ABSTRACT

This study offers a theoretical explanation for political broadcasting policy in the United States in the twentieth century. The historical-comparative study identifies four dimensions to a political broadcasting policy: political access (to whom access was granted), allotting access (how access was allotted), freedom of speech (how freedom of speech was addressed), and political airtime (what form access took).

By comparing the influences of material, institutional, and cultural factors in Canada, the Netherlands, and the United States in the 1920s and 1930s, the study concludes that cultural factors—particularly an interaction of national and regional values, an emerging nonpartisan ethic, and attitudes about professionalism and voluntarism—provide the best explanation for political broadcasting during this critical juncture in media policy history.

The study also concludes that once initial policy decisions were made, the historical mechanisms of path dependence, positive feedback, sequencing, long-term processes, and path inefficiency emerge as the best explanation for the changes and consistencies in political broadcasting policy from the 1940s through the 1990s. Hence the study challenges the realist and pluralist stories typically told about U.S. media policy.

EXPLAINING MEDIA POLICY:
AMERICAN POLITICAL BROADCASTING POLICY
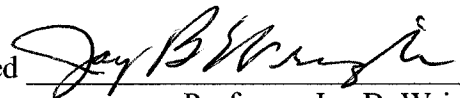IN COMPARATIVE CONTEXT

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DISSERTATION

Submitted in partial fulfillment of the requirements for the
degree of Doctor of Philosophy in Mass Communications
in the Graduate School of Syracuse University

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Approved _____
Professor Jay B. Wright

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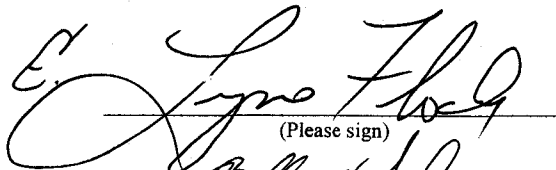**Timothy Vos**

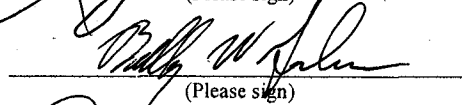satisfactorily defended his dissertation on

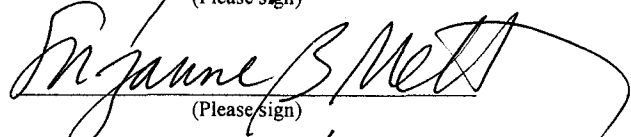Thursday, March 24, 2005

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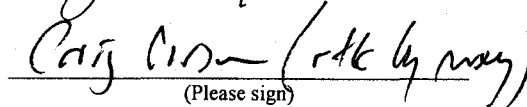
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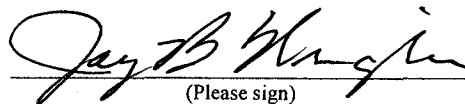(Please sign)

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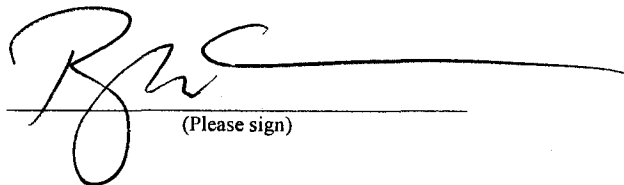(Please sign)

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ACKNOWLEDGEMENTS

In 1996 Dr. Case Boot, director of Dordt College's Netherlandic Studies Program in Contemporary Europe, invited me to teach a comparative media course in Amsterdam. I quickly, if naively, agreed and taught the course in the spring of 1997 and 2000. The experience convinced me that comparative context was essential to social and historical explanation. However, it was not until I had enrolled in a comparative politics class at the Maxwell School of Citizenship and Public Affairs at Syracuse University that the project presented here began to take shape. A quick decision made several years ago turned out to shape the path I would eventually travel with this dissertation.

Like most dissertations, this project is the culmination of a lengthy, winding road. That road began as an undergraduate at a small liberal arts college in the 1980s where I majored in philosophy and political studies and minored in communication. I am particularly indebted to Dordt College faculty members Dr. John Vander Stelt and Dr. Rockne McCarthy for equipping me for the intellectual journey I have enjoyed for over 20 years. The journalism and mass communication program at the University of Iowa, where I earned my masters degree in the 1990s, provided a solid theoretical grounding for the next leg of my journey. I am indebted to Dr. Hanno Hardt, Dr. Jeffrey Smith, Dr. John Erickson, and Dr. Daniel Berkowitz. Even though this dissertation was completed at Syracuse University, I recognize the influence of these six men and many of their colleagues in the project at hand.

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INTRODUCTION

Political Broadcasting Policy

From the adoption of postal policies in the eighteenth and nineteenth centuries (Kielbowicz, 1986) to broadcast laws in the twentieth century (Benjamin, 2001), U.S. policymakers harbored concern about the role of the media in electoral politics. Those concerns included political candidates' access to the public via the media as well as fair and equal media access for all candidates. The stakes were obvious—political candidates and parties needed access to the public if democracy was to work well, if a republic was to fully function. But the goals of political access legislation have not been as uniform as this may suggest—policy objectives have varied and lawmakers have battled over differing policy options. Meanwhile other democracies in the Western world struggled with many of the same objectives and options, but developed different media systems. How did the U.S. arrive at the system it did? Does it matter?

Broadcast policy battles have made front-page news in the early twenty-first century (e.g., Funk, 2003). Subsequent management decisions and programming strategies have also made news (e.g., Rutenberg, 2003). Critics have been quick to point to the implications for democracy. But, to understand broadcast policies, broadcast structures, and broadcast practices today, it is necessary to pay attention to the constitutive policy battles of the past, particularly the tussles in the twentieth century.

The goal of this research project is to understand how political broadcast media policy has come to turn out the way it has in the United States. Even among Western democracies that shared the U.S.'s desire to facilitate the media's contribution to democratic or republican governance, the U.S. policy was and is unique on many levels. U.S. political broadcasting policy, particularly Section 315 of the Communications Act, provided that official candidates for public office receive equal opportunities for airtime on broadcast media. This was eventually amended to specify that equal opportunities were only guaranteed for non-journalistic airtime, i.e., news related programs were exempt from equal access provisions. Ultimately the policy addressed who received access, when access was granted, how access was granted, who gave access, how access was controlled, what was granted, and rates for paid access.

Whereas some countries' political broadcasting policies granted access to political parties and political groups, U.S. policy specified access only for political candidates. While some countries' policies ensured constant access, U.S. policy was tied closely to election cycles. Some countries gave access via party ownership of broadcast stations or by way of neutral, moderated presentation; however, U.S. policy evolved into access via paid time. Thus, while time was granted by statute in some countries, access was granted at the prerogative of private broadcasters in the U.S. All countries established practical limits to access. The U.S. was unique in creating financial barriers to access. Thus, U.S. political broadcasting policy ultimately evolved into paid advertising for official candidates, but only after considering and in some cases implementing alternatives. The U.S. also appears to be unique in the range of political viewpoint diversity its policies foster.

A modest body of literature has sought to understand those forces that shape mass media policy, although little of this scholarship has focused on political broadcasting policy. What research there is on media policy formulation has offered an inadequate explanation. In part, the problem resides in the parochialism of media policy study. Since national governments typically write media policy, it has seemed logical to examine policy on a national level. However, without looking at policies in other countries, we have a limited sense of what policy outcomes were possible. Likewise, policy explanations that seem straightforward in isolation become problematic in comparison.

The media's relationship to electoral politics as a policy issue was most directly addressed in twentieth century broadcast policy consideration (McChesney, 1993; Rowland, 1997a, 1997b). Broadcast policy provides the most direct evidence to consider when examining how lawmakers have understood the media's relationship to democracy. Thus, the focus of this research project is political broadcasting policy; i.e., laws and regulations that address the access of candidates, political parties, and political organizations to the broadcast airwaves. This is not to say that non-broadcast debates are ignored or that non-political broadcasting issues are unimportant. Rather, it is to say that political broadcasting policy is the central topic of investigation. In fact, points of continuity between print media-related policies and political broadcasting policy are part of this story.

If telling the history of how political broadcasting policy has come about has been largely ignored, that may be because the story appears so straightforward. Why does any public policy turn out the way it does? Media policy historians have answered that public

preferences (Rosen, 1980) or powerful groups (McChesney, 1993) battle it out and the most preferred or most powerful win. What is largely invisible in such arguments is a pluralist or realist theoretical foundation. If pluralist assumptions are held to empirical scrutiny and other foundations are explored, a more nuanced story can be told and more insights into our contemporary situation can be gained.

This will largely be a story of how cultural forces have shaped early political broadcasting policy. Such a declaration, coming as it does in the introduction to this research, will be met with some consternation by some media historians. Startt and Sloan (2003) argue that such theoretical pronouncements can emerge only when the historian has thoroughly immersed himself in the empirical details of the study at hand. Only then can historians begin to "discover" and "understand relationships and patterns within and among historical phenomena" (Startt & Sloan, 2003, pp. 200-1). However, such an inductive approach has its limits; e.g., how does a historian know a pattern when she sees one? Many patterns are not discovered because the historian did not think to look for them. Looking for a cultural pattern or explanation may or may not be successful, depending on the empirical details that emerge from the research. But, if historians do not examine cultural values and ideas, they will never offer a cultural explanation of a historical outcome.

This project explores the contribution of cultural values, attitudes, and ideas for a variety of reasons. Foremost, cultural ideas and values emerge as important explanations from the author's previous exhaustive research on political broadcast policy via primary and secondary sources. Secondly, other policy studies (e.g., Dobbin, 1994) have found a cultural approach to provide compelling explanations and thus suggest that cultural

patterns pack explanatory power. Thirdly, a modest body of literature on broadcasting policy has been available for better than a generation. Many of the details can seemingly be better fit into a cultural approach than other approaches. In other words, what available broadcast policy stories are available could be told more coherently, with fewer contradictions, if told from a cultural perspective. Finally, it should be noted that this is not a monocausal cultural explanation. In fact, this study reexamines the literature on the history of media policy to identify key alternative explanations. Thus, the study here is not an assertion that culture is the only explanation for media policy outcomes. As will be elaborated in Chapters 1 and 2, a study that incorporates culture provides a better explanation than those approaches that do not include culture or that cast it is a minor or supporting role.

If finding patterns is partly a matter of knowing what to look for, it is also partly a matter of knowing where to look. A cultural explanation can best be accomplished by examining cultural ideas and values along side another cultural ideas and values. Thus, narrating a cultural story also brings the research methodology of this project into focus. Comparative, historical projects are seldom attempted in the discipline of mass communication; however, such projects have been successfully executed in political science (e.g., Biernacki, 1995; Dobbin, 1994) and historical sociology (e.g., Moore, 1993; Skocpol, 1979). The study at hand, focusing as it does on political broadcasting policy, helps establish a methodological bridge from political science and historical sociology to mass communication.

Comparative, historical methodology brings us back to the goal of this research. Given that the central goal here is to understand how political broadcasting media policy

has come to turn out the way it has in the U.S., the focus is on the causes of policy

outcomes. An exploration of causes can itself point the researcher in different directions.

For example, the question could be posed: Do cultural variables predict how political

broadcast policy turns out? Posed this way, however, the focus of this research would be

to abstract the social laws of policy formation. As King, Keohane, and Verba (1994)

argue, this sort of abstraction has its limits when dealing with limited cases and often

times random factors.

Hence, it should be stated from the outset that the goal here is explanation—to

explain how U.S. policy turned out the way did. More specifically, this is an effort to

understand how human actors, located in complex structural contexts, draw on cultural

values, ideas, and attitudes to find their way to particular choices, leading to particular

policy outcomes. The complex context is crucial to the story that emerges in this project,

but culture provides the explanatory story line or plot for early political broadcasting

policy. Thus, we gain an understanding of the unique role that culture has played in the

construction of political broadcast policy; and this, in turn, produces a better

understanding of the policies and policy options we face in the twenty-first century.

This study makes contributions to the mass communication literature on three

levels: theoretical, methodological, and empirical. It articulates a theoretical explanation

of political broadcasting media policy, utilizes a comparative media history methodology,

and challenges some of the empirical details that emerge in other media histories.

Chapter 1 examines what the literature has said about the development of

broadcast media policy, presents a typology of policy explanations, and explores how the

literature can be recast according to the typology of explanation. The chapter concludes

with what a comparative approach brings to explanation. Chapter 2 articulates the research questions and research design of the project. The chapter identifies the methods employed and the challenges inherent in a research design that casts culture and ideas as central characters. Chapters 3 and 4 are an empirical analysis of a key period in the formation of political broadcasting policy and a comparative analysis of emerging national policy options. Chapter 5 proceeds to examine political broadcasting policy following the constitutive, early years of broadcasting history. Chapter 6 offers concluding thoughts.

CHAPTER 1

Explaining Media Policy

Both historical and contemporary accounts of media policy are rich in detail. What these accounts often lack however is a clear or consistent theoretical foundation. How has political broadcast policy come to turn out the way it has in the United States? This is an empirical question and requires an empirical answer; however, an explicit theoretical formulation is also necessary to answer this question in a meaningful way.

The mass media literature has produced few attempts to explain media policy. Whether one agrees with this statement or not is likely to turn on what is meant by 'explain.' One meaning of 'explain' is simply to make clear or to describe in detail. However, this research project places emphasis on another meaning of 'explain'—to provide a clear reason or cause. In other words, explanation involves the construction of a causal argument. Fully elaborated, explicit causal arguments about media policy are indeed rare. Granted, it is somewhat less rare to see partial or implicit accounts of the causes for construction of media policy. Most of these latter accounts are primarily descriptive of policy construction and either offer observations about causes to round out the narrative or imply causes based on pluralist or realist assumptions. The problem with partial or implicit explanations should be obvious. By definition they fail to be clear.

This chapter aims to do four things: firstly, to consider what should count as media policy explanation and, in the process, to present a typology of policy

explanations; secondly, to briefly consider those theories of policy formation that do not fit this typology; thirdly, to identify partial and implicit explanations in the media policy literature and thus to recast them in this typology; and finally, to briefly demonstrate how a comparative approach to media policy formation helps to craft a consistent causal explanation.

A Typology of Policy Explanation

Comparative politics is oddly named given that it is neither exclusively comparative nor exclusively about politics. Rather, its core business is constructing causal arguments for various political or social outcomes. For example, Polanyi (1944) and Vogel (1996) have explored the causes for the development of markets; Almond and Verba (1989) and Moore (1993) have sought explanations for the rise of democracy; and Skocpol (1979) has investigated the origins of revolution. Even though these works cover vastly different topics and historical periods, it is possible to identify commonalities in their attempts to develop causal arguments. For example, Moore and Skocpol can be said to make a similar type of argument (Skocpol, 1984). Katzenstein (1996) and Blyth (2002) also make a similar type of argument—both rely heavily on culture to make their arguments.

A survey of comparative politics would yield many more works that rest on a cultural explanation, but would also produce distinctly different explanations as well. For example, some will argue for rationalist and structuralist explanations (Lichbach & Zuckerman, 1997). Meanwhile, a survey of sociology (e.g., Biernacki, 1995; Dobbin,

1994) and history (e.g., Chartier, 1991; Reddy, 1984) also turns up comparative-type scholarship that makes a cultural argument.

Parsons (forthcoming) surveys the field of comparative politics and concludes that there are four, and ultimately only four, types of explanation. While a distillation to only four causes may seem like a bold claim to those unfamiliar with comparative politics, the claim rests on those factors that do the actual explaining. Those factors are material structures, institutional positions, cultural values, attitudes or ideas, and psychological characteristics.

Parsons' (forthcoming) definition of these terms, while slightly different than some others in comparative politics (e.g., Lichbach & Zuckerman, 1997), is both broad enough and precise enough to organize essentially all the arguments being made in comparative politics. Building on Parsons' definitions, this study uses the following definitions of these factors: Material structures refer to the geographical, technological, economic, and power relationships that people find themselves in. Institutional position refers to the man-made rules, routines, and organizations that people find themselves in. Culture refers to the values, ideas, and attitudes that various people hold or share. And psychological characteristics refer to the cognitive and affective dispositions that people hold. Note that unlike Lichbach and Zuckerman, Parsons does not identify a separate causal factor called rationality.

Based on the terminology above, one may ask if these four terms refer to 'factors' or 'arguments'? The answer is both. As Parsons (forthcoming) explains, the four arguments are based on the four elements or factors that do the explanatory work. Material structures, institutions, culture, and psychological features are ontologically real

(more on this in Chapter 2). In other words, they are things that exert a causal force. But once one ascertains the reality of one or more of these forces, the logic of these forces needs to be acknowledged. To say that culture matters in a particular policy outcome forces the arguer to account for how culture does or does not matter in all related outcomes. Culture does not just appear and disappear to help draw a conclusion. Culture's ontological reality requires an explicit justification for why it might matter in one instance but not another. Thus, to invoke culture in an argument once is to accept the burden of proof for why it must matter in related arguments.

Hence, it should be obvious why any of these four factors are also called arguments. Once one accepts the ontological being of a factor, its causal force must be carefully accounted for. Thus this burden of proof demands that a factor's causal force be followed to its logical consequences. This, in turn, suggests why many causal arguments focus on one factor or element. Once one has followed a causal argument to its logical consequences, other elements may have little causal explanation left to do.

However, another significant reason why some theorists stick to a single causal argument is that a particular causal element is conceptualized as foundational to all other elements. In other words, they may dispute the efficacy of a typology of four factors. Perhaps the most notable example is Marx's identification of material structure as society's chief causal factor; culture and institutions were conceptualized as part of the superstructure, i.e., an extrapolation from material structure (Marx & Engels, 1990). This project rejects notions that one factor should be understood as foundational and adheres to the definitions offered above as a means of demarcating one factor from another.

An item of clarification on this point: To say that someone has not offered a consistent causal argument is not to say that he or she has failed to maintain a mono-causal argument; i.e., an argument that relies on just one of the four factors. In fact, mono-causal arguments seldom adequately explain reality. As noted above, an inconsistent argument is one that offers a causal explanation for one outcome but then neglects that same causal force in arguments about related outcomes. For example, if one argues that policymakers rejected a government funded media system because of a cultural bias against state funding, then why did this cultural bias not dissuade states from funding primary and secondary schools? This is not necessarily an intractable problem; however, the burden of proof requires that this seeming contradiction be resolved.

Since these four factors—material structure, institutional position, cultural values or ideas, and psychological characteristics—are the basis for causal arguments, it should be noted that these cultural arguments sometimes carry distinct assumptions about how the factors affect outcomes. Making these assumptions explicit will help us better understand the logic of the arguments and ultimately to produce better comparative insights.

Material arguments, whether they emphasize economic position, geographical location, or position in a power-military landscape, make two pertinent assumptions, according to Parsons (forthcoming): that people are basically similar, regardless of time or place, and that people are objectively rational. Thus, for example, capitalists will have predictably different interests than workers whether they are in Britain in the eighteenth century or Central America in the twenty-first century. And we must also assume that

those same capitalists respond directly and rationally to their material position and thus respond in predictably similar ways.

Institutional arguments make similar assumptions to material arguments, i.e., that people respond directly and rationally to institutional arrangements. Thus, if institutions actually dictate outcomes, then an eighteenth century British capitalist should behave the same way if faced with the same man-made rules, routines, and organizations, but will behave differently from one another if faced with different rules, routines, and organizations. Presented with the same institutional obstacle course, rational people will navigate the course in essentially the same way or via the same path. The path, once constructed, will represent a predictable road of travel; but the path, once altered via new institutional obstacles or rules, will also present a predictable path of travel. The theoretical contours of an institutional causal logic have been articulated in a body of literature generally labeled as new institutionalism. While, new institutionalism comes in a variety of shapes, Hall and Taylor argue that each variation addresses "how to construe the relationship between institutions and behaviour" (1996, p. 937). Thus, each approach helps us understand how institutional factors lead to policy outcomes.

Cultural arguments make different assumptions. As Parsons (forthcoming) argues, in a cultural argument people are not similar over time and space for the very reason that they never see the world objectively. People do not respond directly, even if they respond rationally, to material structures or institutions. Since people must interpret their environment and interpretations are bound to differ based on their values or ideas, there is not one rational course of action to take. People at different times and in different

places will have different ways of interpreting their environment. The assumptions of a cultural argument are spelled out in more detail in Chapter 2.

Psychological arguments are similar to cultural arguments in that they do not assume rationality, but they also resemble material and institutional arguments in that time and place are not of prime significance. Personality type, for example, will indicate why a person or various persons pursue a certain action. And based on someone's psychological makeup, he or she may or may not behave rationally.

Psychological arguments are relatively rare in comparative politics and essentially nonexistent in studies of media policy formation. Thus, with little likely reward for the expected effort, this research project makes the calculated choice essentially to ignore psychological factors and psychological arguments. This likely introduces some unexplained variance into the study and tempers the reliability of the conclusions. However, the study accepts that calculated risk.

Outside the Typology

Having just stated that there are four and only four causal arguments, it may seem odd now to explore arguments about policy outcomes that do not fit this typology. However, there are two theoretical approaches to media policy formation that are not categorized here as explanation, but require attention nonetheless: pluralist theory and functionalism or systems theory. The qualifying aspect of explanation is that it must make clear the cause or reason for an outcome. Both pluralist theory and functionalism are process theories. They deal more with how policy choices are made than the factors that cause outcomes (Pierson, 2004). In other words, pluralist theory and functionalism

do their *theorizing* about how actors interact to arrive at policy outcomes, but are less theoretically explicit about the content of actions, i.e., what actors exactly want or get.

Pluralist theory comes in a variety of incarnations, but those variations share at least one key feature. Pluralist theory rests on the metaphor of a political 'market.' A pluralist approach holds that "policy choices reflect the relative power of different interests in society," i.e., policy choices can be understood "by calculating the influence of rival groups" (Dobbin, 1994, p. 5). In other words, policy options are contested in a marketplace. People debate the merits of the options, the option or options with the most support are selected (or bought), and subsequently a policy outcome is achieved. The theoretical focus is on the process of interaction in the market, but is largely silent about why people (or buyers) select a particular outcome. The policy selection might occur because of people's economic self-interest and deeply rooted cultural ideas; but the causal basis of the selection is not as theoretically explicit as the process of selection.

Different versions of pluralist theory use the market metaphor to highlight different ways in which the process works. Lowi (1979) argues that since the 1960s pluralism is characterized by responsiveness not just to social interests in general, but special interests in particular. While Lowi sees this as a "vulgarized version of the pluralist model," it is pluralism nonetheless (1979, p. 51). Some variants of Marxism also assume a pluralist framework, even if they see the rules as unfair (see the comments below regarding McChesney). As Dobbin concludes, "that policy decisions reflect the relative power of competing groups ... so pervades academic political science that even the self-styled revolutionaries in the field treat it as a given" (1994, p. 6).

So why does pluralism not qualify as explanation? 'People' are the selective mechanism in the pluralist approach. However, 'people' are a part of each of the four factors in the typology presented here and thus violate the principle of a typology, which holds that factors must be distinct from one another. As Dobbin argues, the selective mechanism of 'people' is exposed as problematic via comparative study. People may select one policy option over another, but "understanding the origins of options is crucial" when we realize that "nations almost never chose from the same sets of options." Likewise, the pluralist approach "fails to explain why a weak interest group in one country often wins a better policy outcome than its stronger counterpart in another country" or "why parallel groups in different countries believe very different policies to be in their interest" (Dobbin, 1994, p. 6). Those who hold pluralist assumptions, according to Dobbin, "are plagued by a form of realism that prevents them from asking how interest groups, collective problems that demand policy solutions, and actual policy alternatives are constituted" (1994, p. 7). Ultimately, by failing to get at the causal factors in policy decisions, pluralism is not sufficiently explanatory.

Although the problem is not unique to a pluralist approach, the tautology of determining which is the most powerful group from who achieves its policy preference is an added weakness. Thus, for these reasons, a pluralist or realist approach does not fit into the causal analysis of this research project. As is noted in the literature review below, nearly all of the available media policies histories rely on pluralist assumptions.

The other theoretical approach that does not fit into this typology is systems theory or functionalism. Functionalism in the social sciences goes back at least as far as Spencer (1880), even though it would not come to dominate the field until the mid-

twentieth century. Functionalism in its various incarnations, such as systems theory, has made its mark on the literature of media policy formulation. For example, Krasnow, Longley, and Terry (1982) and Longstaff (2002) both put forward a systems theory model; Krasnow, Longley, and Terry somewhat inconsistently, but Longstaff explicitly and consistently.

The basic functionalist perspective begins with a biological model. Societies are like organisms—they are social systems. They are, like ecosystems, complete unto themselves and constantly work to maintain equilibrium. Thus, a policy comes about because it solves a problem; i.e., it serves a function. When functionalism is assumed it is most likely to neglect specifying an adaptive mechanism. For instance, a policy outcome occurred because it was needed by society to achieve equilibrium. While equilibrium may be achieved in ecosystems, why must it prevail in a policy setting? Again, what is the adaptive mechanism?

The reason a systems theory approach lies outside the typology of explanation offered here again comes back to the definition of explanation. An explanation must make known in detail and must make clear the cause of an outcome. While a policy may indeed be needed to keep certain things in balance, nothing requires policymakers to recognize that need or even to act accordingly. A systems theory approach may hold some predictive power. But the stylized accounts focus more on the process of policy formation than the empirical factors that drive human actors. This is not so much to pass normative judgment on systems theory. It is to justify why it is not part of an empirical account of the causes of media policy outcomes.

Highlighting Explanatory Factors

Rather than a recitation here of media policy arguments that fail the test of consistency, a more worthwhile endeavor is to highlight when the literature invokes material, institutional, and cultural factors, even if only fleetingly, to narrate the history of media policy. This course will serve two purposes: to review the relevant literature on the history of media policy in the United States and to provide some sense of the causal factors or elements that media policy historians have identified, even if inconsistently. The review roughly proceeds in a chronological order based on the time periods discussed in each work.

Bensman's (2000) story, which explores radio policy and regulation up to 1927, is an attempt to weigh who or what was most responsible for the shape of radio policy written in 1927. He auditions a small set of actors for the role of most influential. "The roles of the Department of Commerce, Secretary Hoover, the radio industry and Congress in the regulation of broadcasting were so intertwined that assigning specific cause and effect relationships is too simplistic. However, it has been proven that it was the Department of Commerce staff which discussed, devised and implemented regulation prior to any legislative consideration. Therefore, the Department of Commerce's role must be given more weight than it is generally assigned" (Bensman 2000, p. 225).

Bensman's account touches on what he identifies as technological, economic, and social factors in radio policy development. "The development of government regulation of broadcasting is a story of America's struggle to achieve maximum benefits from a new technology under a system of democratic, free enterprise as a product of particular needs and values" (Bensman 2000, p. 2). The complexity of broadcast technology, for

example, was commonly perceived to be a barrier to effective congressional regulation. Thus, oversight became the task of, although not exclusively, the Commerce Department. As the Commerce Department began to exert more and more authority in radio regulation, the economic perspective of Commerce Secretary Herbert Hoover increasingly left a mark on radio regulation. Hoover believed in competition and self-regulation, but he also specified a role for government in preserving equality of opportunity. Bensman's detailed history raises countless factors, some big and some small, that influenced regulation, e.g., the government's seizure of all radio patents during World War One, the Navy's hand in setting up the Radio Corporation of America (RCA) to keep patents in the U.S. (and away from the Marconi company), and regulatory precedents set in federal lands and mineral rights.

Rosen's (1980) story, rich in historical detail, describes how regulators and broadcasters moved from collaborators to competitors and back to collaborators. He concludes that politicians and broadcasters may have had differing motives, but they agreed on the same ends, a single regulatory agency, and a system of commercial broadcasting. Rosen describes how three institutions, the U.S. Navy, the U.S. Postal Service, and the Commerce Department, claimed a strong stake in radio prior to the 1920s. Each had a different policy perspective for radio's development and each fought bitterly to have its position enacted into law. Rosen subtlety suggests that the ultimate path to radio regulation was highly dependent on how this battle among these institutions worked its way out. If only a couple of events or decisions turned out differently, the post office would have been given oversight of radio, likely leading to a vastly different set of policies. Rosen concludes that in the time before the Radio Act of 1927,

broadcasting was ruled by "competition, instability, disorder, and a state of flux" (1980, p. 62). Both broadcasters and regulators were drawn in to make order of out the chaos.

Rosen (1980) also details the efforts of a small group of non-commercial broadcasting interests to invite a regulatory scheme based on the British broadcasting system. These efforts failed and Rosen is left to explain why. He points to American cultural values. "Any attempt to criticize or challenge the arrangement [of commercial broadcast policy] represented a direct assault on the larger society as well as a rejection of the nation's past. The favored sons rejected demands by noncommercial broadcasters for special privileges and government intervention because these modifications stood outside the American heritage; indeed they were attacked as symbols of British or European solutions" (Rosen 1980, p. 181).

Benjamin (1998) attempts to understand America's regulatory stance relative to broadcasting by examining the character of the state apparatus. She categorizes the stance as an example of an associative state, i.e., "a synthesis of private entities and government agencies developing cooperative institutions for joint undertakings to meet societal needs" (p. 221). Thus she concludes that government, far from a *laissez faire* approach, actively supported business and industry.

Benjamin (2001), in a later work, and Rowland (1997a; 1997b) explore the development of media policy in this same time period, but each is looking at specific dimensions of media policy. Benjamin is interested in the formulation of policy related to the concepts, 'free speech' and the 'public interest.' Benjamin's highly descriptive history chronicles the conflict between two competing interests. On the one hand there was a growing sense that the public interest went beyond ensuring clear broadcast signals

and to recognition for the need for programming diversity (this came from the proponents of noncommercial broadcasting). On the other hand, Congress' stamp of approval on public policy that was supportive of commercial patronage for radio severely limited programming diversity. Meanwhile, as commercial forces drove radio into becoming a mass entertainment medium, broadcasters had to forfeit a degree of free speech rights, narrowly escaping the fate of film, which in the 1920s had been stripped of First Amendment protections by the Supreme Court (Romanowski, 1996). Benjamin's story shows how commercial forces won out in the battle with noncommercial forces and how public policy was written accordingly.

Rowland (1997a & 1997b) focuses on factors that shaped the meaning of 'public interest' in broadcast media policy. Rowland's impressive historical examination begins with development of the administrative state in the 1820s and tracks the use of the public interest concept in public administration up until it was written into media policy and into the job description of the Federal Communications Commission (FCC). In the process, he explains how the public interest came to be identified with the financial health of the industry being regulated. Nevertheless, the public interest standard soon also became identified with a social, cultural, and political diversity of programming. Rowland's history attempts to identify the ideological forces that are responsible for the divergent views of the public interest. He points to the role of modernism and to the progressive movement. Rowland's history also attempts to understand the culture of the time, primarily exploring the role of business. He concludes that business played a central role in the culture. Business functioned as a "quasi-religious faith," based on "private corporate association and in a free, but responsible industrial leadership with whom

government should closely cooperate" (Rowland 1997b, p. 367). Here Rowland's story becomes the story of the role of big broadcast business dictating the contours of policy. In the end, Rowland puts policy outcomes in the hands of a deliberative public—he concludes that the public was not ready for "too heavy a regulatory hand" by the FCC, thus giving big business a strong hand in media policy.

McChesney's (1993) story indicts broadcasters for using their considerable political power to create media policy that advanced their own interests at the expense of diverse voices and noncommercial broadcasting options. He uncovers damning historical detail. For example, he shows that a perceived policy ally of noncommercial broadcasters was actually on the payroll of the commercial network that was lobbying against expansion of noncommercial broadcasting. McChesney also shows how key political rivals of the noncommercial broadcasters later took jobs with the commercial networks. He concludes that backdoor deals kept broadcast policy from a full and fair debate.

McChesney (1993) concludes his major examination of the early broadcast reform movement's attempt to influence media policy by exploring why the movement failed. First, he identifies two short-term reasons: the broadcast reform movement was no match for the more politically savvy commercial broadcasters and the Great Depression beat down noncommercial broadcasters. McChesney (1993) also identifies three long-term considerations for the defeat of the reformers' cause. 1) "[T]he U.S. political culture does not permit any discussion of fundamental weaknesses in capitalism" (p. 262). Thus, "the propriety of private control for selfish purposes of society's productive resources is generally unassailable" (p. 264). The conceptualization of capitalism that entered the

radio debate was a highly sanitized version where markets created equality and not inequalities. 2) The broadcast industry has "successfully cultivated the ideology that the status quo is the only rational media structure for a democratic and freedom-loving society" (p. 265). The industry has been abetted in this ideology by college and university communication programs and by the infrastructure of professional broadcast journalism, according to McChesney. 3) The broadcast networks and corporate media have a substantial power that cannot be easily overcome. This power is located not only in its economic might but in two other factors: "the media's control over the flow of information" keeps lawmakers in their place and keeps the public ignorant of alternatives (p. 267).

Paglin, Hobson, and Rosenbloom (1999) have collected a series of histories on the amendments to the Communications Act of 1934. Each individually-authored chapter is straightforward in its political realism. For example, Haines (1999), who is notable because he considers political broadcasting policy, describes Congress members' attempts to write campaign finance law in their own self-interest.

Krasnow, Longley, and Terry (1982) argue that Congress writes media policy while mediating competing, influential interests. They describe at some length the roles of the FCC, the broadcast industry, citizens groups, the courts, and the White House. Krasnow, Longley, and Terry conclude that Congress is a significant determiner of media regulatory policy in its own right—often foregoing statutory policy for a variety of subtle pressures on the FCC, thus prompting the FCC to write administrative policy. Krasnow, Longley, and Terry conclude, "Any attempt to understand what goes on in broadcast

regulation must explain regulation as the outcome of complex interaction patterns within a dynamic system" (1982, p. 133).

Taken together these accounts identify a number of material, institutional, and cultural factors that play a role in the construction of media policy. Policymakers focused on limiting the number of radio stations in the face of an overwhelming material condition—a limited radio spectrum. Government institutions led radio in the direction of a commercial broadcasting system by withholding government funding. And American capitalist values pulled radio toward a system of advertising support and pushed radio away from European-style state support.

These scholars raise historical facts that cannot be ignored. For example, McChesney's (1993) account of how a radio network mole got delegates at the conference of the National Committee on Education by Radio (NCER) to water down a key resolution is an important empirical detail. An account of the NCER's actions and inactions cannot ignore McChesney's work. Likewise, Rowland's (1997a; 1997b) investigation into the historical origins of the public interest standard shows the precedents created by the Interstate Commerce Commission, Federal Trade Commission, and the Transportation Act of 1920.

The historical accounts highlighted above are in substantial agreement. Granted, each emphasizes different historical details and sides with different historical actors (thus the narratives vary from drama to tragedy). But broadcast-policy historians are not divided into substantial opposing camps. This is true even though Marxist and Whig sensibilities have been brought to the historical table. Broadcast policy historians have

engaged in so few head-to-head battles because so few explicit arguments about policy have been made.

What these accounts do not offer is a compelling theoretical explanation for communication policy outcomes. A story can be rich in historical details and short on explanation. For example, a story about a network mole at the NCER conference begs an important question. Why were the mole's objections so compelling that the conference delegates changed course on supporting a spectrum set aside for educational radio stations? And a story can be rich in identifying institutional factors, but still fall short of connecting empirical factors to a theoretical explanation. For example, while it is true that agencies such as the Federal Trade Commission articulated a public interest standard, accounts brush over how actual actors invoked the standard in the context of broadcast policy debate. In other words, if a theoretical explanation is to empirically rooted, the public interest must be cast as an institutional pattern that influences how actual actors respond in the formulation of broadcast policy.

Throughout the literature pluralism passes for explanation. For example, Bensman's (2000) account assumes that the interplay of the chief actors (Commerce Department, Congress, Hoover, and the radio industry) is resolved through a deliberative policy process—the actor that most gets his way is the actor most responsible for the policy formulated by lawmakers. And while deliberation most certainly took place, what such accounts do not adequately explain are the ways in which the agency of those deliberative actors was bound by material, institutional, and cultural structures.

Havick (1983) is one of the few to study media policy to offer a theoretical elaboration of media policy causation. His survey of theories begins with economic-

regulatory theory, which he describes as: "government institutions which are intended to regulate industry actually serve the economic interest of the industry" (Havick 1983, p. 12). While this may or may not describe the empirical reality of broadcast regulation it falls short of explanation—why does government end up serving the industry? How are the economic interests of the industry defined? These questions are not addressed. Havick distinguishes neo-pluralism theory from pluralism theory based on the relative power ascribed to interest groups. Pluralism sees policy emerging from an interaction from a variety of interests; whereas neo-pluralism privileges the power of interest groups in shaping policy outcomes. As mentioned above in reference to pluralism, causation is not addressed in any fundamental way using this logic. Finally, Havick addresses a state autonomy theory, thus acknowledging, "it is possible for government preferences to dominate society rather than society preferences dominating government policy" (p. 14). This is the heart of an institutional argument—an argument that is explored in the following section.

A Comparative Contribution to Explanation

While comparative politics is not always comparative, comparisons among countries frequently do assist in constructing a consistent causal argument. As already noted, this study uses comparisons as a means to understanding U.S. media policy outcomes. While the logic and value of comparison is presented more elaborately in Chapter 2, the following section hints at what can be gained from comparative cases. To that end, a brief review of Hiemstra's (1997) work on the origins of Dutch broadcast media policy is used to show how comparative leverage can be gained from looking at

U.S. media policy in light of Dutch policy. This comparison is obviously preliminary and based on presentation of a modest amount of secondary literature. The full benefit of a comparative analysis will be more obvious from this study's empirical research (presented in Chapters 3-5).

Hiemstra's (1997) goal is to understand the factors that gave shape to Dutch media policy, chiefly from 1917 to 1930. He offers a cultural and ideational account that focuses on the particular vision of Dutch Calvinists and the values they held. Dutch public life is characterized above all by *verzuiling*, usually translated as 'pillarization,' but also understood as structural pluralism. Hiemstra identifies the source of this social structure in Calvinist social theory. Thus structural pluralism describes a society where ideological and religious divisions are free to develop their own "social institutions that reflect their deepest beliefs. The state ought to respect, enable, and if required, equitably fund the social structures of all worldview communities in society" (Hiemstra 1997, p. 7). The media policy that emerges from this social structure is the 1920s facilitates each 'worldview community' having its own channel for broadcasting, each supported primarily through listener memberships.

Hiemstra's (1997) decision to explore the role of the Calvinists is tied to the empirical evidence that points to their centrality in the development of broadcast policy. While Hiemstra is remarkably consistent in his cultural approach, given the socio-cultural position of Calvinists in a 'pillarized' Netherlands, his approach also highlights the important role played by institutional configurations.

Using the United States and the Netherlands as examples then, a structural logic might be employed to explain similarities and differences between the two countries.

Both countries, for example, develop a licensing system to deal with signal interference. The source of this similarity might be technical constraints of bandwidth that result in signal interference when more broadcasters transmit a signal than the bandwidth can support. To create 'order out of this chaos' (to use the language of the time), some means of assigning broadcasters to frequencies must be devised and enforced by an entity with suitable authority. This limits options for policymakers such that we might expect to see similar policies across countries. Meanwhile, the United States covers a vastly larger geographical area than does the Netherlands. This structural reality (taken together with the limited broadcast range of AM radio transmitters) could go a long way toward explaining why the Netherlands could devise a national broadcasting system policy and the U.S. policy would support broadcasters licensed to local areas.

Sticking to the examples mentioned above, a material explanation ultimately explains less than it appears. While the U.S. and the Netherlands both developed licensing systems, the types of broadcasters who received licenses were vastly different resulting in vastly different broadcasting systems. Whereas the U.S. and the Netherlands indeed appeared to diverge in national versus local broadcasting, U.S. policy also supported a national system that developed through alternative means, i.e., through a national network system. Or if scholars want to insist that American media policy is truly based on localism, they might point instead to America's value on community self-rule.

Again using the U.S. and the Netherlands as examples, the elements of an institutional logic could be assembled from the literature above. American policymakers claimed that giving every group that wanted to broadcast its own broadcast license would be completely impractical because of the limited number of broadcast channels and the

immense number of groups. However, the Dutch were able to give distinct ideological groups their own broadcast time because of the way these ideological groups were already accounted for institutionally. The Dutch system of 'pillarization' meant that liberals, socialists, Protestants, and Catholics were already formed into political parties, schools, and social agencies along ideological lines. Pillarized media systems were just another institutionalization of ideological groups. This institutional argument is fairly convincing. While structural or institutional logics have some appeal, each must be examined, as must a cultural logic, for whether they form a comprehensive explanation of media policy development.

Thus, this proposed project proceeds with an attempt to create a cultural argument for media policy development. Elements of cultural explanation are not uncommon in the literature. Recall the histories by Rosen (1980), Rowland (1997a & b), and Hiemstra (1997). The goal here is to provide a coherent cultural explanation and the best cultural explanation. For example, as noted above, Rosen has used a cultural logic to explain why lawmakers rejected the policy proposals of noncommercial broadcasters. He concludes noncommercial broadcasters had advocated a policy that was inconsistent with American cultural values. Rosen's conclusion is too hasty, however. When one recognizes that the major lobbying force for noncommercial broadcast policy were educators and that educators were asking for a structure based on the American public school system, the system could not be so easily dismissed as foreign to U.S. cultural values. Thus, a cultural explanation will be the best explanation when it is theoretically consistent and, in the case of noncommercial policy advocacy, empirically based. Hence the challenge in

Chapters 3 and 4, in particular, is to construct such a theoretically consistent and empirically based explanation.

CHAPTER 2

Research Design

Building a cultural explanation of political broadcast policy is more than a

theoretical exercise. This theory is built upon empirical foundations, i.e., on a close

analysis of the historical record in the United States and on a close comparison of U.S.

policies with other Western democracies, notably those of Canada and the Netherlands.

Models for this sort of comparative-historical scholarship are not readily available in

media policy research. In fact, Scannell concludes, "Comparative media history does not

yet exist" (2002, p. 205). Nevertheless, comparative historical methods have been well

developed in the social sciences and will be presented in this chapter as they apply to this

research project. The chapter explores the methodological challenges inherent in offering

a cultural explanation of policy.

There is no shortage of scholarship on the history of media policy and there is

even a smattering of comparative studies on media policy. The key histories have been

reviewed in Chapter 1. Comparative studies frequently fail to live up to the name,

however. For example, Hoffmann-Riem (1996), while providing valuable knowledge

about media regulation in a number of countries, does not utilize comparison as a means

to understanding specific policy outcomes. Area studies that address media policy are

also readily available. What all these studies have in common is that they are primarily

descriptive. Description, valuable as it is, does not ultimately answer the question at hand—how has broadcast policy come to turn out the way it has?

As a first step, a definition of comparative media history is in order. Schutt defines comparative historical research as, "Research comparing data from more than one time period in more than one nation" (2001, p. 310). Schutt's definition is drawn relative to other, closely related methodologies: historical events research, historical process research, and cross-sectional comparative research. Historical events research is "[r]esearch in which social events of one past time period are studied;" historical process research is "[r]esearch in which historical processes in a long time period are studied;" and cross-sectional comparative research is "[r]esearch comparing data from one time period between two or more nations." Thus, the defining feature of comparative historical research is its comparison of "longitudinal data about historical processes between multiple cases" (Schutt, 2001, p. 310).

Research Questions

As noted in the introduction, the central question of this study is: *How has political broadcasting policy come to turn out the way it has?* The question calls for an explanation: What were the origins of the policies that emerged? How did policies evolve or change? What were those factors that shaped the policy options? How did some policy options come to be chosen over other options? Explanation clearly evokes a stream of questions, not all of which need to be enumerated here given that each empirical finding has the potential to yield still more questions to arrive at a satisfactory explanation.

However, given the intent to offer a cultural explanation as the best explanation for political broadcasting policy, a number of specific lines of questioning need to be pursued. *What were the political broadcasting policy options posed at particular times in the twentieth century? What were the material, institutional, and cultural factors operative at particular times in the twentieth century? Which set of factors best explains why particular policy options were adopted?* Again, each of these questions raises a myriad of sub-questions; nevertheless, these are the questions that open up the main lines of investigation; i.e., they establish the values of the dependent variable and the relevant independent variables of the research design. Furthermore, in asking which set of factors best explains policy outcomes, the central research question can be directly addressed.

Posing these questions here is necessary to understand the main contours of the study; but these questions have little meaning outside of definitions of key terms. Thus the main concepts must be defined before the research design can be elaborated.

Definitions and Their Methodological Implications

This chapter will elaborate the research design of this study and offer key theoretical and operational definitions. For sake of clarity, social scientific terms and concepts (e.g., dependent and independent or explanatory variables) will be utilized to explain the design. Two key concepts need to be defined at the outset: culture and political broadcasting policy. Material conditions and institutional influences will also be defined. In each case the concepts present significant methodological challenges.

Culture

As noted in Chapter 1, culture is those values, ideas, and attitudes that various people hold or share. Thus, a cultural explanation posits a shared set of values, ideas, and attitudes as playing a causal role in particular policy outcomes. It might be inferred from this that culture is a coherent, or perhaps even systematic, phenomenon. For example, political historians refer to the 'American creed' as a uniquely American set of values, ideas, and attitudes regarding, among other things, democratic participation in public life. Thus, according to Huntington, "The ways in which individuals, groups, and classes act in politics are decisively shaped not only by their own perceptions of their immediate interests [i.e., a material logic] but also by the ideological climate and the common political values and purposes that they all recognize as legitimate" (1981, p. 11). Huntington conceptualizes culture as relatively coherent—a coherence based on an underlying ideology. An examination of the relationship between ideology and culture brings into focus what sort of claims can be made about the systematic, coherent nature of culture and the methodological challenges inherent in positing a cultural explanation.

Swidler refers to ideology as "explicit, articulated, highly organized meaning systems" (1986, p. 278). Culture, on the other hand, is "not a unified system"—in fact, Swidler argues, "all real cultures contain diverse, often conflicting symbols, rituals, stories, and guides to action" (p. 277). Dobbin (1994) does not provide clear definitions of ideology or culture; but seems to imply a similar understanding of the terms. Dobbin does not use the language of 'symbols, rituals, and stories'—referring instead to "practices and meanings" (p. 216)—nevertheless, Dobbin and Swidler are in the same ballpark. Dobbin and Swidler diverge, however, on how they emphasize diversity. In

stressing that culture is not a system, Swidler sees diversity within cultures, from potentially little diversity in unsettled historical periods to potentially much diversity in settled periods. Dobbin, who makes no distinction between settled and unsettled cultures, acknowledges diversity among "different *sets* of practices and meanings" (p. 216, emphasis added).

Swidler argues that in unsettled periods "[i]deology may be thought of as a phase in the development of a system of cultural meaning" (1986, p. 279). But where does ideology fit in this development? This much is clear: Swidler disputes Weber's (1930) conclusion that ideology shapes culture. This would lead us to believe that ideology is apparently not the first phase in the development Swidler is trying to explain. However, it takes close attention to follow her argument. She states first that, "ideologies [which are also called explicitly articulated cultural models]... *establish* new styles or strategies of action" (p. 278, author's emphasis). Secondly, she states that, "ideology forms around ethos" (p. 279) [ethos is also called "a style of regulating action" (p. 280)]. Later she concludes, "Coherent ideologies emerge when new ways of organizing action are being developed" (p. 280). Thus, while her first point might be read as suggesting that ideology creates an ethos, she is instead saying that the ethos shapes the ideology and that once formulated as an ideology, *establishes* an ethos as a cultural system. This is less circular than it may appear when you recall that Swidler is talking here about unsettled periods. Hence, unsettledness is a key part of her model. Ideologies are an attempt to answer the problem of unsettledness by articulating a highly organized system of meaning, therein actively shaping actions via new doctrines, symbols, and rituals. Thus, culture in an

unsettled period may be a rather close reflection of an ideology (therein displaying less diversity than in a settled period).

In a settled period, an ideology has already won out and has become intertwined with cultural practices and institutions. But because active efforts to establish a cultural system have faded and were never particularly successful in articulating a fully systematic culture in the first place, cultural practices can become more diverse and thus less closely in line with an ideology. Here according to Swidler, culture provides a tool kit of various "cultural elements" that can be used to "construct diverse strategies of action" (1986, p. 281).

Dobbin's (1994) understanding of the relationship between ideology and culture bears some resemblance to Swidler's (1986). Dobbin argues that, "a particular ideology may be compatible with several different sets of practices and meanings" (p. 216). This sounds much like Swidler's portrayal of the settled culture. However, the resemblance is not as strong as it may appear at first glance. In Swidler's argument, ideology and actions are closely coupled. It is only when ideology gives way to an established culture that a loose coupling can appear, therein creating room for diverse sets of practices and meanings. In fact, Swidler would likely not insist on referring to *sets* of practices and meanings, since it is ideology that is systematic and not culture (and 'set' suggests something that is systematic). In Dobbin's story, a particular ideology, i.e., democracy, was compatible with different political cultures, i.e., American, English, and French cultures.

Dobbin also raises the possibility that, "a particular set of political practices and meanings may be compatible with several different ideologies" (1994, p. 216). In

Dobbin's story a particular set of political practices and meanings, i.e., centralized, administrative rule, was compatible with several ideologies, i.e., empire, monarchy, and a republic. This is not a point that Swidler (1986) explicitly considers, given her model of how ideologies emerge from practices and meanings (i.e., an ethos). Dobbin's concern is mainly with how a political culture affects other aspects of the culture, particularly industrial culture. In fact, Dobbin is directing us away from any central role for ideology. Put another way, Dobbin does not see a close coupling of ideology and culture, regardless of the situation; the coupling is between sets of cultural practices (e.g., political and industrial sets/cultures).

This project's take on the relationship between culture and ideology is closer to Swidler than Dobbin. However, a more straightforward relationship can be posited. An ideology is a system of ideas about the coherence of various values and practices. Swidler's argument that an ideology is largely a post hoc rationalization of emergent practices is an unnecessary flourish built upon a shaky historical example. (Borrowing from Walzer [1966], Swidler points out that the reformer John Calvin repeatedly reshaped theological doctrine until it had its desired psychological impact on his followers.) While ideologies undoubtedly respond to existential circumstances, this study maintains that ideologies define and shape values (not the other way around as Swidler argues), as well as ideas and attitudes.

Ideologies require articulation and this is almost never an individual project. To stick with Swidler's example, Calvin is less the author of Calvinism than she or Walzer (1966) argue (see e.g., Holtrop, 1993). Not only did Calvin rely on other reformers but subsequent reformers continued the project Calvin began, thereby attempting to build a

more logical or coherent set of values and practices. But as the joint intellectual effort of articulating an ideology moves forward it either gains a following or fades away. Followers identify some precise actions or values (e.g., estheticism) as consistent with an ideology, eventually producing a set of actions and values that approximate the logical consequences of an ideology. However, since an ideology is nearly always a communal effort over time, any single articulation is bound to differ from other articulations. This is clearly the case in Calvinism, Marxism, and other ideologies. Marxism and Calvinism both come in a myriad of flavors. All this is to say that ideologies may be reasonably systematic but they are likely to contain cleavages that lead to some diversity of values, ideas, and attitudes.

Nevertheless, as some values, ideas, and attitudes are identified as consistent with an ideology they become routinized and institutionalized. The routinized and institutionalized practices and values of an ideology contribute to and may even come to define cultural values and ideas. To the extent that ideologies fail to speak to all human actions (for example, an ideology may not address dietary practices), cultural values or attitudes never represent the full embodiment of an ideology. Culture, then, is understood as the sum of values, ideas, and attitudes that various people hold or share. Thus, we might conclude that an ideology is made manifest in culture, but culture will assimilate some values, ideas, and attitudes that are not necessarily directly descendent from ideology. There is some coherence, but the coherence is thin.

Sewell (1999) has described a similar understanding of culture by highlighting the different ways in which the concept of culture is used. In fact, Sewell alerts us to an important distinction that is crucial to this project. Culture can be understood as a society

(or subsocietal group); for example, in the way Huntington (1981) does when he speaks of the American creed as a national-level set of beliefs and practices. Used this way, culture is understood as coherent and extensive. But culture can also be understood as "a theoretically defined category or aspect of social life that must be abstracted out from the complex reality of human existence. Culture in this sense is always contrasted to some other equally abstract aspect or category of social life that is not culture, such as economy, politics, or biology" (Sewell, 1999, p. 39). It is this second sense of culture that is employed here. And in this study the abstract categories of non-culture are institutions and material conditions.

Sewell concludes that "culture is not a coherent system of symbols and meanings but a diverse collection of 'tools' that, as the metaphor indicates, are to be understood as means for the performance of action. Because these tools are discrete, local, and intended for specific purposes, they can be developed as explanatory variables in a way that culture conceived as a translocal, generalized system of meanings cannot" (1999, p. 46). To the point at hand, culture's coherence is thin. Symbols and meanings are contested and change over time. The cultural ideas and attitudes that had causal force in the 1920s may be different than the cultural ideas and attitudes in the 1950s; and those ideas and attitudes in the 1920s or 1950s may have been more relevant to some people than to others.

The relative coherence of a cultural set of values, ideas, and attitudes is not the only issue that raises methodological implications. As noted above, culture is understood to play a causal role in particular policy outcomes. But is a causal bond between culture and policy outcomes the best way to conceptualize this relationship? Even if we agree,

when we discuss policy outcomes, that culture matters, how and why it matters is less a matter of consensus. At least three answers are available as to why or how culture matters. First, culture is the central *context* in which human action takes place and meaning is created. Second, culture is an important *creation*, i.e., emerging from structural or infra-structural variation. Third, cultural values, ideas, and attitudes are an important *cause* of historical movement and diversity. This project privileges the third answer, culture as cause—largely because it is the most important to scholarship that attempts to explain historical variation and movement. However, culture as creation and culture and context are important to the consideration of culture as cause and will be dealt with briefly.

The central issues one faces in conceptualizing and operationalizing culture as cause are the ontological status of cultural values, ideas, and attitudes as separate from cultural action, behavior, and conduct and the causal influence of the one on the other. In other words, how can values and attitudes be identified, and once identified, established as causes for specific actions and conduct? Any attempt that wants to "give cultural processes more theoretical autonomy," (Alexander, 1988, p. 2) as Durkheim argued, must establish culture as an ontological reality with the power to affect change.

Geertz sidesteps these issues by mystifying culture as context—"culture is not a power, something to which social events, behaviors, institutions, or processes can be causally attributed; it is context" (Geertz, 1973, p. 14). Whether Geertz is responding to the specific problem posed here is unclear. Nevertheless Geertz does assert the reality of culture, even if he does so in metaphorical terms (i.e., "webs of significance" p. 5). Weber and Sombart also refer to culture as context, but appear to mean something

different. While acknowledging interactions with other "objective developments," Weber and Sombart still posit a cultural ethic as "an important causal element" (Marshall, 1982, p. 58). Geertz's response may represent a concession that the methodological problem of separating an ethic from action cannot be overcome, thus dismissing the efficacy of cultural causal arguments.

Harris sidesteps this issue by asserting culture as a created entity, emerging out of "demographic, technological, economic, and environmental" infrastructures (Harris, 1980, p. 74). Variation in the infrastructure creates varied cultural systems. By stopping short of considering culture as a causal agent, i.e., as an independent variable, Harris can avoid a full consideration of what exactly it is that has been created via infrastructural variation.

Nevertheless, Durkheim argues that something has indeed been created—"social facts" have an ontological reality (Morrison, 1995, p. 155). Social rules and cultural values exist apart from the individual; in fact, they exist prior to the individual, constraining and channeling human action. Durkheim concludes that social facts are things that have a reality and can subsequently be observed. But as Morrison points out, "Durkheim was powerless to grasp these 'forces' conceptually or make their 'causal nature' subject to direct observation" (p. 157). Since Durkheim's solution is an unrealistic methodology requiring the complete subjugation of all subjectivity on the part of the scientific observer, we are back to the same problem of establishing the reality of cultural values, ethic, ideas, and attitudes as distinct from cultural action, behavior, and conduct. While action or conduct can be observed, cultural values or a cultural ethic clearly cannot. Thus, cultural values can only be inferred from patterns of social

behavior—with an emphasis on 'patterns' and 'social' and not simply on the individual. This is a less than satisfactory and ultimately intractable problem—but a problem that a scholar of culture is forced to live with.

Weber faced the same problem posed here in his classic work on capitalism and an ascetic Protestant, Calvinist ethic. He must argue that an ethic causes an action while keeping the ethic and the action empirically distinct. Marshall concludes, "This means that a satisfactory motivational explanation of action must rest upon independent evidence of *both* the action and the motives that allegedly precipitated it" (Marshall, 1982, p. 65). Marshall's concern is that Weber approaches tautology by failing to properly separate motivation and action. However, even if Weber had been able to marshal empirical evidence for both a protestant ethic (which is harder than Marshall acknowledged) and Protestant, capitalist action, the "allegedly" still does not disappear from Marshall's summation. In other words, there is still the need to demonstrate that the motives caused or 'precipitated' the action.

There are at least three tacks to arguing that an ethic, value, or attitude has caused a particular action, behavior, or conduct. Each has its shortcomings. Clearly the most problematic tack is to infer motives from action. For example, one might infer that "the religious valuation of restless, continuous, systematic work in a worldly calling" results from the ascetic Protestant's need for "proof of rebirth and genuine faith" (Weber, 1930, p. 172). While it may be less problematic if there is a convincing theoretical linkage connecting the motive with the action, this tack is the least reliable. Most actions can have any number of motivations. For example, the ascetic Protestant might engage in a

restless work pattern as a means missionary witness, i.e., out of a concern for others instead of a concern for self.

A second tack is to document the express motives of the actors involved in a particular action. The historian or social scientist can interview or survey the participants in an action to ascertain their motives. For example, the researcher could question members of Calvinist sects about their religious motivations. Or, the historian could identify contemporaneous interviews or diaries of ascetic Protestants as a means of establishing motives. The shortcomings in such an approach are that actors may not be able or willing to articulate their motives. They may have reasons to be untruthful or may just be unaware of how particular cultural values shared their actions. For example, congregants may not be cognizant of the hegemonic hold that a Calvinistic worldview exerts on their thinking.

The third tack is a combination of tactics used by social scientists in determining causation. Step one establishes coexistence or covariation. For example, the rise of the spirit of capitalism corresponds with a rise of Protestant asceticism; capitalism appears in predominantly Protestant regions. Step two establishes the prior existence of the independent variable. If Protestant asceticism arises after the spirit of capitalism, it cannot be said to be the cause of this spirit. The final step is the most difficult. Alternative explanations must be ruled out. For example, Weber can rule out Jewish and Asian sources for the spirit of capitalism—he argues for "a very different form of capitalism which has appeared nowhere else" (1930, p. 21). The problem with this third step is that eliminating all the alternative explanations may be a near impossibility. Identifying all possible explanations of action, behavior, or conduct potentially pulls the

researcher into the complicated web that Geertz (1973) has identified. As a practical matter, the researcher can, through the process of scholarly, communal discernment, advance some arguments as more fruitful than others. In fact comparative studies across cultures are particularly useful because they are so helpful in weighing alternative explanations. But, the barriers presented by the complicated web of culture are still formidable—so formidable, that conclusions about causation will always be tentative, just as conclusions about what are values as distinct from actions will also be tentative.

Where does that leave us? Clearly, any conclusions about the causal role of culture must be qualified by an acknowledgement that conclusions are tentative. Human interpretation cannot be avoided. However, a serious hurdle must be acknowledged that accompanies the caveats of tentative conclusions and human interpretation. As Silberman (1995) points out, a cultural explanation carries with it the trap of tautology. Silberman points out the same issue dealt with above—"There is no independent evidence of internalized political norms" (1995, p. 510). Thus, any attempt to ascribe causal force to norms or values will be flawed if it supposes that the actions described are the reflection of those norms or values. Thus, a commitment to a cultural explanation carries with it the risk to read values, ideas, and attitudes into actions.

We should not assume, however, that Silberman's critique must be uniquely focused on a cultural explanation. Material and institutional explanations face the same pitfalls. Human interpretation is required to identify the causal force of material conditions or institutions on policy outcomes. In other words, one must still attempt to understand human action based upon some objective constraint—whether the constraints are a set of values, institutional practices, or material interests.

Material and Institutional Factors

While this project focuses on a cultural explanation, it also identifies two other

sets of key variables—material and institutional factors. With the main methodological

complications already considered, these two concepts can be defined more simply. In

fact, the basic definitions of these concepts have already been presented in the previous

chapter.

A material set of factors refers to the structural environment in which people find

themselves. The structures typically identified in policy studies are geography, economy,

and military power. Thus, whether someone lives in a large city or a small town, whether

a group is from the working class or the upper class, or whether a country is a position of

military strength or weakness may affect subsequent actions. A Marxist approach is the

most obvious example of a material or structural explanation for policy outcomes.

An institutional set of factors refers to the man-made organizations and rules that

populate society. According to Hall and Taylor, "individuals turn to established routines

or familiar patterns of behaviour to attain their purposes" (1996, p. 939). Thus, for

example, Carpenter (2001) examines the political organization of federal bureaucracies

and notes the formative power of network capacity, entrepreneurial experimentation, and

perceived reputation and legitimacy in shaping policy outcomes. Such variation in

institutional organization or rules results in asymmetries of power—which is to say that

institutions alter power relationships, bounding the ability of interests to attain their

policy goals (Hall & Taylor, 1996).

As noted above, connecting material and institutional factors to actions is

similarly problematic to connecting cultural values, ideas, and attitudes to actions.

Scholars who make material and institutional arguments seldom grapple with this problem for at least one very good reason. The assumption is that structures and institutions create an objective obstacle course that rational actors will navigate in similar ways regardless of cultural or historical location. One could make the case that it is not a rational course of action that is pursued, but a course of action dictated by cultural or historical setting. If this is indeed the case, then empirical evidence will have to show that actors respond to similar material and institutional barriers in different ways based on cultural or historical location.

Political Broadcasting Policy

A definition of political broadcasting policy presents fewer problems than a definition of culture; nevertheless, challenges remain. On a simple level political broadcasting policy refers to laws and regulations that address the access of political candidates, political parties, and political organizations to the broadcast airwaves.

While some will argue that everything is political (and thus this definition is not precise), 'political' is used here in a narrow way. The focus here is on electoral politics. Thus, 'political candidates' refers to candidates for elected public office and 'political parties' refers to those organizations that run candidates for electoral office and develop public issue platforms in that context. 'Political organizations' refer to groups that develop public issue platforms but are less directly involved in running candidates for elected office. Even with this narrow usage, the lines between what is a public issue and what is not are less than clearly drawn (demonstrating perhaps that there is wisdom to the argument that all is political).

Access is also an important concept in this definition. As mentioned in the introduction, equal access or equal opportunity to have one's voice heard via the airwaves is a fundamental concern. Van Cuilenburg provides the broadest theoretical definition of access to the airwaves: "Access to communications is the possibility for individuals, groups of individuals, organizations and institutions to share society's communications resources, that is, to participate in the market of communications infrastructure and distribution (message delivery) services, and in the market of content and communication services" (1999, p. 185). Napoli (1999; 2001) ties access to the concept of diversity, i.e., the broader the access to individuals, groups, organizations, and institutions, the more diversity on the air. In fact, what he calls idea-viewpoint diversity is closely related to access. In other words, the more access, the more ideas or viewpoints make it to the airwaves and then to the public. As Rosenfeld states, "A broad range of diverse viewpoints must find access to the electronic media as a precondition to the realization of democratic self-governance" (1996, p. 51). Napoli (2001) concludes that access and diversity are integral to the concept of the marketplace of ideas, i.e., ideas must be exchanged in a democratic forum or marketplace if citizens are to make rational public choices.

The methodological implications for this definition of political broadcasting policy are less complicated than for a definition of culture. As Rueschemeyer argues, explicating "conceptual equivalences that cut across" nations is both a challenge and a benefit of comparative historical work (2003, p. 331). Each of the countries in this study has laws and regulations that address the access of political candidates, political parties,

and political organizations to the broadcast airwaves. Conceptual equivalences can be identified.

These laws and regulations can vary significantly, however, at the operational level—not only across nations but also across time. For example, Section 315 of the Communications Act of 1934 is generally considered a centerpiece of United States' political broadcasting policy. However, the formulation of the policy in the 1920s and 1930s occurred within the context of other, related broadcast policies. Ownership policy, for example, interacted with what is narrowly considered political broadcasting policy. Later, from 1949 to 1987, political broadcasting policy interacted with the Federal Communications Commission's Fairness Doctrine. While the U.S. history that follows in the coming chapters focuses on Section 315, it does not ignore ownership policy, the Fairness Doctrine, or other policies. That said, this study is not a history of ownership policy or the Fairness Doctrine. The study considers these policies only as they interact with political broadcasting policy more narrowly conceived.

Variables

The key variables in the research design for this study have been identified above. They are revisited here with some elaboration and with a more explicit account of how the variables fit together into a research design. The central dependent variable of this research project is political broadcasting policy. The empirical research that follows is meant to identify the values of this categorical variable. Those values for the variable come from policy proposals at given times in the twentieth century, both in the United States and in select international cases. These might be policies formally proposed in

national legislatures or may be policies advocated in less formal venues. For example, lawmakers may float trial balloons in the popular press or industry figures may advocate ideas in the trade press. In any event, policymakers adopt a value or values of the dependent variable—this is the outcome to be explained.

A policy outcome will be explained based on an association with the values of the independent variables. The pertinent independent variables are established via the empirical research that follows, as are the values of those variables. However, the variables are grouped theoretically into three distinct clusters: material, institutional, and cultural variables. The independent variables are not necessarily categorical; e.g., while one might argue that the American creed values regionalism more than the Dutch culture, this is a difference of degree, not kind. Even if one was to argue that U.S. policymakers valued regionalism and Dutch policymakers valued nationalism, this is still more a continuum than dichotomous pairs. Likewise, historical research is bound to note differences in the relative attachment to a value such as regionalism at different points in the twentieth century.

As noted above, firstly, a causal argument must establish covariation of the explanatory variable and the dependent variable. A value in the independent variable must be associated with a value of the dependent variable. Secondly, the force of these independent variables must be established as prior to the outcome to be explained. For example, if one were to conclude that Dutch nationalism emerged only after a national broadcast media united the nation, then one could not argue that Dutch nationalism explained the creation of a nationally-oriented Dutch media policy. Thirdly, alternative explanations of the policy outcome need to be ruled out. This is why material and

institutional variables play a key role in this study. The comparative politics literature and, indeed, much of the media policy history literature, identify material and institutional factors as key explanatory factors in media policy outcomes. These alternative explanations are put to the empirical test in this study.

As stated at the outset, this is not a matter of constructing a cultural argument at all costs. Material and institutional factors can enter into the findings here in a number of ways. Shoemaker, Tankard, and Lasorsa (2004) identify five possible outcomes when examining the relationship among at least three variables. Firstly, either material or institutional factors may prove the better explanation than cultural factors. Secondly, examining material or institutional factors may lead to internal replication, i.e., culture will emerge as the best explanation. Thirdly, the examination of the additional factors could lead to interpretation, i.e., material or institutional factors are causally prior to cultural factors and thus explain cultural values, ideas, and attitudes. Fourthly, there may be an interaction effect, i.e., the value of one explanatory variable may be dependent upon the value of another explanatory variable. In fact, Ross argues, "[T]o fully appreciate the role of culture in political life, it is necessary to inquire how the impact of culture interacts with interests and institutions" (1997, p. 41). Finally, there may be an additive effect, i.e., material or institutional factors in combination with cultural factors may affect policy outcomes, but the "effects are independent and the variables do not interact" (Shoemaker et al., 2004, p. 80).

Sites of Investigation

Listing variables is easy enough. Operationalizing these variables in the context of an empirical, inductive study is another matter. Practical issues of research execution must be acknowledged. And, as noted above, several vexing methodological issues need to be recognized and handled honestly.

The central practical issue is the overwhelming amount of data needed to produce an adequate explanation of political broadcasting policy. If truly comparative historical, comparative media-related research projects are rare, it may be due to the field's high standards for collecting data from primary sources. A standard of conducting primary research for all variables for all cases is so daunting that it should be little wonder that little such research is accomplished. However, there is a tradition in social scientific communication research for using secondary sources for extra-media variables (e.g., see Babbie, 2004). For example, Shoemaker, Danielian, and Brendlinger (1991) use data from almanacs, directories, government surveys, and United Nations reports to provide data for various independent variables. This is also a well-developed tradition in historical sociology. Skocpol argues that "a dogmatic insistence on redoing primary research for every investigation would be disastrous; it would rule out most comparative-historical research" (1984, p. 382).

This study uses secondary sources in two important ways. It should be stated at the outset, however, how secondary sources are *not* used. Secondary sources are not used to establish or elaborate values of the dependent variable, i.e., political broadcasting policy options in the United States. Nor are secondary sources used to identify when U.S. policymakers invoke material, institutional, or cultural arguments for their actions.

Secondary sources are used to elaborate the material, institutional, and cultural factors that are relevant to a particular time period and that have been invoked in other policy settings. Secondary sources are also used to establish and elaborate independent and dependent variables in the international comparative cases, i.e., Canada and the Netherlands. However, some primary sources are used to supplement the work found in Canadian and Dutch secondary sources as means of identifying values of the dependent variable. Again, the value of using these secondary sources is that their use actually allows historical-comparative research to be done within a reasonable frame of time and effort.

Identifying values of the dependent variable is relatively straightforward. This project identifies political broadcasting policy options by way of an examination of several sources. Foremost, the Congressional Record contains descriptions of all the options formally introduced in Congress. In fact, the record of Congressional hearings also identifies policy options that are not formally introduced. The proceedings of the national radio conferences called by Commerce Secretary Hoover in the 1920s and the proceedings of other ad hoc panels, such as the Twentieth Century Fund studies in the 1960s and 1970s, are also plumbed. Likewise, the records of the Federal Radio Commission and the Federal Communications Commission yield additional policy options. And, the contemporaneous popular press and trade press raise policy options that did not make it into more formal policy channels.

These same sites of investigation provide some information on the explanatory variables. Here, practical issues begin to crossover into more involved methodological issues. As noted above, we cannot expect that historical, human actors are able or willing

to articulate those factors that shape why they choose one policy option over another. Cultural factors, for instance, may be largely invisible to the completely acculturated decision-maker. One does not have to be a complete cynic to suggest also that politicians may be untruthful about their motivations, e.g., citing lofty and altruistic motives while actually pursuing self-serving political gain. Thus, these sites of investigation provide tentative sources of potential causal factors.

Ultimately the researcher must admit to inference from and interpretation of limited data; however, some additional steps can be taken to help elaborate causal factors. For instance, we can look for those causal factors that are identified in other, contemporaneous policy and issue settings. Here, an examination of secondary literature is vitally important—not only to lighten the practical research load, but also to compare the researcher's inferences and interpretations to those inferences and interpretations that have withstood scholarly, communal cross examination. For example, an American creedal commitment to regionalism has stood the test of time. Thus, when some policymakers summon regionalism as a reason for their actions, one at least has some knowledge of the cultural value being invoked.

The example here of regionalism as an important cultural value begs the question of what makes regionalism a cultural value and not, for instance, an institutional or material factor. While the theoretical definitions of material, institutional, and cultural factors offered above provide clear direction, the interpretative conclusions presented in this research will be cross examined by the secondary literature to provide a more solid basis for interpretation.

Other important secondary sources include period histories (e.g., a history of the 1920s or 1970s), area studies (e.g., studies on Canada or the Netherlands), and policy histories (e.g., industrial policy or railroad policy histories). Topical histories, such as economic, intellectual, or cultural histories, are also referenced. Again, these histories are consulted based on details that emerge from research in the primary sources.

<div align="center">*Comparative Cases*</div>

As noted from the outset, the chief intent of this study is to understand the formation of political broadcasting policy in the United States. Nevertheless, two other countries are included in this study—Canada and the Netherlands. The values of the explanatory variables and the values of the dependent variable are characteristics of each case, i.e., each country. However, that is not to say that the focus is on the country level, i.e., what Ragin (1987) identifies as case-oriented comparative research. While it is technically correct to refer to the material resources, institutions, cultural values and ideas, and political broadcasting policies of each country, the chief concern is still with the explanation afforded by the independent variables, i.e., what Ragin (1987) calls variable-oriented research. (It should be noted that this research design differs from what Ragin describes. His scheme associates case-oriented approaches with qualitative studies and variable-oriented approaches with quantitative studies. This is a variable-oriented qualitative study.)

The selection of only three cases clearly requires some special considerations. The central consideration, however, is selection bias. So, why select these three cases? If a random sample of cases is not possible, and it is difficult to conceive of a random

sample when dealing with countries as cases, the first consideration is to select cases based on variation on the dependent variable (King et al., 1994). The U.S., Canada, and the Netherlands do indeed develop different political broadcasting policies in the twentieth century.

Those differences go to the heart of political broadcasting; i.e., differences in who is granted access, differences in how access is granted, and apparent differences in how those policies influence media content and republican governance. While every country develops political broadcasting policy that is different in some ways from other countries' policies, one can make the case that three distinct variations of both who is granted access and how access is granted are reflected in the policies that emerge on the world stage in the twentieth century. As noted in the introduction, different countries give access to political parties, to political groups, and/or to individual candidates for political office. Different countries provide that access via ownership of a broadcast license, via neutral presentation, and/or via paid access. By the end of the twentieth century, the United States, Canada, and the Netherlands each represent at least one of these three ways of deciding who gets access and how access is given (Hallin & Mancini, 2004). Hence, these three cases represent important variation on the dependent variable.

A second consideration is variation on the explanatory or independent variables. Just as experiments manipulate the values of the independent variable to observe the outcome, so too in comparative research we want to see some variation in the independent variable (King et al., 1994). We cannot expect a constant to explain variation. More to the point, the inclusion of Canada and the Netherlands provides comparative leverage. Canada and the Netherlands provide some similarities and some

differences to the United States; i.e., there appears to be some material, institutional, and cultural similarities and some material, institutional, and cultural differences. Thus for example, if the key actors in each country share the same economic interests but produce different political broadcasting policies, then economic interest is likely not going to be the best explanation for policy outcomes.

Some practical considerations also weigh in the decision to select these two comparative cases. The comparative cases are kept to a minimum to minimize time constraints. While, comparative quantitative studies can use many cases based on the inherent data reduction of statistical analysis, comparative historical studies generally employ only a few cases; e.g., Skocpol's (1979) analysis of social revolutions, Biernacki's (1995) study of labor, and Dobbin's (1994) work on railroads. The diverse comparative studies that use these two cases helps validate the choice of Canada and the Netherlands as comparative cases; e.g., Glenn (2002) in education, Ultee, Dressens, and Jansen (1988) in economics, Casper, McLanahan, and Garfinkel (1994) in sociology, and Jantti (1997) in politics.

Some will balk at a research undertaking that includes other countries within the context of what appears to be a U.S.-centric focus (Schwoch, 1992). Indeed, some so-called comparative studies describe other countries' media systems or practices based on U.S. media standards. For example, Nerone (1995) has shown that much of the literature inspired by Siebert, Peterson, and Schramm (1973) has evaluated other countries' media practices based on American assumptions of liberty. Something quite the opposite is happening in this research project. In some ways, U.S. media policy is being examined based on the policies of other countries.

To restate the obvious, this is a comparative study. While some may read this study to learn more about the broadcast media in the U.S., Canada, or the Netherlands, any contribution to the literature of area studies, i.e., the study of specific countries or regions (Schwoch, 1992), is unintended and thus should not be judged by the standards of area histories. Likewise, any contribution this study makes to breaking down barriers of national media histories is welcome; but such a contribution is not the intention of this research.

Time Period

Why is the twentieth century the time frame for this study? As already noted in the introduction, political broadcasting policy represents one of the clearest occasions when policymakers have discussed the media's relationship to democracy. This discussion occurs in the twentieth century. Each country is confronted with a new reality around 1920 when the wireless radio emerges as a broadcast medium. Preliminary evidence suggests that each country deals with its own media policy in the 1920s in relative isolation from each other. This is an important point because this research design assumes that the three countries are separate cases. If there were global economic pressures, globally connected institutions, or a world culture, then it would be difficult to maintain that the U.S., Canada, and the Netherlands are separate cases.

The details of the study emerge in two sections. The first section will examine the time period from 1900 to the mid 1930s. At the beginning of this period, each country regulated radio has a point-to-point medium. These early attempts at regulation play a particularly important role in institutional arguments about media policy development;

however, this early period has a bearing on cultural factors as well. Attempts to regulate radio as a broadcast medium unfolded in the 1920s and 1930s. By the mid 1930s the U.S., Canada, and the Netherlands each had the architecture of their broadcast policies in place. The second section picks up the story after the mid 1930s when each country entered an initial period of minimal policy change. The length of that period of minimal change varied by country—Canada made changes in 1958, the U.S. amended political broadcasting policies most notably in 1959, and the Netherlands made changes in 1967. Additional changes trickled on for much of the twentieth century in each country. But these changes after the mid 1930s, as notable as they were, did not wander substantially from the original policy architecture of each country.

The story in the coming chapters follows chronologically the policy debates in each country. However, given the length of the story and the presence of a convenient breaking point in the mid 1930s, the first part of each story will be told in one section and the second part, after the mid 1930s, will be told in another section.

Historical Change

Suppositions about the nature of historical change present a final methodological issue to be considered. Some suppositions provide few if any problems. For example, Swidler has alerted us that culture may behave differently in settled versus unsettled periods. Determining what is a settled or unsettled period can be judged based upon the empirical evidence; i.e., whether cultural values, ideas, and attitudes point in a narrow range or wide range of policy directions will alert us to the relative coherence of culture.

However, other suppositions provide some additional methodological hurdles. For example, some scholars point to "epochal moments" in political history, i.e., historical moments "when new problems do not map onto preexisting lines of political mobilization" (Parsons, 2002, p. 78). Note that this study has concluded that the identification of material, institutional, and cultural factors will be aided by studying these factors in contemporaneous policy and social issues. If debate over political broadcasting policies is an epochal moment, this strategy of looking to contemporaneous policy and social debates may be confounded. This project proceeds with the confidence that this is more a problem in the abstract than a real, intractable problem. That is, the political broadcasting debate itself should provide hints if policymakers are indeed venturing off into a vastly new direction since a notable break from the past is not likely to be done without some awareness.

The concept of path dependence, developed most explicitly in the literature of historical and sociological institutionalism, presents another methodological challenge. As Hacker explains, "Small differences in circumstances may have large eventual effects as self-reinforcing processes encourage continued reliance on established institutions. ... Timing and sequence, by influencing [which] policy alternatives gain an early foothold, can be as important in determining eventual outcomes as the specific political forces involved" (2002, p. 9). This is what Pierson (2000) ascribes to increasing returns in politics. Pierson concludes, "large consequences may result from relatively 'small' or contingent events; particular courses of action, once introduced, can be virtually impossible to reverse; and consequently, political development is often punctuated by critical moments or junctures that shape the basic contours of social life" (2000, p. 89).

Pierson argues that such a phenomenon is characteristic in politics because of the winner-take-all stakes, the ubiquity of institutional constraints, the asymmetries of power, and a status quo bias.

The methodological challenge of the phenomenon of path dependence or increasing returns is that, if true in the construction of political broadcasting policy, it becomes more difficult to make comparisons. That is, once countries take different policy paths in the 1920s and 1930s, whether that was for material, institutional, or cultural reasons, points of comparison become oblique. If this proves to be founded, then explicit comparison among cases will be less a part of the story as the story moves through the twentieth century. Nevertheless, notions of path dependence and increasing returns also validate this project in as much as they justify a turn to history to understand the present.

Research Execution

Comparative research that seeks to utilize comparative leverage is as old as Mill's method of agreement and method of difference (Mill, 1848, 1969). The method of difference is employed here: "If an instance in which the phenomenon under investigation occurs, and an instance in which it does not occur, have every circumstance in common save one, that one occurring only in the former; the circumstance in which alone the two instances differ, is the effect, or the cause, or an indispensable part of the cause, of the phenomenon" (Mill, 1969, p. 207).

Thus, while this project design utilizes three instances instead of two, as in Mill's example, the principle applies just the same. (See Figure 2.1.) Mill concludes that it is

"by the Method of Difference alone that we can ever, in the way of direct experience, arrive with certainty at causes" (1969, p. 209). Agreement on the same independent variable does indeed rule out that variable as a cause for differences in the dependent variable.

Figure 2.1: Hypothetical Example of Method of Difference

Cases	Independent/Explanatory Variables			Dependent Variable
	Material Factors	Institutional Factors	Cultural Factors	Policy Outcomes
United States	Agreement	Difference	Difference	Outcome A
Canada	Agreement	Agreement	Difference	Outcome B
Netherlands	Difference	Agreement	Difference	Outcome C

Certainty is less than it seems, however. Any difference in an independent variable is a potential source of difference in the dependent variable. While, differences in an independent variable may appear responsible for differences in the dependent variable, the selection of cases becomes important here. An additional case with a different value for the dependent variable introduces the possibility of agreement on the independent variable and thus dissolves the seeming source of difference in the dependent variable (see Figure 2.2).

Figure 2.2: Hypothetical Example of Method of Difference

Cases	Independent/Explanatory Variables			Dependent Variable
	Material Factors	Institutional Factors	Cultural Factors	Policy Outcomes
United States	Agreement	Difference	Agreement	Outcome A
Canada	Agreement	Agreement	Difference	Outcome B
Netherlands	Difference	Agreement	Difference	Outcome C
Australia	Agreement	Agreement	Agreement	Outcome D

Given that a variety of material, institutional, and cultural factors are at play in these three countries, the method of difference as outlined in Figure 2.1 above is, of course, highly stylized. Those material, institutional, and cultural factors that emerge from empirical analysis must be assessed individually as to their agreement or difference. Figure 2.3 shows how a small set of material factors might be utilized in comparison. In this hypothetical example 'agreement' refers to an agreement on the value of the particular independent or explanatory variable; 'difference' indicates different values of the independent variable. For example, if size of land mass is divided into small, medium, and large, and the Netherlands is considered small and the U.S. and Canada considered large, then U.S. and Canada are in agreement and large land mass alone is a poor explanation for the different media policies that emerge.

Figure 2.3: Hypothetical Example of Method of Difference for Material Variables

Cases	Material Variables			Dependent Variable
	Land mass size	Market structure	AM technology	Policy Outcomes
United States	Agreement	Difference	Agreement	Outcome A
Canada	Agreement	Agreement	Agreement	Outcome B
Netherlands	Difference	Agreement	Agreement	Outcome C

Since this is an inductive study, the actual material, institutional, and cultural variables cannot, in actuality, be articulated in advance, nor can the values of those variables. Nevertheless, these hypothetical examples suggest how causality can be established. As noted above, causality can be approximately based on at least three steps. The first step is to establish covariation. In the hypothetical example of material factors (see Figure 2.3) the simultaneous historical existence of any value of an independent variable with a value of the dependent variable is enough to show covariation. In the

second step, the historical research of this project establishes the prior existence of the independent variables. If a particular market structure emerges only after a policy option is selected, then prior existence is not established and a potential explanation must be discarded. However, it should be clear that the real explanatory work comes in the third step, eliminating alternative explanations. This is the chief contribution of the method of difference. The most likely alternative explanations can be eliminated.

It is not expected that all cultural variables considered will emerge as valid explanations and that all material and institutional variables will be eliminated. It is expected that cultural variables will do most of the explanatory work. Nevertheless, this is a matter of empirical discovery. Should any material or institutional variables emerge as plausible explanations then these variables must be examined, as noted above, for their possible interpretative, additive, or their interaction effects.

This chapter has presented the research design for this study and highlighted the methodological challenges inherent in constructing a cultural explanation of a media policy outcome. As Scannell (2002) has pointed out, comparative media history is largely nonexistent—blazing a new trail requires clearing obstacles. While not every obstacle may have been cleared, this study attempts at the least to make a passable path to a new line of media policy research.

PART II:

Origins of Political Broadcasting Policy, the Early Years

Political broadcasting policy typically has been understood in the United States as Section 315 of the Communications Act of 1934 and previously as Section 18 of the Radio Act of 1927. But to accurately describe and to fully understand political broadcasting policy, the broader broadcast policy framework must be understood. In fact, vital parts of the broader framework exist more between the lines of communication policy than in the explicit language of the law. The vision to read between the lines and to see the broader policy framework can only be accomplished through the scope of historical and international comparison.

Thus, Chapter 3 asks and answers, what political broadcasting policy did the United States develop by the mid-1930s, and what had been the alternatives? Chapter 4 proceeds to ask, what factors best explain the United States' eventual policy outcome? Does the explanation hold up to cross-national comparison? This is where this study will go in Part II.

It is also worth pointing out where this study will not go. In mass communication scholarship, the exercise of articulating broad, theoretical relationships between media and politics is understood as identifying models of 'media systems.' This study will no doubt invite comparisons to this line of research. Siebert, Peterson, and Schramm (1973) produced one of the field's most influential, but now roundly criticized, works with their

cold war take on media systems. They presented four discrete models for the relationship between national, political systems and media or journalistic systems. The effort involved little in the way of comparison in any methodological sense and involved more normative judgment than description or explanation (Nerone, 1995). However, scholars recently have begun to rehabilitate this tradition by producing models that are more empirically based and emerge from genuine comparative analysis. Most notably, Hallin and Mancini (2004) have examined North American and Western European 'systems' and produced three models of media and politics. Hallin and Mancini, as one might expect, do not limit their study to political broadcasting policy; but their analysis has still been helpful. As stated in Chapter 2, comparative cases were selected based upon a range of variation in political broadcasting policy; and Hallin and Mancini pointed to the likely candidates for best comparative leverage.

However, this study of political broadcasting policy is not tied to the media systems literature—the literature remains flawed in at least a couple of ways. Firstly, the recent scholarship still struggles with the terminology it inherited from Siebert, Peterson, and Schramm. The assumption that media and politics are part of a system has still not met with adequate empirical investigation. Secondly, while a model is typically understood in social science to articulate the relationship between independent and dependent variables, such causal relationships are seldom put to empirical analysis and often play little role in the literature. To the extent that media systems scholarship makes causal claims, most of those claims assume that institutional factors are determinative but do not adequately consider alternatives.

Part II presents the empirical analysis of this study. Assumptions are put to the test and the basis for a theoretical explanation of political broadcasting policy is put forward.

CHAPTER 3

The Rise of Political Broadcasting Policy

The invention of radio had been greeted as an amazing scientific and technical achievement. The emergence of radio as a means of public communication also met with religious-like wonderment. The *Literary Digest* called a public demonstration of broadcasting in 1919 "miraculous" and "like a voice from heaven" ("Speeches from the air," 1919). Policymakers soon began to come to terms with this combination of technical complexity and mystical, powerful possibilities. Regulation of radio as a means of point-to-point communication began in earnest in 1910. But when the technology began to be used for broadcasting, i.e., as a means of communication from one point to many, something quite different faced lawmakers.

Commerce Secretary Herbert Hoover took stock of how far broadcasting had come in a short period. "Four years ago we were dealing with a scientific toy; today we are dealing with a vital force in American life" (Fourth National Radio Conference, 1925). Lawmakers began to consider more seriously the ramifications of this new means of mass communication for a democratic society. Policymakers soon began to wrestle with rudiments of a political broadcasting policy. This chapter considers the development of such a policy.

The goal here is two-fold. Firstly, the United States' political broadcasting policy, as it emerged by the early 1930s, must be brought into clear focus—we must step

back from the detail to see the whole. Secondly, we must juxtapose the broad picture of political broadcasting policy with both the contemporaneous options and the international alternatives. What policy possibilities were considered and rejected along the way? This is a single goal—it is not a matter of taking one step, then another. Stepping back to see the whole requires that we understand the options or alternatives. Simply put, the goal is to articulate the dependent variable of this study, more specifically to establish the 'values' of the categorical variable, political broadcasting policy.

The Emergent American Policy

The Congress passed and the President signed the first political broadcasting law in the United States in 1927—nearly seven years after radio had first been adapted as a broadcast medium. Both the political broadcasting policy and the Radio Act within which it was written came under scrutiny nearly as soon as the newly created Federal Radio Commission began to implement the legislation. Nonetheless, the political broadcasting policy contained in Section 18 of the Radio Act of 1927 would remain largely unaltered when policymakers revisited the legislation seven years later. The political broadcasting policy became Section 315 of the Communications Act of 1934. While Section 315 would be notably altered on two occasions and would consistently prove to be controversial, the basic architecture of the policy would serve as the nation's political broadcast policy for the remainder of the twentieth century.

Section 18 stated:

> If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, and the licensing authority shall make rules and regulations

to carry this provision into effect: Provided, That such licensee shall have no power of censorship over the material broadcast under the provisions of this paragraph. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate ("Radio Act," 1927).

Section 315 contained nearly identical language. The new section read:

> If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, and the Commission shall make rules and regulations to carry this provision into effect: Provided, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate ("Communications Act," 1934).

American policymakers produced a law that addressed two main issues. Firstly, the policy addressed access to a licensee's broadcast station, under condition of no censorship. Secondly, the law addressed the entitlements of broadcast time for candidates for public, elective office. However, to understand the full character of the policy, the section must be understood within the broader Radio Act and Communications Act and in conjunction with how the Federal Radio Commission and Federal Communications Commission implemented the law. With this context in mind, an analysis of the U.S. political broadcasting policy must account for at least four aspects.

Firstly, to whom was access granted? As we will see, American policymakers considered at least three viable options—access could be given to political parties, to political groups, or to individual candidates for elective office. In fact, in the early years of broadcasting, before the Radio Act was passed, broadcasters essentially experimented with all three options. Other countries faced the same options, but some eventually adopted different options than did the U.S.

Secondly, how was access allotted? Were the parties, groups, or candidates provided opportunity for ownership and hence able to broadcast as they saw fit? Was ownership to be retained by a governmental body, which would in turn allocate airtime to parties, groups, or candidates? Was ownership or license given to private broadcasters who would in turn be required as condition of ownership or license to provide access to airtime by parties, groups or candidates? Or, regardless of ownership, was some intermediary given authority to allot access? In the early years of U.S. broadcasting, before policies addressed these questions directly, all these arrangements were attempted. How countries' policymakers answered the question of how access was granted would have a direct bearing on the difference between what scholars now label external pluralism and internal pluralism. External pluralism refers to the distribution of diverse political voices throughout the media 'market,' i.e., "through the existence of a range of media outlets or organizations reflecting the points of view of different groups or tendencies in society." Meanwhile, internal pluralism refers to the distribution of diverse voices "within each individual media outlet or organization" (Hallin & Mancini, 2004, p. 29).

Thirdly, how was freedom of political speech protected or circumscribed? In other words, how did policy attempt to ensure an authentic voice for political actors? Directly related to the point above, were parties, groups, or candidates provided ownership of stations and allowed to speak as they saw fit? Were parties, groups, or candidates assured airtime on outlets owned by some other entity? Were they allowed to speak as they saw fit? Was there an attempt to nurture diversity in broadcast outlets as a means of providing diverse parties, groups, or candidates with reasonably unencumbered

access? Each national policy had to account for demands for free speech in some way.
Various interests in the U.S. advocated various means of protection of political speech.
Ultimately U.S. policymakers arrived at an arrangement where a political candidate
would be assured the right to speak via a private broadcaster's station if any other
candidate for the same office in the same election was allowed to speak on that station.
No candidate could be censored by the broadcast station. Other countries developed
different approaches; e.g., giving a political party or political group ownership of a
broadcast stations or by policing monopoly as a means to fostering political viewpoint
diversity.

Finally, what form did the access take and what did public policy address,
assume, or encourage? Were the political messages disseminated via speeches, whether
delivered in a studio or to a live audience and broadcast as on-the-spot coverage? Were
political messages part of structured discussions, debates, or panels? Were the political
messages mediated in newscasts? Or were the messages distributed by way of paid
advertisements? In the early years of U.S. broadcasting, the answer was 'yes' to all four
options. While the U.S. political broadcasting policy originally did not conclusively
address this question, other policies and regulations pushed broadcasters and candidates
more in the direction of advertisements than in news or on-the-spot coverage.
Meanwhile, other countries' policies explicitly forbade some of these options and
encouraged others.

These are the four main aspects of a political broadcasting policy that will be
accounted for here (see figure 3.1). Other aspects of such a policy could be added. For
example, some nations' policies favored political broadcasting by local politicians for a

local audience and some favored political speech by national politicians to a national audience—however, these were very subtle points of emphasis. In practice nearly all countries have created broadcast media that addressed distinct national and local or regional audiences. Thus, these outcomes are of secondary importance to the overall character of the political broadcasting in most nations.

Fig. 3.1: Four aspects or dimensions of the dependent variable; values of each dimension

Political Access: To whom was access granted?	Allotting Access: How was access allotted?	Freedom of Speech: How was free speech addressed?	Political Airtime: What was the form of access?
Candidates	Political ownership	Ownership	Speeches
Groups	Gov't ownership	Equal access	On-the-spot coverage
Parties	Private ownership	Diverse venues	Forum, panel, debate
	Intermediary		News
			Advertising

When lawmakers and regulators established political broadcasting policy in the U.S. in 1927, they had several viable options to choose from. Strong domestic advocates could be found for each of the alternatives and nearly all of the options had a basis in contemporaneous broadcast practices. Meanwhile, both lawmakers and the popular press were conscious of how other nations were already beginning to regulate radio in general and, to some extent, political broadcasting in particular. In the remaining sections of this chapter, each of these four aspects of a political broadcasting policy will be explained in more detail. Each section will examine the American precedent or advocacy for each policy option and explain which option policymakers and regulators would adopt by the early 1930s. The chapter ends by considering options chosen by the Netherlands and Canada.

Political Access

The political possibilities for radio appeared endless in the early years of broadcasting. With nearly no regulations to guide them down particular paths, broadcasters, politicians, and politician-broadcasters experimented to deliver their messages to a growing listening public. When members of Congress began to consider to whom a political broadcasting policy should apply—ultimately, to whom access would be granted—they had several options to consider. Individual political candidates, political parties, and groups and organizations involved in public issues had participated in broadcasting nearly from the start.

In Practice

Individual candidates were given access to the airwaves as early as the 1922 election. Senator Harry New used a government radio transmitter in his Republican primary campaign to speak to assembled women's groups back in Indiana. Many others listened in, including President Warren Harding. Other incumbents, who were unable to return home from Washington to campaign, followed suit ("Senator New talks," 1922). However, the use of government transmitting stations proved controversial and candidates turned to other stations ("Both parties," 1922; "Welkin-ringing," 1922). Challengers joined incumbents in making use of radio—in some cases appearing together ("Campaign by WJZ," 1922). Farmer-Labor presidential hopeful Henry Ford planned to erect a station to get out his message; although a station was established Ford did not end up launching a serious campaign ("Ford campaign," 1922).

The 1924 campaign was the first in which radio would play a major role (Benjamin, 1987; Weeks, 1963-64). Candidates used a variety of means to have their speeches broadcast to a listening audience. Some received time on existing stations; even in a notable case when the station's owner had different political leanings. A speech by presidential candidate Hiram Johnson was broadcast by Henry Ford's station even though Ford had endorsed Johnson's primary opponent, President Calvin Coolidge ("Ford broadcasts," 1924). Meanwhile, some candidates bought airtime from AT&T's flagship station WEAF for ten dollars per minute ("Air full of politics," 1924; "Politics by radio," 1924). Candidates also looked to construct their own stations to broadcast to voters (Barnard, 1924; "M'Adoo conduct campaign," 1924).

The political parties stepped up to play an active role in arranging radio broadcasts in the 1924 campaign. Republicans built their own studio that fall in New York City and took over stations in Rhode Island and Long Island to broadcast "morning, afternoon and evening until election day." A party official boasted, "With practically no expense the Republican Party ... has developed an organized radio campaign which far exceeds similar endeavors of the other parties" ("Weeks to initiate," 1924). Regardless of the boast, Democratic Party officials made similar efforts.

With the formation of broadcast committees by the major political parties, party nominees did not have to fend for themselves to find or arrange radio airtime. In 1924 AT&T, which owned New York station WEAF, approached the national political parties to offer equal airtime, provided they paid for the service. Company executive William Harkness told a congressional committee that the issues and the speeches were left in the hands of the parties. "We thought they were matters in the national campaign that the

parties themselves had to sponsor. In that case we went to the national committees of both parties" (*Radio Control*, 1926, p. 57). WEAF officials claimed to turn down "large numbers" of individual candidates, preferring to work instead with the parties in arranging airtime ("Record says Wall St.," 1924, p. 28).

Similar arrangements were made at the state and local levels by other stations. By 1926 New York Republicans arranged a "Republican Radio Hour" to be "broadcast under party auspices" ("'Republican Hour'," 1926, p.3). The broadcasts included prominent Republican speakers interspersed with music, comedy, and celebrity appearances ("Attacks Smith," 1926). The Socialist Party faced more obstacles in arranging airtime— receiving time on stations run by the giant Radio Corporation of America (RCA), but being denied time on other stations (see Benjamin, 2001). The party announced plans to establish its own radio station following the 1926 election ("Socialists to erect," 1926). During the 1928 election, each of the two major parties arranged nearly 50 hours of nationwide hookups for political speeches at a combined cost of $2 million. An hour of time cost a political party $11,500 on the National Broadcasting Company network of stations and $4,000 on the smaller Columbia Broadcasting System. Democrats claimed to recoup their costs in donations from radio listeners ("Radio 'debunking'," 1928).

Political parties were most directly involved in political broadcasting by arranging the broadcast of party conventions. In 1924 stations across the country had to be hooked up via AT&T telephone lines to receive the live broadcasts. Unlike phone hookup costs for candidates' stump speeches, stations, rather than the candidates or parties, footed the bills for telephone tolls and equipment to broadcast the conventions. The result was hours of convention coverage heard for the first time by millions of Americans. After the

conclusion of the Republican convention in Cleveland an editorial writer concluded,

"One result of getting convention speeches in this way is that more people heard the

speeches than ever would have read them through" ("For once," 1924, p. 10). Democrats

arranged fewer hookups but still managed to have their New York City convention heard

across much of the country, including more extensive coverage than the Republicans in

the Southern states ("14 radio stations," 1924). The Republican and Democratic parties

also made arrangements for broadcasts of the 1928 conventions—this time the parties

worked with the two newly established radio networks to ensure full national coverage

("Chain to broadcast," 1928). The Socialist party argued for network time as well, but

had to settle for only brief coverage from NBC's WEAF at 11:00 each night of the

convention ("Socialists arrange," 1928). The Socialists still had their own station,

WEVD, at their disposal; however, regulators had so reduced the hours of the station that

it was not available for full convention coverage ("Would check radio," 1928).

Any number of groups with political agendas or involved in public issues sought

to advance their cause through broadcasting. The groups sought time on existing

stations; but controversial groups encountered problems. For example, the Foreign

Policies Association, the American Association for the Advancement of Atheism, and the

American Birth Control League sought time with limited success. The League for

Industrial Democracy was denied time on station WMCA after station management

concluded their chosen topic was "highly controversial" ("Cancel radio talk," 1926, p.

18). The Chicago Federation of Labor faced problems as well and finally decided in

1926 to launch its own radio station, WCFL (see Godfried, 1997). The American Fund

for Public Service also sought to control its own station by buying an existing radio station ("Radicals to have," 1925). (For more on political groups, see Benjamin, 2001).

In Policy

Policymakers faced a political broadcasting environment where candidates, political parties, and groups made use of broadcast radio. Whether stations granted airtime to individuals, parties, or groups, problems seemed to occur—problems ranging from censorship to prohibitive costs to imbalance. Lawmakers acknowledged they needed to deal with the problems of political broadcasting, But who should the law address?

Attempts to pass broadcast policies of any kind were unsuccessful from 1922 to 1926. Congress addressed the concept of a political broadcasting policy as early as 1924—even before the first political campaign in which broadcasting would be used heavily. Representative Ewin Davis raised the issue in a congressional hearing in March 1924 when he questioned AT&T's William Harkness. "For instance, the indications are that the radio is about to be utilized more and more by candidates for public office and by proponents of public measures." Davis worried that one side might gain an upper hand and then "the other fellow not (be) permitted to employ the same method to reply" (*To Regulate Radio Communication*, 1924, p. 83). Davis raised the issue again later in the hearing when he questioned RCA's David Sarnoff about stations that might limit their broadcasts on "a certain public question to one side of the controversy" (*To Regulate Radio Communication*, 1924, p. 179). The reference to "proponents of public measures"

or a "side of a controversy" applied largely to political groups, but certainly could have also referred to political parties, elected representatives, or others.

In 1926 the urgency in passing some form of broadcast regulation was palpable (more on this in Chapter 4). None of the previous, formal legislative proposals had explicitly addressed political access for candidates, parties, or groups. That remained the case when Representative Wallace White introduced H.R. 5589 in January 1926. However, Ewin Davis argued on the House floor that nothing in the proposed legislation protected a candidate or proponent of a public measure from a broadcast station's arbitrary methods. An amendment was offered the next day. "That equal facilities and rates without discrimination, shall be accorded to all political parties and all candidates for office, and to both the proponents and opponents of all political questions or issues" (*Congressional Record*, 1926, p. 5560). The amendment was ruled out of order.

However, the issue resurfaced in the Senate where the chamber was considering Senator Clarence Dill's S. 1754 to regulate radio. Again, the original language of the bill had not addressed political access for candidates, parties, or groups; but the measure underwent a major revision in May. The committee spent more time on political access, according to Senator Dill, "than on any other provision" (*Congressional Record*, 1926, p. 12358). The newly added provision read:

> If any licensee shall permit a broadcasting station to be used as set forth in Section 4 [which specified that purchased airtime must be labeled as such], or by a candidate or candidates for any public office, or for the discussion of any question affecting the public, he shall make no discrimination as to the use of such broadcasting station, and with respect to said matters the licensee shall be deemed a common carrier in interstate commerce; provided, that such licensee shall have no power to censor the material broadcast except so as to prevent false, fraudulent, obscene, indecent, profane, libelous or slanderous statements ("Revised radio," 1926, p. IX 20).

In terms of who would receive access, the provision, like those raised in the U.S. House earlier in the session and in 1924, specified both candidates and those addressing questions affecting the public. The language was broader than previously suggested— throwing the door open to "discussion of any question affecting the public." Concern was voiced about the broadness of the proposed legislation and when it reached the floor it had been narrowed to address only political candidates.

> If any licensee shall permit a broadcasting station to be used by a candidate or candidates for any public office, he shall afford equal opportunities to all candidates for such public office in the use of such broadcasting station: Provided, That such licensee shall have no power to censor the material under the provision of this paragraph (*Congressional Record*, 1926. p. 12401).

Although the language would change again in conference committee before the full Congress adopted it, as far as political access was concerned, a final choice had been reached. The section would apply only to candidates for public office.

The newly created Federal Radio Commission had to issue General Order 31 to remind stations that Section 18 required stations to treat candidates equally (Federal Radio Commission, 1928). Implementation did not always go smoothly. Some broadcasters continued to look to aid candidates of their liking. For example, Arkansas backers of Herbert Hoover's presidential campaign offered to erect a radio station to help his reelection effort in the South ("Offer Hoover," 1931). As some observers pointed out, such efforts were not necessarily outside the law. An editorialist pointed out that broadcasters would have Section 18 to deal with in the 1928 election, "But the provision is so loosely drawn that it can be easily evaded. In the end the candidate with the most money to spend will be heard most frequently by way of the broadcasting station" ("Radio in politics," 1928). Writers of the *New Republic* had come to the same

conclusion. "It is the simplest matter in the world to evade this law. It does not cover, for example, speeches on behalf of a candidate; nor surreptitious political propaganda slipped into an address on some other theme; nor the broadcasting as 'news' of dinners given by political organizations" ("The voter," 1928). (The conclusion that programming labeled as news could be considered exempt was a matter of subsequent controversy and will be dealt with in Chapter 5)

The FRC also recognized the loopholes the law provided. In its Third Annual Report the Commission maintained that broadcasters should operate in the spirit of Section 18.

> It would not be fair, indeed it would not be good service, to the public to allow a one-sided presentation of the political issues of a campaign. In so far as a program consists of discussion of public questions, public interest requires ample play for the free and fair competition of opposing views, and the commission believes that the principle applies not only to addresses by political candidates but to all discussions of issues of importance to the public. The great majority of broadcasting stations are, the commission is glad to say, already tacitly recognizing a broader duty than the law imposes upon them (Federal Radio Commission, 1929, p. 33).

Whether a 'great majority' of broadcasters were following such a policy was a matter of dispute. Whether the concern was for the remaining minority or for some larger number of stations, many policymakers believed a change was in order.

In 1930 Senator James Couzens, who sat on the Senate Committee on Interstate Commerce that dealt with broadcast regulation, proposed a change to the political access language. Reports indicated the bill would include "equal opportunity on the radio for State, local, and national issues of all political parties" ("Senators await," 1930, p. VIII 16) and opportunity "for use of radio to persons representing different views on all public questions" ("Equality in politics," 1930, p. IX 8).

A bill introduced in 1932 again represented an effort to broaden the bill to include more than candidates for public office. H.R. 7716 read:

> If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such station; and if any licensee shall permit any person to use a broadcasting station in the interest or support thereof or in opposition to any candidate for public office, or in the presentation of views on any side of a public question to be voted upon at an election, he shall afford equal opportunity to any other such person to use such station in the interest or support of any opposing candidate for such office (*To amend the Radio Act*, 1932).

The carefully constructed language attempted to answer critics who argued that requiring equal time for "any public question" was too broad. Forms of a larger communications bill made it through the House and Senate, but then failed to pass.

As momentum picked up for a communications bill in 1934, an expanded political broadcasting provision again came to the surface. While proponents of language in H.R. 7716 continued to make their case, Representative Louis McFadden brought an even more expansive proposal. The lengthy proposal addressed numerous concerns, only one of which was who would be entitled to equal access. The bill began:

> No person, persons, company, association, or corporation owning and operating a radio broadcasting station, and receiving and broadcasting radio programs for hire, shall discriminate in the use of such station in favor of a program of speech sponsored by any person who is a legally qualified candidate for any public office, and/or by any religious, charitable, or educational company, corporation, association or society or any other like association or society, and against or to the exclusion of another person who is a legally qualified candidate for any public office , or another religious, charitable, or educational company, corporation, association or society chartered or licensed under the laws of the United States, because and for the reason that such person, religious, charitable, or educational company, corporation, association or society or any other like association or society holds and promulgates and advocates views contrary to those expressed in programs that have been broadcast (*Radio Broadcasting*, 1934).

As noted at the outset of this chapter, policymakers eventually decided to import the Radio Act whole cloth into the Communications Act of 1934, resulting in minor editorial differences between Section 18 of the Radio Act and Section 315 of the Communications Act. U.S. law would continue a political access policy that addressed only political candidates.

Allotting Political Access

How was access allotted? In its simplest form, the universe of political broadcasting could be divided into two worlds: one in which political candidates, groups, and parties had their own broadcast stations to do their own things, and another in which political candidates, groups, and parties had to gain access to broadcast stations in the possession of someone else. However, in reality, gaining access to others' stations has presented some notable variation depending on who owns the broadcast stations. Thus, it is worth distinguishing between access to government owned stations and access to privately owned stations. It is also worth noting that attempts have been made to go beyond these two worlds and forge a place for an intermediary between political actors and non-political broadcaster-owners.

In Practice

A national magazine offered in 1924, "Radio has come to stay, but it is none the less a fad" ("Politics by radio," 1924). Broadcasting appeared to start as a fad in the early 1920s in part because anyone who wanted could and seemingly did get a license for a station. Department stores, churches, schools, civic groups, and a host of others launched

radio stations. Candidates, political groups, and political parties were among those to join the fad in the freewheeling early to mid-1920s.

As noted above, candidates such as Henry Ford and William McAdoo planned to include radio in their presidential campaign plans. Meanwhile, the Republican Party took over two stations in the 1924 campaign and the Socialist Party erected WEVD. Even members of a bloc within the Republican Party discussed establishing a high power station in Washington, D.C., to aid their efforts to gain control of their Party ("Insurgent near drive," 1927). Political groups also applied for broadcasting licenses, including the Chicago Federation of Labor. The American Fund for Public Service sought to buy its own station.

The *New Republic* observed in 1924 that airing speeches by candidates was only the beginning for political broadcasting. "When the battle is definitely transferred to the air, may we not expect all the familiar features of the usual campaign reproduced there? Shall we not have our Republican and our Democratic broadcasting stations?" (Barnard, 1924, p. 93). Even if the magazine's prediction failed to materialize, the American experiment in broadcasting included a place for politically based ownership of broadcast outlets.

The history of government involvement and ownership in radio is long and complex (most of this history will be told in Chapter 4). Radio was a form of point-to-point communication for at least two decades before broadcasting emerged. But the differentiation of broadcasting as distinct from point-to-point communications moved through an ambiguous period—broadcasting was born out of the hobby of 'listening in;' i.e., the pastime of tuning in to listen to point-to-point communication and other

messages, such as weather reports, navigational warnings, and news, sent to ships at sea. Leading up to World War One the U.S. Government took over commercially operated wireless stations and held a virtual monopoly of radio (*Radio Communication*, 1917; "Urges wireless," 1917). Following the war, the Wilson administration made a strong pitch to keep ownership of wireless radio in the hands of the Navy ("Wilson approves," 1918) and for a time succeeded. Commercial messages had to go through Navy controlled stations (*Use of Naval Radio*, 1919).

Prior to 1920 many assumed that inland radio, as opposed to shore radio stations, was of little use or value and subsequently not subject to Naval ownership. Telegraphic or telephonic wires could just as easily carry inland radio communication. In fact, wire based communication was preferred since inland radio only served as another form of interference with shore station signals. Much to the chagrin of the Navy, the Commerce Department continued to license inland stations; and applications would soar once the broadcasting craze began.

But the Navy was not the only government body involved in radio communication. While the Post Office battled the Commerce Department for the right to regulate radio, the Post Office and the Department of Agriculture would also make a pitch to offer broadcast services ("Control of radio," 1921). The Navy-led government monopoly had dissipated, but the Post Office and Agriculture Department teamed up to offer a radio market news service to farmers in early 1921 ("Agriculture Department plans," 1921; "News of markets," 1921). With the formation of an interdepartmental government committee on radio, agencies were forced to work together to offer services. And by 1922, with the rise of privately initiated broadcasting, government broadcasting

began to take a back seat. Even when the government launched a system of eight radio stations spread across the U.S., the system was largely geared to providing materials to private stations to pass on to their audiences. The broadcasts by the government 'primary' stations sent out "market products and data, weather and hydrographic news, standard radio signals (such as wave length and time signals), executive announcements, statistics and educational material" ("Federal Broadcast Begins," 1922, p. 12).

So how was political broadcasting handled on these government stations? As noted above, Senator New's use of a Navy owned station in his reelection campaign in 1922 sparked controversy. Democrats took issue with a government resource being used to the Republicans' partisan advantage—a charge the Navy denied. Nonetheless, the Navy announced it would stop using its stations for "public" purposes, i.e., for "broadcasting speeches, lectures, or any form of non-official communication" ("Clears naval radio," 1922, p. 20). The government stations still transmitted some news and educational material that no doubt had political weight, but there is no evidence that such material was directly related to electoral politics. A naval radio station in Virginia later resumed some broadcasting, but in ran afoul when "speeches by government heads caused a considerable amount of political criticism" ("Station proposed," 1929, p. X21).

The federal government was not the only level of government to own a broadcast outlet. While some states pursued ownership of a station for the explicit broadcast of government programming, such as broadcasts of legislative debates ("Would broadcast," 1924) or agricultural information (Hilmes & Loviglio, 2002), actual state ownership was usually less direct. State universities were a major owner and user of broadcast radio (Barnouw, 1966; McChesney, 1993). In 1932 Wisconsin decided to offer use of

University of Wisconsin station WHA free of charge for discussion of state and national issues. The state made arrangements with political parties to use the station without censorship. According to a press report, "It is believed that if each party is allowed an equal opportunity to present its own case over the State stations the voter can get a much more adequate understanding of the governmental problems and can vote more intelligently" ("Wisconsin provides," 1932).

Government owned broadcasting also developed at the municipal level. Perhaps the most notable municipally owned station was New York City's WNYC. When the station was announced, city officials maintained no politics would be allowed. "No Administration would be foolhardy enough to invade the sacred precincts of the homes of its people with any political propaganda. The programs broadcast from the municipal station must first of all be of a very high class character; they must be free of politics; they must be educational and instructive" ("City broadcasting," 1924). Within a year Mayor John Hylan had launched a series of broadcasts touting his administration's record. The *New York Times* observed that the mayor's publicity director had been instructed to "put out through the air a quantity of campaign material vast enough to keep the ether vibrating through most of the waking hours" ("Mayor again," 1925, p. 32). The Citizens Union soon filed suit to stop the mayor from using the station to spread his political propaganda ("Ask court," 1925). The mayor and WNYC ultimately prevailed, though the station had a rocky early history, dotted with claims of misuse (Stavitsky, 1992).

Early political and government ownership is only dimly remembered due perhaps in part to the rapid emergence of such a strong private broadcasting sector. In fact, the

story of private ownership needs little elaboration—only a few items need to be pointed out here. Private interests did have to lobby hard after the conclusion of World War One to defeat plans for a government monopoly of stations (see above) and to ensure the right of nongovernmental interests to transmit radio messages ("Attack purchase," 1918). But it should also be understood that 'private' broadcasting did not necessary equate with commercial broadcasting, at least not for several years. As large a shadow as General Electric, the Radio Corporation of America, Westinghouse, and AT&T cast over early radio, the rich texture of early broadcasting came from stations operated by schools, newspapers, churches, religious groups, civic groups, political groups, retail stores, and twentieth century snake oil salesmen (Barnouw, 1966; Rosen, 1980).

The report produced by the Third National Radio Conference, convened in 1924 by Commerce Secretary Herbert Hoover, divided the world of private broadcasting into two groups. One group consisted of radio manufacturers, radio retailers, general retailers, and newspaper publishers—broadcasters who "have a direct interest in the publicity legitimately resulting from their own broadcasting" (Third National Radio Conference, 1924, p. 7). The other group included schools, churches, and other nonprofit organizations (the report also included city and state government agencies in this group). In the First and Second National Radio Conferences a third category, toll broadcasters, was also used. Toll broadcasters charged those who would use their facilities.

'Private' broadcasters could be categorized in a variety of ways; however, the question of how to financially support such "a vital force in American life" was the major underlying issue. Would radio be supported largely through the sale of radio receiving sets? Would radio be subsidized as part of the larger mission of various organizations?

Would radio be supported via some form of advertising? All three options would be practiced in the early years of broadcasting; and policymakers seemed to appreciate that each option had implications for political broadcasting.

U.S. broadcasting had limited experience with intermediary bodies established to parcel airtime to competing candidates, parties, or groups. NBC's practice of forming a committee to screen requests from religious, political, and social groups is the closest broadcasters came to this approach. The committees were formed by the radio network and included men of considerable social standing. "We decided that we ought to have a council of advisers supplementing (our) judgment and policies in these matters and we appointed the Public Advisory Council of the National Broadcasting Co.," according to NBC's Merlin Aylesworth (*Radio Broadcasting*, 1934, p. 132). Of course, any committee or council under the control of a network cannot be considered truly 'intermediary,' but the network experience would lead directly to at least one policy recommendation. In some sense, political parties could also be considered intermediary bodies, since they worked closely with the networks to determine whose speeches were worthy of airtime. In 1933 the Democratic National Committee established strict rules whereby all Democratic party and government officials were required to file a request with the executive secretary of the national committee ("Farley moves," 1933).

Political ownership, including ownership by candidates, parties, and groups; government ownership, including government monopoly and agency, state, or municipal ownership; private ownership, including support via set sales, nonprofit subsidy, and advertising; and an intermediary style system all have some basis in the American broadcast experience. Various policy proposals have picked up on this experience to

articulate ownership related policy, often with explicit concerns for political broadcasting.

In Policy

For most of the history of broadcast regulation, policymakers have held to the principal that the airwaves belong to the public and cannot become private property ("Who owns," 1927). Someone could own a broadcast station, but that station would need a license to broadcast at a particular frequency, power, and location. Even though a license was issued for a limited time period in the U.S., in a real sense ownership also involved owning the license that was issued by the government; i.e., as a Commerce Department official admitted to Congress, a license could be bought and sold from one broadcaster to another (*Radio Control*, 1926, p. 39). Thus, ownership must be understood as ownership of both a broadcast station and a government issued license. This form of ownership had its origins in the Radio Act of 1910 and 1912—it would face only one serious challenge prior to the debate on the Radio Act of 1927. Arguments for a government monopoly of radio transmission took public ownership of the airwaves as a given but would not license stations to a private entity.

The argument for a government monopoly on broadcasting had come and gone by 1923. The experience of World War One was central to proposals for a government monopoly. "The history of wireless communication during this war has illustrated that there ought to be only one agency in control of wireless," Navy Secretary Josephus Daniels told Congress. "It is the only method of communication which must be dominated by one power to prevent interference" (*Radio Communication*, 1917, p. 5).

However, with the development of the ability to send and receive messages at different frequencies, the Navy lost a core justification for monopoly. Marine radio communication would transmit in a different range of frequencies than broadcast communication. Interference with Navy communication was no longer a central issue.

The Commerce Department, by allowing the proliferation of radio stations licensed to nongovernmental entities, essentially undid the government monopoly in radio. The Interdepartmental Radio Advisory Committee (IRAC) decided in 1923 to allow radio broadcasting to evolve as a privately owned and operated business—by then already a de facto reality. The Commerce Department, however, would be the sole regulatory agency—pushing the Post Office and the Agriculture Department to the sidelines. Granted the Commerce Department's only real legal authority amounted to granting licenses when requested, it nonetheless played an active role in radio regulation until passage of the Radio Act and the creation of the Federal Radio Commission.

As noted above, a central underlying issue of ownership was how broadcasting would be financially supported. The closest Americans came to debating an ownership policy were policy discussions on how best to financially support radio. The subsidy of broadcasting via the sale of receiving sets, already much in practice in the early years of broadcasting, had few, but powerful, backers. RCA's David Sarnoff argued, "Broadcasting, in my judgment, will be primarily supported by the radio industry itself and from its returns on the sale of radio apparatus." A modest number of super powered stations would replace the current patchwork of private stations. However, even those backers recognized a subsidy from sales was not the complete answer. Sarnoff acknowledged that some other means of paying for most content would still be needed.

"As the picture will become plainer there will emerge in radio musical foundations, operatic foundations and lecture foundations, endowed or supported by great public-spirited American's who will see in this vast instrumentality of the air another means to become public benefactors" ("Sees radio puzzle," 1924, p. 30).

But there was a bigger criticism of the set-subsidy system. Critics feared the power that would further accumulate to the radio manufacturing industry. The Federal Trade Commission had already warned of a monopoly in the radio industry ("Finds a monopoly," 1923). And Sarnoff's plan only added fuel to the flames. Critics pointed to the dangers inherent in monopoly, not the least of which was the potential for censorship of political ideas. One radio official warned Congress that if monopoly were allowed it would not be difficult to imagine "that only one kind of politics shall be talked about over the radio; that only one candidate can give messages to the people" (*To Regulate Radio Communication*, 1924, p. 36). (More on this below.)

If the radio industry was not capable of completely funding radio, then the amalgam of schools, churches, and nonprofit groups were in far worse position. Indeed, many of these radio stations broadcast on erratic schedules, with great technical difficulty, and with content some considered of marginal quality. The radio industry had been able to afford the losses, but the smaller private broadcasters were seldom able to take the losses for extended periods. The search for a sustainable solution to the "problem of economic support of broadcasting" became an issue of national debate ("Opera stars," 1925).

Even though Sarnoff claimed in 1925 "that most broadcasters have found no way of obtaining direct returns from the listening public," AT&T's WEAF had become a

major broadcaster by accepting advertising support. As apparent as the solution

appeared, policymakers consistently expressed skepticism about the efficacy of

advertising supported radio. A number of policy proposals addressed ways to curb or

eliminate advertising. One particular concern was that programming was presented to an

audience without its knowledge that the content was paid for by an advertiser. As early

as 1924 U.S. Representative Emmanuel Celler of New York proposed that such

advertising practices be made illegal ("Celler would curb," 1924). The issue would be

raised on several occasions. In a congressional hearing on H.R. 7357 in 1925

Representative Davis argued, "I can conceive that propaganda and advertisements might

be paid for and disseminated by broadcasting stations which the public would receive as a

part of a bona fide free program unless advised to the contrary" (*To Regulate Radio

Communication*, 1924, p. 60). The National Association of Broadcasters went on record

as opposed to legislation that required advertising be labeled ("Broadcasters aim," 1925).

Nevertheless, when H.R. 5589 was introduced in 1926 it contained a section that

addressed this concern. The bill stipulated that "all matters broadcast for which money or

other valuable consideration is directly or indirectly paid shall be announced as

'advertising'" (*To Regulate Radio Communication*, 1926, p. 4). Legislation in the Senate

contained essentially the same section ("Revised radio," 1926). The House and Senate

bills that reached the conference committee in the fall of 1926 both contained a provision

that "all 'advertising hours' be announced as 'paid for or furnished' by the advertiser"

("Tags for advertising," 1926, p. IX 18). The provision gained final passage as Section

19 of the Radio Act. It read:

> All matter broadcast by any radio station for which service, money, or any
> other valuable consideration is directly or indirectly paid, or promised to or

charged or accepted by, the station so broadcasting, from any person, firm, company, or corporation, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person, firm, company, or corporation ("Radio Act," 1927).

However, this was as far as the Congress went in addressing advertising. It did not address the use of direct advertising.

The policy recommendations of the National Radio Conferences had also singled out advertising. The First National Radio Conference recommended a hierarchy of radio stations—the highest-class of stations would be permitted to broadcast at the highest power; the lowest-class of stations would be confined to the lowest power (and hence the lowest geographical range of broadcasting). Toll stations, "signifying broadcasting where a charge is made for the use of the transmitting station," were at the bottom of the hierarchy (*To Amend the Radio Act of 1912*, 1923, p. 33). The conference recommended that "toll broadcasting service be permitted to develop naturally under close observation;" however, it also recommended that "direct advertising in radio broadcasting service be absolutely prohibited and that indirect advertising be limited to statement of the call letters of the station and the name of the concern responsible for the matter broadcasted" (*To Amend the Radio Act of 1912*, 1923, p. 36). The hierarchy did not survive the Radio Act of 1927. Toll stations were allowed to evolve and station WEAF eventually acquired favored status.

One attempt at a solution to the problem of financial support for broadcasting took the form of a proposal for an intermediary agency. The winner of the American Radio Association's contest for the best means of funding broadcasting was a plan to tax radio vacuum tubes and use the proceeds to fund a national broadcasting system of 25 to

40 stations ("Would pay radio," 1925). The plan received much publicity but was not translated into formal policy proposals.

Prior to 1927 the United States did not seriously entertain policies to facilitate political ownership of broadcast stations. There was certainly no plan, as there was in other countries (as we will see below), to ensure that station ownership would represent anything like a full distribution of political perspectives in the U.S. In fact, the political broadcasting policy that emerged in 1927 and 1934 promoted internal, rather than external, pluralism. The policy provided: "If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station." However, this was not the final word on political ownership. Since the policy only addressed political candidates, stations still could, and in some cases did, embrace a particular political perspective. For example, following the passage of the Radio Act of 1927, station WHAP, which considered itself a "crusading broadcaster," announced its "principal theme" would be the defeat of Governor Al Smith's campaign for President ("Plan radio drive," 1927, p. 8). And, as noted above, Herbert Hoover partisans in Arkansas offered to establish a radio station to help the Republican's reelection effort. A station was under no obligation under Sections 18 or 315 to be balanced in the treatment of public issues or in the allotment of time to political parties or groups.

But the story of political ownership policy contains one other crucial chapter—a chapter that also speaks to a broader ownership policy and to how broadcasting would be financed. While the airwaves filled with an array of broadcasters prior to 1927, one of

the chief objectives of the Radio Act was to empower the newly created Federal Radio Commission (FRC) to reduce interference among broadcast signals by reducing the number of stations that would broadcast at any one time. The FRC had not articulated an explicit statement of ownership policy when it issued General Order 40 in 1928. The order is considered the FRC's most important ownership related policy (McChesney, 1993; Rosen, 1980). The order, based on its assignments of power and frequency, created a hierarchy of stations. A select group of stations would broadcast at high power and with exclusive right to clear frequencies, other stations would broadcast at a range of lower power and on shared frequencies, and still other stations would be forced to share time with another station at the same frequency (Dunlap, 1928). The FRC stated that the order "will provide an improved standard of radio reception generally and also distribute the broadcasting channels, powers, and periods of time on the air equally" around the country (Federal Radio Commission, 1928, p. 49). Those at the top of the hierarchy had access to the biggest audiences—those at the bottom were limited to small potential audiences and subsequently many stations at the bottom of the hierarchy were forced off the air.

Congress had provided the FRC with only one standard to guide the reallocation of the airwaves—the public interest, convenience, and necessity ("Radio Act," 1927). However, much to the chagrin of many in Congress, General Order 40 had the effect of creating a commercial broadcasting system. The top of the hierarchy was populated exclusively by advertiser-supported radio stations; the bottom of the hierarchy included noncommercial stations subsidized by schools, governments, churches, and various political and civic groups. Stations such as New York City's WNYC were forced to

share time with other stations. The City of New York challenged the FRC's decision

arguing that municipal ownership uniquely qualified it to broadcast in the public interest,

convenience, and necessity ("City of New York v. Federal Radio Commission," 1928).

The FRC disagreed, concluding, "The City of New York, in the operation of its radio

station WNYC, is subject to the radio act in the same manner and to the same extent as a

private individual or corporation" (Federal Radio Commission, 1929, p. 31).

The court challenges and political pressure forced the FRC to articulate its

understanding of the public interest, the basis for its allocation hierarchy, and ultimately

its ownership policy. The FRC argued that the public interest referred to the rights of the

audience and not the senders of the message. Even Section 18, which addressed the

rights of political candidates to equal opportunities, was really focused on the rights of

the audience to receive information from all candidates for an office. The FRC

maintained that each radio station should serve the "entire listening public within the

service area of a station." The FRC, drawing on its decision in the application of the

Great Lakes Broadcasting Company, stated:

> In such a scheme there is no room for the operation of broadcasting
> stations exclusively by or in the private interests of individuals or groups so far as
> the nature of programs is concerned. There is not room in the broadcast band for
> every school of thought, religious, political, social, and economic, each to have its
> separate broadcasting station, its mouthpiece in the ether. If franchises are
> extended to some it gives them an unfair advantage over others, and results in a
> corresponding cutting down of general public-service stations. ... As a general
> rule, postulated on the laws of nature as well as on the standard of public interest,
> convenience, or necessity, particular doctrines, creeds, beliefs must find their way
> into the market of ideas by the existing public service stations, and if they are of
> sufficient importance to the listening public the microphone will undoubtedly be
> available (Federal Radio Commission, 1929, p. 34).

The FRC used this reasoning to force stations such as WCFL (owned by the Chicago Federation of Labor) and WEVD (owned indirectly by the Socialist Party) to the bottom of the station hierarchy. Both stations were able to survive but were forced to become 'general public-service stations' (Godfried, 1997; McChesney, 1993). By the same reasoning, since advertising supported stations took all payers, these stations showed a commitment to all in the community and thus deserved higher power. At least one station was even forced off the air for its political ownership. The owner of station WCOT in Rhode Island lost his license, in part, for using the station "for the promotion of its candidacy for mayor of Providence" (Federal Radio Commission, 1928, p. 152).

Passage of the Radio Act in 1927 and the rulings of the FRC appeared to mark the end of the dial for some policy options. Sarnoff's plan for a system supported by set sales and charitable foundations faded away. A system of political ownership, which received limited support prior to 1927, received essentially no support after 1927. At best, advocates of stations such as WCFL and WEVD struggled to keep those stations on the air.

However, the Radio Act and FRC rulings did not put an end to the search for better systems of ownership nor for the best way of accommodating political broadcasting. Dissatisfaction with the emerging commercial system was high ("Senate to give," 1929). Critics registered regular complaints with the FRC about the growing commercialism of radio and the FRC admitted, "Offensive sales talks are too common" ("Radio board," 1929). Stations vowed self-censorship of advertising ("Radio advertising," 1932; "WHN will censor," 1927), but complaints persisted well into the

1930s (Dunlap, 1932). A national broadcast reform movement was born out of the discontent.

The reform movement struck out in many directions—mostly notably heading an effort to return radio to a government monopoly. The effort received little serious consideration. However, Senator James Couzens introduced Senate Resolution (SR) 129, which instructed the FRC to study several questions related to the viability of government ownership and the elimination or reduction of advertising. The resolution passed in early January 1932. However, the assignment to conduct the study fell into the hands of the FRC and fell off the legislative agenda ("Radio board cold," 1932). The eventual report was harshly critical of government ownership ("Couzens' special," 1932).

An attempt was also made to get federal agencies back in the business of broadcasting. Representative Frank Reid proposed legislation in 1930 to make the FRC set aside three clear radio channels to be used by the Labor, Agriculture, and Interior Departments. The departments would work with nonprofits groups to establish radio stations with each department's interests in mind. Senator Otis Glenn also introduced a similar provision in the Senate. The amendment passed; however, the chair of the conference committee allowed the bill to die with a warning to the FRC to treat WCFL better (Hutchinson, 1931a).

In 1929 North Dakota Senator Gerald Nye introduced legislation to establish a government broadcast station in Washington with a national reach. The station would be open to broadcasts from the executive and legislative branches of government, but would also be available for use in political campaigns. "Political parties could use the station

after setting forth a declaration of principles" ("Nye will propose," 1929, p. 22). The

proposal died; but some interest in a government station persisted (Dimmick, 1933).

Meanwhile, several legislative attempts were made to curb advertising excesses

after congressional pressure on the FRC produced little in the way of change ("Opposes

regulating radio," 1931). Representative Ewin Davis sent a radio bill to the House floor

that would limit advertising on stations over 1,000-watts ("Law makers are vexed," 1932;

"Warns advertisers," 1932). The bill passed with little opposition but faced changes in

the Senate ("Dill would limit," 1933). Senator Dill added controversial provisions,

diluted the anti-advertising measure, and disallowed public hearings. The resulting

changes made the bill impassable (McChesney, 1993). Meanwhile, the consequences of

advertising for political broadcasting began to become clearer. The radio networks

claimed contracts with advertisers and sponsors would preclude full coverage of

campaigns and conventions that fall ("Politics invade," 1932). Sponsored programs

would come before political coverage. The networks were forced to back pedal after

subsequent protests.

Modest attempts were also made to help noncommercial stations regain some

ground on the FRC's ownership hierarchy. Most notably, Senator Simeon Fess

introduced legislation in 1931 to set aside 15-percent of frequencies for educational

stations. The bill did not address other noncommercial broadcast stations ("Education

and advertising," 1931). Despite considerable support the bill was allowed to die

(Hutchinson, 1931a). The idea resurfaced in 1934 in the form of a 25-percent set aside

for nonprofit stations. After an initial defeat it was introduced in the House and again in

the Senate as the Wagner-Hatfield Amendment. The amendment was eventually defeated

in the Senate 42-23 and parliamentary maneuvers in the House kept the amendment from debate (McChesney, 1993).

In the end, the Radio Act of 1927 went unchanged and was incorporated into the broader Communications Act of 1934. The FRC's views on ownership remained the law of the land and Section 18 became Section 315 in the new Communications Act. Dissatisfaction with the arrangement continued, even within the FRC's replacement, the newly created Federal Communications Commission ("Radio programs assailed," 1935). However, Congress backed off and political broadcasting policy began to solidify.

Freedom of Speech

Democratic statesman William Jennings Bryan welcomed broadcast radio to the 1924 election campaign as a godsend to Democrats. "I have no doubt that arrangements will be made for impartial treatment of candidates, and this will give Democrats a much greater relative advantage than they have when they have to rely upon the press, which is quite Republican in the contested States" ("Bryan hails radio," 1922). Press reports following the election indicated the former Presidential candidate's hopes for impartiality were not altogether well founded. Republicans not only won the Presidency, on the whole they received more airtime from broadcasters. Such were the hopes and realities of political broadcasting in the early years of radio. Many held out hope for a level playing field; but problems such as censorship and monopoly loomed.

How would political broadcast policy address the need for political actors to speak with an authentic voice? Some political parties, groups, or candidates found freedom of speech in owning a broadcast station. However, others needed to depend on a

fair playing field among existing broadcasters for truly free speech. That playing field might be a matter of individual stations granting equal access all candidates, groups, and parties or it might entail a range of diverse broadcast venues where candidates, groups, and parties could have their voices heard. In the early years of broadcasting each of these tacks had their practitioners and proponents. Policymakers would have to choose from among at least three strong options.

In Practice

Political candidates, parties, and groups wanted to be heard and broadcast radio was a way to be heard by larger numbers than ever before. Some politicians pursued time on existing stations; others pursued their own stations. As already noted, it was not unheard of for political entities to own stations. For the Republicans in the 1924 election, the control of stations WAHG on Long Island and WHKF in Rhode Island allowed G.O.P. candidates to fill the air during the finals weeks of the campaign. The goal was clearly partisan advantage—campaign officials boasted that the Republican Party "has developed an organized radio campaign which far exceeds similar endeavors of the other parties" ("Weeks to initiate," 1924).

While RCA and the Commerce Department counseled some politicians that they would be better off gaining access to existing stations, some candidates, groups, and parties did not like the terms of access. Not only were costs high, but also some who wanted to speak were excluded or censored. 'Freedom of the air' became a central concern. Thus, the Socialist Party, tired of censorship and exclusion, started WEVD in 1926 (Jaker, Sulek, & Kanze, 1998). A review of published broadcast schedules for the

Socialist Party's WEVD shows a near complete commitment to Socialist speakers and topics from 1926 to 1928 (e.g., see "Today on the radio," 1928). When the American Fund for Public Service announced it was in negotiations to buy a radio station in 1925, the stated reason was to broadcast liberal opinions not available on other stations. Socialist activist and trustee of the fund, Norman Thomas, offered, "For instance, we might have a debate by opposing sides in the present coal strike, something which would be impossible to broadcast under present censorship" ("Radicals to have," 1925). For some, speaking in an authentic political voice meant owning a broadcast station.

For many political candidates, parties, and groups, ownership was not necessary, provided they could gain equal access to airtime on existing stations. Some broadcast stations professed commitment to political evenhandedness; some did not. Among those that did, were stations owned by the major radio interests, General Electric, RCA, Westinghouse, and AT&T. As early as 1922 WJZ, owned by RCA and Westinghouse, broadcast speeches by both Democratic and Republican candidates for Governor and Senator in New York and New Jersey ("Campaign by WJZ," 1922).

WEAF claimed the same policy of fairness was not limited to elections. AT&T official William Harkness explained in March 1924, "Our experience has been that on a controversial subject both sides should be presented, preferably at the same time, more in the nature of a debate by the presentation of first the one side and then the other" (*To Regulate Radio Communication*, 1924, p. 83). RCA's David Sarnoff claimed a similar policy days later. "Any candidate for the presidency of the United States, or other high office, whether he be the candidate of the Republican, Democratic, Progressive, Farmer-Labor, Socialist, Prohibition, or any other lawfully organized party, should, by the very

fact of his nomination by a considerable group, establish himself as of sufficient interest to a sufficient group to warrant a hearing" (*To Regulate Radio Communication*, 1924, p. 161).

The newly formed National Association of Broadcasters, whose membership largely came from the ranks of small and medium powered stations, spent a share of its inaugural meeting in 1923 to discuss how best to deal with parties' and candidates' request for airtime. Delegates to the meeting agreed that airtime should be given to candidates of opposing parties (Benjamin, 2001). A broadcast insider stated, "The industry as a whole believes the air should be free to all within reasonable limits" ("Difficulties beset campaign," 1924, p. 2). AT&T's WEAF claimed to offer its services on a nonpartisan basis in the 1924 election —the speakers just needed to be able to pay for the time.

Candidates clearly faced hurdles. Costs were high. WEAF charged $10 a minute or $400 an hour in 1924 (*To Regulate Radio Communication*, 1924). Other major stations would charge more than $500 an hour by 1926 (*Radio Control*, 1926). Costs for interconnection of stations for major speeches or conventions were much higher. Stations sometimes picked up costs—usually for major speeches by major political figures—and sometimes did not. According to AT&T officials, prices could vary based in the popularity of the speaker—the less popular the speaker, the higher the cost (*To Regulate Radio Communication*, 1926). Meanwhile, stations balked at allowing candidates lengthy speeches. Most tried to limit time to 15 minutes ("May put a limit," 1924). There would clearly be limits to how long and how often a candidate, group, or party could broadcast.

But perhaps the most substantial hurdle was censorship of candidates; i.e., stations refusing airtime to candidates or cutting off a candidate in mid speech. Major and minor episodes of censorship abound from the early years of broadcasting. In 1924 Progressive Party Presidential candidate Robert La Follette had to fight to get airtime comparable to the Republican and Democratic nominees. His inability to secure time on station WHO in Iowa sparked a national controversy ("His charge," 1924).

A Democratic speaker was given access to a station to discuss foreign policy as long as she did not criticize the President's policies. Attempts to arrange a rebuttal to charges made by a government official were thwarted by the same stations that aired the charges. The liberal group, the Foreign Policies Association, secured a broadcast slot on a New York station but was later told "the station preferred to have Republican speakers" (*Radio Control*, 1926, p. 126). Socialist Norman Thomas had radio talks cancelled on more than one occasion when station censors found his script to be too controversial ("Cancel radio talk," 1926). Other speeches, once started, were stopped by station censors ("Examples of radio," 1927; "Socialistic speech," 1927). It was not only radicals that encountered censorship—members of Congress had also been cut off in mid speech ("Celler condemns," 1927). Political speakers had been encouraged to make use of existing broadcast facilities. However, those speakers were not always able to acquire time; nor were they always permitted to speak their minds.

Being denied time on one station would not be so serious a matter provided that the candidate, group, or party could find comparable time on another broadcast station. The sheer number of private stations allowed opportunity for most candidates, groups, and parties to have their voices heard. Even stations that were otherwise considered

partisan would occasionally extend their facilities to political opponents. As noted above, WWL broadcast a speech by presidential hopeful Senator Hiram Johnson, even though the station's owner had endorsed his primary opponent, President Coolidge ("Ford broadcasts," 1924). For most, if there was money, there was a way to get on the air; although not necessarily to reach the expansive audiences available to those in political power. Costs were high—too high for many. And finding the right station to speak one's political convictions without censorship was not easy for those outside the mainstream (*To Regulate Radio Communication*, 1926).

For some, the hope of free speech required a diversity of stations. But that was precisely the problem. If a broadcast monopoly were allowed to grow, many speakers would be denied access to the air. Even though there were hundreds of stations, concerns about monopoly loomed over radio in the early years of broadcasting. The so-called four horsemen of the air, GE, RCA, Westinghouse, and AT&T, were the locus of those concerns. The four had formed a patent pool, creating a stranglehold on producing or even purchasing transmitting and studio equipment (Barnouw, 1966; Bensman, 2000; Rosen, 1980).

AT&T in particular dictated who would get equipment, costs, and the power at which transmitters would broadcast. Some complained bitterly—among them, New York City officials, who did battle in 1923-24 with AT&T over equipping WNYC. New York City's broadcasting supervisor told Congress:

> You might just as well buy a truck from a trucking corporation, under the restriction you shall not use it for business; that you shall not sell it without permission; that you shall run in second gear instead of high; that you shall put no improvement on it; that if you want to go to Boston, you shall not go; or if you want to go to Philadelphia, you shall do so only after having permission from the telephone and telegraph company, under concessions which the telephone

company is now operating, having a monopoly in advertising, toll service, in power, and in the use of remote control (*To Regulate Radio Communication*, 1924, p. 41).

Indeed, the contract that AT&T (which owned toll station WEAF in New York City) offered to WNYC stipulated that the station would not be used for "toll or hire, or for the rendition of any advertising" (*To Regulate Radio Communication*, 1924, p. 41). AT&T claimed it offered reasonable contracts and asked for only a nominal fee to protect its patents. But Charles Caldwell of the Radio Broadcasting Society countered that "not one member of the society could be found who had received an offer of a license [from AT&T] that he could possibly use" ("Opens radio fight," 1924, p. 7).

The four major radio corporations, given their control of patents, had also secured permission from the Commerce Department to experiment with higher power broadcasts. That left the high power stations in the hands of the four corporations. Candidates, groups, and parties had limited options if they wanted to broadcast to the largest possible audiences. A Progressive candidate for Senate found that out first hand when he was denied access to WEAF and told to try other stations. When he approached another high power station, WCAP, he was denied access and told that "an agreement existed for all political broadcasting to be done" over WEAF and WCAP ("Record says Wall St.," 1924).

AT&T also held power in its monopoly on phone lines and technology for interconnection of stations. Some radio stations and many candidates were priced out the market. Chicago stations complained they could not afford to pay $2,500 for a hook up for a 14-minute speech by President Coolidge ("Chicago protests," 1924). "This monopoly is now manifesting itself against candidates for public office who desire to use

the radio for campaign purposes," complained Representative Emmanuel Celler. "It is readily discernible that this cost is practically prohibitive" ("For control," 1924, p. 16). These problems were exacerbated in 1926 when the major radio corporations joined to form the NBC radio network. The network controlled much of the programming on a chain of 21 stations. NBC quickly launched a second chain with fewer stations and more upscale programming (Sterling & Kittross, 2002).

To ensure freedom of political speech, policymakers faced at least three options— to authorize a system of politically oriented broadcast stations, to require that stations give parties, groups, or candidates equal access to time on all stations, or to take steps to ensure diversity in station ownership. America had advocates for all three positions and all three positions were rooted in the American broadcast experience.

In Policy

American policymakers faced competing visions for how to ensure freedom of political speech over the airwaves. And while the American broadcasting experience suggested different options for fostering free speech, that same experience suggested that a number of problems would also need to be addressed—problems such as censorship and monopoly.

The early choice of policymakers appeared to be the 'diversity model;' i.e., the existence of diverse broadcast ownership or diverse broadcast venues. Commerce Secretary Herbert Hoover laid out the problem at the Fourth National Radio Conference. If everyone who wanted to speak had a radio station, the airwaves would be so clogged with broadcast interference that no one could listen. "So far as opportunity goes to

explain one's views upon questions of controversy, political, religious, or social, it would seem that 578 independent stations, many competing in the same locality, might give ample opportunity for great latitude in remarks" (Fourth National Radio Conference, 1925, p. 7). Freedom of speech could be assured only with a vast number of independent stations. Thus, many policymakers were deeply concerned about signs of monopoly.

A bill introduced in the House in 1924 by Representative Wallace White would prohibit monopoly of radio. H.R. 7357 empowered the Commerce Department to deny broadcast licenses to organizations attempting to monopolize radio and charged the Interstate Commerce Commission with policing rates (*To Regulate Radio Communication*, 1924). Hoover professed a distain for monopoly but refused to embrace White's approach, citing a lack of enforcement capabilities. A group of independent broadcasters argued for the legislation. If monopoly was allowed, argued Charles Caldwell of the Radio Broadcasters Society of America, "it might well be that some official of the monopoly company, sitting in the quiet of his executive office, surrounded and protected and away from the public, where he can not be seen, will issue the fiat that only one kind of religion shall be talked over the radio; that only one kind of politics shall be talked over the radio; that only one candidate can give messages to the people; that only one kind of soap can be advertised" (*To Regulate Radio Communication*, 1924, p. 36). Editorials praised the efforts to police monopoly (e.g., "Licenses can be used," 1924), but the legislation languished. Proponents vowed to bring the issue to the Third National Radio Conference in 1924.

President Coolidge spoke to delegates at the 1924 conference and expressed commitment to freedom of the air and opposition to monopoly. "[W]hile we retain the

fundamental rights in the hands of the people to the control of these channels we should maintain the widest degree of freedom in their use." Telegrams opposed to any monopoly flooded Hoover at the conference. Hoover issued a statement declaring confidently, "there is no monopoly in radio today" ("Coolidge opposes," 1924, p. 25). At the same time delegates sparred over RCA attempts to begin superpower broadcasts; i.e., broadcasts that could cover much of the nation. Experiments in superpower broadcasts were approved but, in the same sentence, the conference report insisted, "The Conference is unalterably opposed to any monopoly in broadcasting" (Third National Radio Conference, 1924, p. 14).

Legislation introduced in the House and Senate in 1926 directly addressed monopoly. Among the versions offered, at least two provided that an entity found guilty of monopoly would lose its license to broadcast; at least one stipulated that applicants take an oath foreswearing monopolistic activities ("Revised radio," 1926). Anti-monopoly language made it into the Radio Act in a number of places, but particularly in Section 13. It read, in part:

> The licensing authority is hereby directed to refuse a station license and/or the permit hereinafter required for the construction of a station to any person, firm, company, or corporation, or any subsidiary thereof, which has been finally adjudged guilty by a Federal court of unlawfully monopolizing or attempting unlawfully to monopolize, after this Act takes effect, radio communication, directly or indirectly, through the control of the manufacture or sale of radio apparatus, through exclusive traffic arrangements, or by any other means or to have been using unfair methods of competition ("Radio Act," 1927).

Even before the bill gained final passage critics noted the contradictions in the legislation—contradictions that held the potential to undercut diverse ownership. The Radio League of America concluded that the conference committee report bore the hand

of RCA. A letter from the League argued, "[T]he enactment of the bill at this time can only be looked upon as a congressional permit for a national trust in radio" ("Opposition delays vote," 1927). The League proved in many ways to be prophetic when 23 of the first 25 clear broadcast channels established by the FRC (i.e., channels not shared by any other station) were awarded to stations on the NBC network. The decision meant that during prime listening time, most of the country was faced with the same programming on nearly all the available channels (Hutchinson, 1931b). A letter to the editor of the *New York Times* argued, "To trust one agency [NBC] which has been granted a virtual monopoly not to open its switches on the 'aginst' side of public discussion, or not to restrict its scope of service according to the party or purpose or capacity to pay of the speaker's sponsors, is asking the impossible" ("Control of air," 1927, p. 16).

In reality, policymakers were divided on the policy options at hand. Some clung to the idea embraced since the early national radio conferences of a system of diverse ownership. But others were charting a different course, opting for a system that also had roots in the early radio conferences—a system that treated broadcast stations as common carriers, required to be fair in their treatment of all speakers. The First National Radio Conference had adopted a resolution that stated, "That it is the sense of the conference that (nongovernmental) radio communication is a public utility and as such should be regulated by the Federal Government in the public interest" (*To Amend the Radio Act of 1912*, 1923, p. 32). Granted, the notion of stations as common carriers did not go unchallenged. The Fourth National Radio Conference concluded, "That those engaged in radio broadcasting shall not be required to devote their property to public use and their properties are therefore not public utilities in fact or in law" (Fourth National Radio

Conference, 1925, p. 35). Nevertheless, the idea persisted that stations should give equal time to political candidates and not censor their speech.

During congressional hearings in 1924 Representative Ewin Davis raised the issue of a broadcaster's ability to air a single side of a political or social issue. He pressed RCA's David Sarnoff whether legislation should guard against a one sided use of a broadcast station. Sarnoff replied:

> Well, my recommendation on that is very definite, that where a broadcast station performs a function of public service, or as a common carrier, and charges for the service it renders at that station, it should open its doors to all who may have a legitimate right to use it, and that type of station should be subject to Government regulation, both as to rates, character of service and license. I offer no objection to it (*To Regulate Radio Communication*, 1924, p. 179).

Concerns about the political fairness of broadcasters appeared frequently in congressional testimony; however, neither bill introduced in the House or Senate in 1926 contained a provision related to equal access. But Representative Davis raised the issue again on the House floor. In fact, Davis, perhaps more clearly than most, saw two distinct policy options. Davis argued that if the Congress was not going to adopt "antimonopoly provisions ... with teeth in them," then "we are going to have to regulate the radio public utilities just as we regulate other public utilities." If monopolies are allowed, Davis said, there would be consequences:

> They can permit one candidate to be heard through their broadcasting stations and refuse to grant the same privilege to his opponent. They can permit the proponents of a measure to be heard and can refuse to grant the opposition a hearing. They can charge one man an exorbitant price and permit another man to broadcast for free or at a nominal price (*Congressional Record*, 1926, p. 5483).

The measure died in the House only to be revived in the Senate. The new Senate provision read:

> If any licensee shall permit a broadcasting station to be used as set forth in Section 4 [which specified that purchased airtime must be labeled as such], or by a candidate or candidates for any public office, or for the discussion of any question affecting the public, he shall make no discrimination as to the use of such broadcasting station, and with respect to said matters the licensee shall be deemed a common carrier in interstate commerce; provided, that such licensee shall have no power to censor the material broadcast except so as to prevent false, fraudulent, obscene, indecent, profane, libelous or slanderous statements ("Revised radio," 1926, p. IX 20).

However, concerns about the common carrier provision soon surfaced. Senator Clarence Dill, the sponsor of the radio legislation in the Senate, declared the language was too broad and would stifle the new industry's development. He offered an alternative:

> If any licensee shall permit a broadcasting station to be used by a candidate or candidates for any public office he shall afford equal opportunities to all candidates for such public office in the use of such broadcasting station: Provided, That such license shall have no power to censor the material broadcast under the provisions of this paragraph and shall not be liable to criminal or civil action by reason of any uncensored utterances thus broadcast (*Congressional Record*, 1926, p. 12358).

The language would change again before final passage but as far as freedom of speech was concerned the argument had been settled. The U.S. produced a policy whereby a political candidate would be allowed access to the airwaves via a private broadcaster's station if any other candidate for the same office in the same election were allowed on the air on that station. A candidate could not be censored.

As noted above, a third policy option died in infancy. U.S. policymakers did not seriously consider a plan to encourage political ownership of broadcast stations. In fact, after the Radio Act of 1927, the Federal Radio Commission did plenty to discourage it. Stations such as WEVD and WCFL had been tolerated, but little more. There were few

advocates for an alignment of stations along political lines. When station KTNT in Eastern Iowa was forced to broadcast at the same frequency as a station in Western Iowa in 1927, the owner, Norman Baker, argued that the arrangement was unacceptable—his was a politically progressive station while the other was politically conservative. Baker argued his station (and presumably both stations) should be heard over the entire state. What is remarkable is that Baker was able to rally a number of congressmen to his side ("Progressives enter," 1927). Policymakers did not yet fully appreciate the sea change that their own policies and the FRC were precipitating.

While some either failed to see or refused to accept that diverse ownership would take a back seat to general service broadcasting, the FRC moved forward to extend the policy to what the agency considered its logical conclusion. As already indicated, General Order 40 began to weed out politically oriented broadcasters and rewarded stations whereby "the tastes, needs, and desires of all substantial groups among the listening public should be met, in some fair proportion, by a well-rounded program" (Federal Radio Commission, 1929, p. 34). But, that returned the FRC to the question of whether broadcast stations were then some form of common carrier. The Commission pointed out that while Section 18 did focus on the rights of candidates to equal opportunities, the Section also explicitly left the decision about providing airtime to candidates for a particular public office up to the stations.

Not surprisingly, the Radio Act did not please everyone—complaints of monopoly and censorship continued. As noted above, considerable efforts were made to create legislative protections for diversity in broadcast ownership—efforts that came to naught. Meanwhile, despite frequent complaints, the FRC would have little to say about

censorship. The Commission granted that "under the radio law, American broadcasters would be free to control any utterances except political speeches" ("Prepares to issue," 1927, p. 12). An analysis by the *Literary Digest* would eventually show that broadcasters were less than evenhanded at inviting members of Congress to speak. During the first three months of the new Democratic administration, NBC aired 89 Democratic and 48 Republican speeches. During the first three months of Congress's 1932 session, when a Republican administration was in power, NBC had aired 50 Republican and 20 Democratic speeches.

Nevertheless, the Communications Act of 1934 made mostly editorial adjustments to the Radio Act of 1927. The new Act contained a comparable anti-monopoly provision and nearly identical language to Section 18 of the 1927 Act. The new Section 315 read:

> If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, and the Commission shall make rules and regulations to carry this provision into effect: Provided, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate ("Communications Act," 1934).

Political Airtime

Standing in an auditorium, on a train platform, or atop a soapbox or tree stump, politicians could gain the ear of dozens, perhaps hundreds of citizens. Standing before a broadcast microphone, politicians could reach thousands, perhaps millions. Politicians wanted access to the airwaves and broadcasters created ways to accommodate them. What means did broadcasters create to put candidates, groups, and parties on the air; i.e., what form did the access take? In the American experience, politicians were able to

transmit their messages via broadcast speeches, through broadcasters' on-the-spot

coverage of political conventions and events, by way of broadcaster created forums,

panels, and discussions, via news summaries and newscasts, and through paid

advertisements. But, to what extent did policymakers consider the form of political

access when they crafted political broadcast policies?

In Practice

Broadcasting had begun as a way to give hobbyists and 'listeners-in' something to

listen to. Broadcasters needed people who could talk and talk well. The spellbinder, the

verbally gifted politician who could entertain as he informed and persuaded, saw in radio

a development suited to his gifts. It is no exaggeration to say that spellbinders flocked to

radio to have their speeches boomed to a bigger audience. Parties, groups, and

candidates could not get enough of radio; however, radio soon had enough of politicians.

One leading broadcast programmer despaired in advance of the 1924 election, "The

demand is going to exceed the facilities by far" ("Difficulties beset campaign," 1924, p.

1). Politics filled the airwaves in the early years of broadcasting and most of that politics

came in the form of broadcast speeches ("Air full of politics," 1924).

Radio had been used for speeches on leading public issues from the beginning of

the broadcast craze. An early experiment in broadcasting had been a speech exhorting

listeners to buy bonds ("Speeches from the air," 1919). President Harding made short

work of harnessing radio for political communication, using the medium to "make

himself known and his opinions, his desires and his purposes, directly and instantly

known to a greater number of people than was possible for any of his predecessors." By

mid-1923 the use of radio for speeches had "ceased to astonish to anybody" and was "treated by everybody as a matter of course" ("Familiarity soon," 1923, p. 10). Members of Congress and political figures of all kinds, from national, state, and local levels, added to the familiarity of broadcast speeches.

Broadcasting political speeches took a variety of forms. The most common form in early broadcasting was a speech aired over a single station. If a prominent political figure was addressing a group and arrangements had been made sufficiently in advance, radio engineers could use phone lines to pipe the speech back to a radio station and then over the air. Speakers might also prepare a script and arrange to speak to the public directly from the broadcast studios. Either way, the broadcasts did not end there. Engineers also used phone lines to interconnect stations, thus enabling a speaker to address even more listeners in a larger geographical area ("Difficulties beset campaign," 1924; "Doubts about campaigning," 1924).

The broadcasts involved no small amount of effort and expense on the part of broadcast stations. If the speeches were by notable leaders or on compelling topics, the broadcaster might absorb the expense as a cost of providing a well-rounded program. But just as likely, the speaker would be responsible for some form of payment—the charge might be a flat fee or a charge for costs associated with remote hookup or interconnection. With the advent of NBC and CBS networks, interconnection was formalized, and national political figures had an even bigger and more expensive stage on which to speak.

By the 1928 campaign, candidates, parties, and groups had a better sense of what to expect; but broadcasters still varied in how they handled political speeches. The

networks worked with the major parties to schedule speeches by the Presidential

candidates and by speakers chosen by the parties. In 1928 CBS charged $4,000 per hour;

the larger NBC charged $11,500 ("Campaign orators," 1932). Some stations took

candidates for all offices; some only aired speeches involving major state and national

races; and some aired no speeches at all. Costs also varied. Some charged nothing, some

charged a reduced rate, some a regular rate, and some a higher rate. The director at

WMAQ in Chicago offered, "Inasmuch as we will only allow speakers of wide reputation

opportunity to appear before the microphone, we shall not charge for the time used." The

manager of KTSP in St. Paul, Minnesota, said his station would double its rates for

political speeches. "Our object is to discourage any of the smaller candidates from using

radio to lambaste other candidates. On the other hand, political speeches by important

candidates for office are desirable" ("Broadcasters prepare," 1928).

The broadcast speech, when adapted to radio, also spawned at least one other

form of political communication—the broadcast forum (also called a panel program or a

debate format). For many stations it was as simple as scheduling all candidates in a race

or partisans on an issue to speak back to back. WEAF had made it a practice nearly from

the beginning to achieve balance in the presentation of controversial issues. "If the

subject is one of general interest, we go to the biggest men on both sides of the question

and put on both sides of the debate. We have found, if we put on one side of the case

alone we are in trouble ... but if you put both on, you get a reaction favorable to both"

(*To Regulate Radio Communication*, 1926, p. 58). With encouragement from the

National Association of Broadcasters, other stations adapted the strategy of the forum or

panel to political campaigns. "It is the policy of WBBM to have the various factions

represented within the same hour. This enables us to present both sides to our radio audience under the same conditions," said an official at the Chicago station ("Broadcasters prepare," 1928, p. VIII 13).

NBC, with cooperation from the Senate Broadcasting Committee, inaugurated a weekly series of talks on governmental problems in 1929. NBC claimed the program sought to present congressmen from both parties and all parts of the country ("Senators to speak," 1929). CBS initiated a weekly political forum at the same time. The forum included talks, debates, and light music. Topics ranged from agricultural policy to tariff legislation to "Inaugurations and Their Significance in American Life" ("Senator Borah," 1929).

Perhaps the most memorable form of political broadcasting in the early years of radio was coverage of the party nominating conventions. AT&T's WEAF and RCA's WJZ originated live coverage of the 1924 Republican and Democratic national conventions and, through a system of interconnected stations, sent the broadcasts to stations as far as the South and Midwest. Network coverage in 1928 offered less gavel-to-gavel coverage; but a truly nationwide audience could listen in. Costs were high—in 1924 the Republican and Democratic committees paid line costs for distribution to the connected stations ("Politics mirror radio," 1928). In 1928 the networks footed the bill, calling the coverage an "institutional service" ("Party conventions," 1928). The networks did not offer the same coverage for other political parties; however, as mentioned above, the Socialist Party was able to extract some limited convention coverage from NBC.

Listeners to the Republican and Democratic conventions heard roll calls and committee reports; but they also heard podium-pounding spellbinders and impassioned

keynote speeches. What listeners heard in 1924 depended on the station they listened to, since stations were free to air what they chose ("14 radio stations," 1924). The press reported huge audiences of listeners. "There was truth in the often-made statement that, thanks to this wonderful device, a speaker can have an audience of 'millions' with every auditor receiving, not words only, but his every intonation and expression of emotion, as well as a little of something of what was going on around him—the 'atmosphere of the occasion" ("For once," 1924). While some of the atmosphere was slightly off-color, none of the speeches or events was censored ("Sidelights," 1924). Listeners also received a running explanation from radio announcers on the scene of the convention ("14 radio stations," 1924).

On-the-spot coverage of events was not limited to the political conventions. Broadcasters had been covering events as varied as college football games and the Scopes trial in Tennessee. Hoover's inauguration was a major radio event. The FRC even asked some stations to go off the air to ensure better nationwide reception of the inauguration.

Despite the broadcast coverage of notable national events and political speeches by major public figures, radio did not become a significant news medium until closer to World War Two. The history of broadcast news includes a number of false starts. Radio had been used to transmit news as early as the turn of the twentieth century ("Santa Catalina's wireless," 1903). Newspapers used commercial and Navy radio telephone stations to send news reports from overseas to offices back home (*Radio Communication*, 1917). And radio was used to send news to ships at sea ("Golden horn," 1919). In an

early experiment in 1917 radio inventor Lee De Forest broadcast a program of news and

music for listeners-in ("Music and news," 1917).

But with the advent of broadcasting only a modest number of radio stations would

offer newscasts in their program schedule. Even radio stations owned by newspapers

offered little in the way of news. New York station WBAY (which encountered technical

problems and had to close down; later to restart as WEAF) claimed to be the first to offer

a news program when it hired *Daily News* editor George Thompson to produce the

'Radio Digest' in 1922 ("News service," 1922). Secretary Hoover, in his address to the

Third National Radio Conference in 1924, urged radio stations to work together to create

a news service that would provide broadcasters everywhere with a source of news (Third

National Radio Conference, 1924).

A major obstacle to the growth of broadcast news was the Associated Press's

(AP) policy not to allow the use of its press wire service by broadcasters. Newspapers

that owned radio stations bitterly protested the policy during the 1924 campaign. The

papers wanted to use the wire service to report election returns ("To test rule," 1924).

The following year the AP amended its by-laws to allow the broadcast of wire reports in

the event of "transcendent importance." However, the general ban remained in place

("A.P. modifies ban," 1925). Nevertheless, some stations began to work around the AP

ban, either producing their own newscasts or contracting with local newspapers for news

bulletins. Barriers remained; e.g., the American Newspaper Publishers Association

remained antagonistic to broadcast news and used its power to hold back radio news

development ("Publishers see need," 1931; "Radio head defends," 1931).

The radio-newspaper war was finally settled with the so-called Biltmore agreement in which the radio networks and several independent stations backed out of news operations and aired press service news bulletins twice a day after morning and afternoon papers had been delivered ("Radio news plan," 1933; "Radio news plan," 1934). Broadcast newscasts included the usual stories on political and economic issues; albeit very brief stories. However, the newscasts also included more human interest news than before ("'Human' news rules," 1934). Senator Clarence Dill criticized the Biltmore agreement as an unfortunate forfeiture of radio's right to broadcast news. He called for a broadcast news agency for gathering and disseminating news ("Controversy," 1934). Newspaper interests reacted sharply, calling any national news agency for federally licensed radio stations a semi-official government news agency whereas newspapers produced the news "free from the bias of censorship and governmental influence" ("Radio press fails," 1934, p. 3).

Candidates, groups, and parties were covered in these brief newscasts but the technology had not yet been established whereby politicians' voices would be included in the news. Thus, while a candidate might be talked about, the candidate was not heard doing the talking (Barnouw, 1966).

In many respects the step from paid campaign speeches to paid advertisements was very small—separated largely by length and placement. Speeches that were intended for broadcast had been getting shorter and shorter from 1924 to 1934. Secretary Hoover, campaigning for the presidency in 1928, understood radio better than most candidates. His campaign organized the 'minute-men'—supporters who would deliver 30 five-minute speeches for Hoover, hitting the 30 main points of the campaign. The organizer

of the 'minute-men' reasoned "that no matter how long a political speaker is on the air, only a few [points] are remembered by the invisible audience" ("Radio 'minute-men'," 1928).

The advertising 'spot' did not develop until around 1929 when advertising appeared in breaks in the "Amos 'n' Andy" program on NBC (Hilmes, 1997). There is little evidence that political speakers made use of 'spots.' The paid speeches were considered a part of the station's program and would appear in the newspaper listings for each daily program lineup.

Broadcasters and their clients made a different underlying distinction in programming. Programs were provided either on a paid or sustaining basis. Paid programming could come via direct advertisement of a product or service or is could come by way of indirect advertising or publicity. The latter largely consisted of program sponsorships whereby a company's name was mentioned as the sponsor of the program (e.g., the Eveready Hour) as a means of creating goodwill for the company or brand. Programming carried on a sustaining basis was carried without payment. Instead, broadcast stations absorbed the cost. Some speeches were provided on a sustaining basis; but eventually the standard practice swung to candidates or parties paying for most speeches or talks. Thus, while paid speeches and direct advertising may have remained conceptually distinct, broadcasters and politicians saw an even more distinct line between programming on a paid and on a sustaining basis.

In Policy

Political communication had taken a variety of forms by the time policymakers set out to regulate political broadcasting. Political parties, groups, and candidates gained access to the air through broadcast speeches, panel programs, on-the-spot coverage, news, and, depending on how it was defined, advertising. Policymakers were also keenly aware of the distinction between programs offered on a paid or sustaining basis. It was the distinction between paid and sustaining programming that most concerned lawmakers when it came time to craft policy.

While the Radio Act and Communications Act did not include language that dealt with specific formats for political communication, nevertheless, the wording of the policy proposals reflected policymaker awareness of the difference between paid and sustaining programming. One way of dealing with the difference was to craft language that dealt the same with both kinds of programs. Nearly all of the political broadcasting proposals put forward ensured candidates, or others, 'equal opportunities.' Thus, in a sustaining program, all candidates for an office might be invited to speak and hence all would have an equal opportunity, whether they accepted the invitation or not. In a paid program, all candidates would be given opportunity to buy time at the same rates and hence all would be extended the same opportunity, whether they could afford the time or not. In either case, candidates would be treated in the same fashion and broadcasters would not be permitted to create favorable conditions for one candidate or another (granted the loopholes referred to earlier). Thus, Section 18 and later Section 315 began, "If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such

candidates for that office in the use of such broadcasting station" ("Communications Act," 1934; "Radio Act," 1927).

Another way of dealing with the difference between paid and sustaining programming was to craft language to treat one or the other differently. This was the tactic used in drafting Section 19 of the Radio Act. Since listeners might not be able to recognize if the candidate, group, or party was speaking on a sustaining or paid basis, the Section required that paid programming be labeled as such. The provision applied to all paid programming, not just political broadcasting.

Another form of treating sustaining and paid programming differently in the law was to regulate rates charged to political speakers. "The term 'free speech' is more or less of a misnomer when you have to pay $400 an hour," offered one frustrated observer (*Radio Control*, 1926, p. 125). Representative Davis suggested in 1924 that it might be appropriate to regulate rates "for the protection of the different users and the public, but also to regulate the rates so as to prevent exorbitant charges" (*To Regulate Radio Communication*, 1924, p. 83). He had support from RCA's David Sarnoff, who argued that if stations charged speakers for airtime, they should be "subject to Government regulation ... as to rates" (*To Regulate Radio Communication*, 1924, p. 179). The issue was also raised in a Senate hearing in 1926. Senator Robert Howell questioned a Commerce Department official whether rates had not become exorbitant. "You think the time may come when the services and charges of broadcasting stations should be regulated. Has not that time arrived now?" (*Radio Control*, 1926, p. 94). The idea was brought up again on the Senate floor later that year. One Senator worried, "Only the rich

can afford to use the radio. The fees can be fixed so high that the poor man will not be

able to use it" (*Congressional Record*, 1926, p. 12504).

No rate regulating provision made it into Radio Act of 1927. However, the idea

resurfaced in 1932 when efforts were being made to amend the Radio Act in the Senate.

One proposal would have included a paragraph to Section 18:

> The rates charged for the use of any station for any of the purposes set
> forth in this section shall not exceed the regular rates charged for the use of said
> station to advertisers furnishing regular programs, and shall not de discriminatory
> as between persons using the station for such purposes (*To amend the Radio Act*,
> 1932, p. 12).

Senator Dill pointed to what was at stake. "A station will put its rates so high to

the local candidates that only one of them can afford to use the station" (*To amend the*

Radio Act, 1932, p. 12). Senators also discussed other ways to limit the inequality that

came with disparate campaign war chests; e.g., limiting the amount of time any one

candidate could buy. However, none of the rate regulating provisions survived in the

Communications Act of 1934.

One program related issue received only passing consideration in 1926. Senator

Simeon Fess wondered how the proposed equal opportunities law would apply if

> an individual being a candidate for an office ... might be invited to speak
> somewhere on the occasion of some great celebration where what he was going to
> say would be broadcasted. He would not talk on the subject of politics at all; he
> might be talking on something entirely free from his interests, but in the interests
> of the community at large. I read in this amendment that he could not accept the
> invitation to speak over the radio unless the candidate who might be running
> against him in the same election should be invited likewise to speak
> (*Congressional Record*, 1926, p. 12503).

The bill's sponsor responded that such an eventuality should be left to the regulatory commission to address via its rule making authority. It would be some 30 years before this concern would become an issue again (see Chapter 5).

A Cumulative Policy

Section 18, later 315, constituted the heart of American political broadcasting policy. But it was not the sum total of that policy. Sections dealing with monopoly and with labeling paid programs were also important, as were the rules and orders of the Federal Radio Commission. In the end, the policy would be distinctly different from political broadcasting policies throughout the world.

The U.S. political broadcasting law had four main features: 1) It applied solely to political candidates, 2) candidates would need to gain access from broadcast stations that would be privately owned and nearly exclusively commercial, 3) the stations were required to serve general interests, but monopoly was a distinct possibility and censorship of candidates was forbidden, and 4) the law applied regardless of the type of program or whether the programming was paid or free.

The policy possibilities were many. The American broadcast experience suggested a number of viable options for political broadcast policy. And in nearly every case, there were policymakers to advocate those options. So why did American policymakers, faced with most of the same policy options as other Western countries, construct the political broadcasting policy they did? An explanation is attempted in the following chapter; but first, a brief overview of the political broadcasting policies of some other Western nations, particularly Canada and the Netherlands.

Political Broadcasting Policy In Comparison

By the mid-1920s many American broadcasters and policymakers recognized that American broadcast media was different from the rest of the world's. The popular press carried frequent accounts of media and media policy developments in other nations, particularly Canada and countries in Western Europe. Such accounts were common in the early 1920s, particularly stories that dealt with Germany, Britain, and France. For example, a 1922 story about German radio highlighted two themes: Germany's adoption of a state monopoly of radio ownership and Germany's late start in broadcasting compared to the U.S. ("Hear news," 1922). A story about French radio highlighted the French Cabinet's decree to control all radio broadcasts, much to the objection of opposition parties ("Limits radio," 1923).

The stories in the popular press became more focused after 1930 when critics of American commercial media lobbied for changes that would bring U.S. media more in line with European and Canadian counterparts. Some stories were fairly descriptive; e.g., a story about Swiss political broadcasting rules—rules which, in the abstract, looked very much like U.S. policy ("Swiss radio rules," 1933). Some stories carried a more critical frame; e.g., a story on Canadian plans to nationalize radio ran under the headline, "Sees Canada Plan as Blow to Radio" ("Sees Canada plan," 1932).

It did not take long for American broadcasters, policymakers, and press to recognize American exceptionalism in its broadcast policy. Commerce Secretary Herbert Hoover's opening address to the Fourth National Radio Conference sounded a theme that would echo through government hearings for years to come.

> The decision that we should not imitate some of our foreign colleagues with governmentally controlled broadcasting supported by a tax upon the listener

has secured for us a far greater variety of programs and excellence in service free of cost to the listener. This decision has avoided the pitfalls of political, religious, and social conflicts in the use of speech over the radio which no Government could solve—it has preserved free speech to this medium (Fourth National Radio Conference, 1925, p. 1).

Broadcasters would soon talk of the American plan or way of broadcasting and insist upon its clear superiority (*Radio Control*, 1926).

What sort of political broadcasting policy regimes did other countries craft during this early period of broadcasting? Two countries merit special attention given their general similarities t,o but policy differences with, the U.S.—the Netherlands and Canada.

Dutch media policy provided access to political parties by way of political (and other) groups. Five broadcasting associations emerged in the early years of Dutch broadcasting and were recognized by the Ministry of Public Works: KRO (Catholic), NCRV (Protestant), VARA (Socialist), and VPRO (Liberal Protestant; progressive) by 1923; and AVRO by 1928 (mixed group of amateurs, business interests, and Liberals) (Emery, 1969; Hiemstra, 1997; van der Haak & Spicer, 1977). While it is true that Catholic and Protestant broadcast associations had an undeniable religious character, they were also tied very closely to corresponding political parties; e.g., NCRV aligned with the Anti-Revolutionary Party, the KRO with the Roman Catholic Party, and VPRO with the Liberal Party (Hiemstra, 1997; Humphreys, 1996).

Thus, political groups and political parties were provided access through political ownership of broadcast stations. The stations were supported by subscriptions (largely a donation, for which members received the broadcast schedule for all stations) and patronage from the supporting political and social groups (Emery, 1969; van der Haak &

Spicer, 1977). Advertising was not prohibited, but the associations largely rejected commercial support. Only later was advertising regulated and stations received government financial support (Emery, 1969).

Ownership also served to provide freedom of speech; but only for the parties and groups tied to the main associations. The development of AVRO in 1928 served to create air time for those not connected to the associations; e.g., the Radio People's University and the Humanistic and Idealistic Radio Broadcasting Society (van der Haak & Spicer, 1977). The government played almost no role in censoring particular speech (Emery, 1969).

However, some regulations served to limit some freedoms. Most notably, regulations required the broadcast associations to carry a balanced program of "information and entertainment containing nothing offensive to religion, morals or the spiritual strength of the people" (van der Haak & Spicer, 1977, p. 14). Hence, Dutch policy also addressed the form in which political communication was delivered. In this case, all forms of programming were expected to carry political and social messages of some kind.

Canada had started down a very similar path as the U.S. However, Canada made an abrupt change in 1932 and, in some ways, fell more in step with Western European political broadcasting regulation. However, similarities to the U.S. broadcast policy persisted. Private, for-profit broadcasting predominated in Canada in the 1920s; however a mix of provincial and university stations made for a modicum of ownership diversity. Soon after a royal commission studied broadcasting alternatives, Canadian parliament approved the creation of the Canadian Radio Broadcasting Commission (CRBC). The

CRBC was to create a publicly owned broadcast monopoly financed by a radio set tax. However, the under funded Commission never managed to buy out the private stations and a mixed public-private system emerged. The CRBC was replaced in 1936 with the creation of the Canadian Broadcasting Corporation (CBC). The CBC was more successful than its predecessor in creating a public network and national programming; however the mixed public-private system remained (Emery, 1969; Nesbitt-Larking, 2001; Raboy, 1990).

The CRBC and the CBC were championed as the best hope for free speech. A publicly held or controlled system would promote freedom of the air by ensuring time for social and political groups and by putting the national interest above private ambitions (Raboy, 1990). The CRBC stayed on the sidelines and allowed the political parties to do as they had done in the past, negotiate the broadcast of speeches with the broadcast stations. But the free speech rhetoric also ran afoul with reality—the CRBC had censored some political speeches as too inflammatory and allowed a series of unlabelled political ads by the Conservative Party to air during the 1935 campaign. The problems led to Canada's first explicit political broadcasting policy in 1936 (Nesbitt-Larking, 2001; Nolan, 1985; Raboy, 1990).

The Canadian broadcast policy that emerged in 1936 was geared toward political parties. The CBC would allot free time to parties for major speeches prior to each election. Political and social groups were still assured some access via a politically insulated CBC's neutral reportage and public affairs programming. Parties, groups, or candidates could also still buy time for speeches or advertising on the remaining private stations; however, even this was under CBC supervision (Foster, 1982). Policy

supporters believed this arrangement assured that Canadians would hear diverse political voices and that censorship would be avoided. The supporters argued that private broadcasting posed the biggest threat to diversity and free speech. The Canadian experience in the 1920s showed that commercial interests ignored all but a handful of large metropolitan areas and programmed what was most financially expedient (Foster, 1982; Nolan, 1985; Raboy, 1990).

Canadian political broadcasting policy spoke most directly to speeches from the political parties but also addressed other formats of political communication. The policy specified that "dramatized political broadcasts are prohibited" (Nolan, 1985, p. 184). Again, the larger broadcast policy indicated that neutral news and public affairs programming would include diverse political voices. Public ownership and administration of the CBC was offered as the best guarantee, regardless of broadcast format, of freedom of the air (Foster, 1982; Raboy, 1990).

Fig. 3.2: Political broadcasting policy choices of Canada, Netherlands, and United States in the early years of broadcasting

Political Access: To whom was access granted?	Allotting Access: How was access allotted?	Freedom of Speech: How was free speech addressed?	Political Airtime: What was the form of access?
Candidates (US)	Political ownership (NL)	Ownership (CA, NL)	Speeches (CA, US)
Groups (CA)	Gov't ownership (CA)	Equal access (US)	On-the-spot coverage (US)
Parties (CA, NL)	Private ownership (US)	Diverse venues	Forum, panel, debate (CA, NL, US)
	Intermediary		News (CA, NL)
			Advertising (US)

CA = Canada, NL = Netherlands, US = United States

While these are only crude sketches of Dutch and Canadian political broadcast policies, they serve the purpose to show that other Western nations faced some of the same issues and problems as the U.S. and even considered some of the same policy

options, but in the end produced different policy outcomes (see Fig. 3.2). These

comparative cases will return in Chapter 4 to provide comparative leverage in weighing

the causal factors that ultimately shaped U.S. policy.

CHAPTER 4

Explaining Early Political Broadcasting Policy

Broadcasting had begun with 'the American boy' making a hobby of listening in

to radio communications. The hobbyist could make a receiving set with a few household

supplies and a lot of patience. But when station KDKA in Pittsburgh broadcast election

returns in 1920 something more serious than a hobby was in the making. Electoral

politics helped establish broadcasting and also gave it a significant national profile when

customers rushed out to buy manufactured receiving sets in time to listen to coverage of

the 1924 campaign. An editorialist wrote, "The manufacturers and sellers of receiving

sets doubtless will have their reward in a sudden and large increase of business, but

nobody will begrudge them their prosperity, for seemingly all the innumerable listeners

thought their investment a profitable one" ("As present," 1924). A similar burst of

buying accompanied the 1928 campaign ("Election aids," 1928)—press reports

concluded that radio sales were "assisted enormously by the stimulating influence of the

election" ("Factors in 1928 record," 1928). Candidates, political parties, and political

groups had helped radio reach a critical mass and justified broadcasting as an important

national issue. Broadcasting promised to transform politics and politics would play no

small role in shaping broadcasting. Policymakers in essentially all Western countries

would eventually address political broadcasting. But, how did the U.S. come to the

exceptional political broadcasting policy it did?

The theoretical approach laid out in Chapters 1 and 2 turns our attention to three theoretical factors: material structure, institutional influences, and cultural attitudes, values, and ideas. In this Chapter, we examine the material, institutional, and cultural factors that arose in the contemporaneous circumstances and debate of the 1920s and 30s. While an attempt is made to present each factor in its full ontological force, many broadcast historians will no doubt recognize that additional historical details could be marshaled to make an even more convincing argument for or against any particular factor. Hopefully others will take up the challenge and expand this line of theorizing. However, the fact remains that aside from partial arguments in more traditional historical work, theoretical arguments like those attempted in the remainder of this chapter are extremely rare in the histories of media policy.

Each theoretical argument will be held up to comparative examination. Material, institutional, and cultural factors will be examined in light of the comparative cases of the Netherlands and Canada. The ultimate goal is an explanation for American exceptionalism in political broadcast policy.

Material Structure

Given the chance, advocates of a particular policy improve their odds of success by avoiding messy debates about ideas and values, appealing instead to the safe ground of material facts (Slotten, 2000)—facts derived from the laws of nature and nature's offspring, such as the laws of the marketplace. Throughout the political broadcasting policy debates of the early twentieth century, an appeal to material structures played a sizeable role. By and large, broadcast historians and media policy scholars have accepted

most of these material arguments. Two broad categories of material arguments will be considered here: appeals to technological imperatives and appeals to the laws of the marketplace.

The Laws of Nature

Policymakers had to make some of their most difficult decisions in the light of perceived technological conditions. When the First National Radio Conference was held in early 1922, delegates agreed on at least two things: Firstly, steps needed to be taken to address the overcrowding of the airwaves and the interference that resulted. Secondly, a hierarchy of stations would assure that the most important and worthy broadcasting would warrant the most protection and the least important would receive the least protection. Delegates endorsed four broadcast bands:

> (1) Government broadcasting, signifying broadcasting by departments of the Federal Government;
> (2) Public broadcasting, signifying broadcasting by public institutions, including State governments, political subdivisions thereof, and universities and such others as may be licensed for the purpose of disseminating informational and educational service;
> (3) Private broadcasting, signifying broadcasting without charge by the owner of a station, as a communication company, a store, a newspaper, or such other private or public organization or persons as may be licensed for the purpose of disseminating news, entertainment, and other service; and
> (4) Toll broadcasting, signifying broadcasting where a charge is made for the use of the transmitting station (*To Amend the Radio Act of 1912*, 1923, p. 33).

Given the development of the political broadcasting policy debate, these two recommendations hold remarkable implications. By 1928 the broadcast station hierarchy formed just six years earlier would be stood on its head. Given how political broadcasting policy would develop, understanding how that came to happen is of vital

importance. Meanwhile, the overcrowding or scarcity rationale would remain a constant and form the backbone of broadcast policy for the remainder of the century.

While those involved in broadcasting's early development commonly referred to 'the art of radio,' those same broadcasting pioneers were just as likely to remind policymakers that radio also had to obey the laws of nature. As one inventor told a congressional committee, "[A]cts of God can not be set aside by any legislation" (*Radio Communication*, 1917, p. 155). However, separating the acts of God from the acts of men was not always an easy matter.

Radio communication interference loomed as one of the seemingly intractable problems facing radio users in the 1910s. Commercial companies had entered the business of ship to shore communication, erecting sending stations along the coasts. The U.S. Navy also operated stations for communicating with its fleet and for sending navigation and weather information to the merchant fleet. The growth of sending stations meant that messages often interfered with one another, creating conditions whereby messages were disrupted or not received. With the U.S. three months away from joining World War One, H.R. 193350 was introduced in Congress to essentially create a government monopoly of radio communication stations. The war, already well underway in Europe and elsewhere, added urgency to the legislation; but the bill's chief goal was to reduce interference.

Secretary of War Newton Baker spoke in a metaphor that regulators and lawmakers would readily understand.

> It is very much like having two companies running railroad trains on the same track without complete control by one of the companies. Unfortunately, the transmission of wireless messages is a thing in which interferences are so

destructive that unless somebody controls the means of transmission nobody can succeed in it (*Radio Communication*, 1917, p. 12).

However, even this early appeal to structural realities raised the ways in which structures interacted with human choices to create barriers, though perhaps surmountable barriers. A Marconi Wireless official pointed out Baker's railroad metaphor was even "more exact" than it appeared. Congress had previously established that all general business communication must occur at a single wavelength. "In other words, Congress at the request and after the most energetic efforts of the Navy and other Government departments, compelled all stations to get on the same 'highway,' and as a result there has naturally been some interference" (*Radio Communication*, 1917, p. 193).

The Marconi executive urged that the 'single wavelength law' be changed and that radio inventors and manufacturers be allowed to pioneer better transmitting and tuning equipment to open up more channels for radio communication. These changes did eventually occur. Equipment did indeed improve and multiple channels were opened to broadcasting. But with the explosive growth in broadcasting in the early 1920s, radio was soon back in the same predicament.

Listeners began to vent their frustration. Some complained that the manufactured receiving set that they had sacrificed and saved for was now practically useless because of interference. A listener in South Orange, New Jersey wrote to his congressman in December 1922 that until recently he had been able to listen to a variety of educational and musical programs.

> I got along very well and found the programs very instructive and entertaining until the advent of so many broadcasting stations in this section of the country, that the pleasure and opportunity as heretofore enjoyed has been so

very much interfered with that I can not understand for the life of me why this is permitted (*To Amend the Radio Act of 1912*, 1923, p. 28).

"We can no longer deal on the basis that there is room for everybody on the radio highways," Commerce Secretary Hoover told delegates to the Fourth National Radio Conference. "There are more vehicles on the roads than can get by, and if they continue to jam in all will be stopped." Hoover concluded, "It is a simple physical fact that we have no more channels" (Fourth National Radio Conference, 1925, p. 6). According to Hoover, widening the broadcast band was no longer practical—regulation needed to come "face to face with the problem which we have all along dreaded" (Fourth National Radio Conference, 1925, p. 7).

Several attempts had been made in Congress to regulate broadcasting, but it was 1926 when the broadcast situation had finally garnered the full attention of policymakers. President Coolidge, in his message to the Congress, said regulation was necessary because "many more stations have been operating than can be accommodated" ("President Coolidge," 1928). Secretary Hoover told a congressional committee in 1926 that the time for tough choices had come.

> Now, the primary condition that makes legislation necessary is the congestion in broadcasting. That situation has been existent for some time. I have hoped that natural laws, working with scientific and mechanical advance, would themselves solve the problem without legislative intervention; but such has not been the case and we are confronted with some sort of conclusion in the matter (*To Regulate Radio Communication*, 1926, p. 9).

The finite radio band did not dictate any particular political broadcasting policy option; however it presented an obstacle that all rational policymakers would have to negotiate. Principally, some basis would need to be established to limit broadcast

licenses. Any proposal that would open station licenses to large numbers of applicants would face more skepticism than a proposal for fewer licenses. When the Federal Radio Commission was left to develop its own hierarchy of station ownership, it invoked the scarcity of channels to justify its decisions. "There is not room in the broadcast band for every school of thought, religious, political, social, and economic, each to have its separate broadcasting station, its mouthpiece in the ether" (Federal Radio Commission, 1929, p. 34).

Thus, the FRC settled on a broadcast order that relied on general interest stations; i.e., stations that provided programs for the main tastes and needs of the public. The Commission invoked the scarcity rationale and the threat of interference to buttress its preference for general interest stations; but it also cited another structural consideration. "Obviously, in a strictly physical sense a station can not discriminate so as to furnish its programs to one listener and not to another; in this respect it is a public utility by virtue of the laws of nature" (Federal Radio Commission, 1929, p. 34). The FRC reasoned that a station should not discriminate between its listeners. These structural factors entered into regulators' decision making in forming a political broadcast policy largely in two ways: 1) in how access was allotted; i.e., access would not come via political ownership, and 2) in how freedom of speech was addressed; i.e., parties, groups, or candidates were denied ownership as a means of speaking as they saw fit.

Again, these structural constraints informed regulators' decision making; however they did not necessitate a particular policy. This becomes most obvious with even a cursory cross-national comparison. Nearly all Western countries faced the problem of more speakers than channels of communication. Canada was unique given that in its

large geographical expanses, some remote areas faced a shortage of broadcast stations; however, the same interference problems existed in Canada's largest metropolitan centers. Nevertheless, other Western nations, such as the Netherlands, Britain, and Germany, faced the same 'natural laws' of a finite spectrum as did the U.S., but selected other policy options.

The fact that all receiving sets could receive all radio signals was just as true in countries such as the Netherlands as it was it the U.S. Yet the Dutch devised a radio order in which each station was expected to broadcast to a subset of the population. Nothing about the technology necessitated that radio stations should provide programming of interest to the general population. Ultimately, the method of difference demonstrates that the 'laws of nature' explain little about policy divergence.

The Netherlands did have one very different natural endowment that must be considered. Given the country's small size and its close proximity to other European countries, it initially had only two frequencies available for the entire country (van der Haak & Spicer, 1977). This, of course, made the limited spectrum an even more significant factor for Dutch broadcasters. However, even while the Dutch broadcasters were forced to divide time on the two frequencies, this shortage of spectrum did not produce general interest broadcasters as the American logic suggested.

Slotten (2000) argues convincingly that early broadcast regulators leaned heavily on technocratic rationale for their policy decisions as a means of avoiding messy ideological arguments. But, it should be clear that the biases of technology can explain only so much—the laws of nature may be a necessary component in a historical explanation, but they are not a sufficient component.

The Laws of the Marketplace

Building on the foundation that radio by its nature was a public medium, policy advocates and policymakers argued that the public would ultimately determine the contours of the radio order. Public or marketplace preferences would dictate both radio's development and the best means of regulation. Or put another way, the law of the marketplace meant that broadcasters and policymakers had little choice but to defer to the selective mechanisms of the public's preference. Failure by broadcasters or policymakers to heed the market would result in dysfunction; ultimately the most fit or adaptive radio order would emerge if markets were acknowledged.

Indeed, during the early years of broadcasting, the public's demands received regular attention. Broadcasters insisted that programming emerged from trial-and-error, with a well-tuned ear for error. RCA's David Sarnoff told congressmen in 1924:

> The radio audience, while it is the largest audience ever addressed by a single human voice, nevertheless has become one of the most concrete, responsive forces in America. The speaker who is dull or rasping, or unintelligent, is immediately labeled as such by a preponderance of letters and postcards, and even telegrams, which arrive at the broadcasting station the next morning. The speaker who is forceful, brief, honest and instructive is likewise labeled by the preponderance of commendation that comes in the next mail (*To Regulate Radio Communication*, 1924, p. 160-1).

William Harkness, vice-president of AT&T and head of WEAF, assured would be regulators in 1924, "There are certain things we have found that the public will not accept and which they look upon with disfavor, and those things, of course, we do not attempt to put on" (*To Regulate Radio Communication*, 1924, p. 83). Harkness repeated the theme in congressional hearings two years later, "The response of the public is the thing we are largely guided by" (*To Regulate Radio Communication*, 1926, p. 57).

As broadcasters were more than willing to point out, the marketplace worked very efficiently in radio. "You will find that the people who listen to radio programs are quick to find out what kind of material they are listening to, and by a small movement of the dial, which requires no energy—a split second of time—they can turn to something that they like," offered Paul Klugh of the National Association of Broadcasters (*To Regulate Radio Communication*, 1924, p. 60). In other words, with almost no transaction costs to speak of, buyers-cum-listeners could select one radio program over another.

And as the overcrowding and interference problems suggested, the public did not lack for stations for listening in. Choices were seemingly abundant. But the maintenance of abundant choices was important to a vital, functional marketplace. Hence, the National Radio Conferences voiced an inordinate concern about monopoly. Even though Secretary Hoover assured everyone in 1924, "there is no monopoly in radio today" ("Coolidge opposes," 1924, p. 25), the topic dominated the Third National Radio Conference, played a strong role in all four conferences, and generated several questions in congressional hearings.

The laws of the marketplace were also felt in broadcast regulation. The Commerce Department, which held most of the regulatory power over broadcasting prior to the Radio Act of 1927, made clear it deferred to the marketplace in its decision-making. Commerce Secretary Hoover resisted an elaborate regulatory framework for broadcasting in the early years of radio in a professed deference to the marketplace. In a letter to Representative Wallace White in 1924 Hoover stated that "new developments [interconnection, high-power stations, and indirect advertising] in the art during the last twelve months have taken such a departure as to require somewhat further time for

ascertaining its ultimate result to the public before we can adequately determine the proper course of legislation" ("Hoover opposes," 1924).

Broadcasters could claim that government regulation, particularly of broadcast content, was largely unnecessary given the corrective influence of public opinion. The National Association of Broadcasters (NAB), invoking the law of the marketplace as support, presented a resolution to the Fourth National Radio Conference that made just that point:

> Whereas it is universally agreed that the success of radio broadcasting is founded upon the maintenance of public good will and that no broadcasting station can operate successfully without an appreciative audience; and
> Whereas the public is quick to express its approval or disapproval of broadcast program: Therefore be it
> Resolved, That it is the sense of this meeting that any agency of program censorship other than public opinion is not necessary and would be detrimental to the advancement of the art (Fourth National Radio Conference, 1925, p. 10-11).

RCA's Sarnoff concluded, "I believe that the radio audience alone should be the final judge of interest in every radio program" (*To Regulate Radio Communication*, 1924, p. 160).

Aside from these sometimes-vague references to the will of the market, regulators could point to more specific policy consequences of market mechanisms. Commerce Department solicitor Steven Davis, Jr., who testified before congressional committees frequently in the 1920s, argued that since overcrowding of the airwaves would require a reduction in the number of stations, the public would or should ultimately decide what the optimum number of stations would be.

> I look at it from the standpoint of how many stations do we really need to efficiently serve the American public. To give them all the broadcasting that they want, all the diversity in broadcasting that they desire. I look at it from the viewpoint of the listener and not from the viewpoint of the individual who may

desire to broadcast. Now on that basis we can get all the stations we need within the present broadcasting band (*Radio Control*, 1926, p. 30).

The Federal Radio Commission would invoke another market principle—efficiency—in its allocation of radio licenses (Federal Radio Commission, 1928). Some of the stations operated by civic, religious, and educational organizations did not have the resources to broadcast more than a few hours a day. The FRC argued that since frequencies were at a premium those who could make the most efficient use of the frequency should be awarded the license. This forced many noncommercial broadcasters to share time or off the air, leaving less diversity on the airwaves.

So, how did market mechanisms impact political broadcasting? One could point to a variety of contemporaneous political broadcasting practices that owed their origins to the functioning of or to deference to the market: the high costs of political airtime, the rationing of political speech, the ever shorter time for political speeches, the practice of keeping political radicals off the air or charging them more for airtime, the balanced coverage that became the broadcast forum or panel program, and the practice of granting access via political parties.

While candidates and policymakers questioned the high cost of airtime for political speeches, broadcasters pointed to the laws of the marketplace. One broadcast executive explained in 1924 that candidates were lined up to use his station. "The demand is going to exceed the facilities by far, and some of them are going to be disappointed" ("Difficulties beset campaign," 1924, p. 1). Hence with supply limited and demand high, candidate's demand for airtime would need to be rationed in some way. Charging a sufficiently high rate for airtime would force candidates to limit their time,

look elsewhere, or skip purchasing airtime altogether. This is exactly what happened in subsequent elections. For some stations this meant charging more for political speeches ("Broadcasters prepare," 1928).

Since paid time was expensive, candidates who were paying $10 per minute in 1924 had ample incentive to keep speeches short ("Politics by radio," 1924). Stations, which wanted to build and maintain sizeable audiences, were not anxious to air lengthy speeches. Stations pointed out to candidates that listeners valued brevity in speeches and that they were sure to lose their audience if they held forth for more than 15 minutes ("Brevity," 1928; "May put a limit," 1924). Stations gave candidates little choice but to make their paid talks and speeches shorter ("Lessons," 1932; "May put a limit," 1924).

If broadcasters heeded the tastes of their listeners it would make sense that political minorities with radical views would be left off the air. Stations had the added incentive that their own standing might be compromised if radicals were allowed to speak. As one broadcast executive put it, "As soon as any one side of any question is presented, there are bound to be a certain number of people who will complain that the station is seconding propaganda" ("Difficulties beset campaign," 1924, p. 2). Likewise, it would make sense that those holding relatively less popular views would be charged more for their airtime, a practice which AT&T testified in 1926 that it engaged in (*To Regulate Radio Communication*, 1926) and a practice some smaller stations publicly admitted to as well ("Broadcasters prepare," 1928). Hence, the marketplace was capable of producing negative externalities; i.e., "costs that are borne by individuals other than those involved in the transaction" (Hamilton, 1998, p. 3). From the standpoint of

democratic values, the subsequent majoritarianism and lack of free speech for political minorities would clearly constitute a negative externality.

Broadcasters could point to their willingness to learn from market experience in presenting candidates to listeners—when stations aired a political speech from only one side of an issue, listeners complained and stations subsequently altered their practices to air speeches from both sides back to back. AT&T's Harkness explained in March 1924, "Our experience has been that on a controversial subject both sides should be presented, preferably at the same time, more in the nature of a debate by the presentation of first the one side and then the other, and we have done this sort of thing very much to the satisfaction of the public" (*To Regulate Radio Communication*, 1924, p. 83).

Broadcasters also preferred to work with political parties rather than individual candidates when allotting access to the airwaves. The preference helped keep down costs. Decisions about the allocation of limited airtime proved politically complicated and controversial. Broadcasters could limit their exposure to protracted disputes and negotiate arrangements and charges with only two or three parties rather than hundreds of individual politicians by allowing parties to reallocate airtime to their own politicians ("May put a limit," 1924; *To Regulate Radio Communication*, 1924).

Deference to the marketplace influenced how policymakers approached regulation, in a general sense. As already noted, Secretary Hoover believed in minimal regulation, in part to give markets room to operate. In a more specific sense, the debate over whether broadcast stations should be considered common carriers was influenced by marketplace logic. Some policymakers rejected making broadcast stations provide airtime to all comers on the basis that the government should not "interfere" with a

broadcaster-listener transaction. In other words, broadcasters could not respond to listeners' tastes and demands and could lose some of their brand value. Senator Dill, who had originally included language that stations should be common carriers, later retracted it. "[I]t would be very destructive to the reputations which the radio stations desire to build for themselves" (*Congressional Record*, 1926, p. 12358).

How did policymakers and regulators responding to these emerging practices? Did the political broadcasting policy embrace the logic of the marketplace or attempt to undo the effects of marketplace? In some cases lawmakers simply codified these practices into the law. Policymakers accepted charging for political airtime as a means of rationing political speech and creating financial barriers to poorly financed candidates. Congress would accept and codify the practice of balanced political coverage. For the time being, lawmakers did little to address the high cost of airtime or the movement of shortening political speeches to spot-length announcements. However, the political broadcasting law would explicitly forbid the practice of charging some politicians more than others for airtime. The law would deny broadcasters the right to exclude radical politicians from the air provided an electoral opponent was afforded airtime. The law also pushed broadcasters to negotiate airtime on a candidate-by-candidate basis. Thus, in what sense does the law of the marketplace explain policy outcomes?

Put another way, should these claims of a functional marketplace be taken at face value? Do the laws of the marketplace explain political broadcasting policy outcomes? If one is looking for a categorical response, the answer is 'no;' based simply on the fact that lawmakers codified some market practices and forbade others. But, if we are searching for a more nuanced answer, might we conclude that the laws of the

marketplace do explain at least some policy outcomes? To answer that question, some additional issues need to be addressed: Was there an adequate selection mechanism for a market outcomes? Were there empirical bases for the outcomes attributable to the market? And what about the case of advertising—how did advertising support come to dominate broadcasting when there was such strong public opposition to the practice?

No less than Secretary Hoover himself pointed out a significant flaw in claims of market responsiveness. He told the Fourth National Radio Conference in 1925 that as committed as broadcast stations were to pleasing listeners, they differed from their counterparts in the print media.

> A newspaper survives upon the good will of its subscribers. It has intimate knowledge of their number, and there is a delicate and positive sensitiveness in the reflex of their good will or ill will; but the broadcasting station has little knowledge of the number of its listeners and much less ability to judge their ill will or good will. There is no daily return of rise and fall in circulation (Fourth National Radio Conference, 1925, p. 7-8).

Hoover speculated that some stations might not be broadcasting to more than a handful of listeners. Broadcasters would put stock in letters and telegrams; but these were crude selective mechanisms. No measures of audience size and only the most vague gauges of audience satisfaction were available. This begs the question of how broadcasters could respond to market demands.

In an exchange with David Sarnoff before the House Committee on Merchant Marine and Fisheries, Representative Ewin Davis raised what he considered another flaw in responsiveness to the marketplace. Sarnoff stated that the best way to judge whether a program served the public interest was "whether the public wants to listen to it or not. If it does not want to listen to it, it has a very simple remedy—turn it off." But Davis was

unconvinced. "I do not think it resolves itself around simply a question of whether uninteresting or objectionable matter may be sent over a broadcast station, because some of the most effective and insidious propaganda is sometimes attractive" (*To Regulate Radio Communication*, 1924, p. 176). In other words, Davis questioned whether the selective mechanism actually selected the best programming or programming in the public interest and thus assured a functional broadcast market.

The argument that the marketplace, via the ability to buy and sell stations or via the skill at meeting the public's needs and desires, would select the broadcasters most fit to operate those stations, runs afoul with some empirical evidence. The biggest, most powerful stations—e.g., WEAF, WCAP, and WJZ—did not change hands. The four horsemen of the air did not get the best stations by providing the best programming to the public or by buying their way to the top; they were granted these high-powered stations by the Commerce Department. The use of monopolistic practices, such as the formation of networks to decrease the public's program selection options, could and, in some cases, did shield the stations from subsequent free competition.

Senator Frank Gooding raised this issue of a government-granted monopoly in the midst of a discussion about whether the big stations were setting reasonable charges when they demanded $500 or $600 for an hour of broadcast time. The Commerce Department's Stephen Davis assured Gooding that broadcasters were just charging what the marketplace would bear. "[T]he people who are willing to pay $500 or $600 dollars an hour to a given station do it because they think that they will get more publicity out of that payment than by paying $50 an hour to 10 other stations, I assume." Gooding responded, "Then a franchise given by the Government to one of the larger broadcasting

stations is worth a great deal more than where there is only a license to a short wave length" (*Radio Control*, 1926, p. 93). The higher operating power was not a 'natural' endowment, but a regulatory choice (more on this in the next section). An owner of one medium size broadcast station lamented to Congress that the high-power stations were the "first step in the monopoly of the air," the first step toward "concentration" (*Radio Control*, 1926, p. 154). A would-be owner warned that high-power stations were "trouble" if the goal was "to keep radio democratic" (*Radio Control*, 1926, p. 201).

The problem of monopoly practices is also vexing. If such practices existed, then marketplace mechanisms would not be reliable (Kuttner, 1997) and a significant empirical problem exists. Even after Hoover had boldly proclaimed in 1924 that monopolies did not exist in radio, worries about monopoly practices reappeared in hearings in 1926 when the practice of buying and selling stations came under scrutiny (*Radio Control*, 1926). Here was another way in which the marketplace functioned— stations with a license to broadcast to a large geographical area were highly desirable to capital interests. If the best stations were in the hands of those best able to afford them and presumably to further develop them, then the marketplace was simply doing its job.

Meanwhile, the rise of NBC, the first radio network, raised concerns in 1926 about another kind of monopoly. Senator Clarence Dill quizzed the Commerce Department's Stephen Davis how chain broadcasts had come to decrease programming options for listeners. Davis replied that given the very recent development of NBC the department had not given the matter much attention. Dill probed for a solution. "[I]t has seemed to many people, at least many who have written to me, that when stations are carrying on chain programs that they might be limited to the use of wave lengths

adjoining or near enough to one another that they would not cover the entire dial" (*Radio Control*, 1926, p. 123). Davis would answer only that a solution of all chain stations broadcasting on the same frequency would create technical problems in areas where signals overlapped.

The problem surfaced again after the creation of clear radio channels by the FRC. Nearly all the clear channels had gone to network affiliated stations, thereby blanketing the radio dial with the same programming. Regulators ultimately did little to police this kind of monopoly practice and a market mechanism was short-circuited.

As responsive as broadcasters may have been to many of the public's tastes, listeners still complained vigorously about the ballyhoo of broadcast advertising. Letters flowed in to the Commerce Department, congressional offices, and newspapers, demanding that something be done about the radio advertising ("Celler would curb," 1924; Fourth National Radio Conference, 1925). And it was not just listeners who objected to advertising. Radio engineers and inventors, led by Dr. Lee De Forest, decried radio commercialism for nearly a decade. De Forest predicted in 1925 that radio as a whole would suffer but that eventually stations without ads would be in most public demand ("De Forest denounces," 1925). Many broadcasters also objected to advertising. The American Radio Association formed an anti-advertising committee to try to stop the practice ("Radio men oppose," 1924). Secretary Hoover lectured broadcasters that "the quickest way to kill broadcasting would be to use it for direct advertising" (Third National Radio Conference, 1924, p. 4). When the FRC took public comments on how it should regulate radio it received over 3,000 letters—the consensus according to the FRC:

"Direct advertising wares must be either entirely prohibited or greatly restricted" (Federal Radio Commission, 1927, p. 8).

One could argue that a market correction did indeed occur. While some direct advertising continued, most broadcasters had switched to indirect advertising. Thus, instead of a product pitch with price information, ads became subtle, mentioning little more than the sponsor's name. In 1924 Hoover was leery of the future of indirect advertising, such as sponsored programs, but concluded, "only experience with the reactions of the listeners can tell. The listeners will finally decide in any event" (Third National Radio Conference, 1924, p. 4). AT&T's William Harkness assured Senators in 1926 that the marketplace would do its job.

> The thought behind the broadcasting in the mind of these clients is to create good will for themselves. They are advertising their products. And if you will note the advertisers I think you will agree that business men of their ability are not going to spend their money by broadcasting something that will create ill will, so you can rest assured that they are endeavoring to do a very high-grade job in broadcasting (*Radio Control*, 1926, p. 222).

The fact remained that complaints about advertising persisted—contemporaneous reports leave little doubt that disgust was widespread even after the evolution of indirect advertising in 1924. But, without a census of listeners or a scientific sample of audience tastes, it would be difficult to judge definitively whether the stations were responsive to the market or not. If we are to accept the public's criticism but also give a market argument the benefit of the doubt, there is one other explanation to offer. Economists might cite the a prisoner's dilemma (although some point out the prisoner's dilemma is less a law of the marketplace than an exception to marketplace logic) (see Black, 1990).

The principle of the prisoner's dilemma holds that if broadcasters cooperated to limit advertising all would benefit because there would not be a public outcry or need for regulation; but any single broadcaster could reap additional rewards by not cooperating since that one broadcaster would amass advertising revenue without the outcry or the regulation. There is ample evidence to support such a scenario. Thomas Logan, chair of the American Association of Advertising Agencies, explained in 1925 that a gentlemen's agreement among the major radio broadcasters and Secretary Hoover held "back a flood of indiscriminate broadcast advertising that might have damaged radio irreparably" ("To weigh," 1925, p. 25). However, AT&T made no such agreement and existed largely to provide advertising. Thus, it would be rational and follow marketplace logic to all use advertising to some degree. In other words, the gentlemen's agreement would break down if AT&T could exploit it.

However, the prisoner's dilemma-case for advertising does not ultimately explain why the listening public would not just turn the dial when advertising came on and thus drive the broadcasters with advertisements off the air. The advertisers' ability to create highly popular programs suggests that listeners were willing to pay the cost (listening to ads) to gain the benefits (entertaining programs), and thus behaved rationally according to market logic. Indeed, one listener's letter-to-the-editor of the *New York Times* lauded the benefits that advertising concerns brought to radio.

> Each of these concerns has furnished me with untold hours of enjoyment—they have saved me many times the cost of the things I have purchased through hearing their names and products mentioned—because it has been possible for me to sit in my home and listen to any type of music or talk that suited my fancy, and if I did not like to listen to what was broadcast I could tune it out (Johnson, 1926, p. VIII 16).

Nevertheless, audience reactions to advertising in the early years of broadcasting largely remain in a black box. In fact, even in the modern age, audience reactions to broadcasting remain something of an enigma (Napoli, 2001, 2003).

A marketplace explanation rests heavily on whether an open market truly existed. As already noted, the evidence for monopolistic practices suggest that institutional practices played an important part of this story (more in this in the next section). But, we can also gain some insight by examining other broadcast 'markets,' namely the broadcasting environment in the Netherlands and Canada. Both countries also avoided early regulation of radio and both permitted broadcast advertising. If the marketplace is explanatory, we should expect to see at least three of the main features of political broadcasting policy in the U.S.: that political actors would need to gain access from broadcast stations that would be privately owned and nearly exclusively commercial; that the stations would be required to serve general interests without candidate censorship, and access would be more geared to paid rather than sustaining programming. Before Canada adopted government regulations in 1932, the Canadian situation looked remarkably similar to the U.S. in how and where candidates gained access. However, that all changed with the creation of the Canadian Radio Broadcasting Commission (Nolan, 1985; Raboy, 1990). Meanwhile, Dutch broadcasters eschewed advertising in the early years of broadcasting, created the exact opposite of general interest broadcasting, and gave candidates access via sustaining instead of paid programming (Hiemstra, 1997; van der Haak & Spicer, 1977).

Some scholars have maintained that much can be explained via the laws of nature and laws of the marketplace. For example, Besen concludes, "Television networks arise

because of the interplay of physics and economics" (1984, p. 5) (a conclusion that will be challenged below). However, a comparative perspective highlights that despite common physical and economic challenges, the U.S., Canada, and the Netherlands adopted different policies. These points of difference raise questions about how determinative the laws of the marketplace were. Of course one can raise of number of contingent conditions that worked in conjunction with markets to produce divergent national political broadcasting policies. After examining institutional and cultural factors we will be in a better position to judge the contribution of the laws of the marketplace to the policy outcomes.

Institutional Influences

An institutional explanation of political broadcasting policy outcomes must deal with a number of institutions. Much of the institutional analysis in political science has examined the role of the state in policy outcomes; and this will be a fruitful place to begin. However, other institutional arrangements in civil society also need to be considered. Most importantly, we need to consider the role of media institutions. This section will conclude with a brief consideration of other institutions in civil society.

Government Institutions

All Western governments developed some regulatory regime for radio. Which government agency should be the regulator was one of the first fundamental facts of policy direction. In the United States three existing agencies vied for a role in broadcast regulation—the Navy, the Post Office, and the Commerce Department. When the time

came for Congress to craft legislation, it created a new agency, the Federal Radio

Commission. However, as we will see, even a new agency came with an institutional

history. Each potential regulator brought a different vision to broadcast regulation. The

ultimate winners in the regulatory battle would also emerge with their own rules and

practices. Looking to institutional alignments and institutional rules and practices should

explain something of the political broadcasting policy that emerged in the early years of

broadcasting.

Marconi's invention, the technology to send an electronic signal from a

transmitter through the air to a receiver, first found widespread practical use in the

world's great navies at the turn of the twentieth century. The U.S. Navy took great

interest in radio's development. Then a form of point-to-point communication, radio was

still a radiotelephone. The Navy operated a system from 1904 to 1912 that sent weather

reports, navigational warnings, and news to ships. But even from the beginning the Navy

had challengers. Radio hobbyists or amateurs broadcast regularly, at times interfering

with maritime radio users. Meanwhile, private firms were in the business of commercial

communication services with the merchant fleet.

The Navy, tired of interference among commercial sending stations and

concerned that improper use of commercial stations might compromise U.S. neutrality in

World War One, lobbied for a Navy-led, government monopoly for radio (*Radio

Communication*, 1917; "Urges wireless," 1917). Before legislation could be passed, the

country mobilized for war and the government invoked its powers under the Radio Act of

1912, taking over private radio firms. After the government bought out Marconi and

other transmitting stations, the Navy owned all but 15 stations in the U.S. At the

conclusion of the war, the Navy resumed its efforts at a government owned monopoly (*Government Control*, 1918; "Wilson approves," 1918). However, the Navy's move was met with outrage in some corners, labeled by critics as "despotic and un-American" ("Wireless situation," 1918, p. 512). Congress voiced its disapproval by voting to withhold some money from the Navy (Rosen, 1980).

Others in the Navy radio office were laying different plans for after the war. Radio Commander Stanford Hooper and Rear Admiral William Bullard approached General Electric to develop an American alternative to the Marconi enterprise, an alternative that would complement the Navy's system and keep a key resource in American hands. When the war ended, GE was ready to launch its subsidiary, the Radio Corporation of America. With the Navy's help RCA bought some 2000 patents and negotiated agreements with GE, AT&T, and Westinghouse—making RCA the leader in American radio and giving the Navy the order it wanted ("Direct radio," 1920). However, radio was still considered nothing more than a wireless telephone.

Meanwhile, the Post Office was also working for a government monopoly of radio, but wanted radio under its own office of communication. The Post Office had a hand in administering radio firms during the war and left the firms in strong financial condition when the war ended ("Control of radio," 1921; Rowland, 1997b). The Post Office had also received appropriations from Congress for its own wireless operations and collaborated with the Agriculture Department to begin sending weather and market reports in 1920 ("News of markets," 1921; "Wireless now carries," 1921). Harding administration Postmaster Will Hayes wanted to use the radio technology to extend the Post Office's services, using radio as a public service and built radio stations at a number

of airports. Given Hayes good relationship with Harding, the Post Office was able to

open a radio system that connected Washington, D.C. to the West Coast (*Radio*

Broadcasting, 1922).

The third government agency with an interest in radio was the Commerce

Department. It had gotten involved when it was charged with enforcing the Wireless

Ship Act of 1910. In fact, the 1912 Radio Act gave the Commerce Department

supervision of all private, interior stations; i.e., stations that transmitted messages for

business or private purposes (*Radio Communication*, 1912). In 1916 Congress gave

funds to the Department to do experiments and research in radio. When Secretary

Herbert Hoover took over the Commerce Department he laid plans for an ambitious post-

war program—plans that included radio (Rosen, 1980).

The departments squabbled frequently for an upper hand in the opportunity to

regulate radio. The fight was far from a level playing field. The Post Office had already

lost out in its efforts to gain government ownership and control of the nation's telegraph

system in the nineteenth century. The Post Office had also been passed over in the Radio

Act of 1912 when the Commerce Department was given licensing authority for radio

transmitting stations. The Post Office had also gone toe to toe with the Commerce

Department in 1917 when attempts were made for a government monopoly of radio.

Postmaster General Albert Burleson had written to the committee chair, "I beg to

recommend that the words 'Postmaster General' be inserted wherever the words

'Secretary of Commerce' appear and that the words 'Post Office Department' be

substituted for 'Commerce Department' wherever the latter term appears" (*Radio*

Communication, 1917, p. 96). The Post Office did not get its way, but the larger bill faded away when the U.S. entered World War One.

The explosive growth of privately owned broadcast radio stations quickly diverged from the monopoly plans of the Post Office and Navy. The Post Office and the Navy had been working with the Commerce Department in what they believed was a coordinated effort at unified control ("Control of radio," 1921). However, with the emergence of broadcasting Secretary Hoover moved to strengthen the role of the Commerce Department in broadcast radio. While the Post Office and the Navy continued to advance their cases for radio control, Hoover got President Harding to call the First National Radio Conference under the Commerce Department's stewardship ("Harding moves," 1922). To no one's surprise the radio conference resolved that the Secretary of Commerce should be in charge of radio regulation ("Urges federal rule," 1922). The radio conferences agreed and Hoover implemented an expansion of radio frequencies for news and entertainment broadcasts and for agricultural and weather information (*To Amend the Radio Act of 1912*, 1923).

The Interdepartmental Radio Advisory Committee (IRAC), made up of the Navy, Post Office, Commerce Department and others, was formed in 1923; but by then the Commerce Department was the entrenched leader in radio regulation. The Navy had signed off on the recommendations of the First National Radio Conference that gave the government the right to take over all broadcast stations in the event of war, effectively bowing out of the battle to control radio (*To Amend the Radio Act of 1912*, 1923). The Post Office, however, went on the offensive, proposing an office of communications under its control. A House resolution to create a Post Office broadcast monopoly

received little support. Meanwhile, the Post Office's partnership with the Agriculture Department was broken when the IRAC took the market news service away from the Post Office, therein effectively defeating the Post Office plans once and for all (Rosen, 1980).

Two administrative agencies, the Post Office and the Commerce Department, had battled to the end. The vision for radio offered by the Post Office, the battle's eventual loser, has received little attention from media historians and the few histories in which it does appear treat the Post Office's plan with bewilderment. The plan was not as strange as it may seem. A highly professional Post Office had taken aggressive steps in the early twentieth century to expand its services, even wresting parcel delivery away from private hands (Carpenter, 2001). The Post Office saw itself in the information moving business and radio technology was just a new way to move both public and private information. And as Postal officials frequently pointed out, most Western countries had put their Postal authority in charge for radio communication (*Radio Communication*, 1917).

So why did the Commerce Department win out at this stage in the regulatory battle? Was it simply a matter of rationally actualizing commercial values in the most logical government agency? The Commerce Department had landed a central role when Congress gave the agency licensing authority and supervisory duties under the 1912 Radio Act. Of course, this decision was made when radio was still point-to-point communication. This small choice would have big consequences, since it placed the Commerce Department at the center of frequency and license allocation.

Much of the credit can also go to the institutional, organizational culture of the Commerce Department. Carpenter (2001) argues that government departments gain legitimacy through developing networks, building reputations, and by launching

entrepreneurial experiments. Each of these organizational aspects reinforced each other, making the Commerce Department a considerable force.

The Commerce Department had built networks with both private broadcasters and public agencies. Secretary Hoover courted private broadcasters throughout the national radio conferences. Entrepreneurial experiments were frequent and effective. For example, the Department's scientific research units helped in the development and implementation of broadcast technology, often sponsoring conferences to deal with problems. The Commerce Department cultivated its own reputation by emphasizing its neutrality—the Navy and the Post Office were both involved in broadcast programming whereas Commerce was not.

While the Post Office had cultivated networks with the Agriculture Department, those bonds had been broken by the IRAC. It had few other relationships to gain leverage. While the Post Office had gotten some money to experiment with radio stations, the Commerce Department turned these entrepreneurial experiments against the Post Office—while Hoover argued for a single regulatory authority, he dismissed the Post Office as a mere user of radio, and a biased user at that. In the end, the Post Office was not only isolated, but lacked the legitimacy that the Commerce Department had attained from its established regulatory role.

The emergence of the Commerce Department as the nation's broadcast regulatory authority in the early 1920s would impact political broadcasting development in a number of ways. Perhaps the most obvious effect was in moving broadcasting closer to an order where political actors would need to gain access from broadcast stations that would be privately owned and largely commercial. But this happened slowly and

inconsistently. The movement toward a commercial radio establishment held several more twists and turns. Just as important as the Commerce Department's initial victory in the regulatory battle is the Post Office's defeat.

The defeat of the Post Office plan was the first notable loss for the advocates of noncommercial and government owned broadcasting. The loss was suffered, however, before noncommercial advocates had galvanized into a political force. While complaints of government favoritism for the large radio corporations were frequent ("Coolidge opposes," 1924; *To Regulate Radio Communication*, 1924), supporters of noncommercial broadcasting did not seriously organize until radio had already tilted toward commercialization (Hutchinson, 1931a). The decision by Hoover and others in the Republican administration to sit on the regulatory sidelines while the 'industry' sorted itself out ("Hoover opposes," 1924) was, in effect, a policy choice. Without funding from the government or from a fee on the sale of receiving sets, the option of advertising support became one of the only remaining options. Efforts to dismantle a commercial radio establishment would subsequently run into seriously entrenched interests.

However, the creation of a commercial radio establishment happened slowly and was not sealed until the FRC's General Order 40. Some features of the early broadcasting landscape need to be kept in mind. Firstly, some thumbnail sketches of broadcasting policy history ignore noncommercial forms of broadcasting. For example, Krasnow, Longley, and Terry assume radio as early as 1922 was a business, using the term "free enterprise" to describe broadcasting (1982, p. 11). The truth is that while some saw radio as a business, many broadcasters did not. Vibrant commercial and noncommercial stations broadcast throughout the period (*Radio Control*, 1926).

Secondly, advertising and the large corporations were both viewed with suspicion (Third National Radio Conference, 1924). A gentlemen's agreement was required to tame the role of advertising and sponsorships ("To weigh," 1925). And nearly everyone feared the monopoly potential from the four horsemen of the air (Third National Radio Conference, 1924). Thirdly, while America may have embraced capitalist or commercial values, the voluntaristic ethic represented by noncommercial radio was also valued.

At the time the Radio Act was signed into law in February 1927, very few of the lead actors in the story of radio policy were advocating a commercial broadcasting system—many clung to the policy option of a diverse broadcast system as the best guarantee against both monopoly and subsequent limits on free speech. No less than Commerce Secretary Hoover clung to the hope of a system with diverse ownership. "So far as opportunity goes to explain one's views upon questions of controversy, political, religious, or social, it would seem that 578 independent stations, many competing in the same locality, might give ample opportunity for great latitude in remarks" (Fourth National Radio Conference, 1925, p. 7). No less than RCA's David Sarnoff opposed a commercial system, arguing that broadcasting "should be free from fees or tolls [i.e., advertising] of any kind" (*To Regulate Radio Communication*, 1924, p. 160).

As much as broadcasters and policy leaders worried about overcrowding and interference, as much as they lauded the role of the marketplace, the key institutional actors did not embrace what today many would consider the logical outcome of the marketplace—an advertising-supported system of general interest broadcasting. Does that mean that an institutional argument cannot explain this important media policy outcome? To give an institutional argument a full hearing we need to consider how the

institutional location of key actors might have played a role in policy outcomes and we need to analyze how institutional practices entered into the policy battles.

Funding options had become very limited—with direct government funding all but foreclosed since the defeat of the Post Office plan, funding would have to come from somewhere else. A tax on receiving set tubes received some support. The idea of a tube tax was the winning entry in a widely reported contest that sought a solution to the radio funding dilemma ("Would pay radio," 1925). However, the support of radio through indirect or direct advertising was widely touted as 'free' broadcasting. "The decision that we should not imitate some of our foreign colleagues with governmentally controlled broadcasting supported by a tax upon the listener has secured for us a far greater variety of programs and excellence in service free of cost to the listener," Secretary Hoover concluded (Fourth National Radio Conference, 1925, p. 1). Hoover was far from alone— members of both the House and the Senate frequently referred to free radio (*Radio Control*, 1926; *To Regulate Radio Communication*, 1926). Whether deliberate or not, lawmakers' reference to free radio certainly qualifies as an obfuscation strategy. An "obfuscation strategy" is an institutional practice of shielding buyers or citizens from direct costs via less direct means; in effect, "manipulating information" about a policy choice (Pierson, 1994, p. 19). In this case, the consumer would pay for radio one way or another—either through a tax on radio tubes or through higher prices on advertised goods or services. Hence, the practice of obfuscation would allow radio to be funded in a way that was politically palatable.

A consensus had emerged that signal interference and spectrum overcrowding were the central regulatory problems to solve. Since licensing had been the chief method

of addressing these problems, seemingly all policymakers were behind an agency with authority to grant and revoke licenses (*Radio Control*, 1926; *To Regulate Radio Communication*, 1926). While the House and the Senate disagreed over whether a new commission should be created or whether the job should remain with the Commerce Department ("Opposition delays vote," 1927), bills in both chambers agreed that the standard for awarding licenses and assigning frequencies would be in the public interest, convenience, and necessity. The standard itself had been used for regulation of public utilities and had been "applicable to interstate railroads under the transportation act of 1912" (*To Regulate Radio Communication*, 1926, p. 25). In those settings, the public interest came with operational baggage. The standard also reflected the way in which broadcast radio continued to be viewed by Congress; i.e., as a utility. Thus, even though Congress cut language that labeled radio a common carrier, the assumptions did not disappear as easily. This was most obvious in Section 18 of the Radio Act ("Radio Act," 1927).

Meanwhile, the commission form of governance itself came with established expectations, modes of operation, and discursive practices, e.g., the ways in which 'public interest' came to require the health of the regulated industry (Rowland, 1997a, 1997b). The very fact that 'commissions' regulated 'industries' had some influence on how radio was understood—the notion privileged commercial over voluntaristic, noncommercial radio.

Thus, when the FRC was handed the responsibility of regulating radio in the public interest, convenience, and necessity, the commission made the financial stability of radio broadcasting a chief concern. The FRC concluded that propaganda stations, i.e.,

noncommercial stations owned by religious, political, and other social groups, should be at the bottom of the allocation hierarchy because they "do not have the financial resources nor do they have the standing and popularity with the public necessary to obtain the best results" (Federal Radio Commission, 1929, p. 34). Meanwhile, the FRC accepted commercial stations because of their financial stability. "If a rule against advertising were enforced, the public would be deprived of millions of dollars worth of programs ... Advertising must be accepted for the present as the sole means of support for broadcasting" (Federal Radio Commission, 1929, p. 35).

The FRC's allocation of stations set forth in General Order 40 became the catalyst for commercial predominance; or, viewed as a tragic story, the cataclysm that led to the extinction of noncommercial stations. Relegated to low power, poor frequencies, and generally deprived of airtime, the noncommercial stations were suffocated out of existence. A handful of politically connected stations and stations well subsidized by universities managed to scratch out a meager existence, but the number of noncommercial stations shrank rapidly—164 of 202 noncommercial stations folded following General Order 40. Advocates of noncommercial broadcasting pushed for legislation to restore room for noncommercial stations; however the exit costs were exceedingly high to back away from the new status quo. As Pierson (2000) points out, the inherent inflexibility of politics makes it exceedingly difficult to switch paths. In the case of the 1934 Communications Act, politicians who were reliant on broadcasting for their electoral success were in a poor position to upset the status quo. For example, NBC rallied automotive advertisers to pressure Michigan Congressman James Couzens against attempts to change the system of commercial broadcasting (Rosen, 1980).

Up to this point, the focus of this institutional analysis has been on the government's institutional posture toward broadcasters and broadcast regulation. However, the political broadcasting policy also speaks to candidates for electoral office and thus the government's institutional position relative to politicians also needs to be examined. Broadcasters had been willing to work more with political parties than individual candidates as a means of rationing limited airtime ("Chain to broadcast," 1928; "Record says Wall St.," 1924; "'Republican Hour'," 1926). Indeed, political parties were an obvious fact of life in the 1920s. However obvious political parties may have been, electoral laws barely acknowledged their existence. The nation's founders loathed "the very idea of political parties" (Aldrich, 1995, p. 93). Electoral law focused instead on candidates more as geographical representatives than ideological representatives (Aldrich, 1995). In fact, Progressive era reforms sought to undo the patronage system that the political parties had represented. Parties were the problem in need of a solution (Carpenter, 2001; Skowronek, 1982). Thus, policymakers continued to privilege candidates over groups or organizations when crafting policy.

What were the consequences of these institutional factors for development of political broadcasting policy? Clearly, these factors had a lot to do with the fact that politicians would need to gain access from broadcast stations that would be privately owned and nearly exclusively commercial. It also seems to have played a hand in a system where stations were required to serve general interests, but monopoly was a distinct possibility and censorship of candidates was forbidden. The FRC's insistence on general interest stations was strongly premised on the belief they would assure the nation a stable and financially sound broadcast system. Likewise, the FRC's decision to award

nearly all available clear channels to network stations demonstrated the FRC's commitment to financial stability and general interest broadcasting, even if it meant a threat of network monopoly practices. Even the provision banning censorship flows reasonably from the regulatory stance of broadcasting as a utility. And the fact that policies and regulations pushed broadcasters and candidates more in the direction of advertisements than in news or on-the-spot coverage also is borne out by the commercial system that the FRC was compelled to create. The fact that political broadcasting policy addressed political candidates and not political parties or groups makes sense when one remembers the electoral laws' ambivalence about parties.

The path dependent argument, which is central to an institutional logic, receives strong support in the story told here. But, the argument deserves to be treated with some skepticism—Canada's institutional story about political broadcasting bears a striking resemblance to the U.S. story. However, in 1932 Canada retraced its steps and passed a law to dismantle private, advertising-supported broadcasting and replace it with a government-owned monopoly. And while this casts doubts on the impeachability of path dependence as a historical mechanism, it does not necessarily undo an institutional account of political broadcasting policy. Canada's institutional actors and practices were not the same as the U.S.'s; e.g., Canada's parliamentary system had a very different orientation to political parties (Simeon & Robinson, 1990). And even though Canada passed a law nationalizing radio, Canadian authorities never implemented that policy. The failure to implement nationalization could ultimately vindicate the theory of path dependence.

The Netherlands had many of same kinds of institutional actors as the U.S.: radio

set manufacturers (Philips in the Netherlands, Westinghouse and RCA in the U.S.),

amateur broadcasters, civic groups, and lawmakers. These actors seemingly had many of

the same institutional interests as their counterparts in the U.S—set makers wanted a

system that promoted sales and civic groups wanted cultural and educational

programming as well as programs to promote their individual causes. Yet, Dutch

political broadcasting policy would look completely different from the U.S. policy (more

on this below).

Media Institutions

That newspapers, magazines, and radio stations are all 'mass media,' and hence

variations within a single institution, seems obvious today. In fact, it may have been

obvious to some in the 1920s—newspapers and magazines owned over 40 broadcast

stations as early as 1924 (Third National Radio Conference, 1924). However, the fact

that radio was related to print media was not obvious to everyone, especially in the first

few years of broadcasting. The radiotelephone had begun as a form of point-to-point

communication and had acquired a modest institutional legacy before it ever became a

form of mass communication. Meanwhile, by the time radio legislation was being

debated in 1926 some of the emerging institutional trappings of radio broadcasting were

only dimly understood.

The radiotelephone began as just another means of moving messages. The

wireless telegraph and wireless telephone allowed communication with points previously

inaccessible by telegraphy and telephony; i.e., distant locations, including isolated lands

and ships at sea. The airwaves were like the roadways, waterways, and postal routes—a means for transmitting private and public information. However, those means of transmission were considered public property. Private parties could not own river channels or broadcast channels.

Sending and receiving messages took special training and considerable skill. The signal corps trained thousands of men during World War One, many of whom continued to use radio after the war, either in a hired or amateur capacity. Commercial users of the radiotelephone employed the device to move market information, shipping companies used it to maintain contact with their fleet, and newspaper offices used it to transmit news. Governments used the radiotelephone to communicate with naval fleets, send communiqués to embassies or foreign partners, and generally to manage their empires. Private and government users along the coasts built new transmitting plants to handle the swelling load of radio traffic. The abundance of messages in the air made for a new hobby—listening in. Nurtured along by organizations such as the Boy Scouts and publications such as *Scientific American* and *Wireless Age*, listening in became one of the American boys' leading hobbies (*Radio Communication*, 1917).

Only modest efforts had been made to employ radio for use over land in the 1910s—telegraph wires could move message over land more reliably. However, various entrepreneurs looked to make 'improvements' in radio. Inventor Lee De Forest attempted creating broadcast stations to send out entertainment and information, thereby broadening the market for listening-in equipment ("Music and news," 1917). The Navy resisted, arguing that radio had one chief purpose and that was communicating across water. Radio companies despaired before Congress that the Navy was stifling radio

improvements. "The Navy and other Department officials show a lamentable lack of imagination or foresight when they jump to the conclusion that wireless has but one useful field, i.e., between ships or ships and shore. Their talk of developing the art if left to them, shows conclusively what would happen" (*Radio Communication*, 1917, p. 196).

Nevertheless, the Navy recognized that radio required improvements and that relying on foreign companies for those improvements was dangerous. The Navy not only bought out all Italian owned Marconi company stations in the U.S., the Navy assisted General Electric in amassing thousands of patents to create a radio manufacturing company that would make Marconi irrelevant in the U.S. The Radio Corporation of America would have American partners and rivals, such as Westinghouse and American Telephone and Telegraph. Together, a domestic radio industry rapidly emerged.

The Commerce Department was more willing than the Navy to see the potential for radio's development and quickly authorized experimental stations in the U.S. to transmit messages. One experimental station, KDKA, used the occasion to send out election returns in 1920. As the manufacturers developed higher and higher powered transmitters, they were authorized by the Commerce Department to conduct additional experimentation, "subject to careful observation and its cessation if the benefits expected are not attained" (Third National Radio Conference, 1924, p. 28).

RCA and AT&T brought their own business models to radio. RCA was in the business of selling sets. "There is no secret about the reason why we broadcast. We broadcast primarily so that those who purchase our receiving devices may have something to feed those receiving instruments with" (*To Regulate Radio Communication*, 1924, p. 161). Integral to AT&T's business was to charge tolls for phone service. It

would try to do the same with radio—charge a toll for those who wished to speak to those who had receivers. A speaker used a 'broadcast booth' much as she or he would a telephone booth—first pay, then talk ("To sell wireless," 1922). None of these models suggested continuity with print media.

As broadcast stations got started, filling the air with something worth listening to was the chief challenge. They offered music and speeches of all kinds. The organizations-cum-broadcasters offered what they already provided: churches offered sermons, newspapers offered some news, universities offered lectures, the Agriculture Department offered market reports, and political parties offered speeches. Novice broadcasters looked at what people already were listening to and simply put it on the radio. It was not long before speakers and musicians lined up for time on the air. The spellbinding politician was a welcome addition to the line-up. Politicians saw radio as an extension of the tree stump and the soap box; i.e., a place to stand to be heard by a crowd. Radio was a type of public address system that magnified the candidate's voice ("Welkin-ringing," 1922). Little of this suggested an affinity with print media.

Radio licensees soon began to acquire shared practices; e.g., certain features would appear at regular times, speeches and lectures would be broken up by selections of music, and specialized staff would be hired for specialized jobs. RCA's David Sarnoff saw the program director as key to holding a listening audience. "Almost invariably broadcasting directors are selected on the basis of their judgment and their ability to arrange an interesting program" (*To Regulate Radio Communication*, 1924, p. 161).

Meanwhile, existing 'media' institutions quickly came to radio's aid. Talent agencies provided broadcasters with performing artists, such as actors and musicians.

Advertising agencies entered the picture as well. AT&T had gone on the air with WEAF in 1922 expecting the lines to form for use of its broadcast booth. The company was disappointed. The first advertisements for apartments on Long Island met with only modest success. However, when an advertising agency bought time for Mineralava, featuring a talk by film actress Marion Davies on "How I make up for the movies" and offering an autographed photo for those who wrote in, Mineralava and WEAF were overwhelmed by the response. Other ad agencies jumped in and advertising took off (Sterling & Kittross, 2002). The overlapping institutions played no small role in radio's development as a media institution.

Shared institutional practices were also nurtured through Hoover's national radio conference. The first radio conference in 1922 incubated a new organization—the National Association of Broadcasters (NAB). Like many associations of the period, the NAB saw itself as a collection of professionals, namely professional businessmen. By 1925 many radio stations, in no small part based on the role of the NAB, had settled into accepting indirect advertising and sponsorships. The NAB's constituency was separate from the major radio corporations and from the educational, religious, and civic broadcasters. The NAB played a central role in establishing an identity of commercial broadcasting and legitimating advertising ("Broadcasters aim," 1925). The large corporations, which had launched advertising and sponsorships, now had a powerful ally.

Between the NAB and the radio corporations, a radio industry was taking shape. The commercial broadcasters were getting big audiences for their entertainment-based programming and sponsors were helping pay the bills, even if most stations still failed to turn a profit ("Toll broadcasters," 1926). A service industry began to form around

commercial radio—trade publications were launched, advertising agencies specialized in radio, radio artists became organized, and radio press agents plied their trade. Even though advertising agencies were becoming a new producer of programming, a shortage of quality programming remained a problem (Barnouw 1966).

One source of programming came through interconnection of radio stations. Stations connected via AT&T phone lines and equipment to broadcast major events such as prizefights, football games, and Presidential addresses (Third National Radio Conference, 1924). Interconnection also functioned to disseminate practices from one station to another. By the time permanent interconnection was established with the creation of the first radio network, broadcast radio had become a powerful institutional force in American political and cultural life.

Three of the major radio corporations reached agreement in 1926 to form the National Broadcasting Company (NBC). RCA would own 50-percent, GE 30-percent, and Westinghouse 20-percent. AT&T largely divested itself of radio, selling WEAF and its other holdings to RCA. WEAF became the flagship station of the NBC network (Barnouw, 1966; Sterling & Kittross, 2002). Given NBC's attempt to reach a national audience it had little option but to offend as few listeners as possible. The network appointed a panel of distinguished advisors to help guide the network fully into the mainstream of American life.

The launch of NBC, followed soon thereafter by the creation of the CBS radio network, occurred as radio legislation was being written and debated. Some lawmakers argued that the pending bills needed to account for the networks, particularly the virtual monopoly of the air that occurred when the same network programming appeared on

nearly every frequency. However, the Commerce Department's Stephen Davis testified, "I have a feeling it might be well to let that develop for a while and see just what is necessary in a regulatory way" (*Radio Control*, 1926, p. 94). But, the Radio Act did not really account for the innovation. Following the General Order 40 reallocation of frequencies, the networks had signed up essentially all the top stations across the country as affiliates (Hutchinson, 1931a).

As mentioned in the previous chapter, radio was slow in incorporating news broadcasts into its line-up of offerings. The antagonisms between news media and radio clearly stunted radio as a news medium. Most radio stations had no news staff or news department ("Radio news plan," 1933; "Radio press fails," 1934). Attempts to conceptually link radio and print news media largely centered around efforts to extend legal strictures on newspaper advertising to radio advertising; i.e., efforts made by newspapers to keep broadcasters from attaining an advantage ("Advertising should," 1926; "Broadcasting surely," 1924). The fact remained that the news media and broadcast radio had mostly separate institutional practices and concerns.

Radio stations and newspapers did share at least one relevant commonality. Both were a means of access to the public for political candidates, groups, and parties. During the early few years of broadcasting, radio treated politicians differently than newspapers did. Newspapers actively mediated politicians' access, whereas radio stations largely turned the broadcast booth over to the politician. There is evidence this began to change. AT&T's William Harkness was questioned in 1926 whether AT&T stations rejected anyone who wanted to use the broadcast booth.

> Yes; I can say frankly, we have, because we take the same position that is taken by the editor of any publication. He has the right to accept or to reject any

material presented to him. You can not walk into a newspaper office to-day and get them to publish anything you care to present. We felt that was a privilege which the owners of the broadcasting stations also possessed.

Harkness was asked if the station censored speakers.

We do just the same as an editor would do with any article presented to him for publication. We do not censor—we edit. We feel if the matter is unfair or contains matter the public would not care to hear, we may reject it (*To Regulate Radio Communication*, 1926, p. 56-7).

It is difficult to know how much to read into Harkness' comments. Newspapers edited editorial content; but they did little editing of advertising content. Newspapers did indeed reject some advertising, but with the patent medicine controversies nearly two decades past, the majority of advertising was accepted for publication as submitted (Chaisson, 1999). It appears Harkness was comparing newspaper editorial practices with radio advertising practices—a dubious and self-serving comparison. Nevertheless, taken at face value the comparison suggests radio was beginning to see institutional continuities with newspapers.

Broadcast radio had established an institutional identity with accompanying practices and concerns by 1926 when lawmakers began work on the Radio Act. What did this mean for political broadcasting policy? The institutional story of broadcasting provides an explanation of some of the main features of America's political broadcasting policy.

An institutional account of broadcasting explains much about why candidates would need to rely on airtime from stations that were privately owned and overwhelmingly commercial. Two broadcast developments are noteworthy. Firstly, AT&T's institutional position was vital. AT&T's WEAF was the first commercial

station in the U.S. AT&T was in the networking business, giving it a highly visible

position and a means to disseminate its commercial model of broadcast support. While

AT&T had tried to suppress other commercial broadcast enterprises in the early 1920s,

that soon proved impractical (*To Regulate Radio Communication*, 1924). WEAF was

also its own best advertisement for how to operate a commercial station. When WEAF

became the heart of NBC, RCA was essentially admitting defeat in its plans to finance

radio through the sale of sets. Secondly, the NAB was in a strong position to also

disseminate the commercial approach to broadcasting. Its annual meetings dealt

regularly with how to use advertising to support radio ("Broadcasters aim," 1925). The

institutional status of AT&T's WEAF and the NAB provided a ready mechanism for

spreading the gospel of commercial broadcasting.

The rise of the networks was also central to the creation of general interest

programming. Maximizing the audience, so important to getting sizeable audiences for

advertisers, required programming palatable to listeners of all political, religious, and

social persuasions. Meanwhile, the move from occasional interconnection to regular

networks created a significant narrowing of listener options in 1926. The domination of

the dial by NBC left listeners at the mercy of the network. While NBC was not

technically a monopoly, a de facto monopoly of programming had been created both by

the existence of NBC programming on many stations and by the allocation of frequencies

to NBC stations. That policy came to favor stations in which programming was geared to

general interests and that monopoly was a distinct possibility follows closely from media

institutional practices. However, if radio stations had had their way, censorship of

candidates would have been permitted. Or, as William Harkness would have it, the stations would have retained the right to edit what candidates said.

The fact that candidates would be more reliant on paid access than on access via news programming follows reasonably from the fact that news was somewhat underdeveloped in the 1920s and early 30s. The institutional analysis of radio says little about why paid access predominated over other forms of sustaining programs, such as on-the-spot coverage; however, this is not a major concern given that the actual policy did not make a major distinction between paid and unpaid programming.

The institution of Canadian broadcasting developed very much like the U.S. media prior to 1932, in no small part due to the fact that American broadcasting had made such deep inroads into Canada's major population areas. In fact, NBC had affiliates in Canada and had plans to add more when the CRBC was created. In this respect the Canadian case violates one of the rules of comparative methodology, since cases are supposed to be entirely separate. However, as much as Canadian media institutions resembled (or overlapped) U.S. institutions, the fact remains that Canadian lawmakers did eventually turn Canadian broadcasting policy down a different path. The fact that Canadian commercial stations were able to stay in business even when a government monopoly was authorized may speak to the formative power of Canadian media institutions in the country's eventual policy posture.

While the Netherlands had many of the same broadcast institutional actors as did the U.S., the Netherlands developed media institutions very different from the U.S. Unlike RCA in the U.S., Philips did not enter into offering broadcast programming. Political-ideological broadcasters dominated the Dutch broadcast institutions and

programming took on a strong ideological component. Advertising, though legally permissible did not really take off. Without going into great detail, the underlying point should be obvious given the very different media institution in the Netherlands and the very different political broadcasting policy, a broadcast institutional argument is supported. However, in the Dutch case, there is a viable prior explanation for why media institutions turned out as they did. One key is that support institutions such as advertising agencies and talent agencies were not as institutionalized as in the U.S. But there are other issues—these will be dealt with in the following section.

Other Institutions of Civil Society

American civil society has been a rich fabric of social, religious, and political institutions since its earliest days. Alex de Tocqueville found in early America a society fueled by activism of all kinds (Tocqueville & Reeve, 2000). The institutions that such activism spawned persisted well into the twentieth century. Rather than cover the full range of civil institutions, this brief section highlights one significant institutional reality—religion in American society.

Religious groups and organizations sprung up regularly in America. Marsden (1980) argues that the American religious experience was relatively unique in its predominance of voluntary associations. While the established and frequently state sanctioned churches of Western Europe narrowed the range of religious expression, America had room for more diversity of religious involvement. True, America was overwhelmingly Protestant; but there was no single Protestant institution. Thus, when

political, social, and religious groups entered the field of broadcasting, the number of diverse groups seeking airtime presented logistical challenges.

WEAF was inundated with requests from churches and religious groups, not to mention various social and political groups, for time on the air. The station leaned on the local inter-religious council to apportion the time. "We are not doing any broadcasting from the individual churches in the organization; we are treating them as a whole group and letting the group do the whole distribution" (*To Regulate Radio Communication*, 1926, p. 58). But, there was also the problem of ownership. The FRC took it upon itself to deal with the variety of groups that owned radio stations or otherwise demanded equal time on the air as rival groups. As already noted, the FRC concluded, "There is not room in the broadcast band for every school of thought, religious, political, social, and economic, each to have its separate broadcasting station, its mouthpiece in the ether" (Federal Radio Commission, 1929, p. 34). Thus, the FRC famously made the case that no such groups should be entitled to ownership and that the solution was general-interest broadcasters.

Religious, political, and social differences cut several ways in American society. However, in a country such as the Netherlands, religious, political, and social differences were more institutionally organized. 'Pillarization' meant that a small number of religious-political pillars dominated Dutch society. A Catholic radio station and a Reformed radio station aligned with the Catholic political party and the Reformed political party, which aligned with the Catholic newspaper and the Reformed newspaper, which aligned with the Catholic labor union and the Reformed labor union, and so on

(Hiemstra, 1997; Lijphart, 1968). Thus, political broadcasting via ownership was a much more realistic and, to Dutch culture, natural form of access than it was in the U.S.

Even though the U.S. experienced more religious and social diversity than most countries, it actually exhibited less political diversity. Hence, political diversity was not the real barrier to political ownership. The prediction of Democratic and Republican broadcast stations (Barnard, 1924) did not materialize, at least not in an institutionalized way. Institutional differences in American civil society are important to the development of political broadcasting policy, but those differences stop short of explaining the particular American outcome.

An Institutional Explanation

An institutional argument for political broadcasting policy is fairly convincing in its thoroughness. The institutional accounts taken together can stand on their own to tell a fairly coherent story, unlike the material arguments advanced above. The institutional obstacle courses logically channeled policymakers to arrive at the political broadcasting policy that emerged from 1927 to 1934. Simply put, the institutional story makes sense.

However, the institutional story is not as complete as it appears. Why did policymakers fail to legislate access for political groups? Why did policymakers look to equal access and not diverse ownership as a means to ensure freedom of political speech? Institutional answers to these questions are not as satisfying as they appear.

Likewise, the institutional story is not always consistent—given the various institutions involved, more than one rational policy choice faced policymakers. For example, from the point of view of the broadcasting institution, it would be rational to

have a policy that applied to political parties. However, a government institutional

preference would more logically be for a policy that applied to individual candidates.

While this demonstrates that the media does not always get its own way, therein

disputing some realist accounts, an institutional account does not tell us why one

institutional preference wins out over another. It helps little to look to an interaction

effect between an institutional and a material structural account. This leads us to

consider the role of cultural factors in political broadcasting policy.

Culture

Distinguishing among material, institutional, and cultural factors has required

well-drawn definitions. Without clear definitions, a material factor, such as the

marketplace, could be conceptualized as a cultural value; or institutions could be

conceptualized as the embodiment of certain cultural values, attitudes, or ideas. It is not

appropriate to craft a cultural argument that reinterprets all other factors as cultural

factors and then to insist that a cultural argument is best. In the following section such

misappropriation is avoided and various cultural values, attitudes, and ideas are

highlighted for their explanatory power. However, it is also not appropriate to allow

material and institutional explanations to claim explanatory power, when those

explanations should rightly be considered cultural. This section concludes by challenging

some aspects of the material and institutional arguments outlined above and recasts those

aspects in a cultural explanation.

A valid cultural explanation must account for the empirical record—a task that is

more daunting than it appears. For example, Rosen's (1980) history of broadcast policy

concludes that policymakers favored a commercial broadcasting regime because it flowed directly from American cultural values. "Any attempt to criticize or challenge the arrangement represented a direct assault on the larger society as well as a rejection of the nation's past. The favored sons rejected demands by noncommercial broadcasters for special privileges and government intervention because these modifications stood outside the American heritage; indeed they were attacked as symbols of British or European solutions" (Rosen, 1980, p. 181).

Rosen's cultural explanation accounts only partly for the empirical record. Commercial broadcasting in general and advertising in particular did not emerge from a cultural consensus, but rather after a contentious battle in which cultural attitudes were very hostile to advertising. As noted in Chapter 3, the noncommercial alternatives were firmly rooted in the American broadcasting experience. Even Senator Dill, who was not a proponent of government ownership of broadcasting, volunteered that ownership was far from European-style socialism or communism. "The Government owns the Post Office system, and yet that is not communism," Dill said (*Radio Control*, 1926, p. 199). Likewise, the proponents of noncommercial broadcasting were largely educators; and education was an area in which the U.S. government had a near monopoly. Thus, what Rosen calls 'modifications' that 'stood outside the American heritage' were just the opposite.

But Rosen is half right. Cultural attitudes were hostile toward some forms of government ownership. As early as 1917 a Harvard engineering professor decried the Navy's attempt at a radio monopoly.

> This bill gives most oppressive and dictatorial powers. This kind of a bill is what we might expect the German governor, Von Bissing, to promulgate for

> Belgium ... This is not the kind of a bill that we would expect from a free Government, which stands for liberty before the world (*Radio Communication*, 1917, p. 237).

Such attitudes continued into the 1930s when attempts at government subsidies and set asides for noncommercial stations were advocated. Commercial broadcasting was defended as the American way and the American plan. A complete, empirically grounded story must account for why one set of cultural attitudes would win out over another. A better cultural argument is necessary.

An empirically grounded story or argument must also be cautious in dealing with ideology. Some scholars might be tempted to identify a number of the cultural values, attitudes, and ideas that emerge from this empirical study as consistent with a Progressive ideology. However, Hamby argues that Progressivism was in decline in the 1920s— "pieces of progressivism survived, not progressivism as a coherent movement" (Hamby, 1999, p. 54). Both the proponents and opponents of various political broadcasting policy options would draw on the Progressive toolkit of values and ideas, mixing those ideas in diverse ways. Thus, attention to the actual values, attitudes, and ideas of political actors is superior to a research strategy that operates on an ideological level of analysis.

This section crafts an empirically grounded cultural explanation by first exploring the cultural toolkit that policymakers, broadcasters, and others employed in the construction of a political broadcasting policy. Along the way, the values, attitudes, and ideas identified will be examined in light of the comparative cases so as to weigh the explanatory power of cultural factors. The section then reexamines material and institutional arguments for the role of cultural factors in policy outcomes. The conclusion summarizes what can be taken away from a cultural explanation.

Cultural Toolkit

The American cultural toolkit included diverse and, in many cases, conflicting values, attitudes, and ideas. Policymakers valued both national unity and regional or local autonomy. Policymakers valued voluntarism and professionalism, and partisanship and neutrality. Policymakers also seemed to harbor different ideas about the meaning of the 'public interest.' These conflicting values, attitudes, and ideas were not always mutually exclusive nor did they represent a dialectical tension; but they did push and pull policymakers in various directions. In the end, some of these values, attitudes, and ideas more directly affected a political broadcasting policy than others. In the end, in fact, these values are more telling than material and institutional factors in shaping political broadcasting policy.

National and regional values. As technological advances made radio transmissions more and more powerful, and messages could subsequently travel further and further, many policymakers and broadcasters recognized the value of a medium that could reach a national audience or even audiences beyond national borders.

With the First World War heightening American propaganda efforts, radio companies dangled the carrot of worldwide broadcasting before policymakers even before broadcasting had emerged as distinct from point-to-point communication. A "high-power 'world-wide' wireless station" a Marconi wireless official told Congress, "to broadcast and disseminate daily for the benefit of our Government or for the newspaper associations a digest or resumé of the news of North America, would be an invaluable instrument in our President's scheme for greater harmony and intercourse between the

countries of the world" (*Government Control*, 1918, p. 155-6). Such sentiments would

eventually lead to founding an international broadcasting service, the Voice of America,

but not until the Second World War. However, as broadcasting emerged in the 1920s,

most of the efforts focused on reaching a regional or national, not an international,

audience.

Delegates agreed at the First National Radio Conference in 1922 that radio

stations should be licensed for broadcast to a limited geographical area. The delegates

specified that no station should "be allowed to use unlimited power because of the fact

that this will limit the number of services which can be rendered within a given area to an

undesirable extent" (*To Amend the Radio Act of 1912*, 1923, p. 35). However, RCA's

David Sarnoff and Commerce Secretary Herbert Hoover began to push for a national

broadcast capability as early as 1924. Sarnoff told a congressional committee that

broadcasting's greatest advantage "lies in its universality, in its ability to reach

everybody, everywhere, anywhere" (*To Regulate Radio Communication*, 1924, p. 158).

Hoover told delegates to the Third National Radio Conference, and to those listening on

the radio, that for the first time in U.S. history "we have available to us the ability to

communicate simultaneously with millions of our fellow men" (Third National Radio

Conference, 1924, p. 2). However, the two men differed on how a national audience

should be reached.

Sarnoff espoused a handful of superpower stations broadcasting the same

programs to the entire country. According to Sarnoff, his vision for superpower

broadcasting left a place for smaller stations. "The smaller broadcasting stations might

supplement the work of the superstations by automatically and mechanically repeating

the national programs sent out by the superstations so that every city, town, village, and hamlet in this country might have the benefits of such a program" (*To Regulate Radio Communication*, 1924, p. 159). However, given the limited spectrum available, Sarnoff's plan would have required many smaller stations to go off the air to make way for the superstations.

Sarnoff proposed a national program with the best talent in music and drama. But the RCA chief promised more than entertainment.

> Broadcasting stations, in my conception, are indeed the bar at which causes can be pleaded for the verdicts of public opinion. The public is well aware that radio broadcasting is not confined to the influence of the lone speaker in the broadcast studio; that speeches from public halls even now are constantly heard by millions of listeners, and that eventually it will be practicable, if Congress is willing, to turn on the debates in the Federal legislative bodies, so that the radio world may form its own impressions of laws and the way they are made (*To Regulate Radio Communication*, 1924, p. 160).

A year later, in 1925, Sarnoff soft peddled changes to the local broadcast order, but still argued for a national system. "Not only public but national interests demand a system of nation-wide broadcasting," Sarnoff told the Boston Chamber of Commerce. "For regardless of the number of local stations—and the local station, like the local newspaper, the local theatre and the local concert hall, will remain a permanent institution—there is need for a system of national broadcasting, ready for any emergency, with facilities adequate to cover the entire country" ("Opera stars," 1925, p. 16).

The lure of a national audience would prove appealing to lawmakers. In the absence of national newspapers in the U.S., a network of super broadcast stations promised a national platform that heretofore did not exist. National mass circulation magazines, while regular publishers of public affairs stories (e.g., muckraking articles in

McClure's and *Munsey's*), did not yet offer a steady diet of news on current events. Sarnoff offered a medium of national reach and, potentially, of national unity. Unity, however, would require a sacrifice in diversity.

At first glance Hoover's vision for national radio service appeared similar to Sarnoff's. However, Hoover was far less ambitious in rearranging the broadcast status quo to achieve the goal of national service. Hoover advocated the interconnection of broadcast stations to create a national radio audience; however, his plan did not include superstations. Interconnection was already occurring in 1924 without high-powered stations. Hoover made little secret of his support for the growing efforts at interconnection. His reaction to superstations was guarded.

> From the viewpoint of nation-wide broadcasting, the question becomes one as to whether we should aim to cover a large territory through a single powerful station or through a number of interconnected smaller ones. We must not stifle progress, but there are vital reasons why we must not do anything that will interfere with the programs of local stations on which so many of people depend, nor with the wide selective range in programs which they now have (Third National Radio Conference, 1924, p. 6).

Hoover was less willing than Sarnoff to forego diversity for national unity. Nevertheless, Hoover's vision of national programming bore as many similarities as differences to Sarnoff's. Granted, Hoover spoke less of the entertainment potential of a national broadcast service. But the Commerce Secretary foresaw potential in offering public affairs programming through interconnected local stations. "The local station must be able to bring to its listeners the greatest music and entertainment of the Nation, but far beyond this it must be able to deliver important pronouncements of public men; it must bring instantly to our people a hundred and one matters of national interest," Hoover said (Third National Radio Conference, 1924, p. 3). Both Hoover and Sarnoff

acknowledged the tension between national unity and regional diversity. Sarnoff emphasized the former over the latter. Hoover hoped to strike a balance.

By the time congressional committees discussed radio legislation in 1926, the National Broadcasting Company had already begun to deliver on the promise of a national programming service. In fact, NBC was so successful in providing programming to the nation that some in Congress questioned if national coverage had become too expansive. Senator Dill acknowledged he had received letters from radio listeners complaining that "the ordinary receiving set that reaches out any distance is unable to get anything but that one [NBC] program" (*Radio Control*, 1926, p. 123). Senators looked for balance. Some probed for a technical solution to the problem of dominance of network programming. In the end, legislation had little to say about the networks and their ability to dominate the airwaves. However, it was not the end of concerns about the vitality of local and regional broadcasting.

One legislative attempt (H.R. 9108) to protect local and regional broadcasting took the form of a proposal to guarantee at least one radio license for each state. Later, lawmakers decided on a plan to divide the country into five broadcast regions and specified that licenses should be evenly distributed among the regions. The so-called Davis Amendment to the Radio Act, added in March 1928, also directed the FRC to "make a fair and equitable allocation of licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power to each of the States" (Federal Radio Commission, 1928, p. 11). The amendment came in response to the FRC's actions, which many in Congress saw as favoring the network stations.

Policymakers and broadcasters clearly valued a broadcast medium that reached local audiences and that served all regions of the country. However, the power to broadcast to a national audience also held great appeal. FRC Chairman W.H.G. Bullard told broadcasters in September 1927 that radio was an "enduring addition to our national life." Radio not only served local communities, it met a national need. "We stand at the threshold of an amazing new development in civilization. The radio is the most marvelous means of linking together all the people of our nation," Bullard concluded, "that has ever been devised by the human mind" ("Bullard predicts," 1927, p. 27). Hence, even though policy was officially geared to local licensees meeting local needs, policymakers saw radio as a national medium.

American policymakers had faced the need for a national communication capacity in the past. In fact, lawmakers had nurtured a national news network from the earliest days of the republic. Postal laws in the 18th and 19th centuries had allowed editors to exchange newspapers through the mail for free. These government-subsidized exchanges were the primary means for receiving news from other parts of the country (Emery, Emery, & Roberts, 2000; Kielbowicz, 1986). Commercial interests would later step in to utilize the new telegraph technology to improve the national news network (Gramling, 1940).

Nevertheless, the media were still a patchwork of local outlets without centralized access. The Committee on Public Information had faced a formidable logistical challenge in mobilizing the country for World War One given the nation's mishmash of local media (Mock & Larson, 1939; United States Committee on Public Information & Creel, 1920). A radio company official argued that radio's one supposed disadvantage,

its "lack of secrecy," was actually its greatest advantage. A medium that could reach everyone was a means for "establishing broad understanding and creating harmony and sympathy" (*Government Control*, 1918, p. 155). One of broadcasting's earliest demonstrations had been part of the nation's public information efforts—the use of radio loudspeakers to pitch war bonds ("Speeches from the air," 1919). So the goal of reaching a national audience was not new. Policymakers had endorsed such an idea for years. The technological means of reaching a national audience was new. Policymakers only needed to strike a balance between service to national and regional audiences.

The Federal Radio Commission crafted the compromise, a mix between the Sarnoff and Hoover visions of national and regional service. Section 4 of the Radio Act of 1927 directed the FRC to establish station classifications and zones of radio service. The same section gave the FRC authority to deal with stations that were part of broadcast chains ("Radio Act," 1927). The FRC used its authority to license not only local stations, but also clear channel stations, i.e., stations that broadcast to a larger region and, during the evening hours, broadcast without inference from the myriad of smaller stations, which were required to go off the air. These clear channel stations were overwhelmingly affiliated with the radio networks. Hence, the FRC had helped create a national broadcast service.

The FRC denied that chain stations were treated favorably or singled out for the clear channel assignments. The commission said its criteria for assigning stations to the "preferred positions" was "their individual history and standing, their popularity with their audiences, the quality of their apparatus, and their faithful observance of radio rules of the air" (Federal Radio Commission, 1928, p. 21). However, the FRC also noted that

its allocation plans were part of its attempt to create "national" service (Federal Radio

Commission, 1928, p. 17). Although the commission did not elaborate on what it meant

by 'individual history,' those stations owned by GE, RCA, and AT&T, stations that

would become the backbone of NBC, had played a central role in the development of

radio. The FRC, and the Commerce Department before it, needed the radio corporations

to expand the reach of broadcasting.

In the end, policymakers had licensed local stations to address local issues. But, a

privileged role for the networks had also been secured, thereby creating a national

broadcast order. The Omaha *World-Herald* concluded: "The radio has made our national

politics national in fact, rather than provincial or sectional. The important speeches are

heard in every section of the country at the same time, and by all classes of people."

What was said before a microphone in the Midwest, the newspaper argued, could be

heard on the East or West Coast. "The speaker talks literally to the nation. He does not

have to go to fifty or a hundred points to make the speech over and over again" ("Radio

'debunking'," 1928, p. 13).

Although policymakers tried to strike a compromise, the goal of national service

came with consequences. As already noted, policymakers considered three options to

address freedom of speech issues—via ownership, equal access, or diverse venues. A

decision to foster a national broadcast capacity worked directly against a political

broadcasting order that relied on diverse venues. Two national networks, NBC and CBS,

did not leave a lot of options if political minorities were denied access to one outlet. In

fact, this was exactly the charge leveled by political groups and candidates (see Chapter 3

and Benjamin, 2001).

Meanwhile, the commitment to a predominately regional distribution of stations did little to support a broadcast order based on political ownership. The advocates of political ownership argued for assignment to clear channels and high power. For example, WCFL and WEVD wanted to use the available clear channels to reach the broadest possible audience. Once they were relegated to local status, stations such as WCFL and WEVD had little broadcast reach and a limited audience. The Socialist Party, for example, did not have the resources to fund multiple, smaller stations across the country—WEVD could barely stay afloat on its own. And while access to a clear channel would have meant a more extensive reach, the clear channels were being used as part of the national broadcast order.

The interaction (more on this below) between national and regional values narrowed the freedom of speech policy choices to one—equal access. Equal access meant that audiences would be presented either with no candidates' speeches or with the speeches of all candidates for a particular office. America could have both a regional and national broadcast order provided the stations served general audiences and not ideological or political audiences. In other words, the general audience was conceptualized as geographically uniform, but politically diverse. "The entire listening public within the service area of a station, or of a group of stations in one community, is entitled to service from that station or stations," the FRC argued. "If, therefore, all the programs transmitted are intended for, and interesting or valuable to, only a small portion of that public, the rest of the listeners are being discriminated against" (Federal Radio Commission, 1929, p. 34).

The FRC's conclusion is important for two reasons. Firstly, it demonstrates the primacy of geography that underlies regional and national values. The FRC did not specify why the public should be understood as everyone in the geographical area covered by a station's signal. This was merely assumed. Geography simply trumped ideology in the American creed. Secondly, it demonstrates how the FRC reinterpreted freedom of speech as audiences' right to hear speakers and not on speakers' right to reach audiences. This reinterpretation allowed equal access to serve as an option to political ownership and diverse venues.

Equal access was not a goal in and of itself. American policymakers crafted an equal access policy that provided some measure of freedom of speech, but also accommodated both national and regional values. Advocates of a broadcast order that privileged political ownership or diverse venues were not immune to concerns about national unity or regional diversity. But it is clear that those advocates valued ideological and political objectives more highly than geographical concerns. This was true not only in political broadcasting policy, but also in other policy arenas. For example, Glenn (2002) shows how Protestant and Catholic opposition to common schools made little headway in America, where the administration of education was handled on a geographical or local basis.

By some accounts, Canada and the Netherlands also faced a tension between the value placed on regional and national identity. While Canada's heart and soul was in Ontario, the Western provinces (formerly British North America), the Maritime provinces, and French speaking Quebec each had their regional culture. Nevertheless, Canada's government, with the Queen as a symbolic force, was focused in the 1920s on

nurturing a national identity. National unity had been on the minds of Canadian leaders at least as early as the Canada First Movement of the latter nineteenth century (Mackey, 1999). Thus, even though Canada would come to embrace multiculturalism more than its North American neighbor, during the formative period for broadcasting in the 1920s and 1930s, Canada placed a clear emphasis on a national broadcasting order. In fact, the Canadian government would play a strong role in coordinating a broadcast empire that reached all of Canada. Hence, unlike the U.S., Canada was not backed into a compromise, national-regional radio system. Canadian policymakers came down firmly for a national broadcast system that would be a "tool of nation building" (Raboy, 1990, p. 50).

Meanwhile, the Netherlands also had regional interests. For example, the province of Friesland held cultural differences, in part rooted in language differences, from the remainder of the Netherlands. Nevertheless, religious and political divisions drove Dutch policymaking and Dutch broadcasting far more than regionalism (Hiemstra, 1997; Lijphart, 1968). In fact, the Netherlands is notable for being both religiously and politically pluralistic while ardently national in its policy outlook (Lijphart, 1968). Even if a regional-national tension had emerged in the Netherlands as a serious policy influence, an important material limitation left little room for geographical diversity in broadcasting. Given the Netherlands' small land size and its proximity to its neighbors, Dutch broadcasting began with a single transmitter that reached the entire country (van der Haak & Spicer, 1977). Setting up regional stations or transmitters was not an option in the 1920s and 1930s. The Netherlands faced no serious competing pressures to

balance regional and national interests in the construction of a political broadcasting policy.

Professionalism and voluntarism. America, as Alexis de Tocqueville (Tocqueville & Reeve, 2000) pointed out, was a nation that valued voluntary organizations and associations. The industrial revolution had also awakened in Americans an appreciation for and the practice of professionalism. Americans valued both professionalism and voluntarism and for the most part these two values coexisted peaceably. However, as we will see, when it came to broadcast policy, these two values pulled policymakers in different directions.

Policymakers valued professionalism whether in government administration, in industrial management, or in broadcast operations. Professionalism as a cultural value had been gaining in currency since the coming of the industrial age. Skowronek (1982) associates professionalism with the industrial transformation of American life following the Civil War. "New communities of intellectual competence—socially differentiated and internally ordered—were heralded in broad-ranging movements to establish formal professional associations, to upgrade standards of professional recruitment and practice, and to build universities that would train specialists and define expertise" (Skowronek, 1982, p. 43). The success of industry, or any professional endeavor, required an intellectual workforce who prized efficiency and rationality.

When dealing with broadcasting, policymakers cited the professionalism of industry engineers in lending advice on issues such as frequency allocations. Policymakers cited the professionalism of commercial broadcast managers in rationalizing a business plan to support radio. And, policymakers cited the

professionalism of commercial radio programmers in providing listeners with high quality entertainment.

Secretary Hoover leaned on the so-called radio trust for advice and for government-sponsored experiments by invoking their professionalism. McChesney points out that industry engineers brought recommendations to policymakers that favored their own industry and their own employers. While the assessment may be accurate, Hoover and others needed to justify their deference to the broadcast manufacturers. Hoover argued that if experts who worked for the regulated industries were not allowed to confer with the Commerce Department "some of the men best recognized for their public interest and public enlightenment in the art should be precluded from being consulted on problems connected to the industry" (*To Amend the Radio Act of 1912*, 1923, p. 42). A year later Hoover applauded the engineering contributions of AT&T and Westinghouse in bringing about the interconnection of radio stations. "We owe a debt of gratitude to those who have blazed the way," he said (Third National Radio Conference, 1924, p. 4).

The industry touted its own professional intentions—RCA described its goal as fostering the "scientific development of the art" (*To Amend the Radio Act of 1912*, 1923, p. 59). The radio corporations also had some of the best university researchers and engineers on their side. For example, Columbia University professor Michael Pupin spoke strongly against government involvement in radio's development and strongly for the central role of radio's "parents," i.e., the radio corporations (*Radio Communication*, 1917, p. 154).

As Slotten (2000) concludes, policymakers could defer to a technocratic rationale for policy decisions because of the professional status of broadcast engineers. Whether invoking a cultural value of professionalism was a cynical means of covering for industry favoritism or whether it was a genuine belief in the dispassionate, technical advice of professionals, the fact remains that professionalism carried cultural credibility as a rhetorical strategy.

In fact, the commercial radio interests did much to cultivate their professional status. The new radio industry established professional associations such as the National Association of Broadcasters and the National Radio Chamber of Commerce in the early 1920s. The latter organization described its membership as "manufacturers, as well as a number of engineers and professional people" (*To Amend the Radio Act of 1912*, 1923, p. 23). Noncommercial broadcasters would also seek to form associations, although not until later, e.g., the National Committee on Education by Radio formed in late 1930 (Muller, 1932).

Thus, broadcasters touted their own professionalism in managing their operations. For example, the manager of WJZ told how programs needed to be prepared well in advance and with great care. He concluded, "Great skill is required to arrange properly balanced programs" ("Radio showmen," 1925, p. XX 15). Broadcasters also cited their management expertise and their "sound financial and sales policies" ("Opera stars," 1925). Policymakers took note. During the Third National Radio Conference in 1924, Secretary Hoover congratulated broadcasters for programming more than just phonograph recordings. "Program directing has become one of the skilled professions," Hoover said. "I have, indeed, a great feeling for the troubles of the director in his efforts

to find talent and to give to his audience the best that lies at his command. He has done

extraordinarily well" (Third National Radio Conference, 1924, p. 3).

Secretary Hoover had used the radio conferences to exhort broadcasters to deliver

the "greatest music and entertainment" possible to listeners. When the large broadcasting

organizations later appeared at congressional hearings, the broadcast officials pointed to

the professional quality of their entertainment programming. The broadcasters could

claim to offer "concerts broadcast by the great artists of our day" (*To Regulate Radio

Communication*, 1926, p. 143). The same broadcasters could claim that smaller stations,

or stations in rural areas, did not have the same "character of service" (*To Regulate Radio

Communication*, 1926, p. 144). One station manager concluded that "few broadcasters

could maintain a staff of professional entertainers sufficiently good, large and versatile"

without the support of advertising ("Few letters," 1926, p. XX 18).

For the most part, policy would say little about what or how broadcasters should

program. The Commerce Department acknowledged in 1924 that a station was free to

"entertain or educate a certain class of people" (Third National Radio Conference, 1924,

p. 19). But delegates to the Fourth National Radio Conference in 1925 agreed that the

public interest was best served by "a meritorious program of entertainment and

educational nature" (Fourth National Radio Conference, 1925, p. 18). The professional

quality of stations' broadcast programming was being duly noted by policymakers. For

example, the FRC renewed licenses for those stations that exhibited engineering

excellence and "good programs" (Federal Radio Commission, 1928, p. 154).

Thus, when the Federal Radio Commission began to create a broadcast order

through the renewal or revocation of licenses, commissioners frequently invoked the

broadcasters' professionalism or lack of professionalism. For example, the FRC lauded

the professional judgment of "program directors of broadcasting stations who, for the

sake of the popularity and standing of their stations, will select entertainment and

educational features according to the needs and desires of their invisible audiences"

(Federal Radio Commission, 1929, pp. 32-3).

Meanwhile, policymakers also prized the spirit of voluntarism that was vital to

American civic life. "Americans formed and joined thousands of voluntary organizations

in the late nineteenth and early twentieth centuries, thus creating a landscape of social

and economic associations without precedent on our shores, and, I cautiously assert,

without equal anywhere in the world" (Kaufman, 2002, p. 3). America's reliance on

voluntary organizations, by some accounts, was "the quintessential American

contribution to the democratic idea" (Hall, 1992, p. 13). Voluntarism had also played a

role in the development of American broadcasting. So-called radio amateurs had

tinkered with radio when it was a form of point to point communication and had helped

radio become broadcasting by making 'listening in' a fad (Barnouw, 1966). Later,

voluntary organizations acquired radio licenses and began to offer broadcast

programming.

Secretary Hoover lauded those schools, churches, government agencies, and civic

organizations, "which may be said to operate from more altruistic motives" (Third

National Radio Conference, 1924, p. 7). As was the case with voluntary associations in

general in the U.S., the moral force or value of voluntarism rested in its perceived

altruism. Voluntary organizations were associated with brotherhood, mutual aid,

cooperation, and community (Kaufman, 2002). Churches and civic organizations

claimed they were not in broadcasting to get rich, but to help advance the public good.

For example, a noncommercial New York radio station announced at its opening that its

purpose was "solely for service of the public," and that it had nothing to do with

"manufacturing or advertising interests." The station underscored its community

mindedness: "WHAP is non-commercial, non-sectarian and is not the mouthpiece of any

special organization or group" ("New station," 1925, p. XX 14).

Advocates of noncommercial broadcasting laid claim to voluntaristic, and hence

American, values. The noncommercial broadcasters, as their name suggests, identified

themselves in opposition to commercial radio stations. Commercial stations were ill-

suited to operate in the public interest given their role in extolling the private interests of

advertisers. Noncommercial broadcasters, on the other hand, claimed a true affinity with

the public interest ("New station," 1925).

Nevertheless, policy and radio leaders offered a variety of visions for the role of

voluntary organizations and the voluntaristic spirit in American broadcasting. In the end,

policymakers could embrace voluntarism without embracing noncommercial

broadcasters and the broadcast order the noncommercial stations advocated.

RCA's David Sarnoff had been an early opponent of advertising supported

broadcasting. He suggested that voluntary, charitable organizations should step forward

to support radio. "As the picture will become plainer there will emerge in radio musical

foundations, operatic foundations and lecture foundations, endowed or supported by great

public-spirited Americans, who will see in this vast instrumentality of the air another

means to become public benefactors" ("Sees radio puzzle," 1924, p. 30). Money was

collected for support of opera broadcasts ("Seek to get stars," 1924), but Sarnoff's plan

did not take hold and broadcasting support was left to advertisers, not charitable foundations.

Voluntarism could also play a role in a more simple way. Radio stations could make their facilities available to publicly minded, civic organizations. Indeed, this became common practice in the early days of radio. For example, Rotary clubs had used radio broadcasts in 1923 to spread information about citizenship to audiences around the country ("Editorial," 1923). Political and civic groups used radio, and other media, to carry out a 'get out the vote' drive ("Get out the vote," 1924). This history of service to voluntary organizations was duly noted by the Federal Radio Commission. The FRC had come down in favor of general interest stations, arguing that such stations could provide time to special interest or civic organizations. Indeed, in granting a license renewal to WGL in New Jersey, the FRC commended that station for extending "its facilities to the American Legion, the Veterans of Foreign Wars, the National Surety League, and similar organizations. During the year it also made a showing of support from various civic organizations." Likewise, WBBW in Virginia was lauded for providing airtime to "various clubs and organizations" from local high schools (Federal Radio Commission, 1928, p. 159).

As Kaufman points out, voluntary associations claimed interest in the common good but were also exclusivist—voluntarism "was motivated by the desire for exclusive social outlets that would allow individuals of different genders, races, ethnicities, and birthplaces to socialize in private, self-segregated groups" (Kaufman, 2002, p. 8). This exclusivist character of voluntary organizations became a factor in the debate about radio ownership. For example, noncommercial station WHAP, which, as indicated above,

claimed to be non-sectarian and non-political, would later be called before the FRC to account for its anti-Catholic and anti-Governor Al Smith broadcasts ("Tells of fighting Smith," 1927). The FRC labeled these noncommercial broadcasters as propaganda stations—the opposite of the favored general interest stations. "[T]here is no room for the operation of broadcasting stations exclusively by or in the private interests of individuals or groups so far as the nature of the programs is concerned" (Federal Radio Commission, 1929, p. 34).

As early as the Second National Radio Conference in 1923, delegates saw that small organizations with limited resources faced challenges in employing professional engineering, professional management, and professional entertainers. The delegates suggested a solution by "consolidation in each locality" (Second National Radio Conference, 1923). In other words, voluntary organizations should pool their resources as a means of better achieving professional standards. The FRC would come to similar conclusions, but was less optimistic about the positive role of the voluntary organizations.

While political organizations are a form of voluntary association, they could claim little of the positive, altruistic spirit of voluntarism in the 1920s. Political parties and groups were seen as divisive factions that put their own partisan goals ahead of the public good (Skowronek, 1982). The Progressive movement saw parties as the problem and professionalism, in the form of bureaucracies, as the solution. The FRC saw it much the same way—politically oriented broadcasters were propaganda stations, ill suited to serve the public interest (Federal Radio Commission, 1929).

The uniquely American character of voluntarism lay in its opposition to government initiatives. Voluntarism did not just supplement government; it supplanted

government. Voluntary cooperation was a form of social organization and self-government that was achieved outside of government. One of the foremost advocates of this brand of voluntarism was Herbert Hoover. Hoover, in his 1922 book, *American Individualism*, championed the role of the voluntary associations in community life, based on the altruism and mutual cooperation of enlightened leaders and managers. Government's role was to foster or nurture such associations. Hoover argued that government should be "committed to nourishing individualism and local initiative rather than supplanting them" (Hoover, 1922, p. 143).

When Hoover repeated his vision of voluntarism in his inaugural address in 1929, much of what he said could have been describing in his dealings with radio:

> Our people have in recent years developed a new found capacity for cooperation among themselves to effect high purposes in public welfare. It is an advance toward the highest conception of self-government. Self-government does not and should not imply the use of political agencies alone. Progress is born of cooperation in the community—not from governmental restraints. The government should assist and encourage these movements of collective self-help by itself cooperating with them (Hoover, 1929).

What was notable about Hoover's idea of voluntarism was its close ties to professionalism. The legitimacy of voluntarism required professional managers who embodied "a spirit of community responsibility" (Hoover, 1922, p. 38).

Voluntarism and professionalism were not inherently at odds. However, as radio developed in the 1920s, competing visions of broadcasting emerged. Churches, civic groups, and other voluntary associations entered into broadcasting to provide a forum for everything from speeches and talks to local music and entertainment. In most cases, radio was like any other platform, stage, or tree stump—it was a venue for doing what the

voluntary associations did. Sermons could not only be delivered from a pulpit, but also via a radio signal ("Preaches to 500,000," 1922). Meanwhile, the radio manufacturing and retailing industry put forth radio, not just as a technology, but as a new and unique social institution. An important social institution required professionalism—professional management, professional talent, and a professional character.

When the FRC weighed which stations should be favored in the broadcast hierarchy and which should be edged out of existence, the stations that were the most professional won out. The FRC made an important association: private, commercial stations were more professional than stations run by voluntary organizations. The FRC concluded: "By and large, furthermore, propaganda stations do not have the financial resources nor do they have the standing and popularity with the public necessary to obtain the best results in programs of general interest" (Federal Radio Commission, 1929, p. 34). Meanwhile, the FRC disputed noncommercial broadcasters' exclusive claims to voluntaristic values. The FRC believed that commercial stations could and did support those very voluntary organizations that many believed made America so strong. The FRC can surely be faulted for being less than rational in its arguments. For example, it does not give a clear answer as to why advertising should not also be considered a form of propaganda, inconsistent with the general, public interest. But rationality is beside the point in a cultural argument—by embracing the value of professionalism, policymakers would embrace commercial, general interest broadcasting, whether it was rational or not.

This embrace of professionalism and voluntarism had consequences for political broadcasting, particularly when it came to allotting access. The FRC's hierarchy for allotting broadcast licenses would have a direct relationship on who would be in position

to allot political access to the airwaves. Government ownership was inconsistent with the spirit of voluntarism. Political and noncommercial ownership, while consistent with at least some version of voluntarism, exhibited little of the professionalism of private, commercial ownership. An intermediary to allot access had gotten little serious policy consideration and failed to take hold in the face of the strong role already played by commercial and noncommercial stations, which both laid claim to a voluntaristic spirit. Commercial ownership had the advantage of invoking American voluntaristic values but also exhibiting the high degree of professionalism that Hoover and others valued so much. In the end, American values of voluntarism and professionalism pointed to commercial, private ownership as a means of allotting political access.

By some accounts, professionalism and voluntarism may appear to be part of an institutional rather than a cultural history. For example, we might see the underlying dynamic here as the institutionalization of voluntary associations in American society during the nineteenth century. Or we might see the real issue here as the institutionalization of an independent, professional broadcast media. However, the causal force lies in the value placed on the spirit of voluntarism and the spirit of professionalism. This becomes more obvious when viewed in a comparative perspective.

The Netherlands experienced a very similar institutionalization of voluntary associations and broadcast media. If any country in the world could rival America's love affair with voluntary associations, it would be the Netherlands. The Dutch formed hundreds of associations in the early twentieth century—women's organizations, boys clubs, sports clubs, and hobby associations; not to mention political, labor, business, and religious organizations (Blom & Lamberts, 1998). However, unlike the U.S., the Dutch

experience with these voluntary organizations came without the same spirit of voluntarism; i.e., without the spirit of brotherhood, community, and altruism. These clubs and organizations tracked closely with the religious-political pillars of Dutch society (Lijphart, 1968). Instead of simply a boys club or radio listening-in club, the Catholics, Protestants, Liberals, and Socialists sponsored their own clubs (Hiemstra, 1997). Hence, while the Dutch had no small number of voluntary associations, one would be hard pressed to say that they valued a voluntaristic spirit based on altruism and community when the Dutch brand of voluntarism grew out of and led to partisanship and pillarization. In such a cultural environment, the Netherlands settled on a political broadcasting order based on allotting access via political-religious ownership.

Meanwhile, Canadian voluntarism has never been as robust as it has in the U.S, or the Netherlands for that matter. Canadians were not necessarily any less altruistic than their American neighbors, but, as Harold Innis (1956) observes, Canadians have expected professional and statist efforts to nurture community and to address the needs of the less fortunate. Seymour Lipset (1990) argues that Canadians, who generally belonged to churches that had been state-established churches in Europe (i.e., the Anglican Church and the Roman Catholic Church), channeled brotherhood, charity, and altruism through the state. In such a cultural environment, Canada produced a political broadcasting order based on allotting access via government ownership.

Partisanship and neutrality. By the 1920s, American attitudes about partisanship and neutrality had evolved considerably. Partisanship, the adherence to a party or cause, had been valued in American culture during much of the nineteenth century. Partisan differences were accepted as valid and necessary in American life. Differences over

slavery, for example, left little room for neutrality. Institutions that embodied partisan attitudes had thrived—political parties and machines dominated governance from the local to the national level. But, by the early twentieth century, the enthusiasm for partisanship had been tempered by Progressivism's considerable gains. The enlightened citizen, according to the Progressive ideology, did not blindly give allegiance to a partisan position, but rather gave all sides a fair hearing before making a rational judgment. In other words, citizenship required neutrality; i.e., not being aligned with a particular side or position in a controversy.

The value of partisanship was debated frequently on the editorial pages of major newspapers during the early twentieth century (e.g., "Governor and merit," 1915; "Party lines disappearing," 1916; "Politicians as diplomats," 1916). A 1924 debate about partisanship is telling. President Calvin Coolidge used an appearance before a League of Republican Women Voters gathering to assert the value of partisanship. Coolidge argued that nothing better represented the "real ideals of America" than partisanship. But the President was quick to anticipate Progressive criticism:

> Now I don't mean by that a narrow and bigoted partisanship, but one that recognizes the necessity to cooperate one with another, if we are in any way to secure the result that we desire. That has been the model of our country from the time when it was established down to the present day ("Coolidge stresses," 1924, p. 7).

Coolidge cast the value of partisanship largely in Progressive terms, emphasizing the organizational value of partisanship in creating a more effective government. Two days later a *New York Times* editorial, using similar Progressive concepts, endorsed Coolidge's position on the value of partisanship: "A well-knit and dependable party organization has been hitherto regarded as necessary for carrying on the work of

government in the United States." The *Times* contrasted Coolidge's take on partisanship

to that of a Nebraska senator, who had stated, "I would like to abolish party

responsibility, and in its stead establish personal responsibility." The *Times'* editorial

concluded:

> If 'personal responsibility' is to be the rule in Congress, we shall see still
> more individuals willing, not only to assert their independent judgment, but to
> halt legislation and to make orderly procedure difficult if not impossible. It may
> be that too extreme partisanship in the past led to revolt and such disintegration of
> party control as we are now witnessing. But that movement, however caused, has
> gone too far—so far as already to come near paralyzing the legislative power and
> bringing Congress into discredit ("Government by party," 1924, p. E4).

Meanwhile, a letter to the editor took exception to the *Times'* conclusion, arguing

that rule by personal responsibility better represented the rule of government by the

people ("Without benefit," 1924). The debate demonstrates just now contested the value

of partisanship was. The fact that much of the debate occurred on Progressive terms

underscores that a paradigm shift was indeed underway. Some clearly adhered to the

belief that partisanship was the best answer to America's problems; others clearly

believed that Progressive values, such as neutrality, were the answer to the problems

caused by partisanship.

Adjectives used in the press to describe partisanship included: narrow

("Government by party," 1924), mere ("Independent public servants," 1920; "Party lines

disappearing," 1916), evil ("Citizens union," 1920; "Politicians as diplomats," 1916),

blind ("Sees in partisanship," 1924), bitter, and unscrupulous ("Partisanship and a cause,"

1920). Those who wanted to tap the remaining value of partisanship needed to stipulate

that their type of partisanship was not narrow, evil, or blind. For example, the American

Federation of Labor said it was "partisan to the principles of justice, freedom and democracy" ("Non-partisan partisanship," 1920, p. 10).

While the adjective 'partisan' now largely carries a pejorative connotation (Bennett & DiLorenzo, 1985), partisanship, even today, retains some positive association. As Dalton concludes, "feelings of partisanship tap the popular vitality of representative democracy. Partisan ties bind individuals to their preferred political party, as well as the system of party democracy. Partisan ties also help orient the individual to the complexities of politics, and provide a framework for assimilating political information, understanding political issues, and making political judgments" (Dalton, 2000, p. 21).

As noted above, Progressive era reforms had sought to promote attitudes of neutrality over those of partisanship in attempts to make changes in American institutions. Progressives promoted scientific management principles—principles built on notions of scientific detachment and neutrality (Diner, 1998). Indeed, the rise of scientific authority in the nineteenth century had done much in its own right to promote pro-neutrality attitudes—neutrality was considered a "moral value" (Porter, 1995, p. 5). Journalist and public intellectual Walter Lippmann had advocated public administration by neutral experts. While Lippmann (1922) acknowledged that a genuinely neutral vision of reality was nearly unthinkable, he argued that the trained and disciplined could rise above their prejudices and partisanship. Meanwhile, decision making bodies that relied on such neutral techniques as "impartial fact finding" were lauded by politicians and other public figures (Metz, 1926).

The American news media would adapt neutrality as an institutional ethic in the twentieth century, but had a long history of partisanship. Newspapers emerged in the

new republic as either Federalist or Anti-Federalist. The editor, who was typically a party appointment, was given the job of putting forward the party's positions (Emery et al., 2000). Even though the penny press introduced financial independence into the industry in the mid-1800s, the news media's alliance with political parties was slow to fade away. Neutrality and objectivity only gained a firm hold among the newspaper industry in the 1920s (Schudson, 1978). The value of neutrality was not hegemonic at the birth of radio as it would be in the 1950s during the rise of television. Nevertheless, neutrality held a much stronger cultural force at the formation of radio than it had at the rise of the newspaper.

The early broadcast experience, as noted in the previous chapter, had been shaped both by neutrality and partisanship. Various broadcasting interests embraced neutrality. For example, AT&T's William Harkness called inequality of access a "danger" to be avoided (*To Regulate Radio Communication*, 1924, p. 83). RCA's David Sarnoff argued, "So powerful an instrument for the public good should be kept free from partisan manipulations" (*To Regulate Radio Communication*, 1924, p. 160). Some broadcasting interests tapped partisanship as a legitimating value. For example, the Chicago Federation of Labor justified its broadcast license as a voice for organized labor ("Chicago labor," 1926). Progressive Republicans rationalized their station as a means to counter conservative voices ("Progressives enter," 1927) and Socialists justified their station as a mean to spread their political ideology ("Socialists to erect," 1926).

While some stations came to be seen as neutral and some as partisan, the dueling values of partisanship and neutrality entered into policy decision-making in a variety of complex ways. For example, in the early years of radio regulation by the Commerce

Department, the efficacy of placing radio industry engineers and lawyers on a radio regulatory advisory committee had been called into question. When the codification of an advisory committee came before lawmakers, critics questioned the neutrality of industry employees. Hiram Maxim, representing the amateur radio association, the American Radio Relay League, had argued that it was inevitable that the League's judgment would not be neutral. "If the membership of this advisory committee is made up of lawyers and consulting engineers or companies financially interested in radio, it is unavoidable that the recommendations of these members should be colored in the interest of their clients" (*To Amend the Radio Act of 1912*, 1923, p. 17).

Likewise, the decision to create a commission form of broadcast governance rather than continue with regulation by the Commerce Department had also turned on concerns about neutrality and partisanship. During committee debate, one senator had argued that allowing the Commerce Department to regulate radio could lead to "full publicity for Coolidge speeches, while political opposition would be deprived of the right to speak through the ether to the voters" ("Coolidge radio plan," 1926, p. 9). Members of Congress also worried that broadcasters might engage in self-censorship given Commerce Secretary Hoover's run for the presidency ("Reports bill taking," 1926). A member explained the committee's action on the Senate floor: "So the committee thought that the control ought to be as independent and as free from partisan interference as possible, and accordingly, believed it was wise and in the interest of the public to place the control in a bipartisan independent body" (*Congressional Record*, 1926, p. 12350).

Values of neutrality and partisanship entered into each aspect of political broadcasting policy. Neutrality, as it had in the larger culture, carried more authoritative

force than partisanship. However, partisanship was not without influence in the policymaking process. In this period when Progressivism had not attained paradigmatic status, values from conflicting ideologies could carry some weight.

While broadcasters generally acknowledged the legitimacy of political parties and political groups, the Radio Act would ultimately recognize only candidates. Why did lawmakers depart from the early American broadcasting experience of allotting airtime via political parties? It was suggested above that the institutional force of policy precedents, which were hostile to recognizing political parties and factions, explained this outcome. But even the institutional story told above is not complete or convincing without reference to cultural values. To say that the nation's founders loathed "the very idea of political parties" (Aldrich, 1995, p. 93), is to rely on the attitudes and values of policymakers to explain an institutional preference.

The more immediate attitudes and values of policymakers should also not be ignored. Institutional precedents did not trump or even conflict with contemporaneous attitudes and values; they were in harmony with those values and attitudes. By the 1920s Progressive policymakers had taken many steps to disassemble the political machines that had dominated American political life (Skowronek, 1982). By dealing strictly with candidates, and not parties and groups, policymakers sought to avoid partisan entanglements. Candidates could be seen as geographical, rather than ideological, representatives. Policymakers could invoke the Progressive notion that an election should be used to pick the "better man" (MacManus, 1925, p. 26; "A political negative," 1927)—a man who demonstrated "independent thought and courage" rather than partisan policy preferences ("An important election," 1924, p. 16).

Members of Congress were clearly concerned about ensuring freedom of speech, particularly political speech. While political parties and groups had been involved in broadcasting and some station owners had argued for preferential power and frequency assignments based on their political position, lawmakers gave little heed to creating a broadcast order based on political ownership. Members of Congress noted those broadcasters who divided airtime evenly among political parties, but also raised concerns about partisan "abuses" by broadcasters (*Congressional Record*, 1926, p. 12505). Some broadcasters had been far from neutral, giving one party advantage over another. For example, a "station preferred to have Republican speakers" (*Radio Control*, 1926, p. 126).

Endorsing an order based, even in part, on partisan differences conflicted directly with the value placed on political neutrality. Both lawmakers and witnesses who appeared at hearings decried stations that gave partisan preference. For example, the ACLU's Morris Ernest began his testimony in 1926 with a litany of occasions when stations favored one political voice over another (*Radio Control*, 1926). Senators cited instances of partisan preference when debating legislation in 1926 and, at one point, included language that forbade "broadcasting of any matter of a discriminatory nature favoring any candidate or candidates for any public office" ("Reports bill," 1926, p. 21). That language was later struck, but the sentiment that gave rise to it did not go away.

Meanwhile, some argued that the real barrier to free speech was the prospect of monopoly. Limited ownership meant limited opportunities for political voices to make it on the air. A Chicago Federation of Labor spokesman asked Congress to allow stations of all stripes. "If you want to keep radio democratic you will let them have all kinds of

stations, and lots of them, and the more the merrier," argued the CFL's William Strong

(*Radio Control*, 1926, p. 201). But critics, such as the ACLU's Ernest, pointed out that a

policy that allowed the buying and selling of stations was leading to fewer stations and

less diverse venues. Zenith's Irving Herriott told a Senate committee that monopoly

really created only one problem—the potential to create a partisan advantage in electoral

politics. Interstate Commerce Committee chair James Watson agreed with Herriott: "[I]f

a conservative owned a broadcasting station he would not permit a lot of socialistic

speeches to be scattered around the country" (*Radio Control*, 1926, p. 258).

One solution would have been to stipulate "that no one group should be allowed

to have more than one station"—a solution put forward by the ACLU (*Radio Control*,

1926, p. 128). However, creating a radio order where partisan differences could run their

course did not sit well with many in Congress. Policymakers and witnesses at

congressional hearings had already identified partisan motives, or "political

discrimination in broadcasting," as a problem and were not about to turn around and

embrace partisanship as a solution ("Reports bill," 1926, p. 21). Policymakers were left

with one viable, remaining option: equal access.

Several members of Congress argued during hearings in 1924 and 1926 that those

stations that charged for airtime should be treated like "any other public utility" (*Radio

Control*, 1926, p. 93). Specifically, the toll stations should be required to accommodate

all comers. AT&T's William Harkness, while maintaining the organization's right to

make editorial decisions, explained that AT&T stations had indeed been fair in providing

time for politicians to speak. "If we give it to one, we give it to all," Harkness said.

"That is what we did throughout the political campaign, so that they were all treated

exactly alike, the socialist candidates the same as the others" (*To Regulate Radio Communication*, 1926, p. 58).

This policy of giving equal access to politicians, however flawed it may have been in practice (e.g., see "Cancel radio talk," 1926), was embraced in principle by policymakers. Members of Congress decried those instances when stations favored one political speaker over another—partisan motives were always bad motives. Instances of favoring one side over another were described as "abuses" (*Congressional Record*, 1926, p. 12504, 12505). The solution was neutrality. "If all candidates can not be heard, none should be heard," Senator Robert Howell said in Senate debate. "If both sides of a question can not be heard over a particular radio station, none should be heard" (*Congressional Record*, 1926, p. 12504).

Censorship by broadcasters also came in for harsh criticism. Members of Congress complained that broadcasters should not determine which politicians would be allowed to speak or what they should be allowed to say. Senator J. Thomas Heflin of Alabama decried stations that believed they could set conditions on what politicians could say. "I think that is a piece of tyranny that ought not to be countenanced in this country," Heflin said on the Senate floor. "What business is it of one (station) to censor a speech and say whether or not it can be made?" (*Congressional Record*, 1926, p. 12356).

The strong value put on neutrality and the distrust of partisanship left lawmakers with one solid option: equal access. That such a policy would include language that forbade censorship flowed directly from policymakers' concerns that broadcasters would grant partisan advantage.

How access would be allotted—whether by political, government, or private ownership—was left to the Federal Radio Commission to settle. Concerns about neutrality and partisanship would weigh heavily in the FRC's policymaking. Private, political, and governmental broadcasters also invoked values of neutrality and partisanship in presenting their cause.

AT&T and the other horsemen of the air had put forward their neutrality when dealing with political speech. AT&T's Harkness had described the company's policy as giving all candidates "equal opportunity" (*To Regulate Radio Communication*, 1926, p. 57). RCA's Sarnoff had made similar claims, arguing that radio "should be kept free from partisan manipulations" (*To Regulate Radio Communication*, 1924, p. 160). Many of the educational, civic, and government stations also embraced neutrality. In fact, officials from New York City-owned station WNYC argued such a station was uniquely qualified to broadcast in the public interest because of its neutrality ("WNYC begins broadcasting," 1924). Likewise, university and government owned stations in Wisconsin would later make their airwaves available to all candidates free of charge. Wisconsin officials promised candidates would be given "impartial use of the radio stations" ("Wisconsin provides," 1932, p. VIII 8).

The political and religious broadcasters were among those who clung to the legitimating ethic of partisanship, even after the Radio Act had been passed in 1927. For example, WCFL argued for a clear broadcast channel based on its ability to offer a slate of "broadcast programs of interest to organized labor" (Federal Radio Commission, 1929, p. 36). Likewise, the founders of socialist station WEVD announced the station would be "a militant voice of the American labor movement to give expression to the aspirations of

the millions of men and women who toil for a living" ("Debs fund," 1927, p. 14). When

Iowa station KTNT battled with the FRC for a more favorable frequency, Senator Smith

W. Brookhart went before the commission to defend a station that "broadcasts the

progressive thought in politics" ("Progressives enter," 1927). KTNT rallied a number of

senators to its side—evidence that partisanship still carried rhetorical force.

Many church-based broadcasters, such as Rev. Robert Shuler of KGEF, had also

invoked partisanship. Shuler argued that he should be entitled to speak his religious and

political ideas over the air and to deny his religious and political opponents access to

airtime on his station (see Benjamin, 2001, for more). Shuler's station failed to have its

license renewed by the FRC after he had attacked Catholics, Jews, and other confessional

groups. A Methodist colleague defended the station's right to offer its viewpoint.

"Protestants and Romanists alike have equal rights to use the air [of other stations] to

present their views" ("Cannon denounces," 1931, p. 36). The argument is telling. In the

face of a direct challenge to its partisanship, rhetoric shifted to embrace a principal of

neutrality. WCFL had also shifted its rhetoric when it came under attack. CFL Secretary

Edward Nockels stated that radio should "be used for the benefit of all the people and not

as a source of profit for corporations, private or political interests" ("Property rights,"

1927, p. 16). However, WCFL and KGEF were making their claims based on a

broadcast order of diverse venues—an order already rejected by the FRC in favor of

general interest broadcasters and equal access.

Meanwhile, the FRC rejected the neutrality claims of the educational, civic, and

religious stations. The FRC laid out its rationale in the case of Great Lakes Broadcasting

Company. The FRC made a sharp contrast—broadcasters were either general interest

stations or "propaganda stations." Propaganda stations provided publicity for their

sponsors, i.e., those who subsidized the stations. General interest stations functioned

independently by receiving support from advertising. Stations either embraced neutrality

or partisanship: "There is not room in the broadcast band for every school of thought,

religious, political, social, and economic, each to have its separate broadcasting station,

its mouthpiece in the ether. If franchises are extended to some it gives them an unfair

advantage over others" (Federal Radio Commission, 1929, p. 34). The FRC used the

same line of argument to deny WCFL a clear broadcast channel:

> (T)here are numerous groups of the general public that might similarly
> demand the exclusive use of a frequency for their benefit. There are five million
> Masons in the United States and about as many Odd Fellows. Their fraternal
> interests might be urged as a reason for having specific frequencies set aside for
> them ... if one large group is entitled to such privilege, others are entitled to the
> same privilege (Federal Radio Commission, 1929, p. 36).

The FRC invoked neutrality to make its argument. "It would not be fair, indeed it

would not be good service, to the public to allow a one-sided presentation of the political

issues of a campaign" (Federal Radio Commission, 1929, p. 33). It is worth recalling that

one-sided presentations were not uncommon during the time leading up to the FRC's

ruling in the Great Lakes case. The Radio Act had not forbidden ownership by political

organizations or civic groups. The FRC's policy invoked neutrality to make a policy

choice—political access should best be allotted via private, advertising-supported

broadcasters.

The Radio Act of 1927 did not produce a singular conclusion on what form

regulated political airtime should take. Policymakers noted the difference between paid

and sustaining programming, but made only modest attempts to address the implications

via policy. The policy would seemingly apply whether political access came by way of speeches, on-the-spot coverage, forums, panels, advertising, or news. However, there was little evidence that policymakers struggled with the issues surrounding access via news.

By the time the Radio Act was being written in 1926, many radio stations had been in the practice of airing speeches and addresses by prominent government officials. Stations picked up the costs. On the other hand, candidates, groups, and parties either purchased airtime on various stations or used time on their own stations. Both strategies were costly. But when the FRC discouraged political ownership of stations, candidates had little option but to turn to general interest broadcasters for airtime. Purchased time took the form of speeches (considered then as a form of direct advertising), arranged forums or panels, and occasionally on-the-spot coverage of events (e.g., parties paid for hook up costs to have their conventions broadcast).

But, policymakers voiced concern during hearings in 1926 that broadcasters had too much discretion in charging fees for political speech. AT&T acknowledged it did not use a flat fee for speakers and members of Congress questioned whether such an arrangement could be open to partisan abuse. AT&T insisted it gave all political parties "equal opportunity" (*To Regulate Radio Communication*, 1926, p. 57). However, the concerns resurfaced during debate on the house floor. Representative Ewin Davis argued that partisanship by broadcasters posed a serious problem. "They can charge one man an exorbitant price and permit another man to broadcast for free or at a nominal price," Davis said. "There is absolutely no restriction whatever upon the arbitrary methods that can be employed, and witnesses have appeared before our committee and already have

given instances of arbitrary and tyrannical action in this respect" (*Congressional Record*, 1926, p. 5483).

Lawmakers also raised concerns that rates would be so high as to give unfair advantage to wealthy candidates. When Congress held hearings in 1932 to consider changes to the Radio Act, regulation of rates for political airtime received some consideration. "A station will put its rates so high to the local candidates that only one of them can afford to use the station," Senator Clarence Dill argued (*To amend the Radio Act*, 1932, p. 12). Senator Burton Wheeler pointed to even more blatantly partisan tactics: "I know in my own state that certain candidates have had the services of a broadcasting station on credit, and never did pay the bill, while others have been required to pay cash" (*To amend the Radio Act*, 1932, p. 13). However, lawmakers failed to embrace an amendment that would have regulated rates for political airtime (see Chapter 3). Since values of neutrality and partisanship clearly played a role in these discussions and changes were still not made, a cultural argument cannot be clearly supported for this dimension of political broadcasting policy.

Little of the recorded discussion in congressional hearings and on the floor of Congress concerned broadcasts that spoke *about* politicians. As indicated in the previous chapter, news was in short supply on radio stations and it did not appear to be on the lips of lawmakers. However, the FRC would eventually extend the logic of evenhandedness to talk, not just by politicians, but also about politicians. Station KGEF did not have its license renewed by the FRC for committing a variety of sins. But, according to the commission, one of the more deadly sins involved Rev. Robert Shuler's diatribes against "crooked politicians" (Hall, 1931, p. E5). The Court of Appeals agreed with the FRC

that Shuler's talks about local political figures had served to "inspire political distrust and civic discord" ("Court backs barring," 1932, p. 22). Attacks on political opponents violated principles of fairness.

Canada and the Netherlands, like the United States, had also valued neutrality and partisanship. However, the histories of partisanship and neutrality in Canada and the Netherlands followed different courses. Both countries had already proceeded through constitutive battles regarding partisanship prior to the 1920s. Partisanship and neutrality were, by the 1920s, not only cultural values or commitments, but also institutional features. Thus, ideological differences were accepted as both natural and valuable and were well integrated into institutional structures. Neutrality was accepted as necessary, but only in the very limited domain of administrative functions. The clearly drawn lines between the values of partisanship and neutrality, and their place in an institutional landscape, speak to the more settled cultural environment in Canada and the Netherlands. In the U.S., the limits of neutrality and the place of partisanship was still very much in play in the 1920s.

This settled environment was particularly obvious in the Netherlands. As Glenn (2002) points outs, the Dutch had fought a major, constitutive battle over neutral, public schools in the late nineteenth and early twentieth centuries. The fight led to a set of social institutions that reflected deep partisan cleavages. As noted in Chapter 1, the organizing principle of Dutch public life became 'pillarization' (Lijphart, 1968). Pillarization refers a society where ideological and religious communities or pillars develop their own "social institutions that reflect their deepest beliefs. The state ought to respect, enable, and if required, equitably fund the social structures of all worldview

communities in society" (Hiemstra, 1997, p. 7). Political parties, labor groups, schools, and other organizations reflected these deep partisan differences. When the Dutch formed their political broadcasting policy, these partisan differences were also recognized. Hiemstra describes the attempts made by some liberals to press for a neutral broadcasting order, but those efforts were soundly defeated. Political ownership became the heart and soul of Dutch broadcasting policy.

Canada, with its ties to the British Empire, had been more willing to follow the path of several European countries in developing a neutral, administrative state (Lipset, 1990). Meanwhile Canada, like many parliamentary democracies, also valued clearly drawn partisan differences (Dalton & Wattenberg, 2000). But, clear lines between the place of neutrality and partisanship had already been drawn. Irvine and Gold (1980) argue that boundary lines had been so clearly drawn in part because of the historical presence of religiously oriented cleavages. Sizeable Protestant and Catholic populations in Canada had fought a variety of policy battles in the late nineteenth century that produced sharp political differences. The political manifestations of these religious cleavages received constant reinforcement from the persistent religious divisions. In fact, even today, "the best social predictor of the vote is religion" (Irvine & Gold, 1980, p. 188).

As they were in the Netherlands, partisan commitments in Canada were imbued with a moral purpose and hence legitimated in way that was foreign to the U.S. According to Marsden (1994), given the American rhetoric of separation between church and state, and an unacknowledged Protestant hegemony in the U.S., American social institutions reflected the wish of a rational, rather than a religious, society. America's

tentative embrace of neutrality embodied this wish for rationality. This cultural difference between the U.S. on one hand and Canada and the Netherlands on the other, helps explain the diverging paths these countries traveled when they constructed their political broadcasting policies.

Public interest. Given that the 'public interest' served as the chief regulatory broadcast standard, we might expect that its meaning is also important. In fact, no historical treatment of political broadcast policy would be complete with reference to the public interest. However, this study finds little explanatory value in the term. Public interest functioned as a condensational term. Herbst describes condensational symbols as "those which allow us to refer to abstract, intricate ideas, and also to the profound emotions associated with those ideas" (1993, p. 32). Such symbols evoke feelings that are seldom acknowledged consciously. As Herbst points out, condensational terms or symbols are frequent in popular political debate because speakers can tap a variety of meanings and thus appeal to a broader audience. While this diffuse character does not disqualify the public interest from consideration in this study, its condensational quality presents substantial challenges to an empirically based explanation of a historical outcome.

Public interest could invoke a variety of theoretical and operational meanings. Secretary Hoover, for example, used the term in sometimes-contradictory ways. "Radio communication is not to be considered as merely a business carried out for private gain, for private advertisement, or for entertainment of the curious," Hoover concluded in 1924. "It is a public concern impressed with the public trust and to be considered primarily from the standpoint of public interest to the same extent and upon the same

basis of the same principles as our other public utilities" (*To Regulate Radio Communication*, 1924, p. 10). Here, Hoover evoked both an operational meaning tied to the regulation of utilities and a normative theoretical meaning tied to a moral obligation to the greater good. Such meanings were not necessarily contradictory, just diffuse.

Elsewhere, however, Hoover refused to embrace the operational definition he had invoked. For example, while regulation of public utilities in the public interest meant regulating rates, Hoover refused to endorse such a policy consequence for broadcasting. Hoover claimed that it was in the public interest to allow broadcast stations to set their own rates for paid airtime ("Americans insist," 1927). Thus, Hoover dropped the operational meaning he had raised and, instead, emphasized a vague, normative meaning. One could argue that the idea of the public interest simply interacted with other factors, thus leading to a different policy position. But, this was the problem with the public interest standard—it interacted with so much that its own meaning was nearly impossible to specify.

A Cultural Explanation

The historical analysis presented here shows that material, institutional, and cultural factors may help explain the construction of political broadcasting policy in the U.S. However, the comparative analysis shows that some factors allow for a more complete or compelling explanation than others. For example, comparative analysis shows that material factors are least suited to comprehensive explanation of political broadcasting policy. Canadian and Dutch policymakers faced similar technological and economic constraints as U.S. policymakers did, yet produced a different political

broadcasting policy. An institutional account of political broadcasting policy, on the other hand, was more thorough, offering explanations for each of the dimensions of a U.S. political broadcasting policy. But, as noted above, the institutional story, while narrowing the range of policy options, did not always point conclusively to a particular policy outcome. Likewise, an institutional story was not without contradictions.

This chapter shows that, in the midst of a constitutive battle for a political broadcasting order; cultural factors played a substantial role in policy formation. Policymakers valued both national unity and regional or local autonomy. Policymakers also needed to sort through values of voluntarism, professionalism, partisanship, and neutrality. In the end, this left policymakers to a political broadcasting policy that provided access to individual candidates, allotted access via private ownership, addressed free speech by way of equal access, and favored paid, rather than sustaining, airtime.

This is not to argue that the particular cultural toolkit presented here is all that is needed to explain political broadcasting policy. As noted in Chapter 2, an empirical study must look for additive, interactive, and interpretative effects when two or more factors are at play. In others words, material, institutional, and cultural factors likely work together in some ways. In fact, various cultural factors (or material or institutional factors) might also work together to explain the policy outcome.

As already suggested, a cultural explanation does not necessarily contradict a material or institutional explanation. A governmental institutional preference for granting access to political candidates—rather than to political parties, as broadcast institutional preferences seemed to suggest—received strong support from a cultural preference for political neutrality. This double-barreled preference for a policy that

granted access to candidates is an example of an additive effect. The combination of two factors, in this case the cultural value of neutrality and a governmental institutional preference for candidates rather than parties, helps tell a more complete story of political broadcasting policy than an explanation that rests on just one factor.

Even within cultural explanation, an additive effect would appear to have been at work. Attitudes about professionalism and neutrality worked together to support allotting access through private ownership. These same attitudes combined to support freedom of speech via equal access. Evidence of such an additive effect may call into question the wisdom of disaggregating Progressivism into discrete cultural values. In other words, to the extent that professionalism and neutrality are Progressive values, there is not so much an additive effect as a single effect. However, the ultimate wisdom of treating these values separately will be demonstrated when accounting for an interaction effect.

Evidence for an interaction effect is also present. However, that evidence is most pronounced within a cultural explanation. As noted above, when it came to freedom of speech, the value placed on national unity led policymakers away from diverse venues. The value placed on regionalism pushed policymakers away from ownership. Neither value pointed in the direction of equal access. However, the simultaneous presence of both of these values led policymakers to embrace network-affiliated stations that gave candidates equal access to candidates. Likewise, while voluntarism was invoked in support of political ownership as a means of allotting access, the simultaneous presence of professionalism led policymakers to believe that professional, private broadcasters would grant sufficient time to voluntary organizations.

The remaining possibility in a three-factor relationship is that the third factor, such as culture, is interpretative, i.e., it is causally prior to material or institutional factors. For example, what some might ascribe to markets might better be understood as, more fundamentally, a cultural preference. Reddy (1984) argues that it is better, given the empirical realities of market economics, to conceptualize the market as a 'market culture.' Sklar argues that a disembodied notion of 'market interests' should better be understood as "people with goals, values, ideas, and principles, as well as interests" (1988, p. 2). A market culture, according to Reddy, entails three related elements: "a set of (wrong) perceptions, a language through which these perceptions were formulated, express, and debated, and a set of (misguided) practices partially but imperfectly shaped in accord with these perceptions" (1984, p. 1).

A quick reexamination of market factors in the construction of political broadcasting policy supports Sklar's and Reddy's point. The argument was made early and often that American deference to the marketplace was the secret of its success in radio development. The retiring president of the American Institute of Radio Engineers argued in 1917 that American radiotelephone transmissions were setting distances records for a crystal clear reason, "because the telephonic art in America has been fostered and developed under free institutions and not under Government control" (*Radio Communication*, 1917, p. 234). RCA's David Sarnoff echoed the sentiment in 1926. "But the fact remains that the United States never would have attained an unquestioned position by leadership in radio communication, if the art had been fettered by unwise legislation and the industry harried by bureaucratic control," Sarnoff told Congress (*To Regulate Radio Communication*, 1926, p. 143).

Political broadcasting policy was clearly formulated, expressed, and debated in the language of markets. Up this point, however, such a conclusion just as easily supports markets as a material force as a set of cultural values, attitudes, and ideas. However, as Reddy (1984) points out, the use of market language could be stretched too far—invoked more for its cultural authority than any reference to an ontologically real phenomenon. If markets were a real force, then some empirical details in this story do not seem to fit into a coherent explanation. For example, if a sufficient selective mechanism did not exist, then the conceptualization of the marketplace as a material reality faced a significant empirical sticking point. As Baker (2002) points out, "Market advocates assume that people's willingness to pay within a market properly identify and measure consumer preferences. Only if this assumption is valid can unimpeded markets be expected to give people what they want; only then is the consumer really sovereign" (Baker, 2002, p. 63). Ultimately, market economics appeared to be less a material condition than a cultural wish.

The overall argument presented in this chapter does not require that market economics be understood as market culture. Nevertheless, during the constitutive battles of the 1920s and early 1930s, cultural values, attitudes, and ideas clearly played a substantial role in the development of American political broadcasting policy. With the constitutive battles now fought, the architecture of an American political broadcasting policy was in place. The subsequent history of this policy in the twentieth century obviously owes much to cultural values, attitudes, and ideas. However, it would be a mistake to stop the story here. The conclusion that 'history matters' does not rest solely, or even primarily, on the role played by culture in the early twentieth century. As the

remainder of the century unfolded, policymakers would increasingly face institutional constraints in their policy formation. In fact, the real value in turning to history to explain media policy becomes most obvious when looking at the rest of the twentieth century. That is the subject of the following chapter.

PART III:

Political Broadcasting Policy and Why History Matters

With the constitutive battles of political broadcasting now fought, a fully elaborated broadcast institution emerged in keeping with the policy choices made through the 1920s and early 1930s. For example, the hierarchy of stations created by the Federal Radio Commission meant that politically owned and government owned stations gave way to private, general interest broadcasters. Broadcasters began to deal more with political candidates and less with political parties. Political advertising began to take off.

While these institutional developments justify a turn to history, why exactly history matters still must be established. The real significance of history will emerge in the following chapter. Chapter 5 highlights the changes and continuities of political broadcasting policy in the latter part of the twentieth century. Section 315 was amended most notably in 1959 and 1972. Several unsuccessful attempts were made to repeal the Section. Meanwhile, the successor to the Federal Radio Commission, the Federal Communications Commission, dealt with political broadcasting in other ways, most notably in the creation and the repeal of the Fairness Doctrine. Chapter 5 argues that the changes and continuities in political broadcasting policy follow path dependent processes. In other words, the historical policy outcomes of the 1920s and 1930s bound the agency of actors from the 1940s through the 1990s and thus nurtured policy continuity and limited the range of policy changes.

While Chapter 4 largely made a cultural argument for early political broadcasting policy, Chapter 5, in weighing the evidence, shifts to an institutional argument. Chapter 2 had laid out an approach that suggested a cultural argument would essentially tell the whole story in the twentieth century. However, the early importance of cultural factors, followed by the later importance of institutional factors, fits neatly with the arguments made via sociological institutionalism (Hall & Taylor, 1996). As Pierson concludes, an institutional argument relies, often on cultural factors, to "generate convincing explanations for why one path rather than another was chosen" (2004). An array of cultural values, at times in conjunction with material and institutional factors, not only yielded a policy outcome but also created a trailhead for a historical path through the twentieth century. Thus, in following the story of political broadcasting policy during the balance of the century, a number of historical mechanisms emerge that aid in explaining the policy. Historical mechanisms are not laws, but "plausible, frequently observed ways in which things happen" (Elster, 1989b, p. viii).

Pierson (2000; 2004) identifies a number of historical mechanisms that also show up in the history of political broadcasting policy told here. Those mechanisms include: path dependence, policy feedback, sequencing, critical junctures, and long-term processes. Path dependence, as indicated in Chapter 2, describes the historical mechanism whereby once a policy choice is made, "the costs of reversal are very high. There will be other choice points, but the entrenchments of certain institutional arrangements obstruct an easy reversal of the initial choice" (Levi, 1997, p. 28). Policy feedback refers to the process of self-reinforcement that policy choices create. Sequencing is a historical mechanism whereby the time order in which events occur or

decisions are made, make a subsequent difference in policy outcomes. Critical junctures refer to those decisions or events that happen early in a historical process, thereby sending history down one path and not others. Long-term processes describe a phenomenon whereby a historical outcome is established only after a lengthy chain of events or factors have played out (Pierson, 2004).

It is worth emphasizing that these mechanisms describe historical phenomena. Put another way, the social phenomena that social scientists study occur in time. For example, policy feedback, or more precisely positive feedback, involves events or decisions that happen in a temporal sequence—what happens at one point is influenced by what happened at some previous point. Sequencing accounts for the order in which historical events happen. The presence of these mechanisms can and do produce unintended consequences, i.e., historical outcomes that were not advocated by the actors involved.

Hence, Chapter 5 most directly confounds existing policy stories, such as those told by McChesney (1993; 1997). By showing the ways in which political broadcasting policy was as much an unintended consequence as it was an intentional creation, a more theoretically informed explanation of media policy is possible. Chapter 6 summarizes the study's overall arguments and speaks to the consequences of the study for scholarship on political broadcasting, media policy, and mass communication.

CHAPTER 5

Political Broadcasting Policy and Historical Mechanisms

The United States has seen remarkable stability in its political broadcasting policy

since the policy was first codified in 1927. When policymakers passed the

Communications Act in 1934, they lifted its political broadcasting language directly from

the Radio Act of 1927. The first notable change would not occur until 1959. The last

notable change occurred in 1971. This simple observation, in and of itself, lends face

validity to the path dependent power of a policy choice. However, the support for path

dependence does not stop there. This chapter will explore how a variety of historical

mechanisms influenced broadcasting and political broadcasting policy in the twentieth

century. The historical mechanisms of path dependence and policy or positive feedback,

sequencing, long-term processes, and path inefficiency go a long way in explaining

political broadcasting policy through the end of the twentieth century.

This chapter explores the notable changes in political broadcasting policy after the

mid 1930s. The chapter offers an explanation for those changes and for the underlying

continuity in policy through the lenses of path dependence, positive feedback,

sequencing, long-term processes, and path inefficiency. Based on an analysis of political

broadcasting policy following the Communications Act of 1934, these historical

mechanisms emerge as offering the best explanation for the changes and continuity in

policy. While cultural factors played a central role in the construction of policy during

the critical juncture that was the early years of broadcasting, the historical analysis shows that once policy options were selected based on cultural factors, institutional factors best explain the ensuing history of political broadcasting policy.

This chapter is organized topically based on the historical mechanisms listed above. Thus, the chapter may explain events occurring in 1959 to 1971 in one section, only to jump back to events in 1959 in the next section. As Skocpol (1984) has argued, this lack of a clean historical narrative is one of the drawbacks of explanatory scholarship. With that in mind, a basic timeline of the developments in political broadcasting policy discussed in this chapter may prove helpful.

1949	FCC formalized the Fairness Doctrine
1955-56	Unsuccessful attempts to amend Sec. 315
1957-59	FCC study of network practices
1959	FCC's Daly decision;
	Amendment creating exemptions for news passed, signed
1969	Supreme Court validated Fairness Doctrine, Sec. 315
1970	Political Broadcast Act passed; vetoed
1971	Amendment creating lowest unit charge for political ads passed
1972	Lowest unit charge amendment signed
1975	Supreme Court struck down campaign spending limits
1987	FCC repealed the Fairness Doctrine
1998	Study of political airtime on digital television

In the process of accounting for these historical mechanisms, the historical timeline must also be stretched back to the 1920s and early 1930s. Hence, some of what was explained in Chapters 3 and 4 will be touched on briefly again in this chapter. This timeline and this chapter do not cover all attempts to alter political broadcasting policy in the twentieth century. For example, minor changes, which proved to be inconsequential, where made in 1952 and 1960. Unsuccessful attempts to make changes occurred in 1976-1980.

Once the initial policy choices were made, Canada, the Netherlands, and the U.S.

each traveled down diverging paths. These diverging trajectories make a comparative

analysis less fruitful during the final 60 years of the century than during the early,

constitutive period of the 1920s and early 1930s. Indeed, points of comparison

increasingly give way to points of contrast.

Path Dependence and Feedback

The power of path dependence, according to Elster (1989a), is rooted in the

mechanism of policy feedback or positive feedback. Pierson concludes, "In the presence

of positive feedback, the probability of further steps along the same path increases with

each move down that path" (2004, p. 21). The history of political broadcasting policy

shows at least three distinct forms of positive feedback: conglomeration effects, the

creation of asymmetries of power, and the reinforcement of expectations. Each of these

forms of feedback will be considered in turn.

However, one other principle of path dependence must be established first. At the

beginning of a path dependent process is a critical juncture, i.e., a historical moment

when various, equally viable paths are open to adoption (Thelen, 2003). Chapters 3 and 4

have told the story of a critical juncture in political broadcasting policy. In the early

years of the American broadcasting experience, a number of viable options for political

broadcasting were taking shape. Policy advocates developed options in the 1920s in

concert with these emerging practices. While largely the same range of options appeared

in Canada and the Netherlands, a unique interaction of values, attitudes, and ideas in the

U.S. led to a uniquely American political broadcasting policy. This period in the 1920s

and early 1930s was a critical juncture in the development of American political broadcasting policy. However, once a policy option was adopted, path dependent mechanisms were set in motion.

Thus, cultural factors in the 1920s and 1930s were institutionalized in the broadcast order and a political broadcasting policy. While the array of cultural factors continued to shift in the broader society during the 1940s and onward, little changed in political broadcasting policy. Path dependent mechanisms became more telling than contemporaneous cultural values.

Conglomeration

Conglomeration is perhaps the weakest form of positive feedback—at least the weakest in the story of political broadcasting policy. The concept comes from economics and refers to a phenomenon where "initial centers of economic activity may act like a magnet and influence the locational decisions and investments of other economic actors" (Pierson, 2004, p. 25). The concept is adapted here to refer to the support institutions that grew up around private, commercial broadcasting. The main plot of this conglomeration story has already been told in Chapter 4.

AT&T's experiment with commercial radio in the early 1920s had begun with a thud. The offer to allow speakers to pay a toll to use its WEAF radio booth had landed few takers and produced only $550 in two months. The chance to speak was free on other stations provided the speaker had something interesting to say. The breakthrough came when an advertising agency purchased airtime for a product called Mineralava. The purchased airtime included a brief presentation by film actress Marion Davies on

"How I make up for the movies" and offered an autographed photo to those who wrote

in. The response was overwhelming. Other ad agencies jumped in and advertising took

off (Sterling & Kittross, 2002). Advertising agencies that specialized in radio quickly

came on the scene. They arranged for airtime and produced programs for broadcasters.

Radio talent agencies entered the scene to connect professional actors with professional,

commercial broadcasters (Barnouw, 1966). These interconnecting activities with existing

institutions not only gave commercial broadcasters a superior form of programming, but

also created a power base that could not easily be dislodged. Radio was quickly

becoming a center of economic activity.

The National Association of Broadcasters also evolved into a support structure for

private, commercial broadcasters. Born out of a radio-licensing dispute, the NAB began

as a small association of broadcasters from the West and Midwest. The NAB had been

an early supporter of a tax to support broadcasting ("Question radio tax plan," 1924) and

only later endorsed the move to commercial support. The newly elected president of the

NAB in 1926 was Earle C. Anthony, who had entered broadcasting to drum up business

for his California car dealership. He helped steer the organization into being an advocate

of advertising. The NAB also established "a code of ethics" to rein in advertising

excesses ("Stations to regulate," 1929, p. 46). Columns in the NAB's industry

publications eventually helped the novice broadcaster rationalize a business plan. The

NAB became the chief lobbying arm for broadcasters.

While delegates to the National Radio Conferences were on record as opposed to

intrusive advertising, Commerce Secretary Herbert Hoover had also stated that stations

should be free to experiment with advertising. "The listeners will finally decide in any

event," he concluded (Third National Radio Conference, 1924, p. 4). The decision to make no final decisions about advertising support allowed broadcasting to go down a path it could not easily backtrack. The development of commercial broadcasting had created powerful allies and powerful advocates. Hence, efforts by policymakers to limit advertising on the radio were resisted not only by commercial broadcasters but also by related, entrenched interests (Felix, 1927).

Asymmetries of Power

McChesney (1993) tells the story of corporate, commercial broadcasters bullying their way to a media policy that favored their interests in the face of heroic, but ultimately futile, opposition from educational broadcasters and public interest groups. The tragic, moral tone of his story is driven by a normative view that policy emerges from "legitimate political debate." The debate about the structure and control of the mass media, he concludes, has been stifled since the Communications Act was passed. McChesney argues, "Since the middle 1930s, the topic has been decidedly 'off-limits' in public discourse" (McChesney, 1993, p. 3). This pluralist, realist story is both supported and challenged by examining how asymmetries of power are created through path dependent feedback channels.

Those histories of media policy that stress the disproportionate power of corporate, network, or commercial broadcasters are not wrong. Ample historical evidence exists to support a description of powerful broadcast interests crushing their opposition (Barnouw, 1966; McChesney, 1993; Rosen, 1980). However, a broader

historical frame that accounts for the historical mechanism of an asymmetry of power provides a much different explanation.

The nature of politics is such that political authority can be harnessed to create disproportionate power. "Where certain actors are in a position to impose rules on others, the employment of power may be self-reinforcing," according to Pierson. "These changes may not only shift the rules in their favor, but increase their own capacities for political action while diminishing those of their rivals" (Pierson, 2004, p. 36). Such power can accrue to both policymakers and policy advocates outside of government.

A clear example of the creation of an asymmetry of power can be found in the story told in Chapters 3 and 4. The Commerce Department, Congress, the radio giants such as GE, RCA, and Westinghouse, and the so called radio independents, such as the educational, religious, government, and civic broadcasters opposed direct advertising as a means of support for radio. However, when the Federal Radio Commission decided "[a]dvertising must be accepted for the present as the sole means of support for broadcasting" (Federal Radio Commission, 1929, p. 35), a new broadcast order began to emerge. Likewise, the FRC's General Order 40, which used the Commission's authority in the "allocation of frequencies, of time for operation and of station power" (Federal Radio Commission, 1928, p. 48) to up end the hierarchy of stations adopted at the First and Second National Radio Conferences, a new commercial broadcast order was being forged. The FRC decisions produced a major change.

· Educational, government, religious, and civic broadcasters were squeezed off the air. In 1934 an exasperated critic took stock of the changes since the Radio Act of 1927. "When it went into effect there were ninety-four educational institutions engaged in

broadcasting; today difficulties put in their way are so great that many, including Columbia University and the Massachusetts State Department of Education, have given up entirely, while many of the others are rendered almost useless by the policy of the government, which always favors the large advertising enterprises at their expense" ("Who owns the air?," 1934). With the National Association of Broadcasters increasingly made up of commercial broadcasters, i.e., the 'large advertising enterprises,' the NAB advocated for the causes of its new constituency.

In 1934, when policymakers revisited how airtime should be allotted in the face of criticism that private, commercial ownership had comprised freedom of speech, all but the private, commercial broadcasters had been forced off the air. The National Association of Education by Radio had seen its membership decimated and its power weakened ("Who owns the air?," 1934). Members of Congress and other politicians, if they were to get airtime for their viewpoints, now had to go through private, commercial broadcasters (Barnouw, 1966; McChesney, 1993). In other words, the commercial broadcasters had accrued significant power—relative to the array of broadcasters in the American experience in the 1920s, an asymmetry of power had been created. While it was not a foregone conclusion that commercial broadcasters would have their way in the Communications Act of 1934, they did hold considerable resources in pushing for their cause.

Another example of an asymmetry of power can be found in the story leading up to the 1959 Amendment to the Communications Act. Since the 1959 Amendment was the first major change to political broadcasting policy since its creation in the 1920s and 1930s, some background is necessary.

On the day after Christmas, 1958, Illinois Congressman Timothy P. Sheehan had officially set out to do the impossible—oust Richard J. Daley's Democratic Party machine from the Chicago mayor's office. Viewers of WBBM-TV that evening watched as newsman Hugh Hill asked the obvious: Why run? Sheehan admitted that the odds of winning were insurmountable, but the Republican "believed in the necessity of maintaining a two-party system" (FCC Reports, 1959, p. 717). Another newscast showed Mayor Daley on a snowy tarmac welcoming the Argentine president to the Windy City. Daley would go on to victory in the general election, but a long-shot candidate would score a different kind of victory during the Chicago campaign. Perennial candidate Lar Daly got only two votes in the election, but he picked up four important votes from the then seven-member Federal Communications Commission (FCC) in February of 1959 in an appeal for equal access to the airwaves.

WBBM and several other Chicago area broadcasters had run afoul of the equal access or equal opportunities provision of the Communications Act. Daly was in the habit of filing complaints with the FCC even more often than he ran for political office, and that was frequently. His February 1959 letter to the FCC enumerated nine instances where his Chicago mayoral opponents got airtime and he did not. The FCC agreed with Daly's demand for equal access and ordered stations to give Daly airtime (FCC Reports, 1959). However, WBBM's network parent, CBS, used its considerable power to lobby for change to Section 315. By later that year, Congress had written and the President had signed an amendment that created a list of exceptions to the section.

The decision had provided the first definitive ruling on the form of access to political airtime. During hearings in 1926, Ohio Senator Simeon Fess asked how the

proposed equal opportunities law would apply if "an individual being a candidate for an

office ... might be invited to speak somewhere on the occasion of some great celebration

where what he was going to say would be broadcasted" (*Congressional Record*, 1926, p.

12503). The response in 1926 had been that the new commission would have to address

such an eventuality with its rulemaking authority. But, when the FCC did address the

matter and concluded that airtime meant airtime regardless of whether the candidate

appeared in advertising, broadcast speeches, on-the-spot news coverage, or newscasts,

broadcasters balked.

Fourteen bills were introduced in Congress to address the firestorm the Lar Daly

decision had created. The early efforts focused on repealing Section 315; the later efforts

sought to create exceptions for news related programming. The amendment read:

> Appearance by a legally qualified candidate on any—
> (1) bona fide newscast,
> (2) bona fide news interviews,
> (3) bona fide news documentary (if the appearance of the candidate is
> incidental to the presentation of the subject or subjects covered by the
> news documentary), or
> (4) on-the-spot coverage of bona fide news events (including but not
> limited to political conventions and activities incidental thereto),
> shall not be deemed to be use of a broadcasting station within the meaning of this
> subsection. Nothing in the foregoing sentence shall be construed as relieving
> broadcasters, in connection with the presentation of newscasts, news interviews,
> news documentaries, and on-the-spot coverage of news events, from the
> obligation imposed upon them under this Act to operate in the public interest and
> to afford reasonable opportunity for the discussions of conflicting views on issues
> of public importance ("Communications Act," 1959).

Broadcast networks CBS and NBC, with the help of the NAB (once the NAB's

efforts to repeal Section 315 failed to gain support), used their power to lobby for these

changes. As argued in Chapter 4, the newly emergent broadcast networks had been

accepted by policymakers in 1927 as means of creating a national radio reach while

maintaining a regional or local distribution of broadcast stations. Senator Robert Howell had worried aloud on the floor of the U.S. Senate that relying on the networks might come with a cost. Howell predicted, "[W]e will wake up some day to find that we have created a Frankenstein monster" (*Congressional Record*, 1926, p. 12505). The radio networks had expanded to become television networks and the powerful monster was back in 1959 to make its demands.

NBC president Robert Sarnoff brandished the network's power and the power of the broadcast medium in terms policymakers would understand. The former RCA chief argued that if the Lar Daly decision were allowed to stand, politicians, not just broadcasters, would pay the price. To require that every candidate be heard, according to Sarnoff, would produce television that would be nearly unwatchable. "Such an exercise in tedium might well destroy public interest in listening even to the major candidates" (*Political Broadcasting*, 1959, p. 126). If that was not chilling enough to the Senators who Sarnoff addressed, he delivered a thinly veiled threat. "Unless the gag is lifted during the current session of the Congress, a major curtailment of television and radio political coverage in 1960 is inevitable" (*Political Broadcasting*, 1959, p. 124). The president of the Radio Television News Directors Association repeated the threat—no change in the law would likely mean no campaign coverage the following fall. The threat was not forgotten when members of Congress debated legislation. Representative Glenn Cunningham, the first congressman to introduce a bill in 1959 changing Section 315, warned that failure to act would mean a news blackout on radio and television.

It should come as no surprise that some accused the FCC of being in the networks' pockets. Staff member Bernard Schwartz, who had been dismissed from a

congressional oversight committee when he complained of government whitewashing, accused the FCC of neglecting the public interest. "Instead, the commission tends increasingly to identify the public with the interests of the dominant groups in the industry to be regulated. The main beneficiaries of this attitude have been the broadcast networks." Schwartz concluded, "The effect of all this is to put the networks in a position to determine the great bulk of TV programming throughout the country" (Schwartz, 1959, pp. 473-4). The U.S. House had held hearings in 1958 to investigate FCC officials' accepting travel-related expenses from private industry, leading to the resignation of Commissioner Richard Mack. In fact, Mack's trial remained in the headlines during much of 1959, keeping charges of wrong doing fresh in the minds of Commission and industry watchers ("Mack trial near end," 1959; "Mack trial," 1959). Nevertheless, Schwartz felt the wrath of broadcasters—his book on the 'white wash' was "not recommended reading" according to the industry publication, *Broadcasting* ("Not recommended," 1959, p. 108). Schwartz and other critics of the FCC would be vindicated in 1960 when Chairman John Doerfer would be forced to resign for accepting industry gifts.

An asymmetry of power is not the whole story. In fact, it is worth emphasizing that the NAB's policy preference did not win out. Delegates to a NAB convention in March of 1959 voted for a resolution in favor or repealing 315 ("Handicaps," 1959). FCC Chairman John Doerfer had told convention delegates, "Some radical revisions or outright repeal proposals seem to be ripe for serious consideration" ("That 'ridiculous' ruling," 1959, p. 9). The weekly industry publication *Broadcasting* produced two editorials in March and another in May calling for repeal of Section 315. *Broadcasting*

laid out the plan of action: "Repeal of Sec. 315 will be achieved only by the most energetic work by broadcasters. They must exercise their most persuasive influences among members of Congress" ("315's last legs," 1959, p. 128) (see also, "Repeal Sec. 315," 1959; "Section 315 travesty," 1959). The repeal efforts failed.

A similar story played out in 1971. Broadcasters again lobbied for a repeal of Section 315. But instead of threatening politicians with a big stick, they came yielding a big carrot. One of the first witnesses to testify at Senate hearings was CBS President Dr. Frank Stanton. Stanton wasted little time in the March 1971 hearing in asking for what he wanted, offering a sign of good faith in the process. "CBS is prepared to offer next year between Labor day and Election Day eight hours of free time on the CBS Television and Radio Networks for the major party candidates for President and Vice-President to present their views. The offer is contingent upon repeal of Section 315" (*USCCAN*, 1972, p. 1777). Broadcasters spoke in one voice, promising benefits to democracy if Section 315 was repealed. Victor Diehm, president of the Mutual Broadcasting System, testified the "ill-named" equal access provision meant less coverage for major candidates. "Stations freed from the threat of great swarms of candidates appearing for a variety of reasons would be able to concentrate on a bona fide candidate to the benefit of the public" (*USCCAN*, 1972, p. 1854). The North Carolina Association of Broadcasters President stated the broadcasters' position strongly and succinctly: "We recommend the repeal of section 315 and its equal time requirements for all candidates" (*USCCAN*, 1972, p. 1855).

The bill that came out of committee exempted only candidates for president and vice-president from equal access provisions. However, the Senate Rules Committee

complied with the wishes of broadcasters and exempted all federal elective offices from the equal access section. All three networks presidents came back to a Rules Committee hearing to promise that candidates would be given considerable say as to program formats if the equal access section was removed. That was enough to convince most on the committee that the repeal would accomplish its goals (*Sen. Rep. No. 96*, 1971). But once again, momentum for change was lost, the repeal failed, and a powerful actor lost a policy fight.

That a powerful force failed to get its entire way is worth remembering when making bold claims about the effects of asymmetries of power. In fact, broadcasters attempted to repeal Section 315 on other occasions. A partial repeal actually passed in the House and Senate in 1970, only to be vetoed by President Nixon. When the legislation was reconsidered in the following congressional session, the partial repeal had been left out. This should not be a surprise since the mechanism is more geared to explaining continuity than change. Path dependence and policy feedback do not rise or fall on an asymmetry of power. Indeed, other historical mechanisms were at work in passage of the 1959 Amendment.

Reinforcement of Expectations

Once a policy decision is made, it can have a strong effect on citizen's expectations. For example, the creation of entitlement programs affected how citizens looked at the role of government (Hacker, 2002). In other words, "citizens' basic ways of thinking about the political world will often generate self-reinforcing dynamics" (Pierson, 2004, p. 10). The principle goes beyond politics. Broadcasting practices, once

routinized, can also create expectations amongst an audience. As noted in Chapter 4, when the constitutive battle for a political broadcasting policy was fought in the 1920s and 1930s, the appropriateness of partisan content was not completely settled. Granted, neutrality was valued more than partisanship, but the paradigm shift was not complete. Policymakers did not fully expect neutral behavior—it had to be legislated as equal access. Likewise, broadcast news was in its infancy and the ethic of objectivity was not yet hegemonic as it would be later in the century.

But, the Federal Radio Commission's creation of a broadcast order based on general interest broadcasters produced the expectation that broadcasters would not take sides and would give equal access to mainstream political voices. The expectation was that broadcast news would be balanced. The routinization of general interest broadcasting also allowed broadcasters to appropriate the institutional history of the press as its own. Newspapers used their freedoms to be objective. Broadcasting, the argument went, should be given the same freedoms. Citizens should expect no less. Again, there was no such expectation in the 1920s. Some had argued, based on the ethic of neutrality, that a balanced presentation of political voices was necessary. But based on the history of political ownership in the 1920s, there was no such expectation.

By the 1950s, times had changed and so had expectations about the broadcast media's behavior. The 1950s witnessed the assent of television from a curiosity to the nation's most dominant medium (Barnouw, 1975). By 1958 the FCC estimated that 90 percent of the U.S. population was within the broadcast range of at least one TV station. More than 500 stations were on the air with nearly 200 more stations authorized (Federal Communication Commission, 1958, p. 101). Television and radio were becoming major

sources of news. By 1957 a Gallup Poll showed that 42 percent of Americans got their first news of the day from radio, 36 percent from newspaper, and 23 percent from television (Gallup Organization, 1957, Q50).

Meanwhile, the frustrations with Section 315 in the television age began to build prior to the 1956 election. The networks had learned from 1952 that putting one legal candidate on the air meant having to put all the legal candidates for the same office on the air. CBS took the initiative in 1955 to push for amendment to Section 315. The proposal would exempt "any news, news interview, news documentary, panel discussion, debate, or similar type program where the format and production of the program and the participants therein are determined by the broadcasting station, or by the network in the case of a network program" from Section 315 (*Communications Act amendments*, 1956, p. 172). CBS President Dr. Frank Stanton's argument was that broadcast journalism should enjoy the same rights as the rest of the press. Broadcasters' news judgment would eliminate the problems of covering minor party candidates that had no chance at elective office (Drummond, 1955; Reston, 1955). In other words, broadcasters would be more inclined to give major candidates more airtime via sustaining programming.

The argument by Stanton and CBS Vice-President Richard Salant rested on the ethic and practice of objectivity. Broadcast journalists would make sound judgments without bias. Salant assured congressmen that, despite some lawmakers' criticism of broadcasters for playing favorites, there would be no favoritism.

> The unspoken premise of this criticism seems clearly to be that in handling news and public affairs functions, a broadcaster, in his role as a part of the press, is so little to be trusted that he must be prevented from exercising any discretion. This is a dangerous premise on which to base legislation—a premise that people licensed by the Federal Government to act in the public interest, convenience, and

necessity are unworthy of trust (*Communications Act amendments*, 1956, p. 177-8).

Despite attempts by the networks to paint a drastic picture of limited news coverage of major candidates, policymakers failed to see the urgency for change in 1955. That changed in 1959 with the Daly decision.

Appeals were filed with the FCC by WBBM, CBS, WNBQ and NBC, counter-appeals by Daly, and briefs by Westinghouse and the Justice Department in March, April, and May. CBS's appeal was the most extensive. It argued on a number of fronts. For example, CBS argued: the film clips were run in regular newscasts based on news judgment without any initiative on the part of candidates; Congress did not intend that a news clip could be considered a candidate's 'use' of a broadcasting facility; and broadcast media should have been given the same freedoms as other forms of the press. The Justice Department also questioned whether a news story could be considered a use. Justice instead argued that the appropriate standard in the case was the 'public interest,' not 'use'—that the public interest standard should be used to insure that coverage was balanced (see FCC Reports, 1959, p. 719-25). The FCC majority concluded that to accept the broadcasters' arguments would be to change Section 315, something it could not do. The opinion left little doubt broadcasters and policy-makers would push for change. Four days later hearings began in the U.S. Senate to rewrite Section 315.

FCC Chairman John Doerfer and Commissioner Fredrick Ford appeared together at the hearings to support change. Ford, who had voted in February that Lar Daly was entitled to equal time, spoke on behalf of the majority of the Commissioners, but now in favor of changing the law. The FCC-backed language read: "Provide that newscasts and

special events, such as political conventions shall not be considered a use within the meaning of this section. But this proviso shall not except licensees who broadcast such news and special events from an objective presentation thereof in the public interest" (*Political Broadcasting*, 1959, p. 80). Doerfer concluded that in the absence of repeal, he endorsed Ford's suggested language. "Broadcasters should be given the right to make the judgment as to what constitutes news or what programming fills the needs of the public and not the candidates" (*Political Broadcasting*, 1959, p. 82).

Broadcasters also spoke in favor of change. Stanton, who would testify in nearly every congressional hearing concerning Section 315 from the 1950s to the 1970s, stated his support for the bill introduced by Senator Vance Hartke because it "relieves broadcasters of the obligation to give equal time to insignificant and fringe candidates" (*Political Broadcasting*, 1959, p. 97). Stanton argued that such relief would not be abused. He invited congressmen to examine the industry's record of fair reporting. He concluded that the obligation to broadcast in the public interest with the threat of license revocation would foreclose any abuses. NBC President Robert Sarnoff, although not endorsing the Hartke bill, agreed with Stanton in nearly every other respect. Sarnoff argued that broadcast journalists were just as objective as newspaper journalists and should be treated no differently (*Political Broadcasting*, 1959).

The president of the Radio Television News Directors Association (RTNDA), Ralph Renick, argued that times had changed since 1927—"The industry has disciplined itself over the past 30 years of broadcast history and I doubt if there is any industry more sensitive to the tremor of the public pulse—a sensitivity that makes fair play a cardinal principal from necessity as well as choice" (*Political Broadcasting*, 1959, p. 237).

Renick testified that to treat broadcasters any differently from newspaper publishers was to engage in censorship.

The testimony was overwhelmingly in support of change. Hearings later that year in the house trotted out many of the same witnesses who appeared in Senate hearings. Men such as Stanton from CBS and Sarnoff from NBC presented lengthy testimony and answered many questions from Representatives. Again, broadcasters cited their record of providing objective, balanced news coverage. In fact, the FCC testified that it had "one news slanting case in its history" (*Political Broadcasts*, 1959, p. 97).

The expectations for fair and balanced coverage were common. However, agreement about whether broadcasters met the normative standard was less than universal. Minor parties saw things much differently than did mainstream politicians. Lar Daly testified in the Senate hearings that the proposed changes put too much power in the hands of broadcasters. Giving broadcasters such "politically subjective determination," Daly argued, is a form of "absolute tyranny" (*Political Broadcasting*, 1959, p. 157). Daly said broadcasters and newspapers should be seen completely separately: "the great mistake this industry makes is their attempt to associate itself with the fourth estate" (*Political Broadcasting*, 1959, p. 163).

With no appreciation of the irony involved, critics of proposed legislation were allotted only a brief amount of time at the end of the House hearings. Aaron Orange, an official of the Socialist Labor Party, complained afterwards, "This is the usual deal that minority candidates get" ("Sec. 315 prospect," 1959, p. 62). Orange testified that his suspicion was that the Lar Daly decision was made as a pretext to get the law repealed or changed. He also rejected the premise that "in the past candidates of minority parties

have actually received equal time and opportunity on radio and television stations, because of the existence of section 315. This is contrary to the facts" (*Political Broadcasts*, 1959, p. 228). Orange also disputed that broadcasters should be treated like newspapers. He explained that his party's testimony in the Senate hearings was completely ignored by newspapers. He concluded that his and other parties would remain minor parties if denied access to "the great mass-communication media of radio and television" (*Political Broadcasts*, 1959, p. 232).

Broadcast journalists had their defenders in Congress. Nebraska Representative Glenn Cunningham argued that failure to make a change would mean the end of broadcast news. And while voters would still have access to newspapers, Cunningham argued that the press was seldom as objective as broadcast journalists (*Congressional Record*, 1959). The 1959 Amendment passed in the House and Senate in September.

President Eisenhower signed the legislation on September 14. "This law will make possible the continued full participation of radio and television in the news coverage of political campaigns which is so essential to a well informed America," wrote Eisenhower in a statement attached to his signature. "There is no doubt in my mind that the American radio and television stations can be relied upon to carry out fairly and honestly the provisions of this Act without abuse or partiality to any individual, group, or party" (U.S. President, 1960, p. 654).

An expectation that broadcasters would be fair, honest, and impartial was limited in the 1920s—limited by the American broadcast experience of political, religious, and civic broadcasting. With the FRC's creation of a general interest broadcast order in the late 1920s and early 1930s, a new set of expectations had been created for political

broadcast programming and broadcast news. Those expectations were in clear evidence during congressional hearings, congressional debate, and in presidential statements. True, dissonant voices existed. However, the reinforcement of expectations, created and nurtured over 30 years, overcame those complaints. Exemptions to the political broadcasting policy were created in 1959 in part because of the creation of expectations about media fairness, honesty, and impartiality.

Normative expectations of fairness cut both ways. The expectation for fairness and balance must also be recognized as a factor that limited the demands of powerful broadcast interests and thwarted efforts to change political broadcasting policy. As noted above, broadcasters had sought to repeal Section 315 on several occasions. Each time, policymakers and critics questioned whether they could count on broadcasters to be fair. Broadcasters came under harsh criticism from some lawmakers in 1959. Representative John Moss argued that broadcasters had been biased in coverage of issues in the House. The California Democrat said broadcast journalists had done little to "restore my confidence in their objectivity" (*Congressional Record*, 1959, p. 16243). Representative Walter Rogers from Texas argued for passage of the bill to create exemptions for news programming under Section 315, but wanted it made clear his was not a vote of confidence in television. "There are indications that the networks have abdicated their public responsibility for balanced programming to the advertisers who with the herd instinct—playing to the lowest common denominator—assail us with look-alike and sound-alike programs" (*Congressional Record*, 1959, p. 16234).

Much of the same anger surfaced in the early 1970s when efforts were made to repeal Section 315. The effort had started innocently enough and gained widespread

backing in 1971. In August 1971 the Senate adopted the repeal of Section 315 as put forward by the Rules Committee, extending its application to all federal elective offices. Senator John Pastore, who had sponsored a repeal for candidates for president and vice-president in 1970, assented to the expanded repeal. "Overall," the Rhode Island Democrat reasoned, "the industry has reached the stage of maturity in which it can be trusted " (*Congress and the nation, 1969-1972*, 1973, p. 403). The repeal provision passed 71-21.

The attitudes in the House appeared to be much different. The House Commerce Committee and the House Rules and Administration Committee produced relatively similar bills. The Commerce Committee was much more divided however—voting out its bill by a 23-20 margin. The measure included a repeal of Section 315, but only for president and vice-president. Meanwhile, the Rules Committee bill included no repeal of the equal access section. The divisions between the two committees' bills and the split within the Commerce Committee spilled out onto the House floor when debate began in late November. An amendment by Representative Lionel Van Deerlin, the California Democrat who would also lead an attempt at broadcast deregulation in the late 1970s, offered a compromise.

Van Deerlin's amendment would have repealed the equal time section for president, vice-president, and Senate candidates and mandated a study of repeal for House candidates. While trust for the news media had been voiced on the Senate floor in August, distrust was being voiced in the House in November. Ohio Democrat Wayne Hays stated his opinion of broadcasters bluntly. "I do not trust them at all. I do not think you can trust them to be discreet about whom they give time to and whom they do not." California Democrat Chet Holifield voiced the same concern, questioning the integrity of

the networks and accusing broadcasters of victimizing the American people (*Congress and the nation, 1969-1972,* 1973, p. 406). Van Deerlin's amendment went down on a voice vote.

In fact, the U.S. House in particular had developed a record of hostility toward television news and public affairs by the early 1970s. For example, the House held hearings in June of 1970 to call CBS on the carpet for its "Project Nassau" documentary. Members of Congress threatened new legislation following a CBS report on the U.S. government's role in the overthrow of the Haitian government. A committee report concluded that the public needed to be protected from "falsification and deception in the preparation and presentation of news programming" (*Network News Documentary Practices,* 1970, p. 74). Expectations about fairness and balance proved damning to broadcasters, helping preserve the equal access provision of the political broadcasting policy adopted in the 1920s.

These expectations about media fairness also played a part in the repeal of the Fairness Doctrine in 1987. The Fairness Doctrine, which had been formalized by the Federal Communications Commission in 1949, required that broadcasters use a reasonable amount of airtime for presentation of public issues and that broadcasters present contrasting views on controversial, public issues (Report on editorializing by broadcast licensees, 1949). The Doctrine had formalized what the FRC and the FCC had been practicing for years. In fact, the obligation of broadcasters to present contrasting views, i.e., to be general interest broadcasters, had largely been required since the FRC's second annual report in 1928 (Federal Radio Commission, 1928).

The principal of fairness was repeated in several FCC decisions prior to 1949. For example, the FCC concluded in 1941, "[A]s one licensed to operate in the public domain the licensee has assumed the obligation of presenting all sides of important public questions, fairly, objectively and without bias" (Mayflower broadcasting corp., 1941, p. 339). When the doctrine was formally articulated in 1949, the FCC's reminder to broadcasters that they had an obligation for fairness employed that same rationale put forward by the FRC in the late 1920s. "It is the right of the public to be informed, rather than any right on the part of the Government, any broadcast licensee or any individual member of the public to broadcast his own particular views on any matter, which is the foundation stone of the American system of broadcasting" (Report on editorializing by broadcast licensees, 1949, p. 1249).

When the FCC repealed the Fairness Doctrine during the Reagan Administration, the door had been reopened for something like political ownership. In other words, broadcasters with a particular political perspective had been given the green light to develop their own 'mouthpieces in the ether.' The FCC argued that given the substantial increase in media outlets, listeners did not lack for a diversity of broadcast venues (Syracuse Peace Council, 1987). And while the repeal did spawn Fox News and Rush Limbaugh, the overwhelming expectation for fairness, objectivity, and unbiased broadcasts has limited any turn away from general interest broadcasting. In fact, Fox attempted to cling to the legitimating rhetoric of fairness with its motto, 'fair and balanced,' even as it created a mouthpiece in the ether for conservative viewpoints (Jones, 2003). Fox and Limbaugh not withstanding, there was no dramatic reversal in a broadcasting order that relied on general interest broadcasting.

Sequencing

Path dependence is built on the notion that the sequence in which things happen makes a difference. In Shefter's (1994) classic comparison of bureaucracy and democracy, timing is of critical importance. "The sequence in which these two events occur—the formation of a constituency for bureaucratic autonomy and the mobilization of a mass electorate—thus has enduring consequences for internally mobilized parties" (Shefter, 1994, p. 31). Pierson cites Shefter's argument as a prototypical case of how the order "of sequences of social events and processes" affects historical outcomes (2004, p. 64).

One example of the importance of sequencing in political broadcasting policy came in the timing of a political broadcasting policy when broadcast news was still not developed in the American broadcast experience. The Dutch policy, written in 1928, and the Canadian policy, written in 1936, more clearly incorporated news into political broadcasting than did the U.S. policy. The Dutch broadcast policy had required that the politically oriented broadcasters offer news and public affairs. Canada's broadcast policy specified that diverse political voices must be incorporated into neutral news and public affairs programming (Foster, 1982; Raboy, 1990). The U.S. policy, written in 1927 and left unaltered in 1934, came at a time when broadcast news was not fully developed. In fact, radio as a news medium had been stunted by some unique American circumstances.

Secretary Hoover had used the bully pulpit of the Third National Radio Conference in 1924 to urge reluctant broadcasters to develop a broadcast service offering audiences the chance to listen in to national events (Third National Radio Conference, 1924). And while Hoover suggested such a service should be modeled after the press

news services, he was not explicit that such a service would present news as modern audiences understand it, i.e., as an edited summary of events. Such news summaries were rare, even at stations owned by newspapers. The Associated Press and newspapers bore some responsibility for the dearth of broadcast news. AP had a policy of denying its wire services to radio stations ("A.P. modifies ban," 1925). Meanwhile, the American Newspaper Press Association (ANPA) did what it could to stunt the development of broadcast news ("Publishers see need," 1931; "Radio head defends," 1931). Even the resolution of the tensions between the ANPA and broadcasters was a blow to broadcast news. The Biltmore agreement called for radio networks and several independent stations to dismantle their upstart news operations and air press service news bulletins twice a day after morning and afternoon papers had been delivered ("Radio news plan," 1933; "Radio news plan," 1934).

By the 1940s news would become an important part of radio. In fact, historians have argued that radio surpassed newspapers as America's news medium during World War Two (Barnouw, 1966). Building on experience gained in radio, television broadcasters also formed news departments to cover political events, produce newscasts, and create news documentaries. Television coverage of the Democratic and Republican Party conventions, begun in 1948, had become a staple of political broadcasting by 1956. After the 1948 conventions CBS-TV launched a daily newscast and by the late 1950s, not only did each network produce a newscast, but many local TV stations also produced their own local news, e.g., WBBM, WGN, and WNBQ in Chicago. Broadcast news had also come to embrace the institutional heritage of the press, adopting routines of objectivity; i.e., attempting to present factual information that was fair to different

partisan interests and balanced in the presentation of those partisan interests (Sterling &

Kittross, 2002). As noted above, the FCC had adopted the normative expectation that

news would be reported "fairly, objectively and without bias" (Mayflower broadcasting

corp., 1941, p. 339).

So, why is timing or sequencing important here? Section 18 of the Radio Act and

its clone, Section 315 of the Communications Act, did not directly address news. Given

the stunted growth of radio news in the U.S., that should come as no surprise. The

political broadcasting policy that emerged in the late 1920s and 1930s attempted to

extend some of the logic of Sections 18 and 315 to news, but the approach was

piecemeal. The Fairness Doctrine had been formalized in 1949, but it did not answer all

of broadcasters' concerns. Broadcasters struggled to know how to treat candidates in

news broadcasts, particularly the so-called minor candidates. As noted above, CBS

sought to create clarity in 1955 by pushing for changes to Section 315 that would exempt

news. CBS ran into some resistance and policymakers were forced to revisit the goals of

a political broadcasting policy and how news fit into those goals.

But with path dependent processes at work, it was difficult to turn back the

calendar for a full consideration of the role of broadcasters in republican governance. For

example, in 1956 Texas Congressman Walter Rogers questioned whether giving

broadcasters editorial control over who should receive airtime was healthy for a

representative democracy.

> If you don't permit a man to be seen by the public, although he may be the
> best presidential candidate or the best candidate for district attorney, if he is not
> allowed to be seen on television and he cannot get free time and he doesn't have
> the money to buy time, how in the world is the public going to be rendered a
> service if they are given only a choice between, we will say, Republican and

Democratic candidates, both of whom may be scoundrels (*Communications Act amendments*, 1956, p. 187).

While the question was raised, it was not given serious consideration during formal hearings or debate. Policymakers, broadcasters, and commentators showed little interest in tackling such questions. Less than three years later, following the FCC's Lar Daly decision, such questions were also given short shrift. But the conditions under which the questions would be posed were also much different than in 1927. At least two major changes had created new conditions: the ethic of objective news and the Fairness Doctrine.

Legitimating claims about the objectivity of broadcast journalists would have been unlikely in the 1920s. Not only was broadcast journalism itself in its infancy, the ethic of journalistic objectivity, as Schudson (Schudson, 1978) argues, was only emerging as authoritative in the 1920s. CBS's Richard Salant had responded to Representative Rogers' question about denying coverage to some candidates by assuring the congressman that broadcasters would act objectively, with suitable editorial judgment (*Communications Act amendments*, 1956). Such a response in the 1920s would have held little real meaning or authoritative weight.

Following the Lar Daly decision in 1959, policymakers raced to make changes to Section 315, but did so with full awareness of the FCC's Fairness Doctrine. In the Senate committee report on the bill, the writers made it clear that even though news was being made exempt from Section 315, the Fairness Doctrine would prevent abuses. "Fear has been expressed that the adoption of legislation creating special categories of exemptions from section 315 would tend to weaken the present requirement of fair treatment of

public issues" (*Sen. Rep. No. 562*, 1959, p. 13). However the report concluded that just the opposite was the case. The new law would both validate the FCC's policy and rely on it to assure the fairness of news about political actors. When the amendment passed it included the following language:

> Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this Act to operate in the public interest and to afford reasonable opportunity for the discussions of conflicting views on issues of public importance ("Communications Act," 1959).

For a time, the courts held that the 1959 Amendment had actually codified the Fairness Doctrine. The Supreme Court's Red Lion decision in 1969 concluded, "Congress has not just kept its silence by refusing to overturn the administrative construction, but has ratified it [i.e., the Fairness Doctrine] with positive legislation" ("Red Lion," 1969). While the courts would later allow the FCC to repeal the Fairness Doctrine, the point remains that policymakers in 1959 had made a change to Section 315 with the understanding that newscasts would be required by the FCC to abide by the Fairness Doctrine. While counterfactuals lack unambiguous empirical support, policymakers had only moved forward with exemptions to Section 315 after validating the Fairness Doctrine. If the Fairness Doctrine had not been in play, policymakers would have faced a significantly different dynamic. In other words, if the creation of exemptions to Section 315 had been considered in a different sequence of events—for example either before the creation of the Fairness Doctrine or after its repeal—the policy outcome may have been affected.

Perhaps a third change had also emerged since the 1920s. Policymakers and broadcasters of the 1920s had lived through America's experience with so-called third parties. The Progressive Party and the Socialist Party had been small but consequential actors in early twentieth century politics (Bibby & Maisel, 2003; Hrebenar, Burbank, & Benedict, 1999). Broadcasters generally recognized that the Socialist Party required some attention. For example, Socialists were able to place speakers on various radio stations ("Socialists arrange," 1928). NBC had provided some coverage of the Socialist Party convention in 1928 ("Party conventions," 1928). Third parties had receded by the 1950s (Hrebenar et al., 1999). A *New York Daily News* editorial put it bluntly: "This is a 2-party country, where 3d parties – to say nothing of 8th or 18th parties – never have amounted to much. Why not recognize that fact?" ("Equal time for whom?," 1955, p. 8).

The historical mechanism of sequencing also helps explain changes made to the Communications Act in 1971. The 1971 changes, which will be explained in more detail below, regulated the rates charged to political candidates for airtime. Political candidates would only have to pay broadcasters' 'lowest unit charge,' i.e., the lowest price broadcasters charged any of their commercial clients. Broadcasters did not particularly appreciate the change, but lawmakers used their power to force the change through. Several scholars have observed that the change can best be explained by lawmakers' self-interest (Corrado, 1997; Haines, 1999; Krasnow et al., 1982). Such a realist explanation misses the historical mechanisms at work.

As noted in Chapters 3 and 4, lawmakers discussed regulating rates as early as 1926. Not all stations had policies of charging for airtime. Those that did sold time for paid speeches rather than for spot advertisements. Based on the Radio Act and

Communications Act, candidates were at liberty to use the airtime they secured as they wished; i.e., broadcasters could not censor what was said over the air. While the arrangement rationed airtime only to candidates who could afford it, politicians began to question whether the large sums of money were worth it. In the early days of TV, viewers watched nearly anything on television (Barnouw, 1975). However, by the late 1950s the appeal of programming such as presidential addresses was waning. *The Nation* reported that President Eisenhower's October 22, 1958, speech began with an 11.8 audience share and ended with a 7.1 share. The magazine reported that viewers were growing bored with TV politics and that some politicians were beginning to rethink the $65,000 price tag for a half an hour of network time ("Boredom and TV politicking," 1958).

Broadcasters held out a solution when they offered free airtime in exchange for repeal of Section 315. When policymakers passed the exemption for news related programming, candidates and broadcasters appeared to be happy with the solution. Major party candidates received airtime and, in return, only had to allow broadcasters to exercise their editorial judgment. In other words, the no-censorship clause did not apply to news coverage of candidates. The compromise promised to increase airtime for major candidates and in a format that was not a ratings killer. The TV news format had proven to be popular with viewers (Gallup Organization, 1957).

The mutual satisfaction did not last. Democrats quickly realized that the Republicans were out spending them for paid time. The Republican Party spent $12 million from its own coffers in 1968 for political ads; Democrats spent $6 million ("Washington," 1971). Even then, the Democratic Party was $9 million in debt in mid-

1970 and Democratic Presidential candidates faced another $15 million in debt for the coming 1972 primaries. "Obviously we have serious financial problems," stated 1968 Democratic Presidential nominee Hubert Humphrey ("Top Democrat," 1970, p. 33). Republicans, meanwhile, had at least $40 million in the bank in 1970 ("Both parties," 1970). That would not have been so critical had the Republicans not been scoring a major advantage in free airtime.

The Republicans' chief voice, President Richard Nixon, received regular free time from the broadcast networks. In Nixon's first 18 months in office, he had already enjoyed more time on free TV than all prior presidents combined ("TV politics," 1970). Democrats took a variety of steps to address the perceived inequity. The party first asked the FCC to require broadcasters to sell it time to discuss public issues and to appeal for funds ("Access to the media," 1970). A few weeks later, on June 22, 1970, Democrats filed a petition with the FCC asking that broadcasters be required to offer free, equal time to their party when President Nixon addressed controversial public issues ("Free and equal," 1970). The TV networks were less than enthusiastic—only CBS entertained the idea. The case eventually ended up in the U.S. Supreme Court, but was not argued until the fall after FECA was passed in 1972 ("CBS v. Democratic National Committee," 1975).

Nevertheless the case elicited several moves and counter-moves. CBS gave Democrats time in the program the "Loyal Opposition." But Republicans shot back and filed a complaint with the FCC. "There is a time for presidential campaigns every four years," argued Republican Party chair Rogers Morton; "if allowed to stand, however, this precedent would convert every President's term into one continuous four-year-long

political campaign." The tit-for-tat battle led one FCC veteran to despair, "The situation is worse than I have ever seen it before" ("Free and equal," 1970, p. 57). Congress was well aware of the case when it considered changes to Section 315 from 1970 to 1972. Policymakers cum candidates now realized that they would not be guaranteed equal free time. The best remaining option was to level the playing field for paid time. Congress passed the amendment to the Communications Act in 1971 to assure candidates of a lowest unit charge.

The sequence of decisions made a difference. The issue is less the order of the decisions, as it was in the broadcast news example cited above (although order is consequential), than it is the chain of decisions that resulted in the amendment to the Communications Act. Pierson argues that the significance of such causal chains is that "the ultimate outcomes of interest reflect a sequence of key developments over extended periods of time" (Pierson, 2004, p. 87). Indeed, the history of political broadcasting policy requires attention to the long-term processes.

Long-term Processes

To explain the state of political broadcasting policy at the end of the twentieth century requires a lens with great depth of field. While it is tempting to look at the late twentieth century decisions by the FCC and conclude, for example, that corporate interests explain those decisions, one must look at the long-term processes that produced political broadcasting policy. Pierson identifies a long-term process as a historical mechanism where "there is a considerable separation in time between the onset of a cause

and the emergence of the main effect" (Pierson, 2004, p. 93). Much of what has already been said above supports this point.

The state of political broadcasting at the end of the twentieth century is such that broadcasters have been freed from the obligation to be general interest broadcasters and are permitted to express their political leanings (Syracuse Peace Council, 1987). Stations are still obligated to provide equal opportunities for candidates for public, elective office. However, stations can present a conservative talk radio program without balancing the program with different political views. It has already been pointed out that the repeal of the Fairness Doctrine did not turn back the calendar to 1927. The Socialist station WEVD, the labor station WCFL, and others had been squeezed of their political identity by the FRC's new hierarchy of stations (Federal Radio Commission, 1929).

These political broadcasters, even if they would be reconstituted, would lack the ability to reenter the broadcasting game. The National Telecommunications and Information Administration, while examining racial rather than political minorities, nevertheless concluded that capitalization requirements in the late 1990s created an extremely high barrier to ownership diversity. Affordable stations were located in small markets and had minimal reach. The NTIA concluded that the presence of large broadcast chains and groups dominate broadcasting in the large and medium markets and squeeze out diversity (*Minority commercial broadcast ownership*, 1998).

The dearth of diverse political ownership in broadcasting in the 1990s, while no longer the goal of FCC policy, is nevertheless an outcome of prior FCC decisions. Those prior decisions are nearly as weighty has the more recent decisions given the path dependent processes at work. Indeed it is the combination of FCC decisions in the late

1920s with FCC decisions in the late 1980s that constitute a long-term process that explains the state of political broadcasting policy in the late 1990s.

Another long-term, path dependent process helps explain the dearth of diverse political ownership in broadcasting at the end of the century. The Federal Radio Commission's recognition of the emerging networks in the 1920s as a means of maintaining a national broadcast reach proved to be critical. Critics had argued the networks would dramatically narrow the range of political and other voices on the air (Benjamin, 2001). By the 1950s, when the radio networks had expanded to also become TV networks, regulators recognized that local or regional broadcasting was being eaten away by the networks. Without network affiliation, local stations lost most of their profit potential—a fact the networks held over the local affiliates (Federal Communication Commission, 1959).

The FCC prepared a congressionally mandated study of network practices, filing its first report in October 1957. However, the study stretched into 1960 as the Commission investigated network "attempts to control programming, attempts to restrict and exclude independent programs, and other related questions" (Federal Communication Commission, 1959, p. 45). FCC officials complained that "as a practical matter program selection has, to a considerable degree, shifted away from the individual station licenses" ("TV program probe," 1959, p. 65). Meanwhile, an opinion from the Attorney General concluded that networks' 'option time' provisions with their affiliates were a violation of the Sherman Antitrust Act. Option time referred to the networks' determination of when during the broadcast day network programming would run. Option time essentially required affiliates to air network programming during prime viewing hours. The FCC,

which had earlier decided the practices were permissible and even necessary, now wrote new rules "to improve the competitive position of other groups affected by option time, and the freedom of program selection of a station under its affiliation contract" (Federal Communication Commission, 1959, p. 45).

However, what had started as a substantial threat to the network structure ended with an FCC rule cutting option time by one-half hour per day ("Federal ax falls," 1959). The FCC also required networks to change how they sold national advertising for affiliates, although most networks had already made the change by the time of the ruling ("FCC slaps network," 1959). While the story underscores an asymmetry of power, given the networks' ability to thwart any real changes, it also demonstrates that a Frankenstein monster would have to be domesticated if diverse groups were to get access to a national audience.

But when the Fairness Doctrine was repealed in the 1980s, the networks and chains were just as powerful as ever (Mazzocco, 1994). The decisions made to tolerate chains and then rely on chains for national service, once made in the 1920s and largely affirmed in the 1950s, limited the possibilities in the 1980s and beyond. Any attempt to explain political broadcasting policy at the end of the century must account for these long-term processes.

Path Inefficiency

Path inefficiency refers to the process whereby some historical outcomes are less than rational or functional. "In the long run, the outcome that becomes established may generate lower payoffs than a foregone alternative would have. The process may be path

inefficient" (Pierson, 2004, p. 18). Borrowed from economics, the idea of efficiency refers to the market's ability to allot resources in such a way that society benefits (Baker, 2002). Both broadcasters and policymakers complained during the latter part of the century that political broadcast advertising was broken and in need of repair (e.g., see Penniman, 1984)—it had become inefficient. Such counterfactuals are very difficult to prove since a foregone option is indeed gone. But evidence of inefficiencies does exist in historical developments in political broadcasting policy and thus is a valid corrective to functionalist accounts that assume the inherent rationality of particular policy arrangements. Perhaps one of the clearest examples of this in political broadcasting policy can be found in efforts to deal with the high costs of buying political airtime. An efficient solution would provide for favorable returns to broadcasters without undue costs to politicians.

As noted in Chapter 4, policymakers discussed whether a political broadcasting policy should include regulation of rates for airtime. Candidates were faced with a prisoner's dilemma. Every candidate wanted a maximum of airtime, but if every candidate got his way, listeners would tune out. One listener wrote that he would rather be listening to his favorite radio skit: "I have been listening with mounting indignation to the dreary political hash which was so unwisely substituted for the delightful Colonel and Budd" ("Lessons," 1932, p. VIII 6). The practice of charging for airtime had been accepted as a necessary evil as a means of rationing a scarce resource. Costs were high— as much as $35,000 for an hour on both networks in the early 1930s ("Campaign orators," 1932). Rationing via market mechanisms came with what broadcasters considered a positive externality—poorly supported or minor party candidates could barely afford

airtime. The manager of St. Paul, Minnesota, station KSTP bluntly explained the high costs for political airtime. "Our object is to discourage any of the smaller candidates from using radio to lambaste other candidates," Stanley Hubbard said. "On the other hand, political speeches by important candidates for office are desirable" ("Broadcasters prepare," 1928, p. VIII 13). Paid time solved two related problems: rationing airtime and weeding out minor candidates.

The solution worked well, until the arrival of television. Costs soared. In fact, costs threatened to weed out more than the minor candidates. The cost of political advertising in general elections rose from $9.8 million in 1956 to $59.2 million in 1970 (*Congress and the nation, 1969-1972*, 1973, p. 398). An FCC survey of broadcasters produced a slightly different figure. Nevertheless, the survey showed candidates spent $50.3 million in political advertising in the 1970 off-year election—an 85 percent increase from the $27.2 million spent in the last non-presidential election, 1966. Major party candidates spent 95 percent of the 1970 total (Federal Communication Commission, 1971, p. 33).

Time magazine told its readers in 1970 that modern campaigns came with a cost. "The men and women who went to the polls on Nov. 3 were wooed at a pitch and a price that surpassed any off-year election in history. The immense cost must seem too high in any rational ordering of America's priorities and resources" ("High cost," 1970, p. 11). The costs were several. One FCC official worried that the volume of TV ads would end up hurting democracy. "A good many people don't want to be bothered by a lot of political broadcasting. If you get too much politics on the air, they simply turn off their TV sets" ("High cost," 1970, p. 11).

The prisoner's dilemma was back. Minor candidates were being successfully kept off the air, but airtime was not being successfully rationed. The major candidates were locked in a spending war and competition required matching the ads of the competition. In fact, new sources of money continued to driven up costs. "The other candidates find it necessary to try to match the money of an office-seeker with vast means," observed the director of the nonpartisan Citizens' Research Foundation, Herbert Alexander. "That spirals spending for the whole campaign" ("Campaign kitty," 1972, p. 18). The solution was not only to keep advertising rates in check, i.e., high enough to limit minor candidates, but low enough to be affordable for major party candidates, but also to limit campaign spending on broadcast advertising.

The 1968 Democratic Party platform called for limits on campaign contributions. The platform expressed fears that the high costs of elections and a subsequent reliance on big donors threatened the "principle of one man, one vote" (*National Party Platforms*, 1973, p. 741). The Republican platform looked much the same. "We favor a new Election Reform Act that will apply clear, reasonable restraints to political spending and fund-raising" (*National Party Platforms*, 1973, p. 770). A Harris Poll in September 1970 asked citizens about proposed legislation in Congress that would limit TV campaign spending to seven cents per each vote cast in the last election. Here 53 percent favored the law, 23 percent opposed, and 24 percent were unsure (Louis Harris and Associates, 1970). However, a Gallup poll conducted later that year that skipped the specifics of any proposed legislation, showed much stronger public support for campaign spending limits—78 percent supported a law, 15 percent opposed, and 7 percent were unsure (Gallup Organization, 1970).

Initial efforts to pass a reform measure, the Political Broadcast Act, ended with a presidential veto in 1970. Nixon conceded that the Act was "aimed at the highly laudable and widely supported goals of controlling political campaign expenditures and preventing one candidate from having an unfair advantage over another" (U.S. President, 1971, p. 837). However, the President maintained that the bill would only make campaign-spending problems worse. Since the legislation only addressed radio and TV, Nixon argued that candidates would just channel more money into non-broadcast media. In the process, the bill "would severely limit the ability of many candidates to get their message to the greatest number of the electorate" (U.S. President, 1971, p. 837). Nixon's veto message expressed particular concern that candidates in large media markets would be able to buy very little ad time under the bill's campaign spending limits.

Broadcasters flooded lawmakers with letters, phone calls, and visits when Congress made the effort to override Nixon's veto. They stressed themes of equality and fair play, i.e., all advertising media should be treated equally. For example, the president of the Alaska Broadcasting System wrote to Senator Ted Stevens urging him to sustain the President's veto of the bill. "We feel it is discriminatory and unfair that spending limitations should be imposed on our media only. Further by limiting exposure on radio and television, it would restrain the opportunity for politicians to be seen and heard to the fullest extent" (*Congressional Record*, 1970, p. 38529). The vote to override the Nixon veto was 58-34, just short of the two-thirds majority needed to pass the bill into law.

Congress would craft the Federal Election Campaign Act the following year. Two main bills had worked their way through Congress—one through the House, one through the Senate. A House-Senate conference committee adopted the House's

insistence that the equal access provision of Section 315 be left untouched. It chose the

Senate's version of a lowest unit charge provision, i.e., language that assured candidates

of a broadcaster's most favorable advertising rate. The section read:

> (b) Broadcast media rates. The charges made for the use of any broadcasting
> station by any person who is a legally qualified candidate for any public office in
> connection with his campaign for nomination for election, or election, to such
> office shall not exceed—
>> (1) during the forty-five days preceding the date of a primary or primary
>> runoff election and during the sixty days preceding the date of a general or
>> special election in which such person is a candidate, the lowest unit charge
>> of the station for the same class and amount of time for the same period;
>> and
>> (2) at any other time, the charges made for comparable use of such station
>> by other users thereof ("Communications Act," 1972).

Thus, the lowest unit rate provision would become Section 315(b) of the

Communications Act. Meanwhile the conference committee bill blended concepts from

the House and Senate bills to construct a measure on campaign spending limits. It was

still based on cents per voter and the Consumer Price Index. The Senate passed the

compromise bill by a voice vote on December 14, the same day it was reported out of the

conference committee. The House waited until convening for its second session, passing

the bill January 19, 1972, on a 334-20 vote.

Implementation of the Act did not go smoothly. The FCC received frequent

inquiries from broadcasters, asking for interpretation of lowest unit rate charges.

Questions arrived as early as March. In each case the inquiries voiced two concerns:

avoiding violation of the new law and avoiding charging candidates too little (e.g., see

Eugene T. Smith, 1972, p. 622; Political Broadcasts, 1972, p. 634; Station WPSD-TV,

1972, p. 822). Political consultants Robert and Jane Squier called for changes to FECA

immediately after the November election in 1972. "Like all reforms, it brought with it

new problems that must be solved with the experience we have all shared in this year's campaign" (Squier & Squier, 1972, p. 84). The Democratic Party platform of 1972 also called for change. "A total overhaul of the present system of financing elections is a national necessity" (*National Party Platforms*, 1973, p. 819). Congress passed amendments to FECA in 1974 to address problems but did not return to Section 315's equal access provisions, or to the Section's lowest unit price law for advertising, except to waive some paperwork requirements (Haines, 1999).

However, the biggest sticking point with implementation showed up the very day the bill was signed into law. A lawsuit in New York District Court challenged the constitutionality of the Act (Franklin, 1972). The U.S. Supreme Court would rule in November 1975 that the campaign spending limits in FECA violated the First Amendment protection of free speech ("Buckley et al. v. Valeo, Secretary of the United States, et al.," 1975). The ruling left the lowest unit price provisions in place, but little else was recognizable after the Court and the 1974 Congress had examined the Act.

The prisoner's dilemma required the maintenance of advertising rates low enough to be affordable to major party candidates and some measure to ration airtime to those major party candidates so that broadcast airtime would not be saturated by political speech. The Supreme Court's decision knocked out one of two legs supporting the solution to the prisoner's dilemma. Nevertheless, Section 315(b) remained the law of the land for the remainder of the twentieth century, despite efforts to make changes. Policymakers had created a broadcast order from 1927 to 1934 that favored access to the airwaves via paid time. Path dependent mechanisms meant that policymakers and

broadcasters would have a hard time extracting themselves from that path. However, those mechanisms also prevented innovative solutions to the prisoner's dilemma.

A *Washington Post* editorial endorsed repeal of Section 315 in 1979, describing the equal time rule as "creating more problems than it has solved." The editorial concluded the advertising provision made little sense. "[T]he rule has merely meant offering all candidates the chance to *purchase* the same amount of time as any one candidate—and never mind that this one is spending more than any other can" ("Fairness without doctrine," 1981). The conservative American Enterprise Institute funded a study in 1984 of TV political advertising in several countries and concluded that by comparison the American system was far from efficient (Penniman, 1984). By the end of the century, most voters found political advertising of little value. An Indiana University and Purdue University poll found that less than 10 percent of respondents said political advertising affected their vote (Public Opinion Lab, 1996). A Virginia poll found that 74 of those surveyed concluded that political advertising told them little or nothing about a presidential candidate (Media General Research, 1996). And even though political advertisers had reasons to believe their advertising was valuable (Jamieson, 1996), the overwhelming majority of those surveyed clearly held such advertising in low regard.

President Clinton's advisory committee on public interest obligations of digital television broadcasters made the case in 1998 that the lowest unit charge provision of Section 315 should be replaced with a system of free advertising for candidates.

> The so-called lowest unit rate, the mandated discount advertising rate for candidates, is a complex and cumbersome system that clearly does not work very well. It does not work for candidates, who are confused by the system, and whose time-buying practices often make the lowest unit rate meaningless or superfluous. It can be a bureaucratic nightmare for broadcasters, with extensive reporting

requirements and frequent lawsuits from candidates convinced they are being cheated (*Charting the digital broadcasting future*, 1998, p. 74).

The recommendation failed to gain support. While it is difficult to establish empirically that any phenomenon is not efficient, policymakers and broadcasters agreed that the lowest unit charge provision was cumbersome and inefficient. Yet changes were not made.

This chapter has highlighted the main changes in political broadcasting policy since the 1930s through the lenses of various historical mechanisms. Historical mechanisms, such as path dependence, positive feedback, sequencing, long-term processes, and path inefficiency provide the best explanation for political broadcasting policy at the end of the twentieth century.

CHAPTER 6

Conclusion: Contributions to Explaining Political Broadcasting Policy

"[W]e will wake up some day to find that we have created a Frankenstein monster," Nebraska Senator Robert Howell predicted in 1926 (*Congressional Record*, 1926, p. 12505). Howell was not particularly original when he invoked the metaphor of Frankenstein during debate on the Radio Act of 1927. The metaphor was used in a number of policy debates during the period (e.g., "Coolidge supports," 1926). Nor was he completely accurate—Congress had not necessarily created radio, broadcasting, radio networks, or political broadcasting. Nevertheless, Mary Shelley's (1818) nineteenth century story of Dr. Victor Frankenstein and his creation was an apt comparison. In Shelley's story, Dr. Frankenstein is quickly displeased with what he has brought to life. The creature is not what he intended. What is more, the creature takes on a will of its own and proves threatening to its creator and others.

Congress had breathed new life into broadcasting with passage of the Radio Act. But many in Congress quickly concluded that broadcasting had not turned out quite as they had intended. Once created however, broadcasting rivaled members of Congress for power. Howell had an intuitive sense of and had chosen a fitting metaphor for what Pierson (2000) and others have described as path dependence. The nature of politics is such that the effects of policy decisions are not easily undone. Nor does Congress always produce exactly what it intends. Or put another way, historical outcomes do not

necessarily reflect the will of powerful agents. Indeed, history presents several examples of unintended outcomes and unintended consequences. The account of political broadcasting policy presented here is just such an example. Members of Congress did not expressly intend to create general interest broadcasters to the exclusion of political, religious, civic, or government broadcasters. Members of Congress did not expressly intend to produce a radio order whereby politicians would need to gain access largely via paid time. In fact, such outcomes would not only come back to haunt members of Congress, but also prove extremely difficult to undo.

Such conclusions do not simply emerge from the study of the immediate empirical details. We must know when, where, and how to look. An explanation of political broadcasting policy, by necessity, must be historical. Since it makes little sense to explain a policy outcome without considering the policy alternatives that faced decision makers, the first step in any explanation must begin by recovering past policy options. Only then can explanatory factors be explored and weighed. Likewise, an explanation of political broadcasting policy, by necessity, must provide a comparative context. A particular set of explanatory factors may appear telling when examined in isolation. However, the weighing of various factors makes little methodological sense without points of comparison. That does not mean, however, that explanation begins and ends with a historical narrative or with comparison. Regrettably, many historical narratives are not built on a theoretical foundation and many comparative studies are not methodologically structured to explain a particular outcome. The best explanations will be theoretically, methodologically, and empirically grounded.

This study set out an ambitious set of goals: to make theoretical, methodological, and empirical contributions to the explanation of political broadcasting policy. This chapter will address the extent to which those goals were met. The chapter will conclude by addressing the chief limits of the study and by speaking to the prospects for future research based on this study.

Theoretical, Methodological, and Empirical Contributions

The goal of this research project has been to understand how political broadcasting policy came to turn out the way it did in the United States. Hence, a number of questions were explored: What were the political broadcasting policy options posed at particular times in the twentieth century? What were the material, institutional, and cultural factors operative at particular times in the twentieth century? Which set of factors best explained why particular policy options were adopted? The answers to those questions were sometimes surprising. The literature on media policy will need to address the answers identified here. However, it is not just the findings of this study, but also the theoretical and methodological approach, that will confront the existing literature.

This study sought to address a glaring gap in the literature on U.S. media policy by articulating a theoretical approach to explaining how the U.S. arrived at the exceptional media policy it did. The literature is predominantly descriptive and offers ad hoc explanations to smooth out the historical narratives. Implicit explanations rest on pluralist assumptions, taking for granted that "policy choices reflect the relative power of different interests in society," i.e., that policy choices can be understood "by calculating the influence of rival groups" (Dobbin, 1994, p. 5). It should be understandable from the

history presented here why such an approach has seemingly been so fruitful. Several policy outcomes seem to flow so directly from powerful agents, namely from commercial and corporate broadcasters. But such pluralist or realist claims are ultimately unsatisfactory.

A realist story of media policy can be faulted for telling too simple a story; e.g., pointing out the influence of corporate power without acknowledging the role that asymmetries of power have played in the broader history. However, a realist story can also simply be wrong. Realism is prone to what Pierson calls actor-centered functionalism, i.e., "the claim that a particular institution exists because it is expected to serve the interests of those who created it" (2004, p. 105). McChesney (1993) narrates a realist story where commercial and corporate interests constructed a political broadcasting policy that was in keeping with their class interests. However, Chapter 4 of this study suggests such a conclusion is wrong. The political broadcasting policy came about as the result of an interaction of national and regional values, an emerging nonpartisan ethic, and attitudes about professionalism and voluntarism.

When policymakers patched together a broadcast order in the 1920s that embodied both values of national unity and regionalism, they had little regard for the implications of those decisions on political broadcasting policy. Or, when policymakers embraced the ethic of professionalism, they seemed to have little sense that such a decision would create a political broadcasting order that would change the hierarchy of station ownership. Commercial broadcasters rose from the bottom to the top of the licensing hierarchy. The political broadcasting policy that emerged in the 1920s and 1930s did not reflect the designs of the interested parties; e.g., members of Congress and

broadcasters complained bitterly. Likewise, when policymakers considered changes in 1959 and 1970-72, policymakers and broadcasters alike despaired that political broadcasting policy was not really what anyone intended. A theoretical approach to understanding media policy is capable of seeing what realist, pluralist, or actor-based functionalist stories cannot see—that cultural and institutional factors are capable of producing unintended consequences. Indeed, the story of political broadcasting policy is just such a story of unintended consequences.

This study also makes a significant contribution to the media policy and media history literature by demonstrating how it is that history matters. By identifying the historical mechanisms of positive feedback, sequencing, long-term processes, and path inefficiency, this study has shown how the decisions made in the past shape the policy options in the present. Past events are not just past. In some cases those past events are critical junctures that prove telling in later historical outcomes. In this study, the cultural values, attitudes, and ideas of the 1920s interacted to shape an initial policy choice that would shape subsequent policy choices in the 1940s through the 1990s.

In addition to what this study set out to do, it has suggested when some factors might offer better explanations than others. During the critical juncture that was the early years of broadcasting, relatively weak institutional patterns and processes did not have the formative power that cultural values, attitudes, and ideas did. However, once critical decisions had been made and positive feedback began to cut a course, institutional and path dependent mechanisms became key factors in bounding the agency of policy actors. Thus, while policy feedback created powerful actors, it also bound some of those same actors, channeling political broadcasting policy in directions that the actors did not

intend. For example, paid airtime for political speech seemed to please no one at the end of the twentieth century. Despite various efforts to start afresh, broadcasters and policymakers failed to make the changes either wanted.

This study has also made a methodological contribution to the study of media policy and media history. The mass communication literature faces no shortage of so-called comparative studies. Hoffman-Riem (1996), for example, has produced a compelling and systematic examination of broadcast regulation in several Western countries. However, such scholarship seldom attempts to explain a common dependent variable or historical outcome. Thus, Chapters 4 and 5 of this study are unique in affecting what Scannell (2002) has argued heretofore did not yet exist, a comparative media history. Granted, what was attempted here was a modest step, relying on secondary literature about the comparative cases. But this small effort has suggested that such a comparative approach holds explanatory power for what have been commonly considered as national phenomena.

In addition to what this study set out to do, the research here has suggested that comparative studies are uniquely suited to the study of critical junctures or constitutive moments. Once path dependent processes begin to run their course, diverging national trajectories make cross-national comparisons difficult.

The empirical findings of this study make a modest contribution to the literature on media policy and political broadcasting policy. The effort in Chapter 3 to establish the historical policy options represents a unique contribution to the literature on media policy history. Likewise, the effort to identify how those policy options were rooted in the American broadcast experience challenges the empirical details put forward by Rosen

(1980). For example Rosen's account of how broadcast policy came to favor commercial over noncommercial broadcasters concludes, "Any attempt to criticize or challenge the arrangement represented a direct assault on the larger society as well as a rejection of the nation's past. The favored sons rejected demands by noncommercial broadcasters for special privileges and government intervention because these modifications stood outside the American heritage" (Rosen, 1980, p. 181). The findings in Chapter 3 suggest that the historical record does not support Rosen's conclusion, and that a full range of policy options stood within the American heritage.

As indicated in Chapter 2, one of the requirements in constructing a valid explanation is to establish time order. If we conclude that one factor causes or explains the other, that factor must be prior to the outcome explained. The historical evidence presented in Chapter 4 supports a conclusion that it was not a commercial media system that produced a broadcast policy, as McChesney (1993) had argued, but a broadcast policy that first created a commercial media system.

Limitations of the Study

This study purports to explain political broadcasting policy, not political broadcasting. Thus, while reference has been made at various junctures to the state of political broadcasting, it should be noted that political broadcast content has not been studied in any direct way. On the one hand, the choice to study this topic has reflected an understanding that political broadcasting policy is of some consequence for political broadcast content. Such an understanding has face validity based, for example, on the obvious redistribution of broadcast ownership following policymakers' decisions in the

late 1920s. On the other hand, readers should recognize that political broadcasting policy is just one structural constraint on broadcasters' agency.

The efforts of media sociologists to explain media content have accounted for the role of media policy, noting the presence of fairly specific content laws and regulations. Shoemaker and Reese (1996) account for media policy and regulation in their hierarchical model of influences on media content. Media law and regulation is one of the 'outside' influences on content. For example, they cite the FCC's Fairness Doctrine that required broadcasters to present balanced coverage of controversial issues. Both Shoemaker and Reese (1996) and Schudson (2003) infer that to understand the impact of media policy on media content one merely needs to understand media policy.

For example, since Section 315 of the Communications Act forbids censorship of political candidates, one might assume that, to the extent broadcasters are law abiding, candidates are not censored. Because of this assumption, media policy's impact on media content is under-theorized. On the one hand, Schudson (2003), Shoemaker and Reese (1996), and others are not altogether off the mark. Knowing the policy is essential. But, the law is frequently interpreted in new and different ways—thus evolving interpretations of the law may be more telling than the law itself in understanding the law's impact on media content. On the other hand, what the media sociologists largely miss is the latitude that broadcasters have within the law and even within reinterpretations of the law. This is not to suggest that broadcasters have individual interpretations of the law that account for the variation in media content. Sociological institutionalism would suggest that history has provided institutional scripts for individual broadcasters to use in negotiating interpretations of the law.

Likewise, while the study suggests that political viewpoint diversity has narrowed during the twentieth century and that political viewpoint diversity was less in the U.S. than it was in Canada or the Netherlands, no attempt has been made to measure the relative differences in viewpoint diversity. In fact, such a study could prove to be exceedingly difficult. Not only because of the difficulties in measuring such a complex social phenomena, but because of the practical barrier of not having access to past content to analyze. Much of political broadcasting content was never recorded and has been lost to historians.

One other limitation of this study is its reluctance to make normative judgments about the moral culpability of the historical actors. The story told here lacks the righteous indignation of McChesney (1993) or Mazzocco (1994). Some critics have been leery of scholarship that explains individual behavior based on structural or environmental factors. Criminals may have been the product of a dysfunctional environment, but society is still generally ready to hold them morally accountable for their crimes. It should be pointed out that the theoretical explanation offered here is not so much an explanation for individual behavior as an attempt to understand how collective action and human agency have been bounded by structural factors. Such an approach is not determinism—it does not assume that actors are left without any choice or freewill.

In retrospect, Howell's Frankenstein metaphor is both prophetic and ironic. The metaphor is prophetic for the reasons already enumerated—most notably the ways in which broadcasting turned out differently than policymakers intended and became powerful and seemingly uncontrollable. However, the metaphor is ironic because Howell

does not seem to appreciate Shelley's ambiguity about who is the protagonist and who is antagonist. At times in Shelley's story, it is the creature who is the sympathetic figure and the creator who is the real monster for turning his back on his creation. Indeed, Congress has not always been willing to accept responsibility for political broadcasting policy, leaving it to the marketplace to regulate broadcasting behavior. While the marketplace has nurtured some admirable traits, some would also claim that broadcasting has become a monster. Assigning moral culpability can be a tricky matter.

Nevertheless, this study, which describes some policy outcomes as unintended consequences, may be construed as an effort to absolve commercial and corporate actors of their role in narrowing political viewpoint diversity or in other anti-democratic behavior. This study has no agenda to excuse, absolve, or pardon commercial or corporate actors. Realist stories that see policy outcomes as a direct result of a powerful actor's initiative often come with an assumption that once the story has exposed the guilty party and a more moral majority rises to take its place, real policy change can occur (McChesney, 2004). Such an assumption would appear to be without solid historical basis. This study's reluctance to engage in moral judgment has hopefully led to a clearer picture of the deep structural roots to modern day inefficiencies, if not modern moral shortcomings.

Future Research

What good does it do to develop a theoretical approach to political broadcasting policy? If a theory attempts to make general statements for the purposes of explanation (Shoemaker et al., 2004), what can be generalized about a particular historical

phenomena? In other words, what can be said about the general when what has been studied is so particular? A cautious answer is that even if all that has been accomplished is to identify the cultural factors that explain the formation of political broadcasting policy in the 1920s and 1930s, understanding has been increased. Scholars will have gained "an ability to see things that others have not been able to see, to synthesize disaggregated parts into a new whole" (Shoemaker et al., 2004, p. 10). As stated in Chapter 2, a cultural explanation of early broadcasting policy would remain invisible if a theoretical approach did not allow us to examine the role of cultural factors.

However, a bolder answer to these questions is possible. By going beyond the initial cultural explanation of early political broadcasting policy and then examining the historical mechanisms that appear to be at work during the remainder of the twentieth century, we are able to produce explanations that are "surprising and counterintuitive" (Elster, 1989a, p. 9). Producing explanations that are surprising is not the goal in and of itself. Rather, a theoretical approach allows us to see what realism cannot see, and thus what we see will likely be surprising and counterintuitive. Attention to historical mechanisms not only vindicates a theoretical approach to explaining political broadcasting policy in the twentieth century, it also holds out the most promise for informing future research. Pierson concludes, "Even if the specific claims we wish to make about the social world will often be temporally or spatially bounded, these insights about mechanisms are likely to be portable across a range of settings" (2004, p. 176).

Both an attention to cultural factors at critical junctures in a historical process and attention to historical mechanisms—such as, path dependence, positive feedback, sequencing, long-term processes, and path inefficiency—may prove to be portable to a

range of settings. Hence, this theoretical and methodological approach holds potential for the exploration of other significant historical outcomes in mass communication. Those outcomes could include: press freedom, the mass circulation press, journalistic objectivity, commercial broadcasting, event-centered news, and the adversarial journalistic role conception. These historical phenomena have been studied repeatedly, no doubt because they represent some of the most significant topics in journalism and mass communication. However, by going beyond the realist accounts that have typically been produced, there may be surprising and counterintuitive findings to expand what we thought we knew about these phenomena.

Standard introductions to mass communication and journalism (e.g., see Folkerts & Lacy, 2004; Hiebert & Gibbons, 2000; Vivian, 2004) rationalize outcomes such as press freedom, journalistic objectivity, and adversarial journalistic role conception as functional phenomena. There are seldom unintended outcomes, only rational, efficient institutions that reflect the intentions of great men who understood the need for media in a democratic society. Such accounts do not ultimately aid our understanding of contemporary media and do merit reexamination from the theoretical and methodological approach employed in this study.

By examining political broadcasting policy, this study produced a bridge between theorizing about mass communication and theorizing in political science and historical sociology. It remains to be seen what might be portable from a policy study to the study of other social phenomena. For example, Pierson (2000) argues that some of the features of path dependence appear to be particularly strong in political science, given the nature of political institutions. Nevertheless, mechanisms such as conglomeration,

reinforcement of expectations, sequencing, and long-term processes, appear to hold promise across a variety of institutional settings.

This explanation of political broadcasting policy could also be expanded in its own right. In fact, media policy debates in the early twenty-first century raise interesting episodes for study. For example, efforts to liberalize broadcast ownership policy made headlines in 2003. Observers voiced surprise when a public outcry appeared to halt plans that would have allowed, among other things, media corporations to buy up even more broadcast outlets. Critics argued that the relaxed ownership policies would narrow the range of political viewpoint diversity (McChesney, 2004). While this project made no pretense that a predictive model was being constructed nor that this public outcry could have been predicted, the policy outcome should not have come as the surprise it did. Powerful actors do not always get their way. Opponents have powerful rhetorical resources at their disposal to block changes. Meanwhile, as remarkable as the public response was, it is hard to accept that the range of political viewpoint diversity was really at stake. True, owners had been given the right to reflect their political viewpoints over the airwaves. However, a creation of expectations regarding the efficacy of overt articulation of political viewpoints has meant that owners, who are oriented to the marketplace, will likely balance a narrow range of political views. The tie between political viewpoints and ownership, once severed in the 1920s and early 1930s, would not easily grow back in the late 1980s and 1990s.

The work of media history has been largely segregated from the broader scholarly endeavors of theory building. This project has attempted to restore a place for media history in mass communication scholarship by articulating a theoretical explanation for

an important historical outcome. In fact, by studying political broadcasting policy as a historical outcome and not simply as a functional and rational reflection of policymakers' and broadcasters' intentions, it has been demonstrated that history does indeed matter.

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Would broadcast Rhode Island Senate, Democrat offers plan as a result of storm. (1924, March 16). *New York Times,* pp. II 1.

Would check radio by standard waves. (1928, April 10). *New York Times,* pp. 34.

Would pay radio artists by tax on vacuum tubes. (1925, January 4). *New York Times,* pp. VII 11.

VITA

Timothy P. Vos

Education
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Ph.D., S.I. Newhouse School of Public Communications, Syracuse University, 2005

- Teaching Assistant: Media Law (Dr. Jay Wright), 2004

- Research Assistant: *The John Ben Snow International News Study—News Definitions Across Cultures* (Dr. Pamela J. Shoemaker, chief investigator), 2001-2003

- Conference organizer: *What's News? The Syracuse University Symposium on the Nature of News*, 2002

- Co-President, Newhouse Doctoral Students Organization, 2002-2003

- Institutional Service: Curriculum Committee 2002-2003; Moderator, Newhouse pro-seminar, The philosophy of mass communication, 2002; Presenter, Ph.D. orientation, Organizing your academic resources

M.A., School of Journalism and Mass Communication, University of Iowa, 1995

- Thesis: Textbook portrayals of news forms from the 1940's through the 1980's Committee: J. Erickson (chair), H. Hardt, J. Smith

- Editorial Board, *Journal for Communication Inquiry*, 1992-1993

- Graduate Assistant: Desktop publishing, 1994

B.A., Dordt College, Sioux Center, Iowa, 1983

- Majors: Philosophy and Political Studies; Minor: Communication, Radio-TV

- Institutional Service: Student body vice-president, student government, curriculum committee

- Extracurricular: College newspaper reporter, college radio station announcer

Academic Experience

Seton Hall University, Department of Communication, Instructor, 2004-present

- Teaching Assignments: Writing for the Media and American Journalism History

- Institutional Service Assignment: Paper judge, Petersheim Academic Exposition, 2005

Syracuse University, S.I. Newhouse School of Public Communications, Teaching Associate, 2003

- Teaching Assignment: Historical Methods of Mass Communication Research (graduate course)

Dordt College, Instructor of Communication, 1997-2001 (on leave, 2001-2004)

- Teaching Assignments: Introduction to Mass Communication, Introduction to Journalism, Broadcast Journalism, Print Journalism, Advanced Reporting, Advanced Journalism Production, Broadcast Production, Broadcast Announcing, Fundamentals of Speaking & Listening, International Perspectives on

Broadcasting & News (taught in Amsterdam, the Netherlands), and Television &

Society

- Internship advisor: Broadcast journalism students, 1997-2001

- Institutional Service Assignments: Faculty advisor, student newspaper, 1997-

1998; Co-curricular committee 1998-2001; Book mentor, Calling, task & culture,

1997-2001; B.J. Haan education conference committee, 2000-2001

Dordt College, Department of Communication, Adjunct Professor, 1995-1997

- Teaching Assignments: Broadcast Journalism, International Perspectives on

Broadcasting & News (taught in Amsterdam, the Netherlands)

- Institutional Service Assignment: Book mentor, Calling, task & culture, 1996-

1997

Northwestern College (IA), Lecturer in Communication Studies, 1996

- Teaching Assignment: Broadcast Journalism

Academic Publications, Papers and Reviews

Publication:
Vos, T.P. (2002). News writing structure and style. In W.D. Sloan & L.M. Parcell (Eds.)

American journalism: History, principles, practices (pp. 296-305). Jefferson, NC:

McFarland & Company.

Refereed Conference Papers:

Journalistic role conception: A bridge between the reporter and the press. Accepted for presentation at International Communication Association (ICA) conference, Journalism Studies Division, New York, NY, May 2005.

A political broadcasting policy: Policy options in the American broadcasting experience. Presented at American Journalism Historians Association (AJHA) and Association for Education in Journalism and Mass Communication (AEJMC) History Division Joint Spring Northeast Regional Conference, New York, NY, March 12, 2005.

The Federal Election Campaign Act: A historical explanation. Presented at Association for Education in Journalism and Mass Communication (AEJMC) conference, History Division, Toronto, ON, August 6, 2004.

A theory of political broadcasting content: Section 315, equal access, and diversity on the airwaves. Presented at International Communication Association (ICA) conference, Political Communication Division, New Orleans, LA, May 31, 2004.

Origins of commercial broadcasting in the American administrative state. Presented at American Journalism Historians Association (AJHA) and Association for Education in Journalism and Mass Communication (AEJMC) History Division Joint Spring Northeast Regional Conference, New York, NY, March 13, 2004

Mapping deviance: The role of news content in communicating legitimacy. Presented at Association for Education in Journalism and Mass Communication (AEJMC) conference, Mass Communication & Society Division, Kansas City, MO, August 2, 2003

Political broadcasting in a two-party country: The 1959 amendment to the Communications Act. Presented at American Journalism Historians Association (AJHA) and Association for Education in Journalism and Mass Communication (AEJMC) History Division Joint Spring Northeast Regional Conference, New York, NY, March 22, 2003

The enactment of journalists' role conceptions. Presented at Association for Education in Journalism and Mass Communication (AEJMC) conference, Mass Communication & Society Division, Miami Beach, FL, August 9, 2002

The news story as journalists' way of knowing. Presented at Ways of Knowing, In Concert: Christian Initiatives and Responses conference, Sioux Center, IA, August 15, 1998

The news media as a communicative institution. Presented at Communication in the Christian College Classroom ... And Beyond conference, Grand Rapids, MI, June 6, 1996

Book Reviews:

Vos, T.P. (2001). Review of *Border crossings: Christian trespasses on popular culture and political affairs*, by Rodney Clapp. *Pro Rege, 30* (1), 26-28.

Vos, T.P. (2000). Review of *How the news makes us dumb: The death of wisdom in an information age*, by C. John Sommerville. *Pro Rege, 28* (3), 31-32.

Academic Awards or Honors

Leslie J. Moeller Award, top student paper, Mass Communication and Society Division, Association for Education in Journalism and Mass Communication, 2003

Kappa Tau Alpha Research Award, best student paper, Mass Communication and Society Division, Association for Education in Journalism and Mass Communication, 2003

Syracuse Summer Graduate Fellowship, 2003

Catherine L. Covert Research Award, honorable mention, S.I. Newhouse School of Public Communications, 2003

Kappa Tau Alpha, Inducted 1994

Personal Information

Place of Birth

- Oskaloosa, Iowa

Date of Birth

- December 25, 1960