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"FIGHTING BOB" SHULER AND KGEF: THE SILENCING  
OF A RADIO CRUSADER

THESIS

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By

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This study recounts the events surrounding the Federal Radio Commission's (FRC) 1931 decision to remove radio station KGEF. Robert Shuler, minister of Los Angeles' Trinity Methodist Church, South, used KGEF to attack city officials and organizations whom he felt were corrupt. Chapters explore Shuler's background and acquisition of KGEF, his use of KGEF, and FRC and Court hearings and appeals.

The study concludes that the action against Shuler, resulting in deletion of KGEF, may have resulted from political pressures. In spite of the "landmark" status of the Shuler case, his First Amendment rights may have been violated.

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## CHAPTER I

### INTRODUCTION

#### BACKGROUND

In its infant years, broadcasting existed without any real government regulation. The first attempt to control wireless communication occurred in an amendment to the Interstate Commerce Act in 1910. In that same year, the Wireless Ship Act made it unlawful for large passenger ships not to carry modern radio equipment on extended voyages. The inefficiency of these provisions became tragically obvious in 1912 when the Titanic sank in the icy Atlantic. Although another ship was only fifteen miles from the Titanic, the radio operator had gone off-duty. Twenty-four-hour watches were not required at that time.<sup>1</sup>

Prompted by the Titanic disaster, Congress passed the Radio Act of 1912. Directed primarily at controlling radio procedure by ships, the act required every radio station to secure a license from the Secretary of Commerce. However, the law did not give the Secretary any discretionary power in granting licenses.<sup>2</sup> Thus, when

broadcasting eventually developed, every applicant received a license that could not be revoked.<sup>3</sup>

The concept of broadcasting emerged in about 1920 when a number of radio stations began to broadcast music and other fare directly to an audience. The Westinghouse station in Pittsburgh, KDKA, was the first commercially licensed standard broadcasting station in the United States Department of Commerce records.<sup>4</sup> Westinghouse financed KDKA to create a market for radio receivers it manufactured. Soon, KDKA and other "first" broadcasters gained a considerable audience, attracting other interests into radio.<sup>5</sup>

By early 1923, 576 licenses had been issued by the Secretary of Commerce. However, all broadcast stations operated on two frequencies; news and entertainment stations were assigned to 833.3 kc, and crop and weather report stations to 618.6 kc. Two frequencies were inadequate for the increasing number of radio stations, and the airwaves were soon plagued with interference. To overcome this, some station managers began to change frequency, increase power, switch times of operation, and move location of their transmitters, all without permission. These unauthorized changes compounded the already bad interference problem, but were not punishable under the 1912 law. Clearly, new legislation was needed for radio to

survive. The Radio Act of 1927, intended to supply the needed regulatory power, became the first radio law ever to reflect the existence of broadcasting.<sup>6</sup>

One of the underlying assumptions of the 1927 Act was that the government had some discretion in the regulation of radio. Anxious to stay away from any form of censorship, Congress did not establish specific programming standards to guide broadcasters. Rather, the Act created the Federal Radio Commission (FRC), with vague instructions to insure that stations operate in the "public interest, convenience, and necessity."<sup>7</sup>

Although the public interest concept was carried over to the Communications Act of 1934, Congress wrote no precise definition of what that concept actually entails. Certainly, the interest of the public means different things to different people. Regardless of the diversity of opinion, however, the public interest began to gain meaning when the Federal Radio Commission and its successor, the Federal Communications Commission, exercised discretionary regulatory powers. When the Commission makes a ruling based on the public interest and that ruling is tested in the courts, the resulting judicial decision helps to fill in, albeit piecemeal, the limits--what is and what is not--of the public interest. One of



the earliest and most famous decisions involving definition of the public interest concerned John R. Brinkley and his radio station, KFKB.

Before passage of the Radio Act of 1927, the only prerequisite for obtaining access to the airwaves was enough money to purchase a transmitter. Radio was wide open to medical men, messiahs, faith healers, and other notorious characters. One of these was "Doctor" John Brinkley, the famous "goat-gland" man. Brinkley used KFKB to advertise the Brinkley Hospital and the Brinkley Pharmaceutical Association. The doctor's personal, daily broadcasts were devoted to prescribing treatment for illnesses, diagnosed from descriptions of symptoms he received through the mail from his radio listeners. Brinkley usually informed his radio patients of their types of illness, and then prescribed one or more of his many numbered remedies.<sup>8</sup>

On March 20, 1930, Dr. Brinkley filed his application for renewal of license. Because of several newspaper exposés and pressure from the American Medical Association, the FRC designated a hearing on the application and allowed Brinkley to present evidence in support of renewal. After three days of argument, the Commission found that, based on Brinkley's past "medical" programming, the "public interest, convenience, or necessity"

would not be served by granting the application. On June 13, 1930, KFKB was to leave the air.<sup>9</sup>

Brinkley took the FRC decision to the Court of Appeals for the District of Columbia. He contended that, since the Commission had based its decision on his past broadcasts, this constituted censorship which was specifically prohibited by Section 29 of the Radio Act of 1927. Pending consideration, the court granted KFKB a stay order, permitting the station to remain on the air. This was only temporary, however, for on February 2, 1931, the court affirmed the Commission's decision.<sup>10</sup>

The Brinkley case established the power of the FRC to consider past program performance in determining service in the public interest. The court observed, "In considering the question whether the public interest, convenience, or necessity will be served by a renewal of appellant's license, the Commission has merely exercised its undoubted right to take note of appellant's past conduct, which is not censorship."<sup>11</sup> Even though the First Amendment applies to broadcasting as well as print, the Brinkley decision was the first to reveal that the broadcast utterances of licensees are not without limit.

A little more than a year later, the court used the Brinkley case as precedent in reaching its decision on another case. In this case, through the Supreme Court's

denial for certiorari, the Commission's obligation to examine past programming in considering renewals was judicially sanctioned until the present time. The case was Trinity Methodist Church, South v. FRC, the case of "Fighting Bob" Shuler.<sup>12</sup>

Robert Pierce Shuler (see appendix D), minister of Trinity Methodist Church, South in Los Angeles, California, and operator of radio station KGEF, was no ordinary clergyman. Very civic-minded, Shuler had an unique conception of his duty to the Trinity congregation and, later, to those who listened to him over the radio. He relentlessly attacked by name individuals and organizations he believed immoral, unethical, or a hindrance to the proper enforcement of the law. He said his broadcasts over KGEF were designed "to try to make it hard for the bad man to do wrong in the community."<sup>13</sup>

Despite such a "noble" purpose for the use of KGEF, many citizens of Los Angeles vehemently disagreed with Shuler's radio discourses. Several went so far as to complain to the FRC, and when KGEF applied for renewal of its license in 1930, the FRC designated the matter for hearing. The hearing examiner recommended renewal of the station's license, but one George Lyon, a Los Angeles businessman, filed exceptions to the decision. The Commission elected to hear oral arguments on the case. The

hearings ended, and the Commission decided to remove KGEF from the air. Shuler appealed the decision to the Court of Appeals for the District of Columbia. On November 28, 1932, however, the court sustained the Commission's decision.<sup>14</sup> A subsequent petition for writ of certiorari to the Supreme Court of the United States was denied.<sup>15</sup>

In many ways the Shuler case mirrored the Brinkley trial. In upholding the FRC, the court reaffirmed its endorsement of the Commission's after-the-fact review of broadcast material. The case also provided tacit Supreme Court support for the concept. But Shuler raised two other legal questions in broadcasting for the first time: freedom of speech and deprivation of property without due process of law. A milestone in the history of government regulation, the Shuler case offers insight into the character of radio's early, flamboyant broadcasters. For in silencing the Reverend Mr. Shuler, the FRC quieted one of the most determined broadcast crusaders of the era.

#### Problem

Authorities in broadcast regulation history attest to the importance of the Shuler case. Walter Emery in Broadcasting and Government reviews the case in discussing the FRC's authority to consider past program performance.<sup>16</sup> Sydney Head in Broadcasting in America relates

the Shuler decision as significant in considering FRC restriction of radio speeches.<sup>17</sup> Other authors deal with the case in comparing the print medium's relative freedom from government control to broadcasting's licensed status.<sup>18</sup> Thus, various legal and historical scholars seem to agree that Shuler is a pivotal figure in the development of broadcast regulation.

Many other of radio's early, colorful characters have been written about from several different aspects. Current literature includes works on the Brinkley affair,<sup>19</sup> Norman Baker,<sup>20</sup> Father Coughlin,<sup>21</sup> and even Shuler's pulpit rival, Aimee Semple McPherson.<sup>22</sup> Despite this accumulation of literature on early radio personalities, Shuler has been largely neglected. Until now, no in-depth study has been performed on this larger-than-life character whose activities contributed specifically to defining the FRC's authority in administrative program review.<sup>23</sup>

#### Purpose

The purpose of this study is to set forth the sequence of events surrounding deletion of radio station KGEF. Effort is made to place the Shuler case in historical perspective against the background of the development of broadcast program regulation. The following

aspects of the case are treated:

1. Shuler's background and his acquisition of station KGEF.
2. The events that gave rise to the accusations against Shuler, and the opposing points-of-view concerning the accusations.
3. FRC and judicial proceedings surrounding the deletion of radio station KGEF.
4. The implications of the Shuler case for the development of freedom of speech in broadcasting.

#### Procedure

The procedure of this study combines techniques of historical research and case study. Primary sources such as completed FRC forms, legal briefs, testimony transcripts, Commission reports, contemporary magazine and newspaper articles, and court opinions have been utilized in dealing with Shuler, his radio station, and the case. Also, on-site research of church records and personal letters and records has been conducted. Additionally, interviews have been conducted with members of the Shuler family, church and station personnel, and participants in the FRC and judicial proceedings.

#### Recent and Related Research

Research relating directly to the Reverend Mr. Shuler and KGEF has been sparse. The present study is the first to consider the Shuler case in depth. Studies that deal

with the general subject of broadcast regulation mention the Shuler case, but the scope of such works usually limits their comments on the case to a paragraph or two. These comments are generally based only on the court's opinion or FRC documents.<sup>24</sup>

William Clyde Norris completed his dissertation, An Evaluation of Federal Court Decisions on Religion in Broadcasting in The Light of the First Amendment, in 1971.<sup>25</sup> This study examines the Shuler case as one of six relating to federal regulation of religious broadcasting. Norris concentrates on the FRC's use of Shuler's radio speeches as evidence against him in violating his freedom of speech.

Two efforts toward documenting the Shuler story have been started, but never completed. One, a biography by Robert Shuler, Jr., is apparently still in progress.<sup>26</sup> The second work was to take the form of a feature movie. J. Bond Johnson of Long Beach, California, was involved in researching the film and helped assemble a considerable quantity of information. Unfortunately, the movie was never completed. Johnson turned over all his research material to the writer-producer, who cannot be located.<sup>27</sup>

As was indicated earlier, several authors have included mention of the Shuler case in discussing the

broad subject of broadcast regulation. However, none of those texts has attempted to reassemble the complete story as does the present study.



NOTES

<sup>1</sup>Sydney W. Head, Broadcasting in America: A Survey of Television and Radio (Boston: Houghton Mifflin, 1972), p. 115.

<sup>2</sup>Walter B. Emery, Broadcasting and Government: Responsibilities and Regulations (East Lansing, Michigan: Michigan State University, 1966), pp. 16-17.

<sup>3</sup>In U.S. v. Zenith Radio Corporation, 12 F. (2d) 614-618 (1926), the court held that the Secretary of Commerce, Herbert Hoover, did not have the authority to restrict station WJAZ's operation even though the station was violating the terms of its license.

<sup>4</sup>R. Franklin Smith, "Oldest Station in the Nation?" Journal of Broadcasting, 4 (1959), 40-55.

<sup>5</sup>Head, pp. 156-157.

<sup>6</sup>Head, pp. 157-159.

<sup>7</sup>The Federal Radio Commission was replaced by the Federal Communications Commission which was established in the Communications Act of 1934.

<sup>8</sup>KFKB Broadcasting Association, Inc. v. FRC, 47 F. (2d) 671 (1931).

<sup>9</sup>KFKB v. FRC, pp. 671-672.

<sup>10</sup>KFKB v. FRC, p. 672.

<sup>11</sup>KFKB v. FRC, p. 672.

<sup>12</sup>No evidence is available to ascertain where Shuler first became known as "Fighting Bob." It is probable that the nickname was originated by the press during the time. "Latest Effort to Get Rev. Mr. Shuler," The Item-Tribune, Mar. 29, 1931, p. 4.

<sup>13</sup>Ruth Brindze, Not To Be Broadcast: The Truth About the Radio (New York: Vanguard, 1937), p. 162.

<sup>14</sup>Trinity Methodist Church, South v. FRC, 62 F. (2d) 850 (1932).

<sup>15</sup>"Supreme Court Gets WMBB-WOK Case Again as it Denies Shuler Trial Review," Broadcasting, 1 Feb. 1932, p. 22.

<sup>16</sup>Broadcasting, pp. 38-39.

<sup>17</sup>Broadcasting, pp. 424-425.

<sup>18</sup>See for example Brindze, pp. 161-163; and Harold L. Nelson and Dwight L. Tester, Jr., Law of Mass Communications: Freedom and Control of Print and Broadcast Media (Mineola, N.Y.: Foundation, 1969), pp. 409-410. See also J. G. Moser and Richard A. Lavine, Radio and the Law (Los Angeles: Parker, 1947), pp. 82, 85; H. B. Summers, Radio Censorship (New York: H. W. Wilson, 1939), pp. 78-80; Elmer E. Smead, Freedom of Speech by Radio and Television (Washington, D.C.: Public Affairs, 1959), pp. 9-10, 107; and Robert J. Landry, This Fascinating Radio Business (New York: Bobbs-Merrill, 1946), pp. 94-95.

<sup>19</sup>See Ansel Resler, "The Impact of John H. Brinkley on the Development of Broadcasting," Diss. Northwestern Univ. 1958; and Gerald Carson, The Roguish World of Doctor Brinkley (New York: Rinehart, 1960).

<sup>20</sup>See Thomas Hoffer, "Norman Baker and American Broadcasting," Diss. Univ. of Wisconsin, 1969.

<sup>21</sup>See Alfred McClung and Elizabeth Briant, eds., The Fine Art of Propaganda: A Study of Father Coughlin's Speeches (New York: Harcourt, Brace, 1939); Marcus Sheldon, Father Coughlin: The Tumultous Life of the Priest of the Little Flower (Boston: Little, Brown, 1973); and General Jewish Council, Father Coughlin: His "Facts" and Arguments (New York: GJC, 1939).

<sup>22</sup>See Robert V. Steele, The Vanishing Evangelist: The Aimee Semple McPherson Kidnapping Affair (New York: Viking, 1959).

<sup>23</sup>To date no scholarly articles have been written either.

<sup>24</sup>Most frequently cited are Trinity Methodist Church, South v. FRC, and Federal Radio Commission, Statement of Facts, Grounds for Decision and Order of the Commission (Washington, D.C.: FRC, 1931).

<sup>25</sup>Univ. of Southern California.

<sup>26</sup>Interview with Shuler's daughter, Mrs. Norman Fertig, Los Angeles, California, Dec. 26, 1974. Some of the material Robert, Jr. compiled for his book is used in this study, in addition to the primary sources already mentioned.

<sup>27</sup>Interview with researcher of the movie, J. Bond Johnson, Los Angeles, California, Dec. 27, 1974.

## CHAPTER II

### SHULER DISCOVERS RADIO

For purposes of this study, the life of Robert (Bob) Shuler has been divided into four periods: 1) his childhood and youth; 2) his early ministry or preradio era; 3) his radio or Los Angeles era; and 4) his postradio era. Within each of these periods, a dominant "theme" can be discerned--a goal, an event, a condition, people that seemed to influence Shuler's behavior. During his childhood, Shuler's family environment left its mark on his later concern with personal integrity and morality. In his early ministry, Shuler first began to speak out on secular matters, especially in regard to prohibition. In his radio era, Shuler further developed his sense of civic-mindedness in informing his church and radio audiences of graft and corruption in Los Angeles. The post-radio era was characterized by his continued fighting and eventual retirement.

Shuler's childhood and youth and his early ministry are examined in this chapter. His radio era is the most significant in regard to this work and is included in

chapters three and four. Shuler's postradio period is briefly reviewed at the end of chapter four.

Beginning April 8, 1929, and ending two weeks later, the Los Angeles Record ran a series of articles on Shuler. The second and third days of the series reported the past life of the minister. Unless otherwise noted, the first two sections of this chapter are drawn from April 9 and April 10 of the Record series. In the Record articles, it was made clear that the intent was to give a completely objective account of the controversial minister. However, it should be noted that all the information for the articles was received through personal interviews with Shuler himself. So, wherever possible, the Record history has been corroborated by cross-checking with other sources. These additional sources are cited at appropriate points in the following narrative.

#### Shuler's Boyhood

Bob Shuler's humble origins contrast sharply with his eventual success and acclaim in Los Angeles. He was born on August 4, 1880, in a log cabin in the Blue Ridge Mountains of Virginia.<sup>1</sup> Situated in Grayson County in the southern part of Virginia, his birthplace was twenty-four miles from the nearest railroad station.

Shuler's parents, Robert, Sr. and Nellie, were poor, and most of his relatives illiterate. His father's family were German, and his mother's Scotch-Irish and Dutch. The church his family went to was a crude structure known as "The Hall," situated near Shuler's cabin. The Methodists and the Masons cooperated in its construction, and the Masonic lodge met in a room above the church's meeting place. Although "The Hall" was not on a circuit of churches, a traveling preacher would come at irregular intervals.<sup>2</sup>

Shuler attended school in a little one-room mountain schoolhouse called "the Shuler schoolhouse." The schoolhouse was built by all the Shuler families living in the mountains, and was situated about three-fourths of a mile from Shuler's cabin. Shuler would attend school once a week. The teacher, "Pegleg Larue," would go to the Shuler school and instruct the mountain children in reading, writing, and arithmetic. This was the only formal schooling Shuler had until he attended college years later.<sup>3</sup>

Money was often scarce during Shuler's boyhood years. The family made all their own clothes. They raised flax in a field behind the barn, and prepared it themselves. Shuler's mother operated the spinning wheel and the loom.

Shuler saw his first railroad train when he was eight years old. On the same trip, he also saw his first town (Wythville, Virginia), his first Negro, and his first white hog. The closest country store and post office were about seven miles away. Both were contained in the same building, and Shuler's family would go get their mail and supplies once a week.<sup>4</sup>

Tobacco and fruit were the chief commodities produced in Grayson County, Virginia, when Shuler was a boy. Although his father grew apples, Shuler often worked in the tobacco fields. Almost all inhabitants of the Blue Ridge Mountains used the tobacco they grew, but Shuler, because of his parent's feelings, never smoked.

Shuler's parents were a dominant influence in his life. They instilled in him a high regard for education, tenacity, self-made accomplishment, and honesty, and at the same time, inculcated in him a distaste for hypocrisy, dishonesty, and vice (including strong drink). His mother always had great ambitions for her husband and her children, and continually emphasized the importance of education. For herself, the everyday necessities of raising a family in the mountains of Virginia prevented her from ever progressing past the second reader in school. Shuler's father played an important role in fashioning Shuler's rugged determinism. When Shuler was

a small boy, his father was sued by a neighbor. Young Shuler and one of his brothers had trespassed on the neighbor's wheat field. Also, the neighbor was enraged when Shuler's mother carried home a quantity of goose grease from a goose killing, grease Mrs. Shuler had understood was hers for her part in the killing. Shuler's father won the lawsuit and a subsequent appeal. Young Bob Shuler hung on an old gate outside the courthouse all afternoon awaiting the outcome of his father's trial.

Shuler was nine years old when his father, urged and encouraged by his wife, returned to school. Every Monday morning for an entire winter, Shuler and his father would ride nine miles from the mountain cabin to Emory, Virginia, where his father attended Elk Creek Academy. Shuler would return with the horse and spend the week attending to the farm. On Fridays Shuler would travel back to Emory, and he and his father would ride one horse back to the cabin.

The next year, the family sold the small farm and moved into Emory. Shuler's father enrolled in Emory and Henry College, a staunch Methodist school. He was determined to fulfill his lifelong dream and become a minister. Shuler began selling the Cincinnati Post and the Toledo Blade on street corners in Emory while his mother took in



boarders. Although very poor, the family had resolved to keep Shuler's father in college.

The wallpaper for the Shulers' first shack in Emory was newspapers that Bob Shuler did not sell. Young Shuler read every inch of those walls, and later frequently told people, "They were the most interesting rooms I've ever lived in."<sup>5</sup> Shuler's father finished college at the age of thirty-two. He served as a Methodist circuit rider for several years, and pastored many churches.

#### Shuler's Early Ministry

Shuler became self-supporting at the age of twelve. He worked many jobs ranging from cutting wood for hand-outs, to teaching school while in college. He worked his way through college doing various odd jobs and would spend each summer serving as a substitute preacher for congregations who were temporarily without a minister.

A month before his seventeenth birthday in 1897, Shuler was licensed to preach. Three years later, while in his first year of college, he was ordained by the Methodist Church, South. In 1903, he received an A. B. degree from Emory and Henry College, the same school from which his father had graduated. The college is still in existence today.<sup>6</sup>

Shuler's first congregations were small coal mining towns.<sup>7</sup> In Cumberland Gap and Pocahontas, both in

Virginia, Shuler encountered fierce resistance against his views on liquor. He was totally against liquor in any circumstance. On at least two occasions, he was physically attacked because of his loud opposition to drinking. On each occasion Shuler fought back. From Pocahontas, Shuler went to Elizabethton, Tennessee where he met his future wife, Miss Nellie Reeves. Miss Reeves was born and reared on her parents' big wheat plantation in Elizabethton. Following a year in Elizabethton, Shuler served as pastor for two years at Norton, Virginia, another coal mining community. Shuler married twenty-year-old Nellie Reaves in 1905 and preached the first year after the marriage in La Follette, Tennessee.

In the fall of 1906 Shuler was sent to Texas to take charge of the Grand View circuit of churches near Cleburne, Texas, about thirty-five miles south of Dallas. Shuler had four churches to look after in the small circuit and preached one Sunday every month at each church. Some of Shuler's early experiences in Texas were amusing. One such involved a preacher-cursing roughneck who disapproved of Shuler's derby hat. Disgusted that a man would wear such a hat in Texas, he removed the derby from Shuler's head, kicked a hole in it, and promptly replaced it with a big, white Stetson hat. Thus went Shuler's inauguration into Texas.

Texas, however, could expect plenty from Shuler, too. After a successful two years with the Grand View circuit, Shuler was given an appointment to the First Methodist Church at Temple, Texas. This was a step up for Shuler, who at the age of twenty-eight, was the youngest Methodist preacher holding an appointment of such importance. During his four years at Temple, Shuler's antiliquor feelings focused on prohibition. He worked energetically at "drying" Texas counties. In every local option contest, Shuler would deliver impassioned speeches in favor of closing all saloons. His unceasing battle against liquor resulted in much resentment within and without the congregation. At this time, appointments for Methodist preachers were for four years, but it became impossible for any bishop to find Shuler a new appointment. The churches in San Antonio and Corpus Christi both refused to have Shuler as their minister. Finally, in 1912, he was sent to the University Church at Austin, Texas, without the congregation's knowledge. In the first meeting of the Board of Stewards after Shuler's arrival, it was decided not to receive him as pastor. But upon a second action, he was barely accepted. Shuler liked living in Austin because, being the capitol city of the State, it was brimming with political activity. Here Shuler's fight against human vices began to expand beyond

his dislike for liquor to include political and civic corruption. He frequently held political meetings on the Capitol lawn.<sup>8</sup>

Following four years at Austin, Shuler went to the First Methodist Church in Paris, Texas. The size of his salary and congregations had been increasing incrementally as he moved from church to church in Texas. From the Grand View circuit to Paris, his salary rose from \$350 a year to \$6,000 a year. From Paris, Shuler was sent by his bishop to the pastorate of Trinity Church in Los Angeles, California at a salary of \$6,000.<sup>9</sup>

It was believed by many, including Shuler himself, that his transfer to a debt-ridden church in California was a way of getting him away from Texas and the resentment caused by his prohibition campaigns.<sup>10</sup> The one thousand-member Trinity Church was \$50,000 in debt when Shuler began his ministry there. A year before Shuler arrived, the congregation was forced, for financial reasons, to leave their building on 847 South Grand Street. The abandoned mammoth structure was known as Trinity Auditorium (now Embassy Auditorium). It had been erected in 1912 by the church at the cost of over a million dollars. When they realized they could not repay the loan on Trinity Auditorium, the congregation moved to Twelfth and Flower Streets where the Christ Episcopal Church's

building had become available. The style of the edifice was old Gothic patterned after the Lambeth Palace Parish Church of England.<sup>11</sup> (See Appendix E.)

Texas had been just a proving ground for Shuler, and his long ministry at Trinity was to surpass any of his Texas achievements. The fast-growing Los Angeles was overflowing with everything that Shuler was against. World War I was over, money was not scarce, and Hollywood, complete with flamboyant producers, directors, actors, and actresses, had emerged as the movie capitol of the world.<sup>12</sup> Arriving on September 27, 1920, just a month past his fortieth birthday, Shuler began a ministry that would make him one of the most feared and respected men in Los Angeles.

#### Acquisition of KGEF

Shuler did not wait long to begin his campaign against sin and corruption in Los Angeles. Exactly three months after his arrival at Trinity, Shuler preached a Sunday morning sermon which made Monday's headlines. The title of Shuler's sermon, "The Vernon Country Club versus Decency--How Long Will Los Angeles Stand for It?" plainly indicated its secular tone, and caused quite a stir in the country club as well as in the city. He discussed a Christmas party at the club in which, according to Shuler,

drinking, nakedness, and suggestive dancing were openly practiced. Shuler ended the talk with the comment that many society ladies were present at the lewd display.<sup>13</sup> A little later, Shuler delivered his next Sunday surprise. In this sermon Shuler said that many of the city's high school girls were posing for nude photographs. His strong plea for decency won him immediate recognition.<sup>14</sup>

But Shuler's finest preradio triumph occurred through the tip of an anonymous informant. The mysterious phone caller told Shuler that he would find something of interest if he would wait outside a certain widely known night spot. Accompanied by a friend, who was also a deputy sheriff, Shuler went to the club and waited for several hours in the rain. Finally, the chief of police of Los Angeles, Louis D. Oaks, emerged with two women who were having to support him as he walked. One woman was the wife of "Little Phil" Alquin, a notorious racketeer who was then on trial for murdering a police detective. Shuler followed the trio to a nearby hotel and waited long enough to see them register. The next day, Shuler launched a campaign that ultimately caused dismissal of the chief.<sup>15</sup>

After this victory, Shuler increased his campaign against sin and corruption in the city. In addition to his pulpit at Trinity church, Shuler attacked immorality

and indecency through his Bob Shuler's Magazine. J. R. Spencer was publisher of the magazine and Shuler was editor. Bob Shuler's Magazine was first published in March, 1922. The magazine contained little advertising and usually ran around twelve pages in length. Two standing attractions appeared each week: "Our Radio Page" edited by M. J. Hankins, KGEF's engineer, and "Comment and Opinion" written by Shuler. The rest of the journal consisted of various articles, usually authored by Shuler, which told Los Angeles how evil it was.

Los Angeles, at this time, did have a bad reputation. The publicized immoralities of the Hollywood "kings" were in full swing. The city was experiencing a tremendous influx of people, especially from the East where millionaires and racketeers sought to exploit Los Angeles' major assets, real estate and oil. Prohibition was on, and bootlegging was a flourishing business. Indeed, Los Angeles, with money in its pockets, was a bit impish and the whole city's activity seemed to be set to the tempo of the jazz which spewed out of the radios.<sup>16</sup> At first, Shuler was just another "ballyhooer" amongst many screaming promoters, faith-healers, messiahs, and black magic practitioners. But soon Los Angeles' prominent men and politicians learned that Shuler knew a lot of what was going on and that he was determined to cleanse the city.

Shuler was also experiencing amazing popularity with the people, and the Trinity building began filling for Shuler's crusading sermons. One individual who was much impressed with Bob Shuler was Mrs. Lizzie H. Glide.

Mrs. Lizzie H. Glide, a wealthy widow from Berkeley, California, heard some of Shuler's indignant sermons and called him from Santa Monica. She asked Shuler to meet her at a hotel, an invitation Shuler quickly refused for fear of a frame-up. But when a trusted member of the Trinity congregation called and explained that Mrs. Glide wanted to buy Shuler a radio broadcasting station, he immediately drove to the hotel in Santa Monica and met with Mrs. Glide in the lobby.<sup>17</sup>

Mrs. Glide made a gift of \$25,000 to Shuler for the purchase of radio broadcasting equipment. Because neither Shuler nor his benefactor knew the cost of starting a radio station, the amount was found to be insufficient, and other money was raised by Shuler to construct a modern broadcasting facility.<sup>18</sup> The money was contributed in voluntary offerings as a result of appeals made by Shuler from the pulpit and in his monthly Bob Shuler's Magazine.<sup>19</sup>

There were certain stipulations set by Mrs. Glide, and agreed to by Shuler, as to the use of the \$25,000.



One was that the radio station should not belong to the church, but to Shuler, himself, and that he use it "for spreading the gospel and advancing civic betterment."<sup>20</sup> Also, Mrs. Glide stipulated that "no modernist or evolutionist shall be allowed to speak over the station."<sup>21</sup> Later on, however, Mrs. Glide released Shuler from all restrictions connected with the station, and gave him complete control over its operation and future.<sup>22</sup>

KGEF was first licensed on December 29, 1926.<sup>23</sup> The upkeep and maintenance was financed by special contributions received through appeals by Shuler.<sup>24</sup> The Trinity Church furnished space for the station. Under a unique "verbal lease," Shuler owned KGEF, but the license was held in the name of Trinity Methodist Church, South.<sup>25</sup>

KGEF operated on 1300 kilocycles.<sup>26</sup> Using a power output of one kilowatt, KGEF shared time on the frequency with station KTBI (later KFAC), also in Los Angeles. The KGEF broadcasting transmitter was a Western Electric 106-B, and the station was situated within the building of the Trinity Church at Twelfth and Flower Streets in Los Angeles. Broadcasts over KGEF were made from the studio high in the Trinity building tower.<sup>27</sup> The broadcast tower stood beside the building at the corner of Twelfth and Flower Streets. (See appendix E.)

KGEF's engineer was M. J. Hankins. J. Dale Stentz was business manager and program announcer for the station. Stentz handled all operating expenses from money contributed by interested individuals. The operational cost of KGEF was around \$1,000 a month. Half the operational cost was the salaries of Hankins, Stentz, and one secretary. Day-to-day operation and upkeep accounted for the remaining \$500. According to Shuler, KGEF usually did not receive enough funds. On those occasions, Shuler would often spend his own money in erasing the deficit.<sup>28</sup>

Shuler's station was nonprofit and noncommercial, and operated during the following hours:

Sunday:        8:30 A.M. to 12:15 P.M.  
                   2:30 P.M. to 6:00 P.M.  
                   7:00 P.M. to 8:00 P.M.

Tuesday:      6:00 P.M. to 11:00 P.M.

Wednesday:   6:00 P.M. to 11:00 P.M.

Thursday:     6:00 P.M. to 11:00 P.M.<sup>29</sup>

Of the total twenty-three and one-quarter hours per week during which the station was on the air, Shuler personally originated only three hours of broadcasting time: thirty minutes Sunday morning; thirty minutes Sunday evening; 8:00 P.M. to 9:00 P.M. Tuesday evening; and 8:00 P.M. to 9:00 P.M. Thursday evening. Shuler's Sunday programs were broadcasts of his sermons during the worship service in the Trinity chapel. Tuesday was the

"Bob Shuler Question Hour," and on Thursday, he gave "Bob Shuler's Civic Talk."<sup>30</sup> It was during his Tuesday and Thursday evening broadcasts that Shuler issued his heated attacks against corruption in Los Angeles. The Trinity Methodist Church, under the direction of Dale Stentz, used approximately four and one-half hours of time in broadcasting various religious and entertainment programs.<sup>31</sup> The other fifteen and three-quarters hours were used, free, by the following organizations on a regular basis:

First Presbyterian Church of Hollywood,  
 First Church of Nazarene, Los Angeles,  
 Los Angeles Pacific College,  
 Free Methodist Church, Santa Monica  
 Alhambra Presbyterian Church,  
 Lutheran Churches of Southern California,  
 South Park Christian Church,  
 Swedish Evangelical Church,  
 Highland Park Presbyterian Church,  
 Christian Missionary Alliance,  
 First Methodist Church of Torrance,  
 Union Rescue Mission,  
 Volunteers of America,  
 National Federation of Christian Workers,  
 John Brown Schools,  
 Poetry and Music Club,  
 Southern Conservatory of Music,  
 Los Angeles Conservatory of Music and Art.

Others who made occasional broadcasts over KGEF included:

Alhambra Baptist Church,  
 Huntington Park Baptist Church,  
 Boy Scouts of America,  
 Program of Special Announcements on Behalf of  
 Disabled Veterans on Forget-Me-Not-Day,  
 The Ruth Protective Home,  
 Cedars of Lebanon Hospital,  
 Women's Christian Temperance Union.<sup>32</sup>

Shuler had a tremendous audience for his broadcasts over KGEF. In a popularity contest conducted by Radio Doings Magazine in August and September, 1930, KGEF placed fourth among twenty radio stations.<sup>33</sup> Two of the three stations that placed before KGEF were five-thousand-watt stations with about four times the coverage area of KGEF.<sup>34</sup> It was almost impossible for the commercial stations to sell time opposite Shuler's broadcasts.<sup>35</sup> With such a large audience, Shuler's radio speeches had a profound effect upon Los Angeles. His criticisms of individual and organization were no small matter. They were heard by 600,000 listeners.<sup>36</sup>

## NOTES

<sup>1</sup>Confirmed through telephone interview with Shuler's daughter, Mrs. Norman Fertig, Los Angeles, California, Dec. 26, 1974.

<sup>2</sup>Confirmed through telephone interview with Shuler's son, Robert (Bob) Shuler, Jr., Redondo Beach, California, June 11, 1975.

<sup>3</sup>Interview with Bob, Jr., June 11, 1975.

<sup>4</sup>Confirmed in interview with Bob, Jr., June 11, 1975.

<sup>5</sup>Quoted in "Bob Shuler's Story," Los Angeles Record, Apr. 8, 1929.

<sup>6</sup>W. Todd Furniss, ed., American Universities and Colleges (Washington, D.C., American Council on Education, 1973), p. 1628.

<sup>7</sup>The congregations mentioned in Virginia, Tennessee, and Texas are all confirmed in testimony during the later FRC hearing. Testimony transcripts, as reproduced in, Record, Trinity Methodist Church, South v. FRC, 62 F. (2d) 850 (1932).

<sup>8</sup>Shuler's political meetings were learned from interview with Bob, Jr., June 11, 1975.

<sup>9</sup>That Shuler went from Paris, Texas to Los Angeles is confirmed by an interview with a member of the Trinity congregation, Mrs. Herbert Henderson, Los Angeles, California, Dec. 28, 1974.

<sup>10</sup>Ray Duncan, "Fighting Bob Shuler: The Holy Terror," Los Angeles Magazine, 7, No. 3 (1964), 40.

<sup>11</sup>Program of Trinity Jubilee Celebration, June 10, 1973, pp. 4-5.

<sup>12</sup>Robert Glass Cleland, From Wilderness to Empire: A History of California (1959 rpt. New York: Alfred Knopf, 1969), pp. 295-296.

- <sup>13</sup>Duncan, p. 40.
- <sup>14</sup>"Slain Microphone," Time, Feb. 8, 1932, p. 34.
- <sup>15</sup>"Latest Effort ot Get Rev. Mr. Shuler," The Item-Tribune, Mar. 29, 1931, p. 4.
- <sup>16</sup>Cleland, pp. 295-296. See also Duncan Aikman, ed., The Taming of the Frontier (New York: Minton, Balch, 1925), p. 279.
- <sup>17</sup>Testimony transcripts, p. 46.
- <sup>18</sup>The amount paid by Mrs. Glide is confirmed in every source, but there are discrepancies in the amount which was independently raised. In a July 5, 1927 report of the Board of Trustees of the Trinity congregation, it is stated that \$7,000 was first raised and later, \$3,333.93. In the Los Angeles Record's series on Shuler, the author writes that \$10,000 was first raised, and later, \$7,000. In Shuler's testimony in the FRC hearing, he recalls that \$11,000 was first obtained, and later, \$7,000 or \$8,000 of which he personally borrowed \$5,000.
- <sup>19</sup>Testimony transcripts, p. 47.
- <sup>20</sup>Quoted in "Bob Shuler's Story," Los Angeles Record, Apr. 8, 1929.
- <sup>21</sup>Quoted in "Bob Shuler's Story," Los Angeles Record, Apr. 9, 1929. A "modernist," as defined by an admitted 1924 modernist, Dr. Frank Dyer, is a Christian believer with a modern point of view. He offered the definition in an earlier Record article, Jan. 29, 1924.
- <sup>22</sup>Testimony transcripts, p. 48.
- <sup>23</sup>Brief of Appellant, pp. 2-3, Trinity Methodist, South v. FRC, 62 F. (2d) 850 (1932).
- <sup>24</sup>Report of Board of Trustees to Presiding Elder and Members of the Quarterly Conference, Trinity Methodist Episcopal Church, South, Los Angeles, California, July 5, 1927.
- <sup>25</sup>Brief of Appellant, p. 5. No evidence is available as to why KGEF's license was held in the name of Trinity Methodist Church, South. One possible explanation can be surmised. Perhaps since the studios and

tower of KGEF were located on Trinity's property, since the station broadcast Trinity's religious services, and since Trinity paid the property taxes as well as Shuler's salary, then the church leadership (and Shuler, too) felt the church should be licensee.

<sup>26</sup>Brief of Appellee, p. 1, Trinity Methodist, South v. FRC, 62 F. (2d) 850 (1932).

<sup>27</sup>Brief of Appellant, p. 5.

<sup>28</sup>Testimony transcripts, pp. 34-41.

<sup>29</sup>Brief of Appellee, p. 2.

<sup>30</sup>M. J. Hankins, "Our Radio Page," Bob Shuler's Magazine, 9, No. 2 (1930), 38.

<sup>31</sup>Testimony transcripts, p. 35.

<sup>32</sup>Ellis A. Yost, Examiner's Report No. 241, Docket No. 1043, Aug. 7, 1931, pp. 3-4.

<sup>33</sup>Examiner's Report, p. 5.

<sup>34</sup>M. J. Hankins, "Our Radio Page," Bob Shuler's Magazine, 9, No. 9 (1930), 205.

<sup>35</sup>Testimony transcripts, p. 135.

<sup>36</sup>Duncan, p. 38.

## CHAPTER III

### USE OF KGEF

KGEF extended Shuler's hard-hitting ministry by giving him a much larger audience than the Trinity building could ever accommodate. Not only did Shuler's personal popularity mushroom, but the Trinity Church prospered as well.<sup>1</sup> Broadcasting from the small tower room in the Trinity building, Shuler would lambast those whom he considered the foes of righteousness three hours each week, and his followers loved him. In a short time, Shuler's popularity in Los Angeles was among the highest in the city, matching such personalities as Clara Bow and Aimee Semple McPherson.<sup>2</sup>

Everyone did not agree with Shuler's talks, however, and many carried a deep resentment of the crusading minister. During Shuler's radio prime, this resentment was not manifest except in the form of libel suits and contempt of court citations, but nearly everyone in Los Angeles, including Shuler knew it existed. The resentment finally erupted in a vengeful action in 1931, at the time Shuler tried to renew KGEF's license. At this time, during a hearing held by the FRC, Shuler's enemies dissected and condemned many of his past broadcasts. Over a



period of three years, Shuler had managed to attack numerous public officials, the Bar Association, the police department, and over a dozen judges. He also had been convicted twice on contempt of court charges. This chapter reviews the more significant issues raised during the ensuing FRC hearing, issues bearing on Shuler's use of KGEF.

#### Mayor Cryer and His Administration

George E. Cryer was mayor of Los Angeles from July 4, 1921 to July 1, 1929.<sup>3</sup> In the 1929 election, Cryer decided not to seek the office again. Many believed this decision was the result of attacks upon Cryer by Shuler over KGEF, during Cryer's last year in office. Shuler based his criticism of Cryer on two main points: (1) that Cryer was the puppet of various unscrupulous politicians led by a certain Kent Parrot, and (2) that Cryer used the office of mayor to acquire a personal fortune.

Concerning the first point, Shuler's broadcasts accused the mayor of pandering to Parrot in all of his official actions. He charged that Parrot was allowed to run the entire city government.<sup>4</sup> Cryer denied that Parrot had any influence over him whatsoever.<sup>5</sup> Shuler was not alone in his belief that Parrot had power. E. B. Rice, long-time deputy sheriff in Los Angeles, later said

that Parrot was "the boss in Los Angeles."<sup>6</sup> Shuler's contentions were confirmed, too, when a former chief of police, Mr. Vollmer, confided to him that Parrot was indeed running the administration. According to Shuler, Vollmer said, "There was no man on God's earth who can enforce the laws here as long as Kent Parrot is sitting on the throne."<sup>7</sup> At the subsequent FRC hearing, Cryer himself was the only witness who denied Shuler's allegations. Later, the FRC's brief to the Court of Appeals and the brief of Intervener George Lyon failed to mention the point.<sup>8</sup>

The other subject on which Shuler condemned Cryer was his alleged financial advancement while in office. Cryer was outraged over an article that appeared in the March, 1929, issue of Bob Shuler's Magazine. The article named the mayor the worst exploiter ever and contrasted Cryer's lifestyle before his election with his lifestyle while in office, intimating that Cryer was receiving bribes from the underworld.<sup>9</sup> Over two years later in the FRC hearing, Cryer stated that the article had been read several times over KGEF. Shuler maintained that the article had never been read over the air. He contended that the only broadcast made on the matter involved his reading a letter to Cryer over the air. The letter accused Cryer of using his influence to change the course

of Beverly Boulevard so that it ran past a certain property, owned by Cryer, resulting in an enormous increase in its value.<sup>10</sup> The matter of Cryer's finances was never resolved. Cryer maintained that he was not a rich man either before or after his tenure of office, and that a modest increase in his assets was due only to the normal increase in property values. Shuler remained convinced of Cryer's guilt.<sup>11</sup>

Cryer sued Shuler for libel on two counts as a result of the magazine article. The jury voted "not guilty" on one count, and could not reach a verdict on the second which was finally dismissed.<sup>12</sup> With Cryer not running in 1929, Shuler strongly supported the reform candidate, John G. Porter, for mayor. Porter was elected and one of his first official acts was to demote Chief of Police James G. Davis, who was a known enemy of Shuler.<sup>13</sup>

#### Chief of Police Davis and the Los Angeles Police Department

James Davis was Chief of Police of Los Angeles during 1928-1929 until he was demoted by Mayor Porter.<sup>14</sup> At the same time Shuler was attacking Mayor Cryer, Shuler also vigorously opposed the way Davis ran his office. He charged that Davis was protecting the underworld by allowing commercialized vice, in the form of bootlegging establishments, gambling, and prostitution. Shuler

broadcast (and later testified during the FRC hearing) that on many different occasions, he had given Chief Davis addresses where various kinds of illegal activities were practiced. But, according to Shuler, Davis had taken no action.<sup>15</sup> A Shuler broadcast of July 11, 1929, exemplified his treatment of the police chief:

Under the administration of Chief Davis we have had gambling, bootlegging, prostitution at full tide. . . . Under the regime of Chief Davis, bootlegging, gambling and prostitution have flourished in this city as under no administration I know anything about.<sup>16</sup>

Shuler often incurred the wrath of the police department. On one occasion, November 11, 1928, Shuler broadcast that the head of the Morals Efficiency Association, Captain Pelletier, had been framed by the police department because of his work against the underworld. The Morals Efficiency Association was an independent organization in Los Angeles, dedicated to protecting the community's morals. Shuler's broadcast said that the framing was accomplished by means of a girl who was planted in Pelletier's room. When caught with the girl, Pelletier was forced to sign a statement already prepared. The Shuler account did not end there:

And then those scoundrels got afraid of this girl and a few days later she was found in a rooming house in this city with her brains blown out and they pronounced it suicide, although she was shot in the top of the head. A gun belonging to a

member of the police department was found in the room with her. They didn't dare deny it.<sup>17</sup>

When later asked about the speech during the FRC hearing, Shuler did not hesitate in answering that he did make the statement and that it was entirely true. No testimony was given at the hearing to disprove the statement, and E. B. Rice and Pelletier, himself, confirmed Shuler's facts.<sup>18</sup>

#### De Garmo and the 1929 Grand Jury

Ellwood de Garmo was foreman of the 1929 grand jury. Early in July of 1929, Shuler was still criticizing the police department which he accused of "shaking-down" several individuals who wished to obtain licenses and permits to carry on otherwise legal activities. The pay-offs, Shuler indicated, ran into thousands of dollars. De Garmo subpoenaed Shuler before the grand jury on July 11 or 16, 1929,<sup>19</sup> and asked for specific information on the "shake-downs." Shuler appeared and stated that he must first consult with his informants before releasing any names. De Garmo gave him until July 24.<sup>20</sup>

When Shuler returned on July 24, he provided a "few"<sup>21</sup> names to the grand jury. With this information, de Garmo appointed a Mr. Knoss, another member of the grand jury, to conduct a special investigation. After two weeks, the Knoss investigation reported that there

was nothing to the accusations of Shuler.<sup>22</sup> Shuler said he visited three of the people whose names he had given to the grand jury. According to Shuler, none of the three had been subpoenaed, and two indicated that the person who contacted them appeared indifferent about the investigation.<sup>23</sup> De Garmo maintained that there was no need for them to be subpoenaed.<sup>24</sup>

During the FRC hearing--years later--de Garmo testified that soon after the investigation report, Shuler blasted him over KGEF. De Garmo said that Shuler called him a "Dago Catholic," and stated that he was in alliance with the underworld. He also described how Shuler had gone so far as to change his name to "De Garbage," during the alleged broadcast.<sup>25</sup> However, there were no transcripts of this radio speech at the hearing, and de Garmo was the only witness who remembered the reference. Shuler flatly denied that he ever called de Garmo a "dago" or attempted a play on words with his name. However, Shuler did admit he made a July 23, 1929, radio talk in which he referred to de Garmo as an "Italian Catholic."<sup>26</sup> De Garmo indignantly stated that he was not a Catholic, but a Mason.<sup>27</sup>

#### The Julian Petroleum Corporation Fraud

C. C. Julian, founder of the Julian Petroleum Corporation, took advantage of the speculative urge of the

Los Angeles public in the early 1920's. Through witty newspaper advertisements, he solicited investors in his corporation. Julian Petroleum stock sold rapidly, and from 1922 to 1925 paid handsome dividends. But, in 1925, the major oil companies urged the refineries to stop handling Julian's oil. In the crisis that followed, Julian lost control of his corporation. His successors, S. C. Lewis and Jacob Berman were forced to borrow large sums of money to keep Julian Petroleum afloat. As security for these loans, Lewis and Berman began issuing counterfeit stock. The sale of the fraudulent stock had been accomplished with the help of various prominent Los Angeles businessmen, who through "pools" had made tremendous profits. In early May, 1927, the Julian Petroleum Corporation collapsed. The corporation's manipulation in bogus stock caused about forty thousand stockholders to lose somewhere between \$100,000,000 and \$200,000,000.<sup>28</sup>

Shuler was quite interested in seeing convictions of those involved in the Julian Petroleum fraud. The 1927 grand jury returned indictments against a large number of people, including several wealthy Los Angeles men. However, all these men were acquitted in January, 1928. It was then that Shuler began his attacks against District Attorney Asa Keyes. Due chiefly to pressure brought by Shuler through KGEF, in which he insisted that Keyes had

taken bribes, Keyes was forced to resign later in 1928.<sup>29</sup> Buron Fitts, a former lieutenant governor of California, replaced Keyes and began the prosecution of his predecessor. Keyes was convicted, and on appeal the conviction was affirmed. Keyes' chief deputy district attorney was also convicted and the pair served a term in the penitentiary at San Quentin.<sup>30</sup>

The fall of the Julian Petroleum Corporation had ramifications that also reached the Municipal Court of Los Angeles. Here between one hundred and two hundred misdemeanor charges against many of the same defendants were pending. As the cases moved slowly forward, the defendants instituted proceedings in the Supreme Court of California attempting to terminate the prosecutions. In two important verdicts, the Supreme Court, on February 24, 1920, granted a peremptory writ of mandamus on the ground that the defendants had the right to a speedy and public trial.<sup>31</sup> Thereafter, all the other cases were dismissed.<sup>32</sup>

Shuler immediately began criticizing the city prosecutor, Lloyd S. Nix for "not trying those Julian fellows."<sup>33</sup> Most of Shuler's broadcasts concerning Nix occurred in the spring of 1930. After a considerable battle between the men, in which Nix even went to the air over a rival radio station, Nix was forced to resign.<sup>34</sup>



But the battle did not end with Nix's resignation, for in serving as a prosecuting attorney in the later FRC hearing, Nix was largely responsible for finally silencing Bob Shuler.

The same Julian case produced another sensation relative to Shuler. Motley Flint, one of the defendants, was shot and killed by Frank D. Keaton, a man who had suffered heavy losses in worthless Julian stock. Keaton had walked right into court and killed Flint. Soon a rumor circulated that Keaton was a frequent listener to Shuler on the radio, and that when found, he had in his possession a copy of one of Shuler's pamphlets, "Julian Thieves in Politics." Lloyd Nix went over the air stating that there was a direct correlation between Keaton's act and Shuler's ravings. Controversy raged across the front pages of the Los Angeles newspapers for weeks. However, it was never proven that Shuler's pamphlet had motivated Keaton to kill Flint.<sup>35</sup>

When the Julian Petroleum matter was revived in the FRC hearing, Shuler produced witnesses who testified that the district attorney's office did not at first find the booklet on Keaton, that the pamphlet was later planted on Keaton, and that Keaton hardly ever listened to Shuler on the radio.<sup>36</sup> The prosecution produced witnesses who supported the original story. But, the FRC examiner

stated in his report to the Commission, "[I]t was never proven to the satisfaction of the Examiner that the said Keaton had ever heard Dr. Shuler broadcast or that he had read any of the published statements of Dr. Shuler to which reference was made over Station KGEF."<sup>37</sup>

The Los Angeles Bar Association  
and the Courts

There was animosity between Shuler and the Los Angeles Bar Association. Over a three-year period he opposed the Bar Association and the candidates it supported in the 1930 judicial elections. On October 16, 1930, right before Nix's resignation, Shuler, over KGEF, implicated the Bar in the Julian fraud:

Now, the truth of it is the whole country is outraged against this Julian mess, and the whole country knows that the Bar Association played with the Julian thieves from beginning to end, and that the high-powered attorneys of the Bar Association were the men who defended the Julian thieves.<sup>38</sup>

In an October 21, 1930 radio address, Shuler stated that the criminal lawyers in power in the Bar Association were trying to defeat the district attorney in his prosecution of crime. Buron Fitts was still the district attorney at this time. Less than three months later, Shuler's broadcast became an issue in the FRC hearing. At that hearing, Hubert Morrow, a former president of the Los Angeles Bar Association, testified that the Bar was

not dominated by criminal lawyers, and that the membership of the board of trustees consisted almost exclusively of civil lawyers.<sup>39</sup> Guy R. Crump, president of the Bar Association at the time of the hearing, supported Morrow's statement. Crump added that there was never more than one criminal attorney on the board of trustees at any time.<sup>40</sup>

On many occasions, Shuler would make sweeping accusations against judges or candidates who were members of the Bar without actually naming the accused. A typical broadcast of August 9, 1928, illustrates Shuler's technique:

We have some mighty crooked men on the bench. Some are going to run within the next two or three years and I hope the Lord spares me until they run, because there is certainly going to be some wailing done over this radio, and, if anybody doesn't run against them, they are going to hear all the things I have stirred up. I have my files full of them. One of them has a bunch of wives around town. I have had a good many things to say about him in the past year and I am just waiting for him to run.<sup>41</sup>

Shuler's fight against the Bar Association extended to candidates for the Bench. He believed that the Bar as an organization was thoroughly corrupt and wanted to elect judges who would cooperate with the underworld. Shuler, in the 1930 judicial primaries and elections, opposed any judge or potential judge who had the support of the Bar. Raised as issues at the FRC hearing was his

opposition to two such candidates, Frank C. Collier and Arthur Keetch.

In the 1930 primaries, Superior Court Judge Frank C. Collier was running for reelection. R. F. C. Friday, a lawyer the Bar Association had suspended from practice for six months, was running against Collier. Shuler opposed Collier solely because he had been endorsed by the Bar Association and recommended Friday, although he admitted he was not wholly satisfied with him.<sup>42</sup> In support of Friday, Shuler broadcast that Collier had instituted the action against Friday which resulted in his suspension. Shuler's broadcasts, made on August 19 and 21, 1930, were based on information that Friday himself supplied. Shuler also accused Collier of pushing the proceedings against Friday and serving as the only witness in Friday's prosecution. Appalled by Shuler's statements, Collier wrote Shuler a letter in which he explained the proceedings against Friday.<sup>43</sup>

The facts regarding Friday's suspension are clear from evidence brought out later in the FRC hearing. On April 27, 1927, Friday signed and filed a legal document on behalf of a client of a suspended attorney named Lincoln. Suspended attorneys were not supposed to represent anyone, and Friday's action for Lincoln was, in the eyes of the Bar Association, highly unethical. The

client's case later came up for trial before Judge Collier. Collier, upon discovering the deception, filed a letter with the Bar Association. Collier claimed that Friday had not been employed by the client and had, in reality, signed the document that had been prepared by a suspended lawyer. A hearing was held before the grievance committee of the Los Angeles Bar Association in which Collier was the only witness against Friday. Based on evidence in Friday's hearing, the Bar Association filed a complaint against Friday in the Superior Court. On January 20, 1928, a trial was held before Judge Frederickson, in which Friday was found guilty and suspended for six months. There were several witnesses who testified against Friday, but Collier did not appear or take part in the proceedings.<sup>44</sup> During the FRC hearing Shuler admitted that his broadcasts in relation to Collier's part in the proceedings against Friday were inaccurate and that he had not known all the facts.<sup>45</sup>

Arthur Keetch, a judge of the Superior Court, was a candidate for reelection in 1930 and was endorsed by the Bar Association. On September 25, 1930, Shuler read a statement by Edward J. Nagle over KGEF. Nagle was one of the members of the 1926 grand jury that Keetch had dismissed early. According to Nagle in the statement, Keetch dismissed the jury because it was investigating

matters which Keetch did not want investigated, notably the Big Pines Park and the Aimee Semple McPherson affairs.<sup>46</sup> Shuler himself never directly stated that Keetch dismissed the jury for ulterior motives, but he raised questions as to why the judge would even consider the action while the matters were pending.<sup>47</sup>

Even though Shuler read Nagle's statement, his real source of information was William H. Carter, foreman of the 1926 grand jury. Keetch denied that he wanted to prevent the grand jury from investigating the Big Pines Park and the McPherson controversies. Keetch further asserted that he did not know what matters were pending before the jury at the time of the dismissal. Keetch's explanation was that he had dismissed the jury because of "leaks" and violations of the oath of secrecy. Based on Carter's information, Shuler broadcast that the "leaks" could be traced to Keetch himself.<sup>48</sup>

Shuler opposed many other judges and broadcast speeches designed to decrease their influence. During the FRC hearing, the prosecution used some of these Shuler broadcasts in trying to show that Shuler often made incorrect charges. The issues surrounding Shuler's involvement with three such judges are mentioned below to show the breadth of Shuler's activity in scrutinizing the courts.

Guy F. Bush, a Municipal Court Judge in Los Angeles, testified at the FRC hearing that he heard Shuler, sometime in 1929, attack him over the air. Shuler was alleged to have said that an innocent man was forced to plead guilty in Bush's court.<sup>49</sup> Shuler admitted that he had made the charge. He explained the broadcast was aimed at alerting the public to a series of arrests in which innocent people were picked up on false charges of vagrancy. According to Shuler, these people were forced to plead guilty and pay a relatively high lawyer's fee. Regarding Shuler's 1929 broadcast concerning the case before Judge Bush, Shuler said he had been informed by three people that the man was innocent.<sup>50</sup>

In a September 18, 1928 speech over KGEF, Shuler accused Judge Georgia Bullock of the Municipal Bench of protecting commercialized prostitution through an informal "minimum fine program." Bullock was presiding judge of Division Six where vice offenders were tried. Shuler explained that arrested prostitutes taken to Bullock had only to pay a small fine before returning to the streets. Two years later, in her first testimony at the FRC hearing, Bullock contended that she had not followed any minimum fine program. The record of Division Six was introduced showing several prostitutes had been arrested and fined as many as eleven times during the period under

question. When Bullock returned to the stand, she declared she was frequently assigned to other divisions and did not always sit in Division Six.<sup>51</sup>

Also in 1928, Judge William Hazlett was attacked twice by Shuler over KGEF. The result, according to Hazlett, was his failure to be reelected to the Superior Court. In the two broadcasts, Shuler accused Hazlett of favoritism in siding with the Los Angeles Times and Los Angeles Examiner in two libel suits. In another radio speech late in 1928, Shuler said that Hazlett, among other judges, did not want the endorsement of the Los Angeles Bar Association. This information had supposedly been secured by Mrs. Shuler who had recently talked with Hazlett. Mrs. Shuler later confirmed the information in her testimony during the FRC hearing, whereas Hazlett denied that he had ever made such a statement.<sup>52</sup>

#### Contempt of Court

In October, 1929, Mrs. Lois Pantages, wife of a widely known theatre owner, was on trial for manslaughter. She was charged with killing a Japanese gardner with her automobile while she was intoxicated. Judge Carlos S. Hardy presided over the trial.<sup>53</sup> On September 5, 1929, while the jury was being selected, Shuler broadcast a speech based on an afternoon story in the Los Angeles



Herald. Shuler read a quote attributed to Judge Hardy telling potential jurors that anyone "biased against a woman drinking intoxicating liquor wasn't qualified to sit in judgment upon the theater man's wife."<sup>54</sup> In his broadcast, Shuler said he hoped the statement had not been made by Hardy and that the Herald would be forced to apologize for printing something untrue. But if it were true, Shuler reminded the judge that possessing intoxicating liquor was against the law and that he (Shuler) hoped all the jurors would be biased against drinking. In the same broadcast, Shuler predicted the case would result in a hung jury. He continued to state that he could name the man who would hang it. However, Shuler did not provide the name of the juror. Ten days later, in a radio talk delivered prior to the jury's verdict, Shuler expanded on his earlier broadcast. He described in detail how the same anonymous man who was to hang the jury was selected last, after the prosecution had used all its challenges.<sup>55</sup>

Based on these two broadcasts, Shuler was cited for contempt of court on two counts. Shuler served as his own defense attorney in the contempt trial. He based his defense on six points: (1) he was privileged to make such statements in his duty as minister and civic and moral leader, (2) the statements he made were general

knowledge in the city and were reported in the newspapers, (3) he knew the jury was in the custody of the court and could not hear the broadcasts, (4) his motive was to alert the public so as to prevent similar actions in the future, (5) the court's jurisdiction did not include proceedings of this nature, and (6) the language used was not contemptuous. During Shuler's contempt trial emotions ran high. On one occasion, a jurymen from the Pantages trial, angered by a Shuler remark, ripped off Shuler's glasses and smacked him in the face. Shuler promptly began to fight back. The scuffle was soon quelled by a nearby policeman.<sup>56</sup>

Shuler was held in contempt of court and fined \$25.00 for the first speech and \$50.00 for the second. Judge Clair Tappaan, of the Superior Court of Los Angeles, wrote:

The vice of the utterances in the causes now before the court is that such utterances were made while the trial of the criminal proceedings concerning which they were spoken was on trial. So made during the pendency of a trial, they were clearly in contempt of court, under the great weight of authority extending back to the earliest date of our present system of jurisprudence. No other finding is possible under the undisputed and admitted facts.<sup>57</sup>

To pay the fines, Shuler made an appeal over KGEF in which he asked each listener to send in a penny. He received 47,000 pennies, then cancelled the request.

However, after the cancellation, he continued to receive pennies, amounting to a total of about \$1,000. He gave what was left after the fine to the family of the man who had been struck and killed by Mrs. Pantages in the automobile case.<sup>58</sup>

The second contempt proceedings against Shuler involved a number of complex issues, many of which stemmed from his criticism of Judge Marshall McComb and his official actions in the Julian Petroleum trials. Initially Shuler was charged with seven counts of contempt leading out of broadcasts made in February, March, and April, 1930. The charges were instituted by the Los Angeles Bar Association.<sup>59</sup>

The first count was based on a broadcast in which Shuler criticized McComb's action in regard to two defendants in the Julian case, Jacob Berman and a man named Getzoff. District Attorney Buron Fitts desired to use the two, especially Berman, as State's witnesses in securing convictions on other Julian defendants. When their trial came up on February 21, 1930, Fitts requested a continuance stating that he planned to use the men as witnesses against others involved in the Julian fraud. McComb refused the continuance and ordered the trial to proceed. Fitts then moved for a dismissal of the charges which McComb denied.<sup>60</sup> On February 23, 1930, Shuler

attacked McComb over KGEF charging that McComb's action would greatly hurt Fitts' chances of securing convictions against the Julian defendants. He further accused McComb of protecting Governor Young who was, according to Shuler, also involved in the Julian Petroleum scandal.<sup>61</sup>

On the following Sunday, Shuler made a further address on the subject. He repeated most of the content of his February 23 talk, and then launched into a general criticism of the courts. Shuler charged that through purely technical rulings, those involved in the Julian fraud could "walk out gleefully, scot free."<sup>62</sup> This speech constituted the basis for the second count in the contempt charge.

On March 25, 1930, Judge Walter J. Wood of the master calendar department of the Superior Court of Los Angeles set the trial of several Julian defendants before Judge McComb. McComb, however, withdrew from trying any of the cases and they were reassigned by Wood.<sup>63</sup> Shuler criticized Wood's action in assigning the cases to McComb. Forming the basis for the third count of contempt, Shuler's March 27, 1930 broadcast said:

For Judge Wood to appoint Judge McComb, knowing the relationship between Judge McComb and the district attorney's office . . . knowing that Judge McComb is an appointee of Governor Young, knowing Judge McComb's relationship to the Hearst

newspapers and to the Los Angeles Record and to others who have been very, very intensely interested all along the line, knowing these things, for Judge Wood to send these cases over to Judge McComb is almost unpardonable.<sup>64</sup>

Between April 11 and 17, 1930, Shuler broadcast an address which furnished the basis for the fourth count of the contempt proceedings. The talk blasted just about everyone Shuler thought was connected in protecting the Julian defendants:

And the lawyers and newspaper men; and the judges! and the judges! and the judges! They are doing everything on earth they can do to shield this bunch of felons . . . When the Los Angeles Examiner, when Judge McComb, or these attorneys, or when the rest of them undertake to interfere with the district attorney . . . I tell you they are playing a game good American citizens will not stand for.<sup>65</sup>

The fifth and sixth counts originated from two speeches made by Shuler on April 22 and 24, 1930. They both dealt primarily with a decision by Judge McComb in a case in which the defendant was charged with "hit-and-run," drunken driving, and assault. In essence, the attorneys and McComb entered into an agreement in which the defendant would plead guilty on the "hit-and-run" count. The other charges would be dismissed. Shuler criticized McComb severely, intimating that the ruling was inspired by the newspaper enemies of District Attorney Fitts as well as by improper regard for the wealth and position of the defendant, Charles Coffey.<sup>66</sup>

The seventh count in the contempt charge was also based on Shuler's speech of April 24, 1930. It concerned Shuler's criticism of the sheriff's office and the grand jury. Shuler had information which suggested that the grand jury had promised not to investigate Sheriff Traeger's office if Traeger would quit drinking and not run for reelection. Shuler believed the arrangement was contrary to the best interest of the public.<sup>67</sup>

Shuler was convicted on six counts of contempt of court on May 5, 1930. Judge Tappaan, the same judge who ruled in the first contempt proceedings against Shuler, sentenced him to twenty days in jail--five days for each of four counts. He was charged \$50.00 on each of the other two counts. In lieu of the \$100.00 fine, Shuler had the option of serving an additional fifty days in jail.<sup>68</sup> However, Shuler did not stay in jail even for the entire twenty days from the first four counts. While in jail, he applied for a writ of habeas corpus to the Supreme Court of California. The court affirmed his conviction on three counts, but found one count invalid. Shuler served fifteen days in jail and paid the fine of \$100.00.<sup>69</sup>

Shuler elected to begin the jail sentence immediately following Judge Tappaan's decision. When he stepped from the courtroom, there was a wild outburst of cheering

from a crowd of admirers. The crowd followed him from City Hall to the sheriff's office in the Hall of Justice where he made a triumphal entry.<sup>70</sup>

Mrs. Shuler took over her husband's Tuesday and Thursday night civic talks for three weeks after he went to jail. She also put out his Bob Shuler's Magazine for June. During his fifteen-day stay in jail, Shuler wrote speeches for his wife to read over KGEF. In addition to what Shuler wrote for her, Mrs. Shuler used her radio time to defend her husband. She proved to be almost as articulate as Shuler himself and developed a substantial following, especially among Shuler's female listeners. Later, due to popular demand, Shuler reproduced some of Mrs. Shuler's radio talks in his magazine.<sup>71</sup>

Shuler spent much of his time while in jail in trying to obtain publicity. A review of the Los Angeles daily newspapers of the period includes stories on items such as Shuler's attempt to produce a newsreel on his trial, or, the accusation by Shuler that someone had tried to poison him with contraband butter, while in jail. According to a May 22 article in the Los Angeles Times, because Shuler emerged from jail five days early, there was no crowd in Los Angeles to greet him. However, when he arrived in Dallas, Texas, the following day at a meeting of the Quadrennial General Conference of the Methodist

Episcopal Church, he received an enthusiastic ovation. The applause was ended only by the frantic pounding of the presiding officer's gavel.<sup>72</sup>

#### Dr. George Parrish and the Health Department

On January 1, 1931, seven days before the FRC hearing, Shuler broadcast a speech in which he criticized the Los Angeles Health Officer, Dr. George Parrish. Shuler's attack on Parrish centered on two areas: (1) that Parrish tried to pass a "Food Handlers Examination Ordinance" in Los Angeles and then collect fees from the persons required to be examined, and (2) that Parrish had tried to keep quarantined an eleven-year-old girl whom he said had a communicable disease.<sup>73</sup>

Concerning the first point, it appears that Dr. Parrish and the health department had indeed sponsored an ordinance called the "Food Handlers Examination Ordinance." The ordinance would have required all food service employees to undergo physical examinations to determine whether or not they had venereal and other communicable diseases. Dr. Parrish had examined over four thousand food handlers in which he found 265 cases of syphilis, 250 cases of gonorrhoea, and many cases of consumption and minor ailments.<sup>74</sup> The ordinance, however, was rendered invalid by the City Council and did not pass.<sup>75</sup> Shuler



was against the ordinance and its required examinations. He criticized Parrish's actions, including collection of fees from the examinees. In his testimony at the FRC hearing, Parrish contended that just seven days before the hearing, Shuler used the following language in a broadcast over KGEF:

A little while back they said they were going to strip every girl naked and submit her to a physical examination, and make her pay some kind of a fee before she could wait table in restaurants.<sup>76</sup>

Shuler denied the reference to making the girls remove their clothes.<sup>77</sup>

The second area of dissent between Parrish and Shuler was in the case of Betta Totten, an eleven-year-old schoolgirl who for some reason was apprehended by the juvenile court. In a routine examination in which the health department participated, it was found she had gonorrhoea. When the juvenile court allowed her to return to school, Dr. Parrish removed her again and quarantined her.<sup>78</sup> In proceedings instituted in court, and after examinations by three doctors appointed by the court which produced no trace of the disease, Judge Gates granted a peremptory writ of mandate ordering the school to take her back. Dr. Parrish then re-ordered the girl confined. Thus started a virtual volleyball game with Betta Totten being ordered in and out of school.<sup>79</sup>

Shuler became involved and in the January 1, 1931 broadcast said this about the situation:

I'm saying this little girl has the right to enter life without the shame and disgrace of this kind of an episode. . . . If Dr. Parrish didn't know that, then it's high time that Mayor Porter tried to find another head of the health department.<sup>80</sup>

Dr. Parrish had Shuler subpoenaed before the Board of Commissioners on January 6, 1931, to substantiate the charges he had made over the radio in regard to Betta Totten and the food handlers ordinance.<sup>81</sup> The hearing became quite turbulent. At one point Shuler shouted, "I charge that Dr. Parrish is doing the biggest fool things at the most inopportune moments, that there is graft in his department and that he has exacted fees to maintain his political machine." Parrish defensively declared that Shuler "just talks over the radio to make a noise."<sup>82</sup>

#### The \$100 Incident

During the FRC hearing, Dale Stentz, business manager for KGEF, was asked if Shuler had made the following statement over the air:

I know a man listening in. If he does not give a hundred dollars, I will go on the air next Tuesday night and tell what I know about him.<sup>83</sup>

Stentz answered that he had never heard the statement, and it was not included in any of respondent's exhibits. Shuler was never asked about the statement, but did offer

an explanation later in the hearing. According to Shuler, the incident occurred in early 1929, in a Sunday morning church service broadcast. While soliciting contributions for a church building fund, Shuler humorously mentioned W. D. Wadley, a member of his congregation. Shuler testified that he told the man, "If he did not give one hundred dollars, I was going to tell what I knew about him."<sup>84</sup> Wadley, Shuler said, donated one hundred dollars whereupon Shuler still proceeded to tell a joke at Wadley's expense. Wadley took the stand right after Shuler and corroborated Shuler's testimony.<sup>85</sup>

The testimony in the FRC hearing regarding the \$100 incident is minor compared to many other issues. However, it was mentioned later in the Commission's report, and as such, bears mention here. In its report, the Commission set forth Shuler's alleged statement and noted, "He (Shuler) testified that many hundred dollars were received in response to this statement."<sup>86</sup> What Shuler had actually testified was that the appeal for contributions to the building fund was a success.<sup>87</sup>

#### Catholics and Jews

Shuler, at times, mentioned the Roman Catholic Church in his broadcasts. Many of his comments on Catholicism were made in statements regarding Al Smith's candidacy

for President of the United States in 1928. In the FRC hearing, attorney Littlepage asked Shuler if he had made a certain radio speech which condemned Smith for being Catholic:

A few years ago you could have almost mobbed me if I said a great political convention would nominate in America an avowed Roman Catholic who declared in public he was loyal to the historic position of the Roman Catholic Church . . . God help us! I want to tell you I am fighting him because he is wet, but I am fighting him ten times as hard because he belongs to the banner of Rome. If Al Smith is elected, God help us!<sup>88</sup>

The alleged broadcast was said to have been made on July 1, 1928. Shuler could not remember the exact speech but answered, "I made some equally strong, I am sure."<sup>89</sup> Later in his testimony, Shuler stated his views on the Catholic Church. He said that he was not opposed to Roman Catholics as individuals. His disagreement with Roman Catholicism was on its ecclesiastical theory. Also, according to Shuler, the Roman Catholic Church was one filled with corruption.<sup>90</sup> Later, in its report, the FRC used Shuler's broadcasts concerning Catholics as basis for two of its "grounds for decision."<sup>91</sup>

Shuler occasionally referred to the Jewish race in his broadcasts. Respondent's exhibits of Shuler's broadcasts introduced during the FRC hearing show three broadcasts in which Shuler mentioned Jews. In two of these

broadcasts, Shuler did not discuss the Jewish race, but used the term "Jews" in identifying a group of people.<sup>92</sup> In the other broadcast, Shuler discussed a gentleman who, according to Shuler, may have changed his name from Diamond (Jewish) to DeMond (French).<sup>93</sup> Later, in regard to Shuler's appeal to the Court of Appeals, George Lyon's (intervener) brief and the Court's opinion both indicate that Shuler criticized Jews in his broadcasts.<sup>94</sup>

In just three years, one Methodist preacher and his radio station managed to incur the wrath of many prominent individuals of Los Angeles. But in doing so, he also attracted a tremendous number of dedicated followers. And, of course, he had the undying support of his own Trinity congregation and officials (see Appendices A, B, C). Based on his broadcasts beginning in 1928, Shuler's list of enemies was a long one including public officials, policemen, a former mayor, city and criminal attorneys, and judges. The influence of Shuler's enemies and their degree of hatred became obvious beginning late in 1930. Their complaints to the FRC marked the beginning of the end of Shuler's access to his followers: KGEF.

NOTES

<sup>1</sup>Report of Pastor to the Presiding Elder and members of the Quarterly Conference, Trinity Church, Los Angeles District, Pacific Annual Conference, July 5, 1927, p. 2.

<sup>2</sup>"Latest Effort to Get Rev. Mr. Shuler," The Item-Tribune, Mar. 29, 1931, p. 4. Aimee Semple McPherson was a famous evangelist in Los Angeles at the time who had a radio station of her own. Clara Bow was not a broadcaster, but one of the most publicized Hollywood actresses during this time. The comparison between Shuler and these two personalities was made back in 1931 in the aforesaid newspaper article.

<sup>3</sup>Testimony transcripts, p. 429.

<sup>4</sup>Brief of Appellant, p. 61.

<sup>5</sup>Testimony transcripts, p. 431.

<sup>6</sup>Testimony transcripts, p. 515.

<sup>7</sup>Testimony transcripts, p. 509.

<sup>8</sup>Brief of Appellee, Brief of Intervener, Trinity v. FRC.

<sup>9</sup>Testimony transcripts, pp. 429-430.

<sup>10</sup>Testimony transcripts, pp. 506-507.

<sup>11</sup>Testimony transcripts, pp. 429-434.

<sup>12</sup>Brief of Appellant, p. 64.

<sup>13</sup>Ray Duncan, "Fighting Bob Shuler," Los Angeles Magazine, Mar. 1964, p. 41.

<sup>14</sup>Testimony transcripts, p. 511.

<sup>15</sup>Testimony transcripts, pp. 510-511.

<sup>16</sup>Testimony transcripts, p. 739.

<sup>17</sup>Testimony transcripts, p. 70.

<sup>18</sup>Testimony transcripts, p. 70.

<sup>19</sup>The date of Shuler's appearance before the grand jury is unclear for de Garmo, at one point in his testimony, said it was July 11, and at another point, July 16. The Los Angeles Times reported that it was July 16.

<sup>20</sup>Testimony transcripts, pp. 275, 217.

<sup>21</sup>The number of names given by Shuler is difficult to determine. In Shuler's testimony, he said that seven or eight names were given. De Garmo, at one point, said that a few names were mentioned. Later, in his testimony, de Garmo said that only one name, Dr. Briegleb, was given. Based on other testimony, the evidence seems to point to a few names.

<sup>22</sup>Testimony transcripts, p. 275.

<sup>23</sup>Testimony transcripts, p. 519.

<sup>24</sup>Testimony transcripts, p. 276.

<sup>25</sup>Testimony transcripts, p. 275.

<sup>26</sup>Brief for Appellant, p. 73.

<sup>27</sup>Testimony transcripts, p. 275.

<sup>28</sup>See Guy W. Finney, The Great Los Angeles Bubble (Los Angeles, 1929), pp. 4-6. Also John W. Caughey, California: A Remarkable State's Life History (Englewood Cliffs, N.J., Prentice-Hall, 1970), p. 447.

<sup>29</sup>Brief for Appellant, pp. 71, 77-78. Every witness whose testimony touched the Keyes subject at the FRC hearing agreed that Shuler had advocated the conviction of Asa Keyes. Those who backed Shuler testified that Shuler's broadcasts were the first words of opposition against the district attorney. Those unfriendly to Shuler considered his role in the affair as more of a jump on the bandwagon after the newspapers raised the doubts. Testimony transcripts, pp. 137, 142, 144, 164.

<sup>30</sup>People v. Keyes, 103 Cal. App. 624. Brief of Appellant, p. 78.

<sup>31</sup>The two decisions were handed down in Harris v. Municipal Court, 209 Cal. 55, and Gutterman v. Municipal Court, 209 Cal. 65.

- <sup>32</sup>Brief for Appellant, pp. 80-81.
- <sup>33</sup>Testimony transcripts, p. 79.
- <sup>34</sup>Duncan, p. 41.
- <sup>35</sup>Duncan, p. 65.
- <sup>36</sup>Testimony transcripts, pp. 359, 529.
- <sup>37</sup>Examiner's Report, p. 2.
- <sup>38</sup>Testimony transcripts, p. 393.
- <sup>39</sup>Testimony transcripts, p. 393.
- <sup>40</sup>Testimony transcripts, p. 402.
- <sup>41</sup>Testimony transcripts, p. 78.
- <sup>42</sup>Brief for Intervener, pp. 10-11.
- <sup>43</sup>Testimony transcripts, p. 267.
- <sup>44</sup>Testimony transcripts, pp. 263-267.
- <sup>45</sup>Testimony transcripts, p. 634.
- <sup>46</sup>Testimony transcripts, pp. 289-302. The McPherson case dealt with McPherson's alleged charge that she had been kidnapped and held captive for a period of two weeks. For further explanation, see Robert Steele, The Vanishing Evangelist (New York: Viking, 1959). The Big Pines Park controversy involved various alleged illegal activities conducted at the Park which Nagle said Keetch did not want exposed. The illegal activities supposedly included the appropriation of land for private use. Brief for Appellant, p. 149.
- <sup>47</sup>Testimony transcripts, p. 553.
- <sup>48</sup>Testimony transcripts, pp. 306-309, 562, 584.
- <sup>49</sup>Testimony transcripts, pp. 478-479.
- <sup>50</sup>Testimony transcripts, p. 478.
- <sup>51</sup>Testimony transcripts, pp. 336-343, 544-548, 718.
- <sup>52</sup>Testimony transcripts, pp. 324, 331, 499-500, 962.



53"Shuler and Briegleb Guilty of Contempt," Los Angeles Times, Oct. 15, 1929.

54"Brief for Appellant, pp. 99-100.

55Examiner's Report, p. 18. Mrs. Pantages was convicted, but later paroled and pardoned by Judge Hardy. Testimony transcripts, pp. 170-171.

56"Shuler Contempt Trial Continues," Los Angeles Times, Oct. 4, 1929.

57Quoted in Examiner's Report, pp. 17-20. Also Brief for Intervener, p. 27.

58Brief for Appellant, p. 101.

59Brief for Appellant, p. 104.

60Testimony transcripts, p. 757.

61Testimony transcripts, pp. 758-759.

62Testimony transcripts, p. 761.

63Testimony transcripts, p. 762.

64Testimony transcripts, p. 763.

65Testimony transcripts, p. 764.

66Testimony transcripts, pp. 767-768.

67Testimony transcripts, p. 768.

68"Shuler Placed in County Jail," Los Angeles Times, May 6, 1930.

69Brief for Intervener, pp. 28, 30.

70"Shuler Placed in County Jail," Los Angeles Times, May 6, 1930.

71Bob Shuler's Magazine, June, 1930 was entitled "Nellie Shuler's Number." Mrs. Shuler's radio talks were published in "Mrs. R. P. Shuler on the Radio," Bob Shuler's Magazine, 9, No. 5 (1930), 115-120; "As Per Public Demand," Bob Shuler's Magazine, 9, No. 6 (1930), 136-144.

<sup>72</sup>"Shuler Released on Writ," Los Angeles Times, May 22, 1930.

<sup>73</sup>Brief for Intervener, pp. 30-37.

<sup>74</sup>There is some question here if the ordinance was ever sanctioned by the City Council. In intervener's brief (p. 35), it is stated that the ordinance was passed initially, but later declared invalid. In appellant's brief (p. 145), it is stated that the ordinance was never passed. The issue becomes important in view of Dr. Parish's examination of 4,000 food handlers as stated in intervener's brief. See note 73.

<sup>75</sup>Brief for Intervener, p. 36.

<sup>76</sup>Testimony transcripts, p. 218.

<sup>77</sup>Testimony transcripts, p. 148.

<sup>78</sup>Testimony transcripts, pp. 217-219.

<sup>79</sup>Testimony transcripts, pp. 230-237, 633.

<sup>80</sup>Testimony transcripts, p. 217.

<sup>81</sup>Brief for Appellant, p. 146.

<sup>82</sup>"Shuler Appears Before Health Commission," Los Angeles Times, Jan. 7, 1931.

<sup>83</sup>Testimony transcripts, p. 117.

<sup>84</sup>Testimony transcripts, p. 495.

<sup>85</sup>Testimony transcripts, pp. 495-497.

<sup>86</sup>Federal Radio Commission, Statement of Facts, Grounds for Decision and Order of the Commission, in re Application of Trinity Methodist Church, South, Docket No. 1043, Nov. 13, 1931, p. 9.

<sup>87</sup>Testimony transcripts, p. 495.

<sup>88</sup>Testimony transcripts, pp. 86-87.

<sup>89</sup>Testimony transcripts, p. 87.

<sup>90</sup>Testimony transcripts, pp. 152-153.

<sup>91</sup>FRC, Statement of Facts, p. 11.

<sup>92</sup>Testimony transcripts, pp. 608, 648.

<sup>93</sup>Testimony transcripts, pp. 66-67.

<sup>94</sup>Brief for Intervener, pp. 52-54. Trinity Metho-  
dist Church, South v. FRC, 62 F. (2d) 852.

## CHAPTER IV

### SHULER BEFORE THE FRC AND IN APPEAL

Based on accusations in his KGEF broadcasts, Shuler was called to task by the FRC. Urged by letters of complaint from several Los Angeles individuals, the Commission began action in the Shuler case with a hearing in Los Angeles. FRC Chief Examiner Ellis Yost presided over the two-week hearing. Following the hearing, Examiner Yost recommended that Shuler's renewal application be granted. But, exceptions to Yost's report were filed by George Lyon, a Los Angeles businessman, and chief of the complainants. Lyon requested oral argument before the FRC; it was granted. The Commission, after hearing the arguments, decided to overturn Examiner Yost's recommendation and ordered KGEF closed down. Shuler appealed his case to the Court of Appeals of the District of Columbia which affirmed the Commission's decision. The United States Supreme Court refused to hear Shuler's case, thus blocking any hope for resurrection of the station of "Fighting Bob" Shuler. In this chapter, the story of Shuler's FRC and court battles is told.

The last regular license issued to KGEF covered a three-month term beginning 3:00 A.M., July 31, 1930, to

3:00 A.M., October 31, 1930. It was dated July 7, 1930, and signed by James W. Baldwin, Secretary of the FRC.<sup>1</sup> On September 9, 1930, Trinity Methodist Church, South applied for renewal of its license. The last question on the renewal application requested the applicant to "state definite facts why the continued operation of the station will be in the public convenience, interest, or necessity." Shuler, who filed the application for Trinity Methodist Church, wrote that his broadcasts over KGEF had "thrown the pitiless spotlight of publicity on corrupt public officials and officers, and on agencies of immorality, thereby gladly gaining their enmity and open threats to bring pressure to bear to 'get' this station's license."<sup>2</sup>

Shuler's awareness of renewal opposition proved correct. On December 4, 1930, he received a letter from the FRC stating that there was doubt in the Commission's mind whether the license renewal of KGEF would be in the public interest. Shuler was informed that a hearing had been designated for 10:00 A.M. on January 8, 1931, in Los Angeles. The letter also named several individuals who had entered complaints against the operation of KGEF. George Lyon, who was to become "chief respondent" in the Los Angeles hearing was one of the persons mentioned.<sup>3</sup> In compliance with subtitle B, section 7, number 2, of

Practice and Procedure Before the FRC (General Order No. 93), Shuler mailed a written statement of fact along with the points he expected to prove at the hearing, including:

That it is for the public convenience, interest and necessity that the application be granted and license therein applied for be renewed:

That this station broadcasts programs of religious, moral and civic interest, and is operated on a non-profit and non-commercial basis;

That there is a general demand for the station;

That the station stimulates interest in good government;

That the station exerts a good moral influence upon the community;

That the station is a means whereby valuable information is disseminated;

That the station provides wholesome entertainment.<sup>4</sup>

From the time of Shuler's September 9, 1930, renewal application to the Commission's deletion order of November 13, 1931, KGEF remained on the air through temporary renewals. These were granted by the FRC through four temporary licenses, one general order, one special minute and one extension. Table 1 shows the sequence and dates of these renewals. Each of the renewals was issued subject to action by the Commission on KGEF's pending application. The first step in determining the Commission's decision was the hearing held in Los Angeles.

TABLE I

## TEMPORARY RENEWALS OF KGEF FOLLOWING SEPTEMBER 9, 1930\*

Renewal Type	Date	Beginning	Ending
Temporary license	Oct. 25, 1930	3:00 A.M., Oct. 31, 1930	3:00 A.M., Nov. 30, 1930
Temporary license	Nov. 13, 1930	3:00 A.M., Nov. 30, 1930	3:00 A.M., Jan. 31, 1931
General order 103	Jan. 20, 1931	3:00 A.M., Jan. 31, 1931	3:00 A.M., Mar. 31, 1931
Special minute 353	Mar. 26, 1931	3:00 A.M., Mar. 31, 1931	3:00 A.M., Apr. 30, 1931
Temporary license	Apr. 24, 1931	3:00 A.M., Apr. 30, 1931	3:00 A.M., Jul. 1, 1931
Temporary license	June 20, 1931	3:00 A.M., Jul. 1, 1931	3:00 A.M., Nov. 1, 1931
Extension	Oct. 27, 1931	3:00 A.M., Nov. 1, 1931	3:00 A.M., Dec. 1, 1931

\*Source: Record, pp. 10-29, Trinity Methodist Church, South v. FRC, 62 F. (2d) 850 (1932).

### Los Angeles Hearing

The renewal hearing of KGEF opened at 10:00 A.M. on Thursday, January 8, 1931. It was held in the courtroom of the State Railroad Commission in the Associated Realty Building at 510 West Sixth Street in Los Angeles.<sup>5</sup> The hearing lasted sixteen days beginning on January 8, 1931, and ending on January 24, 1931. Shuler was represented by attorneys Thomas Bunn and Philip Dodson, both of Los Angeles. William G. McAdoo served in an advising capacity. George Lyon, respondent in the hearing, was represented by Washington attorney Thomas Price Littlepage, and former Los Angeles City Prosecutor Lloyd E. Nix. Nix, it will be remembered, was widely criticized by Shuler for not quickly prosecuting some of the defendants in the Julian trials, and was forced to resign a few months before the hearing began. Littlepage, a prominent authority on radio law, had been in Los Angeles for several days preparing his case. The FRC Chief Examiner, Ellis A. Yost, presided at the hearing. Assistant FRC General Counsel, Ben F. Fisher, served as legal advisor. Yost, former U.S. Attorney in West Virginia, had been made chief examiner on June 30, 1930. Fisher was one of the Commission's chief attorneys since its beginning and had appeared in almost every prosecution by the FRC.<sup>6</sup>



Shuler's defense was financed by contributions received as a result of appeals made over KGEF. The case against Shuler was financed somewhat differently, with the money coming from several different sources. In a January 27, 1931, letter to Thomas Littlepage, George Lyon expressed regret that there was no money available for Littlepage's fee. Stating that the debt was a community responsibility, Lyon assured Littlepage that the matter was being placed before the Bar Association, the Chamber of Commerce, the Board of Supervisors, the Motion Picture Producers Association, the Community Development Association, the Hollywood Chamber of Commerce, the Los Angeles Stock Exchange, and others. The letter further informed Littlepage that Lloyd Nix had assumed Littlepage's \$1,000 hotel bill which had accrued during this stay in Los Angeles. Listing the outstanding debt at no more than \$8,500, Lyon said that he understood that if the money could not be raised by that afternoon, Littlepage could, if he desired, consider it as a termination of employment and could inform the FRC that the fight against Shuler did not have substantial support from the community.<sup>7</sup> Apparently some of the fee was paid, but as late as November 29, 1932, Littlepage had not received his total fee. Expressing severe regret and

disappointment that he had not been fully paid, Littlepage criticized the Los Angeles citizens who would not stand up against Shuler in 1931, and who would not compensate him for his efforts.<sup>8</sup>

The KGEF hearing in Los Angeles was unique at the onset for two reasons: it was the first time that a hearing had been held outside of Washington, D.C., and it was the first time that the FRC was not the complainant. The latter point was made clear by Examiner Yost, who stated that he and Fisher would remain neutral throughout the proceedings and that they were interested only in facts. The case against Shuler and KGEF was handled totally by attorneys for respondent.<sup>9</sup>

The main respondent in the hearing was George Lyon, a Los Angeles businessman who was in the restaurant supply business.<sup>10</sup> Before his active part in the proceedings, Shuler did not know Lyon and had not broadcast anything concerning him. Lyon gave as his reasons for opposing Shuler that he was interested as a taxpayer and a citizen and that he was upset with what he felt was Shuler's unfair treatment of his friends.<sup>11</sup> Shuler believed that Lyon was simply a figurehead of the movement determined to get him off the air. The movement, according to Shuler, was led by former City Prosecutor Lloyd

Nix, now serving as an attorney for Lyon in the hearing.<sup>12</sup> Lyon denied that he was being used by any individual or group.<sup>13</sup>

On the first day of the hearing, the atmosphere was electric. There were frequent outbursts of catcalls, hisses, laughter, and applause. The courtroom itself could not accommodate more than one hundred people, but the outside corridors were jammed with interested spectators. The police were forced to quell several disturbances caused by pushing battles among the would-be spectators in the corridors.<sup>14</sup>

Examiner Yost called the hearing to order at 10:00 A.M. In his introductory statement, Yost explained the purpose of the hearing was to accept evidence in determining whether the public interest was being served by the operation of station KGEF. He also permitted the appearance of respondents, and cautioned counsel that he reserved the right to limit the number of witnesses on any particular point.<sup>15</sup>

The first two days of the hearing were taken by Shuler's presentation of general testimony supporting his renewal request. Some ten defense witnesses attested to the high moral and civic character of Shuler and his broadcasts. Shuler himself took the stand several times during the first two days. He testified that his motives

and goals in his radio talks were to render a service to the public in bringing about better conditions in Los Angeles. The only surprise testimony of the first two days was that of Judge Doran, a witness for Shuler.

Doran said that at times Shuler's talks against the Bar Association and courts were "unwarranted, unjustified, and illogical."<sup>16</sup>

The next eight days were used by respondent Lyon in testimony against Shuler in which fifty-five witnesses testified. Some of the most damaging testimony against Shuler came from Lyon himself who confidently testified that he had heard Shuler attack over a dozen individuals and organizations. Following one day's session, Shuler offered his hand to Lyon who declared that he would shake hands with Shuler only "after he had lost his radio station."<sup>17</sup> In Shuler's Sunday sermon broadcast of January 11, he stated that the final decision would come from the Supreme Court of the United States, and not the FRC. He also reported that the trial was progressing favorably, but that the papers were not accurate in their accounts of the testimony.<sup>18</sup>

Following the prosecution's presentation on January 19, Yost recessed the hearing until the morning of January 21. This was to allow the defense attorney time to review the eight days of adverse testimony. On the

first day back in session, Shuler took the stand fifteen times in rebutting statements and allegations made in the prosecution's case.<sup>19</sup> In the last three days of the hearing, Shuler presented over forty witnesses who furnished additional rebuttal testimony. Examiner Yost closed the hearing at 12:30 P.M. on January 24. After the hearing, attorneys Bunn and Dodson informed Yost that John W. Price of Washington, D.C., had been added to Shuler's legal staff and would represent him at the capitol.<sup>20</sup>

#### Examiner Yost's Report

On August 7, 1931, Chief Examiner Yost submitted his report to the Commission.<sup>21</sup> In his report, over twenty-five pages in length, Yost went into detail describing evidence brought out in the hearing. Yost also included over five pages of Shuler's testimony. The examiner was equally detailed in outlining the operation of KGEF as to hours and variety of operation, costs, management, access to different organizations, etc.

In treating Shuler's broadcasts, which had been read into the record during the hearing, Yost explained that both applicant (Shuler) and respondent (Lyon) agreed on the general content of the speeches. However, there was conflict as to the exact wording in some cases. Yost

also presented a synopsis of the arguments of both parties. He stated that Shuler considered his broadcasts a public service in consistently fighting against organized vice and dishonest public officials, resulting in the civic and moral improvement of Los Angeles. Yost presented Lyon's point of view that Shuler's broadcasts were unfair, based on false information, against the public interest, and causing unnecessary suspicion of public officials.

Yost commented on Shuler's position as a clergyman saying that the occupation did not entitle him to any special treatment. Yost was impressed, however, by Shuler's overwhelming popularity within his 4,200-member-ship church.<sup>22</sup> He believed the congregation "to be representative of the good citizenship of Los Angeles." Yost was also concerned about the total public service offered by KGEF. He stated that respondent wanted to remove KGEF based solely on Shuler's broadcasts. Yost stressed that all broadcasts must be considered, not just Shuler's three hours per week. Yost even suggested that Shuler's broadcasts would have to be a "disservice" to the extent that they outweighed the public service performed by the other broadcasts before he could justify a nonrenewal recommendation. Yost quoted Section 29 of the Radio Act of 1927, which forbade censorship, and added

that the Commission did not have the authority to prohibit just Shuler's time on the radio.

At the end of the report Examiner Yost reached six conclusions: (1) a radio broadcast license was a privilege to be used in rendering a public service; (2) no one may, in any circumstances, abuse the privilege of radio broadcasting in injuring fellow citizens; (3) a licensee does not have the right to broadcast libelous or slanderous matter; (4) Shuler appeared to broadcast statements that had not been previously investigated for truthfulness resulting in injured reputations; (5) it is the duty of a licensee to exercise the highest form of public service because of the limited number of broadcast stations possible, and (6) based on all the broadcasts made over KGEF, the public interest would be served by renewal of KGEF's license. As the last conclusion indicates, Examiner Yost recommended that the application of Trinity Methodist Church, South for renewal of license of KGEF be granted.

#### Exceptions to Examiner's Report

Respondent Lyon had twenty days to file exceptions to Examiner Yost's report. Attorneys Littlepage and Nix vigorously set forth their exceptions based on six points and sent them to the Commission, September 26, 1931.<sup>23</sup>

The first point of exception involved the legal ownership and control of KGEF. Based on Shuler's testimony in the hearing, Yost had stated in his report that KGEF was the personal property of Shuler, "verbally leased" to Trinity Methodist Church, South. Respondent insisted that this arrangement was in direct violation of Section 12 of the Radio Act of 1927. Section 12 of the Radio Act prohibited transfer of licenses and privileges therein without prior written consent of the FRC. Littlepage maintained that if a verbal lease was all that constituted a legal transfer of radio licenses, soon there would be stations operating under secret control of aliens and all types of unsavory characters.

In the second point, Littlepage and Nix singled out Yost's contention that, "In order to justify a denial of this application, the broadcasts of Dr. Shuler must appear to be of such a public disservice as to outweigh all the public service rendered by all other broadcasts made over applicant station."<sup>24</sup> According to the attorneys the statement was erroneous legally as no court had ever established such a rule. They further argued that if the principle were true, history would have to be rewritten. They suggested that Benedict Arnold would be acclaimed a national hero because he was a model soldier for years and only betrayed his country once.



The third exception centered on Yost's consideration of the non-Shuler broadcasts over KGEF. Lyon's attorneys argued strongly that the examiner put more emphasis on these other broadcasts than on Shuler's broadcasts. They contended that if Shuler were allowed to issue slanderous, false statements for three hours each week, then the same conditions could apply to other licensees. They could increase power for three hours each week, change frequencies for three hours each week, or do just about anything, providing it did not run longer than three hours each week, and as long as they programmed properly their remaining broadcast hours.

Respondent's attorneys also took exception to the examiner's report because of their contention that Shuler's broadcasts provoked strife and turmoil in Los Angeles. They quoted a statement in which Yost admitted that many people only listened to Shuler because of the sensational element of his speeches or because of fear of an attack by Shuler.

The attorneys next disagreed with Examiner Yost's selection of testimony and certain statements made by him. Littlepage and Nix criticized Yost for printing four pages of Shuler's defensive testimony. Also criticized was Yost's mention of a petition of 144,000 names

in Shuler's favor that Yost himself had ruled inadmissible at the hearing. They reasoned that if it was not acceptable at the hearing, it should not have been included in the report. Also, they discounted Yost's consideration of Shuler's influence and popularity with his church congregation. They suggested that Yost would not find this attitude among the prominent citizens whom Shuler attacked.

The last point in the attorneys' exception dealt with what they believed to be an obvious variation between Yost's conclusions and his recommendation. They argued that each principle in the examiner's first five conclusions was correct and true; and that Shuler violated every one of them.

In the final two paragraphs of the report, Littlepage and Nix stated that any paper listing all the errors and inconsistencies of the examiner's report would be too voluminous. They requested an oral argument before the Commission advising, "[T]he action of the Commission in this case will have more to do with determining the rights of the public under the intents and purposes of the Radio Act, and under the Rules and Regulations of the Commission, than any case that has ever been before it."<sup>25</sup>

Applicant Shuler was allowed to file an answer to the exceptions of the respondent for consideration by the

Commission. Attorneys Bunn and Dodson were equally as vigorous in their answer as respondent's attorneys had been in their exceptions. They followed the exceptions point-for-point, dealing with each separately. They did not concede any of the points made by respondent and attempted in every instance to discount the six exceptions. Bunn and Dodson did not suggest an oral argument, however, but contended that the Commission could do only one of two things: either adopt the examiner's recommendation or study the complete transcript of the hearing in detail without regard to Yost's report.<sup>26</sup>

#### Oral Argument Before the Commission

The respondent's request for an oral argument before the FRC was granted. On September 26, 1931, the opposing parties sat before the five-man Commission in Washington, D.C., and argued the case. George Lyon felt that the Commission's decision to hear oral argument was not based only on the respondent's exceptions, but on an additional reason involving misleading newspaper reports. Those who were against Shuler had desired to have a large meeting for the purpose of proclaiming their objections to Shuler's broadcasts. However, when it appeared that attendance would be disappointingly small, some had suggested they rent Olympic Hall and widely publicize the assembly as an anti-Shuler meeting. Once the meeting became known

as an anti-Shuler meeting, Shuler had urged over KGEF that all his friends go--which they did in tremendous numbers. Olympic Hall seated 40,000, but that was about 20,000 seats too few for the 60,000 crowd, of which 95 percent were "Shulerites." But the next morning's newspapers, opposed to Shuler, ran headlines to the effect that "60,000 People Attend Anti-Shuler Meeting." George Lyon and others seized upon the opportunity and sent the newspapers to the Commission in Washington. They did not state that, by far, the majority of the crowd were followers of Shuler. According to Lyon, the papers played an important part in the Commission's decision to grant an oral argument.<sup>27</sup>

Shuler's attitude toward the oral argument before it started contrasted drastically with that after it had ended. This is reflected in Bob Shuler's Magazine during the months October, November, and December, 1931. In an October article, written before the trip to Washington, Shuler stated that Lloyd Nix was assuring everyone that the Commission would definitely reverse Yost's findings and that the Commission stood three to two against KGEF. But Shuler maintained this was untrue, and affirmed his faith and trust in the Commissioners.<sup>28</sup> In a November article, written after the oral argument and before the Commission's decision, Shuler wrote how he had been

criticized at the hearing by some of the Commissioners who thought he should not have stated publicly the rumors connected with the upcoming decision. Shuler, in the article, said it was unfair that he was told to keep quiet while all his enemies were telling everyone that Shuler's radio days were gone. He closed the article by asking why the Commission should be so touchy on the subject.<sup>29</sup> In the December article, written after the decision, Shuler stated he had absolute proof that the Commission had reached its decision without even reading any of the evidence introduced at the Los Angeles hearing. The article told of complex political maneuverings that resulted in removal of KGEF. According to Shuler, powerful Los Angeles businessmen had used their influence with certain senators and members of the Commission. He stated that Lloyd Nix had visited Washington before the oral argument and returned to Los Angeles confident of the Commission's decision. Shuler lamented that an American citizen's right to free speech could be taken away by a few wealthy individuals who could not afford for him to speak over the radio.<sup>30</sup>

The oral argument in Washington lasted two hours. Shuler appeared in his own behalf and Littlepage and Nix appeared for Lyon. During the argument Shuler was soundly criticized for his articles and broadcasts

regarding the outcome of the hearing. Especially critical was Commissioner Ira E. Robinson. Robinson stated frankly that he resented Shuler's remarks. Shuler defensively declared that his information came to him from a Los Angeles County official who had recently talked with someone from Washington. Perhaps the most damaging part of the session, however, came when Shuler made reference to a Catholic commissioner. He was quickly challenged by Robinson to point out this commissioner. When it developed that there was no Catholic on the Commission Shuler explained that he had been told this by an examiner for the Commission, presumably Ellis Yost, and believed it to be true. Littlepage grabbed the opportunity to show that Shuler frequently made such statements without finding out if they were true.<sup>31</sup>

#### Finding of the Commission

In a twelve-page report filed on November 13, 1931, the FRC decided to reverse Examiner Yost's recommendation and remove station KGEF.<sup>32</sup> In the first ten pages of the report, the Commission cited some of Shuler's objectionable broadcasts in regard to the many issues that were brought out in the Los Angeles hearing. They ignored, however, Shuler's defenses concerning these broadcasts.<sup>33</sup> Beginning on the eleventh page, the Commission gave ten

grounds for its decision: (1) that Los Angeles and the surrounding area were already being served by eighteen radio broadcasting stations; (2) that KGEF was owned by Shuler, although licensed in the name of Trinity Methodist Church, South; (3) that although the licensee is a religious organ, some of the broadcasts which go over KGEF were undesirable to several other religious organizations; (4) that KGEF was serving to provoke religious strife; (5) that Shuler's broadcasts were sensational in nature rather than instructional or entertaining; (6) that Shuler repeatedly made bitter attacks upon public officials and courts without trying to find out if they were true; (7) that when Shuler did not have definite facts, he proceeded by the method of innuendo using vague words such as "suppose"; (8) that removal of KGEF would free the frequency of 1300 kc for reassignment to a suitable locale, thus providing more equitable distribution of radio facilities; (9) that Shuler was convicted twice on contempt of court charges; and (10) that the public interest would not be served by granting the renewal application of KGEF.

Based on the above grounds, the Commission issued a threefold order. First, objections by respondent were sustained. Second, renewal application of Trinity Methodist Church, South was denied. Finally, the order was

effective immediately. The Commission notified Shuler in a C.O.D. telegram; Shuler had to pay \$4.77 to read it. Outraged that the Commission would send such a telegram C.O.D., Shuler picked the incident as a basis on which to request funds for an appeal. He asked for checks or cash in the amount of \$4.77 from his pulpit and through his magazine.<sup>34</sup> As of March, 1932, two months before the case was argued in the Court of Appeals, Shuler had received \$14,000 in \$4.77 amounts.<sup>35</sup>

Shuler attached a sign to the broadcasting tower at the Trinity building which declared that KGEF had been silenced by the FRC. The sign also said, "Bob Shuler Still Speaks in this Church." (See appendix E.) Shuler also gave KGEF a funeral service. More than ten thousand people attended the service which was complete with the Trinity choir, small scale replicas of the broadcasting tower, and an abundance of flowers. Shuler collected \$3,494.89 in appeal offerings at the funeral service.<sup>36</sup> (See appendix F.)

#### Appeal to the Court of Appeals

Based on Shuler's notice of appeal, dated November 30, 1931, the Court of Appeals of the District of Columbia decided to hear the case. However, the same Court refused to grant KGEF a stay order, thus denying



KGEF the right to remain on the air while the case was pending.<sup>37</sup> The appeals case itself was argued May 3 and 4, 1932, in Washington, D.C. Attorneys Louis G. Caldwell, and Arthur W. Scharfeld of Washington joined Shuler's legal ranks and appeared for appellant (Shuler) in the proceeding. Caldwell had served as attorney for the FRC in the Commission's early history. Attorneys Thaddeus H. Brown, D. M. Patrick, and Fanney Neyman, all from Washington, appeared for appellee (FRC). Attorneys Thomas P. Littlepage, John M. Littlepage, and Paul D. P. Spearman, partners in a Washington lawfirm, appeared for Lyon who was allowed as intervener. The arguments were heard by Chief Justice Martin and Associate Justices Robb, Van Orsdel, Hitz, and Groner.<sup>38</sup>

Caldwell led Shuler's fight in the appeal and based his arguments on three points: (1) that the Commission's decision was unconstitutional; (2) that the Commission's decision violated the Radio Act of 1927; and (3) that the Commission's findings were not supported by substantial evidence.<sup>39</sup> Caldwell contended that the Commission's decision was unconstitutional in that it violated Shuler's free speech guaranteed in the First Amendment. In a detailed account of the legal precedents involving free speech, Caldwell described the established concept of "previous restraint" in which no department of government

may suppress a person's ideas before that person has made them public. Caldwell also cited cases that put limitations on what form of "subsequent restraints" may be applied. Caldwell drew parallels with Shuler's case and the case of Near v. Minnesota.<sup>40</sup> Caldwell contended that Shuler was silenced on the same principle that the Supreme Court had in the Near case. He argued that the difference between a newspaper and a broadcasting station was not important in regard to the issue.

Caldwell urged that the Commission's decision was unconstitutional, too, because it violated the Fifth Amendment which provides that no one shall be deprived of "liberty or property without due process of law."<sup>41</sup> After establishing that the word "liberty" in the Fifth Amendment applied to freedom of speech, Caldwell listed seven reasons why Shuler was denied his property and liberty without due process of law. First, the Los Angeles hearing was held without any well-defined issues and solely on the vague standard of "public interest, convenience, and necessity." Second, Shuler was given no notice of the charges against him, but only to appear for a hearing. Third, the burden of proof was unlawfully imposed on Shuler rather than on those who charged Shuler. Fourth, Shuler was not given adequate opportunity to rebut the issues he heard for the first time during the

hearing. Fifth, Lyon was allowed as respondent at the hearing and was permitted to conduct the case against Shuler. Sixth, Shuler was forced to defend broadcasts introduced by Lyon which dated back three years. Seventh, the Commission used as a ground for its decision that removal of KGEF would more equitably distribute radio stations. Shuler had never been informed of this point and had no opportunity to be heard on the issue.

Sections 29 and 11 of the Radio Act of 1927 were also violated by the Commission's decision according to Caldwell. Section 29 prohibited censorship and interference with the right of free speech by the Commission. Caldwell said Section 29 was violated because the Commission censored Shuler's future utterances based on his past broadcasts. He also urged that the Commission had interfered with Shuler's right of free speech. Section 11 of the Radio Act authorized the Commission to conduct hearings in renewal applications. Based on Section 11, Caldwell said that Shuler was entitled to know the issues that were considered in his hearing.<sup>42</sup> This coincided with Caldwell's previous argument that Shuler had been denied due process of law. Caldwell concluded that the FRC's decision was in error. The Court of Appeals should reverse the FRC and direct the Commission to renew Shuler's license.

The FRC in its arguments did not agree that its decision was either unconstitutional or in violation of the Radio Act of 1927.<sup>43</sup> The Commission first denied that its decision was in conflict with Sections 29 and 11 of the Radio Act of 1927. Attorneys for the Commission did not recognize that Section 29 applied in any way to application renewals governed by Section 11. They contended that Section 11 was intended only to prescribe the manner in which licenses or license renewals should be handled. Section 29, they urged, referred only to action brought against an existing licensed broadcast station. They further reasoned that even if Section 29 did apply to the processing of licenses or renewals, that this decision was not censorship, but merely a consideration of Shuler's past program material in determining if KGEF was operating in the public interest. This procedure was established, according to the Commission, by the Brinkley case.<sup>44</sup> The Commission's attorneys regarded the due process contentions of Caldwell as invalid. They maintained that Shuler was given due notice in each action before the Commission in compliance with Section 11 of the Radio Act.

In rebutting the claim that their decision was unconstitutional, the Commission provided a lengthy discussion of the power of Congress to regulate interstate

commerce under which broadcasting is regulated. They argued that regulation of interstate commerce (which includes broadcasting) is limited only by the Constitution and that the guarantee of free speech in the First Amendment does not operate as a limitation upon Congress' power to regulate radio communication. In short, the Commission submitted that the right to operate a radio station was not a right within the Bill of Rights, but a privilege granted or denied by the FRC. The FRC's authority was established in the Radio Act of 1927, enacted by Congress through its power to regulate interstate commerce.

Soon after the FRC had removed KGEF from the air, Shuler announced his candidacy for United States Senator from California. Throughout the period of the appeal, Shuler was involved in campaigning on the issues of free speech and prohibition. Shuler lost the election on November 8, 1932.<sup>45</sup> In an article in his magazine following the election, Shuler predicted that a decision would soon be announced from the Court of Appeals. He contended the Court had purposely waited to see if he was going to be elected to the Senate. The article also stated that there was no hope for KGEF.<sup>46</sup> As Shuler predicted, a decision was reached on November 28, 1932, almost four months after the hearing, just twenty days after the election. The Court affirmed the FRC's decision

in removing KGEF from the air. Justice Groner wrote the opinion, stating in part, "[T]here is not a denial of the freedom of speech, but merely the application of the regulatory power of Congress in a field within the scope of its legislative authority."<sup>47</sup> Justice Groner went on to say that Shuler could continue to criticize and attack anyone he chose but could not expect to use an instrument of interstate commerce in making these opinions public. Shuler promptly began making plans to enlarge the circulation and content of his magazine.<sup>48</sup>

Shuler, on December 14, 1932, sought an appeal to the Supreme Court of the United States. On December 10, 1932, Caldwell obtained a stay of mandate from the Court of Appeals that prevented the FRC from erasing KGEF's assignment from the records while the Supreme Court was considering the appeal.<sup>49</sup> But, on January 16, 1933, the Supreme Court refused to hear Shuler's case.<sup>50</sup> "Fighting Bob" Shuler, the self-appointed muckraker of Los Angeles, was finally off the air.<sup>51</sup> In his magazine, Shuler reported that the "crepe hangs on the doorknob. KGEF is dead and there is no hope of immortality for her. The resurrection hoped for by all good citizens will not take place."<sup>52</sup>

The Shuler case had covered almost three years. It had begun with Shuler's September 9, 1930 application for

license renewal, and ended with the Supreme Court's denial of a writ of certiorari, January 16, 1933. The case was heard three times, and denied a fourth. Shuler won the first round but lost the second. Even though he tried two more times to fight the FRC's decision, he lost. Thus KGEF was silenced. The somewhat peculiar circumstances surrounding the Shuler case raised noteworthy questions which linger today: Who was George Lyon and why did he fight Shuler so diligently? Why was the hearing held in Los Angeles? Why did Lyon, and not the FRC, present the case against Shuler? Why did the FRC reverse Examiner Yost's decision? Why did the Court of Appeals refuse KGEF a stay order? The answers to these questions could prove enlightening in determining what really happened in the Shuler case.

#### After KGEF

After Shuler lost KGEF, one observer said, "[H]is wings have been clipped."<sup>53</sup> It was true that without the station he had lost his huge broadcast audience. But Shuler did not give up his moral fight, and his loss of influence within the community was gradual. For several years after the Supreme Court's refusal to hear his case, people would line up for blocks to see the sample ballots that Shuler filled in and tacked on the door of the Trinity

building.<sup>54</sup> Shuler, himself, never ran for political office again.

Throughout the whole ordeal with KGEF, Shuler never lost the respect and admiration of his faithful congregation.<sup>55</sup> He remained pastor of Trinity Methodist Church until 1953, when he retired to El Monte, California. During his farewell sermon Shuler said, "I have been a scrapper for God."<sup>56</sup>

Shuler died on September 11, 1965 at the age of eighty-six. He was survived by his widow, Nellie Reeves; four sons, Robert Shuler, Jr., William R. Shuler, Phil Shuler, and Edward Shuler; and two daughters, Mrs. Dorothy Pitkin and Mrs. Nelle Fertig. He had twenty-five grandchildren and eight great-grandchildren.<sup>57</sup>



NOTES

<sup>1</sup>Federal Radio Commission, Radio Broadcasting Station License, File No.: 5-R-B-23, July 7, 1930. The FRC issued only three-month licenses at this time. Laurence F. Schmeckebier, The Federal Radio Commission: Its History, Activities and Organization (Washington: Brookings Institution, 1932), p. 33.

<sup>2</sup>Application for Renewal of Broadcasting Station License, filed by Robert Shuler for Trinity Methodist Church, South, Sept. 9, 1930.

<sup>3</sup>Federal Radio Commission, letter to Robert Shuler, Dec. 4, 1930. George Lyon had three different titles during the proceedings against Shuler: before the FRC hearing he was a complainant, during the FRC hearing and before the Commission he was respondent, and before the Court of Appeals he was intervener.

<sup>4</sup>Robert Shuler, letter to FRC, Dec. 4, 1930.

<sup>5</sup>Examiner's Report, p. 1.

<sup>6</sup>"Shuler Station On Trial Today," Los Angeles Times, Jan. 8, 1931.

<sup>7</sup>George Lyon, letter to Thomas Littlepage, Jan. 27, 1931.

<sup>8</sup>Thomas Littlepage, letter to George Lyon, Nov. 29, 1932.

<sup>9</sup>"Shuler Station On Trial Today," Los Angeles Times, Jan. 8, 1931.

<sup>10</sup>Testimony transcripts, p. 173. See note 3.

<sup>11</sup>Testimony transcripts, pp. 178, 180. Also in interview with George Lyon, Los Angeles, Dec. 22, 1974.

<sup>12</sup>Brief for Appellant, p. 10.

<sup>13</sup>Testimony transcripts, pp. 178, 180.

<sup>14</sup>"Shuler Radio Trial Opens Amid Mild Court Uproar," Los Angeles Times, Jan. 9, 1931.

<sup>15</sup>Testimony transcripts, pp. 32, 33.

<sup>16</sup>"Shuler Hearing Has Surprises," Los Angeles Times, Jan. 10, 1931.

<sup>17</sup>"Attack Opened in Radio Trial," Los Angeles Times, Jan. 11, 1931.

<sup>18</sup>"KGEF Case Resumes Today," Los Angeles Times, Jan. 12, 1931.

<sup>19</sup>"Shuler Denials Feature of Day," Los Angeles Times, Jan. 22, 1931.

<sup>20</sup>"Shuler Trial Ends," Los Angeles Times, Jan. 25, 1931.

<sup>21</sup>This section summarizes the Examiner's Report.

<sup>22</sup>Supra, chap. 2, p. 23. The Trinity congregation had grown from around 1,000 members to 4,200 since Shuler began his ministry in Los Angeles.

<sup>23</sup>Unless otherwise noted, material in this section is taken from Exceptions to the Examiner's Report filed by Respondent Lyon through attorneys, Sept. 26, 1931.

<sup>24</sup>Examiner's Report, p. 7.

<sup>25</sup>Exceptions to Examiner's Report, pp. 10, 11.

<sup>26</sup>Answer to Exceptions to Examiner's Report filed by applicant through attorneys.

<sup>27</sup>Interview with George Lyon, Los Angeles, Dec. 22, 1974.

<sup>28</sup>"We Leave For Washington," Bob Shuler's Magazine, 10, No. 8 (1931), 190.

<sup>29</sup>"Who Serves in the Public Interest," Bob Shuler's Magazine, 10, No. 9 (1931), 218.

<sup>30</sup>"And What of This!" Bob Shuler's Magazine, 10, No. 10 (1931), 242.

<sup>31</sup>"Shuler Hits Radio Foes," Los Angeles Times, Sept. 27, 1931.

<sup>32</sup>Material taken from Federal Radio Commission, Statement of Facts, Grounds for Decision and Order of the Commission, in re Application of Trinity Methodist Church, South, Docket No. 1043, Nov. 13, 1931.

<sup>33</sup>Infra, chap. 5, p. 121. Also, the Commission's decision stated that Shuler repeatedly used expressions such as "pimps," and "king pimps," "prostitutes," and "prostitution." The testimony reveals that the expression "pimp" or "king pimp" was used by Shuler three times, all in reference to Albert Marco, a notorious underworld figure during 1928-1929. Testimony transcripts, pp. 73-74, 377, 548, 212, 214, 503. In eighty-one transcripts of Shuler's broadcasts introduced by respondent, the word "prostitute" appears seven times. Testimony transcripts, pp. 738-749.

<sup>34</sup>"Four-Seventy-Seven," Bob Shuler's Magazine, 11, No. 1 (1931), 248, 249.

<sup>35</sup>"Unprecedented," Bob Shuler's Magazine, 11, No. 1 (1931), 314.

<sup>36</sup>"Those Funerals," Bob Shuler's Magazine, 10, No. 12 (1932), 294.

<sup>37</sup>"Shuler Loses Free Speech Appeal," Broadcasting, Dec. 1, 1932.

<sup>38</sup>Trinity Methodist, South v. FRC, p. 850.

<sup>39</sup>Unless otherwise noted, Caldwell's arguments are taken from Brief of Appellant, pp. 16-59.

<sup>40</sup>Near v. Minnesota, 283 U.S. 697, 51 S.Ct. 625 (1931). The Near case concerned a newspaper publisher who had been prohibited from publishing his paper because of constant attacks on public officials of Minneapolis. The Supreme Court of the United States held that the action was unconstitutional on the ground that it involved prior restraint which constituted a form of censorship.

<sup>41</sup>U.S., Constitution, Fifth Amendment.

<sup>42</sup>Section 11 of the Radio Act did not explicitly state that the applicant should be notified of specific

issues. However, the concept is in harmony with the quasi-judicial status of the Commission in the matter of hearings. The courts have construed Section 11 to include clearly defined issues. See Courier-Journal Co. et al. v. FRC, 46 F. (2d) 615 (1931); General Electric Co. v. FRC, 31 F. (2d) 630 (1929).

<sup>43</sup>Arguments condensed from Brief of Appellee, pp. 38-68.

<sup>44</sup>Supra, chap. 1, pp. 4-5.

<sup>45</sup>"Election in California Is Dominated By Wets," New York Times, Nov. 20, 1932. Shuler ran on the Prohibition ticket. Polling 500,000 votes, he placed third behind William G. McAdoo, the winner, and Tallant Tubbs. McAdoo and Tubbs received a combined total of 1,500,000 votes.

<sup>46</sup>"The Magazine's Future," Bob Shuler's Magazine, 11, No. 10 (1932), 537.

<sup>47</sup>Trinity Methodist, South v. FRC, p. 851.

<sup>48</sup>"The Magazine's Future," Bob Shuler's Magazine, 11, No. 10 (1932), 537.

<sup>49</sup>"Shuler's New Appeal," Broadcasting, Dec. 15, 1932.

<sup>50</sup>Trinity Methodist Church, South v. FRC, 288 U.S. 599, 53 S.Ct. 317.

<sup>51</sup>However, Shuler did buy time on station KNX in Los Angeles during his campaign for senator. "My First Radio Address After the Battle," Bob Shuler's Magazine, 11, No. 8 (1932), 492. Also, several years later in 1943, Shuler spoke regularly over KPAS in Pasadena. When the FCC asked the station to send copies of Shuler's broadcasts, the station cancelled Shuler's time. "Shuler's Radio Time Cancelled," Los Angeles Times, Jan. 29, 1943.

<sup>52</sup>Bob Shuler's Magazine, 12, No. 1 (1933), 613.

<sup>53</sup>Interview with George Lyon, Los Angeles, Dec. 22, 1974.

<sup>54</sup>Interview with Shuler's attorney's son, Wiley Bunn, Los Angeles, California, Dec. 26, 1974.

<sup>55</sup>Interview with member of Trinity congregation,  
Fanny Jackson, Los Angeles, California, Dec. 24, 1974.

<sup>56</sup>Duncan, p. 72.

<sup>57</sup>"Crusader Dies at 86," Los Angeles Herald-Examiner,  
Sept. 12, 1965.

## CHAPTER V

### SUMMARY AND CONCLUSIONS

#### Summary

Broadcasting, as we know it today, emerged around 1920 when KDKA and other radio stations began to transmit radio signals with an audience in mind. At this time radio communication was controlled by the Radio Act of 1912 which contained regulations for point-to-point procedure by ships. The law also required radio transmitters and radio operators to be licensed by the Secretary of Commerce. The Radio Act did not allow the Secretary discretionary power in giving licenses, however, and anyone who applied could receive one. The concept of broadcasting was born under the Radio Act of 1912.

Due to the rapid increase in the number of radio stations and the absence of any authority to regulate license violations, the airwaves became hopelessly jumbled with interference. Congress finally passed new radio legislation in 1927 which was aimed at solving radio's apparent problems. The Radio Act of 1927 provided for some discretion in controlling radio, but failed to outline specific programming standards for

broadcasters. Instead, broadcasters were to operate their stations in the "public interest, convenience, and necessity." The Federal Radio Commission, established by the 1927 Act, was the authority for insuring compliance with the vaguely stated directive.

The phrase, "public interest, convenience and necessity," had to be defined and redefined as radio broadcasting continued to grow. The definitions occurred through decisions of the FRC which were then tested in the courts. One of the earliest such definitions came from the famous Brinkley case. John R. Brinkley used his radio station KFKB to advertise his various commercial interests and prescribe treatment for his radio patients whom he had never seen. When he applied for his license renewal on March 20, 1930, the FRC scheduled a hearing to determine if Brinkley's broadcasts were in the public interest. Deciding against Brinkley, the FRC on June 13, 1930, instructed KFKB to leave the air. On February 2, 1931, the Court of Appeals for the District of Columbia sustained the Commission's decision. The result of the Brinkley case was the Court's recognition of the FRC's authority to consider past programming in determining future service in the public interest. This concept was affirmed a little more than a year later in the Shuler case.

Robert Pierce Shuler, pastor of Trinity Methodist Church, South and operator of station KGEF, was a very civic-minded clergyman who exposed the corruptness of Los Angeles politics and politicians in the 1920's and 1930's. Shuler was born in a log cabin in Virginia on August 4, 1880. Coming from a poor background, Shuler's family even made all their own fabric for clothes.

Shuler's later life seemed to be greatly influenced by the strong moral precepts of his parents. He never smoked and always was against drinking, lewd dancing, and other vices of the human flesh. Much of Shuler's determined character probably came from his father who never hesitated in standing up when he believed he was right. Shuler's mother was determined, too, in encouraging her husband to return to school and become a minister. Shuler's father graduated from Emory and Henry College at the age of thirty-two, and pastored many churches in the Methodist denomination.

While in his first year of college, Shuler was ordained as a minister in the Methodist Church. After receiving an A. B. degree from Emory and Henry College, he began his ministry in small coal-mining towns of Virginia. Shuler was violently opposed to the use of liquor. In Virginia, he encountered resistance to his views on liquor. Shuler met his wife, Miss Nellie Reeves,



in Elizabethton, Tennessee, where he preached for a year. In the fall of 1906, Shuler was sent to Texas where he pastored churches in Temple, Austin, and Paris. He was also in charge of the Grand View circuit of churches in Texas. Shuler's views toward liquor caused him to be very unpopular with many Texas Methodists, and soon no church in the State wanted him as minister. On September 27, 1920, Shuler was sent to Trinity Methodist Church in Los Angeles, California. The Trinity church at the time had around one thousand members and was badly in debt. Shuler believed his Los Angeles appointment was a way to get him out of Texas where he was widely disliked for his loud protests against drinking.

Los Angeles, with its movie industry and frontier spirit, was a city of corruption in the 1920's. Many of the conditions in Los Angeles were intolerable to Shuler who soon began to speak out against organized graft and vice in the city. At first, Shuler's only medium of expression was his pulpit at Trinity Methodist Church and his magazine. However, due to his widespread campaign against evil, Shuler began to collect a large group of admirers. One such admirer was Mrs. Lizzie Glide, a wealthy widow from Berkeley, California, who agreed to donate \$25,000 to Shuler for the purchase of a radio broadcasting station. Shuler appealed for additional

funds from his congregation and bought broadcasting equipment for radio station KGEF. Shuler totally owned KGEF, but its operation and upkeep was accomplished through an unique arrangement in which Trinity Methodist Church, South was licensee of record and Shuler merely the principle speaker. KGEF was first licensed on December 29, 1926. The studio and operating room were in the tower of the Trinity building. The broadcast tower stood right beside the building on the premises of the Trinity Church. (See Appendix E.) Sharing time on its frequency of 1300 kc with KTBI (later KFAC), KGEF operated twenty-three and one-quarter hours per week. The broadcasting transmitter was a Western Electric 106-B.

Shuler was on the air for only three hours a week, but still managed to become involved in a great many civic issues in Los Angeles. He felt it his duty to inform his radio audience of what he perceived as unscrupulous activities in Los Angeles by the city government and certain wealthy individuals. No one in the public eye was immune from Shuler's broadcasts. Shuler criticized mayors, grand juries, lawyers, judges, the police department, the Bar Association, and all forms of public officials. These attacks were usually based on information Shuler received through many secret informants. Often Shuler would not openly accuse; he would use a polished technique

of innuendo, subtly suggesting that "certain parties might be involved" in corrupt activities.

Twice Shuler's radio talks caused him to be convicted of contempt of court. In the first case, Shuler had discussed the pending trial of a famous theatre owner's wife. In the broadcast, Shuler predicted the trial would result in a hung jury and even stated that he could name the juror who would accomplish the feat. Based on his broadcast, Shuler was held in contempt on two counts. He was fined \$25 on one count and \$50 on the second. In the second contempt proceeding, most of Shuler's objectionable talks were in regard to Judge Marshall McComb's official actions in the Julian Petroleum trials. The Julian Petroleum Corporation had heavily overissued its stock causing over forty thousand stockholders to lose large sums of money. In various broadcasts during a three-month period, Shuler accused McComb of shirking his official duty and of trying to aid the Julian defendants whom Shuler despised and mistrusted. Shuler was convicted on six counts. He spent fifteen days in jail and paid a fine of \$100.

Shuler made many enemies through his broadcasts over KGEF, and several wrote letters to the FRC in Washington complaining of Shuler's broadcasts. One letter was written by George Lyon, a Los Angeles businessman. Although

he had never been mentioned by Shuler over KGEF, Lyon later proved to be Shuler's chief adversary. Because of the complaints of Lyon and others, when KGEF applied for a license renewal on September 9, 1930, the Commission decided to hold a hearing to determine whether Shuler was operating KGEF in the public interest. Beginning at the time of the hearing, Shuler was forced to operate KGEF on temporary licenses while the matter was pending. The hearing was held from January 8, 1931, to January 24, 1931, in Los Angeles. Shuler's defense was handled by attorneys Thomas Bunn and Philip Dodson. Lyon, who was admitted as respondent in the hearing, was represented by Thomas Littlepage and Lloyd Nix. FRC Chief Examiner Ellis Yost presided over the hearing, and Assistant General Counsel Ben Fisher of the FRC served as legal advisor. Shuler's hearing in Los Angeles was the first radio hearing ever conducted outside Washington, D.C., and was also the first in which outside parties handled the prosecution.

The lengthy hearing was complete with all the excitement of a major scandal. Spectators crowded the small hearing room and frequently responded to various testimony with hisses, catcalls, laughter, and applause. In the first two days of the hearing, Shuler presented reasons why his broadcasts were in the public interest.

Most of the testimony introduced at this time was in reference to motives, goals, and results of Shuler's radio talks. Lyon's attorneys monopolized the next eight days in presenting fifty-five witnesses who testified that Shuler was a menace to Los Angeles and should be taken off the air. After the prosecution's case, it was Shuler's turn again and he presented over forty witnesses to rebut each point raised by Lyon's attorneys.

On August 7, 1931, Chief Examiner Yost submitted his report to the Commission. Yost was careful to describe in detail the hearing in Los Angeles and concluded with six points. The first three dealt with the proper conduct of broadcasters in relation to their special privileges to reach the public via the airwaves. The fourth stated that Shuler had, on some occasions, broadcast information which he had not properly investigated. The fifth discussed the limited amount of radio frequencies, which meant that broadcasters had to operate their facilities in the public interest. Yost's last conclusion stated that the public interest would be served by continuing Shuler's station. He recommended the license of Trinity Methodist Church, South be renewed.

Lyon's attorneys, Littlepage and Nix, filed exceptions to Yost's report on September 26, 1931. They contended that Yost's recommendation was incorrect because

he too strongly emphasized Shuler's popularity with his church. Also, they thought that the "verbal lease" arrangement of KGEF was contrary to the Radio Act of 1927. Another argument held that Examiner Yost had improperly considered the non-Shuler broadcasts over KGEF; it was posited that the decision had to be reached on Shuler's broadcasts alone. Littlepage and Nix requested oral argument before the Commission. Shuler's attorneys answered all exceptions, but the request for oral argument was granted.

The oral argument was held before the five-man Commission on September 26, 1931, and lasted two hours. Shuler appeared on his own behalf and possibly hurt his case by references to an unnamed Commissioner who was said to be Roman Catholic. There was no such Commissioner. The Commission released its decision on November 13, 1931. Based on ten different grounds, the Commission sustained the objections by respondent and ordered station KGEF off the air, effective immediately.

Shuler appealed his case to the Court of Appeals for the District of Columbia. The Court denied a stay order which would have allowed KGEF to remain on the air while the appeal was pending. Louis G. Caldwell joined Shuler's legal staff. The appellant's arguments were based on three points: (1) that the Commission's decision was

unconstitutional; (2) that the Commission's decision violated the Radio Act of 1927 and (3) that the Commission's findings were not supported by substantial evidence. Caldwell's main contention was that Shuler was being denied freedom of speech because his future comments were censored, based on past conduct. According to Caldwell, this constituted "previous restraint," a concept held unconstitutional by the Supreme Court in Near v. Minnesota. Caldwell also argued that Shuler was being denied his property and liberty without due process of law.

The Commission denied that its decision violated either the Constitution or the Radio Act. The attorneys for the Commission contended that Shuler's free speech was forfeited because Shuler was using a radio station to express his opinions. They stated that broadcasters were under the jurisdiction of the FRC, authorized by an act of Congress through its power to regulate interstate commerce. As such, examination of Shuler's past conduct over KGEF was neither censorship nor denial of free speech, but merely means to determine if the public interest had been served--the standard by which Congress intended radio to be governed. The Commission's attorneys further contended that Shuler had been given due notice of every action before the Commission and had not been

deprived of his property or liberty without due process of law. The frequency KGEF operated on was, in effect, on loan to Shuler. And, what the FRC lends can be taken away.

On November 28, 1932, the Court announced its affirmation of the Commission's decision in deleting station KGEF from the air. In the court's opinion, none of Shuler's arguments had merit. On December 14, 1932, Shuler sought an appeal to the Supreme Court of the United States, but was denied a hearing. Shuler finally gave up all hope for KGEF. Without his radio station, Shuler's popularity and influence gradually decreased over a period of years, but he never quit fighting against what he considered sin and graft in Los Angeles. He retired as pastor of Trinity Methodist Church in 1953, and died in El Monte, California, September 11, 1965. He was eighty-six years old.

#### Conclusions

"Fighting Bob" Shuler was perhaps one of the most vigorous and uncompromising broadcasters who ever took to the airwaves. He spoke out courageously whenever he found what he felt was civic corruption and vice. He broadcast names, dates, and events. There can be little doubt that Shuler really believed in what he was doing,



and had only the best motives. In many cases his accusations proved correct, and he was instrumental in uncovering illegal practices and the people who followed them. However, it appears that Shuler was not always justified in his attacks and accusations. Certainly his broadcasts concerning Judge Collier's involvement in R. C. Friday's suspension were false. It seems also that he greatly over-generalized about the corruptness of the Bar Association, the police department, and the courts. And, obviously he was prejudiced against the Roman Catholic Church.

But what drove Shuler to continue issuing unwarranted statements is difficult to determine. Perhaps it was his audience who had learned to expect, and even demand, sensation after sensation. Perhaps it was his frontier Protestant ethic, that no issues were gray, but either black or white, right or wrong. Perhaps it was simply that he did not have the time or facilities to check on the increasing amount of information that came to him. The fact that people fed him information--indicating a trust in his effectiveness to "do something," to at least expose it--bears mentioning. He must have been the hero of the "little people" of Los Angeles who attended his words in droves. Maybe Shuler strongly identified with these people and felt he had a mission to expose illegal and immoral acts, for their sake, for the sake of his

people. After all, he was one of them. Possibly he was the Jack Anderson of the 1920's, informing the public of political misdeeds.

Shuler's testimony at the Los Angeles hearing seems to indicate that he viewed his errors as due merely to the shortcomings of human nature, present in everyone. When in the wrong, only an apology was needed and everything would be all right. It could be that Shuler did not actually realize the power he had. Los Angeles politicians greatly feared Shuler. George Lyon, during the FRC hearing and before KGEF had been silenced, was avoided by many of his former "friends" in high places. They were afraid that if they were seen with Lyon, Shuler would attack them over KGEF.<sup>1</sup>

It is obvious that Shuler believed that he was in trouble, not because of the inaccuracies contained in his broadcasts, but because of the subjects of his broadcasts. He firmly believed that the wealthy and powerful men he attacked were behind the movement to quiet his microphone. Shuler often pictured himself as the helpless lamb surrounded by vicious wolves--wolves with much more power than the lamb could ever attain. The wolves were always trying to get Shuler who was only trying to help the down-trodden common man. Although a bit melodramatic, this analogy appears to have been based on a great deal of

truth. Indeed, some of Shuler's accomplishments were impressive, and doubtless they made enemies for him among some powerful people. He played an important role in molding public opinion against forceful men like Asa Keyes and Lloyd Nix. He continually made public servants and judges account for their official actions, asking questions such as: Why was Captain Pelletier framed? Why did Judge Keetch dismiss the 1926 grand jury at the time he did? Why were prostitutes paying only small fines in Judge Bullock's court?

Shuler feared no one, regardless of wealth, position, or power. And because of his fearlessness in his accusations against the powerful, there were certainly some very powerful men lined up against Shuler.<sup>2</sup> It would have been surprising if they had not used their influence and wealth in fighting Trinity's minister. Indeed, the entire license-challenge action against Shuler smacked of politics. To begin, the question might be asked, why was there an FRC hearing at all. KGEF had from the beginning always complied with the FRC's technical requirements for operation of a radio station.<sup>3</sup> Further, Shuler never broadcast indecent or obscene language. Rather, the only ground for the hearing was that the Commission was unable to determine if the "public interest, convenience, or necessity" was being served by KGEF. The Commission's

doubt as to KGEF's operation in the public interest was due to several letters written by different individuals in Los Angeles. Their letters complained of Shuler's civic broadcasts. The letters opposed Shuler's radio talks because he frequently attacked or accused of wrongdoing various public individuals and organizations. These people, of course, denied any wrongdoing.

If Shuler's radio victims felt they were slandered, they could have sued Shuler for defamation. Then, if they had won their suits, Shuler would have had to pay damages. And with Shuler's guilt established in a court of law, they could have petitioned the FRC, showing recurring evidence of Shuler's abuse of his license to broadcast. Yet Shuler had been sued for defamation only once, and this suit was dismissed before coming to trial at the plaintiff's request.<sup>4</sup> Now, here was a group of concerned Los Angeles "taxpayers and citizens"<sup>5</sup> (who was probably the very Los Angeles establishment attacked by Shuler<sup>6</sup>) asking the FRC to determine whether the minister's accusations were true or false. If false, the Commission should remove KGEF from the air because its continued operation would not be in the public interest. One inference that could be drawn from this situation is that the Los Angeles "citizens" were afraid Shuler could prove the truth of his statements in a court of law. So,

they decided to "try" the case before the FRC. Thus the FRC became judge and jury in what amounted to a slander suit.

It must be remembered that the FCC (then the FRC) is not, strictly speaking, a court of law. But, because of its quasi-judicial design or purpose, the Commission must observe judicial standards in hearings. For example, evidence must be received and examined, and facts must be verified before a decision can be made. The resulting decision must be supported by proven facts rather than capriciously determined.<sup>7</sup>

The hearing in Los Angeles was unprecedented in the FRC's dealings with license renewals. First of all, it was the first time ever that the Commission had conducted a hearing outside Washington. Why the FRC chose to have the hearing in Los Angeles is unknown, but the decision clearly did not enhance Shuler's standing in the community. For two weeks front page stories in "anti-Shuler" newspapers reminded the citizens of Los Angeles that Shuler was, in effect, on trial for abusing his radio license. Second, the Los Angeles hearing marked the first time that outside parties were allowed to conduct the case against the applicant.<sup>8</sup> George Lyon, completely unknown to Shuler, appeared from nowhere and fought the minister persistently to the end. It seems hard to

believe that Lyon's only motives were that he was a "taxpayer and citizen."

In Shuler's case, the Commission, after hearing two hours of oral argument, decided to overturn Examiner Yost's position. In presenting its statement of facts, the Commission set forth several of Shuler's alleged broadcasts as reasons for reversing Yost's decision. Yet the Commission did not address itself to Shuler's (seemingly valid) explanations, defenses, or denials of these broadcasts. In two instances, the Commission conveniently omitted part of Shuler's testimony causing Shuler to be misrepresented.<sup>9</sup> Seemingly, several of the reasons given for the Commission's decision were invalid, not based on proven facts.

Ignoring what may be a biased selection of available evidence, it appears that some of the FRC's grounds for decision had merit. Shuler did, in some cases, attack certain individuals and organizations without all the facts. He did, on occasion, comment unfavorably on Roman Catholicism. And, many of Shuler's broadcasts were probably sensational rather than instructional or entertaining. Also, the Commission's ground based on Shuler's contempt of court convictions was valid. On the other hand, it was never proved that Shuler's comments on Catholicism prompted "religious strife and antagonism"<sup>10</sup>

as contended by the Commission. Further, the Radio Act of 1927 did not prohibit sensational broadcasts. And the Commission failed to mention one important aspect of Shuler's contempt charges; he was found in contempt not because his broadcasts were untrue, but because he made them while certain court cases were pending. Whether the Commission's decision regarding KGEF was the "right" action is impossible to determine today. Some evidence did support the decision. But, the evidence against Shuler was far from overwhelming.

The Court of Appeals denied Shuler a stay order permitting KGEF to remain on the air while the case was pending. The denial was contrary to normal procedure at the time. Even Brinkley had been granted a stay order.<sup>11</sup> After hearing Shuler's case in two days, the Court waited almost eight months before announcing its decision to affirm the Commission. Shuler was convinced the Court was awaiting the outcome of the 1932 elections in which he was a candidate for U.S. Senator. Curiously, the announcement came just twenty days after Shuler's defeat at the polls. Judging from the Court's written opinion, it appears that testimony from the FRC hearing was not closely reviewed.<sup>12</sup> In its opinion the Court drew its descriptions of Shuler's broadcasts not from the hearing transcript, but from the Commission's report, the FRC's

brief to the Court, and Intervener Lyon's brief to the Court.<sup>13</sup>

Regardless of how "fair," the Court's decision established important precedents for later broadcasters. In the Shuler case the Appellate Court adopted a definite stance on the free speech issue. The Brinkley case was the first that raised the question as to whether the FRC's examination of past program conduct was legal. But, Brinkley's case did not really deal with the exchange of political views and opinions in the free marketplace of ideas. Brinkley's broadcasts were designed to make a profit; Shuler's, to wake up an unaware populace. Brinkley advertised his bogus medical products; Shuler disseminated information and opinion aimed at exposing what he felt to be graft and corruption.

Shuler's concerns were the very reason the First Amendment was added to the Constitution. The Constitution, upon emerging from the Federal Convention of 1787, contained no declaration of human rights. The people of the new nation demanded that a bill of rights be added. They wished to eliminate censorship and its vicious twin, seditious libel. (Seditious libel was, basically, any criticism of government, law or government official; truth was no defense.)<sup>14</sup> Now here was Shuler being punished--his station receiving the death sentence of



loss of license--for seemingly criticizing government and government officials. If radio has any claim to First Amendment protections, surely here was a situation in which that protection should have been extended. But from the decision handed down in regard to KGEF, it appears Shuler was not protected by the First Amendment. Apparently, the FRC had the constitutional and legislative authority to regulate radio in seeming contravention to First Amendment protection; radio communication was interstate commerce and radio frequencies were a relatively scarce medium. The concept has been restated in two landmark decisions:

Freedom of utterance is abridged to many who wish to use the limited facilities of radio. . . . Because it cannot be used by all, some who wish to use it must be denied.<sup>15</sup>

A broadcaster seeks and is granted the free and exclusive use of a limited and valuable part of the public domain. . . . After nearly five decades of operation, the broadcasting industry does not seem to have grasped the simple fact that a broadcast license is a public trust subject to termination for breach of duty.<sup>16</sup>

The Shuler case also established that the FRC's decision to refuse license renewal does not constitute deprivation of property without due process of law, a violation of the Fifth Amendment. The Court ruled that frequencies in the electromagnetic spectrum for broadcasting are merely loaned, and not given. As such, they

can be taken away without compensation.

When Congress imposes restrictions in a field falling within its scope of legislative authority and a taking of property without compensation is alleged, the test is whether the restrictive measures are reasonably adapted to secure the purposes and objects of regulation. If this test is satisfied, then the enforcement of uncompensated obedience to such regulation is not an unconstitutional taking of property without due process of law.<sup>17</sup>

One cannot help but wonder how Shuler would have fared if his case had occurred today. On June 1, 1949, the FCC issued a report urging that broadcasters take definite stands on controversial issues. Now known as the "Fairness Doctrine," the report stated that "licensee editorialization is but one aspect of freedom of expression by means of radio,"<sup>18</sup> that a broadcasting station was obligated to present all sides of a controversial issue. In view of this, if the Shuler case were a current one and if Shuler had been scrupulous in following the spirit of the Fairness Doctrine, his renewal would probably not have been denied based on his accusations and attacks. His opponents would have been forced to find other grounds or to resort to a defamation suit in civil court. In other words, here was an historical example by which the Fairness Doctrine could have saved a station's license. But the Fairness Doctrine was eighteen years too late for Shuler.

It is perhaps unfortunate that the Shuler case occupies the stature it does in broadcast law. Outside of the technical legal questions involved, it seems there were just too many suspicious actions surrounding KGEF's deletion. But over the years, these questionable actions have sunk into obscurity. Based on brief mentions of Shuler in textbooks, people today probably think Shuler was a raving maniac who constantly rushed into matters half-cocked. That, too, is unfortunate. "Fighting Bob" Shuler--the man, the minister, the broadcaster, the muck-raker, the crusader--reflected an extraordinary era in radio broadcasting. The era produced many spectacular radio performers who exploited the powerful medium for profit. But Shuler used radio to inform the masses. Armed with a little information, a little "show biz," and a one kilocycle radio station, Shuler kept corrupt Los Angeles politicians on the run for four turbulent years.

## NOTES

<sup>1</sup>Interview with George Lyon, Los Angeles, California, Dec. 22, 1974.

<sup>2</sup>Supra, chap. 4, p. 76. In the letter from Lyon to Littlepage, one can see the array of individuals and organizations who were felt should contribute in getting Shuler off the air. It would be hard to imagine any of Shuler's victims who were not in at least one of the listed organizations.

<sup>3</sup>Testimony transcripts, pp. 33, 34.

<sup>4</sup>Plaintiff in the case was Chief James Davis. Supra, chap. 3, pp. 38-40.

<sup>5</sup>Supra, chap. 4, p. 77.

<sup>6</sup>See note 2.

<sup>7</sup>The courts, on several occasions, have had to remind the Commission of its judicial responsibility in conducting hearings. See White v. FRC, 29 F. (2d) 113-115; Saginaw Broadcasting Co. v. FCC, 96 F. (2d) 554-559.

<sup>8</sup>It is interesting to note that the FCC did not even allow representatives of the general public or citizens groups to intervene in license renewals until forced to by the courts in 1969. Office of Communication of the United Church of Christ v. FCC, 359 F. (2d) 994.

<sup>9</sup>The first instance regarded a question asking Shuler if he had, in effect, tried Judge Collier, the Friday case, and the Bar Association over KGEF. The Commission stated that Shuler replied, "yes." The actual testimony reveals that Shuler only admitted to not knowing all the facts. Supra, chap. 3, p. 48. For second instance, see Supra, chap. 3, pp. 61-62.

<sup>10</sup>FRC, Statement of Grounds, p. 11.

<sup>11</sup>Supra, chap. 1, p. 5.

<sup>12</sup>Trinity Church v. FRC, p. 852. Shuler, through stipulation of the Court, was compelled to reproduce an abstract of the testimony. Approved by the Court and FRC, the abstract ran just under 1,000 pages and cost a great deal of money. "Mr. Caldwell and KGEF," Bob Shuler's Magazine, 11, No. 3 (1932), 372.

<sup>13</sup>FRC, Statement of Grounds. Brief for Appellee, Brief for Intervener, Trinity Methodist Church v. FRC. The \$100 incident is in the Court's decision. Supra, chap. 3, pp. 61-62. The Court said Shuler freely spoke of "pimps" and "prostitutes." Supra, chap. 4, in note 33. The Court said Shuler "alluded" to Jews as a race. In his brief to the Court, intervener "alluded" to Jews, too--a total of three broadcasts of which only one was very significant.

<sup>14</sup>Zechariah Chafee, Jr., Free Speech in the United States (Cambridge, Mass.: Harvard Univ. Press, 1948), pp. 4-6, 18-21; Edward G. Hudson, Freedom of Speech and Press in America (Washington, D.C.: Public Affairs Press, 1963), p. 2.

<sup>15</sup>National Broadcasting Co. v. U.S., 319 U.S. 190.

<sup>16</sup>Office of Communication v. FCC, pp. 994, 1003.

<sup>17</sup>Trinity Church v. FRC, p. 853.

<sup>18</sup>FCC, In the Matter of Editorializing by Broadcast Licensees, Docket No. 8516, 13 FCC 1246.

## APPENDICES

APPENDIX A

RESOLUTIONS ADOPTED BY THE THIRD QUARTERLY CONFERENCE  
AND THE BOARD OF STEWARDS OF TRINITY METHODIST  
EPISCOPAL CHURCH, SOUTH, LOS ANGELES,  
CALIFORNIA, MAY 7, 1928

To the Presiding Elder and Members of the Third Quarterly  
Conference:

Whereas, It is generally known and recognized  
throughout the city and more distant places including  
several States, that Radio KGEF of Trinity Church is now  
a most powerful agency for righteousness, from both a  
civic and a spiritual viewpoint.

Whereas, To our city have come many definite good  
results which are well known to all who have given these  
matters their attention; therefore

Be It Resolved, That this Quarterly Conference goes  
on record as being fully advised as to the wonderful  
achievements for good that have been accomplished.

Resolved, That we desire to express to Mrs. Lizzie  
H. Glide, who was most instrumental in the establishment  
of this broadcasting station, our continued appreciation  
for her wonderful gift.

Resolved, That we desire Mrs. Glide to know that her  
financial aid in the establishment of this station has

provided an agency for good that only Eternity can measure.

Resolved Further, That our Secretary be instructed to copy these Resolutions on the Record Book of this Conference, and to forward a copy of same to Mrs. Glide.



APPENDIX B

RESOLUTIONS OF THE WOMEN'S CHRISTIAN TEMPERANCE UNION,  
FEDERATION OF LOS ANGELES CITY,  
MAY 16, 1930

Whereas, The Los Angeles City Federation of the Women's Christian Temperance Union respect and revere the Reverend Robert P. Shuler for his splendid courage and efforts for civic righteousness and

Whereas, The Los Angeles City Federation of the Women's Christian Temperance Union feel there never has been any other individual man who has accomplished as much good for the whole people of South California; therefore

Be It Resolved, That the Women's Christian Temperance Union of Los Angeles City Federation is standing back of Reverend Shuler with all the power of our prayer and faith, and further,

Be It Resolved, That a copy of this resolution be sent to Reverend Shuler, the FRC, the press of Los Angeles, and be spread upon the minutes of this meeting.

APPENDIX C

RESOLUTIONS ADOPTED BY THE FOURTH QUARTERLY CONFERENCE  
AND THE BOARD OF STEWARDS OF TRINITY METHODIST  
EPISCOPAL CHURCH, SOUTH, LOS ANGELES,  
CALIFORNIA, OCT. 4, 1921

To the Presiding Elder and Members of the Fourth Quarterly Conference:

Whereas, Our beloved pastor, Reverend Robert P. Shuler has so enthusiastically led and directed our people and so ably filled our pulpit during the past year; and

Whereas, He has more and more become a beacon light for God and Righteousness in our beautiful city; now therefore

Be It Resolved, That we the Fourth Quarterly Conference of Trinity Methodist Episcopal Church, South of Los Angeles, do hereby unanimously express our appreciation of Brother Shuler's wonderful leadership, and we pray God's richest blessings on him, his consecrated wife and family.

Be It Resolved, That we feel confident with his leadership, that Trinity Church has a mighty mission and a wonderful opportunity.

We vouchsafe the hearty support of our entire congregation in his undertaking a greater program for our Lord and Master during the coming year.

APPENDIX D



"Fighting Bob" Shuler, 1880-1965.

APPENDIX E



Trinity Methodist Church, South building located on Twelfth and Flower Streets, Los Angeles, California. In foreground stands KGEF's broadcasting tower bearing signs erected after the station was removed from the air.

APPENDIX F



KGEF's Funeral was held in the Trinity Building after the FRC deleted the station. The choir of the Trinity Methodist Church stands in the background along with two model broadcasting towers. "Fighting Bob" Shuler is beside the casket containing the microphone. The card in the casket bears the inscription: "Slain by the administration it fostered and the government it sought to serve."

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