

The Titans Become the Jets

By John Hogrogian

On Saturday, Dec. 15, 1962, the New York Titans finished their 1962 season. The Houston Oilers beat them 44-10. About 2,000 fans came to the Polo Grounds to watch the game.

The AFL office gave the players and coaches their final paychecks. The league had been covering the Titans' payroll since early November. The weekly payroll was about \$40,000. The league had advanced \$255,420.44 to the Titans to get them through the second half of the season. The league expected to get that money back from the Titans once the franchise had been sold. A sale was expected soon.

Harry Wismer was the embattled owner of the Titans. To state it more accurately, Wismer owned 80 percent of the shares in Titans of New York, Inc., a corporation that held the AFL franchise for New York. In all likelihood, he was still a millionaire. After losing \$2 million on the Titans, however, he was unwilling to invest any further capital in the corporation.

When the corporation ran out of money in November, the league kept the Titans running. Wismer and AFL Commissioner Joe Foss stated publicly that the franchise would soon be sold. When the regular season ended five weeks later, however, no sale had been consummated. Wismer was still in charge of the corporation, which still held the franchise and was deep in debt to all sorts of creditors, including the league.

December: Foss Acts

Commissioner Foss appeared to have been patient. The Titans were in blatant violation of Article XX, section 1, of the league constitution, which read:

"Each member club has agreed, subject to the provisions of this Constitution and By-laws, to organize and maintain in a solvent condition a professional football team in the city in which its franchise is located; to field a team whenever scheduled to do so; to pay promptly all financial obligations of said team ..."

The Titans were insolvent, were in default on most or all of their bills, and had come close to not fielding a team before the league stepped in.

Foss had given Wismer over a month to sell the team. When the season ended without a sale, Foss decided to invoke Article I, section 14, of the league constitution, which read:

"The Commissioner may, after notice and hearing, expel any member club, any director, officer or stockholder of the American Football League, cancel or forfeit the franchise of any member club or the interest of any director, officer or stockholder in any club in the American Football League ... if, in his opinion, it, he or they are guilty of any act or acts which are or may be detrimental to the American Football League or to the sport of professional football, provided the Commissioner's decision is approved and ratified by a vote of three-fourths of the member clubs."

The deplorable financial state of the Titans could easily be considered detrimental to the AFL.

On Dec. 22, Foss sent out notices of a league meeting to be held at 2 p.m. Jan. 4. The purpose of the meeting was to vote on the commissioner's decision to revoke the Titans' franchise. If the owners approved, Wismer and the Titans corporation would forfeit the franchise and receive nothing in return.

On Sunday, Dec. 23, the AFL enjoyed its best showcase ever. A league record crowd of 37,981 came to Jeppesen Stadium in Houston to watch the championship game between

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the Oilers and the Dallas Texans. Tied at 17-17 at the end of regulation time, the teams battled on until 2:54 of the sixth quarter, when a 25-yard field goal by Tommy Brooker gave Dallas the title.

January: Stalling for Time

Wisner was still looking for investors or buyers. New investors would enable him to stay on with the Titans, at least as a minority owner. A buyer would provide him, he hoped, with \$2 million to payoff the team's debts. Wisner had no luck, however. He found no one willing to bail him out.

On Jan. 4, Wisner reached a compromise with Foss. They agreed that the league would buy the stock of the corporation for \$1 million (and forgive the \$250,000 in advances to the team) if Wisner failed to arrange a sale by the end of March. Foss then called off his plan to revoke the franchise.

On Jan. 8, an as-yet unconnected event occurred in Baltimore. The Colts fired head coach Weeb Ewbank, who had led the team for nine years. Don Shula, an assistant coach with the Lions, was hired for his first head coaching job.

The AFL held its regular winter meeting in San Diego from Jan. 10-13. The league all-star game was to be played on the 13th in Balboa Stadium. Harry Wisner apparently didn't attend the meeting. On Thursday the 10th, Commissioner Foss said he could not reveal the identity of the candidates bidding to buy the Titans, but that "it's coming along well. We are in the midst of a deal on it." The league owners also voted to move the AFL headquarters from Dallas to New York. On Friday the 11th, Ted Barron of Boston told the press that he was the head of a syndicate that had bid \$1.5 million for the Titans. Also, the Houston Oilers announced a \$100,000 profit for the 1962 season, the first profit made by an AFL team.

On Sunday the 13th, the AFL West beat the AFL East 21-14 before 27,641 fans in Balboa Stadium and a national television audience on ABC. Dick Christy, Bob Mischak and Larry Grantham represented the Titans on the East squad. Grantham intercepted a pass and returned it 29 yards for a touchdown.

During January, Joe Foss paid a visit to New York City Parks Commissioner Newbold Morris. Commissioner Morris told Commissioner Foss that an AFL franchise would still be welcome in the new Shea Stadium, then under construction.

Foss and Wisner apparently had a falling out in mid-January. Foss accused Wisner of somehow violating the agreement they had reached on Jan. 4. Foss decided to reschedule a league meeting to revoke the Titans' franchise. He sent out the official notice Jan. 30, scheduling the meeting for Feb. 6 at 2 p.m.

Wisner consulted Sheldon Lowe, an attorney in Manhattan. Lowe advised him that by filing a bankruptcy proceeding in federal court, the Titans corporation could invoke that court's protection to delay the AFL's revocation meeting. The franchise itself was the property of the corporation. When a distressed corporation begins a bankruptcy proceeding, the court will prohibit any further actions against it by creditors until the court can examine the corporation's financial state.

Wisner decided to take this route.

February: Bankruptcy

On Feb. 5, something happened that had no apparent significance. Lawyers filed papers in Delaware to create a corporation called Gotham Football Club, Inc. Five wealthy men contributed capital to the corporation and owned its shares: David A. (Sonny) Werblin, president of MCA-TV; Donald C. Lillis, partner in a stock brokerage firm; Townsend B. Martin, a banker; Philip H. Iselin, an officer of Monmouth Park racetrack; and Leon Hess, an oil executive. All five were active in thoroughbred horse racing.

On Feb. 6 the AFL was scheduled to hold its meeting to revoke the Titans' franchise. But

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Wisner wouldn't go down without a fight. His lawyers filed papers in the United States District Court in Manhattan. The corporation, Titans of New York, Inc., declared itself insolvent and sought the protection of the court under Chapter XI of the Bankruptcy Act. Chapter XI allowed a corporation to reorganize and reschedule its debts if it showed promise of regaining its financial health if given a breathing space free from debt collectors.

Chapter XI was a different form of bankruptcy from the more common form of liquidation. In liquidation, much of a debtor's property is taken to satisfy his, her, or its debts; what remains unpaid is wiped out, or "discharged," in technical terms. In this case, the Titans corporation sought court protection from its creditors and an opportunity to reorganize.

Harry Wisner himself did not declare bankruptcy. His personal affairs remained apart from the affairs of the corporation. In all likelihood he remained a wealthy man.

The court received the papers and gave the case the number 63-B-110. The court issued an order that stayed any creditor actions against the Titans corporation, including the AFL's planned revocation of the franchise. The league complied with the order and again postponed the revocation.

The Titans' attorney didn't file a complete listing of debts that day. He said he had prepared the papers in a hurry and found that the team's "books and records were in a disorganized state." Among the papers he did file that day was an affidavit of Harry Wisner, as president of the corporation. Wisner stated that only two people remained on the team's payroll: coach Bulldog Turner, at \$400 per week, and a secretary, at \$105 per week. The team occupied a suite of three rooms, in the Chatham Hotel in Manhattan at a rent of \$1,000 per month. He calculated that the corporation had debts of \$1,341,000 and assets of \$271,999.

Wisner ungrammatically summarized his hopes for the future and the reasons for the team's distress this way:

"Moreover the outlook for the debtor is considerably brightened by the fact that it has obtained a commitment for the use of the new Flushing Meadow Park Municipal Stadium on the World's Fair site which will be ready for use and occupancy by it for the forthcoming football season. The debtor's difficulty arose in large part from the fact that the former facilities used by it, to wit: the Polo Grounds here in New York City were inadequate and wholly unsatisfactory in its facilities for the reason, amongst others, that there was no parking available for spectators who wished to attend the weekly League games. Moreover, the prior difficulty can be ascribed in part to the fact that the League and debtor's team were both in their infancy and suffering growing pains and the early years most necessarily have been devoted to develop an interest and enthusiasm for the League and the team. As hereinabove stated, these problems will be substantially overcome by the prospect of the availability of the Flushing Meadow Park Municipal Stadium with a seating capacity for 60,000 and parking facilities for 10,000 cars."

In a nutshell, Wisner believed that if he could just keep the team until he could move into Shea Stadium, the team would be profitable.

The AFL acted to protect its own interests. It filed a request to the court to allow the league to proceed with its planned revocation of the Titans' franchise. The court scheduled a hearing on the league's request for Feb. 25.

On Feb. 21 the attorney for the Titans corporation filed a detailed listing of debts and assets. The debts added up to \$2,028,881.52. The team owed \$168,284 in federal, state and city taxes; \$255,420 to the AFL for its advances during the season; and \$20,000 each to the Dallas Texans, Houston Oilers, Oakland Raiders, San Diego Chargers and Buffalo Bills. The minimum guarantee paid to visiting teams was \$20,000, so the Titans had paid no guarantees to the visitors in the last five games at the Polo Grounds.

The list of debts goes on for 16 pages. Included are all sorts of bills to all sorts of

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businesses, such as hotels, office suppliers, physicians and airlines. Of note was \$30,977 owed to the New York Mets for rent on the Polo Grounds; \$404,073 owed to the Irving Trust Co. of New York; and \$739,038 claimed by Harry Wismer himself for salary and sums advanced to the team. The creditors were located from coast to coast, including East Stroudsburg, Pa., the site of the 1962 training camp.

The list of property amounted to \$1,282,598. \$1 million of the total was for a lawsuit pending against Ted Barron and Harold Brown of Boston, who had been seeking to buy the team. The corporation had sued them in January for slander. There is no record of the Titans corporation ever collecting a dime from this lawsuit. Thus, \$1 million of the declared assets was actually an illusion.

The biggest other item of property was \$255,450, the value placed on the AFL franchise. That figure was practically identical to the amount owed by the team to the league for its advances during the season.

On Feb. 25, the court held a hearing on the AFL's request to be allowed to proceed with its revocation of the Titans' franchise. Joe Foss testified at the hearing, describing the Titans' financial woes and the AFL's financial assistance during the 1962 season. He said he had been seeking a buyer for the team since November. He added that Harry Wismer wanted to keep part of the stock in the team, a condition acceptable to none of the prospective buyers.

Among the papers in the court file is a form letter on the Titans' letterhead dated Feb. 25, addressed to "our subscribers" and signed by Harry Wismer. It boasts of the planned move into Shea Stadium and asks for continued loyalty. It is not known whether the letter was ever sent to anyone.

On Feb. 27 the court gave the AFL permission to recommence the process of revoking the franchise. The court apparently believed that the Titans corporation lacked the wherewithal to reorganize and operate the franchise profitably while repaying its debts.

The end was near for the Titans corporation.

March: A New Owner

On March 1 Sonny Werblin sent a letter to Joe Foss stating that the Gotham Football Club, Inc., offered to purchase certain assets from the AFL for \$1 million. Those assets included the Titans' franchise in the league, all contracts with Titans players and coaches, all draft rights of the Titans, all football equipment of the Titans, the right to use the name "Titans," and all office records and equipment of the Titans. Werblin made his offer to Foss, not Wismer or the Titans corporation.

In his letter, Werblin gave Foss until March 9 to accept the offer. In addition, the offer was contingent upon having a commitment to use the new Shea Stadium "along the lines previously discussed between us," and also upon having the use of the Polo Grounds should Shea Stadium not be ready for the 1963 season.

Attached to Werblin's letter was a list of 37 players under contract to the Titans. Although the contracts had various effective dates, each had an expiration date of May 1, 1963. The list noted that all 37 contracts contained a "one-year option clause."

Lee Grosscup had the highest annual salary, \$17,000. The other players' salaries were \$15,000 for Don Maynard; \$14,500 for Wayne Fontes; \$14,000 for Bill Mathis and George Strugar; \$13,000 for Johnny Green; \$12,500 for Lee Riley; \$12,000 for Bob Mischak; \$11,750 for Larry Grantham; \$11,500 for Ed Cooke; \$11,000 for Bill Atkins, Dick Christy and Alex Kroll; \$10,650 for Dick Guesman; \$10,500 for Gene Cockrell, Sid Fournet and Dainard Paulson; and \$10,000 for Bob Scrabis and Lavern Torczon.

The salaries in four figures included \$9,500 for Thurlow Cooper, Roger Ellis, Mike Hudock, Karl Kaimer, John Kenerson, Ed Kovac, Perry Richards, Bob Watters and Harold Stephens; \$9,000 for Hubert Bobo, Jerry Fields, Bill Shockley and Paul Hynes;

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\$8,750 for Curly Johnson; \$8,500 for Fran Morelli, Nick Mumley and Jim Tiller; and \$8,000 for Bobby Fowler.

Missing from the list was Art Powell, who didn't sign for 1962 but played under the option clause of his 1961 contract. He later signed a 1963 contract with the Oakland Raiders as a free agent. Alex Kroll's contract was marked as having a no-trade provision. Werblin didn't indicate the source of his contract information.

On March 8, Foss wrote to Werblin that the league had accepted Gotham's offer. On March 15 the court authorized the sale. The court noted that Harry Wismer had previously opposed any forfeiture or complete sale of assets, but that he now consented to the sale. The court further noted that Gotham's offer now had an expiration date of March 18.

The sale was consummated on March 28. Gotham paid \$1 million to the Titans corporation for its assets. The court, in turn, took control over that money to payoff some of the outstanding debts.

Harry Wismer was out. Sonny Werblin and his associates were in.

April: Two Paths Diverging

The Titans of New York, Inc., continued to exist in the bankruptcy process. It no longer held the AFL franchise for New York. The court would decide which creditors would share in the \$1 million that had been raised by the sale of the franchise.

The Gotham Football Club, Inc., now held the franchise. Sonny Werblin and his partners set out to revive a team that had lost its credibility.

From April 3-5, the New York *Times* carried news of a tax prosecution being pursued by New York City against Harry Wismer. On Tuesday, April 2, Wismer failed to appear for trial in New York City Criminal Court on charges of failure to register the Titans with the city as a business and failure to pay about \$36,000 in business and amusement taxes.

Wismer had pleaded innocent. His attorney, William Richter, argued that the Titans corporation, not Wismer personally, was responsible for the taxes. The court issued an arrest warrant but stayed its execution on Richter's representation that Wismer would appear the next day.

Wismer, however, did not show up in court on Wednesday. His attorney presented a doctor's affidavit stating that Wismer was confined to bed with arthritis and gout in his right ankle. The judge directed the city government to send a doctor to examine Wismer.

That physician turned out to be Dr. Marvin A. Stevens, a professor of orthopedic surgery at Bellevue Medical College and also a former football coach for Yale, NYU, and the Brooklyn Dodgers of the AAFC. On Thursday, Dr. Stevens told the court that Wismer was confined to bed at New York Hospital with gouty arthritis of the right leg. The judge postponed the trial until May 10.

The *Times*, however, didn't report on any further proceedings in this matter. The city received its back taxes of about \$36,000 from the \$1 million on deposit with the federal court in the Titans corporation's bankruptcy case. In all likelihood, the city simply dropped the criminal matter against Wismer upon receiving its money.

On April 16, Sonny Werblin presided over a press luncheon at Toots Shor's restaurant. Werblin made two announcements. One was that the Titans had been renamed the Jets. The new team colors would be green and white, replacing the black and gold of the Titans. The new name indicated a bond with the baseball Mets, with whom the Jets would share Shea Stadium when it opened.

Other names under serious consideration had been the Gothams, the Borros and the Dodgers. The baseball Dodgers objected to the use of their name; the name Borros

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referred to New York City's five boroughs but also conjured up images of jackasses; and the name Gothams would have been shortened to "Goths," a nickname too much associated with barbarian hordes pillaging Europe.

Werblin's second announcement was that the Jets had hired Weeb Ewbank as head coach and general manager. Ewbank said the Jets were no worse than the Baltimore Colts team he had taken over in 1954. He had brought a championship to Baltimore in five seasons.

"I've seen sicker cows than this one get well," he said.

Down the Road

The Jets had to play their 1963 schedule in the Polo Grounds, as Shea Stadium's opening was delayed until the spring of 1964. Once the Jets moved into the new stadium in the fall of that year, large crowds turned out to see the team. Joe Namath arrived in 1965, and the Jets beat the Colts in the Super Bowl in January 1969. Four veterans of the Titans played for the Jets in that moment of triumph: Don Maynard, Larry Grantham, Bill Mathis and Curly Johnson.

For the Titans corporation, the bankruptcy reached its conclusion in December 1963. The \$1 million was divided among lawyers, tax collectors, banks, and a huge number of creditors. Most creditors received 46.5 cents on the dollar. The AFL got back about \$119,000 of the \$255,000 it had advanced in the fall of 1962 to keep the Titans afloat. Bulldog Turner, whose 1962 contract called for \$20,000, had been paid only \$14,600; he finally collected \$2,500 of the unpaid \$5,400. Sammy Baugh had been paid only \$3,000 of his \$20,000 salary; he got \$7,750 of the \$17,000 balance. Harry Wismer received nothing from the bankruptcy distribution.

Wismer occasionally turned up in the pages of the *Times* after 1963. On Dec. 22, 1964, he accepted \$100,000 in settlement of a lawsuit in which he claimed that his option to buy a minority share in the Detroit Lions had been ignored when William Clay Ford bought the team in January 1964 for \$6 million.

On Oct. 22, 1965, Ensign Henry Richard Wismer, a 23-year-old student pilot in the Navy, died when two training jets collided in Texas. He was Harry Wismer's son.

And on Dec. 4, 1967, Harry Wismer died. A doctor at Lenox Hill Hospital said Wismer died of "a fractured skull and contusions of the brain, apparently caused in a fall." He was admitted to the hospital at 4 a.m. and died two hours later. He was 56 years old.