two Jesuits to secure the opinions of leading Catholic moralists and theologians to aid Rummel in making a final determination. Dutifully, Loyola's President prepared statements of the case and sent them off to Catholic scholars in various parts of the country--Massachusetts, New York, Illinois, Kansas, California, and New Orleans.<sup>27</sup>

The responses were virtually unanimous in their support for the inauguration of a new WWL policy offering time to all bona fide religious organizations. The Rector of Notre Dame Seminary in New Orleans, for example, replied that just as a local transit company,



which happened to be owned by Catholics, would "be allowed to transport people to heretical churches," so also could the station give Protestant groups access to its facilities. A Jesuit theologian in Indiana found nothing "intrinsically wrong" with the broadcasting of Baptist services. He pointed out there was no participation in the services themselves by the WWL personnel, "merely a communication" of religious activity to those who did desire to participate. The necessity of saving the station seemed to be the most important consideration since, he wrote: "In these days the Church can ill afford to withdraw into silence, or to lose such opportunities for keeping its vivifying influence before the people as are offered by the control of a big radio station." A California Jesuit agreed. Joseph D. O'Brien, S.J., admitted the selling of time for non-Catholic programs constituted "material cooperation," but held "the good to be accomplished by keeping your license far outweighs the evil which will result." O'Brien did advise that the Baptists be made to pay for any time they received, and none be offered to them free of charge.<sup>28</sup>

On June 16, Shields forwarded the collected theological responses to Archbishop Rummel, pointing out what he termed "the unanimity of opinion of so many noted men." Two weeks later, Rummel added his own conclusion. Satisfied with the learned support for the step, he advised Shields to proceed with the granting of time to qualified non-Catholic religious organizations. The station began to carry non-Catholic programs originating at the network, commencing with the CBS feature, Columbia Church of the Air. The soul-searching of Shields and Roy may seem rather quaint to a later generation, but as Catholic broadcasters in the 1940's, they were breaking new ground. The issue for them was novel and perplexing indeed, yet they finally reached an accommodation with it that satisfied the regulatory requirements. In so doing, the Loyola officials sacrificed the doctrinal monopoly they had formerly enjoyed on WWL, but they exchanged it for continued existence, the necessary first condition for any commercial operation. They placed what they believed to be paramount--the financial viability of the University--first and foremost, and they insured that viability through the medium of radio rather than in spite of it, as was the case with other educational institutions that chose to dabble in the business of broadcasting.<sup>29</sup>

The issue arose once more, however, in the summer of 1953 when Reverend Langtry, on behalf of the New Orleans Council of Churches, filed his complaint with the FCC. Langtry related that he had contacted WWL, offering the assistance of his Radio and Television Committee in developing local religious programs. Ed Hoerner had conferred with the minister, thanked him for the offer of aid, but explained that all of the time available on Sunday mornings for religious programming was already allocated. Langtry was not convinced. While the Program Director's position appeared to be a reasonable one on the surface, the actual effect of the policy, it seemed to Langtry, was "to bar local Protestant voices, and to make the station the voice of Roman Catholicism." He discounted WWL's broadcasting of Columbia Church of the Air, which did feature Protestant and Jewish segments, since it was a network offering and in the New Orleans minister's view "had little or no local appeal." Langtry brought the matter to FCC attention when WWL filed for a television channel, since his organization viewed "with disquiet such an extension of the influence of a definitely partisan station, which has for so many years refused to allow any of the local spokesmen for the Protestant Churches to appear, either through the purchase of time or on a sustaining basis."<sup>30</sup>

Langtry could not have raised the issue at a more inopportune moment. It was just the type of damaging evidence that could wreck any dreams of winning the Channel 4 fight. The WWL management reacted immediately. A letter was drafted, signed by Ed Hoerner, and quickly forwarded to Langtry. In it Hoerner began by expressing surprise that the minister should have felt compelled to submit to the FCC what obviously was simply a misunderstanding. The Program Director was quite sure that Langtry's goal could be accommodated, and a meeting of the two men was suggested. Later, when Paul Segal was questioned about the episode by the FCC, he termed it a "mistake of somebody on the staff of WWL." Segal added that when the matter "reached the proper level" at the station, it was corrected. By the time of the hearing in October 1954, the New Orleans Protestant churches had a regularly scheduled thirty minute program of their own each Sunday afternoon on WWL. In view of the 1945 decision to accept such programming, it was undoubtedly an error to wait until the raising of an FCC complaint in 1953 before such an offering was scheduled. Only quick, remedial action prevented the issue from impairing Loyola's standing in the quest for the television grant.<sup>31</sup>

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Other WWL witnesses followed Donnelly to the stand, but without significant fireworks. Those erupted on the second day of the hearing when George Healy took the stand and faced Paul Segal's cross-examination. The WWL attorney worked hard at showing Healy's lack of knowledge of the broadcasting operations at WTPS despite his title as the executive in overall charge of television and radio. Since Healy was also serving as the newspaper's editor, a real question arose as to the possibility of absentee ownership at the station. Under questioning, Healy found himself very hard put to comment on the character of WTPS programs and even on the advertising rates and policies in effect at the station. In his memoirs, the newspaper editor later acknowledged that he "rejoiced" when he was eventually relieved of the responsibilities of broadcasting; he had found the assignment difficult, and he discovered the "print and electronic media are far apart."<sup>32</sup>

More sparks flew when the next Times-Picayune witness, John F. Tims, took the stand. Angry words were hurled between Warren Woods and the newspaper's attorney, William J. Dempsey, when the former attempted to introduce through Tims, the President of the publishing corporation, the subject of attempted monopoly. In 1950 the Times-Picayune had instituted a unit plan for the sale of all classified advertising space. Under it advertisers were required to run the same ad copy in the less popular States if they wished space in the more influential Times-Picayune. A limited variation of this "forced combination" policy had been in effect since the 1930's. The broadened action caused consternation at the rival afternoon Item where an antitrust suit was planned. The Item management refrained, however, when the Justice Department filed its own suit in June 1950. The Times-Picayune was accused of attempting to establish a monopoly and of seeking to injure or destroy its competitor. The combination rate itself was challenged as an unreasonable restraint of interstate trade.<sup>33</sup>

In May 1951 a federal district court in New Orleans held the newspaper defendant guilty on almost all counts, and ordered it to abandon the unit advertising rate. Naturally, an appeal was carried to the Supreme Court in Washington and argued there in March 1953. Two months later, a decision was announced and the Times-Picayune officials were jubilant. By a five to four majority, the Court found the government had not substantiated its case against the newspaper, and the unit plan had not

unduly handicapped the Item. David Stern, the Item's owner, called the decision "the last blow to competitive journalism," and he growled, "competitive journalism is healthy in a democracy." The verdict signaled the approaching end of Stern's paper as an independent entity.<sup>34</sup>

Woods' attempt to resurrect the monopoly case was not successful. The hearing examiner announced sharply that she did not intend to retry the Supreme Court decision of the previous year. Noe's attorney was required to move on to other topics. The most surprising admission he was then able to elicit from Tims was the baring of WTPS's financial performance. The station had lost over \$600,000 since its founding in 1946. As a consequence, WTPS eliminated its staff orchestra, broadcast no dramatic programs, and confined its schedule to sports, news, and recorded music. Compared to WWL, it was an extremely limited operation and a distinctly unsuccessful one.<sup>35</sup>

On October 7, Jimmy Noe took his place on the witness stand, to be questioned by both Segal and Dempsey. Time and again he was asked technical questions to test the depth of his broadcasting knowledge, and Noe was forced to concede there were many facets of station activities with which he was unfamiliar. At one point Segal switched to queries on programming, and noted that the Noe TV proposal contained the promise of a ceramics show. Bluntly, he asked the ex-Governor if he even knew what ceramics was. The witness replied caustically that he did not, but added: "When you were studying law, I was picking cotton and working in the oil fields."

Questions centered particularly on the partnership's ability to finance a television station. The evidence was shaky, and an FCC lawyer reported a serious doubt in the agency that Noe had the necessary financial qualifications. The costs of construction were to be met in large part by a \$600,000 loan from an unnamed bank, and no evidence was introduced to verify the availability of the money. Noe agreed that the partnership would "have to borrow money to put the thing over," but no elaboration was given by him. Further, while his own personal contribution to the starting capital was to be some \$300,000, the balance sheet which he submitted revealed current assets of some \$134,000 and current liabilities of nearly \$900,000, the latter consisting principally of bank loans. The figures appeared to indicate that his share of the investment would also be based on borrowed money. The financial data was the most telling

evidence against the Noe application.<sup>36</sup>

A few more witnesses were heard, but the testimony they supplied was conventional. On November 3, Examiner Smith "closed the record" of the comparative hearing, and instructed the parties to submit their proposed findings to her. No new evidence could now be introduced.<sup>37</sup>

On July 7, 1955, Elizabeth Smith released her decision. It occupied 110 pages of close-packed print, and its final conclusions were not pleasant reading for Segal or his clients. Smith began by reiterating that the preliminary investigation of the applicants by the FCC's Broadcast Bureau had found both Loyola and the Times-Picayune "legally, technically, and financially qualified" to construct and operate a television station. Noe also had met the test on the first two grounds, but failed the third. It became necessary for him to answer the "threshold question" of financial ability before his proposal could be scrutinized in conjunction with the others. But the Noe partners did not provide the necessary proof during the hearing, and therefore, they were disqualified from further consideration. The Examiner thenceforth focused her attention only on the competing applications of the newspaper and the university.<sup>38</sup>

She found little to choose between the two conflicting bids for Channel 4, as she methodically measured each against the usual FCC criteria. In the area of program proposals, she saw no decisional significance to the number of hours each promised to telecast or the balance between live, film, and network shows that each desired to maintain. She did find a significant difference in special programming for areas outside of New Orleans. Loyola proposed no offerings of this sort, while the Times-Picayune planned four weekly segments in its schedule "designed to bring about regular participation of persons and groups" from neighboring communities. Contacts were already claimed with eighteen such communities looking to the eventual production of programs. On this relatively subsidiary test, the Examiner held the newspaper merited a preference.

A more important gain was made by the journalists when Smith evaluated the color proposals of both parties. Here she found the WWL plans vague and minimal. On the other hand, the Times-Picayune had detailed its plans for producing live studio programs in color, the equipment to be used, the sets and scenery to be built, and the time to be allocated. The WWL staff made a severe tactical error in not taking their color proposal more

seriously. Realizing the march that had been stolen on them, Segal and his associates scorned the good faith of the newspaper's plans, claiming they had been formulated "solely to overwhelm and influence the Commission in this proceeding." But no substantial proof could be mustered by Loyola's attorneys to prove their contention that the WTPS color programs would never materialize. Smith concluded, therefore, that the Times-Picayune deserved "a material preference as against Loyola on this point."<sup>39</sup>

Turning to other criteria, she found that both applicants projected an adequate staff, suitable studio facilities and equipment, and both offered reasonable assurance of meeting their commitments. On the matter of past performance, Loyola claimed a superiority based on the record of WWL in its three decades of existence, and Smith agreed that the University earned a preference on this point. She quickly offset it, however, by concluding that WTPS operations had been in the public interest too, and that the newspaper had a long record of service to the community. In what the WWL supporters regarded as one of the strongest facets of their case, they did not win a clear victory. The factor of local ownership was likewise regarded as a near draw, despite the controversy over outside control of WWL from Rome that developed during the hearing. The publishing organization did win "a slight preference" on the criteria of participation in civic and community life. Smith found the Times-Picayune officers and directors "proportionately more active in a greater number and variety" of civic projects, and over a longer span of time.<sup>40</sup>

Next, no decisional preference was found on the bases of integration of ownership and management, diversification of business interests, and, startlingly, ownership of mass communication media. On the surface, the concentration of control represented by one corporation owning two newspapers, an AM and FM station, and a television outlet should have proved damaging to the Times-Picayune case. Yet, despite the best WWL expectations of success on this point, it resulted instead in a standoff. Smith neatly equated the potential power of the publishers with the holding of broadcast licenses by other Jesuit educational institutions in California, Pennsylvania, Missouri, and New York. She contended that Loyola had not "substantiated its claim of superiority" on this criterion.<sup>41</sup>

The FCC official now reached her ultimate conclusion. She had found neither proposal to be deficient

in any important aspect, and believed each promised "well-balanced and meritorious programming." The deciding factor, she argued, was the preference earned by the Times-Picayune "on two important facets of proposed programming"--color and the provision of time for outlying communities. Especially important, she felt, were the WTPS color efforts since the end-product would be to "encourage and foster a new and challenging phase of visual broadcasting in the New Orleans area without delay." For Smith, the record of the proceedings thus meant that "the public interest, convenience, and necessity would be better served by a grant of the application of Times-Picayune Publishing Company."<sup>42</sup>

The news of the Examiner's decision came as a severe shock to the members of WWL staff. They generally assumed a ruling in favor of their station was inevitable. They had feared the issue of religious control; instead they had been undone by the unexpected matter of color. On the day after the release of Smith's ruling, Segal wrote Donnelly an apologetic letter. Regrettably, he warned, there would be "a very substantial expense... before us in connection with the preparation of exceptions, briefs, oral argument and the other procedural steps which now will be Herculean." There would also, he predicted, be a lengthy delay, and probably, it would be well into 1956 before a final verdict was rendered. As to the Examiner's decision, Segal expressed himself satisfied with "the factual portion," but was convinced Smith had "fallen deeply in error when she came to her conclusion." He, nevertheless, took an optimistic view. Her findings were merely advisory; the Commission itself would make the real determination.<sup>43</sup>

Addressing himself to the specific points raised in the decision, Segal characterized the "outlying communities" issue as of "relatively small importance." He was vehement, however, on the matter of color. On this, Smith was "clearly wrong." Color had been "injected into this case by the Times-Picayune as a makeweight, as a substitute for a real issue of principle." He hoped he would be able to convince the Commissioners of that. Moreover, Segal intended to emphasize the real decisional factors in the case, the restrictive advertising practices of the newspaper, the past performances of WTPS and WWL, the independence of Loyola's station from those operated by other Jesuit-affiliated institutions, and the diversification of the media of mass communication, among others. He ended with words of encouragement for the Jesuit President: "Meanwhile, be of good cheer; we have not sevens out yet."<sup>44</sup>

Segal was correct; the next steps in the FCC's deliberative process were time-consuming. Not until May 1956 did the attorneys finally present their oral arguments to the Commission. Segal was the first to plead his case, followed by Dempsey, and then Woods. The WWL attorney vigorously challenged the Examiner's choice of WTPS. On the color issue, he maintained Loyola's plans were "practical and feasible," while the WTPS scheme was not. He also raised the issue of the Times-Picayune's real purpose in seeking a license, contending that broadcasting was being used as a means of advancing the interests of the newspaper rather than out of any concern for the medium. He then ridiculed any attempt to compare the past performances of WWL and WTPS. With a little humor, he termed the operations of the latter "picayune," and he contended the clearly superior record of WWL as one of the most powerful and successful stations in the country plainly entitled it to the preference in the Channel 4 struggle.

On behalf of the Noe partnership, Warren Woods was his usual aggressive self. He referred to the ex-Governor as the "poor boy" among the applicants, but determinedly maintained, nevertheless, that his client did have sufficient funds available to furnish an adequate starting capital. Even though it had been the Times-Picayune which had won the favor of the Examiner, Woods stubbornly persisted in pressing the "outside control" issue against Loyola. He warned a grant to the University would subject the television station to foreign manipulation, and discussed once more both the Langtry episode and the now defunct all-Catholic religious programming policy. When the attorneys concluded their arguments, the FCC took the case under advisement.<sup>45</sup>

Its decision was released on Friday, July 13, 1956, just six weeks after oral arguments had been presented--the Times-Picayune called it "an unprecedented swift action." The FCC trod well-traveled ground in reaching its ruling, examining the same facts as Elizabeth Smith had the previous year and reaching the same general conclusions except on a very few crucial points. The decision of the Commissioners was a unanimous 6-0 verdict in favor of the Loyola application, reversing the recommendation of their own hearing examiner.

The FCC found no substantial points of preference between Loyola and the Times-Picayune on most criteria. It agreed with Smith that the civil record of the



publishing corporation principals warranted a preference over Loyola and so did their broader range of business interests, though on the latter, the advantage was of only "secondary significance." Those gains for the newspaper were more than offset by a major breakthrough for Segal--the Commissioners agreed with him that the past broadcasting record of WWL entitled it to a "substantial preference" over both the Times-Picayune and Noe. Indeed, the findings on this point strongly indicated that the performances of both WTPS and the Noe stations had not fulfilled their promise or potential. The Commission next reached the factors that the Examiner had found decisive--programming for outlying communities and plans for the introduction of color telecasting. On the first, it agreed with the Examiner, but stated "in view of the overall parity otherwise found in the respective program proposals of the applicants, such preference is necessarily minor in nature." The color question prompted the regulatory body to recall a precedent established in an earlier case; the promise of local live color programs by one applicant when another planned only to carry network color shows at first was not to be regarded as a determining factor in the award of a channel. As the Commission stated in its conclusion on this point:

We see no matters present in this proceeding which would warrant a different conclusion here. Accordingly, we do not award a preference. All applicants propose use of color. The difference lies chiefly in their judgments as to when it will be possible to undertake color programs on a somewhat extensive scale. The correctness of such varying judgments cannot be tested on the record before us.<sup>46</sup>

The Times-Picayune suffered another reverse on the test of integration of ownership and management. Segal's close questioning of George Healy during the hearing had revealed the editor's limited acquaintance with broadcasting and even the operation of his own radio station. The FCC found, therefore, that his function with the television station, in view of his newspaper responsibilities, would necessarily be "representative rather than a matter of individual concern." The University earned a preference on this point since WWL's Faculty Director served on Loyola's Board of Directors and also was "in daily contact" with the station.

Finally, the Commissioners came to the area of diversification of mass communication media ownership, a criterion upon which Segal had expected Loyola to gain advantage. He had been disappointed by the Examiner; he was not disappointed by the Commission. The FCC agreed that the ownership of two of three newspapers of the community and one of the two VHF licenses did represent "a trend toward concentration...of significant comparative consideration, emphasized somewhat by the forced combination rate policy which has been practiced in the newspaper operation." It found the same tendency toward concentration involved if a second television grant was given to Noe, who already operated KNOE-TV in Monroe. Noe was also eliminated from serious consideration by his inability to demonstrate an adequate financial capability.<sup>47</sup>

The result was clear. The FCC had found two major points of preference in favor of Loyola--the past performance of WWL and the diversification of communications interests--as well as minor ones. It, therefore, denied the applications of the Times-Picayune and the Noe partnership and awarded the construction permit for a new commercial television station in New Orleans to Loyola University. It was, at that moment, over ten years since the University had first applied for permission to begin service in the new medium. Robert A. Marmet, an attorney in Segal's firm, summed up the elation the WWL forces felt in a telegram to Donnelly: "WHO SAID FRIDAY THE 13TH WAS UNLUCKY."<sup>48</sup>

\* \* \* \* \*

Yet, it was not a complete triumph. Two clouds still marred the television horizon. One was the obvious intention of the losers to appeal. As early as mid-August, the Times-Picayune petitioned the FCC for a rehearing of the case, asking the federal agency to correct the "many errors in its findings." Healy was not hopeful himself that much could be done. He believed the decision to have been a political one, a gesture on the part of the Eisenhower administration working through the FCC to win the support of the Catholic community in the United States in a presidential election year. No evidence has survived, however, to support that conclusion, and Paul Segal had been most explicit in his instructions to the Loyola Jesuits that they strictly avoid politicians of any stature while the case was under consideration. His refrain was always the same: "We will win this case on the record of our radio station." When the FCC in

July 1957 denied the request for a rehearing, both the Times-Picayune and Noe carried their efforts to United States Court of Appeals in the District of Columbia. The Times-Picayune questioned whether the FCC had given the decision of the Examiner "the consideration and weight required by law," and it branded the 1956 ruling of the Commission "arbitrary and capricious." Noe's brief centered on the "outside control" issue; he was nothing if not persistent. Noe contended that Loyola, by reason of its connection with the Society of Jesus, was a corporation whose stock was voted by representatives of aliens. Thus under the Communications Act of 1934, it ought to be ineligible to hold a television license.<sup>49</sup>

The appeals of the Times-Picayune and of the Noe partnership were consolidated, but while the case was still under advisement, the newspaper chose to withdraw. Its interests had changed dramatically. On July 14, 1958, David Stern III, board chairman of the New Orleans Item, announced its sale to the Times-Picayune. Since memories of the anti-trust suit of the early 1950's had not yet faded, the Justice Department was approached for approval of the transaction. Part of the price of that approval proved to be the sale of WTPS and the abandonment of the fight for a television license. In the end, WWL's strongest rival voluntarily left the field, but not before its campaign for the Channel 4 grant had substantially delayed the eventual settlement and run up the cost of gaining the construction permit. On September 15, 1958, the first issue of the merged States-Item was published in New Orleans; and in Washington, Jimmy Noe now found himself alone in pressing an appeal of the FCC ruling.<sup>50</sup>

Some support for Noe's position did come from an amicus curiae brief filed by the Protestants and Other Americans United for Separation of Church and State. The POAU, which had intervened in many suits involving Catholic issues, claimed WWL was following a "conscious anti-Protestant policy," and the awarding of a TV license to it would, therefore, violate the First Amendment. The Court of Appeals did not agree. On October 16, it unanimously announced its refusal to overturn the decision of the FCC. It was satisfied the Commission's conclusion granting the license to Loyola "was based on a careful and reasoned weighing of the various points of preference awarded between Noe and Loyola, in accordance with governing law." It found no validity in Noe's claim of alien control or the POAU's vision of a deliberate anti-Protestant

strategy. Undaunted, the Noe group took the final step, asking the Supreme Court to review the case. Not surprisingly, Noe met with another rebuff. The teletype machine at WWL clattered the news on March 2, 1959--the Supreme Court in a brief order rejected Noe's arguments and let stand the earlier FCC and Court of Appeals rulings. Nearly three years after the FCC announced its decision in favor of Loyola, the University's last opponent finally succumbed.<sup>51</sup>

The second cloud on WWL's television horizon had been manufactured by the FCC even before the Commission decided in favor of Loyola in July 1956. Ironically, the University, which found itself in partnership with the FCC in their defense against the Times-Picayune and Noe appeals, was simultaneously attacking a policy supported by the federal regulators. The 1956 grant of Channel 4 to the Jesuit educators had only been conditional, pending the outcome of a rulemaking proceeding begun earlier, and until such time as a resolution was achieved, the actual construction of Loyola's television station was stayed. The victory seemed a hollow triumph to the WWL principals unless work could begin soon.

\* \* \* \* \*

Deintermixture, the FCC called it. It was a plan born in the frustration of creating a viable UHF service. By the mid-1950's, it was apparent that UHF stations were not faring well. Some had already gone off the air, many others had cancelled their construction permits without even an attempt to act upon them. As late as 1958, over 80% of the commercial outlets on the air operated on VHF channels even though less than 30% of all channels were allocated to that band. A variety of factors accounted for UHF becoming a disaster area, including viewer inertia, the unwillingness of set manufacturers to promote all-channel receivers and converters, the high retail cost of this equipment, superior VHF signal strength and quality, and VHF's entrenched position stemming from its earlier start and the four year FCC freeze. The VHF channels had the coverage and the circulation that advertisers craved, and the networks chose them for affiliates as a result, further solidifying their supremacy.<sup>52</sup>

The FCC, of course, was well aware of the plight of the UHF band and was anxious to take corrective action. It considered a wide range of proposals before issuing its report on June 25, 1956. The Commission concluded the best long range solution was the shift of all television

to the ultra high frequency area, but it also recognized that prior to such a shift, there would have to be a research program directed towards the improvement of UHF reception. In the meantime, the Commission would follow an interim policy of "selective deintermixture." The process would involve reallocating channel assignments in a number of communities to make them all or predominantly VHF or UHF. Supposedly, it would force viewers in UHF cities to purchase all-channel receivers or converters, and thus give the stations in the higher frequencies a fighting chance for life. The FCC announced its intention to deintermix thirteen markets in its June 1956 report, and one of those was New Orleans.<sup>53</sup>

In the Crescent City, the FCC planned to delete the Channel 4 assignment and to substitute instead another UHF Channel, 42. Channel 4 would be moved to Mobile, and New Orleans would be left with just two VHF assignments, 6 and 8, with the latter remaining tied to an educational reservation. Under the proposal the city would become predominantly UHF with five channels in that range--20, 26, 32, 61 and the now tentatively shifted 42. Since the Commission had come to believe that a chief cause for the sad plight of UHF stations was the past policy of intermixing UHF and VHF assignments, quite logically their rehabilitation should begin with a reversal of the process--deintermixture. Further, the best candidates for the successful implementation of the new policy were said to be markets with but one or no commercial VHF stations operating. If, as a congressional committee later commented, "economic injury results to those who have applied for, or received, grants of VHF channels which are deleted in the process of deintermixing particular markets, that, too, is an unavoidable concomitant of the strengthening and preserving of UHF broadcasting for the benefit of the public generally."<sup>54</sup>

The WWL managers were not as cavalier in accepting their possible loss of the Channel 4 prize. After struggling to win it at the cost of thousands of dollars in legal fees and months of tedious delay, it was not to be expected that they would acquiesce in the proposed changes. The FCC invited interested parties who opposed the plan to file written statements stating their case. It was an invitation Loyola readily accepted. On December 3, 1956, a brief was submitted, hitting hard the FCC's reasoning in making the policy recommendations. The document denounced the "inequity" of a situation in which the city would be left with a single commercial VHF assignment and a large number "of unused and

unwanted UHF channels." It reported the University between 1951 and 1956 had expended almost \$100,000 for travel, printing, telephone and telegraph services seeking the Channel 4 CP, and that figure did not include legal fees. In addition, Loyola had diverted the attention and time of the WWL radio staff to prepare the television case, an undetermined but substantial cost. Those expenses were not incurred in order for the University to be given a UHF station as a consolation prize. It wanted no part of Channel 42.<sup>55</sup>

The brief cited a number of specific points of opposition, many of them based on technical grounds. It particularly argued the low percentage of sets in the New Orleans area equipped for UHF reception, a figure estimated at about 40%, was insufficient for viable deintermixture, and the carrying out of the FCC intentions would simply create a near monopoly situation for WDSU. The real solution, the brief contended, was not to remove Channel 4 but just the reverse, to give the city more VHF alternatives, specifically Channels 2 (from Baton Rouge), 11 (from Meridian, Mississippi), and 13 (from Biloxi). To nail down its case, Loyola employed students in its College of Business Administration to conduct a door-to-door survey of New Orleans television viewing habits. Of the more than 3,000 persons interviewed, only 4% indicated the choice of a UHF station in the prime evening hours. The brief concluded "the audience is dominated 31-to-1 daytime and 19-to-1 nighttime by the very-high-frequency station"--Channel 6--and as a result, New Orleans was "uniquely the wrong place in which to eliminate a VHF assignment for replacement with a UHF assignment."<sup>56</sup>

This time the WWL licensees had considerable governmental support for their position, and Paul Segal did not warn the New Orleanians against employing political help. The case became one of Louisiana against the FCC as key members of the state's congressional delegation openly joined the Loyola camp. Especially prominent were F. Edward Hebert and Hale Boggs, both holders of considerable power in the House of Representatives and both elected from New Orleans area districts. The Boggs and Hebert interventions included the filing of written reports from a Washington engineering firm attempting to prove the technical unsuitability of the community for UHF reception, and a plea for more VHF channels to be assigned instead. The solution of the congressmen was to make the city all-VHF rather than predominantly UHF. It was a form of deintermixture,

but the exact reverse of the FCC's conception. According to the two politicians, "the preservation and further development of adequate television service to the residents of the city of New Orleans and the surrounding area may be achieved" only with VHF outlets. They branded UHF as a second rate service that would cost the citizens of their community an extra \$12,000,000 in receiving set expenses.<sup>57</sup>

The only local support for the FCC's proposal came from the sole operating UHF station in New Orleans. On November 1, 1953, WJMR-TV, owned by Supreme Broadcasting Company, had gone on the air using Channel 61. Later it shifted to Channel 20, where it was transmitting at the time of the deintermixture controversy. Along with WDSU-TV, it was the city's only other viewing choice, carrying CBS and ABC programs while Channel 6 featured NBC. It took issue with the Loyola brief on a number of key points. It disputed, for example, the WWL contention that only 40% of the sets in the community could receive a UHF signal; it put the number at 75% and claimed all new sets presently being sold in the city were equipped for all channels. It also poked fun at the private survey done by Loyola's College of Business, remarking wryly that it "no doubt spells the end of the professional radio and TV audience researchers." Contrary to the Loyola figures, Supreme claimed 25% of the average nighttime audience. Facing the Boggs-Hebert intervention, the WJMR-TV owners reacted with mock dramatics: "Only a man who has been stabbed by his best friend, or who has discovered sudden infidelity on the part of his ever loving wife, could understand Supreme's feelings on the matter of these comments." Not so humorous, however, was a reference to sizeable campaign contributions from WDSU and WWL being the price of the congressmen's support. Item by item, Supreme contradicted each contention of the elected officials, and criticized "their exertion of political pressure on a matter which is clearly a question of engineering logistics." It was "such unwarranted attacks" on the FCC, in the opinion of Supreme Broadcasting, that had "held back the UHF broadcasters that might otherwise be on the air today." Television must look to UHF for its future development, and for New Orleans itself, it would be far better to delete even Channel 6 and switch it to UHF than "to sacrifice the presently available UHF channels to the fires of political expediency."<sup>58</sup>

It was a strong response, replete with both statistical and rhetorical rebuttals, but it was to no avail. The WWL record of winning Washington battles extended

back for almost thirty years in a virtually unbroken string. The victories achieved there more than made up for any shortcomings in the internal operations. The deintermixture clash with the FCC, like so many others before the regulatory authorities, ended in a decision favorable to the WWL interests. On March 8, 1957, Father Donnelly received telegrams from Senators Russell Long and Allen Ellender and Congressman Hale Boggs jubilantly informing the Jesuit that the stay of construction on Loyola's CP for Channel 4 had just been lifted by the FCC. Long along with Boggs and Hebert had been involved in lobbying the Commission on behalf of WWL. The FCC had reached the conclusion that it "would be more in the public interest to add an additional VHF channel, thus making New Orleans a predominantly VHF community, than it would to make New Orleans a UHF city by deleting one or both of the present VHF assignments." It based that finding on the size of the metropolitan area and VHF's supposedly better ability to cover larger areas, the relatively small number of viewers who had converted their sets for UHF reception (despite Supreme Broadcasting's comments to the contrary), and Mobile's less than pressing need for the channel in question. Along with retaining Channel 4 in New Orleans, another VHF alternative, Channel 12, was shifted from Beaumont, Texas, to New Orleans. The Boggs-Hebert plan that also was endorsed by Loyola had been adopted almost in its entirety.<sup>59</sup>

Selective deintermixture proved considerably less than a fruitful policy for the FCC. Of the thirteen markets in which the Commission proposed to implement the strategy, only five saw it finally carried out. Under intense political pressure from local opponents of the scheme, the Commissioners did not, in most instances, adhere to the principles they enunciated in June 1956. One observer noted, however, that the policy would have failed even with zealous advocacy on the part of the FCC. "It offered too little, too late" for the failing UHF licensees, many of whom had already ceased to broadcast. For the FCC, the decade of the 1950's was hardly its finest hour. Once more it proved the truth of an observation by a contemporary critic, that in the United States, "regulation by commission has not been able to match the ingenuity, imagination, and inventiveness of American business." For Loyola, on the other hand, the latest vacillation of the FCC cleared the last cloud and removed the final obstacle. After more than a decade of internal debate, planning, and legal struggle, WWL-TV was poised on the edge of reality.<sup>60</sup>



## RETROSPECT

Progress was swift now. Immediately following the FCC announcement that the construction stay had been lifted, Summerville predicted that the new station would be on the air in four months. He was only a little too optimistic; the delay was just six months.<sup>1</sup>

The principal task to be accomplished was the renovation of the studio on North Rampart Street. Originally, the TV station was to be installed in a Camp Street building in the central business district. By the fall of 1953, however, the staff had taken a second look at that property and found it wanting. They also discovered at the same time a much more favorable site on Rampart Street at the edge of the French Quarter. Here they saw a combination of structures, that formerly housed the Zetz 7-Up Bottling Company, offering them 37,000 square feet of working area. The bottling plant was purchased in November 1953 for some \$300,000 with most of that sum provided by a loan from a bank headed by one of WWL's advisory board members. Two months later, the never-used Camp Street building was sold for its original purchase price.<sup>2</sup>

With the March 1957 FCC clearance, remodeling of the Rampart Street property began in earnest. Only the outer walls of the structure were retained, as a complete transformation of the interior now took place. The result was rather breathlessly described as "a rhapsody in ultramodern design" with dark marble panels stretching upwards from the sidewalk to cover the exterior, to the first floor level, and the second level faced with "massive aluminum louvres which screen the interior from the direct rays of the western sun." A principal feature of the station was a 60 x 180 foot studio that could be separated into two by the insertion of a soundproof divider. The whole complex was a world

apart from the cramped, makeshift spaces with which Orie Abell had coped in the precarious days of the 1920's. Meanwhile, the transmitter was placed in a two-story concrete building on the west bank of the Mississippi in the Jefferson Parish suburb of Gretna. That structure, together with the antenna system, was completed in July 1957.<sup>3</sup>

On the programming side, preparations for actual operations had been underway for months. Closed circuit productions of proposed shows were regularly utilized as training devices for both talent and technical personnel, special events were simulated, and coordination with the CBS network well practiced. Earlier a baker's dozen of key staff members attended a two-week professional orientation course in television offered at a Houston station. By the fall of 1957, preparations were complete.<sup>4</sup>

The formal opening of WWL-TV was set for the evening of September 7, exactly six months to the day after the FCC had finally issued a construction permit. In advance of the opening the Loyola administration scheduled cocktail parties and nightly tours through the new facilities for faculty and station families, business associates, and local and national dignitaries. The New Orleans newspapers carried multi-page descriptions of the city's newest television outlet, featuring elaborate biographies of the principals, both at the University and at the studio, and the usual congratulatory statements and advertisements. One of the latter pictured tall television towers shaking hands with the legend: "WDSU-TV Welcomes WWL-TV to the Wonderful World of TV." The Loyola station itself ran a large ad promoting its offerings with the pointed statement: "Now all your favorite CBS television programs are on every TV set." Pictured were the most popular CBS stars--Ed Sullivan, Phil Silvers, Gale Storm, James Arness, Jimmy Durante, Garry Moore, and Edward R. Murrow. Most of these had previously been carried on the UHF station in the city.<sup>5</sup>

The first evening of telecasting began with a thirty-minute dedication program, entitled The Newest Look on TV. The master of ceremonies was Ed Hoerner, and present for short speeches were Senator Russell Long, Congressman F. Edward Hebert, and the Lieutenant Governor of the state. The station signed on at 6:30 P.M. with the dedicatory show. The schedule for the remainder of the evening consisted of:

7:00 Gale Storm Show  
 7:30 S.R.O. Playhouse  
 8:00 Jimmy Durante Show  
 8:30 Two for the Money  
 9:00 Gunsmoke  
 9:30 Miss America Pageant  
 11:00 Movie: Now Voyager

As the station settled into a regular routine in the weeks that followed, it began the day at 7:00 A.M. with Captain Kangaroo and continued until after midnight with late movies. Serial dramas dotted its daytime schedule during these first months of operation--Love of Life, Search for Tomorrow, The Guiding Light, and others--and the soothing personalities of Arthur Godfrey and Garry Moore were regularly featured. For the children, Henry Dupre, about to end the Dawnbusters era, could be found performing as "Uncle Henry" on an afternoon cartoon show, Popeye and Pals. In the prime evening hours, Alfred Hitchcock, United States Steel Hour, Studio One, and the not-yet-discredited quiz shows, led by the \$64,000 Question, were available for viewing. The WWL-TV ads proclaimed it: "Wow! What a Lineup!" And the station promised there was: "More on Channel 4."<sup>6</sup>

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For television in general, it was "boom land." The 108 stations of the 1948 freeze period had grown to 500, and 40 million homes--80% of the nation's total were tuning them in. Channels in the VHF range were described as "gold-mining claims," much as AM licenses had been during the Second World War. For WWL-TV, it was the right time to be born.<sup>7</sup>

The station, despite enormous start-up costs, was profitable from almost the very first. By the end of July 1958, after some eleven months on the air, the gross income from television broadcasting exceeded \$1.6 million with the largest shares almost equally divided among network, national spot, and local time sales. Net profits of nearly \$300,000 were earned on that total, a good return even though those figures did not take into account an unsecured bank loan of some \$430,000, used to finance the start of operations and upon which no payments had yet been made. Nevertheless, the gross income figure for less than one year's telecasting significantly exceeded the highest amounts recorded by

WWL radio in its most successful years in the 1940's. On the other hand, the net profit figures for television, although not insubstantial, were less than radio had earned on a smaller volume in the preceeding decade.<sup>8</sup>

Meanwhile, WWL-AM was faring a good deal less well. For the fiscal year ended July 31, 1958, its gross income had declined to \$766,015. Noticeably meager were the network time sales of only \$98,000, a far cry from the halcyon days of the past. Profits, at least, were still being earned as radio was demonstrating a surprising capacity for survival. As Broadcasting magazine phrased it: "It is as though silent films persisted side by side with talkies." Nevertheless, for WWL the focus on television and the need to curtail the amounts spent on an apparently declining AM service seemed to necessitate the release of the station's long-time pride, its staff orchestra, and an accompanying painful decision to terminate the beloved Dawnbusters show. Radio staff orchestras were now all but unknown in the United States, except in New Orleans, and the luxury was simply too great an expense. Moreover, "union troubles" with the musicians were becoming an increasing headache. To Father Aloysius B. Goodspeed, S.J., who had succeeded to the post of Faculty Director upon the death of O'Leary in 1955, fell the responsibility of executing the fatal decision in 1959. There were, he recalled, "a few hard feelings" on the part of some staff, but there was no turning back. For twenty years and more the Dawnbusters had entertained WWL audiences, and it still remains well-remembered, the single most popular program ever broadcast in the Deep South. It simply out-lived its own time.<sup>9</sup>

In January 1960, Howard Summerville, after two decades as General Manager, departed the station as well, the victim to a large extent of the emergence of an entirely new era in broadcasting. Some months of tension and uncertainty ensued until J. Michael Early, whose first close acquaintance with WWL had been as a labor relations attorney, was given the post in August 1961. By 1966, a decade after WWL-TV first took the air, its "average daily circulation," the mean number of viewers who were tuned to its programs at any time, exceeded its two competitors. By the 1970's, the University's annual income or profit from the combined TV, AM, and FM (reinstated in 1970) operations considerably exceeded \$1,000,000 and approached twice that figure.<sup>10</sup>

Certainly, Father Edward Cummings, Loyola's President in 1922, could never in his wildest flight of fancy have envisioned the enterprise he was launching that March day when he sought only to raise funds for a few new campus buildings. He and his associates looked upon radio as a token publicity device, a tool to be employed and then probably discarded or left to the attention of a few technically-minded amateurs. Instead, fifty years later it had become the financial mainstay of the University which spawned it almost off-handedly five decades before. The transformation was the handiwork of a passing parade of dedicated radio professionals stretching from Joe du Treil to Al Foster to Vince Callahan to Henry Dupre and Pinky Vidacovich and others. It also was a result of the application of the considerable legal skills of a Charles Dolle and a Paul Segal, and the perceptive sense of the future of a Gene Katz.

Most of all, the WWL success could be attributed to two factors that were paramount. The first was the Loyola Jesuits' mastery in waging the political battles common to the industry. Broadcasting is a regulated and highly competitive field, and the bodies of the losers are strewn across the pages of its history in numbers too many to count. The station owners who survive the combat must have able and influential governmental allies and adroit legal representation. Loyola chose wisely in both areas, and supported them with careful and usually well-considered policy decisions. It did not ask its forces to fight a campaign that could not be won, and it generally timed its forward moves expertly. It accepted the rules, written and unwritten, of the regulatory game in broadcasting, unreasonable as they sometimes seemed, and worked its will within the system. The victories it won in Washington were, in the long run, more important to the profitability of the enterprise than the ordinary business strategies employed at home. The history of WWL is, therefore, a classic case study in survival and success in a regulated sector of the modern American economy.

The second paramount factor in WWL's ascendancy was the single-minded determination of Orrie Abell to see his station grow. No other individual looms so large in the WWL story as the Jesuit physicist who controlled its fortunes from 1924 to 1937. Abell typified the classic American entrepreneur, absolutely convinced that growth was a good to be pursued almost without thinking. The fact that he was a priest and that the institution he represented was a university, in no way modified his tactics or his plans. He utilized

commercial practices and approaches and espoused a traditional business philosophy in order to insure the financial viability of his institution.

Under Abell, WWL set itself entirely apart from the conventional educational stations of the time, and he openly admitted their interests and those of his own organization were at variance. He recognized a simple entrepreneurial dictum--the first duty of a business is to survive. WWL did survive under Abell's leadership, and he put it on the path of profitability. The bulk of the nation's educational broadcasters, who chose a different and what they regarded as a "higher" road, eschewing commercialism, failed that survival test. In insuring the growth of his station, Abell also solidified the strength of the University. The two for him were twin sides of the same coin. Suffice to say, without Abell, there would have been no WWL, and Loyola itself would have become a very different and probably less valuable institution.

And what of the listeners that WWL's enterprise in radio served during these years? It offered them entertainment and information of varying quality--sometimes outstanding, sometimes trivial--and in so doing, it opened for those millions a window to the world that might otherwise have remained closed. A former NAB President, Governor LeRoy Collins, once commented that the media he represented had a responsibility to contribute constructively to the molding of a character and stature of the American people. But as Collins saw it, this was not a cross to bear; it was instead broadcasting's glory.<sup>11</sup>

## NOTES

### Preface

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### CHAPTER 1: The Coming of Radio Telephony

<sup>1</sup>New Orleans, The Times-Picayune, 31 March 1922.

<sup>2</sup>Elliott N. Sivowitch, "A Technological Survey of Broadcasting's 'Pre-History,' 1876-1920," Journal of Broadcasting 15 (Winter 1970-1971): 1-2.

<sup>3</sup>Erik Barnouw, A History of Broadcasting in the United States, vol. 1: A Tower in Babel (New York: Oxford University Press, 1966), pp. 9-19.

<sup>4</sup>Sivowitch, pp. 8-9; Helen M. Fessenden, Fessenden: Builder of Tomorrows (New York: Coward-McCann, Inc., 1940), p. 81; Gleason L. Archer, History of Radio to 1926 (New York: American Historical Society, 1938), p. 86.

<sup>5</sup>Fessenden, p. 153.

<sup>6</sup>Archer, p. 87.

<sup>7</sup>Sivowitch, pp. 11-13; Barnouw, pp. 21-27.

<sup>8</sup>Sivowitch, pp. 16-17.

<sup>9</sup>"The Wireless Ship Act of 1910," Frank J. Kahn, ed., Documents of American Broadcasting, 2d ed., (New York: Appleton-Century-Crofts, 1973), pp. 5-6; Frederic P. Lee, "Federal Radio Legislation," The Annals of the American Academy of Political and Social Science 141-142 (1929): 36.

<sup>10</sup>E.E. Bucher, "A Resume of Early Radio Development," The Radio Industry (Chicago: A.W. Shaw Company, 1928), pp. 50-51.

<sup>11</sup>"The Radio Act of 1912," Kahn, pp. 7-17; Murray Edelman, The Licensing of Radio Services in the United States, 1927 to 1947 (Urbana: The University of Illinois Press, 1950), pp. 1-2.

<sup>12</sup>Hiram Percy Maxim, "The Amateur in Radio," The Annals of the American Academy of Political and Social Science 141-142 (1929): 32.

<sup>13</sup>Kahn, p. 8.

<sup>14</sup>William Peck Banning, Commercial Broadcasting Pioneer: The WEAF Experiment, 1922-1926 (Cambridge, Mass.: Harvard University Press, 1946), p. 19; Barnouw, p. 55.

<sup>15</sup>Ibid., pp. 37-51; Sydney W. Head, Broadcasting in America, 2d ed., (Boston: Houghton Mifflin Company, 1972), p. 130.

<sup>16</sup>Banning, p. 19.

<sup>17</sup>Barnouw, pp. 61-61; Gordon B. Greb, "The Golden Anniversary of Broadcasting," Journal of Broadcasting 3 (Winter 1958-1959): 3-4; R. Franklin Smith, "Oldest Station in the Nation," Journal of Broadcasting 4 (Winter 1959-1960): 42.

<sup>18</sup>Archer, pp. 199-202; Barnouw, pp. 66-68.

<sup>19</sup>Ibid., p. 69.

<sup>20</sup>Archer, p. 204.

<sup>21</sup>Barnouw, p. 91; Radio Broadcast, April 1923, p. 524; W. Elliot Brownlee, Dynamics of Ascent: A History of the American Economy (New York: Alfred A. Knopf, 1974), p. 261; Charles Hull Wolfe, Modern Radio Advertising (New York: Funk & Wagnalls Company, 1949), p. 94.

<sup>22</sup>U.S., Department of Commerce, Bureau of Navigation, Radio Service, Radio Stations of the United States, July 1, 1913 (Washington, D.C.: Government Printing Office, 1913), pp. 123-124; Ibid., July 1, 1916, pp. 122-123; Ibid., June 30, 1921, pp. 105-112.

<sup>23</sup>The Times-Picayune, January 18, 1921.

<sup>24</sup>U.S., Federal Communications Commission, License Division Records, Washington, D.C. [Hereafter cited as FCC-LDR]; Ray Poindexter, Arkansas Airwaves (North Little Rock, Ark.: by the author, 1974), p. 3

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## CHAPTER 2: The State, the School, the Station

<sup>1</sup>Donald B. Dodd and Wynelle S. Dodd, eds., Historical



Statistics of the South, 1790-1970 (University, Alabama: University of Alabama Press, 1973), section 1, passim.

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<sup>15</sup>Thomas T. Eoyang, An Economic Study of the Radio Industry in the United States (New York: Columbia University, 1936), p. 155; Walter C. Johnson and Arthur T. Robb, The South and its Newspaper, 1903-1953 (Westport, Conn.: Greenwood Press, Publishers, 1974), p. 109; George E. Lott, Jr., "The Press-Radio War of the 1930's" Journal of Broadcasting 14 (Summer 1970) 275.

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#### CHAPTER 7: Commercial Expectations and Realities, 1929-1931

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<sup>28</sup>Pritchard interview; Bloom interview; Dabney, pp. 463-464; Covington, p. 114.

<sup>29</sup>For examples of WSMB ads, see Times-Picayune, 19 September 1932 and 23 February 1933, also New Orleans Item, 2 October 1932; for WDSU examples see same dates; for WWL examples, see Item, 17 September 1933 and Times-Picayune, 23 May 1934.

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<sup>15</sup>Ibid., pp. 9-10.

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<sup>19</sup>Arthur M. Schlesinger, Jr., The Age of Roosevelt, vol. 3: The Politics of Upheaval (Boston: Houghton Mifflin Company, 1960), p. 55.

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<sup>31</sup>Barnouw, 11, 58; FCC, Report on Chain Broadcasting, pp. 38-39, 66.

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<sup>19</sup>Katz interview; Pritchard interview; Bloom interview.

<sup>20</sup>Ibid., Abell, "A Brief History...", pp. 34-35.

<sup>21</sup>Pritchard interview.

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<sup>11</sup>Summer Theatre of the Air Brochure, Programs File, WWL Records, LU; John Scheuermann, Jr., Secretary-Treasurer of Local 174, American Federation of Musicians to General Manager, WWL, 9 December 1953, in 1953 TV Application, II, Part c.

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<sup>2</sup>1953 TV Application.

<sup>3</sup>Ibid., I, 23-26, 34.

<sup>4</sup>Ibid., I, 48-68.

<sup>5</sup>Ibid., I, 71-239.

<sup>6</sup>Ibid., I, 251-254.

<sup>7</sup>Ibid., I, 459-464.

<sup>8</sup>Ibid., I, 467-468.

<sup>9</sup>Examiner's Report, 7 July 1955, p. 1; Broadcasting-Telecasting 21 December 1953, p. 27, and "The Plunge Into Color, As Made by WDSU-TV," 16 January 1956, pp. 70, 74.

<sup>10</sup>Examiner's Report, 7 July 1955, pp.

<sup>11</sup>R.H. Coase, "The Economics of Broadcasting and Government Policy," American Economic Review 56 (May 1966) 445; Jaffe, p. 78.

<sup>12</sup>Henry J. Friendly, The Federal Administrative Agencies (Cambridge, Mass.: Harvard University Press, 1962), pp. 57-58.

<sup>13</sup>Noll et al., p. 104; Paul W. Cherington, Leon V. Hirsch, and Robert Brandwein, Television Station Ownership: A Case Study of Federal Agency Regulation (New York: Hastings House, Publishers, 1971), p. 17.

<sup>14</sup>H. Gifford Irion, "FCC Criteria for Evaluating Competing Applicants," Minnesota Law Review 43 (January 1959), pp. 485-488; Noll et al., pp. 106-107.

<sup>15</sup>Christopher H. Sterling, "Newspaper Ownership of Broadcast Stations, 1920-1968" Journalism Quarterly (Summer 1969) 231-234; Friendly, pp. 66-67.

<sup>16</sup>Irion, p. 488; Jaffe, p. 79; Anthony Lewis, "FCC Prestige at Record Low" New York Times, 16 November 1958.

<sup>17</sup>"Statement of Matters Relied Upon by Loyola University," TV Files, WWL Records, LU.

<sup>18</sup>"Matters Relied Upon by The Times-Picayune Publishing Company as a Basis for Preference Over Loyola University," TV Files, WWL Records, LU.

<sup>19</sup>Ibid.

<sup>20</sup>Examiner's Report, 7 July 1955, pp. 62-65.

<sup>21</sup>"Points of Reliance of James A. Noe and Company," TV Files, WWL Records, LU.

<sup>22</sup>Memorandum Opinion and Order, In Re Applications of Loyola University et al., 22 July 1954, 43 F.C.C. 2673.

<sup>23</sup>Hoerner interview; New Orleans Item, 5 October 1954.

<sup>24</sup>Times-Picayune, 5 October 1954; New Orleans States, 5 October 1954.

<sup>25</sup>Thomas J. Shields, S.J., "Justification of Non-Catholic Religious Programs on WWL" Religious Difficulties File, WWL Records, LU.

<sup>26</sup>Ibid.

<sup>27</sup>Ibid.; Gerald Kelly, S.J., to Percy A. Roy, S.J., 14 May 1945, Religious Difficulties File, WWL Records, LU.

<sup>28</sup>D.C. O'Meara, S.M., to Shields, undated, Ibid.; T.L. Bouscaren, S.J., to Roy, 12 May 1945, Ibid.; Joseph D. O'Brien, S.J., to Roy, 21 May 1945, Ibid.

<sup>29</sup>Shields to Rummel, 16 June 1945, Ibid.; Shields memo, 1 July 1945, Ibid.; Examiner's Report, 7 July 1955, pp. 13-14.

<sup>30</sup>Langtry to FCC, 25 August 1953, Religious Difficulties File, WWL Records, LU.

<sup>31</sup>Hoerner to Langtry, undated, Ibid.; Segal, Oral Argument before FCC, 25 May 1956, Docket File 8936, WNRC.

<sup>32</sup>New Orleans Item, 6 October 1954; Times-Picayune, 6 October 1954; Examiner's Report, 7 July 1955, pp. 39-40; George W. Healy, Jr., A Lifetime on Deadline (Gretna, La.: Pelican Publishing Company, 1976), p. 195.

<sup>33</sup>New Orleans States, 6 October 1954; Times-Picayune, 7 October 1954; Richard J. Barber, "Newspaper Monopoly in New Orleans: New Lessons for Antitrust Policy" Louisiana Law Review 24 (April 1964) 509; John Wilds, Afternoon Story: A Century of the New Orleans States-Item (Baton Rouge: Louisiana State University, 1976), pp. 250-252.

<sup>34</sup>Times-Picayune Publishing Co. et al. v. United States 345 U.S. 594 (1953); Wilds, pp. 253-257.

<sup>35</sup>Times-Picayune, 7 October 1954; New Orleans Item, 7 October 1954; Examiner's Report, 7 July 1955, pp. 39-41.

<sup>36</sup>New Orleans Item, 7 October 1954; Times-Picayune, 7 October 1954; New Orleans States, 11 October 1954; Examiner's Report 7 July 1955, pp. 63, 65-71.

<sup>37</sup>Times-Picayune, 4 November 1954.

<sup>38</sup>Examiner's Report, 7 July 1955, p. 91.

<sup>39</sup>Ibid., pp. 97-100.

<sup>40</sup>Ibid., pp. 100-104.

<sup>41</sup>Ibid., pp. 104-108.

<sup>42</sup>Ibid., p. 109.

<sup>43</sup>Hoerner interview; Segal to Donnelly, 8 July 1955, TV Files, WWL Records, LU.

<sup>44</sup>Ibid.

<sup>45</sup>Times-Picayune, 26 May 1956; Oral Arguments, 25 May 1956, Docket File 8936, WNRC.



<sup>46</sup>Times-Picayune, 14 July 1956; In Re Loyola University et al.  
44 F.C.C. 874 (1956), pp. 951-966.

<sup>47</sup>Ibid., pp. 968-974.

<sup>48</sup>Ibid., pp. 975-976; Marmet to Donnelly, 13 July 1956,  
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<sup>49</sup>New Orleans States, 15 August 1956; Healy interview; Letter  
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for Appellant, The Times-Picayune Publishing Company v. FCC, U.S.  
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<sup>50</sup>Ibid., Wilds, pp. 266-269; Editor & Publisher, 19 July 1958,  
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<sup>51</sup>Noe v. FCC, pp. 742-743; Teletype copy, 2 March 1959, TV  
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<sup>52</sup>Harvey J. Levin, "Economic Structure and the Regulation of  
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<sup>53</sup>Business Week, 30 June 1956, p. 34; "Notes, The Darkened  
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<sup>54</sup>FCC, In Re Amendment of Section 3.606, Table of Assignments,  
Television Broadcast Stations (New Orleans, Mobile), Docket 11752;  
U.S., Congress, Senate, Committee on Interstate and Foreign  
Commerce, The Television Inquiry: Allocations Phase. 84th Cong.,  
2d sess., 1956, pp. 8-9.

<sup>55</sup>Comments of Loyola University, 3 December 1956, TV Files,  
WWL Records, LU, pp. 3-4.

<sup>56</sup>Ibid., pp. 18-38.

<sup>57</sup>WJMR-TV, Reply Comments, 21 December 1956, TV File, WWL  
Records, LU, pp. 13-29.

<sup>58</sup>New Orleans Item, 1 November 1953; WHMR-TV, Reply Comments,  
pp. 7-31.

<sup>59</sup>Joseph A. Todd to Donnelly, 3 December 1956, Russell Long  
to Donnelly, 8 March 1957, Hale Boggs to Donnelly, 8 March 1957,

TV Files, WWL Records, LU; FCC, In Re Amendment of Section 3,606, 7 March 1957, 22 F.C.C. 396-405.

<sup>60</sup>"Notes, The Darkened Channels," pp. 1589-1590; Lawrence D. Longley, "The FCC and the All-Channel Receiver Bill of 1962" Journal of Broadcasting 13 (Summer 1969) 294; Marver H. Bernstein, Regulating Business by Independent Commission (Princeton, N.J.: Princeton University Press, 1955), p. 296; Webbink, p. 543.

#### CHAPTER 18: Retrospect

<sup>1</sup>Times-Picayune, 9 March 1957.

<sup>2</sup>Board of Directors Minutes, Loyola University, 20 October 1953, 1 November 1953, 17 November 1953, 5 January 1954, FCC, Docket File 8936, WNRC; Theodore A. Roy, S.J., to Donnelly, 30 October 1953, TV File, WWL Records, LU.

<sup>3</sup>New Orleans Item, 6 and 8 September 1957.

<sup>4</sup>In Re Loyola University et al., 44 F.C.C. 901.

<sup>5</sup>Donnelly to Marmet, 3 September 1957, TV Files, WWL Records, LU; Times-Picayune, 7 September 1957.

<sup>6</sup>Ibid., 7, 8, 9 September 1957; New Orleans Item, 4 June 1958.

<sup>7</sup>Erik Barnouw, Tube of Plenty: The Evolution of American Television (New York: Oxford University Press, 1975), pp. 198-199; FCC, Twenty-third Annual Report, 1957, p. 105.

<sup>8</sup>Financial Statement, 31 July 1958, TV File, WWL Records, LU.

<sup>9</sup>Ibid.; "Broadcast Evolution: From Radio to Radio" Broadcasting-Telecasting, 23 January 1956, p. 78; Goodspeed to author, 23 April 1976.

<sup>10</sup>Ibid.; Broadcasting-Telecasting, 18 January 1960; Early interview; Cherington et al., p. 196; Loyola University of the South Institutional Report, April 1974, Chapter 5, Loyola records, LU.

<sup>11</sup>John E. Coons, ed., Freedom and Responsibility in Broadcasting (Evanston, Ill.: Northwestern University Press, 1961), p. 3.

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### I. Archival Materials

Essential to the completion of this study were the records of both WWL itself and of Loyola University now housed in the Documents Center on the Loyola campus. The material is arranged topically for the most part with individual folders on key station personnel. The specific files in which items utilized here can be located are indicated in the appropriate chapter documentation of this book. Also housed in the Documents Center are unpublished manuscript histories of the University by I.A. Timmreck, Francis L. Janssen, S.J., and others, and the uncompleted and immensely helpful chronicle of WWL written by Orie L. Abell, S.J., in 1937 and titled "Brief History of Radio Station WWL."

Also valuable were materials located in the offices of WWL at 1024 North Rampart Street in New Orleans. Most particularly, these included recordings of programs aired by the station during the past thirty-five years as well as some miscellaneous correspondence. Financial statements and revenue data for WWL were examined in the offices of the University's accountants, J.K. Byrne and Company of New Orleans.

Elsewhere in Louisiana, the Huey P. Long, Jr., Papers in the Department of Archives and Manuscripts at the Louisiana State University Library, Baton Rouge, were helpful in illuminating the role of the Kingfish in the Clear Channel War of the 1930's. Also in Baton Rouge, material in the office of the Louisiana Association of Broadcasters was consulted. At Gran Coteau, Louisiana, Jesuit Archives are maintained at St. Charles College. Those archives proved helpful in providing biographical data on Jesuits associated with Loyola and with WWL over the years.

In New York City, the records and correspondence of CBS Radio concerning its New Orleans affiliate provided significant insights. These were made available to the author at the CBS headquarters at 51 West 52nd Street in New York City. The Paulist Archives at 415 West 59th Street in that city contain not only the files of the ill-fated WLWL but also data on WWL not available even in New Orleans.

Indispensable to any history of broadcasting are the materials collected at various sites in the Washington, D.C., area. These include, most notably, the records of the Commerce Department and its Radio Service Section and later Radio Division in the National Archives; the records of the License Division of the Federal Communications Commission, housed at the agency's headquarters at 1919 M Street, N.W.; and the annual financial statements filed by broadcasting stations since the late 1930's as well as docket

files of cases decided by the Federal Radio Commission and the Federal Communications Commission, all stored at the Washington National Record Center in Suitland, Maryland. The Broadcast Pioneers Library, a privately funded repository for broadcast history material located in the headquarters of the National Association of Broadcasters, 1771 N Street, N.W., provided valuable data as always.

## II. Interviews and Communications

The author was fortunate enough to interview or to communicate with a significant number of persons associated with either Louisiana broadcasting, Loyola University, or the radio and television industry in general. More often than not, they answered my questions with candor and patience. The following people provided the greatest assistance: Jefferson Davis "J.D." Bloom, Charles I. Denechaud, Jr., Charles P. Dufour, Wallace Dunlap, Henry Dupre, L.J.N. "Joe" du Treil, J. Michael Early, Aloysius B. Goodspeed, S.J., Thomas O. Hanley, S.J., George W. Healy, Jr., Edward M. Hoerner, Francis Jacob, Francis L. Janssen, S.J., Eugene Katz, Jr., Don Lewis (William Lastrapes), Ted R. Liuzza, Howard Miller, Charles E. O'Neill, S.J., Marshall Pearce, John H. Pennybacker, Arthur C. "Captain" Pritchard, A. Louis Read, Eric H. Saline, John Kent (Leon Soniat), I.A. Timmreck, Joseph H. Uhalt, Jr., Marian (Mrs. Joseph H) Uhalt, Sr., George Wagner, Harold M. Wheelahan, Jr., John L. Vath. Tapes of the majority of the interviews are in the possession of the author.

## III. Public Documents

The most important government documents pertaining to broadcast history, other than those already described under the heading of Archival Materials, are the Annual Reports of both the Federal Radio Commission (1927-1934) and the Federal Communications Commission (1934- ), the decisions of those two agencies (with the latter's contained in the series F.C.C. Reports), and the various special studies published by them. Especially informative among the special studies were the 1932 FRC Report on Commercial Radio Advertising, the 1936 FCC Report on Social and Economic Data..., the 1941 FCC Report on Chain Broadcasting, the FCC's 1946 Public Service Responsibility of Broadcast Licensees, and the FCC's 1947 An Economic Study of Standard Broadcasting.

Department of Commerce publications which were consulted consisted of the annual Radio Stations of the United States, especially for the years 1912-1922, and the monthly Radio Service Bulletin, especially for the early and mid-1920's. The Census of Business, 1935, published by the Bureau of the Census within the

Commerce Department, contains a special section on radio broadcasting and provided information on the industry not otherwise available. The Bureau's Historical Statistics of the United States: Colonial Times to 1957 and the Department's annual Statistical Abstract of the United States volumes provided background data that was useful.

Legislative branch material included the Congressional Record, particularly for the period from 1926-1935, as well as various Senate or House investigations of broadcasting and radio regulation. The activities of the Senate Committee on Interstate and Foreign Commerce often touched upon those subjects. Testimony in its 1930 hearings on a Commission on Communications, its 1934 Federal Communications Commission hearings, and its 1956 Television Inquiry: Allocations Phase was examined with profit.

#### IV. Newspapers

The New Orleans press is a basic source for the radio era in the Crescent City. The three local dailies, the Times-Picayune, the New Orleans Item (published as the Item-Tribune for a period on Sundays), and the New Orleans States covered the subject full-somely in the 1920's, almost not at all in the following decade, and only tepidly thereafter. In 1958 the States and the Item were merged to form the New Orleans States-Item.

The Maroon, the student newspaper of Loyola University, gave occasional space to WWL news, especially during the period prior to October 1932 when the station was still located on the Loyola campus. Back issues of the Maroon are housed in the University's Documents Center. During the early 1930's, a short-lived weekly titled Radio Time was published to counteract the boycott of broadcasting stories imposed by the city's major newspapers. Copies of Radio Time have been preserved in the Special Collections Department of Tulane University's Howard-Tilton Library.

The Shreveport Times and the Shreveport Journal were consulted for radio history in that Louisiana city; in Baton Rouge, the State-Times served the same purpose. Outside Louisiana, selected issues of the New York Times, the Wall Street Journal, the New York Herald-Tribune, and the Chicago Tribune were of assistance.

#### V. Periodical Literature and Published Articles

For the industry in general, Broadcasting and the annual Broadcasting Yearbook have been essential sources for any researcher since their inception in the 1930's. From 1945 to 1957, the weekly publication styled itself Broadcasting-Telecasting. For the preceding decade of the 1920's, Radio Broadcast is the most useful periodical source. Invaluable also for any economic

study of this subject are the editions of the Standard Rate and Data Service monthly compendium of time charges for the nation's broadcasting stations. Back issues of these, at times called Radio Advertising, are retained by the Library of Congress.

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