

America's press-radio war of the 1930s: a case study in battles between old and new media

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Some 60 years ago, after holding a monopoly over the news gathering and distribution process in America for more than a century, the newspaper industry found itself facing new competition. Radio had arrived, and with it came a new channel for the dissemination of information. Not surprisingly, print journalists were livid. They spent nearly a decade trying to block the emergence of broadcast journalism. This inter-media conflict is known as the press-radio war. And it is just one of a number of such media wars-battles that have been waged between old and new media. Media wars are conflicts between existing and emerging media industries which take place at the time of technological innovation in communication. They have occurred with the introduction of almost every new medium in this century. Both the newspapers and the film industry fought the introduction of radio. Hollywood also balked at the introduction of television. Broadcast television struggled against the introduction of cable. In recent years both the newspapers and cable have been fighting with the phone companies. Why are these battles continually waged? What are they really about?

This article examines the press-radio war as a case study in media wars, presenting a template of patterns and themes that characterize such conflicts. With the arrival of each new medium, existing media industries respond with fear and hostility. To understand contemporary conflicts between old and new media one need but look to the past. For in yesterday's media wars are found parallels to today's questions about coping with technological changes in the communication environment.

Earlier studies of the press-radio war have examined this conflict primarily from an economic perspective [1]. Most scholars have suggested that this was a battle waged by the newspaper industry to protect its advertising and circulation revenue. Another economic interpretation is offered by Robert McChesney [2]. McChesney examines the press-radio war in the context of early debates about broadcast regulation. He argues that early press resistance to radio

news was actually part of a larger campaign being waged at the time to fight the development of commercial broadcasting [3]. These economic analyses of the press-radio war are valuable; there was indeed an economic component to the battle between these two industries. Radio news emerged in the midst of the Depression, posing serious competition to the newspapers at a time when they could ill afford to lose either advertisers or readers.

It is possible though, that there was more to this conflict than just money. Media Wars happen when an established way of communicating is disrupted by the arrival of a new medium. If we want to understand media wars, we must ask what it means to control the channels of communication, and why people fight to retain that control. At stake here, then, are questions of resistance to change and the preservation of the communication status quo. They are issues of social power and control.

Many scholars have discussed ways in which the flow of information in society plays an important role in shaping public opinion, political discourse, and the social construction of reality. These insights may be applied to the historical analysis of media wars. Doing so allows us to ask new kinds of questions about why and how media industries fight to protect what they perceive to be `their' domain. New media threaten to disrupt not just economic patterns but also patterns of social communication. Such patterns govern who speaks to whom about what. They govern the kind of information that flows through society, who delivers it, and who receives it. The disruption of such patterns of communication is potentially threatening to the social order [4]. If we are truly to understand the nature of media wars we must look at such conflicts from a perspective that takes into account the role of communication technologies in the larger universe of social discourse.

All media wars are ultimately fought over the same thing: the preservation of the communication status quo. In other words, these are battles to preserve the stability of established patterns of social communication. They are battles to ensure that those who controlled the channels of communication prior to the arrival of the new medium will retain that control and the power that comes with it. And given the role of communication technologies in shaping the stream of social discourse, that power is quite substantial indeed.

The press-radio war was waged by print journalists to defend `their' territory from the newcomers. It was a war that the newspapers lost, but not before putting up a 10-year struggle to block the development of broadcast journalism [5]. In the end, they could not prevent change. The story of their efforts to do so, however, has much to teach about the kinds of issues over which such wars are fought. This was a battle to preserve the stability of the news gathering and dissemination process in this culture. At stake was the established structure of the journalism industry, the rules governing the ownership and use of news, and ultimately, the place of newspapers in flow of information dissemination in this country.

Three Stages of Media Wars

When a new medium first arrives, the established media industry faces a challenge: should the new arrival be viewed as an enemy or an ally? At first the answer to this question is not obvious. Those who stand to gain from an alliance with the new medium may not perceive it as a threat, while other segments of the industry may see the new arrival as dangerous competition. The initial stage of inter-industry relations at the time of technological innovation in communications, then, may be one of intra-industry conflict over how to handle the new medium. Hollywood, for example, was divided as to how to respond to the introduction of both radio and television. The broadcast television industry was divided as to how to deal with cable. Throughout the 1980s the newspaper industry was split over the issue of on-line news dissemination [6].

The second stage of media wars sees an end to the intra-industry split. Sometimes no alliance is formed between the opposing groups. In this case the new medium is free to develop unencumbered. Indeed, some segments of the established medium may even invest money in the new medium. What does it take to convince an entire industry to band together (stage three) to block the emergence of another, competing medium? An industry-wide alliance is most likely to occur when a majority of those within the existing industry are convinced that the new medium poses a threat to their survival.

Having achieved internal consensus, they can then mount an effective offensive against the new medium. In this third stage the existing industry 'attacks' the new arrival, to hinder the development of the

competition. This action might take several forms. It might take the form of political lobbying for regulatory reform that would favour the interests of the old medium. This can be seen, for example, in the ANPA's attempts to convince the FCC that the Baby Bells should not be permitted to deliver news through the phone lines. It might take the form of an industry boycott of some sort. This took place in the 1930s, for example, when for a short time the film industry prohibited its contract talent from appearing on the air [7]. Or it might take the form of legal action, in which the new medium is charged with violating existing rules governing the use of information such as those concerning intellectual property.

Stage 1: Intra-industry Conflict

In the early 1920s, when radio was a plaything, newspapers were not hostile towards the new medium. In fact, they helped to promote its development. With young people building crystal sets around the nation, this was clearly the latest fad, and newspapers recognized in this new area of interest an opportunity to gain readers. Many newspapers started special radio sections, featuring stories about the new technology and columns providing technical diagrams and instructions. Some of the larger, urban papers even took their involvement with radio one step further, buying or affiliating with local stations.

Just how many papers were linked with radio at this time is hard to say, exactly, because the figures vary significantly according to year and source consulted. Nonetheless, it appears that of the roughly 500 stations on the air in the early to mid 1920s, between 30 and 100 stations were owned by or affiliated with newspapers [8]. This represents, of course, only a small fraction of the nearly 1900 newspapers that were being published in the nation at the time [9]. Why were so few papers involved with radio? It was simply too expensive. Newspapers that were able to afford an affiliation with radio tended to be the larger and more powerful papers of the country, such as the Chicago Tribune, the Los Angeles Times, the Boston Post, and the Brooklyn Eagle. In addition, most of the newspapers of the Hearst chain were linked in some way with radio stations [10]. There were two groups of newspapers in the country—those with connections to radio, and those without. The majority of the nation's papers fell into the former category, while the later group

was comprised of a handful of the larger, more powerful papers. As we will see, this split would become an important factor in the story of press-radio relations.

By the mid-1920s, when radio began to grow beyond a mere basement hobby, some print journalists started getting nervous about the issue of radio news. This may seem odd, because, the broadcasters were actually doing very little original news programming. While stations would occasionally cover special sporting events, parades or political speeches, they lacked the staff and equipment and funds required to do their own regular news gathering. This meant that there was no real competition between radio and newspapers over the business of gathering and distributing news. In fact the broadcasters were quite dependent upon the newspaper industry for their news. Lacking the resources it would have taken to do their own reporting, a radio station wishing to air a regularly scheduled newscast had only two real options: the first was to read the news directly from the pages of a newspaper over the air. The problem with this was that it meant giving the public 'stale' news that had already been published. The alternative, if they wanted to air 'fresh' news, was to turn to the wire services for news bulletins.

The prospect of wire service provision of news to radio upset some print journalists, and led to the initial anti-radio sentiments. In 1922, the Associated Press issued a notice to its members that AP news bulletins were not to be used for the purposes of broadcasting [11]. Not all print journalists, however, objected to giving radio wire service news bulletins. Some approved of the practice, and willingly participated in it. At this stage, the Press-radio war was really more of an intra- rather than an inter-industry battle.

Two factors determined one's position. Not surprisingly, one was whether one's paper was affiliated with a radio station. The other was the wire service to which one's newspaper subscribed. There were three major wire services at this time: the Associated Press (AP), the United Press (UP) and the International News Service (INS). The wire services themselves were divided as to how to handle radio. While UP and INS were willing to supply the broadcasters with news, AP, the giant, was not.

There were also important structural differences. The Associated Press is a collective news gathering agency. Each paper contributes its own news and is then entitled to the news of all other papers in the system. AP news is the property of all AP member papers. The UP and INS, on the other hand, did their own news gathering, and simply sold the bulletins to client papers. To the Associated Press, the problem was obvious: radio could bring news to the air faster than papers could publish it. If the AP allowed bulletins to be broadcast, member papers would be 'scooped' by their own news. If the UP or INS provided radio with news, their newspaper clients would, of course, be similarly 'scooped'. The difference, however, was that newspapers subscribing to these services had simply purchased news bulletins. They had not added any of their own news to the system, and had no proprietary claim over the bulletins. This gave the UP and INS freedom to negotiate with radio.

Both had a compelling reason to offer their news to the broadcasters: it was a great way to compete with the Associated Press. Since station-owning papers could not get news for their broadcasts from AP, they turned to one of the other wire services. Supplying newspaper-owned stations with bulletins was seen as a way to promote good relations with these papers, in the hopes that they would then become loyal customers of these wire services. As Karl Bickel, head of the United Press put it, "radio, if properly used, can be made a great asset for building good will with broadcasting newspapers" [12].

UP and INS were so confident of the promotional value of these news bulletins that they gave them to the stations for free, in exchange for on-air credit. This arrangement was described by H. V. Kaltenborn, one of the nation's first news commentators. Kaltenborn had a news program on WAHG, a station owned by the Brooklyn Eagle. As he put it, "I gave the United Press credit for important news stories and they seemed to regard that as sufficient quid pro quo. They were also negotiating with the Brooklyn Eagle, for UP service and were creating good will". Kaltenborn claims to have used nothing but UP service during his entire 30 years on the air [13].

Just as supplying radio with news bulletins served the interests of certain wire services, airing those bulletins served the interests of certain newspapers, namely, those owning radio stations. Erik

Barnouw writes that these early newspaper-owned stations were "devices to publicize the papers", and that the brief bulletins they broadcast "were largely teasers to stimulate readership" [14]. For these papers, the issue of being 'scooped' by radio was not a concern. They simply used news bulletins to promote their own paper, urging listeners to turn to the newspaper for further details.

Newspapers without a radio affiliation were opposed to wire service provision of news to radio. Since they had no opportunity to broadcast, they were helpless in the face of a new medium that could air news faster than they could print it. They felt that if stations were allowed to air news bulletins, their papers would be outdated by the time they hit the news stands. The 'anti-radio

camp' was largely composed of smaller papers, unable to own or affiliate with a radio station, plus those that were Associated Press members. Since the expenses involved with broadcasters were well beyond the reach of most papers, and since the AP was by far the dominant wire service of the day, this meant that the majority of the nation's papers fell into this 'anti-radio' camp. The deep split between these two 'camps' over the issue of providing radio with news bulletins was noted by a number of journalists at the time. One of the ANPA Radio Committee Reports explained that "newspapers owning their own broadcasting stations believe this practice does not hurt the quality or freshness of the news", while, on the other hand, "the vast bulk of newspapers are unwilling to have the freshness of their news destroyed" [15]. Frank Miller, editor of the South Bend Tribune observed that "the viewpoint of a newspaper publisher (on the issue of radio news) is influenced by the possession or non-possession of a broadcasting station" [16]. Similarly, following the annual convention of the Southern Newspaper Publishers Association in 1930, Editor and Publisher noted that when the topic of radio came up, "the usual abyss of opinion between newspapers which operate their own stations and those which have no radio relations was apparent" [17].

This "abyss of opinion" between these two groups manifested itself during the mid-1920s. Debates were especially intense at the annual meetings of the Associated Press, where the few large urban papers that owned stations would campaign in favor of allowing AP bulletins to be aired. The majority of the AP membership was firmly opposed. One event that brought particular conflict between the pro and anti-

radio journalists was the 1924 presidential election. Station-owning AP members wanted to air the returns, and did so, much to the chagrin of their fellow member-papers. Since broadcasting AP bulletins was prohibited by Associated Press regulations, these papers were forced to turn to UP and INS for their bulletins. When they realized that their own policy had backfired, the AP leadership responded by modifying the rules. A resolution was passed stating that on occasions when there was news of "transcendent national and international importance and which cannot by its very nature be exclusive", limited use of AP bulletins for the purposes of broadcasting would be permitted [18]. This solved the problem for a short time, but the question of what to do about radio remained unsolved.

Stage 2: Alliance Building

A key issue at stake in the debate over providing radio with wire service bulletins was the role of the newspaper in the institutional structure of the journalism industry. The entry of radio as a new 'player' was menacing to the established news distribution structure that defined the journalism industry in America by the 1920s: the newspaperwire service alliance. Prior to the advent of broadcasting, news moved from the wire services, through the newspapers, to the people. It was a network-like arrangement, with newspapers across the country linked to the wire services, upon whom they depended for the majority of their news. If the press associations provided radio with the news they needed, news could now bypass the newspapers, thus shifting the flow of news in society. Information would now move from the press associations through the radio to the public. Ultimately then, the anti-radio newspapers, which constituted the majority of the nation's papers, were fighting to retain their long-established role in the process of news distribution. It was a fight for self preservation. It was a fight that could only be won if all journalists banded together.

What was needed was alliance-building. The anti-radio journalists had to convince their pro-broadcasting colleagues of the dangers of radio. They argued that providing broadcasters with news posed a fundamental threat to the existence of all newspapers. This view was expressed, for example, in an Editor and Publisher article, "Giving News to Radio Viewed as Menace to Newspapers by Many Editors". In it, one editor stated that he did not think that the wire services, "which are created and operated for the main purpose of

disseminating news to newspapers, should distribute news through radio" before newspapers have a chance to publish such news. Speaking of the press associations, he said that "their main customers, their original customers and the customers they are created to serve are the newspapers, and their first duty is to the newspapers" [19]. In the same article, Joseph Pulitzer took the position that "the news associations exist for the purpose of disseminating news to the public through the newspapers", and that therefore "only on rare occasions such as Presidential elections should the news be released for dissemination by radio prior to publication" [20]. We hear in both of these comments the clear assertion of a 'natural order' to the flow of news in the culture. According to this point of view, wire services provided the newspapers with news. If they changed this role, they were deviating from their 'true' identity.

Not everyone agreed. In 1928 the AP joined the other wire services in providing radio with election returns. This was in accordance with the AP rules that had been adopted 4 years earlier. But in the wake of the elections a number of journalists complained that this practice rendered their own papers obsolete. "It is not fair", one member complained, "for several hundred publishers to gather news and then have it given to the public before they are able to publish it themselves" [21]. Richard Jones, publisher of the Tulsa Tribune asked, "has the Associated Press decided to kill the newspaper business in the United States?" Charles Whaite, President of the Southern California Newspapers Association, said that it was beyond his comprehension "why the publishers of newspaper should be expected to pay the expense of gathering news and then turn it over free to a competitor" [22].

An editorial in Editor and Publisher observed with anger that the newspaper industry "apparently, is only a queer kind of business which gives its product away to a competitor, and stands idly by to see a natural and rightful function supplanted" [23]. An expression of frustration of came from Walter Humphreys of the Temple Telegram in Texas. "We fight the growing encroachment on our field by the radio", he complained, "only to have the news organization to which we belong turn around and help the radio thumb its nose at our honest efforts. Every bulletin we printed in our extra was second hand. The radio with the assistance of the Associated Press scooped us

miserably" [24]. Humphrey's words convey the sense of betrayal many papers seem to have felt when the news for which they had paid was being turned over to the broadcasters, to be aired before the papers even had a chance to print it.

In their attempts to convince their colleagues of the gravity of the wrote numerous articles warning that continuation of this practice threatened the very stability of the industry itself. Elezy Roberts, the first chairman of the ANPA radio committee and a staunch opponent of providing radio with news, told Editor and Publisher in the spring of 1932 that "we cannot keep on selling news if we permit and encourage others to give it away" [25]. Editor and Publisher issued its own warning on this subject: "it is a major error for the press to build up the radio as a news instrument by sharing its news reports with that medium of public communication" [26]. Another editorial lamented that "the larger papers ... are giving away radio news ... regardless of the effect on the vast majority of newspapers" [27].

The clearest statement on these matters though, came from the California Newspaper Publishers' association in February of 1933, just months before the print journalists of the nation finally decided to stop providing radio with news. At their annual convention, the CNPA issued a resolution that the broadcasting of news gathered by wire services and newspaper staffs was to be viewed as being not only harmful to the sale and promotion of newspapers, but also as "detrimental to the development of the entire newspaper business individually and collectively" [28]. Eventually, the pro- and anti-radio journalists formed an alliance, their very existence threatened by the Great Depression. Advertising revenue was way down, as were news stand sales, and many felt that radio diverted advertising dollars away from print [29].

There were other factors as well. The fall of 1932 had brought yet another presidential election, and with it, once again, the matter of providing radio with election returns. The elections that year were characterized by a comical series of events in which the various wire service offered their services to the networks for a fee, then retracted their offers, and then ended up providing the returns for free [30]. The nation's newspapers were quite upset, and the wire services received many letters of protest. Letters from small newspapers complained that by providing news of the election to the broadcasters,

the Associated Press "had entered its service into direct competition with member newspapers" [31]. Richard Lloyd Jones, publisher of the Tulsa Tribune predicted that should the AP continue the policy it put into effect on election night, "it will become the best agency in the country to destroy the newspapers". Another letter, from Walter Humphreys of the Temple Telegram, a small newspaper in Texas, complained that the AP had "rendered all of our election activities ... futile and helpless" [32].

In response to the widespread protests to the provision of the networks with election returns both the AP and ANPA both polled of their membership. These surveys revealed strong opposition throughout the journalistic community to the practice of supplying radio with news of any kind. About 70 per cent of the AP members responding to the survey opposed giving news to the broadcasters. The minority in favor either owned or were affiliated with radio stations [33]. Since all papers, large and small, held equal power when it came to voting on AP policy matters, the results of this survey suggested what the outcome would be when the membership brought this issue to a vote at its annual meeting in the following spring.

Meanwhile, a media event raised the saliency of the issue. In the first week of March 1932, Charles Lindbergh's infant son was kidnapped, and radio was there to cover the story live. According to the New York Times, nearly 700 bulletins were broadcast within the first 72 hours after the boy was reported missing. It was a big story, one that captured the nation's attention, and many journalists were upset once again to be scooped by the broadcasters. Print journalists also complained about the quality of the radio coverage itself, accusing the broadcasters of being inaccurate and sensationalist [34]. One article in Editor and Publisher noted that the "problem of spot news broadcasting and the amount of harm caused by the frequent radio bulletins on the Lindbergh story" were the focus of "increasing debate among newspaper executives" [35]. Another article, just prior to the annual gathering of the AP and ANPA in April, predicted that the subject of competition with radio was likely to be a topic of heated discussion, "particularly since the situation has been aggravated by the recent spot broadcasting of news of the Lindbergh kidnapping by radio corporations with announcers at the scene of the activity" [36].

By the time the various wire services and press associations came together for their annual conventions in Washington that year, they were ready to take action. In April of 1933 all three wire services agreed to cease providing radio with news bulletins [37]. For the AP this meant that election returns and other items of "transcendent importance" would no longer be supplied. For the UP and the INS this meant a complete cessation of their long practice of giving news to radio for free. It seems that dissatisfaction among print journalists had reached a state of 'critical mass'. The anti-radio forces finally had their wish. Enough journalists had come to see radio as a threat to newspaper-wire service relations. The nation's journalists had agreed at last to put aside their differences and unite forces against radio, in order to protect the institutional structure of their industry. This meant the broadcasters were forced to find new ways of obtaining bulletins for their newscasts. By the fall of 1933, CBS established a full-fledged news division. NBC followed suit, on a much smaller scale. The networks were free at last, or so it seemed, from their dependence upon the print journalists for their news bulletins.

Stage 3: Attacking the Enemy

Print journalists could finally direct their energies toward a battle with the 'enemy'. United at last in the name of protecting their industry, the press now had to defend the boundaries of its territory. If they were to retain their control over the process of news gathering and dissemination, they had to find ways to prevent, or at least limit the development of broadcast journalism.

Successful military campaigns are conducted by attacking the enemy from several directions simultaneously. It seems the exertion of pressure from multiple points overcomes the opponent. So it was with this phase of the press-radio war. The 'attack' of the press on radio took three forms: political lobbying, economic boycott and legal action. For a time, it worked. So effective were the attacks of the print journalists that only a few months after the networks began broadcasting their own news, they appealed to the press to meet with them and negotiate a 'peace agreement'.

Political and Economic Pressure

What kind of pressure did the journalists use to get the broadcasters to the bargaining table? The answer to this question explains the Biltmore Agreement. Newspaper and broadcasting industry representatives met at the Hotel Biltmore in New York City. The meeting took place in early December of 1933, and was called in response to a telegram from William Paley, president of CBS, to the ANPA. He had requested a meeting between the two industries for the purpose of ending "the long standing dispute as to news broadcasting", and suggested that perhaps it would be possible to work out a plan "whereby the broadcasters may have access to news without gathering it themselves, and under arrangements that would be mutually satisfactory" [38]. The very one-sided terms of the Biltmore Agreement suggested total surrender. The plan called for the networks to cease their news-gathering operations. In exchange they would be supplied, twice a day, with five-minute news bulletins. The material for these bulletins would be provided by the three wire services to a new Press Radio Bureau (PRB). The PRB would function as a 'clearinghouse' for the news bulletins. Its job would be to rewrite the wire service copy into radio news announcements. Restrictions were placed on the scheduling of these newscasts, to insure that the bulletins were aired several hours after the morning and evening papers reached the news stands. The bulletins were to be aired without commercial sponsorship. All costs of running the Press Radio Bureau were to be covered by the broadcasters [39]. In other words, the networks agreed to give up gathering their own news, and acquiesced to full press control over the content and scheduling of their newscasts. They also agreed to foot the bill for the expenses of having the press control their news. Independent broadcasters, who were also represented at the Biltmore Conference, did not agree to the terms of this plan.

What compelled the networks to agree to such a restrictive arrangement? Apparently, a combination of political and economic pressure. In 1933, print journalists had the serendipity of timing on their side. The Roosevelt Administration was in the midst of plans to revise the 1927 Radio Act. The "window of opportunity" was open, so to speak, for major changes in the area of broadcast legislation. Bills such as the Wagner-Hatfield Act were on the Hill proposing changes in the spectrum allocation process that would give more frequencies to non-commercial stations. In fact, the very economic structure of

commercial broadcast was under fire from various lobbying groups, such as the National Committee on Education by Radio, the ACLU and the AFL, who were working to have commercials eliminated from the airwaves altogether [40]. Some of these same groups were starting to challenge the growing power of the networks and were beginning to ask questions about monopoly. Commercial radio, and network radio in particular, was under attack. If ever the publishers had an opportune moment to frighten the networks into cooperating with them, this was it. They threatened to join the fight against commercial broadcasting.

Evidence for this is indirect but quite suggestive. Just after the Biltmore Conference, Broadcasting magazine observed that the networks agreed to cooperate with the press with the thought in mind that a friendly and cooperative attitude would preclude newspaper agitation against radio during the coming session of Congress" [41]. An article on press-radio relations in the New Republic explained that one of the main reasons that the broadcasters capitulated to the publishers' demands was their "fear of newspaper agitation against monopoly" [42].

Isabelle Keating, writing for Harpers in 1934, described the kind of 'agitation' in which the newspapers were engaging. Publicly, Keating wrote, the press "could and did challenge radio's methods of serving the public interest, convenience and necessity". In private, the press

inquired, in quarters where radio's representatives could not fail to hear,

whether there might not have been some irregular allocation of wave bands

from time to time, whether radio was not in fact subservient to the reigning

political party because of its governmental license; whether as a result it was

not qualified to purvey disinterested news.

With the press raising such uncomfortable questions in "strategic quarters", Keating notes, it came as no surprise when the ANPA Radio Committee announced that the networks had made "an urgent appeal" to meet with them in December of 1933 [43]. In short, according to H. V. Kaltenborn, "if you ask why the broadcasters accepted such an unsatisfactory and humiliating arrangement, the answer is simple. They feared the power of the press. That power was ready to swing against them" [44].

Just how real this threat was is hard to know. Robert McChesney presents convincing evidence to suggest that the majority of the nation's press was relatively inactive when it came to supporting the broadcast reform movement [45]. Perhaps print journalists used this issue as a convenient one with which to threaten the broadcasters.

In addition to the threat of political lobbying, the print journalists had another weapon: economic pressure. Newspapers threatened to cease publication of the networks' programme listings. The issue of whether or not the newspapers should publish these listings free of charge had, in fact, been a matter of debate for quite some time. Most were opposed to the practice on the grounds that it gave free publicity to the sponsors whose company names often appeared in the titles of radio programmes (like the A&P Gypsies, for example). Yet papers continued the practice because very time they tried to stop publishing the listings the public complained [46]. Obviously, the publication of these programme logs was important to the networks, for it told listeners what was on the air. It was also important to the advertisers, who preferred backing programmes that got mentioned in the newspapers.

The publishers came to the Biltmore conference with an advantage that the broadcasters lacked: a united front. NBC had no real news gathering division to speak of, and thus had very little to lose by agreeing to the plan. Indeed, given the political climate of the time, NBC's vulnerability on the subject of monopoly meant that they had a great deal to lose if they refused the publishers' demands. CBS was willing to fight, but it could not do so alone. Journalists were ready to threaten CBS with a boycott of its program listings. If only NBC's shows were listed, there might be an exodus of advertisers from one network to another. CBS felt it had to cooperate [47].

In exchange for acquiescing to the terms of the Biltmore plan, the networks were assured that newspapers would continue to publish all programme listings in full. As NBC president Merlin Aylesworth explained, "there was a general feeling on the part of the radio broadcasters that this cooperative experiment would result in all of the newspapers of the country rendering a program service ... to the vast number of readers who listen to radio" [48]. Similarly, an article in Broadcasting reported that the networks were "virtually forced" into an agreement with the publishers in order to avoid seeing the majority of the nation's papers "eliminate all program listings and wage a bitter war on radio generally" [49].

It was this combined threat of losing the programme listings and being faced with a "bitter war" from the newspapers that brought broadcasters to the negotiating table. Indeed, according to one article, several weeks before the Biltmore meeting the National Radio Committee of the ANPA, representing "the majority of the 1,800 daily papers in the United States", had approached the networks saying that they were ready to "ban together not only to eliminate radio program listings but to carry on a fight in Congress and in their columns against radio" [50].

It may appear ironic that the journalists would have pressured the broadcasters into accepting an arrangement that involved wire service provision of news to radio. After all, the press spent nearly a decade of internal debate over whether to supply the broadcasters with bulletins. But now the process was under their control. Indeed, the Biltmore Agreement gave the journalists the best of both worlds. The terms of the arrangement stopped the development of network news. Once they formed an internal alliance, print journalists convinced broadcasters to yield control.

Legal Action

At the Biltmore Conference the press had achieved an important victory. Winning a battle, however, does not necessarily mean winning a war. Independent broadcasters had left the meeting without signing the agreement. This left the press with a serious problem, for only about 150 of the nation's 600 radio stations were network owned or affiliated. They lacked financial clout, but had the strength of numbers.

Independent stations needed a new source for their news. Before long, several news gathering agencies emerged to fill it [51]. These were essentially wire services for radio reporters who gathered their own news and provided bulletins to the broadcasters by telegraph and teletype. Unlike the PRB however, these services placed no limitations on the time of day the newscasts could be aired, nor did they prohibit the stations from airing the news with commercials. The most successful was the Transradio Press Service, which had over 150 subscribers after only nine months of operation. Staffed largely by former employees of the CBS news division, Transradio had reporters in cities nationwide and soon posed serious competition for the PRB [52].

There was nothing that the press could do. There was no legal justification for taking action against Transradio simply for providing radio with news. What the journalists could do however, was to closely monitor the broadcasters for any violations of rules governing the flow of news. The press feared that the independent broadcasters might `steal' news from the wire services or the newspapers. This would have constituted a violation of intellectual property rights laws governing news, and was grounds for legal action. The press shifted its attack strategy from a political and economic approach to a legal one. On the lookout for violations, they placed the broadcasters under close surveillance and took legal action when they found what they felt were infractions of the laws governing information use.

The invocation of property rights over the news assumes that news is a commodity--an article of trade, a product over which one can claim ownership. This concept is borrowed from the domain of copyright, in which commodity status is conferred upon ideas. Copyright is designed to protect the creator of an original artistic, literary or scientific work from the unauthorized use of that work for a certain period of time [53]. The laws of copyright are based on the premise that ideas `belong' to someone, and that their authors are therefore entitled to protection from the `theft' of those ideas.

Intellectual property laws are ultimately about defining and maintaining control over the flow of ideas. They assist in the establishment of boundaries in the communication process. Just as national borders delineate geographic territory, copyright laws define territorial boundaries in the realm of communication. They establish

`ownership' over ideas, which places restrictions on the way in which ideas can be used, by whom and for what purposes. They are part of the larger, ongoing process in which society is constantly engaged—namely, the management of social discourse. By helping to establish and maintain patterns of communication in society, rules of this kind help to preserve the communication status quo, for they control who gets to speak to whom, in what ways.

When new communication technologies are developed, they often facilitate the easy violation of previously established rules. New technologies make it possible to send and receive information in ways that old copyright laws never anticipated. Such laws, written to protect the 'authors' of ideas from the theft of their work through unauthorized duplication, are greatly challenged by the invention of new communication technologies. These technologies often make it possible to gain access to, reproduce and/or disseminate the work of another without their knowledge or permission.

The intellectual property issue is, therefore deeply linked with the whole question of the stability of existing media institutions. If an institution can no longer protect its `ownership' of information, it can easily lose its position of power in the cultural communication process. Thus, inter-industry battles over the issue of intellectual property rights are ultimately battles for control over the flow of information in society. What is at stake in fights of this nature is the stability of the established information order.

But do the laws of copyright apply to journalism? The question of whether one can in fact have property rights over news had long been a matter of debate. After all, one might argue, news is public information that is available to anyone. So how can anyone claim `ownership' over it? In 1918 the matter had been decided in *AP v. INS*, in which the AP accused the INS of stealing AP news. The Supreme Court ruled that while a news gathering agency had no property rights over its news with relation to the public, it did have such rights with respect to its competition. News theft between competing industries in the business of selling news was prohibited on the grounds of unfair competition in business [54].

With this case, rules governing the relationship between competing news agencies were established. Such rules provide order and control

over the way in which news and information flows through the society. But the stability achieved with the 1918 ruling did not last for long. The arrival of radio brought the capacity to transmit information in new ways—ways that disrupted the established patterns governing news flow. Faced with direct competition that was able to distribute news on its own, the press responded by charging that the newcomers were violating the very rules that had been established to protect their institutional boundaries.

When Yankee News Service, one of the first independent radio news associations, began operations, Editor and Publisher reported that several Boston newspapers were keeping close check on the radio news service to determine the character of its bulletins and also if there is any duplication of their own contents". So great were the fears of news theft that some newspapers and wire services even made recordings of broadcasts to determine whether any news items had been taken from the press. As Abe Schechter, news writer for Lowell Thomas at NBC explained, they "were making a practice of keeping a stenographic record of our news broadcasts; in some cases they even recorded our newscasts on discs so they could check back and see whether we had swiped anything" [55].

The broadcasters claimed that they were being falsely accused of wrongdoing. It seems, however, that their pleas of innocence were received with skepticism. This is evident from the fact that numerous articles appeared in the press trade journals at this time characterizing radio as a thief. In Editor and Publisher, for instance, broadcasters were accused of "filching" and "lifting" the news from newspapers [56]. Similarly, the American Press wrote of the attempts of a radio station to "chisel" news from a local papers for broadcasting purposes [57]. At a meeting of the Inland Daily Press Association in 1933, a discussion was held about how to prevent broadcasters from getting news from newspapers and "bootlegging" it over the complained that broadcasters were "appropriating" the news without the consent of the publishers, and the Southern Newspaper Publishers Association portrayed the radio news commentators as being engaged in "news pilfering" [59]. This phrase also appeared in another report from the ANPA, which stated emphatically that publishers "should not tolerate a situation in which there is a general pilfering of our news" [60].

A number of lawsuits were filed by newspapers and press associations accusing radio of violating their property rights. Some of these cases included: AP v. KSOO (1933), a joint suit by four New Orleans Newspapers against VMSU (1933), and AP v. KVOS (1935). In both cases the press charged that in making use of news taken from either the papers or wire services, the broadcasters were appropriating news that did not belong to them [61]. In both cases the courts ruled in favor of the press.

After a number of cases in the lower courts, one of these radio news piracy suits reached the Supreme Court. In 1935, issuing a ruling in favour of the AP in AP v. KVOS, the Supreme Court established, as it had in the INS case, that those who gathered the news were entitled to protection from use of that news by competing news agencies [62]. Federal policy had been reaffirmed regarding the control over the flow of news. Through the enforcement of established rules governing the use of news, the journalism industry was able to retain control over the information that flowed through its channels. Thus the use of legal action proved to be an effective means of protecting institutional territory.

In the end, of course, the press lost their war against radio. After the PRB had been in operation for just over a year, the success of Transradio Press attracted the attention of UP and INS. They wanted to compete for revenue available from the sale of news to radio. Both pulled out of their coalition with the AP in the spring of 1935, making their news available to the broadcasters once again. Once the united front collapsed, the nation's newspapers lost their power to hinder the development of broadcast journalism. In addition, an increasing number of newspapers bought radio stations, drawn by the economic promise of broadcasting. In the period between 1934 and 1938, for example, the number of newspaper owned or affiliated stations more than doubled, from 100 to 211 [63]. With the collapse of the wire service coalition, the broadcasters were free to develop their own news divisions. Although the PRB continued for another 3 years before dying quietly in 1938, the battle between the old and new institutions of news dissemination was over at last.

From Old to New

With the advent of radio news, the institution governing the gathering and dissemination of news in this country was changed forever. The arrival of this new medium posed a serious challenge to the established institutional structure of journalism. While neither newspapers nor wire services went out of business, they lost their monopolistic control over the flow of news to the American public. Radio, with its capacity to transmit news instantaneously to a mass audience, fundamentally changed the information ecology of the nation. Change triumphed over resistance. The broadcasters won the press-radio war. But for a time, the print journalists fought hard to block the development of a new medium of information transmission. And their fight offers important insights into the nature of inter-industry conflict in the communications industry at the time of technological innovation.

There are several lessons to be learned from this story. Despite America's reputation for enthusiastically embracing technological innovation, there are those for whom new media pose a serious threat: established communications industries. There appear to be several stages to conflicts between old and new media. The first is a period of intra-industry discord--a period of debate within the existing media institution over how to deal with the new arrival. During this stage there are clashes between those who perceive the new medium as a threat and those who do not. The composition of these two groups is likely to be determined by previously existing differences in institutional positioning.

The second stage is the period in which the clash between these two groups is resolved. The resolution of their differences can take one of two directions. Those resistant to the new medium might convince their colleagues that the very institutional structure of their industry is at stake, and that the only way to insure self-preservation is to form an alliance in order to block competition. The other option, of course, is that the supporters of the new medium might triumph, in which case the new medium is free to develop unchecked.

Should the opposition forces be successful, an entire industry bans together to hinder the emergence of the new medium. This 'attack' phase might also take several forms--it could involve lobbying the government for regulatory changes that would be disadvantageous to the new competition. It could involve pressuring advertisers not to

support the new medium or some other form of industry-wide boycott. Or it could involve attacking the new medium on the grounds of violating existing rules governing the flow of information.

In the end, the new medium usually wins the battle. Eventually the economic advantages of alliance with the new medium will outweigh the benefits of hindering its emergence, and the coalition of opposition forces will collapse. Understanding these inter-industry conflicts may make it possible to avoid them all together. Ultimately, new media threaten the communication status quo. They disrupt established patterns of communication in society. Familiar roles and rules in the social communication process may be disturbed, or eliminated. Regulations governing the movement and ownership of information may become obsolete. Ideas can move in new ways, unfettered by structures and rules created to control the communication process of an earlier age. Technological innovation in communications is, by its very nature, a transformative phenomenon. With new ways of sending and receiving messages come myriad changes in the established patterns of communication in society. Institutions, like human beings, tend to be quite conservative in their response to change, and often resist anything that alters the stability of their environment. Resistance to new media only makes the process of coping with modernization that much more difficult. Technological innovations in media may be inevitable; resistance to change is another matter.

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NOTES

[1] See for example Eric Barnouw (1968) *The Golden Web* (New York, Oxford University Press); Edwin Emery (1950) *The History of The ANPA* (Minneapolis, University of Minnesota); R. Hammergren, *The origin of press-radio conflict*, *Journalism Quarterly*, 13; George Lott (1970) *The press-radio war of the 1930's*, *Journal of Broadcasting*, 14 (Summer). [2] Robert McChesney (1991) *Press-radio relations and the emergence of network, commercial broadcasting in the United States, 1930-1935*, *Historical Journal of Film, Radio and Television*, 11, 1. [3] See also Robert McChesney (1993) *Telecommunications, Mass Media, and Democracy: The Battle for the Control of US Broadcasting, 1928-*

1935 (New York, Oxford). [4] Carolyn Marvin (1988) *When Old Technologies Were New* (New York, Oxford). [5] For a detailed account of the events leading up to and comprising the press-radio war, see Gwenyth Jackaway (1992) *The Press-Radio War, 1924-1937: A Battle to Defend the Professional, Institutional and Political Power of the Press*, unpublished doctoral dissertation, University of Pennsylvania, chapter 2. [6] For a discussion of the response of Hollywood to the introduction of both radio and television, see Michele Hilmes, (1990) *Hollywood to Broadcasting: From Radio to Cable*, (Chicago, University of Illinois Press). For a discussion of the response of broadcast television to cable TV, see J. Fred MacDonald, (1990) *One Nation Under Television: The Rise and Decline of Network TV* (New York, Pantheon Books). A comprehensive account of the recent struggles between the newspaper industry and the 'Baby Bells' over on-line news delivery can be found in the September 1991 issue of *Preesstime*, the journal of the American Newspaper Publishers Association. [7] Hilmes, *Hollywood and Broadcasting*, p 55. [8] Report of the ANPA Committee on Radio, Editor and Publisher, 25 April 1925, p. 25. [9] Editor and Publisher Annual Yearbook, 1925. [10] Karl Bikel (1930) *New Empires: The Newspapers and the Radio*, pp. 81-85 (Philadelphia, JP Lippincott). [11] *Chicago Tribune Defies Associated Press Rule to Radio Election Returns*, Editor and Publisher, 25 October 1924, p. 1. [12] *Press Radiocasting of Election Returns Gives Journalism New Ally*, Editor and Publisher, 8 November 1924, p. 3. [13] H. V. Kaltenborn, *Reminiscences*, p. 187, Broadcast Pioneers Project, Columbia University Oral History Collection. [14] Barnouw, *The Golden Web*, p. 138. [15] Report of the ANPA Radio Committee, Editor and Publisher, 26 April 1930, p. 68. [16] Frank Miller, *Radio War on Newspaper Would Only Harm Radio, Says Editor*, Editor and Publisher, 25 November 1933, p. 36. [17] Arthur Robb, *Keep News from Radio, SNPA Urges*, Editor and Publisher, 23 July 1932, p. 7. [18] *AP Modifies Rule on Radio Broadcasting*, Editor and Publisher, 25 April 1925, p. 11. [19] *Giving News to Radio Viewed As Menace to Newspapers by Many Editors*, Editor and Publisher, 22 December 1928, p. 4. [20] *Ibid.* [21] John Roche, *AP to Continue News Broadcasting*, Editor and Publisher, 27 April 1929, p. 11. [22] *ANPA Acts to Frame Radio Policy*, Editor and Publisher, 19 November 1932, p. 7. [23] *Radio and Elections*, Editor and Publisher, 10 November 1928. [24] *Ibid.* [25] *Press Service Policies Differ On Giving News to Radio*, Editor and Publisher, 26 March 1932, p. 15. [26] *Quake*

Coverage Hampered by Radio, Editor and Publisher, 18 March 1933, p. 7. [27] Press Service Policies Differ on Giving News to Radio, Editor and Publisher, 26 March 1932, p. 15. [28] News Broadcasting Hit by Coast Group, Editor and Publisher, 4 February 1933. [29] For a further discussion of the actual economic impact of radio on the circulation and advertising revenue of newspapers during the Depression, see Jackaway, *op. cit.*, chapter 5. [30] For a more detailed account of the wire service provision of election returns to the broadcasters on the night of the 1932 elections, see Jackaway, *op. cit.*, chapter 2. [31] ANPA Acts to Frame Radio Policy, Editor and Publisher, 19 November 1932, p. 7. [32] *Ibid.* [33] Majority of AP Members Oppose Giving News to Radio Stations, Editor and Publisher, 15 April 1933, p. 8. [34] For further details on the accusations of sensationalism in the coverage of the Lindbergh kidnapping, see Jackaway, *op. cit.*, chapter 3. [35] Press Service Policies Differ on Giving News to Radio, Editor and Publisher, 26 March 1932, p. 15. [36] Economy Measure and Radio Competition Chief Topics of New Conventions, Editor and Publisher, 23 April 1932, p. 3. [37] For a more detailed discussion of the process by which the print journalists reached this consensus, see Jackaway, *op. cit.*, chapter 2. [38] Press-Radio Parley in New York, December 11, Editor and Publisher, 9 December 1933. [39] Martin Codel, News Plan to End Radio-Press War, *Broadcasting*, 1 January 1934, p. 10. [40] For a detailed discussion of the efforts to block the development of commercial radio, see McChesney, *Telecommunications, Mass Media, and Democracy*. [41] News Plan to End Radio-Press War, *Broadcasting*, 1 January 1934, p. 10. [42] T. R. Carskadon, The Press-radio War, *The New Republic*, 11 March 1936, p. 133. [43] Isabelle Keating, *Pirates of the Air*, Harpers, 1934, 169 (September) p. 463. [44] H. V. Kaltenborn, as quoted in McChesney (1991) "Press-radio Relations", p. 46. [45] *Ibid.* [46] For a more detailed discussion of the debate over the programme log issue see Jackaway, *op. cit.* chapter 2. [47] Keating, *op. cit.* [48] Radio News Plan Arouses Opposition, *Broadcasting*, 15 January 1934, p. 11. [49] Radio-news Program in Final Stage, *Broadcasting*, 1 February 1934, p. 7. [50] *Ibid.* [51] Among the independent radio news services that were started at this time were The Yankee Network in Boston, the Continental Radio News Service in Washington and the Radio News Association in Los Angeles. [52] Herbert Moore, "The News War in the Air", *Journalism Quarterly*, 1935, p. 50. [53] US Government Printing Office (1992) *What Copyright Is: Copyright Basics*, Circular no. 1, p 2.

[54] For a detailed discussion of AP v. INS, see Paul Sullivan (1978) News Piracy: Unfair Competition and the Misappropriation Doctrine Journalism Monographs (May). [55] Schechter, A. (1941) I Live on Air (New York) p. 1. [56] Radio 'Lifting' of News Attacked, Editor and Publisher, 17 January 1931, p 9. [57] Refused Radio News, The American News, February 1934. [58] G. Brandenburg (1933) Inland Awaits National Action on Radio, Tabling Attack on Newscasting, Editor and Publisher, 25 February 1933, p 4. [59] Transradio News Service v. ANPA et al., p. 453. [60] Newspapers End Antagonism to Radio, Broadcasting, 1 May 1937, p. 15. [61] For a more complete discussion of the various news piracy cases during this period, see Jackaway, op. cit., chapter 5. [62] Associated Press v. KVOS, Decree (9th Cir., 1935). [63] Dailies Must Oppose Use of Radio to Impair Democracy, Editor and Publisher, 30 April 1938, p. 18.

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