



## POLICY FORUM

Surgeon General Jerome Adams on opioid addiction

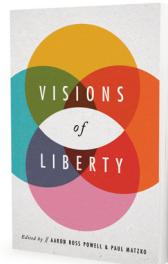
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# Cato Policy Report

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## How JFK Censored Right-Wing Radio

BY PAUL MATZKO

In the early 1960s, President Kennedy's administration launched one of the most successful censorship campaigns in U.S. history. The subjects of Kennedy's ire were conservative radio broadcasters, who constantly attacked the administration's policy proposals. Worried about his reelection chances, Kennedy instructed the Internal Revenue Service (IRS) and the Federal Communications Commission (FCC) to target the offending broadcasters with tax audits and heightened regulatory scrutiny. Within a few years, this censorship campaign had driven conservative broadcasters off hundreds of radio stations; it would be more than a decade before the end of the Fairness Doctrine enabled the resurgence of political talk radio.

To give a sense of the scale of what I call the "Radio Right," consider that the single 1960s broadcaster with the greatest reach—a fundamentalist preacher from New Jersey named Carl McIntire—had a weekly audience estimated at 20 million, which is comparable to the number of listeners that Rush Limbaugh could claim at his height

decades later. McIntire's show had gone from airing on just two radio stations in 1957 to airing on more than a hundred stations in 1960 and surpassing 475 stations in 1964. But McIntire was only one of a dozen conservative broadcasters who aired on at least a hundred stations nationwide.

The advent of the Radio Right was precipitous, catching contemporary observers

by complete surprise. As the major networks shifted their attention from radio to television during the 1950s, it opened the door for political outsiders from both the left and the right to gain a mass media foothold. Independent radio stations, which were often short on cash, were more willing than the networks had been to air controversial

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**PAUL MATZKO** is the assistant editor for tech and innovation at Libertarianism.org. His book, *The Radio Right: How a Band of Broadcasters Took on the Federal Government and Built the Modern Conservative Movement*, will be published by Oxford University Press in April 2020.

Cato has recently hosted two U.S. surgeons general. Left: **Joycelyn Elders**, who served as surgeon general under President Clinton from 1993 to 1994, participates in a policy forum in December on drug addiction. Right: **Jerome M. Adams**, incumbent surgeon general in the Trump administration, speaks in the F. A. Hayek Auditorium in January on his support for harm reduction measures in addressing opioid addiction.

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political commentary. As a result, an unprecedented torrent of conservative radio filled the airwaves.

Previous right-wing radio shows in the 1930s and 1940s had filled a weekly slot here or there, but the rise of the Radio Right gave most Americans access to radio stations that aired conservative programming all day, every day. During the morning drive, you might listen to a solid hour of attacks on the Kennedy administration's Cuba policy on H. L. Hunt's *Life Line* program. Then you could listen to the Christian Crusade as Billy James Hargis ferreted out supposed communist sympathizers at the highest levels of the federal government. Next came Howard Kershner's 15-minute weekly sermonizing on "the Christian religion and education in the field of economics." Perhaps your station, particularly if you lived in the South, aired *The Citizens' Council*, the radio home for white massive resistance to desegregation. During lunch, you might listen to McIntire's *Twentieth Century Reformation Hour* as he applauded the "Polish Ham Boycott." And throughout the rest of the day, one conservative program after another kept the same basic drumbeat: communists were everywhere, the Kennedy administration was weak, and only conservatism could save America.

President Kennedy had good reason to be worried about the effects of the Radio Right on his reelection hopes for 1964. In 1960, he had won by only the narrowest of margins, and that was before conservative radio had reached its full potential. It was when Radio Right listeners turned off their radio dials that their political action started. As Myer Feldman, one of Kennedy's close advisers, noted in a confidential memorandum to the president, conservative broadcasters had encouraged grassroots activists across the nation to "harass local school boards, local librarians, and local governing bodies."

The Attorney General launched what the IRS euphemistically called its 'Ideological Origins Project.'

#### THE POLISH HAM BOYCOTT

One group that Feldman specifically mentioned in the memo was the "card party movement." Starting inauspiciously in 1962 with a Miami chiropractor who was angry at Kennedy for liberalizing trade relations with Soviet-dominated Eastern Europe, the movement was then amplified by conservative radio into a national boycott of goods imported from behind the Iron Curtain. That included Yugoslavian wicker baskets and even Polish hams, giving the movement its name: the Polish Ham Boycott. Suburban housewives from across the country engaged in acts of populism, organizing excursions to local retailers that sold the offending products, littering the displays with small cards that bore slogans such as "Always Buy Your Communist Products at Super Giant!," and defying the police to arrest a bunch of respectable housewives. As a result of the boycott, the largest retailers in the country pulled the imports, and Congress officially rebuked Kennedy for his free trade policy.

The card partiers are just one example of how the Radio Right energized grassroots activism. Conservative broadcasters had also complicated Kennedy's push for the Nuclear Test Ban Treaty with the USSR in 1963, forcing him to spend political capital on an issue that had seemed like a sure thing before the Radio Right had gotten wind of it. Kennedy quickly concluded that advancing

his legislative agenda and winning reelection hinged on undermining these radio critics.

#### SICCING THE REGULATORS ON THE RADIO RIGHT

Indeed, in August of 1963 Kennedy was caught on an Oval Office tape recorder discussing his plans for the Radio Right with Myer Feldman. Kennedy told Feldman that the "Federal Communications Commission ought to be able to do something about *Life Line*" (one of the major conservative radio programs). Feldman assured the president that the FCC was indeed "going into it," before Kennedy responded with a cryptic reference to "the tax people."

What Kennedy and Feldman were discussing in that conversation was a plan hatched two years earlier by three of the administration's labor union allies, the brothers Walter, Roy, and Victor Reuther, who led the United Automobile Workers. The Reuthers had been approached by Robert F. Kennedy, the president's brother and the U.S. attorney general, who asked them for "whatever ideas you might have" about combating the Radio Right. The Reuthers drew up a 24-page list of proposals, which would later be called the "Reuther memorandum," and sent it to Robert Kennedy by the end of 1961. Two of the major proposals recommended using the power of the executive branch to target the political opposition.

First, the Reuthers recommended damming the flow of listener donations to right-wing radio programs by targeting conservative broadcasters with tax audits by the IRS. Ideally, these audits would result in the loss of tax-exempt status, but even the highly publicized investigations themselves "might scare off a substantial part of the big money now flowing." Second, the Reuthers recommended using the FCC's "Fairness Doctrine" regulations to force radio stations to balance their conservative programming with more

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## Fairness Doctrine enforcement singled out conservative speech for scrutiny.

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Kennedy-friendly coverage.

The Kennedy administration acted on both of these proposals. One of Robert Kennedy's aides contacted the office of the commissioner of the IRS to ask about “four or five organizations generally considered to be right-wing” and whether they had been audited recently. A few weeks later, the Office of the Attorney General generated a list of 18 conservative groups and broadcasts, including *Life Line*, that they sent to the IRS's audit division for “sample checks.” This launched what the IRS euphemistically called its “Ideological Origins Project.” Over the next two years, the Attorney General's Office repeatedly requested updates on the progress of the audits; Robert Kennedy asked to be kept “personally advised” and requested an expedited ruling on the audit of *Life Line*. As a result of the audits, multiple Radio Right programs had their tax-exempt status suspended or even revoked, leading to precipitous drops in funding for the targeted broadcasters.

### **WEAPONIZING THE FAIRNESS DOCTRINE**

Meanwhile, the other pincer in the administration's anti-Radio Right strategy began to close. A faction of progressive commissioners at the FCC wanted to enforce a set of rules known as the Fairness Doctrine, enacted several years before but rarely enforced. The Fairness Doctrine and associated regulations required broadcast license holders to air multiple points of view on “controversial issues of public importance,” such as whether a piece of proposed legislation was a good idea, and to give victims of personal attacks the right to respond to their attackers. It was an attempt to fight media bias by government mandate: represent multiple points of view or face the threat of Fairness Doctrine complaints at your next license renewal hearing.

Ostensibly the Fairness Doctrine was intended to be equitably applied to unbalanced speech from both sides of the spectrum, but

the Kennedy administration weaponized it for partisan gain. When Kennedy appointed E. William Henry as FCC chairman in 1963 in the middle of the Nuclear Test Ban Treaty fight, he told Henry, “It is important that stations be kept fair,” which signaled that Kennedy wanted FCC action to ensure more sympathetic coverage of the administration on the radio.

Henry's first major action as chairman was to announce a heightened focus on Fairness Doctrine enforcement in a July 26 statement that singled out conservative speech for scrutiny. Later in 1963, Henry issued a new legal requirement, the Cullman Doctrine, which stipulated that radio stations that aired paid personal attacks had to give the targets free response airtime. This led many stations to consider dropping conservative broadcasters who criticized administration officials altogether in order to avoid incurring additional costs for the station.

Henry had primed the regulatory apparatus; now it was time for the administration and its allies to take advantage. The White House and the Democratic National Committee (DNC) secretly financed two front organizations to use the threat of Fairness Doctrine complaints to intimidate stations into giving the administration more favorable coverage or even dropping right-wing programming altogether. For example, during the fall of 1963, the Citizens Committee for a Nuclear Test Ban sent demands for free

response time to every radio station that aired a conservative criticizing the treaty; indeed, it was a committee-generated complaint that gave Henry the pretext for issuing the Cullman Doctrine.

Even after Kennedy's assassination, a team led by seasoned Democratic operative Wayne Phillips organized a Fairness Doctrine campaign during the summer of 1964 to bolster Lyndon Johnson's campaign. In his after-election report, Phillips bragged to the DNC that he had secured 1,700 free broadcasts, though even “more important than the free radio time . . . was the effectiveness of this operation in inhibiting the political activity of these Right Wing broadcasts.” Conservative attacks on administration officials had “virtually disappeared” in the final weeks before the election thanks to their efforts.

Johnson's landslide election that November removed the need to continue the Fairness Doctrine campaign, which, of course, came with a risk of exposure as long as it was active. However, other liberal interest groups picked up the torch, including the National Council of Churches, which organized a multiyear anti-Radio Right campaign that had the behind-the-scenes support of multiple FCC commissioners as well as a congressional investigation into the “Radical Right” sponsored by Senate Democrats.

By the end of the 1960s, the Radio Right was a shell of its former self. Carl McIntire's show was hit the worst, with a station count that dropped from 398 in 1965 to 183 in just two years, but nearly every conservative program lost between a third and a half of its stations. Right-wing radio would not begin to recover until more than a decade later when the Carter and Reagan administrations ended enforcement of the Fairness Doctrine in stages. But the conservative-dominated talk radio that subsequently emerged in the late 1980s and 1990s is actually the second wave of mass, right-wing radio.

## THE EVER-PRESENT THREAT OF POLITICIZED REGULATION

The entire episode serves as a reminder of the vast, often hidden power of the executive branch to use its prerogatives to punish political opposition and suppress dissent. This is a bipartisan phenomenon; Nixon also used the threat of FCC regulatory scrutiny to shape broadcast coverage of his administration. As long as these regulatory tools existed, the temptation to use them for partisan gain proved irresistible.

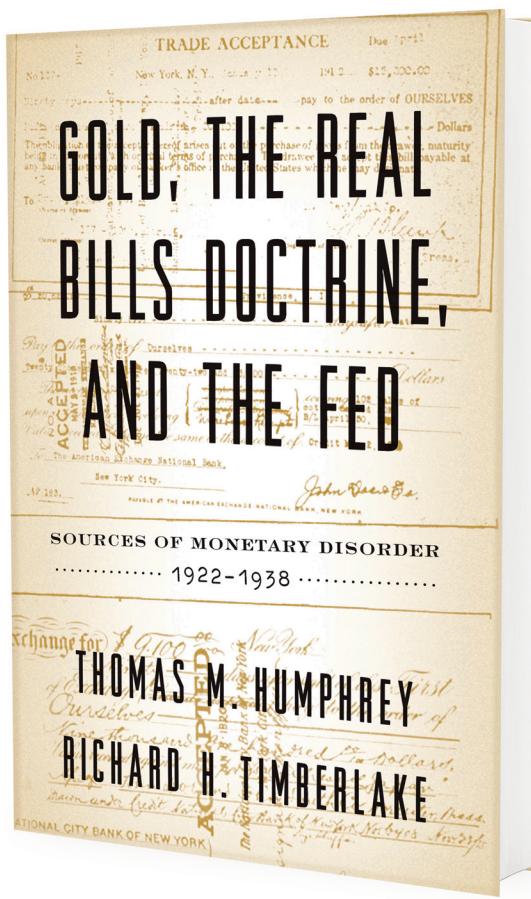
There is actually an echo of that episode in a tweet from President Trump. In July 2017, NBC reported that Trump had called for a “tenfold” boost in the U.S. nuclear arsenal. Trump, angry about the story, tweeted, “With all of the Fake News coming out of NBC and the Networks, at what point is it appropriate to challenge their license? Bad for country!” This made little sense

Kennedy had the Fairness Doctrine while Trump only wishes he did.

given that NBC itself does not actually possess a broadcast license—individual stations do—and the Fairness Doctrine is history. But that same impulse, to use executive power to suppress critical coverage of the administration, is precisely what led President Kennedy to order one of the most successful government censorship campaigns in U.S. history. The key difference is that Kennedy had the Fairness Doctrine at hand while Trump only wishes he did.

Today, however, there are those from

both the left and the right who would resurrect rules reminiscent of the Fairness Doctrine and apply them to the internet. Former Democratic Rep. Beto O’Rourke called for holding internet platforms liable for hate speech. And Republican Sen. Josh Hawley proposed legislation in 2019 that would have used an executive agency to prohibit online platforms from engaging in “political censorship,” a goal that sounds as admirable as the progressive effort to guarantee “fairness” in the 1960s. But if we can learn anything from that past episode, it is that we should expect any such rule to be weaponized for partisan advantage regardless of which party controls the executive branch. However bad the threat of biased, online content moderation may be, ham-fisted attempts to address it using government mandates will only generate significantly worse censorship problems. ■



“In my opinion, this is the most important book written on the Great Depression since Friedman and Schwartz published their *Monetary History of the United States*. . . . I strongly recommend this book to anyone who seeks to understand the economic history of America.”

—PHIL GRAMM, economist and former chairman, Senate Banking Committee

“[Humphrey and Timberlake’s] emphasis of the Real Bills Doctrine complements in an important way Anna [Schwartz] and my analysis of why Fed policy was so ‘inept.’ We stressed and discussed at great length the shift of power in the System. We did not emphasize, as in hindsight . . . we should have, the widespread belief in the Real Bills Doctrine on the part of those to whom the power shifted.”

—MILTON FRIEDMAN, recipient, 1976 Nobel Prize in Economic Sciences

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