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CARL McINTIRE: A STUDY OF HIS PHILOSOPHY AND USE OF THE MASS MEDIA

DISSERTATION

Presented in Partial Fulfillment of the Requirements for the Degree Doctor of Philosophy in the Graduate School of the Ohio State University

by

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1971

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CHAPTER I

INTRODUCTION

Freedom is everybody's business. Your business, my business, the church's business. And the man who will not use his freedom to defend his freedom... does not deserve his freedom. Amen.¹

Ladies and gentlemen, Italy has recognized Red China. The United Nations and the foundations in it are beginning to crumble as far as recognition of Red China is concerned. And Nationalist China...our friend...is going to lose its position in the United Nations...And the nations of the world are ready to appease the Communists. And the idea seems to be that if they are nice to Red China maybe Red China will be nice to the world. It's a fallacious and erroneous position and all in the world the Communists are doing are getting their gains and strengthening their position throughout the world so that they can take over and make this a Communist world. I can say to you without any reservations it is in my judgement that the weakness of our own country is this whole matter of standing up to communism which is responsible... for what is happening now with the advancements and recognition now being given to Red China.²

If you listen to this broadcast...you'll get something of the joy the believer has...you'll get something of our love for righteousness and truth and honor; you'll get something of our commitment to freedom and the great cause of liberty, freeing

¹This quote is standard at the beginning of every broadcast.
²Carl McIntire, Twentieth Century Reformation Hour Broadcast, May 16, 1967.
men from sin, freeing men from superstition, freeing men from delusions, freeing men from darkness, freeing men from slavery, freeing men from tyranny.\(^3\)

Well, I've got the documentation that she [Bernadette Devlin] is a Marxist, that she is a revolutionary. They're going to win the world for communism and you're sitting out there like a bunch of dummies and ignoramuses and you don't care; you're not going to stand up there and fight. Oh my dear friend, what is wrong with my country. What is wrong with you dear people. We've just had a political campaign in this country and the great issue ought to have been the winning of the war and the bringing of the boys home. No, they were played down...We've got to win! We've got to win! And the Communists said they're going to win and they will unless we stop them.\(^4\)

This radio broadcaster has his honest suspicions. And I have a right to them. And every last one of you better wake up and realize what's happening. Now you just wait a little while. A lot of things are going to come out.\(^5\)

Someone has to go out and command the nation and lift the banner and let's do it for victory.\(^6\)

These are samples of the substance and style of the messages of Dr. Carl McIntire conveyed over his radio program and through his newspaper. They represent many voices: McIntire the commentator surveying current events—political, social, economic, and religious;

\(^3\)Ibid.

\(^4\)Ibid.

\(^5\)Carl McIntire, Twentieth Century Reformation Hour Broadcast, May 16, 1967.

\(^6\)Ibid.
McIntire the proselytizer, exhorting, reviling, rebuking his followers to heed his word—which he claims is the infallible word of God—to cleanse America, exalt righteousness, and return the nation to its former role of defender of liberty and freedom; and McIntire the agitator, the wailing voice of discontent, asking people to follow him in his quest to reform society. But basically they constitute the voice of McIntire the advocate, seeking to influence public opinion and engineer consent for his social philosophy.

Carl McIntire is a complex figure, a man of many roles. His strident activities over the past forty years have made him a most controversial person in religion, and more recently, in politics. And it is his mixture of these two areas, a practice displeasing to many Americans, that has thrust McIntire into prominence.

McIntire is a religious Fundamentalist. Briefly, Fundamentalism is a form of Protestant belief that holds the Bible to be the source of all knowledge. It expresses a belief in the literal interpretation of the Bible and its verbal inerrancy, and it calls for a return to what it considers fundamental Christian values.

One of the most significant phenomena of religious Fundamentalism and American politics is the close identification of Protestant Fundamentalism with the political
Far Right. Studies show that rank and file members of the various organizations associated with the Far Right are overwhelmingly fundamentalist in their religious convictions. The moralistic qualities, absolutist views, and the crusading tendencies of Christian Fundamentalism are attractive to those of the Far Right. And the Right's identification with Christian Americanism and its fight against godless communism appeals to those of fundamentalist beliefs.7

An explanation of terminology will be helpful here. The terms "radical rightists," "right-wing extremists," "the far-right," "super-patriots," etc., are used loosely by commentators to describe political extremist groups on the right end of the political spectrum. What constitutes radical rightism, however, is not clear. Many organizations or groups offering many different programs or representing certain beliefs or behavior have been labeled "rightist."

For purposes of this study, the term "radical rightism" will refer to a certain set of beliefs and doctrines. The definition of rightism found in this study will be that

used by Ira Rohter in his empirical analysis of the Radical Right. He says that there is a unique rightist theme which allows an empirical distinction to be made between the divergent groups and ideas all too often indiscriminately lumped together as rightist. This is their belief that "a Communist conspiracy has secretly worked its way into positions of great power and influence throughout the world, but particularly into the internal affairs of the United States." This trait distinguishes radical rightism from other political movements.

Other terms like "Religious Far Right," "Fundamentalist Far Right," and "Ultrafundamentalism" refer to individuals with identical beliefs. Such terms indicate the strong fundamentalist outlook of many rightists and the close link between radical rightism and religious fundamentalism.

This association formally began during the McCarthy era of the early 1950's when political and religious conservatives united in what Richard Hofstader has described as a joint defense of Christian civilization. From their Manichean viewpoint, both Rightist groups found themselves in a common life-and-death struggle against absolute good and absolute evil.8

Both political and religious conservatives believed in the internal conspiracy thesis which held that the rise of power of the Kremlin was due to internal subversion in the United States and not the external power of the Russians. Both believed that the U.S. victory in the two World Wars was the result of God's special favor. And both believed that the American Protestant clergy were deeply infiltrated with Communists and their willing sympathizers. But McCarthy fell into disrepute and his loss of credibility, combined with the lack of any effective organization, resulted in the breakup of this alliance.

By 1958, the old McCarthy followers found themselves facing a crisis. They were convinced that the American public was ignoring the decline of American strength and the growing internal conspiracy of Communism. They strongly believed that someone was needed to come forth with a program to save America by informing and educating the public to the perils, to the fact that liberalism was carrying the nation down the road to Moscow. America needed someone to revive its Christian heritage of free enterprise and liberty.9

According to Erling Jorstad, somewhere between 1958

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and 1961, the New Radical Right was born. The religious and political strains combined to become what he terms Fundamentalism of the Far Right; and with this marriage resulted a new burst of energy and assault on the internal conspiracy and the enemies of God and liberty. Jorstad also contends that this period saw the birth of the John Birch Society which arose essentially as a response to frustration among extreme conservatives toward the Eisenhower Administration. They had expected mistakenly that a Republican regime would turn around all the socialist welfare reforms of the New Deal and its policies of coexistence with communism.  

However, the Radical Right organizations which arose in the early sixties had some characteristics different from those of the McCarthy movement. These new rightist organizations were well-organized and well-financed. They also possessed ample facilities and equipment for printing and distributing newspapers, books, pamphlets, tapes, films and records. And some of the new breed of Rightists began using the mass media to promulgate their message and educate the public.

Fear of internal conspiracy became so intensive by 1964 that the Religious Fundamentalists and the Radical

\[10^{\text{Ibid.}}\]
Right began to realize that they were moving in the same direction. In this presidential campaign year, the Ultrafundamentalists would find themselves in strong union with the Radical Right. The solemn crusade of both groups was in lockstep for at least the remainder of the decade.

The Fundamentalist Far Right represents a small but vociferous minority in the contemporary religious and political scene. The presence and importance of this religio-political movement is often ignored and minimized as a pressure group in the American political scene.

Much of the impetus behind the development and success of the Ultrafundamentalist movement has been and continues to be Carl McIntire. From his home base in Collingswood, New Jersey, he began, in 1936, to establish the organization and the resources that would be instrumental in furthering his Twentieth Century Reformation movement. In this same year, he started his weekly newspaper, Christian Beacon, to combat the liberal-modernist forces in the Church. And in 1958, he inaugurated his thirty minute, five times weekly radio program which expanded to some 600 stations by 1964. By 1971, he was

11 Ibid., p. 67.
12 Ibid., p. 80.
13 Ibid., pp. 67-68.
attempting to acquire 1,000 stations on which to broadcast his Twentieth Century Reformation Hour program. According to Group Research, a Washington-based organization which studies extremist groups, McIntire collected more than $3 million for his movement in 1964. It is estimated that he now gathers about $5 million dollars annually from all his fund-raising activities.\(^\text{14}\)

Before he began his radio broadcasts in 1958, his other activities—his Shelton and Highland Colleges, the Bible Presbyterian Church Association, and the American and International Council of Christian Churches—for promoting his message of Ultrafundamentalism only rarely had attracted any national attention. His use of radio, plus his increased discussion of national issues, brought him considerable attention and increased receipts.\(^\text{15}\) McIntire found little widespread concern by the public over old ecclesiastical polemics against the National Council of Churches or over other religious issues. But, when his radio broadcasts, public rallies, or publications spoke out on broad national problems, his financial returns increased enormously.\(^\text{16}\)


\(^{15}\) Jorstad, The Politics of Doomsday, p. 68.

\(^{16}\) Ibid.
An examination of the literature on Far Right spokesmen has uncovered no major study on McIntire. Most material about him is contained in newspaper and magazine articles and chapters or parts of chapters in books on the Far Right. Moreover, most of these studies, while descriptive, are non-analytical approaches which are characterized by labeling with little attention to interpretation.

John Redekop has noted that the customary examination of Rightists has been to dismiss them from serious analysis by describing them as "seditionists, native fascists, hatemongers, paranoids, and schizophrenics." He further asserts that "it is too frequently forgotten that agitators, demagogues, crusaders, and extremists, may also be intelligent, honest, sincere people. From an academic point of view, the need is not for more ridicule and discrediting but for more understanding and dispassionate study." Carl McIntire seems to be the most significant spokesman propagandizing for the Far Right, both religious and secular, in terms of notoriety, message volume, persuasive techniques, size of audience, and degree of

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18 Ibid.
impact. The major factor behind his influence, it would appear, is his broad and skillful use of the radio. Lesser factors are his understanding and application of persuasive techniques, and his command of the art of publicity.

This dissertation is a study of the use of the media. More specifically, it is a study of the use of the media by one man who views them as an important, God-given instrument to administer for his private purposes.

Carl McIntire conceives his life's task as a missionary of God, a vocation not unusual in itself. But his specific beliefs and the means which he employs to propagate them are significant.

Essentially McIntire views his mission as promoting the true Gospel of Jesus Christ. Since the beginning of this century, he believes, powerful forces have conspired to corrupt the historic and authentic Gospel and have replaced the Truth with untruths. These forces are the forces of evil, of sin, of the devil. They have infiltrated all manners of life and all people from the lowest to men in high government positions. And they have been the cause for the decline of traditional American values, originating with America's forefathers, and the source of her greatness and strength. McIntire sees these forces as a conspiracy of the devil, of the anti-Christ, come to
take over the world and enslave man. He declares that man's falling away from the true Word of God is the cause of the world's present predicament and America's current decline.

McIntire believes he is the inheritor of the true Word of God—unblemished, unchanged. He believes he is a member of the elect and that, possessing this status, he has a special position and duty to spread this Word and to return America to the principles of her early Christian origins. To do this he must fight these forces of evil who have helped destroy true Christianity. McIntire views the supreme evil to be atheistic communism, a conspiracy whose goal is to destroy the true testament of Christ and America's Christian heritage. Consequently, the conspiracy that McIntire battles is essentially anti-religious.

McIntire conceives this battle as a life-and-death struggle between the forces of supreme good and supreme evil; between Christ and the anti-Christ; between freedom and totalitarianism. All means available must be used to win man from rampaging evil and America from eventual destruction.

In this regard, the media serve a special purpose for McIntire. The press and the radio are powerful and influential means by which McIntire can spread his message quickly and immediately to thousands and even millions of people and defeat the forces of evil. In his
cosmic view, the mass media are instruments given by God to do good or evil. He believes that since his mission is to promote good he needs and has the right to use the media for his purposes. Other forms of communication and persuasion for this mission are also considered acceptable.

Related to this missionary duty is a recent discovery that such work has become profitable to some. McIntire, for example, has found that large sums of money can be collected to support his work and other projects related to it. The media, thus, become for McIntire important means of soliciting funds which he can apply toward his crusade. This fact offers him another strong argument for the need to use the media.

This concept of the nature and purpose of the mass media, however, raises several problems. It clashes with the generally held belief of the media as instruments for public not private use. In the case of the broadcast media, McIntire's concept contrasts with the officially accepted belief that they are public utilities, not a private enterprise, and that they should be used for furthering the public interest and not for promoting the private purposes of any one individual.

McIntire's view represents a theory of the media which once prevailed, later disappeared, and now seems to
be emerging again. And his use of the media relates to the difficult issue of the role of the specialized or minority media in American society.

The above ideas express the purpose of this study. It is an analysis of McIntire's philosophy and use, or exploitation, of the mass media, specifically radio. To be explored are the implications and effects of this exploitation on the nature and purpose of the media in society, its significance for the American decision-making process, and, ultimately, its impact upon the efficient operation of a democracy.

An understanding of McIntire the communicator must precede any analysis of his media behavior. The forces that shaped his thought and behavior will therefore be examined. An overview of the Fundamentalist movement and its later stages, the Fundamentalist Far Right, will provide appraisal of these forces.

Who McIntire's followers are, and why they share similar ideas are also significant for determining McIntire's communication strategy and his purpose in using the mass media. A section will be devoted to this examination.

Related to this knowledge of his audience, and subject of a separate section, is the need to examine the style of thought prevalent with McIntire and his adherents. The
way they perceive and respond to issues and why they do is important to understand their motivations and behavior. Such an examination, moreover, leads to a consideration of the basic premises and doctrines of the Fundamentalist Far Right as they are expounded by McIntire and accepted by his followers.

The thrust of such beliefs is the need for action in the great task to propagate the truth and defeat the enemy. This action is reflected in McIntire's strategy of persuasion in conveying his message which is the subject of the next chapter. Here his communications strategy will be explained—his themes and techniques, his language, his delivery, and the general structure of his broadcasts. This strategy offers a further index to McIntire's character and motivations.

Both his message and his broadcasting style grow out of his belief in his missionary duty and are parts of the controversy that has arisen from his view of the role of the broadcast media in society. McIntire's use of the media and his philosophy concerning their nature and function in society are examined in the next chapter.

Preceding this discussion is an examination of the two most prevalent theories of the media. One theory—the libertarian theory—represents primarily McIntire's view of the media. Against the background of this theory,
McIntire's philosophy of the media is presented. His view of the influence of the media and their purpose and importance for him are revealed in his statements. Again, they reflect his missionary needs and his goals of propagating the gospel and fighting the forces of evil. His continuous battle with the FCC stems from his belief that he has every right to use the radio medium as he pleases to advance his cause.

The second theory—the social responsibility—is embodied in the Federal Communications Commission's Fairness Doctrine. A brief review of the history of the Fairness Doctrine, and its opinions, decisions, and policies, demonstrates how they reflect this social theory.

The WXUR case is the occasion for the clash of these two positions. In the fifth chapter of this study, it will be shown how the operations of station WXUR, reflecting McIntire's libertarian concept of the media in society, conflict with the social responsibility view of the FCC.

The effects and implications of McIntire's operation of the media for the information and decision-making process in a democratic society are discussed in the concluding chapter.
CHAPTER II
THE COMMUNICATOR: CARL MCINTIRE--
MAKER OF SCHISMS

I am out of the ecumenical movement. I left it all on June 15, 1936. I consider what is presently called the renewal of the church and the massive effort to unite all churches—Protestant, Eastern Orthodox, Roman Catholic—in one great world-wide organization, nothing short of horrifying.... I consider it a Christian duty to warn the Lord's people against this rising monster and to call them to separation from it in accordance with the commands of the Holy Scriptures. What is presently developing could easily be the church of the Anti-Christ. Babylon the Great, the Scarlet Woman, the Harlot Church, described in Revelation 17 and 18.... My own ministry is committed fully to the separatist or Twentieth Century Reformation movement of our day... There is a sense in which the whole movement which is called the separatist movement is "outside the gate." ¹

Oh Father... May we expose the mischief of the Communists, may we deal with these forces that are seeking to destroy those of us who are standing for thy name and who are crying out against tyranny, against apostasy, against modernism, and against all that Communism represents... We are in the business of reproving. And we are here to expose that which we believe to be evil.²

¹Carl McIntire, Outside the Gate (Collingswood, New Jersey: Christian Beacon Press, 1967), preface.

²Carl McIntire, Twentieth Century Reformation Hour Broadcast, May 19, 1967.
These quotes reveal the principal motivations behind McIntire's ministry, a ministry born of defiance, characterized by constant discord and disruption, and dedicated to propagating the one true Gospel and destroying the forces of evil and tyranny.

The most accurate description given to McIntire, by those who know him and those who know of him, is "schismatic." His volatile independence and the manner and method in which he pursues his mission has forced McIntire to reside, for most of his life, "outside of the gate" of mainstream American Protestantism. With his increasing immersion in the major political, social, and economic issues of the day, and his extremist beliefs and activities—seen in his practice of maligning the leadership and programs of the government and major church bodies in this country and abroad—McIntire's separation from widely accepted practices and beliefs has become even more pronounced.

To understand the man and his behavior, we must examine his background and determine what factors influenced him. Carl McIntire was born into fundamental Protestantism in Ypsilanti, Michigan, in 1906. His parents were austere Presbyterians. He grew up in Oklahoma and earned his bachelor's degree at Park College in Parkville, Missouri in 1927. After graduation he moved East to enter
Princeton Theological Seminary and there came under the influence of Prof. J. Gresham Machen, an eminent Fundamentalist scholar. At this time, Machen was fighting the trend at the Seminary toward liberalism. What began as debate and dissension turned into a major theological battle. Machen accused some of his fellow professors of going over to "modernism." Machen-followers among the seminarians obtained control of the student government and forced the ouster of one professor. Faculty and students took sides. When the General Assembly of the Presbyterian Church reorganized the Seminary under a liberal governing board, Machen resigned and founded his own seminary, Westminster Seminary in Philadelphia; McIntire followed. ³

The new seminary was still part of the mother church and McIntire was ordained a Presbyterian minister after his graduation in 1931. That same year he became pastor of the Chelsea Presbyterian Church in Atlantic City, New Jersey. He was there for three years when the pulpit committee of the strongly Fundamentalist Collingswood, N. J., Presbyterian church asked him to become its pastor. ⁴

⁴Ibid.
At this time he became actively involved in Machen's battle with the Presbyterian Church in the U.S.A. Machen was unhappy with the Presbyterian Board of Missions. The way he saw it, the missionaries were all modernists who were concerned more with the social, economic, and educational welfare of "the heathen" rather than with saving souls.

Machen finally repudiated the denomination's Board of Foreign Missions and established his own Independent Board of Missions to send out Fundamentalist missionaries. And McIntire independently decided to send his congregation's contribution to Machen. By 1934, the attacks of Machen and his adherents against the denomination's foreign missions board became so violent that the 146th Presbyterian General Assembly ordered the schismatic group to "desist" from soliciting any more funds within the Presbyterian churches and ordered Presbyterian ministers to sever any connections with the Independent Board.

McIntire became a member of the Independent Board in April, 1934, with his name appearing on the literature of the schismatic group after this date. He, along with Machen, was ordered to sever his connections with the

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5 Ibid.
6 Ibid, p. 3.
Independent Board or face prompt disciplinary action against him. But McIntire flouted the General Assembly's authority by holding a series of mass meetings in his church at Collingswood, N.J., and in adjacent communities, where he attacked the assembly's mandate and the Board of Foreign Missions. Furthermore, he informed the Committee on Judicial Business of the Presbytery of West Jersey that he was indeed a member of the Independent Board and that he had no intention of resigning from it. On June 30, 1936, the West Jersey Presbytery filed charges of ecclesiastic disobedience against McIntire and Machen and other extreme Fundamentalists.

McIntire was found guilty by both the Synod of New Jersey and the General Assembly of the Church and was deposed by the Presbyterian Church. The charges against him were as follows:

1. disapproval, defiance, and acts in contravention of the government and discipline of the Presbyterian Church in the U.S.A.

2. not being zealous and faithful in maintaining the peace of the Church.

3. violation of his ordination vows.

7 Ibid.

McIntire has alleged that the issue at stake in the 1936 trial was doctrinal, and that he was disciplined on mere technicalities. But an official church statement made this comment:

In its final decision, the General Assembly... made it perfectly plain that those persons being disciplined had defamed the character of their fellow Christians, had broken certain of the Ten Commandments, and were instrumental in 'causing dissension and strife' in the church, were engendering 'suspicion and ill will' and 'seriously injuring the peace of the church'.

The statement further says:

...the Presbyterian Church took the only re­course that it was possible for it to take to exonerate the innocent ministers and lawful agencies upon whom the offenders were heaping unmerited abuse and malicious slander.⁹

After his dismissal from the organized church, McIntire joined with Machen in the establishment of the Orthodox Presbyterian Church in June of 1936. McIntire's Collingswood congregation followed him in this separation, retaining him as minister. After a lengthy legal battle, McIntire was forced to vacate his church building in March 1938. With his congregation of 1,200 he conducted services in a heated tent near the site of the old church.

By May of that year a new edifice was built. In 1948, a
$250,000 Sunday school was erected, and in 1960 a $600,000
church was built.¹⁰

Soon after McIntire and Machen formed their Orthodox
Presbyterian Church, their alliance was severed by a dis­
pute over several minor doctrinal matters. When Machen
died in January 1937 his followers divided into two groups.
McIntire headed one group, which felt that the other was
not strict enough doctrinally. McIntire subsequently es­
established his own denomination, the Bible Presbyterian
Church, and his own seminary, the Faith Theological.
Seminary in Elkins Park, Pennsylvania.¹¹

McIntire is an effective organizer. Besides founding
his own seminary, he has set up an old persons home and a
summer Bible conference. He gained control of the
National Bible Institute in New York City, renamed it
Shelton College, and moved it to Cape May, New Jersey.
In 1971, after the State of New Jersey refused accredita­
tion to the college, it was moved to Cape Canaveral,
Florida. Although each of these is theoretically ruled
by its own independent board of directors, the boards

¹⁰The National Council of the Protestant Episcopal
Church, Dept. of Christian Social Relations, A Report
on Some of the Individuals and Groups Engaged in Attacks
on the Leadership of the Churches, "Sowing Dissension in
¹¹Ibid.
are really under the supervision of the elders of McIntire's church and McIntire is president of almost all of the boards.\textsuperscript{12}

The Bible Presbyterian Sect began to grow. With other Fundamentalist Presbyterian congregations severing relations with the mother church and joining McIntire, his sect eventually could claim 100 member churches.\textsuperscript{13}

At the outset, McIntire appeared to be content to sow the seeds of strife within the Presbyterian Church. But by the Fall of 1941, he was focusing his attacks on the Federal Council of Churches, which is now the National Council of Churches. The Council represents the mainstream of Protestantism today. All the major denominations are members—the United Presbyterians, the Episcopal Church, the Society of Friends, the Methodist Church, the United Church of Christ and many more.\textsuperscript{14} The purpose of this union of some thirty different denominations is to "express the fellowship and catholic unity of the Christian Church" through "united service for Christ and the world."\textsuperscript{15}

\textsuperscript{12}DeWolf, "The Sunday Puncher," p. 3.

\textsuperscript{13}Ibid., 3; and the National Council of Protestant Churches, "Sowing Dissension in the Churches," p. 9.

\textsuperscript{14}DeWolf, "The Sunday Puncher," p. 3.

\textsuperscript{15}Ibid.
In an attempt to thwart the work of the Federal Council, representatives of two midget splinter denominations—the Bible Presbyterian and Bible Protestant churches—met in September 1941 and set up a rival group they called The American Council of Christian Churches with Carl McIntire its first president.\(^{16}\) He is not now the president, but he is—and always has been—its prime moving spirit. The American Council comprises the Association of Gospel Churches, the General Association of Regular Baptist Churches, the Conference of Fundamental Churches and the Tioga River Christian Conference.\(^{17}\)

The avowed purpose of the ACCC was to inform "tens of thousands of Christians all over America of the dark record and paganizing influence of the Federal Council."\(^{18}\) It called for "all Bible-believing Christians" to dissociate themselves from the Federal Council and join churches associated with the American Council. This call is still repeated today.

McIntire also founded another church organization to counter the establishment of the World Council of Churches, a global union of two hundred Protestant and

\(^{16}\)Ibid.

\(^{17}\)Presbyterian Office of Information, "Facts about Carl McIntire," p. 4.

\(^{18}\)Ibid.
Orthodox churches from ninety countries and territories, formed in 1948. Just before the World Council was established in Amsterdam, the ACCC issued a call to Fundamentalists abroad to convene in that city just prior to the WCC's assembly. At that meeting, in August 1948, the International Council of Christian Churches (ICCC) was formed. This tactic of calling a meeting at the same time and in the same place of another church organization for purposes of disruption would become a trademark of McIntire. Commenting on this practice, Ralph Lord Roy states:

While the American Council carried on other disruptive activities before 1948, its most blatant attempts to sabotage the movement towards Christian unity have been made since that year. At that time the American Council adopted a policy of holding its meetings at the same time as the large ecumenical gatherings in a deliberate effort to create confusion and gain publicity—a policy also followed by the International Council.

McIntire moved into the political arena immediately following World War II. In 1945-46, he published two books—*The Rise of the Tyrant* and *The Author of Liberty*—

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in which he set down his thoughts concerning the dangerous rise of communism and the ecumenical movement. In both works, he staunchly defends free enterprise and the profit motive and the right of independent Christian churches to govern themselves and determine their destiny. Supporting his arguments, he claims, is the infallible truth of the Bible. America's strength and victory are the result of God's love of America. The free enterprise system and the profit motive are ordained by God. God is the Author of liberty on which the success of America stands and when we disregard His word we will lose our liberty. Communism is the supreme evil and it must be absolutely destroyed. The World Council of Churches and the United Nations are attempts at world government and a world church and they are nothing more than cloaks for Communist subversion.

The issue of communism was a new and powerful cause for McIntire. Fighting communism was fighting the embodiment of sin—Satan incarnate, the anti-Christ. Thus, anti-communism to McIntire's way of thinking, was a religious issue. The eradication of this evil was his aim in preaching the Gospel.

With the "Red Scare" and the rise of McCarthyism in the early 1950's, McIntire became a major figure in religious politics. He found the anti-communism crusade
paralleled his Fundamentalist religious beliefs. He worked with the House Investigating Committee on Un-American Activities. He was especially active, however, in helping McCarthy rout what McIntire considered to be Communist subversion among the Protestant clergy. This was an opportunity to turn his hatred of the National and World Councils and their leaders into his benefit. He worked tirelessly to have many of the foremost leaders of these two Councils brought before congressional investigating committees and have them branded as Communists and subverters. In this way, by destroying their integrity, he would cast doubt on the ecumenical movement and would entice new converts to his sect. But McIntire failed to convince any committee as to the truth of his accusations, and this activity died out with the fading of McCarthy and his movement.

In 1950, the Federal Council merged with twelve other interdenominational cooperating agencies to form the National Council of Churches as a venture toward Christian unity. McIntire saw something sinister in the establishment of the National Council as he had in other liberal institutions or organizations. He calls the NCC "apostate, modernist, and Communist" and says it is the "strongest ally of Russia and the radical labor
McIntire is against almost everything the National Council represents. The NCC sees the United Nations as our best hope for peace; McIntire says it is a tool for Communist subversion. The NCC wants peace without war; McIntire advocates the use even of atomic weapons to rid the world of the absolute evil of communism. The NCC sees the need for cooperation and compromise and understanding with Communists; McIntire categorically rejects compromise, arguing that one cannot compromise with sin and the devil. The National Council supports the Civil Rights Movement; McIntire opposes it claiming that racial tension is adding to the Communist cause. The National Council desires working toward church unity; McIntire says that's selling out to "romanism" and the one world church, and calls this apostasy.  

Over the years, McIntire's methods have created dissen­sion and splits within his own ranks. As his attacks against apostasy, ecumenism, and communism drew more and more unfavorable publicity, and as his personal domina­tion of the ACCC was recognized, elements in the American Council became restive. In 1952, the Evangelical Methodist

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Church resigned the Council and joined the National Association of Evangelicals. In 1953, the Independent Fundamental Churches of America withdrew. In 1955, McIntire's own Bible Presbyterians out-voted him to withdraw from the ACCC and ICCC, and they eventually formed the Reformed Presbyterian Church. The most recent split came in November 1969 when the Executive Committee of the American Council of Christian Churches, the organization he founded twenty-eight years ago, dropped him. McIntire, in customary fashion, immediately announced that he had formed a new and more militant conservative group, the American Christian Action Council, to counter the "soft" liberal stand taken by the ACCC on international and domestic issues.

McIntire believes that his ouster from the ACCC resulted from his absences from the committee meetings due to his preoccupation with television and radio interviews, discussions, and the raising of funds. But others on the committee think differently. One basic reason given by these members for their action is their weariness of having to submit to the will and demands of


McIntire. In almost everything with which he associates himself, McIntire presents the image of a man who wishes to dominate the event. When he is unable to do so, often he will disrupt the meeting and walk out or threaten to withdraw and begin his own rival organization, one that will be subservient to him. The Rev. Dr. John Millheim, General Secretary of the ACCC has commented: "He seems set on a course of rule or ruin. If he can't control, he's started trying to destroy." 25

Two other central factors are responsible for the loss of McIntire's greatest national platform, the ACCC. In addition to his trait of domination, there is his intricate interweaving of religion and politics. McIntire repeatedly affiliates with controversial men on the extreme right of the political spectrum and religious splinter groups who have separated from the main Protestant Church bodies. ACCC-ICCC Committee members are sharply critical of his failure to distinguish between his radio or Christian Beacon ministry and the official views of the ACCC and ICCC. 26

On political issues, committee members complain,

26 "Carl McIntire's Troubled Trail," 5.
"When he speaks in the area of politics, race, and civil rights, this causes irreparable damage to our missionary effort, and is causing our missionaries abroad and the national churches, brought into being by them, to remain outside the ICCC..."²⁷

But McIntire's political involvements are in keeping with his belief in the efficacy of such practices as resolutions, picketing, demonstrations, delegations to Washington, and all other means of activity which will further his missionary cause. For an FCC examiner, McIntire once described his whole approach to be "the position of the historic Christian religion in that the individual must live in a society where he is free to serve God and worship God. And this involves freedom of conscience and it involves the protection and shielding of the individual from governmental interferences or restraint."²⁸

As a missionary, McIntire has been ready to rush into any area of the world where a church has been beset by internal troubles and enthusiastically supports the dissidents' fight, obviously with an aim at increasing ICCC membership. These problems are frequently doctrinal differences between a member church and the mother church. McIntire has successfully abetted schisms within church

²⁷Ibid.
²⁸Ibid.
bodies in Asia and South America, and usually he is there to welcome them into his fold.29

McIntire's fomenting of religious discord has prompted one unadmirning minister to remark,

One of two things must be true: Either Carl McIntire is an honest man dedicated to a false cause, taken in by a group of thieves who have lied to him and caused him to be a party to a most crooked gang; or, he must be branded as a man who is utterly and thoroughly dishonest to the depths of his inward parts where God requires truth.30

On another occasion, in 1949, McIntire employed similar disruptive tactics when a group of Asian church leaders met in Bangkok under the sponsorship of the World Council of Churches. McIntire tried to gain admittance to the meeting. When he was turned away, he called a rump session and charged the missionary and ecumenical movements were promoting communism. This outburst prompted Dr. John Mackay, retired President of Princeton Theological Seminary, to retort:

This group (McIntire's), while paying lip tribute to the Bible and Jesus Christ, represents an un-biblical Christianity. While being concerned about communism, it carries on work with Communist technique. Wherever they go and in all they say about those whom they love to malign and to traduce, they act without the slightest interest in truth and with terms of a Jesuitical ethic.31

30 Ibid.
31 Ibid., p. 8.
By the time John F. Kennedy became a candidate for U.S. President, McIntire and his ACCC forces were linking communism and Roman Catholicism as the "enemy." They campaigned tirelessly for Kennedy's defeat and left little doubt that they were opposed to him precisely because he was a Catholic. McIntire, and other members of the Protestant Right, saw Rome and Moscow in a mutual conspiracy against the "American way of life." McIntire was most outraged at Kennedy after his election when he became the first President invited to address the National Council of Churches. When Kennedy was assassinated a few days before the address, one national columnist singled out McIntire as one of the primary peddlers of hate that made such acts possible.33

Through the years McIntire has opposed countless other projects and programs endorsed by prominent religious and political leaders. He has vociferously rejected the Revised Standard Version of the Bible because, among other things, it represents the work of a Jew and other "modernist liberal scholars;" he has opposed the "One Great Hour of Sharing" to aid the hungry, sick, and

32Ibid., p. 9.

homeless overseas because it represents an appeal for "cash to purchase...socialist propaganda;" he has denounced UNICEF on grounds that it helps the Communists. And he battles the Postal Service, the Department of Internal Revenue and the Federal Communications Commission, claiming they are out to get him.  

McIntire is also against any federal income tax, and he views fluoridation of public water supplies as an affront to individual liberty. The catalogue of things he opposes has compelled one nationally-syndicated religion writer, himself an object of McIntire's abuse, to remark: "It's wrong to say McIntire is against the National Council and World Council of Churches. He's against everything."  

Yet Carl McIntire is not a man who can be dismissed easily. He will not just fade away, as many persons and even the Federal Government have had to recognize. Besides his own sizable operations, McIntire has helped to launch the careers of at least two other religious Rightists—Dr. Fred Schwarz, who heads the Christian Anti-Communist Crusade; and Billy James Hargis, who directs


35 Ibid., p. 11.
McIntire's success is also due to other factors. Much of his attraction has been attributed to his personality. One interviewer described him as "a plumpish 58-year-old with a beauty of a handshake and a 'hello' as hearty as a breakfast cereal." Coupled with his winning personality, moreover—at least in public and on the air—is an indefatigable energy and an extraordinary organizational ability. The latter is immediately evident when one examines his establishment of the ACCC and ICCC and its affiliated groups and the numerous other enterprises, programs, marches, rallies, and meetings that he has engineered.

McIntire maintains contact with his public in three main ways. The first is through the pages of his weekly newspaper, Christian Beacon, which began publication in 1936 for the purpose of combating modernism and liberalism in the churches and to promulgate McIntire's own version of the truth. This newspaper supplements his broadcasts. In some cases it replaces them. The content of

36 Ibid.


both media is the same.

His second means of keeping in the public eye is through publicity techniques such as holding protest rallies which usually attract press coverage. At various times he conducts meetings in widely scattered cities to protest actions taken by the established churches. In recent years many of these rallies have also taken on a political hue, dealing with such topics as the Resolution by the House of Representatives of the State of Pennsylvania concerning his radio station WXUR in Media, Pennsylvania; the Vietnam War; and the Federal Communications Commission. Most reports indicate that rallies have been oversold and underattended. 39

The third way McIntire maintains association with the public, and perhaps his most singular accomplishment, is through radio broadcasting. His voice is now heard over about 600 stations throughout this country and overseas five times weekly. McIntire began his broadcasting career in 1958 from a single station in Chester, Pennsylvania, WVCH. He called his program the Twentieth Century Reformation Hour, the same name it bears today. His audience built rapidly. This enthusiastic response caused him to buy time on more stations, and soon he found he was getting more attention and more response than ever.

39Ibid., p. 11.
By May 1962, McIntire was able to announce, "God has given us 305 stations." He appealed for more money to support them, and said his ambition was to acquire air time on 600 stations.\textsuperscript{40} In a few years, this wish became a reality. Since then, his goal has been to be heard over 1,000 stations and he has been appealing for $1 million for this purpose.\textsuperscript{41}

There is little doubt that McIntire's success story is due in large part to his use of the mass communications media—especially radio. This is his means of reaching many people quickly and of promoting his message that otherwise would, at best, be only partially heard. Since he began acquiring many stations in the early 1960's, McIntire has purchased two seaside hotels and a sizable amount of property in Cape May, New Jersey. He moved his

\textsuperscript{40} Pearson, "Radio Program Deals in Hate," p. 23.

\textsuperscript{41} Estimates vary on the exact number of stations carrying McIntire's program because McIntire will not release any information concerning the number of stations on which he broadcasts. In a study on program scheduling and practices, the Senate Subcommittee on Communications tried to determine the number of stations carrying syndicated programs like McIntire's. The study is incomplete, however, due to a lack of cooperation from McIntire and others. Charles Baker, director of the Institute for American Democracy, has variously estimated the number of stations airing McIntire's program to be between 300 and 635. Charles Baker, Homefront, Institute for American Democracy, Washington, D.C., n.d.
Shelton College there from its former residence in Ringside, New Jersey. And his latest success has been the acquisition of a 300-acre development at Cape Canaveral, Florida, which includes a $4.5 million Hilton Hotel, a 260-unit apartment house and two large office buildings. In 1964, McIntire told a reporter for the National Observer that he received around $3 million that year. And recent estimates have claimed that his annual income is approximately $5 million.

But McIntire has not only attracted attention; he also has retained it. In 1970 and 1971 he was achieving national notoriety with his March for Victory marches and rallies held in Washington and other parts of the country. He tried to get Vice President Ky of South Vietnam as principal speaker for the Washington March but failed because of Administration pressure.

McIntire has also been atop the communications news as a result of the controversy over radio station WXUR of Media, Pennsylvania, owned by McIntire's Faith Theological Seminary. He has been accused of failing to adhere to

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42 Louis Cassels, "U.S. No. 1 Radio Preacher Secures More Real Estate," Columbus Dispatch.

43 Group Research Reports, Group Research, Inc., Washington, D.C.
the FCC's Fairness Doctrine concerning its "personal attack" and "fairness" clauses. The license was not renewed in 1968, and the case has been in litigation since, with a good chance that it will ultimately be decided by the Supreme Court.

Summary

This chapter has sought to provide an overview of Carl McIntire and his activities during his forty-year ministry. In the following chapter the historical and intellectual forces that have played important parts in Carl McIntire's thought and behavior will be examined. This examination will consist of two sections. One will trace the origin and development of the Fundamentalist religious movement and the men, events, and historical elements that combined in its formation. This section will cover the period generally from 1900 to 1945. The second section will analyze the emergence of a new religio-political movement where the combination of particular religious and political creeds have formed a new ideology and movement described as the New Far Right or Fundamentalism of the Far Right. This section will cover the years 1945 to 1970. McIntire's involvement in both periods will be shown.
CHAPTER III
FUNDAMENTALISM--AN OVERVIEW

(A) THE MOVEMENT PRIOR TO 1945

American Protestants in the 1920's found themselves in bitter dispute. Their theology was being increasingly overrun by recent findings of biblical scholarship and spread of contradictory evolutionary theory. This enlarged perspective led many liberal Protestants to participate in specific economic and social reform programs.¹

Their new approach was strongly denounced by the nation's conservative Protestants, who insisted that no new scholarship or theological formulation could change the accomplished fact of God's revelation in the Scriptures. They argued that the Bible taught men that the Church existed to lead men to heaven, not to improve secular society.² By the 1920's the more liberal view had been accepted by most of the influential seminaries and by the

²Ibid.
leaders of the largest denominations.

In response to this change, conservative Protestant leaders chose to bring together the major doctrines of that heritage as their prime weapons for one supreme battle with the enemy. This counterattack would result in what is described as the Fundamentalist movement.  

Several explanations have been offered as reasons for the present resurgence of conservative theological belief in America. According to Louis Gasper, the consensus is that the current international tensions, coupled with the inability of world political leaders to find a satisfactory solution for world problems short of war, are largely responsible for the "revival of religion of the more pessimistic kind; that is religion which distrusts human nature and scorns the dependence upon reason as a guide to salvation."  

Another possible explanation is also cited by Gasper. He claims that many intellectuals, like the masses, have little faith in the optimistic concept of the perfectibility of man which had dominated liberal thought since the start of the Twentieth Century. In

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3Ibid., p. 20.

periods of intense national anxiety brought on by national and international conditions, as in the 30's, and 50's and 60's many people returned to the ancient Christian doctrine of the depravity of man and his inability to reason his way to an acceptable solution of the problems which beset him. Gasper contends that the prevalent view today regarding man is that he is a sinner who must be redeemed by divine power and intervention. People develop a more conscious need for religion during these times of stress—something similar to a deus ex machina complex on a national scale. These symptoms are fostered by the continuing cold war with Russia, economic depression, and the threat of global annihilation from nuclear warfare.

From the end of World War II to the early 1960's, Gasper saw signs of increased religious enthusiasm. This religious fervor was noticeable in church attendance, revival crusades, and in the greatest church construction program ever experienced in the United States. Church membership had sharply risen in this period, he notes, and an upsurge in religious interest was seen in the popularity of religious themes in books, motion pictures, and expansion of religious sections in newspapers.

Religious fundamentalism as an organized movement

5Ibid.
6Ibid.
in American Protestant Christianity is comparatively young. But the tradition from which it sprang is old. Gasper cites William Ward Ayer, a popular radio evangelist in New York City, as saying that "Fundamentalism represents a resurgence of ancient practices that began...at Pentecost. Fundamentalism is apostolic and the doctrine of justification goes back to Paul."7 Ayer further adds that fundamentalism has served "to awaken the slumbering apostolicism from lethargy. The theme of the Reformation, like the cry of the fundamentalists today, was 'back to the Bible and the Apostles,' with no mediator between men and God except Christ. Fundamentalists are in the direct line of succession to those preaching the same message."8 In summary, Ayer points out common beliefs of Fundamentalists:

1. they do not owe any former allegiance to Roman Catholic hierarchy or to any other denomination for their existence and,

2. the source of fundamentalist theology is the Bible.9

This same cry was heard loudly during the Reformation and, says Gasper, much of the fundamentalist teaching today is doctrine delineated during the Reformation period and

7Ibid., p. 2.
8Ibid.
9Ibid.
clarified by subsequent developments in Protestant Christianity.10

Luther's doctrines were extended in scope from the purely ecclesiastical realm to include civic and social matters. Calvin was responsible for what became the ideal of all Protestant Christians and which were the ideals of our Pilgrim and Puritan founders—the ideals of thrift, industry, and sobriety.11 George Stephenson claims that these dissenters established two Fundamentalist traditions for dissenting groups to follow: the emphatic anti-Catholic spirit of Puritanism; and the principle of separation as a method by which religious minorities might safeguard their beliefs and protect themselves from the domination of the majority.12

During the thirty years before the Civil War, Jorstad says, the doctrine of Millenialism emerged as a prominent factor in American religious life. Millenialism taught that Jesus himself, after physically defeating the Anti-Christ in war, would reign in bodily form on this planet during one thousand years of perfect peace and then make

10 Ibid., p. 3.
11 Ibid., p. 4.
the Final Judgment.13

As an explanation for this religious belief, Gasper suggests that people were probably impatient with conditions as they found them and longed for the establishment of a divine utopia on earth which would be realized when Christ returned to rule in person. Today's Fundamentalists use the term 'imminency' in reference to the Second Coming of Christ. They live in a constant state of expectancy with regard to this divine arrival.14

From after the Civil War to 1900 two distinct cultures began to clash, the spiritual and the secular. Various discoveries in the physical sciences revealed the potential capacity of man's minds and also began to change men's views regarding Biblical cosmology. The new scientific outlook was challenging the place of revelation as a source of knowledge.15

Conservative Protestant theologians were alarmed with those Biblical scholars known as "higher critics," who began to employ the empirical method in the study of the Bible. This new practice struck at the roots of

13 Jorstad, The Politics of Doomsday, p. 21
15 Ibid.
evangelical Christianity which depended for its epistemology upon an infallible Revelation.\(^\text{16}\)

The basic principle of the higher critics was that the Bible was a collection of human documents subject to the same literary criticism as other human writings. They sought to discover the original purpose and distinctive message of each book of the Bible, actual authorship, the correct date of writing, and other important facts to show the relevance of each book to its time.\(^\text{17}\) The higher critics re-examined the teachings of Christ and drew the conclusion that He had been motivated by a desire to save men by reforming their institutions. Gasper claims this new view inspired the development of the social gospel.\(^\text{18}\)

This new conception inflamed traditional theologians and helped to instigate the Fundamentalist movement. Social and economic factors also contributed to this controversy, such as the rapid transition from an agrarian society to a highly technical urban society with different sets of beliefs. After the Civil War, America's population underwent great changes. Massive immigrations


\(^{17}\)Ibid.

took place to meet the rapid rise of science and industry.\textsuperscript{19}

A new system of religious ethics, which evolved from the needs of the immigrants, began to compete with older American religious ethics. The latter system held that the primary responsibility of the church was religious; that the economic life was a separate sphere wherein character was developed through competition between individuals. The newer ethics were primarily European in origin and were transmitted by a largely Roman Catholic immigrant population who were conditioned to accept ecclesiastical intercessions for them.\textsuperscript{20}

In the immigrants' ethical system, the church's sphere of activity was not restricted to religious doctrine, states Hofstadter. The church was expected to act in the economic and political realms as well, realms where the individual could not perform effectively by himself. This interpretation of the church's role, he observes, paralleled in many ways the philosophy of the Protestant modernists who were beginning to propagate their social gospel about this time. In 1908, after several denominations had already established social agencies, this

\textsuperscript{19}Ibid.
\textsuperscript{20}Ibid.
religious philosophy came to fruition in the interchurch Federal Council of Churches of Christ in America, established to implement many of the principles of the social gospel. 21

Two separate religious viewpoints now became established; those adherents of a pre-scientific epistemology who held the Bible was the absolute revelation of God; and those referred to as modernists who applied the methods of science to the study of the Bible.

Conservative leaders became alarmed as they saw their theological foundations crumble and apathy engulf their constituency. They blamed this on modernity. But, as Halstadter explains, "it apparently never occurred to these conservatives that the growing heterogenous character of American life, with its many social and economic problems, was largely responsible for shifting attention of rank and file conservatism to more immediate problems."

Protestant conservatives were convinced that the age of apostasy had begun and that the stage was set for the coming of the Anti-Christ. 23


22 Ibid.

The Fundamentalist movement intensified in 1910 with the publication of a series of essays entitled, *The Fundamentalists: A Testimony to the Truth*. The *Fundamentals* set forth as basic Fundamentalist doctrines:

1. the verbal and inerrant inspiration of the Bible
2. the virgin birth of Jesus Christ
3. the substitutionary atonement of Jesus Christ
4. the physical or bodily resurrection of Jesus Christ, and
5. the imminent Second Coming of Christ.

Other supporting doctrines were:

1. the deity of Jesus Christ
2. the depravity and sinful nature of man
3. salvation and justification by faith through the grace of God, and
4. the promise of the physical or bodily resurrection of believing or regenerate Christians.

The books also contained the Fundamentalist reasons for rejecting evolution and higher criticism.\(^{24}\)

In summary, Fundamentalism may be defined as "that movement which arose in opposition to liberalism, re-emphasizing the inerrancy of the Scriptures, separation and Biblical miracles, especially the Virgin Birth, the physical resurrection of Christ and the substitutionary

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Atonement. Stated another way, it represents a conservative reaction against the teaching of the modernists who declared that historical Protestant theology was incompatible with modern scientific discoveries and religious knowledge.

The publication of the Fundamentals injected great vitality and momentum into conservative Protestantism. This enthusiasm kindled the element of religious nationalism as exhibited in the preaching of Billy Sunday. Sunday, recognizing the major concerns of Americans in the 1920's, spoke to these concerns in freewheeling, biting, anti-liberal, anti-intellectual speeches they wanted to hear. Through him they could strike back at the bad people: liberals, higher critics, evolutionists, and less than 100-percenters.

Sunday's outlook foreshadowed much of the religious nationalism of today's Ultrafundamentalism. For example, Sunday had no doubt that America was the one truly Christian nation in the world; hence only it could

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26 Ibid.
defend pure Christian doctrine. He linked religious liberalism to Bolshevism, and the Federal Council of Churches with communism.28

During the 20's, the Fundamentalists became a more organized national body. Feeling their new strength and popularity, they sought combat with their liberal adversaries over many critical issues. These included the demand for tests of orthodoxy among seminary professors and students and the banning or evolutionary instruction. The most notable conflict centered at Princeton University where the eminent Fundamentalist professor J. Gresham Machen resigned and began the Westminster Seminary in Philadelphia in 1929.29

This move was a decisive step in the formation of Ultrafundamentalism because, as has been noted earlier, one of the students to follow Machen was Carl McIntire. States Jorstad, "He more than anyone else would establish the ideology, the tone, and the momentum for fundamentalism of the far right. His leadership would become paramount."30

McIntire supported Machen's central belief that the


30Ibid., p. 27.
great historical doctrines of the faith must be preserved in their original form. Any deviation was apostasy. The true Christian must separate from the modernists, the liberals, and the moderates. McIntire argued that only a saving remnant of the orthodoxy could preserve doctrinal purity and could carry on God's will on earth until the final judgment when the labors of the true believers would be rewarded.\(^{31}\)

McIntire joined Machen in defying church authority. They set up their own Independent Board of Missions, an action for which both men were eventually dismissed from the ministry of the Presbyterian Church U.S.A. This established McIntire somewhat in the mold of Luther steadfastly adhering to his belief that nothing less than complete allegiance to the demands of total separation would satisfy his zeal for doctrinal conformity.\(^{32}\)

McIntire eventually founded his Bible Presbyterian Church. From this base, tiny and virtually unnoticed by the general public, he introduced into his writing and preaching a judgment which would be central to his "Twentieth Century Reformation" and to Ultrafundamentalism. He cast himself as a reformer and reasoned that since only

\(^{31}\)Ibid.

\(^{32}\)Ibid., pp. 31 & 34.
he and his followers presented a pure witness, only they were God's representatives, chosen to preserve Christianity. Everyone else was apostate. 33

Carl McIntire became the first president of the new Fundamentalist American Council. He was recognized by his opponents as ready and eager to engage anyone in debate in defense of the historic position of Fundamentalism. Gasper observes that "McIntire was not visibly disturbed by those who criticized his controversial mannerisms. Criticism apparently stimulated him into further aggressiveness, which his befuddled foes never seemed to have observed. McIntire expected to be criticized and he was always ready for it." 34

McIntire's leadership would become a source of conflict for the American Council in the years to come. On several occasions there would occur dissension and finally separation from the Council by several denominations on the question of McIntire's self-willed, authoritative methods of leadership. Other issues, such as exaggerated actual membership in the American Council and McIntire's mixture of politics and religion, would add to the conflict. 34

33 Ibid., pp. 33-34.

By 1942, with the American Council only a few months old, two prominent traits of the ACCC, traits which would remain characteristic of this Council, were already evident: a zeal for engaging in polemical dispute and a conviction that the great crises facing America could be directly traced to rampant apostasy in its churches. Communism, as the source of all evil, would become a major belief of the ACCC within the next decade. They contended that what America needed, and what the world needed, was a twentieth century reformation.35

About this time, however, a new theology arose which had supplanted much of the liberal theology of the previous decades. It was known as Neo-Orthodoxy and sprang from a dissatisfaction with liberalism and its social gospel theology which was the prevailing thought during the 20's and 30's. Generally, American liberalism was world affirming, explains Gasper. That is, it taught that harmony and peace could be attained by bringing Christian ethics to bear upon all human problems and that negotiation among nations as a common brotherhood could be effectively substituted for war in settling

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international disputes.\textsuperscript{36}

However, by the 1930's, there were signs that many would-be liberals, including clergymen in American churches, were becoming anxious over the disastrous effects of World War I, the economic depression, and the rise of the Hitler, Mussolini, and Stalin dictatorships. They became disenchanted with the liberal philosophy and were looking for something to supplant it. Neo-Orthodoxy seemed the answer for the moment.\textsuperscript{37}

This new religious thought was the product of two European theologians—Karl Barth and Emil Bruner. Their doctrine was accepted as more realistic for the human situation and the most practical answer to liberalism. It declared its opposition to humanism on the left and Fundamentalism on the Right.\textsuperscript{38}

Essentially, Neo-Orthodoxy taught that the Bible was not the Word of God but was a source of Christian truth that becomes the Word of God and acquires meaning in the moment of revelation. It also accepted the social gospel inherited from the liberals, but with slight differences. Neo-Orthodoxy taught that liberalism had

\begin{itemize}
\item \textsuperscript{36}Gasper, \textit{The Fundamentalist Movement}, p. 24.
\item \textsuperscript{37}Ibid.
\end{itemize}
been naive in placing too much faith in human nature and in the inevitability of progress. Instead they looked to an external authority, the transcendent God, to help them as Christians to reduce inequality and disharmony.  

Finally, Neo-Orthodoxy agreed with Fundamentalists that man is essentially a fallen creature and that his salvation was not dependent upon personal merit but upon the grace of God through justification by faith. However the Fundamentalists discovered that Neo-Orthodoxy was not slavishly attached to the literal details of traditional orthodoxy and had basically postulated a liberal position. Hence, they denounced Neo-Orthodoxy as a new expression of modernism.

This was the major status of major Protestant theology in the period immediately after World War II. Fundamentalism was very much alive but it now began to follow a new path—one which paralleled and eventually united with a political ideology to form a new political movement—a religiously-oriented political movement.

With this understanding of Fundamentalist history, an examination must be made into the birth of what has been termed the New Radical Right, or, more specifically, the Fundamentalist Far Right.


Ibid.
(B) THE POSTWAR EMERGENCE OF THE FAR RIGHT

When the actual merger of Religious Fundamentalism and the Far Right political ideology occurred is difficult to say. The seeds were planted during the 20's and 30's and grew during the World War II years. By the end of the war, Russian Communism had emerged as America's chief foe. Not only was the Communist political, social, and economic way of life different but its stated goal was to conquer the world. The fear, borne of this threat, found fruition in the McCarthy era of the late 40's and early 50's. And by this time the merger of religious Fundamentalism and Right Wing ideology was a fact.

The term "Religious Far Right" refers to that section of the Far Right which closely identifies its politics with a Christian theology and which asserts that the religious and political components are necessarily related.¹ The first extended discussion of Ultrafundamentalism political thought appeared between 1944 and 1946 when McIntire published three full-length works—The Twentieth Century Reformation (1944), Rise of the Tyrant (1945), and the Author of Liberty (1946). His main themes in all these works are: "We do not want modernism, pacifism, rapids, Michigan: William B. Eerdmans Co., 1968), p. 184.

near Communism! Do we? We want America free, as God's Word demands." He contends that by promoting Christianity, "free government," "free enterprise," and the "American way," the nation's citizens had created the most ideal conditions ever known for advancing God's word.²

The post-World War II revelations about Communist espionage as well as the actual international crises precipitated anxiety, frustration, anger, and outrage among many American people. The early spy trials provided the first shock. Then came the Korean War in which the Communist enemy revealed his aggressive designs, and managed to check the United States. The war was not lost, but neither was it won and many Americans grew to believe that there must be a culprit behind the nation's ineffectualness.³ For the first time in her history, suggests Redekop, America found herself unable to achieve her will in preserving peace. For the first time it seemed the rest of the world was ungrateful, even scornful of her willingness to preserve the independence of each nation.


It was the belief of many that something had to be at the bottom of this; someone high up in the government had to be responsible. America was too great a power to be thwarted by any foreign power.⁴

Finding a scapegoat, continues Redekop, especially a domestic one who could be implicated in this disaster, was easier to admit than to face the real facts about the dangers of trying to win a total victory in Korea.⁵ Out of suspicion and fear came a new interpretation for the train of events—the internal conspiracy thesis.⁶

As the Cold War intensified, McIntire perceived the spread of this Communist conspiracy into Protestant circles. He detected treason in the new ecumenical organization, the World Council of Churches, founded at Amsterdam in 1948. The purpose of this organization was to promote global religious unity. But McIntire saw it as the beginning of the "super church." He immediately formed his counter organization, the International Council of Christian Churches (ICCC), whose purpose was to harass and oppose the WCC as his American Council similarly does to


⁵Redkop, The American Far Right, p. 144.

the National Council of Churches.  

The ICCC's aim is to defend historic Christianity, especially the doctrines of the Protestant Reformation. It accused the WCC of embracing inclusivism, liberalism, members from Communist nations, critics of capitalism, and militant apostates. And it further accused WCC leaders of being fellow travelers with systems of totalitarian authoritarianism and tools of Moscow. It was obvious from its remarks that the ICCC intended to challenge the World Council not only on biblical issues but also on political and economic grounds.

McIntire also detected treason in the nation's "non-separated seminaries and colleges, and even in some Bible schools, alleging that a "master plan and a master mind" is behind the treasonous preachings of these schools. The word "non-separated" refers to one of the basic doctrines of Ultrafundamentalism. This doctrine holds that born-again believers, in order to protect the eternal truths until the Second Coming of Jesus, must carry


8 Ibid.


out His mission by having nothing whatsoever to do with those who destroy God's word by failing to agree with him.

Thus, all those Christians who are not "born-again" believers, that is, according to the Ultrafundamentalists, those who do not accept a literal interpretation of the Bible, are guilty not only of academic error but of apostasy. They are Christians who are impostors and who are destroying the historic faith. Such "posers" or non-separationists, can be found everywhere—in high places and low. They are in colleges, seminaries, local congregations and denominational headquarters, in Protestant, Catholic, and Jewish groups, among the rich and poor, the highly educated and the average man.\textsuperscript{11}

Another important event was added to this issue of communism. In Amsterdam, during its constituent assembly, the World Council released a report on communism and capitalism. Within this report was a clause declaring both communism and capitalism to be incompatible with the Christian view of life. Briefly, the report stated that communism is at variance with Christianity because of its materialistic and deterministic teachings and its emphasis upon economic justice at the expense of freedom.

Capitalism, however, was also at variance with Christianity because of its emphasis upon freedom at the immediate expense of economic justice and because it tended to subordinate human needs to economic advantage; whereas justice demanded that the economic be subordinated to social ends.\textsuperscript{12}

The response of the Fundamentalists was immediate. They vehemently disputed the propriety of condemning capitalism alongside communism as though the two were evils deserving to be equally excoriated. McIntire attacked the World Council as being comprised of radicals and pacifist church leaders and supporters of the social gospel and a planned economy.\textsuperscript{13}

The postwar drive for religious unity coincided with a campaign for political unity, which resulted in the establishment of the United Nations in 1945. The Fundamentalists associated the ecumenical movement with the U.N. as though the two organizations were specifically designed to work together in some type of conspiratorial, ecclesiastical-political alliance. Furthermore, the fact that the World Council supported the U.N. was accepted as proof that an unholy alliance for an ecclesiastical-political

\textsuperscript{12}Gasper, \textit{The Fundamentalist Movement}, pp. 46-47.

\textsuperscript{13}\textit{Ibid.}, p. 47.
state existed.\textsuperscript{14} According to McIntire, "...the World Council of Churches is roughly an ecclesiastical equivalent of the United Nations...A one-world church is the goal of the World Council of Churches and a one-world government is the goal of the United Nations. Both must be rejected by God-fearing, freedom-loving Americans."\textsuperscript{15}

The Fundamentalists charged that the World Council had adopted a radical pacifism in foreign affairs. There is scant evidence, however, that the Council leaders were radical pacifists, even though they did believe war was unChristian. They took the position that no war is inevitable and they scorned the idea of preventive war, which Fundamentalists like McIntire advocated against Russia. Considering the terrible prospects of nuclear war, the World Council supported the U.N. as a peace-keeping force and the only hope of preserving international law and order.\textsuperscript{16}

The general attitude of the Fundamentalists was that a Christian should be prepared to fight when necessary. This belief is clearly demonstrated in the following

\textsuperscript{14}Ibid., p. 49.

\textsuperscript{15}Carl McIntire, "A Bankrupt United Nations," Twentieth Century Reformation pamphlet.

\textsuperscript{16}Gasper, The Fundamentalist Movement, p. 51.
statements of McIntire:

You are under orders from Jesus Christ, and He said, You occupy down here until I come.... If you win a soul for Christ...you should help him put on his armor as soon as possible... and tell him to join the great battle and to fight the enemy. You are not getting people saved to sit around and do nothing; you are getting people saved to be witnesses and to be soldiers and to stand up for Jesus Christ....

This neutralism, this pacifism that has gotten into the fundamentalist realm--'well, we just save souls, that's all we do; we don't fight anything'--is the most absurd and ridiculous thing you ever saw. People who talk like that are disobeying Christ and dishonoring the Gospel, and they are not fit to have the name Christian. They are just a bunch of soft cowards that are not willing to get out in the great fray of our day and face the bullets and face the music....

At another time McIntire expresses the same belief:

The Christian is and must be that most valiant warrior against godless Communism in the 20th century. The Communists have desired war--a cold war against the U.S.A. and the free West. The international Communist conspiracy is leading the fight to enslave the world. The Christian should lead the fight to win the cold war and he should do so in the name

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17 Carl McIntire, "The Hippie Peace Symbol and the Cross of Anti-Christ," Twentieth Century Reformation pamphlet.

18 Ibid.
of the Lord of Hosts, the God of the armies of Israel.19

In the case of Russia, the Fundamentalists thought it best for America to strike first because they believed that peaceful co-existence with Russia is impossible. McIntire's most memorable solution to the supposed Communist threat was published in 1948 before the world knew the Soviets had nuclear weapons. On this occasion he observed:

We call the representatives of freedom-loving nations for a complete and frank show-down with Russia. The longer we delay, as the last three years has indicated, the more complicated the situation develops and the more disillusioned and despairing the forces for morality become. For us to have the atom bomb, and in the name of false morality, born of a perverted sense of self-respect and pacifist propaganda, to await the hour when Russia has her bombs to precipitate an atomic war, is the height of insanity and will, when the fateful hour comes, be a just punishment upon us. We believe that Almighty God holds us responsible.20

Shortly after, the official policy board of the ACCC called for a preemptive war based on their conviction that the Soviets were preparing to attack the U.S. They declared "America has a moral responsibility to strike

19Carl McIntire, "Why Christians Should Fight Communism," Twentieth Century Reformation pamphlet.
20Carl McIntire, Christian Beacon, Nov. 4, 1948, p. 2.
first, using adequate and necessary ways to thwart the maddened purpose of the enemy."\textsuperscript{21}

As to the U.N., the Fundamentalists agreed there was a need for world government to prevent the cruelties of one nation against another. But they argued that any proposal for world cooperation is an invitation for national disaster and an opening wedge for world socialism and world dictatorship. They warned against any American attempt to yield any part of its sovereignty in a world rapidly becoming Communist.\textsuperscript{22}

The specific point on which the Fundamentalists rejected the U.N., however, was that it sought to solve the problems causing international disharmony through better understanding between fallible nations and peoples. The apocalyptic belief of the Fundamentalist denies any hope for a progressive moral development in the human character which might cause man to be less warlike. Without the aid of divine grace, man would be incapable of bringing a peaceful order into existence.\textsuperscript{23}

\textsuperscript{21} Jorstad, \textit{Politics of Doomsday}, p. 50.

\textsuperscript{22} Gasper, \textit{The Fundamentalist Movement}, p. 52.

\textsuperscript{23} Ibid., pp. 53-54.
Hence, they reasoned, it was supreme naivete to think that depraved human beings could and would live harmoniously. The human race must await the Second Coming of Christ—which the Fundamentalists believe is imminent—for the coming of righteousness and justice between men.24

In an article on the Fundamentalist Far Right, Dale Leathers speaks of this distrust of man and society by the Ultrafundamentalists. Describing them as reactionaries, he says, "The reactionary's hangup with distrust assumes two forms: the Fundamentalist God distrusts man and the reactionary distrusts his fellow man." He further adds:

The reactionaries are committed to the notion that the fundamentalist God must necessarily distrust, since men by nature are untrustworthy and deserve punishment for their lack of trustworthiness. Such beliefs minimize the possibility that the reactionary may be the master of his own destiny on earth. Dominant among fundamentalist values are commitments to a suspicious God, who rightfully distrusts untrustworthy man in a literal hell for his lack of trustworthiness....Men are born evil and untrustworthy. All groups are conspiratorial because they inevitably are formed by evil men; all men are innately bad....25

24Ibid., p. 54.
By the mid-20th century, then, the Fundamentalists had become extremely nationalist and isolationist and spoke in favor of military preparation as a deterrent for aggression.

Conservative factions in the United States became directly or indirectly allied with the Fundamentalists in the anti-Communist crusade which gained momentum about 1949. Various conservative groups were stirred by the involvement of the World and National Councils in economic and social matters.

Conservative spokesmen like John T. Flynn, Verne Kaub, Capt. Edgar Bundy, and J. B. Matthews declared in speeches and in print that the leaders of the National Council advocated the overthrow of American capitalism and society. For example, the conservatives believed that the greater demand for welfare legislation, the decline of states' rights, the civil rights movement, to name a few, were calculated moves to destroy America.\(^\text{26}\)

The potential Far Rightist concluded that these programs were the inevitable result of the liberal mentality, an outlook which they believed denied the presence of absolute standards of truth and righteousness. In their reasoning, liberalism is the first step to

socialism, and socialism is an inevitable step toward Communism. Indeed, liberalism is strongly despised because it is really Communism in disguise. This makes it more menacing because Communism, at least, is open atheism. The Rightists believed that by working through its agents in this country, the Soviets could take over without so much as firing a shot.

The entrance of political and economic conservatives into the anti-Communist crusade provided fuel and ammunition for the Fundamentalists and helped the character of the Fundamentalist crusade from a strictly religious controversy to a struggle for social, economic, and political conservatism as well.

According to Gasper, many Americans, particularly those with no understanding of the world situation, became frightened with any rapid alteration in American modes of economic, political, and religious conduct. Some of them reverted to nationalism and isolationism. Some joined the Fundamentalist camp. Others did not. Nevertheless, a favorable climate had developed in which

27 Ibid.


the Fundamentalists could work.\textsuperscript{30}

In the late 40's and early 50's there was a proliferation of controversial articles, books, and pamphlets written by conservative spokesmen. They attacked the Federal (later National) Council of Churches and several well-known and distinguished clergymen in the Council as advocates of socialism and Communist policies under the guise of religious doctrine. The Council's guilt was the result of their support for various social welfare projects and the New Deal's economic measures. Those accused denied they were advocates of socialism and communism and stated that their interest was only in a more equitable distribution of America's wealth.\textsuperscript{31}

Verne Kaub represented the essence of Fundamentalist economic thought by stating that Christian individualism was closely associated with economic individualism.\textsuperscript{32} For that reason, he opposed any form of social planning. This concept, originally expressed by McIntire in his books \textit{The Rise of the Tyrant} and the \textit{Author of Liberty}, was

\begin{itemize}
\item \textsuperscript{30}Ibid., pp. 55-56.
\item \textsuperscript{31}Ibid., p. 60.
\item \textsuperscript{32}Ibid.
\end{itemize}
supported by most others in the Christian Far Right.

The effects of this new association of conservatives with Fundamentalists was very advantageous to the aims of the latter. Gasper says that the Fundamentalists immediately recognized the "explosive nature of the propaganda value" of the literature that was proliferated against the Federal Council and its leaders. And they quickly began to quote from these sources. Moreover, McIntire had been making similar charges against the Federal Council and its leaders for several years. Thus, by 1950 many non-religious authors formally outside the Fundamentalist movement were beginning to add credence to his charges.33

McIntire seized this opportunity to exploit the Communist issue alongside the religious one. By this device he hoped certain advantages would accrue to the American Council in its controversy with the Federal Council. Eventually the churches affiliated with the ACCC were distributing literature by non-religious authors in the anti-Communist movement.34

Throughout the early 1950's, the belief in an increasing Communist threat took hold in many areas of

33 Ibid., p. 62.
34 Ibid.
America. The obvious menace of Soviet Communism, the frustrations over not being able to win a total, smashing victory in Korea, and the belief that neither the Democratic nor Republican leaders in Washington were willing to really go at the internal conspirators, compelled tens of thousands of citizens to support Senator Joseph McCarthy of Wisconsin.35

During the period from 1950 to 1954, McCarthy emerged as the leader of the anti-Communist crusade. While he investigated Communist infiltration in the government hierarchy, McIntire and other Fundamentalists were vigorously searching for Communists and their sympathizers in the churches. The work of McIntire, Kaub, and other Far Rightists would perhaps have gone unnoticed were it not for the impetus provided by Senator McCarthy in his broad attacks on the "reds" in the American government. The Ultrafundamentalists suddenly realized they had found the national leader needed to provide notoriety and prestige to their work. The prestige of his office added to the respectability of the anti-Communist cause. On the other hand, however, McCarthy made good use of the "help" given him by the Fundamentalists. He

claimed that the International Council (ICCC) was a "militant anti-Communist group" whose ministers were usefully serving the interests of America and God.36

Based on their convictions, born in 1938, that America's worst internal enemies were her clergymen, the Ultrafundamentalists thrust themselves into the McCarthy-ist offensive. From early 1950 to late 1954, the leaders of the two councils McIntire founded and headed, the ACCC and ICCC, cooperated with Senator McCarthy's staff and even more directly with the House Un-American Activities Committee (HUAC). This alliance explains how and why many charges against allegedly treasonous clergymen were made by many congressmen on investigating committees. The so-called evidence was furnished enthusiastically by the Ultrafundamentalists. In turn, McIntire and his supporters were able to claim that many congressmen relied on them in their investigations which enhanced their credibility, prestige, and image. Moreover, because of their controversial nature, the ACCC-ICCC leaders received, during these four or five years, much attention from broadcasters and journalists; their sensational charges made exciting

Two notable events stamped McIntire's name into the national consciousness. One was the ACCC-ICCC's finding that a Communist conspiracy was at work in the Revised Standard Version of the Bible. McIntire's allegation that this new version of the Bible was an "unholy book, the work of Satan and his agents," and that it was un-American and Communistic, with every word of God under attack, brought him front page coverage in the nation's newspapers.

The second event was McIntire's assertion that Bishop Bromley Oxnam and the National Council of Churches gave aid and comfort to the Communists. McIntire also charged that Oxnam was a "top Red clergyman" in America. The American Council and McIntire thus demanded that the House un-American Activities Committee investigate Oxnam and the National Council. Oxnam agreed to come before the Committee with the press following every moment of the drama. However, the ending proved anticlimactic, with the Committee finding no evidence to support McIntire's charges. Soon after, public interest in the

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issue of Communism in the churches declined. 39

McIntire still came out a winner, however. He was able to capitalize on the heightened power, influence, and fame that resulted from his activities with HUAC and the Oxnam episode. Suddenly a substantial amount of new revenue poured into McIntire's office. The new funds allowed the ACCC-ICCC leaders to expand their operations and activities into different areas. 40

In 1953, McCarthyism was still rampant and many politicians continued to thrive on the national fears of communism. Various patriotic groups, exhibiting extreme nationalism, were spawned and were self-appointed watchdogs over the actions of Americans and foreigners for subversive activities. 41

By the end of 1953, the men who would come to be recognized as the leaders of the Fundamentalist Far Right in the next decade were all actively working for or directly with the ACCC-ICCC. McIntire was the acknowledged executive, retired Air Force Capt. Edgar Bundy was his closest associate, Billy James Hargis was also on the


payroll, and Verne Kaub and J. B. Matthews were in charge of research and documentation to support the plethora of speeches and published material issuing from these organizations.\textsuperscript{42}

In 1954, however, McCarthy dissipated his strength, credibility, and prestige during the Army hearings. The ACCC leaders also found themselves in a similar predicament in their failure to undermine the stature of the National Council. According to Jorstad, "they would mistake the zeal of their supporters for that of general public approval."\textsuperscript{43}

World events also contributed to a new spirit in foreign affairs. Jorstad states that the death of Stalin, the more moderate tone toward America by the new Soviet leaders, and the end of the stalemate in Korea, all helped deflate some of the hard line anti-Communism of the early 1950's. The Fundamentalists and the followers of McCarthy needed flamboyant leadership and this was not forthcoming after McCarthy's censure by the Senate in 1954 and his subsequent death in 1957. The momentum of the anti-Communist movement had slowed to a crawl.\textsuperscript{44}

\textsuperscript{42} Jorstad, \textit{The Politics of Doomsday}, p. 57.
\textsuperscript{43} Ibid., pp. 57-58.
\textsuperscript{44} Ibid., p. 59.
By this time the experience gained by the ACCC-ICCC in support of McCarthy and related programs brought the Fundamentalists of the Far Right into a position of leadership among church conservatives. The most influential of these bodies came to represent the union of the religious and political streams of the Far Right and attracted wide support.  

Even after their leader's death, McCarthy supporters continued to spread alarm at what they perceived to be the growing internal conspiracy, the rapid decline of American strength at home and abroad, and the public apathy towards these crises. Internationally, several crises came quickly after the McCarthy era, and each served to strengthen the Far Right by aggravating their fears and frustrations. First came the French loss of Indochina, then the crushed Hungarian rebellion, and a year later the Sputniks. Redekop says that the "Sputnik crisis was especially humiliating, because it indicated that the Soviet Union had trumped the United States at its own game--that of always, and boastfully, being first in technological innovation.... Of course Washington was again blamed for America's failures."  

46 Redekop, The American Far Right, p. 147.
These national and international events and developments were proof to McCarthy supporters that America had retreated from its once stern Puritan morality and its determination to protect its liberty. In their manner of reasoning, events just didn't happen; someone was responsible for giving aid and comfort to the Communists. The enemy was everywhere. The public needed to be informed and educated to the imminent peril. Hence, they concluded that only a massive program of exposing liberals and socialists and a rededication to the ideals of Americanism could preserve the nation from destruction. Someone needed to come forth with a program to save America, for America needed a leader or leaders to revive its Christian heritage of free enterprise and liberty.\footnote{Jorstad, \textit{The Politics of Doomsday}, pp. 60, 63.}

Another spur toward the revival of the latent McCarthy-Fundamentalist Far Right movement was the increased dissatisfaction felt by the militant conservatives in the late 1950's toward the Eisenhower administration. They thought that instead of reversing the liberal-socialist policies initiated during Roosevelt's New Deal, Eisenhower was simply continuing them. They reasoned that these policies were aiding the Communists, and they reacted with shock.
and anger.  

Jorstad claims that somewhere between 1958 and the inauguration of John F. Kennedy in 1961—among the numerous doctrines, theories, emotions, and suspicions that swirled around the nation at this period—there emerged the hard core of the Far Right ideology and practice and the formation of the Fundamentalist Far Right movement. It was a blend of Fundamentalist religious doctrine and extreme conservative political philosophy. What distinguished this new ideological religio-political movement from the McCarthy political movement was the presence of a strong organization capable of conducting prolonged efficient campaigns. The New Far Right, as Daniel Bell describes it, was also more powerful and influential because of its ample resources and its intelligent methods of promotion. Its leaders own and operate expensive equipment for the printing and distribution of low-priced, well-edited exposes of the conspiracy. These poured forth a complete line of books, pamphlets, tapes, films and recordings. Here was a means of communicating their message directly to the people that was not available in the "liberal-leftist press."  

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48 Ibid., pp. 61-62.
49 Ibid., pp. 60, 66, 67.
Furthermore, the Far Right organizations employed "expert" advisers and speakers to sharpen their propaganda. Almost every group had an ex-Communist or former FBI agent or retired military officer to write or lecture on Marxism and internal subversion. Through their voluminous printed matter, their lectures and anti-Communist schools and crusades, these highly organized Rightist organizations carried their hard line message into the towns and villages of the nation which previously lacked access to such information. \(^{50}\)

Further, many of the most prominent Fundamentalist Far Right leaders, like McIntire, used the broadcast media to propagate their message to millions. And many employed highly-skilled public relations experts to create an image of respectability and patriotism. \(^{51}\)

Thus, a political movement which McCarthy had nourished and directed, but which faced extinction after his death, had a rebirth. Convinced in the late 1950's that the internal conspiracy threat was stronger than ever and that something had to be done quickly to save America from certain ruin, the Far Right Fundamentalists knew they had to organize or perish. They organized, but

\(^{50}\) Ibid., p. 64.

\(^{51}\) Ibid., p. 66.
they have done more than this. They put together a propaganda machine whose potential for influencing opinion can be glimpsed from their limited success in the 1964 presidential campaign. By the time of this campaign, the Ultrafundamentalists were inextricably tied to the Radical Right.  

History played an important part, however, in the dramatic rise of the Far Right and Ultrafundamentalist movements in the early 60's. Jorstad contends that Kennedy's assumption of the presidency was a key factor in the development of the Far Right into a multimillion dollar enterprise. In Kennedy's personality and goals, and the accomplishments of his administration, they found the ideal embodiment of the internal conspiracy. He was the perfect scapegoat: Roman Catholic, Harvard educated, intellectual, sophisticated, very wealthy, liberal, and good copy for the mass media.

Besides capitalizing upon antagonism to his personal traits, especially his religion, the Fundamentalists of the Far Right also seized upon the New Frontier philosophy as evidence of an internal conspiracy. They saw in every action of the Administration (the Supreme

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52 Ibid., p. 65.

53 Ibid., pp. 82-83.
Court, trading with the Communist nations, support of the U.N., civil rights legislation, the dismissal of General Walker, etc.) evidence that the government was ruled by traitors.⁵⁴

The Cuban crisis also added fuel to the fire. First came the frightening revelation that Castro was a Communist, then the humiliating Bay of Pigs fiasco. The Cuban affair, more than anything else, crystallized the Far Right into a strong, united movement, writes Redekop. "It 'proved' what a number of Far Right leaders had been saying all along, that Washington was full of Reds, 'comsymps,' 'comrats,' fellow travelers, dupes, and 'pinko eggheads'."⁵⁵ Indeed, liberalism-socialism-communism had already taken over the government.

McIntire found that as he added the subject of the New Frontier to his list of targets he was able to multiply the number of radio stations carrying his program from one in 1958 to 540 by early 1964. His weekly newspaper, the Christian Beacon, also increased in

⁵⁴Ibid., pp. 85-87.

This expansion was characteristic of the entire Radical Right movement, according to Jorstad. Thousands of citizens started to support dozens of Far Right organizations and programs as they were led to believe that the Administration was cowardly in its foreign policy and causing the destruction of all moral standards at home.  

The increased revenue of these organizations made it possible for further expansion through more radio programming, wider distribution of printed materials and more public rallies. The market for these materials and these activities grew until a full-fledged crusade existed, wide enough to embrace many interests, but unified enough in its opposition to the New Frontier.

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56 Jorstad, The Politics of Doomsday, pp. 87-88; a study by Group Research, Inc., "Periodicals on the Right," of Sept. 20, 1966, p. 20 provides the following circulation figures for the Christian Beacon:

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The assassination of Kennedy gained new support for the Right. They capitalized on Oswald's having had Communist ties and linked the whole affair to the Communist conspiracy.\footnote{Jorstad, \textit{The Politics of Doomsday}, p. 90; and Jorstad, "Fundamentalism and the Far Right," 6-7.} McIntire was compelled to publish a special edition of his \textit{Christian Beacon} entitled, "The President is killed but the Right Wing is Blamed."

To ACCC-ICCC leaders it seemed beyond doubt that during the "1000 days" of Kennedy's Administration there was a fantastic increase in the power by the internal conspirators. Though times were bleak for them, they reasoned that perhaps through all this clamor and hatred, God was telling America what it must do.\footnote{Jorstad, \textit{The Politics of Doomsday}, p. 98.}

The Republican Party had also experienced something of a crisis. Increased dissatisfaction with continued deficit spending, growing federal power, extravagant foreign aid, reluctance to be firm with Cuba's Castro, and the repeated attempts to accommodate the Soviet Union, combined with the 1954 Supreme Court decision on segregation and the death of McCarthy, helped to alienate a sizeable segment of the Republican Party. A basic polarization of the Party occurred with Moderates and the Far Right parting company on basic questions of ideology.
The extent of this split over a ten-year span became evident at the 1964 Republican convention in San Francisco. 61

By this time, the Ultrafundamentalists could discern signs that God must be close to them. He was giving them more money, more supporters, more publicity, and more influence in public life than ever before. And now they had a good cause—"to finally drive the traitors from the temple and reassert its rightful position as God's most favored nation...a cause that was good, solid Christian Americanism, a return to the fundamentals." 62

This cause was the support of Sen. Barry Goldwater in his candidacy for President. He was an ideal candidate who called for the rededication to individual integrity and personal responsibility to destroy the welfare state and the growing bureaucracy. Like the Ultrafundamentalists, he viewed socio-economic problems primarily as matters of individual responsibility rather than as products of discrimination, poverty, and congestion. He believed that the real power in life was the power of sin and once man learned to turn back its worst influence he could cope with the ills of the world. 63

Finally, a political party had returned to its

63 Ibid., p. 122.
senses, thought the Ultrafundamentalists. At last, America had a man who spoke up the way a patriot should against the Reds for good, old fashioned American patriotism. His remarks in his acceptance speech after his nomination were enthusiastically accepted by the entire Far Right. The passage that inflamed the Right's zeal was "I would remind you that extremism in the defense of liberty is no vice! And let me remind you also that moderation in the pursuit of justice is no virtue." To the Ultras, politics had been transformed into a religion.

So attractive was his candidacy, and so long had the Fundamentalists waited for this kind of leader that they soon involved themselves in a concerted effort with the Radical Right to elect Goldwater. Research and documentation on the internal conspiracy was undertaken by both groups. Each utilized their radio programs, their pamphlets, and their journals to educate the public. They molded a unified interpretation of the internal conspiracy. Each group moved toward greater cooperation through the appearance of the same speakers at activities of both camps. The Ultrafundamentalists began endorsing

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or showing approval of several well-known Radical Right crusades. And although operating on a tax-exempt status as a religious institution, like several other prominent religious Far Right organizations, McIntire, in his Christian Beacon, tacitly endorsed Goldwater and his policies. 66

The loss of the presidency in 1964 did little to dampen the enthusiasm of these churchmen for the cause. They had won one victory—they had turned back the liberal east coast Republicans and nominated their man. One victory could lead to another. 67

Despite their political setback in 1964, Jorstad remarks, the Ultrafundamentalists have continued to exert influence in certain areas of American religious and political life. While winning over few actual converts to their denomination they attracted support that otherwise would go to the programs of the mainstream churches. They continued to create confusion and distrust among those suspicious of any kind of interdenominational cooperation; and they suggested Communist leanings by those suspicious of the social outreach of the churches. 68

66 Ibid., pp. 105-104.
68 Ibid.
Politically, the Ultrafundamentalists, since 1964, have been very active on many fronts. They have been vocal in their opposition to many Supreme Court decisions, especially those concerning civil rights, law enforcement, prayer reading in schools, open housing, and welfare. They are also strongly opposed to fluoridating public water resources, declaring it to be an invasion of individual rights and, more terribly, a Communist plot to poison the minds of American citizens.

On international issues, the Ultrafundamentalists are against any trade with Communist nations. Most notably, they are for a strong military posture in Vietnam. They openly advocate the use of full military force, even the use of nuclear weapons, to win the war. They have strongly condemned the U.S. strategy of limited engagement, accusing the Johnson and Nixon Administrations of cowardice and giving in to the Communists. They are frustrated at the fact that the United States cannot subdue a little, weak nation like North Vietnam, and they attribute America's lack of firmness and strength in prosecuting the war to a conspiracy of liberal, leftists, and Communists in government. They believe that all those in and outside of government who have opposed the war and have called for a withdrawal are cowards, Communist dupes, and traitors.
Leading these critics and calling for total victory in Vietnam is Carl McIntire. His Marches for Victory have been widely covered and reported in the nation's press. His most noted remark on winning the war was a statement predicting that the United States could win the war in Vietnam in seven days if it would allow the military to fight the war its own way. The victory march that attracted the most attention and which gave McIntire national prominence by his appearance on national television and in the press featured the scheduled visit of South Vietnam's Vice President Ky who was to address a victory rally in Washington, D.C., on October 3, 1970. Under pressure from the Nixon Administration, Ky's appearance was postponed at the last moment. This action only encouraged McIntire to step up his charges that liberals and Communists are behind this country's failure in Vietnam.

This victory march was one in a series of marches which began on April 11, 1970 and have continued up to the present. They have been held in various places such as Washington, D.C., at San Clemente, California, the "summer White House," on March 20, 1971, in all capitals of the fifty states, and, most recently, on May 8, 1971 again in Washington. The marches most heavily attended
are the ones in Washington, D.C. They have attracted some prominent government speakers like Senator Strom Thurmond and Congressman L. Mendel Rivers of South Carolina, Governors Lester Maddox of Georgia and George Wallace of Alabama. Other government officials who have spoken at these marches are Congressman John Rarick of Louisiana and John Schmitz of California.

The crowds gathered at these national marches have not been nearly as large as those who have participated in the several anti-war marches, although no accurate estimates exist. Judging from press accounts and McIntire's Christian Beacon, it appears that the types of people who have come to McIntire's marches are war veterans, elderly people, and various Right Wing groups. Several speakers, identified with Right Wing organizations, have also addressed the marches. These include Major Edgar Bundy, retired General Edwin Walker, and John Stormer, author of the book None Dare Call It Treason.

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A summary of the major trends of the Fundamentalist Far Right from 1960 up to the present indicates, first, its rapid increase in financial strength and as a shaper of opinion and, second, its swing toward political involvement--two trends that were closely related. While
McIntire's two religious councils—the ICCC and ACCC—had concentrated on ecclesiastical and doctrinal controversy, they attracted only minor support from the public—mostly from those directly concerned with religious issues. But, as McIntire's Christian Beacon itself noted, "Since 1960, sweeping changes in the growth and outreach of the Twentieth Century Reformation movement, paralleling in many ways the changes and development of the world-wide political conservative movement, have unfolded."69

During this time Ultrafundamentalist leaders perfected their use of the mass media to promote their programs. This attracted enough revenue to purchase more radio time, which, in turn, brought in more contributions, and so their influence mushroomed. Some of this new money came from members of denominations belonging to the American and International Councils. But a greater proportion came from new supporters outside these councils who were not satisfied with the brand of anti-Communism their own ministers or public leaders were preaching.70

As the new alignment became evident, the battle for God and country and against Communism in all its forms

69 Christian Beacon, June 23, 1966, p. 3.
overrode questions of religious doctrine, which once had been uppermost in the Ultrafundamentalist controversy. This larger vision and greater involvement in world affairs gave the Ultrafundamentalist crusade a sense of purpose and direction it had not known in its early years of poverty and ridicule.71

This transformation, however, also cost them a loss of identity as a totally separate group within Protestantism. Now the leaders were considered leading church-related spokesmen for the entire Far Right cause. The two movements became so inextricably intertwined in 1964 that no longer did they show the firm cleavage which had once been the cherished possession of the separationists. By the end of that year, the Fundamentalists of the Far Right were able to influence a portion of American Protestant thought and general public opinion beyond their membership.72

Since 1964, they have been active in a variety of causes both religious and political. Through their use of the various means of communication—books, pamphlets, newspapers, recordings, lectures, and especially the mass

71Ibid., p. 123.
72Ibid.
media -- they have disseminated their message to a large segment of the American public. They have organized to voice their support or opposition to a variety of causes and issues, such as the lobbying effort for passage of the Liberty Amendment which would have repealed the income tax; the marches for victory in Vietnam; to thwart civil rights advocates; and to oppose sex education in schools, to name but a few. Their fight for God and country and against communism has paid generous dividends for many of the more prominent Religious Far Right organizations, including McIntire's, receiving funds totaling several millions of dollars.

There is no doubt that the message of the Fundamentalist Far Right strikes a responsive chord in many minds and hearts. A more detailed view of who these people are and why they support McIntire and others of the same persuasion is provided in the next section.
1. McIntire's Twentieth Century Reformation Movement: Some Characteristics of his Followers

This section, which investigates the constituency of the Fundamentalist Far Right, is aimed at determining the audience of McIntire's Twentieth Century Reformation movement, as well as the reasons these people have come to support him. Such knowledge should prove to be helpful in exploring McIntire's communication strategy—that is, his themes and techniques, his language, his presentation, use of words, etc.—and his purpose of using the mass media.

Concerning the "who" of McIntire's audience, there is, unfortunately, no exacting, scientific analysis available. It is probable that he himself has only a general awareness of the composition of his audience, apart from the obvious reasoning that most of his supporters are Fundamentalist Christians.

Two major, but indirect, sources provide a profile of McIntire's audience. First, the geographic factor is an indication. For instance, it could be stated that many, if not most, of the radio stations that carry McIntire's Twentieth Century Reformation Hour program are in rural parts of the country or are oriented to a rural audience, although even here there are exceptions.
For example, McIntire's own station in Media, Pennsylvania, is in a suburb of Philadelphia.¹

The rural nature of his listeners also is brought out through his habit of asking people who telephone in during his programs to tell where they are calling from. This gives him an idea of the geographic reach and location of his broadcasts, and it provides an analyst some grounds for deducing that a large percentage of McIntire's followers are farm or small town residents.

A similar form of feedback comes from letters in which his listeners send him funds for his various appeals. The return addresses again indicate the location of his audience.

The predominantly rural nature of this writing audience is seen in the following sample list of locations found in the letters sent to him, and which he often prints in his radio newsletters and his Christian Beacon newspaper: Thomson, Georgia; Oakwood, Illinois; Folcroft, Pennsylvania; Walhalla, North Dakota; Fleetwood, Pennsylvania; West Allis, Wisconsin; Amory, Mississippi;

¹It is difficult to determine the exact number and location of McIntire's stations because he loses and gains new stations constantly. In an attempt to obtain some accurate information on the stations carrying McIntire's Twentieth Century Reformation Hour program, the Senate Communications Subcommittee in the Fall of 1966 sent a questionnaire to McIntire and other stations about the makeup of their weekly schedules. Evidence shows that McIntire didn't respond to it.
Greensburg, Pennsylvania; Hamilton, Michigan; Racine, Ohio; Zion, Illinois; Auburn, Pennsylvania; Charles City, Virginia; Hummelstown, Pennsylvania; Jarratt, Virginia; etc.  

McIntire receives a large proportion of his audience response from the Southern, Southwestern, and Western (especially California) parts of the country. The Midwest is also heavily represented. One empirical study found that the largest proportion of Right Wing adherents lived in the first three sections of the country. This study cites several authors who explain that the large rural population of the South and the recent migration of rural persons with traditional values from the South and Midwest to the rapidly industrializing Southwest and West is one possible cause for the large concentration of religious Far Rightists in these areas.  

Another possible explanation for the geographical location where rightists live is provided by Rohter. He cites the Rightist belief in individualism and the idea 

2These locations are obtained from various editions of his radio newsletters.  

that a sort of raw "frontier" ideology of individualism seems to reflect the frontier orientation of the people of the Southwest and West. Rohter adds that these are places "where people go to make a new and better life for themselves and their children. Individualism and an emphasis on self-help were basic traits of early frontier life, and still hold sway in many places today."\(^4\) He further remarks that "While the West of today is very different from the West for the nineteenth century, it seems likely that people who subscribe to individualistic values are still attracted to the new growing cities of the Southwest."\(^5\)

The second indirect source of information about McIntire's audience is the accumulated evidence of several authorities who have examined the Radical Right public. While it is impossible to say that McIntire's adherents fit exactly the mold that these analysts have reported, it would seem reasonable to accept some correlation between them and the Radical Right public because McIntire continually espouses the principles and logic of the Radical Right cause. It appears they would not be listening to him, reading his newspaper, and responding

\(^4\)Ibid., p. 87.

\(^5\)Ibid.
to his appeals if their sentiments rested elsewhere. It is important to note, moreover, that McIntire does not necessarily acquire followers by selling an ideology, but essentially exploits feelings and unexpressed beliefs through his rhetoric. Thus, an examination of the Radical Right public, its origins, and its motivations, will give a meaningful insight into the nature of the people who have lined up behind McIntire.

Many studies on the Radical Right list McIntire as one of several well-known Rightist leaders. Rohter asserts, as noted by authors in the preceding chapter, that there is a strong link between Radical Rightism and Religious Fundamentalism and that the religious views of many Rightists are strongly colored by Fundamentalism. He states that several well-known Rightist leaders are active Fundamentalists or come from Fundamentalist backgrounds.6 Robert Welch, for example, speaks of "our Fundamentalist members, who form such a solid core of the strength of the [John Birch] Society."7

Further attesting to this union, Rohter says that the writings of many Far Rightists "bristle with indictments

6Ibid., p. 89.
7John Birch Society Bulletin (September 1963), 5.
against 'liberal theology' and the 'social gospel,' and forcefully demand a return to strict fundamentalist doctrine in the churches." He states that many anti-Communist rallies are "like religious revivals in their emotionalism and Biblical rhetoric, with Communism and the forces of subversion at home identified as works of the devil." Rohter points to some of the more prominent organizations which combine Fundamentalism and Radical Rightism. McIntire's "Twentieth Century Reformation Hour" movement is one of them. Others include Billy James Hargis's "Christian Crusade," Fred Schwarz's "Christian Anti-Communist Crusade," and Edgar Bundy's "Church League of America." The link between Radical Rightism and Religious Fundamentalism stems from the "close congeniality between Fundamentalist doctrine and behavior and Rightist ideology," Rohter contends. He adds that for the Right-wing Fundamentalist, religion forms a "basic value-orientation and behavior prescription." He further states:

For such people religion involves not only membership in a church and attendance at services but a

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8 Rohter, Radical Rightists, p. 89.
9 Ibid.
10 Ibid.
constant interweaving of religious values into their daily activities.... This active commitment to live according to religious tenets is strongly held among fundamentalists, for such beliefs are accepted unquestioned and represent a deep involvement of the personality in given ultimate values and principles.11

Analysts of the Radical Right propose that its members subscribe to those principles embodied in what Max Weber calls the Protestant Ethic. McIntire and his followers also appear to endorse these values. Rohter says these principles comprise a "strong commitment to morality, individualism, and the affirmation of work, savings, investment, and limited personal consumption."12 Such people who believe in these precepts stress self-sufficiency and individualism in the pursuit of long-term life goals. They believe that through hard work and thrift, a man can improve his life. Further, this value orientation leads members of the Right to see governmental activities in such areas as relief, social security, public housing, urban renewal, and other welfare measures as leading to a weakening of individual initiative and self-reliance.13

11Ibid., pp. 90-91.
13Ibid., p. 85.
The sharing of common beliefs in such traditional values as individualism, the Protestant ethic, and Fundamentalist morality by the Radical Right and religious Fundamentalists are indicated by Rohter. This fact is especially notable with regard to the principle of individualism—the relationship of the individual, to his work, to his God, and to his government.

On the issue of work, the entire Far Right adheres to the principles of traditional laissez-faire economics. These conservatives display strong attachment to concepts of the individualistic entrepreneur and put much emphasis on personal achievement. They believe that every man through a combination of hard work, thrift, perseverance, and self-improvement, can enhance his social position.

The moralistic quality of the Right's economic ideas are emphasized by Richard Hofstadter who also cites the strong influence of Protestant Fundamentalism on them. He states:

Christian economic moralism has often buttressed benevolence and inspired social reform. But it has another side; insofar as economic life is regarded as a sphere for fulfillment of the ascetic Protestant virtues, Christian moralism has worked for right wing discontent.

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14 Ibid., p. 91.

15 Ibid., p. 74.
One strain in Protestant thinking always looked to economic life not just for its efficiency in producing goods and services but as a vast apparatus for moral discipline, of rewards for virtue and industry and punishments for vice and indolence. In the past vocational life was supposed to inculcate prudence, economy, and diligence. The vocational life was a moral testing ground.\textsuperscript{16}

Hofstadter adds that today these assumptions have been flouted:

Today's modern economy, based on advertising, lavish consumption, installment buying, safeguards to social security, relief to the indigent, government fiscal manipulation, and unbalanced budgets, seem reckless and immoral, even when it happens to work.\textsuperscript{17}

Another connection between the beliefs of the Right and conservative Christianity concerning the principle of individualism is the area of religion. This trait is revealed in the way they view man's relation to God, the Church, interpretation of the Bible, and church creed. Emphasis is placed on man's personal relationship to God, and on the individual's free will to make his own decisions about the course of his life. There is the traditional resistance to ritual or adherence to creed. And there is the fear of wholeness and inclusiveness in church


\textsuperscript{17}Ibid.
organization with the strong inclination toward separateness and autonomy. This same individualism is in part responsible for the Fundamentalist resistance to ecumenical cooperation.  

A third area where the similar beliefs of the Right and the Fundamentalist Right concerning the principle of individualism are displayed is the role of government. They are firm believers in the sanctity of individual rights and hold that these rights must be maintained and strengthened at the expense of encroaching government power. Big government and its bureaucracy are impinging on the individual's desire for less government control over their lives. They believe that to maximize freedom, simple and small government must be preserved.

Politically, these ideas are represented in demands that much of the social legislation programs passed be abolished, the progressive income tax eliminated, and government intervention in economic matters be ended. They see the increasing government interference in economic and social matters as the "communization" of America.

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19 Rohter, Radical Rightists, p. 86.

20 Ibid., p. 85.
Rohter concludes that both movements, the political and religious, are thus "underlaid with a rugged individualism, and this may explain, at least in part, the natural affinity which Fundamentalists have for Radical Rightism."21

Such belief in the traditional values of individualism, the Protestant ethic, and Fundamentalist morality are at the core of McIntire's religio-political ideology and are found throughout all his writings and speeches. One area where they are combined is that of economics—where McIntire expounds the virtues of capitalism and condemns the evils of collectivism, socialism, and communism. The following quotes are representative of McIntire's thought. Stressing his belief in the importance of the individual, McIntire says:

I am an individual. God intended for me to be an individual. I intend to remain an individual. God gave me property to use as an individual and for His glory. God gave me the right of those possessions.22

Speaking on the stewardship of his possessions, McIntire reveals his faith in the Protestant ethic:

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21Ibid., p. 93.

22Carl McIntire, "Why I am a Capitalist," Twentieth Century Reformation Hour pamphlet.
I am to be thrifty; I am not to waste or dissipate that which He has put in my care. He [God] warns against being slothful and being a sluggard.23

And,

The individual must labor... Work is honoring to God.24

McIntire's emphasis on individualism is shown in the following passage where he extols the virtue of capitalism:

Man must go out and work his own property, be a good steward of it so he may obtain a profit and from this profit he is to live, provide his own needs.... The capitalist system is possible simply because men have believed in God.... That which is right in capitalism is that it enables the individual to advance himself, his family, and the work of God on the basis of what he has been able to produce, to save, and to gain.25

The relation of individualism, free enterprise, and God are seen in this quote:

Capitalism is dependent upon individual freedom. It is built upon the concept that man is

23Ibid.

24Carl McIntire, "What is Wrong with Communism vs. What is Right with Capitalism." Twentieth Century Reformation Hour pamphlet.

25Ibid.
responsible to God; he is entitled to private property, which is ordained of God, and has a right to use the same in order to make a profit to take care of his needs and those of others.\textsuperscript{26}

Emphasis on initiative and responsibility are revealed here:

Capitalism provides hope in the arena of freedom where men may step out on their own initiative, responsibility, and with their trust in God become men of faith and character.\textsuperscript{27}

McIntire's emphasis on the individual's relation to God is clearly exhibited:

Each separate individual man must be free and as he expresses himself he is responsible to his Maker. This freedom was to be expressed in the individual man as he turned to God.\textsuperscript{28}

His fear of the destruction of traditional principles is presented here:

All areas of national life where socialism is moving in with its destruction of initiative, personality, thrift, and responsibility must be challenged and rejected by Christian America.\textsuperscript{29}

\textsuperscript{26}Ibid.
\textsuperscript{27}Carl McIntire, \textit{Author of Liberty} (Collingswood, New Jersey: Christian Beacon Press, 1946), p. 76.
\textsuperscript{28}Carl McIntire, "Christian Manifesto," Twentieth Century Reformation Hour pamphlet, sponsored by Christian Beacon, Collingswood, N.J.
\textsuperscript{29}Carl McIntire, "The Destruction of Our Property System," Twentieth Century Reformation Hour pamphlet.
The Far Right's opposition to any type of social legislation or government aid is represented in McIntire's following statements:

Our national character is being undermined by these handout programs and this antipoverty dole. These programs are undermining the character of the individual and the nation and making him dependent and perpetually determined to just let the government provide. There needs to be an exposure on the part of Godfearing preachers of the sin of indolence, the sin of laziness, the sin of squandering....

His antipathy to government aid is provided again:

The present antipoverty program has in it an attack upon the individual and upon the property system. The government is to move in and take care of the poor, and the poor become the drones and drains upon society because they are encouraged not to labor or to work....

The threat of the encroaching power of big government on individual rights is shown in this passage:

The so-called open housing or fair-housing legislation takes away from the individual the responsibility in the sale and use of his property.... The civil rights legislation has also transgressed these divinely given property rights....

30 Ibid.
31 Ibid.
32 Ibid.
Several analysts of the Radical Right point to the underlying discontent, anxiety, and frustration among many people who believe their traditionally respected values are declining in esteem and their way of life is increasingly in disrepute. Rohter states that "If a society ceases to respect his [a person's] values, his status suffers. This is the situation in which many rightists find themselves; they cling to values no longer respected, and so find themselves disrespected as well." Rohter describes this as cultural alienation.

Ellsworth and Harris cite the belief that people who maintain disestablished values may experience further frustration by their subjective hostile reaction to the cultural dominance of different values and ways of life. They say:

Having grown up believing in traditional values, they see today's American society as a strange place where old virtues are condemned, where sinful practices are approved and even advocated. A strong sense of disenchantment thus arises in those whose values were shaped by an older morality. This too is characteristic of the rightists.34

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33 Rohter, Radical Rightists, p. 83.

This apparent disregard of traditional values to which McIntire and the Far Right are committed is responsible for what several authorities have labeled status frustration. This thesis holds that Rightists are persons who are discontented with their degree of social acceptance, status position, influence, and the lack of deference shown toward their strongly held traditional values. Daniel Bell says this fear of the loss of traditional values causes many persons to feel dispossessed: "they believe that America has been largely taken away from them and their kind, though they are determined to try to repossess it."

These reasons constitute the major cause which prompts many people to become rightists. Rohter, for example, declares:

Since a person's status is connected to his values, any societal appraisal of these values correspondingly affects his claims to prestige and respectability. If society ceases to respect his values, his status suffers. This is the situation in which many rightists find themselves; they cling to values no longer respected and so find themselves disrespected as well.

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35 Rohter, Radical Rightists, p. 162.
37 Rohter, Radical Rightists, p. 83.
Today the politics of the radical right is the politics of frustration—the sour impotence of those who find themselves unable to understand, let alone command, the complex mass society that is the policy today.\footnote{38}

To understand the importance of status frustration it is necessary, first of all, to see its relationship to historical context. In this connection, some observers note that frustration is a result of the social and economic transformation since WW II and the pressures and tensions created by the Cold War. These changes have reworked the social map of the country and upset established status and power relationships. Increasing emphasis on education to acquire and keep jobs and on concentration and bigness in business has put many people out of work or displaced them to lower occupational levels.

Automation has also threatened the skills of the white and blue-collar workers and made them both regarded as obsolete and therefore less valued. And in a society oriented toward youth, the old and retired are now identified with unproductivity and made to feel socially worthless.\footnote{39} Declares Hofstadter, "This occupational

\footnote{38}Bell, "The Dispossessed," p. 42.  
\footnote{39}Rohter, \textit{Radical Rightists}, pp. 75-76.
and social mobility has contributed to an atmosphere where many people do not know who they are or what they are or what they belong to or what belongs to them.  

The adverse effects of social disorientation may be seen in other areas. Status decline has coincided with the parallel rise in prestige of those formerly disenfranchised—the immigrant, ethnic, religious, and racial groups—who are increasingly occupying important positions in industry and government and achieving more social and political power. He finds from his studies that the declining groups, in light of their anxieties and frustration, become a fertile source of supporters for political movements such as Radical Rightism which oppose social changes and allow their adherents to feel important and influential again.

Many authorities classify the political embodiment of this frustration in class and status politics as an explanation for the behavior of the Radical Right. Hofstadter and Seymour Lipset, for example, explain that such "politics" reflect the status discontent and resentment of individuals or groups who desire to maintain or

41Rohter, Radical Rightists, p. 77.
improve their social position.\textsuperscript{42} They too confirm Rohter's idea that such people wish to obtain public respect for their values and life styles. Also of importance is Hofstadter's remark that the demands of these anxious, discontented people are mostly negative, "seeking to prohibit, to prevent, to censor or censure, to discredit and to punish."\textsuperscript{43}

It would appear, then, from the foregoing analysis that McIntire's followers, as typical members of the Far Right, may be troubled by the problems of status decline and conflict. That this accounts for some of his popularity there can be little doubt. In short, his martyr-like stand against sociological changes naturally attracts followers who abhor and resent the modern approaches against which he inveighs. His pugnacity and aggressiveness for their causes—a return to a simpler world of fixed virtues, unalterable values and answerable problems—endear him to many hearts. His fight is their fight.

The steadily increasing anxiety so prevalent in McIntire's followers in particular and national groups in

\textsuperscript{42}Hofstadter, "The Pseudo-Conservative Revolt," p. 53; and Seymour Martin Lipset, "The Sources of the Radical Right," in Bell (e.), \textit{The Radical Right}, p. 308.

\textsuperscript{43}Richard Hofstadter, \textit{The Paranoid Style of American Politics}, p. 87.
general has produced widespread effects. Bell suggests that social groups which are "dispossessed" seek targets on whom they can vent their frustrations, and whose power can serve to explain their predicament. For the Radical Right, communism becomes the convenient scapegoat.44 Another authority, Richard Pierard, states that communism is the convenient scapegoat to blame for the decline of traditional values.45

Supporting these views is Lipset's argument that the Radical Right found an acceptable explanation in Communist penetration of government agencies to support their belief that America has suffered serious setbacks and committed errors in their domestic and foreign policies the past twenty years.46 The John Birch Society, in its March 1966 Bulletin, accuses the Communists for "doing everything they can to break down the spiritual strength of our nation."47 And Redekop states that the Religious Far Right translates the Communist menace as being both

44Bell, "The Dispossessed," p. 3.


Intense, active anti-Communism is a unifying concept of the entire contemporary Far Right. Its absoluteness, its mysteriousness, and its foreignness, suggests Redekop, requires the Rightist, as his primary duty, to be alert and fight the conspiracy on all fronts. There is constant advocacy of direct action. More important for the Rightist is the conviction that the external enemy is not as menacing as the domestic or internal threat.\(^{49}\)

A brief review of McIntire's voluminous speeches and writings would support this idea of the Communist threat. It is his main weapon to inject fear, anxiety, and emotion into his followers. Communist subversion is, he argues in numerous addresses, the cause of the decline of morals, increasing socialism in government and economy, the denial of prayer reading in schools, America's retreat in Vietnam, the social gospel of the churches, the mass of new government social legislation, and the Federal Communications Commission's action against his radio broadcasts. While McIntire does not explicitly refer to many


\(^{49}\)Ibid., p. 182.
people as Communists, he does call them liberals, socialists, or modernists which, in his manner of thinking, is a small step away from an actual Communist. Indeed, he considers them worse. They are deemed covert Communists who secretly cause destruction of our society. And for this reason he urges his listeners to be on constant alert. McIntire conceives himself as being necessary and indispensable in this regard—to alert the citizenry to the evil that lurks beneath the surface of society.

Appreciation of this task and responsibility is evident from his phone conversations with his listeners and the mail he receives. Besides receiving enormous contributions from his audience, he is assured of their continuing support in his vigil against the enemy. One theme echoed by many of his followers is summarized in this sentence: "Thank God this country has been blessed with someone like you who will stand up and speak out on this threat to our freedom, liberty, and our Christian way of life." The following excerpts drawn from some representative letters written by his followers highlight this view.

Aurora, Missouri--

Today I was touched as much as any of your broadcasts that I have heard...Wish I could meet you again and especially today I would not only shake your hand but I would put my arms around you and say that I
had met a man of God. I listen to you each day as I walk my route. In fact, your words help me with strength I need that I couldn't receive anywhere else. May God give you victory over the evils in state and national government that is trying to destroy this work. My daily prayer is for you to continue in the good work.

Racine, Ohio--

...May God continue to use your ministry to open our eyes to the truth about our nation. We wouldn't know what was happening concerning the world's situation without your radio program. We're praying for you.

Zion, Illinois--

...I pray for the orphans and your broadcast. If it wasn't for your efforts, things wouldn't be so good for the rest. Keep the good work up. Time is fast closing in on us.

Hagerstown, Maryland--

...I am so glad we have someone like you to stand up for God and country and against the Communists.

Atlantic City, New Jersey--

Your ministry on the radio each day and Sunday is an inspiration and blessing to my mother and myself. Your ministry is so much needed today more than ever before.

Roanoke, Virginia--

...May God give you courage and strength to continue the fight for patriotism and righteousness.

Thomson, Georgia--

...We praise the Lord and look to Him to meet our needs for the future. God bless you in your courageous and faithful efforts to awaken this complacent and apathetic generation. We remember you regularly in our prayers....
Clarksburg, Penn.--

...We praise the Lord for a man with an experience, faith and belief in God and His word. You will never know what you have meant and done for the people of this country and the world until eternity reveals it to you.

Tyrone, Penn.--

...Keep up the good work and remember the forces of evil wouldn't fight you so hard if you weren't hurting them.50

Direct action is the core of McIntire's campaign against sin, wickedness, modernism, and communism. To continue his fight, he repeatedly tells his audience, he must have their prayers and financial help. He is suffering for them in his crusade for Christ but he cannot do it alone. Besides contributing funds, he urges them to write to their congressmen and the FCC, come to his many rallies, and to organize more radio committees to increase his radio outlets.

Several authorities have provided additional insights into the basic constituency of the contemporary Far Right using social, occupational, and religious criteria. Redekop says the bulk of the Religious Far Right is Protestant, but also contains a significant Roman

50 These excerpts are drawn from various editions of his radio newsletters.
Catholic segment. Lipset, whose analysis of the Radical Right constituency is similar to that of Hofstadter's, describes Rightists to be upward mobile ethnic population and downward mobile old American groups; groups with economic interests—the nouveau riche and small businessman; and traditional elements within the working-class groups, such as Catholics or recent immigrants.

Rohter's analysis includes the same people but in different terms. His description of the white and blue-collar workers, the old professional and entrepreneurial class, the small or middle-sized independent business

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man, and the old and retired, parallels Hofstadter's middle and lower middle class and Lipset's downward mobile American groups. Further, Rohter's explanation of the nouveau riche—as the "upwardly mobile, people with humble origins, new small businessmen and minor professionals"—is similar to Hofstadter's description of the "newly affluent, suburban middle class" and Lipset's upward mobile ethnic population.

Of importance to this inquiry is the need to understand more fully the strong attraction of these people to the ranks of the Radical Right. A partial answer may be seen in Rohter's conclusion that these people fear any change that might displace them or allow other groups that might rise to their social level. Such activities as the civil rights movement and the government sponsored programs to help the less fortunate in finding jobs and securing a higher education all threaten the social and economic position of those who have just made it themselves.

The Radical Right, moreover, appeals to the upwardly mobile because it can be used as a weapon against those who currently occupy positions of leadership and influence. Commenting on this point, Rohter notes:

55 Rohter, Radical Rightists, p. 99.

56 Ibid., p. 100.
Under the guise of being 'anti-Communist,' rightists express their hostility toward the traditional elite by calling them pro-Communists. By levelling such charges they seek to tear down the prestige of those who occupy positions of high social status and power, positions to which rightists themselves aspire. At the same time rightists use their identification with SuperAmericanism to reinforce their own claims for higher deference and status. 57

A brief examination of McIntire's writings and speeches demonstrates his reliance upon this strategy. Ever since the early 1930's, McIntire has been dedicated to discrediting the major church denominations and their leaders. His use of the pro-Communist label as a method of attacking the churchmen came later in the 1940's and 1950's when communism became the major evil and the labeling of one as pro-Communist was the most effective means of discrediting. This method is still very much used by him today.

This practice is also evident in McIntire's tirades against government leaders and officials—"those who occupy positions of high status and power." His attacks include Presidents, senators, members of the Supreme

57 Ibid., pp. 100-101.
Court, members of the Federal Communications Commission, and other government officials. While it cannot be shown that McIntire or his followers aspire to such positions, it is reasonable to conclude that such charges of being pro-Communist are a means of venting hostility and discrediting one's prestige, although it appears that the latter behavior is not as effective as in the 1950's. Further, it is also a means of attracting attention.

It would appear, then, that McIntire's constituents like those from the Far Right in general, are often located in rural areas and are committed to the essential values of individualism, the Protestant ethic, and Fundamentalist morality. One additional trait of his followers is yet to be considered—the strong belief in a gigantic, continuous conspiracy.

2. The Conspiratorial Mind

The particular style of thought displayed by adherents of the Radical Right is examined in this section to show how this mentality resembles that of McIntire and his followers. The purpose of this analysis is to explain further the motivations behind the behavior of McIntire and his followers.

Many people, in the face of social change, with its consequent impact on their accustomed life styles, respond...
to issues in a personal manner, states Hofstadter. This response is often made through symbolic gestures—often rhetorical styles—which reflect thought patterns. Adherents of extremist views such as that found among radical right groups, betray what Hofstadter chooses to describe as the conspiratorial mind. The most singular trait of this style of thought is the firm belief that we have lived for a generation, and continue to live, in the grip of a vast conspiracy. Although many students of extremism and the Radical Right have commented on this conspiratorial view of the world, none has so thoroughly investigated it as Richard Hofstadter.

Instead of being a new phenomenon, Hofstadter states that the conspiratorial mentality was present among adherents of extremist groups throughout American history. He cites the historian "Coin" Harvey whose interpretations of American history are representative of the conceptions prevalent among the extreme Right today: the "tendency to secularize a religiously derived view of the world, to deal with political issues in Christian imagery, and to color them with the dark symbology of a certain side of Christian tradition."\(^1\)

Harvey's thought further parallels that of the Far Right in his belief that social issues could be reduced rather simply to a battle between good and evil influence in the world; a Manichean psychology; and a belief that the evil influence, if not soon curbed, would bring about a terrible social apocalypse.\(^2\)

This style of thinking is characterized by Hofstadter as paranoid because it accurately describes "the qualities of heated exaggeration, suspiciousness and conspiratorial fantasy" that are found among adherents of various Far Right organizations. More specifically, the paranoid style refers to "a way of seeing the world and of expressing oneself," where the feeling of persecution is central and "systematized in grandiose theories of conspiracy."\(^3\)

Put another way, Hofstadter says "style concerns the way ideas are believed and advocated, irregardless of their truth or falsity."\(^4\)

Further, whereas a clinical paranoid feels a hostile world directed against him, the paranoid spokesman in politics finds the conspiratorial and hostile world directed against a nation, a culture, and a way of life.

\(^2\)Ibid., pp. xi-xii.
\(^3\)Ibid., pp. 3-4.
\(^4\)Ibid., p. 5.
For this reason he rationalizes his political passions as unselfish and patriotic which, in turn, intensify his feeling of righteousness and moral indignation.\(^5\)

Some sources contend that paranoiac tendencies are found in Right wing extremists. Richard Pierard, for instance, describes the paranoid feeling of insecurity, suspicion, and persecution at the hands of imaginary enemies. Eventually, through his mounting anxiety, the paranoid mind envisions the existence of a huge conspiracy against him, a conspiracy directed by a demonic power. Pierard says that such an individual easily falls prey to Right wing demagogues and joins their crusade to save America from the Communist conspiracy.\(^6\)

Pierard assigns a second personality trait common to most Radical Rightists—a sense of alienation from modern society. He attributes this to frustrations and anxieties growing out of life in an age of revolution and potential world destruction. In addition, he says that the development of a mass society with its emphasis on sameness and conformity causes an individual to lose

\(^5\)Ibid., p. 4.

a sense of personal identity. The result is that many people feel helpless and threatened in the modern world "and they long for the idealized, simple, rural, and individualistic society of a bygone era."\(^7\)

The appeal of the Right Wing ideology to such people is strong. Pierard explains that it offers them a framework in which the alienated individual can find meaning—where he can interpret the reasons behind events. It identifies and personifies his enemy as a great evil and provides him with a means to combat it. In addition, the Far Right organization provides the individual with status and importance—two things which he lacks—because he is engaged in a noble cause, namely, bringing about the destruction of Communism and simultaneously working to recover the traditional American way of life which he so desires.\(^8\)

One of the possible causes of such feelings of persecution and alienation among certain individuals is what Pierard calls ego defense—the tendency to blame others for one's own personal and social failures. This tendency, in most cases, finds its outlet in the practice

\(^7\)Ibid., p. 42.
\(^8\)Ibid.
of scapegoating. Scapegoating, says Gordon Allport, is a form of behavior that is especially present during time of stress and is always characterized by an element of excessive and irrational blame. One of its prime motivations is deprivation resulting in anxiety and then in aggression. Allport also notes that fear is another motive behind scapegoating and is often reduced by a "preventive attack on what is considered to be a threat."

In describing such motivations behind scapegoating, Allport makes an interesting point about the style of thought of the perennial scapegoater. He characterizes it as "tabloid thinking" and says that the helplessness every individual feels in the face of the complex forces of our modern world compels one to oversimplify issues in order to understand them. Simplification provides for economy of energy. Stereotyping is an example. He says, "If a person feels hostile and aggressive it is more economical for him to attack one single obstacle in his path than to diffuse attack upon the many not fully

9Ibid., p. 43.
11Ibid., p. 12.
understood causes of his difficulties. An issue seems nicely simplified if we blame a group or class of people rather than the complex course of social and historical forces."¹²

These same processes that occur in Allport's tabloid style of thought are also mentioned by Pierard. He describes the phenomenon as "simplism," the tendency to reduce all problems to false simplicity by ignoring complicating factors. He says the Rightist usually sees people, ideas, and events in black and white terms—absolutist terms, either-or relationships; "either Communism and capitalism, surrender or war."¹³ Because of his compelling need to interpret people or events in simplistic terms, writes Pierard, the Rightist with a simplistic thought style rejects any ambivalence, compromises, or half-measures.¹⁴

This form of cognitive behavior—-all or nothing—continues Pierard, apparently compels the extremist to exclude from his consideration any divergent view. His mind is a closed system to the open market place of ideas.

¹²Ibid., p. 13.
¹⁴Ibid.
This prevents doubt and testing, and possible confusion to his nicely ordered picture of the world. This selective exposure allows only for those details or ideas which supplement or reinforce his own beliefs about the world. In Eric Hoffer's description, "He erects a fact-proof screen to filter out ideas and facts contradictory to his doctrine and thus is able to insulate himself from the uncertainties and unpleasant realities of the world around him."\textsuperscript{15}

A similar analysis of the simplistic style of thought is given by Redekop. He describes it as "simplistic dualism." Referring specifically to the Right wing Fundamentalist, Redekop contends that they perceive two basic categories, righteousness and evil, and nothing in between. He cites one of many Scriptural sources of this rigid dualism on which the Far Right Fundamentalist bases his behavior: "I know thy works, that thou art neither cold nor hot: I would thou wert cold or hot. So then because thou art lukewarm, and neither cold nor hot, I will spew thee out of my mouth." (Revelation 3: 15-16)\textsuperscript{16}

\textsuperscript{15}Eric Hoffer, \textit{The True Believer} (New York: New American Library, 1958), pp. 75-76.

It must be noted here that the entire theology and ideology of the Ultrafundamentalist movement is based on its confidence in the virtue and strength of the literal interpretation of Biblical doctrine. This belief is revealed in this statement by McIntire: "The Bible is the Word of God because its inspiration extended even to the precise word used and chosen to convey God's message to man."\(^{17}\)

Given this emphasis and uncritical orientation, states Redekop, "it is hardly surprising that many Fundamentalists look upon the world, including the political sphere, not as an arena in which a given ideology seeks to come to terms with opposing forces, but as a battleground between absolute good and absolute evil."\(^{18}\) He cites as example the following statement by McIntire:

Wherever issues are drawn between two opposing sides there always are those who desire compromise and a middle course for the sake of unity and immediate advantage. But where one of the sides in the conflict has hold of an eternal truth, as is the case with those of us who embrace the great doctrines of the historic Christian faith, to compromise in the slightest

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is to dishonor and destroy the faith. Truth cannot be compromised and continue to be truth.

The same conviction is presented in this declaration:

The world is full of compromisers. Compromise is the most popular word Satan even coined... Truth can never be compromised with error.  

This rigidity is readily transferred to political topics as shown in this statement by McIntire:

There can be no compromise with Communism or any other groups, organizations, ideas, etc., which espouse ideas promoting any type of socialism...

Speaking on this Fundamentalist mentality, one source contends:

The mentality of fundamentalism is dominated by ideological thinking. Ideological thinking is rigid, intolerant, and doctrinaire; it sees principles everywhere, and all principles come in clear tones of black and white. It exempts itself from the limits that original sin places on history; it wages holy wars without acknowledging the elements of pride and personal interest that prompt the call to

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battle; it creates new evils while trying to correct old ones.22

The same mentality described by Allport, Pierard, and Redekop is also acknowledged by Hofstadter. He contends that the paranoid style of thought exhibits a Manichean view of the world. This view holds that all man's problems are due to a basic conflict between the forces of absolute good and absolute evil. Hence, to most of the entire contemporary Far Right, the source of the world's troubles today is, in McIntire's words, "the battle between God and the anti-God, between God and the God-state;"23 it is "tyranny vs. freedom, darkness vs. light, error vs. truth, Satan vs. Christ. This is the battle line."24 Again, McIntire declares, "The world is in conflict again, this time between the ideology of totalitarian Russia and the ideology of freedom. It is the conflict between Satan on one side and the God of liberty on the other."25

Right wing ideology reflects the personality traits and intellectual style of the paranoid, contends

25McIntire, Author of Liberty, p. 90.
Hofstadter. This belief is indicated in its basic tenets. The major tenet, according to Hofstadter, is the belief in a continuous conspiracy, existing for more than a generation and reaching its climax in the New Deal, to subvert the free enterprise system for the eventual takeover by socialism and communism. This conviction is reflected in the belief that top government officialdom is completely infiltrated by Communists resulting in a foreign policy that has covertly but consistently sold out American national interests; and, that this country is infused with a network of Communist agents who work through the apparatus of education, religion, the press, and the mass media to paralyze the minds and resistance of loyal Americans.  

The distinguishing feature of the conspiracy thesis, declares Hofstadter, is its view of a gigantic conspiracy as the motive force in historical events, a force set in motion by demonic forces of almost supernatural power. The conspiracy is viewed in apocalyptic terms, with the birth or death of the world or whole political or value systems at stake. This conviction thoroughly dominates the thought of the Far Right Fundamentalists and colors every pronouncement they make on theological and political

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27 Ibid., p. 29.
issues. Everywhere they find the world crumbling, old standards passing away, loyalty to pure doctrine being destroyed and the work of Satan prospering throughout Christendom. 28

The paranoid spokesman is constantly manning the barricades, says Hofstadter. He constantly lives at a turning point. Time is forever running out, we are told. It is now or never in the fight against the conspiracy for the last days are nigh. And what is needed to defeat this awful force is an all-out crusade. 29 Warns McIntire, "It is a life or death struggle and every one of us must get into it quickly or it will destroy our freedom and our children." 30

The religious motif indicated here is apparent, explains Hofstadter. "One is reminded of the similar function of such apocalyptic warnings at Christian revival sermons describing the horrible consequences of sin. The goal is to portray that which impends but which may be avoided if the congregation will follow the preacher's instructions. Such spokesmen, especially Fundamentalist

preachers, regard themselves as members of the elect who are capable of perceiving this conspiracy before it is glimpsed by the public."\(^{31}\)

The conspiratorial enemy is clearly delineated by the paranoid. He is malicious, sinister, ubiquitous, powerful, cruel, sensual, luxury-loving—a wicked superman. He is a free, active, demonic agent. He makes crises, causes depressions, disasters, wars, and enjoys and profits from them.\(^{32}\)

McIntire calls this all-powerful enemy "the Beast" from the biblical passage, Revelation 13, which describes the anti-Christ as the beast. The devil Satan is the Beast, the anti-Christ, and is present in totalitarian communism. McIntire vows that the Beast aims to deceive us: "He is represented in everything seeking to destroy liberty...in every conceivable fashion.... He is the author of tyranny...His most brilliant scheme...is the totalitarian state. He is the author of it and Communism."\(^{33}\)

The enemy, Satan, is portrayed by McIntire as very cunning with his various arguments for the destruction of

\(^{31}\) Hofstadter, The Paranoid Style, p. 31.

\(^{32}\) Ibid., pp. 31-32.

\(^{33}\) McIntire, Author of Liberty, pp. 157-58.
our free society and his attractive propaganda for the establishment of collectivism. To deceive us, Satan is a master of catch phrases which happen to be the currently popular arguments by the liberals for brotherhood, and the policies of the social gospel. McIntire declares, "He [Satan] covets the use of the finest Christian leaders to be his 'front' and unsuspecting agents in this deceptive propaganda."

The Ultrafundamentalists are convinced that Satan is ready to appear on this earth, states Jorstad. But he is clever enough not to appear as the representative of evil; he will pose as some great religious savior, who is really the anti-Christ leading the forces of evil. The anti-Christ is viewed by the Ultrafundamentalists as the liberal-Communist forces who are attempting to conquer the world. The forces of good consist of Christ and his army from heaven. This army is comprised of the born-again believers who have remained faithful to God's word as revealed in the Bible and who have remained pure in their separation from the non-believers. They are the forces of righteousness, truth and liberty,

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which McIntire repeatedly exclaims he is leading, who have defended the true church from the onslaught of modernist, apostate thinking.

According to McIntire, when doomsday comes and the world and universe are destroyed, Christ will judge the damned and the saved and will reward those who have remained loyal and obedient servants to his word—the Fundamentalists. McIntire asserts this belief in the following statement:

Is it not marvelous that when we all get to Heaven there will not be any modernists? No, they are not going to make it. Is it not marvelous that when we get to Heaven and the new heavens and the new earth have shown their glory...we will all be fundamentalists?  

Communism, states Pierard, is presented as a twentieth century abomination which serves as a catch-all for everything that is evil and undesirable in this affluent, sophisticated, and easy-going life of modern urban society.  

Communism is the enemy who possesses effective sources of power. These may be the control of the press, which McIntire claims is under the thumb of

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liberal-leftist elements; unlimited funds; or a new secret for influencing the mind, "a special technique for seduction." In the name of anti-Communism, contends Jorstad, the Ultrafundamentalists excoriate liberalism as the ultimate weapon used by Satan to destroy Christian America. Nothing is more important to the true believer than exposing and destroying the liberal establishment.  

The Communist conspiracy, states Jorstad, is evident in both America's domestic and foreign policy. In the area of foreign policy, the Fundamentalists of the Far Right believe that the liberal-socialist-Communist stranglehold over America is greatest in the distorted picture the public has been given on foreign policy developments since World War II. America has failed completely to halt the advance of communism and, by no coincidence, little or nothing is being done officially to stem the Red tide. The Ultrafundamentalists reject any other explanation for the increase in Soviet power after WW II except the internal conspiracy thesis. They believe the Communist successes are not due to changing world conditions but to an American government that has

38 Hofstadter, The Paranoid Style, p. 32.
deliberately aided the Communists. They claim that the Department of State has been controlled since 1933 by known Red-fronters, dupes, one-worlders, and bleeding hearts. 40

The Fundamentalists of the Far Right also find the internal conspiracy working feverishly to dominate domestic policy as it has foreign policy, states Jorstad. Since the time of Franklin Roosevelt, there are a wealth of diabolically clever signs indicating the extent to which America has gone down the road to communism. In attempts to please the masses, they contend, the following socialistic practices have been initiated: give-aways, federal subsidies, welfare, deficit financing, consensus, bureaucracy, red tape, new taxes, unlimited credit, installment buying, and pay-as-you-go tax collections. 41

The Ultrafundamentalists trace the trouble to a lack of self-discipline among Americans in their quest for instant satisfaction. They are too eager to sell out principle to lawmakers who offer the most, regardless of price. They should see the sham of "pluralistic politics" and vote for righteousness. 42

The Ultrafundamentalists contend that socialistic-

40 Ibid., pp. 146-47.
41 Ibid., p. 149.
42 Ibid.
Communist practices are found in a variety of programs and institutions. The War on Poverty, for instance, is blamed for destroying individual initiative. The Medicare program is labeled "totalitarian" and "contrary to the principles of liberty, morality, and individual responsibility," protected by the ninth and tenth Amendments. Medicare, the Rightists argue, gives the government control over a person's body and is "a prime goal of the international Communist conspiracy."\(^{43}\)

The Supreme Court is also thoroughly denounced by McIntire and his adherents, especially for its decisions in domestic areas, such as school integration, dealings with the American Communist Party, school prayer and other religious exercises and government investigating committees. As long as the liberal establishment continues to dominate the Court, they assert, America will "jump to Moscow's tune."\(^{44}\)

The ACCC-ICCC leaders also see a trend toward communism in American education. On every level of learning they perceive that historic Protestantism is being destroyed and free enterprise and republican self-government are being ignored and ridiculed. They contend

\(^{43}\)Ibid., pp. 149-50.

\(^{44}\)Ibid., pp. 152-53.
that the schools are dominated by "ideas that the Communists find as useful allies: for instance, religious agnosticism which is called 'higher learning', and anti-Americanism which is called 'academic freedom.'" The National Educational Association and the PTA are criticized as soft on Communism. The Rightists urge parents to send their children to Christian schools and colleges, like McIntire's Shelton College, where the kind of education America needs is being taught.

Reads one advertisement for Shelton College:

Shelton College champions the Bible's militant fundamentalism. And shares the rugged separationism of the International Council of Christian Churches. Anti-Communism isn't a theory here—it's a way of life. Scripture anchors all our instruction.

Finally, the exposure of the nation's organized church life, with all the alleged corrupting features of the internal conspiracy at work, constitutes the supreme devotion to Christian Americanism for the Ultrafundamentalists. They utilize every resource at their command to expose the most dangerous enemy within—the socialistic, non-separated clergy. They are regarded as Satan's

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46 Ibid., p. 143.
followers posing as Christians. The separated true believer has as part of his obligation to expose the enemy.  

In light of the size and power of this totally evil and unappeasable enemy, the paranoid mentality, explains Hofstadter, is determined that the enemy must be completely eliminated. "There is no substitute for victory, McIntire repeatedly warns his followers." It is also America's responsibility to defeat the enemy because America is the custodian of these truths which give freedom.  

The Ultrafundamentalist reasons that to defeat the enemy, he must be met "head-on." The public must be warned and educated. The secret Communist agents and their liberal dupes and sympathizers in the government, the churches, the schools, and the press must be ferreted out and exposed by every means available. Says McIntire:  

...we must put on God's armor...all avenues of public propaganda must be used, the radio, the press, the meeting hall, the theater, the stage; the churches must be opened for this message of God's Word....  

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49 McIntire, Author of Liberty, pp. 198-99.  
50 Ibid., p. 226.
All forms of government intervention in the social and economic realm must be blocked. The enemy is already in the gates and one must mount the counterattack immediately. Warns McIntire, "The agelong conflict between God and Satan, Christ and Anti-Christ, righteousness and wickedness, freedom and tyranny summons all Christians to battle the forces of darkness and slavery." 51

Speaking about this battle between the Ultrafundamentalists and the Communist conspirators, Redekop writes that for the Fundamentalists, "Communism, by virtue of its record and its own declaration, is both a religious and political threat. Being zealously religious themselves, these fundamentalists...see Communism as the new religion which it is, and they recognized its potential." 52 He adds, "For the Religious Far Rightist the battle is an all-out religio-ideological struggle in which the only acceptable outcome is total victory." 53 This desire for total victory over the evil forces of communism is demonstrated in these statements by McIntire that seek to enlist members to join his "Victory Crusade for America."

53 Ibid., p. 188.
McIntire writes:

Just what is it we want? Well, I'll tell you what we want: Victory—not vacillation; Honor—not humiliation; Triumph—not truce....

America we've got to fight Communism 'till we're done or they're done for. We say: Purge the Pentagon pink lemonade; stop the State Department sellout; wipe out the White House whitewash....

And it's to you, you good Americans, that we give our last word. That word is: CONQUER. Conquer the Red Slave machine. That machine that replaces our liberty with sneaking socialism. That machine that perverts our daughters with stinking smut. That machine that tries to stamp out our God as its goal....

Let's be done with the surrender and sell-out. Let's stop our losing slide and start the winning side.

THANKS BE TO GOD, WHICH GIVETH US THE VICTORY.

The concept of hate in fundamentalism is a significant factor in their need to conquer the enemy, states Redekop. He says that a good Fundamentalist hates sin as much as God does. He despises sin and Satan with a righteous Biblical authority, for God said, "Hate the evil and love the good." Thus, the Fundamentalist believes, why be tolerant of known evil? He expects that his righteous hatred may provoke intense reactions; but this too is

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54 Christian Beacon, April 16, 1970.
55 Amos, 5:15.
biblical.\textsuperscript{56} McIntire is fond of often quoting scripture on this occasion to support his righteous stand. For instance, "Marvel not, my brethren, if the world hate you." "Blessed are they which are persecuted for righteousness' sake: for theirs is the kingdom. Blessed are ye, when men shall revile you and persecute you...Rejoice and be exceeding glad: for great is your reward in heaven..."\textsuperscript{57}

Redekop says that heresy-hunting is thus transferred easily from the religious to the political arena, "in part because it seems to be in keeping with what has been called 'the fundamentalists' apocalyptic conception of the world as strictly divided into the saved and the damned.'\textsuperscript{58} Unfortunately, he continues, "this resistance to heresy 'has readily lent itself to reactionary political uses.' That fundamentalism of the cross has merged so easily, especially since World War II, with a rigid fundamentalism of the flag should cause no surprise, for Communism threatens both the cross and the flag, militarily as well as ideologically."\textsuperscript{59}

\begin{itemize}
\item \textsuperscript{56}Redekop, \textit{The American Far Right}, p. 135.
\item \textsuperscript{57}I John 3:13; Matthew 5:10-12; John 15:20.
\item \textsuperscript{58}Redekop, \textit{The American Far Right}, p. 133.
\item \textsuperscript{59}Ibid., pp. 133-134.
\end{itemize}
The conspiracy is viewed by McIntire as not essentially political but as anti-religious. Hence, he declares that America's problem is a religious one:

It is fundamentally what we would call theological. America needs a spiritual revival to alert it to its error—its falling away from the eternal truths found in the Bible. There is absolutely no hope for us unless we return to the God of liberty....His [God's] thoughts are the ideology of freedom and democracy. 60

The conviction that America's problems are inextricably part of its moral and religious malaise is found in the following series of statements by McIntire:

The spiritual, moral, and political conditions can be corrected only by a confession of sin, repentance toward God, and faith toward the Lord Jesus Christ. 61

From the same source, we again read:

There can be no separation of the problems—economic, political, cultural—from the commands of God as set forth in the Ten Commandments given to Moses on Mount Sinai as he led the Children of Israel from Egyptian bondage. 62

At another time, McIntire says:

60 McIntire, Author of Liberty, p. xvi.
62 Ibid.
The solution is that the eternal truth of the historic Christian faith must be applied to our current problems if we are to continue in pursuit of happiness and preserve the blessing of liberty.\textsuperscript{63}

According to McInture, the confusion, intimidation, and bewilderment faced by America today are not solely due to its neglect of the Bible but also its attempt to find solutions in the institutions of men. Man's presumptuousness and his blind pride in his wisdom is at the root of America's danger of losing all its freedom; of being ensnared by the devil; and into accepting the spurious and false notion that freedom can be maintained by permitting government to take over the control of the economy and the regulation of the affairs of citizen's lives under the guise of "economic democracy."\textsuperscript{64}

This contempt by McIntire for man's attempt to solve his problems is clearly revealed in the following statement:

\begin{quote}
Instead of man's mind being lifted up into the heavens in a better and more glorious understanding of God's revelation, nature, and power, it has come down to the gutter, the muck, and the grave, to study itself, and man has actually lifted himself up as the end and
\end{quote}

\textsuperscript{63}McIntire, \textit{Author of Liberty}, preface.

\textsuperscript{64}\textit{Ibid.}, p. 6.
the goal of things. There is no light or life in man. There is only death and darkness, tyranny, or slavery. Light and life, freedom and peace, mercy and truth, are to be found in God.  

McIntire bewails America's tendency toward what he describes as an "economic democracy" which is, essentially, a step away from socialism, collectivism, and communism. He laments: "We are saluting false idols; we fought to destroy the idea of an all-powerful state, and we are turning to an all-powerful state to save us."  

Warning that Americans are already in danger of becoming slaves to a totalitarian state, McIntire says:

We are evolving a government that will create a situation in which we will be forced to trust it for our help, our food, our security, our all. We are developing a mentality that the state must become supreme in order to provide for people. When the state sets itself up as God, it is going to be against God. And totalitarianism is basically anti-God and atheistic.  

The consequences of such a condition are pointed to by McIntire:

If this is true, if America is moving into the collectivistic realm of thought, as most assuredly it is at the present moment, then we

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65 Ibid., p. 7.
66 Ibid., p. xiii.
are being led to embrace notions and to follow policies that have in them the fruits of atheism and we are developing a way of government that fundamentally denies God. 68

Against this background of convictions, McIntire conceives his ministry. He is the voice of one crying in the desert trying to restore righteousness and 'truth' to a fallen-away America; and trying to restore America's Christian heritage and the faith of its Founding Fathers. His ministry is to defeat the anti-religious forces of liberalism, socialism, and atheistic totalitarian communism which are seeking to destroy the American system. This system is one of liberty and freedom which has been sanctioned in the Bible and ordained by God who is the Author of liberty. America was and is the living witness to God's plan and the inheritor of authentic, historical Christianity. But it is in danger of losing it to the anti-religious forces of the anti-Christ--communism--which has come to replace Christ on this earth.

This evil must be completely eliminated, McIntire declares. All manner of techniques and equipment must be used to combat the Communist behemoth. In this task no one has been more unhesitant in utilizing the various means of communication, especially the mass media, for

68 Ibid., p. 17.
his beliefs than McIntire. Driven by this urgent need to promulgate his religio-political doctrines, McIntire has been most voluble, most pervasive, and most persevering in this task.

He has also been enormously successful. His influence and success are mostly due to his radio ministry which since 1958 has grown to more than 600 stations. Supplementing his broadcasts in this ministry of salvation is his weekly newspaper the Christian Beacon, reputed to have more than 100,000 circulation, and a steady stream of articles, pamphlets, and other message forms. Finally, McIntire is a tireless traveler and is the star attraction at countless rallies, crusades, and meetings that he creates as part of his endless effort to fight Communism and preach the Bible, and at the same time publicize him and his cause.

To the student of communication, two features of McIntire's approach are worthy of special consideration. One is his message content--his subjects and themes. The other feature is his effective use of the radio as a means to spread his beliefs. His radio broadcasts have enabled him to promulgate his message to millions of people and to gain awareness and influence that he never achieved in the previous 30 years of his ministry. Both his message
and his medium are closely related and reflect his view of the nature and function of mass communications in society. His message content and strategy of persuasion in conveying his message will be discussed first in the next chapter.
Apart from what they say, McIntire's broadcasts also offer an index to his character and motivations. Both his message and his manner are parts of the controversy that has arisen from his view on the role of the broadcast media in society. This controversy will be examined later. His communication strategy must be explained first--his delivery, his use of language, his themes, and the structure of his broadcasts. All these reflect his concept of how the media should be used.

The most salient characteristic of McIntire's communications--both broadcast and written--is their message content. But this alone is not fully responsible for the total force or impact of his message. Of added importance is his style--that peculiar disposition of ideas and facts, that individual selection and management of language which gives his message its distinctive force and meaning. As
Count de Buffon has said, "Style is the man himself."¹ Said another way, "What the speaker says achieves its final meaning from the way he says it."² In short, one cannot divorce the man from his message.

The following chapter will examine two features of McIntire's broadcast communications: the strategies of persuasion he adopts to develop his message; and the structure of his broadcasts. The former will consider various themes and techniques found employed by what have been described as agitators, and show how McIntire utilizes many of these same methods in his broadcasts. The second part will generally deal with the style of his messages—that is the language, tone, grammar, sentence structure, presentation, terms, etc.—that embellish his themes.

¹Lane Cooper, Theories of Style (New York: Macmillan, 1967).


As mentioned earlier, McIntire's religious beliefs are indistinguishable from his political ideology. The motive force behind his activities is the central belief that the world, more specifically America, is in the grip of a vast conspiracy that is causing all its problems. This conspiracy, however, is not of a political but religious and moral nature. It is anti-religious. It represents the forces of evil and is most notably embodied in Communism. Against these forces McIntire wages relentless war. His technique is largely that of an agitator.

An agitator, describes Lowenthal and Guterman, is one who advocates social changes brought on by certain social conditions that have given rise to discontent. Another description is given by Charles Lomas who characterizes agitation as a "persistent restatement of grievances for the purpose of creating favorable public opinion to bring some change in some conditions." Both agree that the difference between the agitator and the social reformer

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is in their methods and their desired ends. They agree also that the agitator does not clarify existing grievances by pointing out the sources of discontent nor offer nor encourage rational discussion of problems, but seeks to exploit existing frustrations and capitalize on them for his own benefit.

Lomas also discusses the agitator as demagogue. This term is applied to a specific type of agitator, one who employs the traditional tools of rhetoric, as other speakers do, but with the goal of personal gain and profit, often without regard to objective fact or the public interest. He often distorts facts and incites emotion for private ends. Says Lomas, "The demagogue may be indifferent to objective data because he is too ignorant to discover them, because his prejudices prevent him from distinguishing between his and the public's interest, or because he maliciously distorts facts for personal gain." 5

Lomas describes the following rhetorical devices employed by the demagogue: "He substitutes oversimplification for simplicity and directness, bogus evidence for genuine facts, pseudo-reasoning for honest argument, emotionalism for factually based emotional appeal, and

5Ibid., pp. 18-19.
Lomas' description of the demagogue has a remarkable similarity to the way Ultrafundamentalists use facts, as examined by both Hofstadter and Redekop. Hofstadter comments on their great concern with factual demonstration and desire for evidence to prove fantastic conclusions. He says that part of the reason behind this activity is to present a careful, comprehensive argument to foster the appearance of competence, credibility, and responsibility to their audience. What distinguishes their particular behavior, writes Hofstadter,

is not the absence of verifiable facts, although the manufacturing of facts is not beyond the realm of the Right Wing's activities, but the leap in imagination that occurs at some critical point in the argument. The plausibility and deceptiveness of the extreme Right's arguments lie in the appearance of careful and coherent application to detail and the accumulation of convincing evidence which nevertheless lead to fantastic conclusions, to the leap from the undeniable to the unbelievable.

Commenting on this same practice, Redekop remarks that "the devoted fundamentalist, like his Marxist adversary, readily jumps to unjustified conclusions, and

6Ibid., p. 19.
8Ibid., pp. 36-37.
sees definite relationships where none exist. For him the possible is thus translated into the probable, and the probable into the actual.  

Both Lomas and Lowenthal and Guterman depict the agitator as often one who has risen from the midst of the audiences they agitate. Lomas cites Kenneth Burke's term "Identification" to describe this relationship. Burke defined identification as "consubstantiality," the common sensations, concepts, images, ideas, and attitudes, that men have in acting together. Lowenthal and Guterman contend there is a short of unconscious complicity or collaboration between the agitator and his audience.

One discovers that the agitator's themes directly reflect the audience's predispositions. They are tailored to what the agitator knows the audience wants to hear. The language is heavy in emotion and appeals to the audience's interests, desires, and prejudices. Because of the intense feeling among his listeners, and because the audience in most cases accepts the speaker's

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11 Lowenthal and Guterman, Prophets of Deceit, p. 5.

premises, little restraint is used in his language. This condition allows for loose arrangement concerning logic and grammatical structure so that the speaker can play on the emotions and value systems of his listeners without regard for arguing or demonstrating a logical case. When the evidence is presented, the audience is likely to be uncritical about both source and relevance as acceptable proof as long as the point of view agrees with theirs.  

As an articulator of discontent, the agitator must first have some precondition as its cause and on which he can capitalize. Lomas points out that there must be a sufficiently strong grievance and/or clear evidence of some injustice affecting their well-being to cause large numbers of people to demand action. Into this situation steps the agitator who articulates this discontent presumably pointing out its causes, always suggesting that what is necessary as a solution is the elimination of people

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According to Lowenthal and Guterman, the agitator's claim to leadership is not necessarily because he understands the situation better than others but because he has suffered more than they have. His purpose is to modify the attitudes of his listeners so that they become passively receptive to his personal influence.\(^\text{15}\)

The agitator's program is simple. He proposed to defeat the groups held responsible for perpetuating the social condition that underlies his listener's problems and which gives rise to their discontent. This opponent or "enemy" has no discernible or rational features.\(^\text{16}\) He is omnipresent, diffuse, vague, and all-powerful, whose evil character or sheer malice is at the bottom of all social ills.

The agitator, remark Lowenthal and Guterman, makes no rational effort to discover the true cause or causes of social dissatisfaction. He merely plays on his audience's discontent, making each of his listeners more aware of it, and substituting a bogus enemy as scapegoat. The threat is psychological rather than physical. He

\(^\text{15}\)Lowenthal and Guterman, *Prophets of Deceit*, p. 7.
\(^\text{16}\)Ibid., p. 6.
\(^\text{17}\)Ibid.
appeals primarily to the irrational or subconscious elements, instead of the rational and analytical.\textsuperscript{18} He thus increases his audience's disorientation by eliminating reasoned inquiry and, in their stage of disquietude, he proposes they adopt his simplistic solutions.\textsuperscript{19} As Lomas points out, the agitator is more concerned with power than with public welfare.\textsuperscript{20}

The agitator's reference to an objective situation seems less the basis of a complaint than a vehicle for a complaint rooted in other less visible causes, states Lowenthal and Guterman. This explanation appears plausible, they argue, "when one observes with what facility the agitator picks up issues from current events and political discussions and uses them for his own purposes."\textsuperscript{21}

\begin{footnotes}
\item[18]Ibid., p. 9.
\item[19]Ibid., p. 6.
\item[20]Lomas, \textit{The Agitator in American Society}, p. 4.
\end{footnotes}
The above discussion of the agitator's themes, techniques, and goals is appropriate in this study because they parallel in many ways those employed by Carl McIntire. Lowenthal and Guterman say most agitators belong to the same species because of the unmistakable similarity of their content and tone. A careful examination of their speeches and writings shows this similarity not to be accidental but based on a unifying pattern—on certain recurring motifs—which the authors call the "constants of agitation."22

The same authors list these recurrent themes and techniques, and in many instances, they have been employed by McIntire. They outline twenty-one agitational themes. Some of them do not apply to McIntire, but many do. The most obvious and important ones will be touched upon as a framework in which to interpret and understand McIntire's strategy of persuasion. Most of the themes discussed here have been mentioned or examined in previous chapters concerning the behavior and beliefs of McIntire and his audience, and have been found to be integral elements of their particular ideology and mentality.

22Ibid., pp. 4-5.
This chapter briefly analyzes McIntire's exploitation of these themes as vehicles of persuasion in conveying his message.

As mentioned, the agitator's raison d'être is the existence of some social malaise which causes severe discontent among a large number of people. Lowenthal and Guterman have summarized a catalogue of grievances on which the agitator depends into four basic categories: economic, political, cultural, and moral. McIntire's rhetoric involves each of these.

Economically and politically, he bewails the gradual loss of the American laissez-faire, free enterprise, profit motive system and the nation's lapse into a socialistic, collectivistic, Communist type of economy under an all-powerful, authoritarian state. At the heart of the economic and political problems, McIntire argues, is our moral and religious decay. American culture, begun by the Puritan ancestors, was built on a recognition and dependence upon the Bible and the need to follow God's word. He states, "Our nation, our constitution, was founded upon the eternal truths of God." But America has turned away from the principles of its forefathers

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with the consequent neglect of God and an increasing emphasis on man. This dependence upon man in all his depravation has resulted in the present sinful state of the nation, with its collectivist thinking. This loss of traditional values in American life, principles which have made America great and strong, are to McIntire a moral problem.

These conditions have contributed to what Lloyd Bitzer calls the rhetorical situation, a condition or situation which calls discourse into action. According to this author, the rhetorical situation controls the purpose and method of rhetorical activity: "The situation dictates the sort of observations to be made; it dictates the significant physical and verbal responses and it contains the words uttered. The verbal responses to the demands imposed by this situation are clearly necessary and functional." Bitzer further says a word of rhetoric is pragmatic with its ultimate function to produce action or change. Its goal is persuasion.

This supposed loss of America's purity and inno-

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25 Ibid., p. 5.
26 Ibid., p. 3.
cence, under the weight of war and social change and with its subsequent economic and political dislocation for many citizens, serves as the setting, or rhetorical situation, in which Carl McIntire agitates against the Communist enemy and warns and exhorts America to follow him back to the principles of our forefathers and the Bible.

One theme employed by the agitator, and by McIntire, is labelled the Eternal Dupes. This theme refers to the attempt by the agitator to convince his audience that they are inadequate to cope with the situation confronting them. He does this by humiliating them, suggesting they are inferior in knowledge, strength, or courage and that they need him more than he needs them. In this regard he claims superior knowledge obtained through special position and abilities. Moreover, the cause of the audience's inferiority is because it is composed of dupes and suckers. They are ruled by remote control and are constantly exposed to sinister manipulations. Implied here is the idea that the audience has no way to escape its bewildering condition except through his guidance.  

We see this theme in the following McIntire quotations:

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...They're going to win the world for Communism and you're sitting out there like a bunch of dummies and ignoramuses and you don't care; you're not going to stand up there and fight? Oh my dear friend, what is wrong with my country? What is wrong with you dear people?28

In another instance:

This radio broadcaster has his honest suspicions. And I have a right to them. And every last one of you better wake up and realize what's happening. Now you just wait a little while. A lot of things are going to come out.29

And,

Folks, [you] must become knowledgeable of the techniques and strategies being used to destroy us.30

Another theme used by the agitator and, repeatedly, by McIntire, and one that is central to his whole operation, is the theme of Conspiracy. This theme, as indicated in previous chapters, exists throughout almost all his speeches and writings. He sees himself as the

28 Carl McIntire, Twentieth Century Reformation Hour Broadcast, May 19, 1967.

29 Ibid.

30 McIntire, Twentieth Century Reformation Hour Radio Broadcast, May 19, 1967.
victim of a comprehensive and carefully planned political conspiracy. As Lowenthal and Guterman point out, the agitator includes in this conspiracy any organization or individual that is hostile to his aims, speaking of them as seeking to destroy the American way of life.  

Further, the conspirators are pictured as motivated not by any rational purpose except by a will for destruction.

The agitator also sounds the alarm saying that if the people are to survive they must act immediately to destroy this conspiracy. Existing laws must be changed to cope with some of the danger. A brief perusal of the issues in McIntire's Christian Beacon will attest to this extreme concern with the Communist conspiracy. He views the conspiracy in the following organizations: liberal Protestant Church organizations, the National and World Councils, the Roman Catholic Church, the anti-war movement, the various student movements which are responsible for campus turmoil, the liberal, "dovish" members of Congress, and the mass media.

Some of the following headlines point out this concern: 'A Summary of the Conspiracy,' a reference to the liberal, modernist, perhaps even Communist tendencies

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31 Lowenthal and Guterman, Prophets of Deceit, p. 24.
within the church; 'Biblical Terms Promote Communist Revolution'; 'Main Communist Revolution is in the U.S.'; 'Communist Concentration on Our Youth'; 'How the Church Journals are Conditioning the Youth for following Mao-Tse-Tung'; 'Howard Pew Sees Treason in Presbyterian Church'; 'Communism in our Colleges and Universities'; 'Communists, NCC Leaders Support Moratorium'; 'Christians Exhorted Fight Reds or Perish'; 'Guerrilla Cinema and Capitol Hill'; 'A Pattern of the Revolution'; etc.

Here are a few representative quotes of McIntire relating to the theme of conspiracy:

We must return the hearts of the people to the elementary principles of individual responsibility and freedom. We have to work hard if we want to save the country from the liberals, socialists, and communists.33

We are dealing with forces in our country leading us to have co-existence with communism.34

...may we expose the mischief of the Communists; may we deal with these forces that are seeking to destroy those of us who are standing by Thy name...against tyranny, against apostasy, against

33Carl McIntire, Twentieth Century Reformation Hour Radio Broadcast, Dec. 6, 1966.
34McIntire, Twentieth Century Reformation Hour Radio Broadcast, May 19, 1967.
modernism, and all that Communist represents... 35

Besides his radio broadcasts and his newspaper, McIntire floods his audience with booklets, pamphlets, and articles he has written on various subjects. The emphasis of these missives is the dangerous, encroaching conspiracy that is gaining more power every day and must be stopped.

Another major theme of the agitator mentioned by Lowenthal and Guterman, and employed by McIntire, is called the Charade of Doom, in which the possibility of total disaster is presented by the agitator unless his solutions are heeded. These solutions usually call for a return to the principles of the past. Moreover, the causes of discontent and existing problems are usually attributed to the work of liberals, radicals, and subversives. 36

The previous examination of McIntire's Ultrafundamentalist beliefs in Chapter III on the Conspiratorial Mind, demonstrated the central position that the idea of imminent doom had in his thinking and his messages. He is

35 Ibid.

36 Lowenthal and Guterman, Prophets of Deceit, pp. 33-34.
constantly referring to that last great confrontation, the Battle of Armageddon. "We are in the end times", he says..."I believe that we are now in the last days."  

Another major theme of the agitator, also examined in the preceding analysis of the paranoid mentality, is the picture of The Ruthless Enemy. He is variously described by McIntire as the Beast, the devil, the anti-Christ who is cunning, ruthless, and all-powerful, and totally evil. Lowenthal and Guterman state that the typical agitator conceives the enemy, who is responsible for all his followers' sufferings, as a super-oppressor, an archdevil of absolute evil and destructiveness. He finds a convenient stereotype for such an enemy in the favorite traditional objects of hostility of his disaffected audience--the Communists, socialists, liberals, comsymps (communist sympathizers), and leftists in general.  

Related to this identification of the enemy is the agitator's practice of making use of all the familiar anti-radical stereotypes--for example, the Reds and the invidious reference to foreigners. In both cases, McIntire seizes upon the natural and national fear of the alien

37Carl McIntire, "The Battle of Armageddon," Twentieth Century Reformation Hour pamphlet.

38Lowenthal and Guterman, Prophets of Deceit, p. 38.
enemy—international Communism—to exploit the already existing insecurity and confusion of his followers.

The issue of the Corrupt Government is also a favorite theme of the agitator. He alludes to the fact that vague, but powerful forces determine the destiny of the nation, that the actual rulers are secret groups, and freedom of speech is no longer possible. Note McIntire's use of this technique:

Men in high places are manipulating power so that certain views will not be heard or presented and that the country will have withheld from it information and facts which people are entitled to possess.

In another instance, the agitator constantly refers to usurpers who have moved into positions of power, whose strength is based on tricks and deception. We see the same method in McIntire's speeches:

Oh folks, we are being manipulated by some very brilliant minds down in Washington, D.C. to condition the speech of this country... and the Communists and FCC and the rest of this crowd will have been responsible for threats and intimidations, and harassments, and everything responsible for the silencing

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39 Ibid., p. 48.

40 McIntire, Twentieth Century Reformation Hour Radio Broadcast, May 16, 1967.
of those who are against Communism in America. 41

And,

Folks, you must become knowledgeable of the techniques and strategies being used to destroy us. 42

The simplified view of the world in Either-Or terms is another technique employed by the agitator and McIntire. There is no room for consideration of a variety of ideas in complex situations according to this style of thought. The world is split between irreconcilable camps. There is no possibility of working out a solution acceptable to all or even a solution based on compromise, for the adversary can never be won to the agitator's cause. The only way to deal with the enemy is to exterminate him. This belief is expressed by McIntire in this declaration:

We're slipping backward, ladies and gentlemen. The forces of appeasement seem to be gaining strength in this country at this moment....Defeat them, defeat the aggressor, expose the lying propaganda which besets us. 43

41 McIntire, Twentieth Century Reformation Hour Radio Broadcast, July 17, 1967.
42 McIntire, Twentieth Century Reformation Hour Radio Broadcast, May 19, 1967.
43 McIntire, Twentieth Century Reformation Hour Radio Broadcast, May 16, 1967.
The Either-Or type of mentality, as discussed in Chapter 3, is a mark of the tabloid manner of thought often found in the paranoid mentality. McIntire has repeatedly stated in his works, for example, in *Author of Liberty*, that there is no room for compromise. To compromise with the truth is a sin. As the only true witnesses to the historical doctrines of Christianity, and thus the sources of all truth, he and his faithful followers must reject the forces of appeasement and conquer the enemy. McIntire has consistently proclaimed: "Righteousness will exalt a nation...no compromise and no surrender." His belief that a firm stand against compromise is the mark of a strong Christian and renders strict obedience to God is indicated in this statement:

No true Christian will willingly compromise with Evil. Evil and good can never be blended, confused or compromised....It takes men with love, with discernment, with obedience to God, and with a determination not to compromise, to stand up in the midst of a wicked and sin-cursed world and to bear testimony to evil, rebuking Satan....

There are a few other characteristics of the agitator and his methods which fit Carl McIntire and which deserve brief mention. Lowenthal and Guterman say that one of the agitator's goals is to incite a spontaneous rebellion,

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to arouse people enough to cause them to organize and unify. Such a massed formation, it is hoped, will give the impression of a sizable movement, a movement that could pose a threat to legislators and officials who oppose them. McIntire adheres to this pattern, for he is constantly exhorting his followers to show their "banners" in a myriad of meetings, marches and crusades. All these demonstrations are ultimately designed to foster an impression of the popularity of his reformation movement and his cause. They also serve as great publicity for McIntire himself.

Lowenthal and Guterman also refer to the agitator's followers, in whom the simple American is glorified. Such outworn cliches as "old-fashioned Americans" and "Christian Americans" are the most frequently used terms of the agitator in describing his followers. In addition, the agitator strives to cement his influence by capitalizing on the inherent bias among his followers against the intellectual and sophisticates. He delights in portraying himself as one of the 'common folk' and not one of the pointy-headed liberal intellectuals. His anti-intellectualism is manifest in his bitter references to academia and its strong reliance on the use of reason for the improvement of human problems. In this regard and in his hatred for all the
symbols connected with the liberalistic enlightenment, as represented by the New Deal, he is the supreme anti-
humanist.

McIntire's anti-intellectual and anti-humanistic stance is at the heart of his tirades against the liberal establishment. It is a major element of his religio-political doctrine which blames man's falling away from God and the Bible, with his subsequent moral decline and loss of liberty, to his pride and presumption in his rational abilities to solve the human dilemma. The result has been an ever increasing socialistic, collectivistic, and atheistic society which has usurped the traditional province of God by its increasing interference with the rights of individual freedom. Several instances of this trait are demonstrated in the following McIntire statements:

...Instead of drinking our water from the defiled stream into which has been dumped the refuse of man's perverted thinking, we must go back to the Fountainhead and drink from the clear, pure water as...our fathers received it from the Creator of freedom.45

And,

The Christian doctrine of man is not something that is manufactured out of the vain gropings of the perverted finite mind of present-day man.46

46Ibid., p. 76.
When man sinned...the intellectual and moral integrity of man was destroyed. Man became depraved in his nature.\textsuperscript{47}

Man's depraved brain is fertile soil for the germination of these Satanic deeds.\textsuperscript{48}

Ideas commend themselves to men because they personally believe they are true, but the human mind is sinful and perverted; it is colored and clouded by sin.\textsuperscript{49}

\textsuperscript{47}Ibid., p. 80.

\textsuperscript{48}Ibid., p. 177.

Ultimately, in any discussion of the agitator and his methods, is the portrait which the agitator paints of himself. Lowenthal and Guterman state that the self-portrait of the agitator is a culmination of all his themes, which prepare the audience for the spectacle of the great little man acting as the leader. He portrays himself as one of the plain folks who because of a special calling has risen to the occasion to help lead his children out of the desert of despair and iniquity to a new and better world; or at least, if nothing else, he can point out this better world.\(^5\)

Moreover, because of his special vocation, he suffers all the slings and arrows of misfortune at the hands of secret and powerful enemies who wish to destroy him. He is the Christ Archetype, the epitome of persecuted innocence, who suffers for a good cause. But somehow this symbolic martyr continues in his work, invincible to the enemy's blows. He is also the money-minded martyr who exploits his audience's fear of conspiracy and doom—their sense of bewilderment and helplessness—and his alleged suffering for his deeds, to

\(^5\)Lowenthal and Guterman, Prophets of Deceit, p. 134.
solicit financial contributions for the worthy cause.  

The agitator also suggests his activity is prompted by sacred command and speaks of himself as the voice of a great unorganized silent majority. He claims he is expressing things his followers have not got the courage or opportunity to say and, in doing so, he professes courage and defiance of the established powers without regard to the consequences, as exemplified in this McIntire quote: "I am going to say some things that some people won't like, but I cannot help it. I must speak the truth."  

Lowenthal and Guterman state that the agitator, in boasting of his courage and determination to profess his convictions and defend his principles as a good Christian American against the enemy," . . . is both the little man suffering the usual hardships and the prophet of truth."  

In his role as martyr, the agitator realizes the importance of his portrayal as the object of persecution and suffering by some publicly identifiable enemy such as public officials or foreign agents. He is the chosen

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51 Ibid., p. 129.
52 Ibid., p. 124.
53 Ibid., p. 125.
martyr of a great cause—himself. He presents himself as the defender of the forces of good—the champion of virtue—battling the forces of evil, of wickedness, of darkness. He is extremely sensitive to criticism, no matter how much he protests to the contrary. He describes it as smearing and intimidation: says McIntire, "Because I dare to raise my voice, they are intimidating me and trying to get me off the air." American agitation appears to be a racket as well as quasi-political and/or religious movements state Lowenthal and Guterman. Its appeals to followers for money strengthens their devotion to the cause by leading them to make financial sacrifices. And behind these appeals for aid is always the fearsome warning that those who don't help in the fight might live to regret it. We see such typical appeals in the following appeal by McIntire:

It's difficult to get the thousands of dollars absolutely necessary for our cause but it must be done if the fight is to go on...Why hold back your financial aid? Give now to fight this revolution and heresy and communist aggression.

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54 Ibid., p. 126.  
55 Ibid., p. 127.  
56 Ibid., p. 129.  
57 Ibid., p. 130.
Another and final trait of the agitator is his pretension to possess secret and highly important information, the source of which remains mysterious. These sources are often alluded to or quoted along with promises by the agitator to let his listeners in on some important information at some future date. He is also never at a loss for "accurate" facts to back up his statements and behind these there is always the suggestion that he knows more than he says and that nothing can escape his attention. 58

Summing up, Lowenthal and Guterman argue that whereas the usual reaction of many is to laugh at or dismiss such people as ridiculous and absurd, contemporary history teaches us that this apparently ridiculous braggart and charlatan cannot be merely laughed away. As they put it, "He becomes the indispensable guide in a confused world, the center around which the faithful can gather and find safety and meaning. He comforts the sufferers of malaise; they live through him." 59

A survey of McIntire's three major sources of communication--his broadcasts, his newspaper, and his radio letters, periodic messages which he sends out to his radio listeners and donors, usually at times of

58 Ibid., p. 133.
59 Ibid., p. 134.
emergency—will show how he fits this portrait of the agitator.

The image of the suffering martyr and the reference to the powerful enemy are evident in the following quotation from McIntire:

The pressures, the oppositions, and the attacks which are being mounted against us must be challenged. . . we are in a battle, fierce, unrelenting, and the enemy is determined to destroy what we love and hold dear—our freedom, our country, our Christianity.60

In another instance:

. . . and the pressures under which I personally broadcast are great indeed.61

And again,

Our enemies know, the Communists know that with the silencing of our broadcasts, they will be able to silence all others. . . .

(letter, Dec. 10, 1970)

The image of persecuted innocence and intimidation in defense of one's cause is also seen in his broadcasts:

60 Carl McIntire, Twentieth Century Reformation Hour Radio Newsletter, Sept. 20, 1969.

No man in this country is suffering more from these restrictions of speech than Dr. McIntire is....We see it...and how it is keeping from people like you information and materials and reports and facts that you are entitled to have.62

Again we see the trait of paranoia--of persecution and suffering martyrdom--in the following statements by McIntire:

They were determined...to get McIntire....

...Here were elements seeking to suppress. They (the enemy) operated in darkness....63

I promise you that I will not yield, I will not compromise. In no sense will we surrender.64

No man has suffered more under these restrictions than I have. In fact they have been aimed directly at what they call the 'right wing', to try to hinder us, to stop us, and to keep us from getting information to you people....

The assault on us is great....

These liberal and leftist groups...have sought to use the "fairness doctrine" to silence those of us who are standing up for our freedom....65

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62 McIntire, Twentieth Century Reformation Hour Radio Broadcast, May 19, 1967.

63 McIntire, Twentieth Century Reformation Hour Radio Newsletter, March 26, 1966.

64 McIntire, Twentieth Century Reformation Hour Radio Newsletter, August 10, 1967.

65 McIntire, Twentieth Century Reformation Hour Radio Newsletter, March 5, 1968.
McIntire believes he has the true Christian doctrine and that his is a special mission to preach the true Gospel of Christ. Throughout all his messages is the explicit or implicit suggestion that he holds a special position as a fighter for freedom, liberty, and the cause of the Bible. God is on his side always. These sentiments can be seen in the numerous instances:

I face now the greatest crisis we have ever had... (but) I believe God is with us. He is giving us strength, ammunition, grace and renewed faith. I am fighting and we must stand together for the whole cause we love....

And,

We are looking to God to deliver us.

Again, this theme is apparent in this declaration:

We are fighting in His Name and for His Glory.

The belief in divine sanction of his work is revealed in this McIntire broadcast:

We must trust in God and let it be manifest that what we are doing is wrought in God... and you are thankful that there are preachers in this land that are crying out.

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66 McIntire, Twentieth Century Reformation Hour Radio Newsletter, August 6, 1969.
68 McIntire, Twentieth Century Reformation Hour Radio Newsletter, August 10, 1967.
69 McIntire Twentieth Century Reformation Hour Radio Broadcast, May 19, 1967.
McIntire's favored position and his exceptional gifts provide him with certainty of the truth as seen in this broadcast:

I'm not radical right, just radically right. I'm just right. What I say is true. I'm right about the Bible, sin, the devil, the White House, Congress, and the FCC. I don't say anything on the air that isn't true. I have documentation on everything I say.  

Again this theme is indicated in the following statement:

...This broadcast is coming to the light... And you people by the millions are realizing that Dr. McIntire is walking in the light....

McIntire the agitator is especially represented in the following broadcast assertion:

If you listen to this broadcast...you'll get something of the joy the believer has...You'll get something of our love for righteousness and truth and honor; you'll get something of our commitment to freedom and the great cause of liberty--freeing men from sin; freeing men from superstition; freeing men from darkness; freeing men from slavery; freeing men from tyranny.

In a reference to his special position among his followers, he says, "They can't do a thing about it but I can."  

70 Ibid.  
71 McIntire, Twentieth Century Reformation Hour Radio Broadcast, May 16, 1967.  
72 Ibid.  
McIntire's self-portrayal as the staunch defender of the faith is indicated in this statement: "I owe it to you, to the radio world, to see this thing through to the bitter end."  

McIntire's reference to the enemy and the shades of doom are numerous. There is always the sense of immediacy and emergency. The enemy is at the door and has already attacked. This theme runs throughout his messages. In one article McIntire exhorts his followers to fight the Reds or perish. In another radio letter he says,

> The urgency, and the critical nature of the situation I cannot possibly over-estimate.

In a December 10 letter he exclaims,

> I feel it is now or never: 1971 may be the year of disaster. The forces that are seeking to oppress, control, and deny to us the freedom of speech on the radio are moving in for the kill.

Always we are presented with the specter of the evil, menacing enemy--the bogeyman scapegoat--on which McIntire

\footnote{74 McIntire, Twentieth Century Reformation Hour Radio Newsletter, July 7, 1970.}

\footnote{75 McIntire, Twentieth Century Reformation Hour Radio Newsletter, Dec. 1, 1970.}

\footnote{76 Ibid.}
can depend to exploit fear and keep his helpless followers in a constant state of agitation. Again the prophecy of doom is revealed by McIntire:

The situation is dark, of course, throughout the whole world but here in our country the tide can be turned. 77

Finally, there is McIntire as the "money-minded martyr," the head of an organization which, according to the latest figures, receives more than $4 million annually. Agitation, it appears, is big business today. A brief perusal of any of McIntire's publications, or the listening to any of his broadcasts, would give the reader or listener an idea of the extent and amount of solicitation of funds requested by Dr. McIntire for his fight to save "our freedom, our country, our Christianity."

Nothing worth getting is free and in McIntire's crusade there is no exception. If you happen to be one of his earnest followers who truly believes that his "ministry is an inspiration and a blessing...and is so much needed today more than ever before," as one of his scores of devoted followers wrote him, the price

77 McIntire, Twentieth Century Reformation Hour Radio Newsletter, Jan. 24, 1966.
is high. McIntire would qualify as an excellent and brilliant advertiser or salesman in his variety and creativity of pitches for finances. His ability to inject his appeal for funds with his "sales" pitch shows great expertise. Usually his petition is always surrounded by an atmosphere of emergency and immediacy. He's got to have immediate help. He must reach some goal by such and such a time. He needs a certain amount of money for the orphans, or the radio fund, or Shelton College, or to just continue the fight against the enemy.

Here are a few examples of his fund appeals:

But, my friend, during this month of October I am asking you to help, become a new pledger, increase your pledge—and when I say pledge, I mean once a month you will send in a regular contribution, faithfully undergirding these needs.... This is my appeal. 78

In another case, we have a multiple appeal:

Let me hear from you immediately... first with a contribution for the broadcast—that is the thing we must keep going as long as it is possible—second with a contribution for the Defense Fund, and third, a gift for the March for Victory on October 3rd.

78 McIntire, Twentieth Century Reformation Hour Radio Newsletter, Sept. 20, 1969.
My friend, money--God's money--counts and must be put to work where it is needed so desperately now.

We all stand or fall together.

I ask your generous, large sacrificial gift.

May God grant it. Amen. 79

And in another appeal, McIntire asks his listeners for large donations:

What will be your answer to this letter? May I request that it be first a very large contribution to the 20th Century Reformation Hour--a large gift, please. And then may I ask that it be a decision on your part, if you are not already doing so, to give regularly each month to this broadcast. There is no other way to support it, and when God cares for us as He has, surely it is the token from Heaven that we must press on to obtain greater exploits for our God.

and,

I pray that this letter will bring the greatest single response that we have ever had from our radio audience. We need it today. Remember your Will, the $1,000 gifts, too. We love God. 80

In one instance McIntire makes this request:

I need your help. I ask you to help the broadcast in the fullest possible way. One thousand dollars will put us on another radio station.

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79 McIntire, Twentieth Century Reformation Hour Radio Newsletter, July 7, 1970.

80 McIntire, Twentieth Century Reformation Hour Radio Newsletter, March 26, 1966.
next week. I ask everyone who reads this letter prayerfully to say, "By the help of God I will make a regular monthly contribution." Yes, I mean regularly, faithfully. Do it religiously unto the Lord.81

It is quite apparent that the major point implied or stated in all McIntire's appeals is the fact that by giving to him, the follower is really giving to God; for McIntire considers himself to be God's emissary here on earth fighting for righteousness, the Bible, and God's blessed country—America. How could anyone, it is suggested, refuse such a good, faithful, unselfish, patriotic servant such as Dr. McIntire who relentlessly exposes himself to constant threats and danger from the enemy for the purposes of preaching the true word of God and saving America's freedom?

Numerous appeals could be cited, but they are all basically similar. The above are representative of most of them, and are exactly the same as those found in the Christian Beacon. In substance they are also very similar to those broadcast over the radio. Here, however, McIntire has more flexibility with the oral medium than the written. A brief discussion of his radio presentations will demonstrate this latitude.

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81 McIntire, Twentieth Century Reformation Hour Radio Newsletter, March 26, 1966.
A McIntire broadcast would strike a first-time listener as unusual to hear. Its structure is its lack of structure. Except for the opening introductory statement—freedom is everybody's business...—and the usual invocation to God to continue to bless Carl McIntire, all his causes, and all his followers, the broadcasts are very disorganized, marked by informality and an extemporaneous flair. McIntire does not use any written scripts. The texts of his broadcasts are taken either from some Biblical passage or some current secular or religious periodical. His subjects are usually anything that catches his attention or which he wishes to discuss at the moment—a past broadcast, a personal attack, recent national or international incidents, the controversial FCC decision against his WXUR radio station, etc.

His word usage, sentence structure, grammar, and style of language are all used for effect—to frighten his audience about the peril of the moment and to contribute funds to his cause. In his role as one of the plain, common, Bible-believing, simple Americans, McIntire speaks in a folksy, homey fashion, often using the idioms and jargon of his listeners, many of whom appear
to be rural residents. His purpose is to firmly identify himself with his listeners. He is one of them, he says in effect. Accordingly, his language is not elegant or impressive from an educated standpoint, for this would alienate many of his listeners. His sentence structure often lacks smoothness and is halting, often repetitious, to give the impression of a conversational tone. "Listeners must understand you," he told this writer during a 1971 interview. "You must not go beyond them. My broadcasts are intended to be conversational in tone." He also remarked that when he talks on the radio he imagines a housewife working in the kitchen while listening to the radio; or a man driving to work with his car radio on. He imagines himself speaking directly to these individuals, fostering a sense of person-to-person intimacy among his listeners. Aristotle's major premise, "know thy audience," is not lost on McIntire, for he informed this writer that he is well aware of rhetorical techniques, a knowledge provided by his undergraduate study where he majored in speech and pre-law.

McIntire's language, as some of his quotes have already indicated, is heavily laden with emotion, with an underemphasis on logic. His words are partly responsible for his ability to arouse emotion. He often uses what
Richard Weaver calls "god terms,"— "rhetorical absolutes... to which the very highest respect is paid... and about which all other expressions are ranked as subordinate..." 82 These are terms such as American, un-American, progress, modern, efficient, freedom, fact, democracy, aggressor, etc. On the other hand, Weaver explains, a word such as Communist is a "devil term," the opposite of "god terms." 83 McIntire uses devil terms to suggest unfavorable associations for his adversaries in the minds of his audience.

Another source provides a study of words and concepts that are highly emotional and value-charged and which have favorable and unfavorable connotations. In the unfavorable column, 53 such words and concepts are listed, and McIntire habitually uses at least 15 of them, although with his own peculiar connotations. These terms center around three basic concepts—Satan, devil, and Hell. The following terms suggesting unfavorability are found to be habitual items of McIntire's lexicon:


83 Ibid.
Communists, universities, intelligentsia, educated, compromise, social reformer, sex, flesh, pleasure, materialist, etc.  

Concerning words and concepts with favorable associations, 49 terms are listed, of which McIntire uses 20 frequently. These terms express three basic concepts—God, Christ, and Heaven. Some examples are: wrath, indignation, victory, vanquish, sacrifice, crucify, death, redeemer, martyr, souls, spirit, etc.

Like the unfavorable terms, many of the favorable words are often infused with McIntire's particular connotations.

Another characteristic of McIntire's rhetorical style is the use of restatement and amplification. To emphasize a point or points—usually concerning the solicitation of funds, or an upcoming victory rally, or some basic facts regarding something of extreme importance, like the consequences of the FCC action on his radio ministry—McIntire will restate his message several times for optimum amount of impact and greater retention with his listeners.

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85 Ibid., p. 123.
His broadcasts are confusing, often beginning with remarks on several subjects which he later returns to. And many times he interrupts himself with a new thought, gets sidetracked on that, and later returns to his original idea. Nevertheless, his stated purpose is to give a direct, straightforward presentation of the truth—no embellishment—the way the Bible is. Says McIntire, "The Bible is my teacher."

To summarize, the total impression of McIntire's broadcast style is one of formal disorganization, whose language is characterized by excessive emotion, loaded terms, oversimplification, pseudo-reasoning, and a constant restatement of appeals for funds.

His rhetoric alone, however, is only part of his style responsible for evoking the emotion and heated passion characteristic among his listeners. His logic, or lack of it, is submerged in a crusading style which one Washington columnist accurately describes as "...long sentences on a high, sustained pitch without pausing for breath. The volume soars to a staccato burst at the climax, then pauses...." In this sharp voice, which often reaches a roar, McIntire peppers his opponents

daily and relentlessly over his some 600 radio stations. He screams, berates, exhorts, warns, and attacks in one breath—tirelessly pronouncing his message of sin, wickedness, and communism in high places, the danger of the ecumenical movement, and the threat of the Federal Communications Commission. In his second breath, he makes his recurring pitch for more money to continue his endless battle for God, country, and against communism.

From this examination, then, it is apparent that McIntire's strategy of persuasion resembles that of an agitator as portrayed by several sources. His broadcast style also appears to complement his message. Both offer further indications of his character and motivations and provide a framework of understanding for the following analysis of his philosophy of the mass media.
CHAPTER V
THE CHANNEL

(A) TWO THEORIES OF THE PRESS

This chapter examines McIntire's use of the mass media. His particular use of the media, specifically the radio medium, is significant for it represents a philosophy—a theory—about the nature and purpose of the mass media in society. It also reflects the crisis among students and operators of the mass media as to what is its best and proper function in society. Such questions arise as, what relation does the mass communicator have to his audience? Or, put another way, does the mass communicator have any responsibility attendant upon his use and/or ownership of the channels of mass communications?

Answers to these questions ultimately involve the extent of power of the mass media and its influence on the operations of society. If, as so often stated, the mass media have massive power and the influence to mold minds and effect change, does the mass communicator have the right to use his medium for personal needs and
private interests? Or does he have a greater obligation to benefit society as a whole? What possible effect will either usage have on society? And what are their implications?

These questions and several others related to them are the subject of investigation in this chapter. McIntire's particular philosophy of the media is examined for its basic assumptions and beliefs. They are obviously very similar to those espoused in the libertarian theory of the press. Essentially, this theory advances the principle of individual freedom and the free competition of opinion in the open market, and opposes any government control or interference in this operation. It contends that the media owner or operator has the right to use the media as he wishes.

In contrast to the libertarian view is the social responsibility theory of the press, embodied in the Federal Communications Commission and its Fairness Doctrine. This theory stresses the priority of the needs of society over those of the individual and holds that the media must assume the responsibility for furthering the public interest over the private.

These two contending views of the nature and purpose of the media are dramatized in the WXUR case.
Here McIntire's libertarian philosophy of the media clashes openly with the social responsibility theory espoused by the FCC. McIntire has been accused by the FCC with operating his station for his private interests and willfully neglecting the larger needs of the community; thus his license has not been renewed. This action has prompted McIntire, in turn, to accuse the FCC of suppression and censorship and of abridging his rights of freedom of speech, freedom of the press, and freedom of religion. From the FCC action also has emerged a proliferation of statements by McIntire revealing his libertarian views on the nature and purpose of the media in society.

An examination of the two theories of the press and a brief history of the Fairness Doctrine provides a framework to understand better McIntire's philosophy of the media and the issues involved in the WXUR case.

1. The Libertarian Theory

The Libertarian theory of the press will be examined first. The word press is used here to include all the media of communication, although the primary concern is with the broadcast media—in this case radio specifically.

To see the differences between press systems in full perspective, the social systems in which the press
functions must be examined. And to understand the relationship of the press to social systems, the basic beliefs and assumptions which a society holds must be considered. These beliefs include the natures of man, of society and the state; the relation of man to the state; and the nature of knowledge and truth. In brief, the differences between press systems is one of philosophy.¹

The libertarian theory of the function of the mass media in a democratic society essentially stresses the "superiority of the principle of individual freedom and judgment and the axiom that truth when allowed free rein will emerge victorious from any encounter." Its slogans are the "self-righting process" and the "free market place of ideas."² Like other theories of the status and function of the mass media of communication in society, this doctrine is a development of the philosophical principles on which the social and political structure is based and within which the media operates. The press,


² Ibid., p. 70.
like other institutions, reflects the principles underlying the society of which it is a part.\(^3\)

The libertarian theory of the press grew out of the philosophy of liberalism as it developed in the seventeenth and eighteenth centuries. The basic tenets of this philosophy are: a) the fulfillment of the individual as the ultimate goal of man, of society, and of the state. Liberalism holds that the prime function of society is to advance the interests of its individual members; b) in pursuit of this goal protections must be found from permitting the tendency of society to take over the major role and become an end in itself. Thus, liberalism stresses that the role of the state is to provide the individual with a congenial milieu which encourages him to realize his own potentialities, and when it fails to further this end it becomes a handicap which should be either abolished or drastically modified;\(^4\) and c) knowledge and truth could be acquired through the power of reason which was God-given. Truth was a discoverable entity capable of demonstration based on the conception that there is one basic unassailable and

\(^3\) Ibid., p. 39.

\(^4\) Ibid., pp. 40-41.
demonstrable explanation for natural phenomena—the model of mechanistic experimentation and observation. Man's reliance on God and divine authority, like the Bible, was replaced by the supremacy of reason.\(^5\)

These libertarian principles were given impetus mainly by the Enlightenment of the seventeenth and eighteenth centuries which sought to free men from all restrictions on his capacity to use his reason for solving religious, political, and social problems.\(^6\) The idea underlying this Enlightenment was, in the words of Ernst Cassirer, "the conviction that human understanding is capable, by its own power and without recourse to supernatural assistance, of comprehending the system of the world and that this new way of understanding the world will lead to a new way of mastering it. ..."\(^7\)

In light of this background, what are the effects of libertarian philosophy on the status and function of the mass media of communication? Siebert, et al tell us that the emphasis of the individual's importance, the

\(^5\) Ibid., p. 41.

\(^6\) Ibid., p. 43.

reliance on his reasoning powers, and the concepts of natural rights, of which freedom of religion, speech, and the press are a part, are liberalism's major contributions. The late Carl Becker has stated the basic assumptions of the role of the press in a libertarian society:

The democratic doctrine of freedom of speech and of the press . . . rests on certain assumptions. One of these is that men desire to know the truth and will be disposed to be guided by it. Another is that the sole method of arriving at the truth in the long run is by the free competition of opinion in the open market. Another is that, since men will invariably differ in their opinions, each man must be permitted to urge, freely and even strenuously, his own opinion, provided he accords to others the same right. And the final assumption is that from this mutual toleration and comparison of diverse opinions the one that seems the most rational will emerge and be generally accepted.8

Of interest to this subject is John Milton's argument for intellectual freedom and, indirectly, for freedom of speech and freedom of the press. He is responsible for the concepts of "the open market place of ideas" and the "self-righting process." Milton argued,

Let all men with something to say be free to express themselves. The true and sound will

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survive; the false and unsound will be vanished. Government should keep out of the battle and not weigh the odds in favor of one side or the other. And even though the false may gain a temporary victory, that which is true, by drawing to its defense additional forces, will through the self-righting process ultimately survive.  

The context in which Milton wrote the above statement is important to consider in order to understand the reason behind his action. It was at the beginning of the eighteenth century when the press was completing a transfer from an authoritarian system of press controls to libertarian principles, and censorship and licensing was still practiced. Hence, Milton was arguing for freedom from government censorship for, what he described as serious-minded men who held honest, although differing opinions.  

More appropriate to the concern with press freedom is John Erskine's defense of Thomas Paine's Rights of Man. He stated:

The proposition which I . . . maintain as the basis of liberty of the press, and

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without which it is an empty sound, is this: that every man, not intending to mislead, but seeking to enlighten others with what his own reason and conscience, however erroneously, have dictated to him as truth, may address himself to the universal reason of the whole nation, either upon subjects of government in general, or upon that of our own particular country.  

In the formation of the United States, the contest for recognition of libertarian doctrines as related to the press ended in the formalization and adoption of the Bill of Rights which included provisions establishing press freedom. This freedom was joined in many statements with freedom of speech and of religion. Within a period of twenty years, protections for freedom of the press were incorporated into most of the American state constitutions and into the federal constitution.  

While the wording in the Bill of Rights of the right to freedom of the press was necessarily vague and subject to various interpretations, on one point all interpretations agreed - "that freedom of the press was not absolute but was subject to limitations."  

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12 Siebert et al, *Four Theories of the Press*, p. 49.

13 Ibid.
The problem of what limitations could be imposed on the press became a major issue under liberalism. And even today no agreement has been reached on the proper sphere of government control and regulation of the various types of mass media.

The question now poses itself: what is the status and function of the mass media of communication in democratic societies? In those societies based on libertarian principles, for instance, as the United States, the status of the press has been one of adjustment to democratic political institutions and to the democratic way of life. The press operates on the belief that even though the government is subservient to and responsible to the public, it is not thoroughly trusted to identify its ends with those of its citizens. The "inalienable rights" of individual citizens must, above all, be protected, emphasize the libertarians.\textsuperscript{14}

The functions of the mass media, under the libertarian concept, are to inform, entertain, and to provide a basis of economic support and financial independence through sales and advertising.\textsuperscript{15} The essential purpose

\textsuperscript{14} Ibid., p. 50.

\textsuperscript{15} Ibid., p. 51.
of this type of system was to insure the press freedom from government controls and domination, to keep government from overstepping its bounds regarding access to the media and the presentation of arguments criticizing the government and its officials. Paraphrasing the words of Jefferson, it was to provide a check on government which no other institution could provide.\footnote{16}{Ibid.}

A basic assumption advanced by the libertarian theorists was contained in Milton's self-righting process. That is, the belief that from a multiplicity of voices of the press—some false, some true, some both—the public would possess the ability to accept or reject that information or those opinions which they perceived best served the needs of the individual and of society.\footnote{17}{Ibid.}

Related to this trust was the correlate belief that every man who has something to say on public issues should have the opportunity to express himself, whether what he said was true or false. The public would be the ultimate judge of the veracity of his message. Further,
it was argued that anyone who had such inclination should have the unrestricted opportunity to own and operate a unit of mass communication. The field should be open to all. It was assumed that the mass media would be operating in a capitalistic society with free enterprise as its guiding principle, which meant that they would be privately owned and would compete in an open market. Anyone with sufficient capital would start a communication enterprise and his success or failure would solely depend upon his ability to produce a profit.\(^\text{18}\) In short, the business of mass communications was simply that—a business which someone entered to make a profit and nothing more.

The principal controls operating on the mass media in a democratic society, contended the libertarian theorists, are the informal controls of the self righting process exercised through the free competition in the market place of information, opinions, and entertainment. They declared "The principal function of the state is simply to maintain a stable framework within which the free forces of individualism may interact."\(^\text{19}\)

\(^{18}\) Ibid., pp. 51-52.

\(^{19}\) Ibid., p. 53.
Nevertheless, explains Siebert, the libertarians faced a persistent problem in determining the proper limitations to freedom of expression in the mass media. While they agreed that freedom of expression is not absolute but limited, no general principles have been developed to assist in solving the problem.\(^{20}\)

However, several types of limitations on freedom of the press have been universally accepted as being consistent with libertarian principles. One is the recognition of the duty of the state to protect the reputations of individuals, especially public officials. Many people, since the seventeenth century, have recognized the need to restrict the mass media from injuring members of society by defamation. The problem for the libertarians remains in the distinction between the protection of the public official as individual and in his public role where, according to democratic doctrine, he must be open to public criticism.\(^{21}\)

\(^{20}\) Ibid., pp. 53-54.

\(^{21}\) Ibid., p. 54.
Another legal limitation on the press is the right of the state to protect itself against the dissemination of information and opinion which might disparage it or undermine it among its adherents.\textsuperscript{22} For the libertarians there has been no simple solution to this problem. The task of maintaining authority and order requires some means by the state to protect its reputation and security; but the right of the individual to criticize public officials and public affairs is also a democratic principle that must be maintained.

In sum, the characteristic of the libertarian concept of the function of the press in society which distinguishes it from other theories of the press is "the right and duty of the press to serve as an extra-legal check on government."\textsuperscript{23} It is the watchdog of society over the workings of democracy to prevent the government from abusing its authority and power. To fulfill this function, the press has to be completely free from control or domination by those institutions over which it is to exercise surveillance.\textsuperscript{24}

\textsuperscript{22}\textit{Ibid.}, p. 55.
\textsuperscript{23}\textit{Ibid.}, p. 56.
\textsuperscript{24}\textit{Ibid.}
Besides the political function of the press, other activities important to the operation of a democratic society are also deemed proper tasks of the mass media. The media are seen as the principal agent for adult education by which the general public receive information and discussion on matters of public concern. An intelligent and informed electorate, after all, is the very cornerstone on which democracy is based. And the mass media, along with the public schools, are charged with providing the public with educational materials. Further, besides political education, the media are to contribute to the elevation of public tastes through their presentation of subjects on art and sciences.25

With the introduction of the electronic media--both radio and television--libertarian theory was beset by many complex problems. Broadcasting was a new mass medium capable of reaching a vast audience simultaneously and was very similar to newspapers, magazines, and motion pictures in its capacity to transmit not only messages, like the telephone and telegraph, but their content as well. However, broadcasting was different than these

25 Ibid., pp. 56-57.
other media in that it utilized electromagnetic waves as its channel of communication and these waves are in limited supply. Consequently, unlike the print medium, in which theoretically everyone could be an owner, not everyone could acquire a radio broadcasting station without establishing chaos on the air waves. Regulation was a must if only for the allocation of frequencies.26

Democratic societies have solved the broadcasting problem in various ways. The American system of broadcasting is based on private ownership in which the limited airwaves are decreed as public and therefore under allocation and regulation by a federal commission created by Congress. The major conflict with libertarian principles is the problem of adjusting traditional doctrines with the physical facts of broadcasting.27

The government agency set up to allocate frequencies was faced with the problem of determining the basis on which it would make these allocations of such limited,

26 Ibid., pp. 64-65.

27 Ibid., p. 65.
precious, and, as it evolved, lucrative resources. It finally decided upon the criterion—of "public interest, convenience, and necessity," a vague standard whose precise definition and meaning would haunt the federal agency up to the present time.  

A government license to operate was abhorrent to libertarian doctrine, states Siebert. Such a device undermined the medium's efficacy to act as a check on government and its officials. No other practical solution, however, was available to broadcasting. The Federal Communications Commission, the agency in charge of issuing licenses, was faced with the problem of determining the criteria to be used in its decisions on awarding licenses. By necessity, in light of its public interest, convenience, and necessity mandate, the FCC was obliged to consider program content. Public interest would be best served by the broadcasting of programs of high quality, their reasoning went.

The broadcasting industry strongly objected to this means of regulation, arguing that the government was

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28 Ibid.

29 Ibid., p. 66.
passing judgment on the content of the medium, which was, in effect, a form of censorship. This interpretation of the function of the Commission violated the traditional libertarian principles of freedom of speech and press. Further, they declared that broadcasting was very much like the print media and motion pictures in its transmission of messages and thus should be as "free as the press." The sole function of government was to assign frequencies and not to regulate program content.30

The Commission's position regarding licensee responsibility was stated in its document, issued in March 1946, entitled, Public Service Responsibility of Broadcast Licensees, commonly referred to as "The Blue Book." In this document the Commission asserted that program standard of performance must necessarily be considered in frequency allocation to prevent the broadcast licensee

from acquiring a vested interest in public property. Moreover, it specified some of the criteria of adequate programming.  

There has been much debate on this and related issues since the "Blue Book" was issued. While the courts have indicated that broadcasting comes under the protection of the constitutional guarantees of freedom of expression, it has also affirmed the government's right, through the Federal Communications Commission, to supervise the use of the air waves and to determine the program composition over those air waves.  

Libertarian theory has not yet solved the problems of broadcasting. While ideally stressing the superiority of the principle of individual freedom and responsibility, it has failed "to provide rigorous standards for the day-to-day operations of the mass media--in short, a stable formula to distinguish between liberty and abuse of liberty."  

33 Ibid., pp. 67, 71.
In recent years, libertarian theory has received much criticism. Some of its basic assumptions—rationalism, natural rights and laissez-faire free enterprise—have come under greater scrutiny and been found to be inappropriate or in need of revision when facing modern problems and conditions. Carl Becker has commented on this current condition:

What confuses our purposes and defeats our hopes is that the simple concepts upon which the Age of Enlightenment relied with assurance have lost for us their universal and infallible quality. Natural law turns out to be no more than a convenient and temporary hypothesis. Inprescriptible rights have such validity only as prescriptive law confers upon them. Liberty, once identified with emancipation of the individual from governmental restraint, is now seen to be inseparable from the complex pattern of social regulation. Even the sharp, definitive line of reason and truth are blurred. Reason, we suspect, is a function of the animal organism, and truth no more than the perception of discordant experience adjusted for a particular purpose and for the time being. 34

Some of these doubts and criticisms of libertarian assumptions and beliefs are found in the rationale of the social responsibility theory of the press, which now is considered.

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2. The Social Responsibility Theory of the Press

The social responsibility theory of the press represents modifications in the traditional libertarian theory. Generally, the former theory, stipulates that the mass communicator has certain moral responsibilities in his operation of the channels of the mass media. These obligations are summarized in the dictum that one must operate in the public interest, with the concomitant belief that the mass media are not to be used for the owner's private needs or interests but for those of the public good.

Siebert contends that the social responsibility theory was the product of several forces: The technological and industrial revolution which dramatically altered the American way of life and affected the nature of the press; increased criticism of the press as it grew in size and importance; a new intellectual climate in which the basic assumptions of the Enlightenment came under suspicion; and the development of a professional spirit of journalism which attracted men of high principles and education and who imbued the communications industry with a growing sense of social
responsibility like that of other American industry and business.¹

The social responsibility theory is largely a grafting of new ideas onto traditional theory, continues Siebert. Much of its impetus and organization came in 1947 with the report of the Commission on the Freedom of the Press where the basic assumptions and principles of the new social theory were formulated. The Commission was comprised of a group of distinguished citizens headed by Robert M. Hutchins. The study was financed by grants from Time, Inc. and from Encyclopedia Britannica, Inc. The social responsibility theory is elaborated in A Free and Responsible Press, compiled by the whole Commission, and in Freedom of the Press: A Framework of Principle, written by William T. Hocking, a Commission member.² It is still a theory, but many of


its ideas and suggestions have been put into practice over the years.  

Historically speaking, the framers of the Constitution, in establishing freedom of the press, had no intention of binding the publishers to certain responsibilities in exchange for their freedom. Indeed, the press in its early phase in the United States was blatantly partisan and unrestrained, characterized by an excessive lack of responsibility.  

Moreover, the framers of the Constitution were disciples of the Enlightenment and their assumptions about the nature of man and the relationship of man to government were implicit in the document they drafted. Gradually doubts grew about their naive belief that absolute freedom and the nature of man carried built-in correctives for the press. A growing body of articulate Americans demanded certain standards from the press and threatened to enact legislation, even did enact it, if the press did not meet certain standards.  

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5 Siebert, et al, *Four Theories of the Press*, pp. 75-76.
Eventually publishers combined freedom with the idea of responsibility and began to form codes of ethical behavior with the intention of operating their media enterprise with some concern for the public good. At this point a rationale of social responsibility began to evolve.\(^6\)

Basically, the social responsibility theory operates on this premise: freedom entails certain obligations and the press, which enjoys a privileged position under our government, has a responsibility to society for providing certain essential functions of mass communication. To the extent that the press adopts these responsibilities as part of its operational policies, the libertarian system will satisfy society's needs; to the extent that it defaults in this task, some other agency will be necessary to carry out the essential functions of mass communications.\(^7\)

The functions of the press under the social responsibility theory are basically the same as those under the libertarian theory. The difference lies in the

\(^6\) Ibid., p. 76.

\(^7\) Ibid., p. 74.
interpretation of these functions by media owners and operators and the way in which the press has carried them out in the past. The six basic tasks of the press are: 1) providing information, discussion, and debate on public affairs; 2) enlightening the public as an aid to self government; 3) serving as watchdog of the government; 4) servicing the economic system through the medium of advertising; 5) providing entertainment; and 6) maintaining financial self-sufficiency. Concerning the first three functions, those concerned with public service, the social responsibility theory, while accepting these tasks, asserts that the press has been deficient in performing them in the past.

Here is how the philosophy behind the social responsibility theory evolved.

Jay Jensen reports that the intellectual climate of the twentieth century seems to have favored the growth of a theory such as social responsibility, while the libertarian theory was at odds with the emergent world view at this time. As cited earlier, the

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8 Ibid.

libertarian theory was the product of the world view of the Enlightenment with its beliefs in man's freedom and inherent rationality; its faith in men to work for the common good while pursuing their own self interests; and in the self-righting process in which truth would emerge from the open encounter of ideas in the open market.

But a revolution in modern thought demolished many of the assumptions and beliefs underlying the libertarian theory of the press: modern social science subverted Locke's doctrine of natural rights; classical laissez-faire economics has been repudiated by most contemporary economists; and the Miltonian doctrine of the self-righting process has become increasingly suspect.

The ideas on which democratic capitalism existed also underwent change. The belief that each entrepreneur would automatically serve the common good as he selfishly pursued his private ends was replaced by the belief that American business and industry must

10 Ibid., pp. 405-06.

assume certain obligations to the community. Parallel to this sense of public accountability by business and industry in the twentieth century was the beginning of the press' development of a sense of mission requiring it to serve the general welfare.\textsuperscript{12}

From the belief that one's medium of communication is solely a private enterprise selling a manufactured product and owing nothing to the public; to the conviction that one's ability to publish and/or broadcast is a privileged position under the constitution, has important implications for the functions of the press and for the way in which the press fulfills them. On the one hand we observe the individualistic theory that presupposes that the individual takes precedence over society; in contrast, the social theory presupposes that society takes precedence over the individual.\textsuperscript{13}

In this new sense of responsibility, publishers were joined by radio and television broadcasters. Indeed, states Siebert, the rise of broadcasting made the government a major contributor to the theory of social

\textsuperscript{12} Ibid., pp. 82-83.

\textsuperscript{13} Ibid., p. 82.
responsibility. Because of the necessity of having to bring order to the air waves in the early days of radio, the government created the Communications Act of 1934 which reserved radio for operation in the public interest and established the Federal Communications Commission to implement this mandate. In its actions and policy statements, the FCC has made clear to broadcasters that they are trustees, not owners, of the air waves.  

Technologically, new inventions increased the size, speed, and efficiency of the old media and produced new ones—movies, radio, and television. The growth of industry, with its increase in consumer goods, required means by which the manufacturer could inform the consumer about their existence and benefits. Hence, a growing volume of advertising became the major means of support of newspapers, magazines, and broadcasting. This rise in industrialization was also accompanied by urbanization making more people interdependent upon each other and sources of communication. Finally, increasing

education for more people expanded the market for mass communications. Declares Siebert, "The press became a ubiquitous instrumentality."\(^{15}\)

Its ownership also became highly concentrated in relatively few hands. Either because of cost and/or physical limitations, the libertarian assumption that everyone had the right and opportunity to own and operate a mass medium was unrealistic. This fact was of great concern because of the power and influence it vested in so few and the potential for good or harm that could result from it. The concept of the free and open market-place of ideas was endangered.

This growing concentration of the media and the awareness of its pervasive influence resulted in intensified criticism of the press in the twentieth century. Codes of ethics developed among the press to institute responsibility and observe the general welfare as part of their operating policies. The broadcasting codes reflected an industry regulated by the government and required to operate in the public interest. The rationale behind this mandate is the belief that the

\(^{15}\) Siebert, et al, *Four Theories of the Press*, pp. 77-78.
broadcasting media can and should be promoters of the democratic form of government by enlightening the public through intelligent discussion and debate on public issues. They can also serve as promoter of public morals by presenting high standards of entertainment and advertising.\textsuperscript{16}

By contrast, the earliest newspaper codes adhered to the original libertarian beliefs in the efficacy of the self-righting process. The newspaper was still primarily considered an instrument of enlightenment appealing to the critical sense of the supposed rational reader who was supposedly able to determine truth from falsity. The assumption continued to be held that the newspaper could fulfill its responsibility to the public by adding the self-righting process through the ideals of truthfulness and fair play.\textsuperscript{17}

The difference between the codes of broadcasting and newspapers, then, was essentially their respective views of man. Newspapers regarded man as a rational creature capable of forming an intelligent judgment re-


\textsuperscript{17}Siebert, et al, Four Theories of the Press, p. 86.
gardless of the nature of the material. Broadcasting, however, regarded man as essentially immature and highly susceptible to the corruption of his thinking and morals. It also saw the media as pervasive and capable of suspending his critical faculties.  

The Commission on the Freedom of the Press thought the different codes were not enough to insure the kind of press that society requires. It argued that although the newspaper codes were attempts at responsibility, they could not be enforced. And, moreover, the broadcasting codes also lack sanction. The desire of broadcasters to reach the largest audience possible prevented radio and television from realizing their potentialities in serving society's needs.  

The Commission stated that the requirements of the press today are greater in variety, quantity, and quality than those of any previous society in any age, the reason being the extraordinary reliance the modern American citizen places on the press. Because the individual

18 Ibid.

19 Commission on the Freedom of the Press, A Free and Responsible Press.
cannot experience the wide and complex world at first hand, and because personal contact among all people, as in earlier societies, is impossible today, information concerning the world must be filtered through the media of mass communication. In brief, the consumer of news and ideas is largely at the mercy of the operators of the media.  

In light of these conditions, the Commission on the Freedom of the Press listed five requirements which they concluded society needs from the press--standards which provide a measure of press performance. Briefly, the requirements are: 1) to provide a "truthful, comprehensive, and intelligent account of the day's events in a context which gives them meaning;" i.e., the press must be accurate, it must not lie or distort facts to suit its own purposes; 2) to serve as "a forum for the exchange of comment and criticism;" i.e., the media of mass communications should regard themselves as common carriers of public discussion carrying views contrary to their own without abdicating their own right of advocacy; 3) to project "a representative picture of the constit-

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Ibid.
uent groups in society." The belief is that persons
tend to make decisions in terms of favorable or unfavor­
able images and a false picture can subvert accurate
judgment; 4) to exercise responsibility in "the
presentation and clarification of the goals and values
of society;" and 5) to provide "full access to the
day's intelligence;" that is, there must be a wide
distribution of news and opinion.21

These then are the standards of performance out­
lined by the Commission. Although the press acknowledges
these standards, there is, in many instances, a wide gap
between acknowledgement and practice.

What concepts lie behind these principles of the
social responsibility theory?

The basic concept of liberty, a major pillar of the
social responsibility theory, differs from the tradition­
al concept of liberty. Libertarian theory evolved from
a negative concept of liberty which affirmed a belief in
"freedom from external restraint." The social responsi­
bility theory, however, rests on a concept of positive
liberty, a belief in "freedom for," calling for the

21 Ibid.
presence of necessary tools for the attainment of a desired goal.\textsuperscript{22}

While the libertarians viewed the state as the chief foe of liberty and thus claimed the best freedom to be freedom from the state, those adherents of social responsibility hold that the government must not merely allow freedom but it must actively promote it. "Government remains the residuary legatee of responsibility for an adequate press performance," asserted William E. Hocking, a Commission member. The belief is that government should help society to obtain the services it requires from the mass media if a self-regulated press and the self-righting features of community life are insufficient to provide them.\textsuperscript{23}

The libertarian and social responsibility theories also differ on the issue of right of expression. Under libertarian theory, freedom of expression was a natural right, a right which man was born with, a right which could not be abridged, and to which no duty was attached. Under the theory of social responsibility, however, the right of expression is a moral right with an aspect of

\textsuperscript{22} Ibid.

\textsuperscript{23} Hocking, \textit{Freedom of the Press}, pp. 182-93.
duty attendant upon it, the duty of the individual to his thought and to his conscience.\textsuperscript{24}

William Hocking explains that a moral right is "a value which I am not free to relinquish, as I am free to relinquish a personal interest." One's claim to freedom of expression as a moral right is also a claim for the same right for others in which the individual binds himself to respect the exercise of it. It is not something which one claims for selfish ends.\textsuperscript{25}

One's moral right to freedom of expression, says the Commission, is based on the belief in the value of one's ideas for both the individual and society. It is society's source of intelligence, the seeds from which progress grows. Moreover, there is an aspect of duty accompanying this freedom of expression in the sense that the individual has an obligation to his conscience and to the common good to express his ideas.\textsuperscript{26}

\textsuperscript{24} Ibid., pp. 60-61.
\textsuperscript{25} Ibid.
\textsuperscript{26} Commission on the Freedom of the Press, A Free and Responsible Press, pp. 8-9; and Hocking, Freedom of the Press, pp. 60-61.
Freedom of expression under the social responsibility theory, however, is not an absolute right as under libertarian theory. "One's right to free expression must be balanced against the private rights of others and against vital social interests," contends the Commission.\(^\text{27}\) This is not a new belief. Note Oliver Wendell Holmes' statement on the limitations of free expression. He wrote, "The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree."\(^\text{28}\) The basic idea here is that considerations of public welfare take precedence over one's right to free and unrestricted utterance.

Siebert et al point out that the conditional nature of free expression, in the Commission's line of reasoning, arises from the basis of this right. "Free


expression is grounded on man's duty to his thought," they say. "If man does not assume this duty to his conscience, if on the contrary he uses his free expression to inflame hatred, to vilify, to lie, if he uses it deliberately to contaminate the springs of truth, then he has no claim to the right. He has a moral right only if he assumes the concomitant moral duty." 29

The moral right to free expression, they continue, does, however, acknowledge the right to be in error because it assumes that the search for truth and the spread of truth require freedom and that each individual has the right to be sure that he has found truth through his own discovery instead of it being imposed upon him. 30 But this moral right concerns only honest error. One does not have the right to be deliberately or irresponsibly in error. While he may forfeit his moral right to free expression, under our democratic system and the social responsibility theory he can still exercise his legal right to it. For it is assumed "that men in general are speaking in good faith and in an earnest quest for truth." 31

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29 Siebert, et al, Four Theories of the Press, p. 98.
30 Ibid.
31 Ibid.
But the legal right to free expression is also not unconditional. While it is a desire of a free society that men achieve responsibility through their own volition and self-control than through some external force, legal restrictions on press freedom might be justifiably extended if new abuses require it. 32

The most salient difference between libertarian and social responsibility theories, however, is their respective views of the nature of man. As we have briefly mentioned earlier, man was regarded by traditional theorists as primarily a rational being who sought truth for his guidance. Every man could serve the cause of truth by having complete freedom of expression—to speak freely what was on his mind—both the ridiculous and the sublime. Given this freedom to speak and publish, men would express themselves and would do so responsibly. Hence, there was no need to remind men about their public responsibilities, for they would automatically assume them because of their moral sense. Those who did lie or

distort the truth would eventually be exposed by other men and their statements would also be put to the test of reason by the people. ³³

Social responsibility theory on the contrary, reflects the social science doubt on the rationality of man. It does not deny man's rationality but does question the belief that man is innately motivated to search for truth and to accept it as his guide. Under the social responsibility theory, Siebert explains, "man is viewed not so much irrational as lethargic. He is capable of using his reason but he is loath to do so. Consequently, he is easy prey for demagogues...and others who would manipulate him for their selfish ends."³⁴

The problem facing a democracy rests on the condition, if man is to remain free he must use his reason instead of passively accepting all that he sees, hears, and feels. Of necessity, those more alert members of society must either urge the individual to use his reasoning faculties or must assume this responsibility. As Siebert points out, "Man's aim is not to find truth but to satisfy his immediate needs and desires."³⁵

³⁴ Ibid., p. 100.
³⁵ Ibid.
This skeptical view of man is represented in the broadcasting and movie codes which view the safeguarding of public morals of primary concern.

Concerning the subject of morality, Siebert et al states that traditional theory viewed man as a child of God—an autonomous creature of dignity—who adhered to certain absolute principles of ethical behavior. He was an individual who was true to himself, and because of this, was true to his fellow man. Social responsibility theory, on the other hand, saw man more as a social being who, besides owing duty to himself and his conscience, had a similar obligation to his fellow man and to the interests of the community.36

The moral duties implicit in libertarian theory became explicit in social responsibility theory. Under the former, the citizen had the right to be uninformed or misinformed. According to the Commission, the citizen is no longer morally free not to read or listen but, as a responsible citizen living in a democracy, has a duty to the community to be informed.37

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36 Ibid., p. 100-101.
37 Commission on the Freedom of the Press, A Free and Responsible Press.
To fulfill this obligation, the Commission explains, the citizen has a right to information to carry out this duty. "Hence, it is no longer sufficient merely to protect the press' right of free expression, as under traditional theory; it is also imperative to protect the citizen's right to adequate information."\(^{38}\)

The bigness, costliness, and the concentration of the press necessarily places this burden on their shoulders for the entire public. Media owners and operators, thus, do not have the right to say or print what pleases them but under the moral right of freedom of expression are obligated to disseminate all significant viewpoints of the citizenry. In this task they should exercise responsibility for determining what ideas should have a public hearing. Moreover, they should be willing to be aided in this task by the public itself.\(^{39}\)

The Commission believes the ceding of press performance solely to unregulated initiative is highly questionable. The citizen has a moral right to information and an urgent need for it. And if the press is

\(^{38}\) Ibid.

\(^{39}\) Ibid., p. 119.
voluntary lax or deficient in this responsibility, then both the community and the government should and must protect his interests. 40

This, then, is the social responsibility theory as developed by the Commission on the Freedom of the Press. Its ideas and recommendations have been called by some unrealistic. Nevertheless, Siebert says, "The Commission has accepted the communications revolution and complex twentieth-century life and has tried to solve the problems of the press within that context. Furthermore, its recommendations in large measure accommodate themselves to the emergent world view and the thought patterns resulting from it. 41" In this sense the recommendations could be described as realistic for they have not "sought to recapture the happy ideal of the eighteenth and nineteenth centuries in a twentieth-century milieu. 42"

One point is very evident, says Siebert. Pure libertarian theory is obsolescent. It is being replaced

41 Ibid., p. 103.
42 Ibid.
by an emerging theory that places increasing emphasis on press responsibility. He concludes that, "Individuals who still speak of freedom of the press as a purely personal right are a diminishing breed, lonely and anachronistic."

Against this background of the two major theories of the press found in varying degrees in democratic societies, McIntire's philosophy of the mass media will be examined. These views have been repeatedly expounded over the radio, through his Christian Beacon newspaper, through his radio newsletters, numerous pamphlets, in speeches around the country, and to this writer.

The most significant characteristic of McIntire's beliefs is their similarity to the libertarian theory of the press. Primarily this is due to an agreement on the basic beliefs and assumptions on the natures of man, society, and the state; and the relation of man to the state. Both McIntire and the libertarians believe in the superiority of the principles of individual freedom, judgment, and responsibility. And both believe in the assumptions contained in the slogans "the self-righting

43 Ibid.
process" and "the market place of ideas" which hold that
truth will emerge victorious over falsity and error when
competing in a free and open marketplace of ideas.

In addition, with their mutual emphasis on indi­
vidual importance, both McIntire and the libertarians
hold dear the concept of natural rights, of which
freedom of speech, of the press, and religion are part.
These inalienable rights of individual citizens must be
protected at all costs, they maintain. Government is
considered the natural enemy of these rights and a
strong distrust of government is shared by both McIntire
and the libertarians. They strongly argue for absolute
freedom from government control or any kind of govern­
ment interference in man's basic rights.

As to the mass media, both also agree that the
principal controls operating on the media in a democratic
society should be the informal controls of the self­
righting process exercised through free competition in
the marketplace of information and opinions. They con­
tend that the principal function of the state is simply
to maintain a stable framework within which the free
process of individualism may interact.
McIntire and the libertarians also agree on the individual's right to use the media. They believe that any one who has the inclination or need to propagate his convictions should have the unrestricted opportunity to own or operate a unit of mass communication. Further, in a capitalistic society, with free enterprise as its guiding principles, the mass media should be privately owned with the capacity to compete in the open market. Anyone with sufficient capital, they maintain, should be able to start a communication enterprise and his success or failure would depend on his ability to produce a profit. In short, a mass media enterprise is the same as any private business in which the individual owner is free to operate it as he desires.

In summary, McIntire believes in the complete freedom of the individual. This freedom extends to the area of the press and broadcasting. He frequently argues that the individual must be free to print or broadcast whatever he wishes without threat or coercion of any kind from any source. Through this manner, he believes that truth and righteousness will emerge victorious over sin and the devil—the enemies of freedom and liberty.
(B) MCINTIRE'S PHILOSOPHY OF THE MEDIA

The discussion which follows will examine McIntire's prolific remarks on the nature and function of the mass media in society. His view of the media as a social force and its purpose and importance for him is first considered. Next, his conflict with the FCC will be explored. Its investigations into the programming practices of his radio station, WXUR, and recent decision, in June, 1970, not to renew his license have prompted McIntire to issue numerous statements concerning the media. The similarity between McIntire's views on the media and those of the libertarian theorists are examined in this section.

There is no doubt that Carl McIntire sees the mass media as a useful, very powerful and influential extension of his activities of "contending for the faith." This fact is reflected in his belief that the media must be used for propagating the Gospel of Jesus Christ. The media is also considered by McIntire as a forceful and indispensable instrument in his continuous battle against the forces of evil--liberalism, modernisms, socialism, and communism. Further, he believes that his use of the mass media has been divinely ordained and blessed so he
may reach and unite millions of peoples in his great
mission to conquer sin and wickedness and promote
righteousness. Since he regards himself as a man of
God, and since, as he has expressed, there can be no
separation of political, economic, or social problems
from the larger religious one facing this country,
McIntire believes he has a moral and constitutional
right to use the media to speak freely on these issues
and to promote his beliefs.

One thing is very clear, however, regarding
McIntire's use of the mass media. This is his under­
standing of the power and importance of it as a means of
effectively transmitting his message to a large number
of people immediately. This power of the media has,
in effect, promoted greater awareness of McIntire and
his beliefs and served to unite many people of similar
beliefs into a separate public. Hence, the necessity for
McIntire to maintain his use of the mass media is para­
mount. And the activities of the FCC in its investi­
gations and decision not to renew his license is recognized
by McIntire as a threat to a major source of his influ­
ence and a great impediment to his carrying out his
mission.
1. McIntire's View of the Media as a Social Force

McIntire's conception of the media as a social force for promoting good, by helping to convey the message of the Bible, and for destroying evil, by exposing what he conceives evil to be—the liberal-leftist menace—is demonstrated in the following statements. Concerning the mass media as a force for promoting the Gospel, McIntire says:

It has been God's providence that has given to mankind the radio and television. It is called the mass media. This was in His creation when He made it. Man only discovered it when he made it. It is not sinful; it is not evil. The problem is that it is being used to evil ends and to advance the cause of Satan . . . Everything that God has created was good. The Devil has sought to use it for his evil ends. It is the responsibility of Christians who fear God and who recognize that they must serve God in every area of human endeavor to arise and use the mass media effectively for Jesus Christ.1

In a January 9, 1969, broadcast, McIntire explains the nature and source of his broadcasts this way:

... I believe that this broadcast God has raised it up. I believe that this broadcast is being used of God in a special way.2


2 Carl McIntire, Twentieth Century Reformation Hour Radio Broadcast, Jan. 9, 1969.
In the same broadcast, he reveals their significance:

Our broadcasts stand for the infallible Word of God.³

The importance of the media as a powerful force in exposing Communism, and sin and wickedness in high places is indicated here:

... yes, it is worth it to keep the Gospel on the air and to be able to present these issues as they concern the Communist conspiracy to our public, as I have done. ... ⁴

And, in the same source, McIntire indicates the opposition to his broadcasts by those forces he is fighting:

... they (the enemy) are obviously determined here in the United States to eliminate the use of the mass media as an effective weapon to expose their mischievous deeds and to call the nation back to the God of Scripture.⁵

The need and importance for using the media to achieve victory over the enemy and for God is revealed in this quote from the Christian Beacon.

We must have these stations because of the FCC crisis. We also need these stations in order to reach the country with the emphasis

³ Ibid.

⁴ Carl McIntire, Twentieth Century Reformation Hour Radio Newsletter, July 7, 1970.

⁵ McIntire, "Using the Mass Media," p. 4.
upon victory over our enemies, victory over
Communism, and victory under God.®

McIntire's broadcast of January 9, 1969, summarizes his
views on the use of the media as a transforming force in
society:

... We're using radio for the glory of God,
to preach the Word, to contend for the faith,
to deal with the enemies of our faith and the
enemies of freedom abroad ... 7

In his battle against the forces of evil, McIntire de­
clares there is nothing wrong in using the media to
solicit funds for his mission:

There is nothing wrong with giving Christian
money to support a radio station or a radio
program that is seeking to stand for righteous­
ness and freedom and the heritage that God
has given free men in the U.S.A. There is not
a thing wrong with it.®

6 Carl McIntire, "The Massive Assault on Freedom of

7 McIntire, Twentieth Century Reformation Hour Radio
Broadcast, Jan. 9, 1969.

8 McIntire, "Using the Mass Media," p. 4.
And the necessity to maintain support for his broadcasts is seen in this request:

   My friends, I need your help that together we may reach the American people through the mass media as speedily as possible.\(^9\)

In light of the above statements concerning the social force of the media to promote good and destroy evil, McIntire's awareness of the importance and power of the media to transmit his message to his listeners directly may be noted in the following statements:

What a glorious instrument this mass media has been to unite the people of God in a given task. This indeed is the way God intended it to be. Think, for example, of how the 20th Century Reformation Hour itself has united Christians and patriots all over the land. A deep abiding oneness has found an expression. The bringing of the thousands to Washington at the two great Marches for Victory was evidence of what the mass media could do . . . .\(^10\)

The belief in the media as a unifying element is again repeated in the same article:

   . . . It (the media) brought us together in mind, in spirit, and in unity of accomplishment.\(^11\)

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\(^9\) McIntire, Twentieth Century Reformation Hour Radio Newsletter, July 23, 1968.

\(^10\) McIntire, "Using the Media," p. 4.

\(^11\) Ibid.
In his radio newsletter of June 12, 1970, McIntire indicates how the media acts as an important outlet through which he can express his beliefs to the public. Implied in this quote also is the recognition by McIntire that the control of his own broadcast outlet provides him with unhindered access and opportunity to communicate directly with his audience, an opportunity not afforded him by the larger, national media. McIntire states:

All over this country people are thanking God for what we are doing through the broadcast. It is our one outlet, getting over the barriers and to the ears of millions of people.12

The power of the media to influence is revealed in this February 10, 1970 newsletter:

This victory we have just won was possible simply because of the radio. Never before has radio wrought such a miracle . . .
Since God has used and blessed the radio, we must keep and expand the radio . . . 13

12 McIntire, Twentieth Century Reformation Hour Radio Newsletter, June 12, 1970.

And in his July 7, 1970 newsletter, McIntire stresses the importance of the media to his whole ministry:

The broadcast has been the lifeline of everything we have been doing . . . .14

The necessity of the media as an instrument to communicate to McIntire's audience is emphasized in this statement:

Let it be said and let it be recognized that we must communicate, we must get through to the people. Our broadcast is doing just this.15

This same conviction is repeated in his July 23, 1968 newsletter:

Thank God I can preach and talk on the radio and come through to you people with our facts, our determination, our earnestness.16

14 McIntire, Twentieth Century Reformation Hour Radio Newsletter, July 7, 1970.

15 McIntire, Twentieth Century Reformation Hour Radio Newsletter, March 5, 1968.

16 McIntire, Twentieth Century Reformation Hour Radio Newsletter, July 23, 1968.
2. McIntire's Conflict with the FCC

The recent actions of the FCC in the last few years to enforce its Fairness Doctrine—occasioned by increased pressure from Congress and various public interest groups—represented by its conduct in the WXUR case and several similar cases, and its encouragement of citizen's groups to contest license renewals, has resulted in a barrage of virulent statements by McIntire on the status of the FCC and, ultimately, on the philosophical rationales on which broadcasting and the press is based.

McIntire's thoughts on the mass media essentially reflect his libertarian view of the nature and function of the media in society. While his sincerity in declaring some of his libertarian beliefs may be questioned—for instance, regarding his support of those who would advocate beliefs contrary to his—nevertheless, McIntire's strong championing of individual rights in the use of the media and his firm opposition to any form of government interference in their exercise, place him as a true representative of libertarianism.

His ideal society would be one where the owner or operator of the media would be a free agent to publish or speak whatever he chooses for whatever reason, believing
that out of a multiplicity of opinions good will triumph over whatever evil occurs in the media marketplace. Throughout his statements, there is the belief in the superiority of the principles of individual freedom, judgment, and responsibility. Also suggested is the libertarian idea of the self-righting process whereby the people can exercise their own control of the mass media through their acceptance or rejection of information or opinions in the marketplace of ideas. His statements, moreover, are notoriously absent of any belief in a social duty or responsibility on the part of the media owner or operator to the public in general. The individual's first duty, he contends, is to himself.

Added to this conception of the nature of the media in society is his laissez-faire economic belief that the medium of communication—be it a newspaper or broadcasting station—is a private business enterprise which the individual enters to acquire a profit. And just like most other businesses, the government has no right to interfere with its operations or the way in which the owner desires to use it. In the case of a media enterprise, reasons McIntire, such interference constitutes a denial of the basic freedoms of speech and press; and
in McIntire's special case, it is seen as a denial of freedom of religion.

This view of the nature and function of the mass media, in addition to his aforementioned statements concerning its purpose and importance for him—to spread the gospel, expose sin and the Communist conspiracy, and to unite his followers in a holy crusade—are the essence of McIntire's philosophy of the mass media. A more thorough examination of this philosophy and its libertarian assumptions and beliefs now follows.

As a general statement of belief on the nature and function of the media, McIntire's December 6, 1966 broadcast suggests his libertarian view that the individual has the right and freedom to use the media as he wishes to express his beliefs:

I believe that we ought to be able to use radio to advance the cause of freedom. We ought to be able to use radio to take up collections to advance the Gospel of Jesus Christ. We ought to be able to use radio to support our orphans . . . We ought to be able to use radio as a free people under the great reserved rights of the Ninth and Tenth Amendments of the Constitution of the United States.17

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17 McIntire, Twentieth Century Reformation Hour Radio Broadcast, Dec. 6, 1966.
Especially indicative of McIntire's beliefs on the media are his statements on the FCC's investigation of his programming policies and their action against his radio station. These actions are considered unwarranted and unconstitutional infringements on his natural rights to broadcast what he wishes without threat of government interference. This has been the occasion for McIntire to "grandstand" by picturing the FCC as a sinister liberal organization, backed by a myriad of leftist groups, to censor and suppress him and other conservative fundamentalist broadcasters who are preaching the truth about events happening in America. By raising the specter of a leftist-Communist conspiracy bent upon silencing him in the actions of the FCC, McIntire employs an effective strategy to rouse the attention and passions of his listeners who otherwise might not have been as concerned.

Most notable, however, is McIntire's strategy of injecting constitutional issues into the controversy—such as the abridgment of the First, Ninth, and Tenth Amendments—and raising the general question of the propriety of the present assumptions and philosophical rationale of the press in society. By using this approach in his battle with the FCC, McIntire has brought about enormous
conflict between advocates of the libertarian and social responsibility theories of the press. And he has gathered prominent allies to his cause, such as a sizeable segment of the broadcasting industry.

The recent Supreme Court decision, in June 1969, against WXUR's sister station, WGCB, Red Lion, Pennsylvania, in which the Court ruled in favor of the constitutionality of the Fairness Doctrine, was a blow to McIntire's cause. But with the WXUR case, it appears that the whole issue of the constitutionality of the Fairness Doctrine, and, ultimately, the issue of government regulation as a means of coercing the media to observe its public responsibility to promote the public interest as part of their operating policies, will again be reexamined.

The Fairness Doctrine is irksome to McIntire because it requires him to provide time for other opinions and beliefs, on controversial issues of public importance, which are not consonant with his. The doctrine also forces him to provide an opportunity on the air to those people whom he has attacked. While he bemoans the rule because this forces him and others to supply costly time which could be used to his own advantage, his real objection concerns the restrictions imposed on the individ-
ual by the government preventing him from operating the radio medium for his own interests. He repeatedly argues that the right to speak freely on a subject without limitations; the right to solicit funds for one's private purposes; and the right to criticize and to attack those with whom one disagrees are inherent rights.

Several representative quotes concerning the belief that the FCC is denying McIntire his basic First Amendment freedoms are illustrated here. On a May 19, 1967 broadcast, McIntire makes this accusation:

Ladies and gentlemen, I charge on this radio that the FCC has deliberately set up a condition which will eliminate Dr. McIntire's broadcasts . . . (They) have set up a condition that limits freedom of speech in this country . . . The result: we will get less and less genuine discussion in this country where we can exercise our constitutional rights of freedom of speech and free exercise of religion. The FCC and its Fairness Doctrine is a tragedy. 18

McIntire's strong opposition against any form of government interference in the exercise of his right to freedom of speech and freedom of the press again demonstrates his libertarian beliefs in the following declaration:

18 McIntire, Twentieth Century Reformation Hour Radio Broadcast, May 19, 1967.
Folks, we're not living in Russia; we're in the United States of America. Our radio stations are not supposed to be controlled from Washington. Washington is not supposed to control programs or the content of programs. The FCC is completely out of order and the FCC is completely off base when it gets into the area of speech or content. It's none of their business down there. The FCC was never set up as a court to penalize radio stations if they don't do so and so in the area of speech. Speech is an area outside of the boundaries of the FCC, put outside these boundaries by the Constitution.  

Moreover, the belief that the FCC's Fairness Doctrine rule is infringing on the private ownership rights of the broadcaster, especially radio Gospel preachers like McIntire, and denying them their freedom of speech and religion, reflects McIntire's libertarian view of the media. He declares:

The FCC is making something out of itself which it was never established to be or to do! On one hand radio stations that are privately owned, and on the other hand Gospel preachers who serve the living God are both being denied the freedom and protection of the First Amendment of the United States. It is serious!

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19 Ibid.

20 McIntire, "What is wrong with the FCC?", in Christian Beacon pamphlet, "The FCC, What it is doing to Eliminate the Bible from the Air."
McIntire's most emphatic statement regarding the issues of freedom of speech and freedom of the press and the idea of the self-righting process are revealed in this July 17, 1967 broadcast:

... somehow the FCC believes it is the caretaker of the speech and opinions the American people hear. We are free men and can take care of our opinions. We don't want them to take care of our speech for us. We don't want them to set down regulations and rules of what we can hear or can't hear, or what we ought to hear, or what we ought to be permitted to hear or anything of that kind. We want them to get out of the business of interfering with the speech of the American people.  

McIntire underlines the importance he attaches to his conflict with the FCC in this statement:

The FCC is the most important problem we have. We are losing our freedom of speech on the radio.  

The FCC is described as suppressor of freedom of speech, especially that of preachers like McIntire, in his September 18, 1967 broadcast:

... the biggest evil force right now that we can talk about is the Federal Communications Commission. It is not operating in the public interest. It is putting the clamps in the mouths of preachers and...it has resulted in at least 10,000 censors censoring radio

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McIntire, Twentieth Century Reformation Hour Radio Broadcast, Sept. 18, 1967.
programs all over this country in a way they never did before August 14, 1967.23

McIntire's basic argument with the FCC is that it should accord the same freedoms to the broadcast media as the print media enjoy. He sees no difference between the two types of media, declaring,

My position is that the radio should have the same freedom as the newspapers.24

This same argument is voiced in his July 17, 1967 broadcast:

I don't believe there should be any difference between the press and broadcasting under the First Amendment.25

And in an article in a Christian Beacon pamphlet, he says:

We are losing our liberty at the hands of the Federal Communications Commission . . . . It demands immediate attention of all who love freedom of speech and free exercise of religion. The radio stations should be as free as the press and other organs of communication, all protected by the First Amendment.26

23 Ibid.


25 McIntire, Twentieth Century Reformation Hour Radio Broadcast, July 17, 1970.

26 McIntire, "What is Wrong with the FCC?,"
The FCC is pictured as an evildoer and a threat to free speech in the next statement. McIntire describes the Fairness Doctrine as a liberal weapon used to censor and suppress the free speech of others they dislike:

The FCC with its Fairness Doctrine has produced a weapon to be used by elements in society who don't like what is being said on radio as a tool of intimidation, suppression, threats . . . The FCC has created a superstructure where critics of some one's speech has a weapon to silence a critic on the air . . . It is a form of intolerance and censorship and the FCC conjured the whole thing up . . . .27

In line with this alleged suppression of speech, McIntire, on this same broadcast, portrays himself as a martyr specially singled out by the FCC:

No man in this country is suffering more from these restrictions of speech than Dr. McIntire is. We see it . . . and how it is keeping from the people like you information, and materials, and reports, and facts that you are entitled to have . . . The result is that we can't preserve our democratic processes and our republic.28

McIntire's paranoid tendencies regarding persecution by the FCC is indicated in this July 17, 1967 broadcast in which he reveals to his audience a plot by the FCC,

27 McIntire, Twentieth Century Reformation Hour Radio Broadcast, May 19, 1967.

28 Ibid.
through their so-called "threats," to mold and manipulate the speech of the American people, especially those most opposed to Communism. McIntire exclaims:

Oh folks! We are being manipulated by some very brilliant minds down in Washington, D.C. to condition the speech of this country and the FCC is . . . engaged in an operation which is frustrating the freedom of speech in America . . . There will be no 20th Century Reformation Hour and the Communists and the FCC and the rest of the crowd will have been responsible for threats and intimidations and harassments and everything responsible for the silencing of those who are against Communism in America.\(^{29}\)

McIntire asserts that the FCC action, to maintain broadcasting in the public interest, contains not only a threat to freedom of speech, but a threat to liberty, to free government, and to free worship:

We are joined in the greatest battle that has ever been thrust upon us. Nothing equals this. America's having her liberty restricted and taken away from her by powerful forces operating in Washington, D.C. . . . Without freedom of speech there cannot be a free government; neither can there be a free worship.\(^{30}\)

\(^{29}\) McIntire, Twentieth Century Reformation Hour Radio Broadcast, July 17, 1967.

\(^{30}\) McIntire, "Christians urged to Pray and Help," in Christian Beacon pamphlet, "The FCC, What it is doing to Eliminate the Bible from the Air."
Such action by the FCC, McIntire contends, will lead to a crisis in democracy:

Unless the American people can receive and hear uncensored radio programs, it is not possible for them to exercise their responsibilities as free citizens to vote and to maintain a free government. Without freedom of speech, a free government is a mockery. The Federal Communications Commission has and will insist it is in favor of freedom of speech and that it is seeking to honor the Constitution. It does not censor programs but it has created rules, regulations, and conditions which force this censorship.\(^{31}\)

McIntire contends that the FCC's Fairness Doctrine interferes with a station's programming in its intimidation of the broadcaster who is afraid to discuss controversial issues or to forthrightly speak out against something or someone for fear of being made to provide time to other viewpoints and to other individuals. This is a form of suppression, he contends. It is a weapon used by the liberals to silence speech. He warns that the result of the Fairness Doctrine, therefore, will be the destruction of freedom of thought. McIntire declares:

The way to stay out of trouble is just not to take these radio programs that these liberals are protesting and are complaining

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\(^{31}\) McIntire, "Crisis in Speech Hits America," in Christian Beacon pamphlet, "The FCC, What it is doing to Eliminate the Bible from the Air."
to the FCC about. Thus, from the arena of freedom a whole area of human thought, interest, concern, position, activity, is being taken from the American public. This is a denial of free speech . . . .

The Fairness Doctrine will also have the effect of stifling controversy over the air, argues McIntire, because of the new FCC rules. Such policies, he claims, are promoting a revolutionary change in broadcasting:

... broadcasting in the United States is being radically changed and changed speedily. Much less controversy is being aired or permitted on the air by radio stations for fear of difficulties with the FCC. The American people do not realize that this revolutionary change is taking place.

The libertarian belief that anyone who owns a unit of mass communication should have the unrestricted opportunity to operate it the way he pleases, even for the purposes of "propaganda," is manifested in this statement by McIntire:

Not only the questions of freedom of speech are involved, but the Federal Communications Commission has raised the right of a radio station to sell time for sectarian preaching and the raising of money for sectarian purposes . . . . It means that if the FCC rules

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33 McIntire, "What is Wrong with the FCC?", p. 8.
against the station, that no longer will fundamental radio broadcasters be able to buy time and preach sectarian doctrines and raise collections to support their sectarian propaganda.34

McIntire repeatedly claims that the Fairness Doctrine is a liberal tool created to destroy him and his cause by attempting to put him and other fundamentalist preachers off the air. The following quotation is typical:

... but freedom of speech and the free exercise of religion on the radio is now under massive assault here in the United States. The Federal Communications agency ... has now become the instrument of the liberals and the leftists to crush the conservatives, the Bible believers, the fundamental preachers, to silence their voices in this country.35

He contends that the liberals already dominate the media, and therefore, the minds of the people, a fact which his broadcasts are exposing:

Lowell Thomas, America's number one newscaster, recently said, "ninety-five percent of the radio and TV newscasters and news analysts are outspokenly liberal!" Liberals in these areas are able to get tremendous advantage simply because of the demands of the Federal Communications

34 McIntire, "Christians Urged to Pray and Help."

35 McIntire, "The Massive Assault on Freedom of Speech." p. 3.
Commission. You do not hear any liberals anywhere denouncing the FCC or criticizing the Fairness Doctrine.36

The broadcast media is not the only media controlled by the liberals, however. The print media is also accused by McIntire of being in the hands of the liberal leftist elements who use it to mold the opinion and control the thought of the American public:

The liberal-leftist press in the United States has done its work, and our close contact with what was the truth compared with what has been published indicates how the press not only slant but seeks to mold American opinion on the basis, not of fact, but of what the press would like to have the country do and believe. The press in a measure has ceased to be a news agency; it has become an instrument for controlling American thought, American foreign policy, and whatever the press wants to put across in the American mind.37

Thus, McIntire also sees the battle between him and the FCC as not only one of safeguarding the individual's natural rights but as one of contending for the minds and hearts of the people. Declares McIntire: "It is all part of an overall struggle to determine who and

36 Ibid., p. 4.

what shall reach the mind of the American people.\textsuperscript{38}

The importance of this struggle with the FCC over what McIntire considers to be the future existence of freedom of speech in this country is revealed in this statement:

\ldots 

I'd spend one million dollars helping to change the minds of this country in relationship to the FCC. We've got to straighten out this radio situation so we can continue to broadcast.\textsuperscript{39}

Charging the Fairness Doctrine as a liberal instrument for suppression of conservative broadcasters, McIntire says in his \textit{Christian Beacon} that for sixteen years his 20th Century Reformation Hour broadcasts have been able to circumvent the liberal monopoly of the media and go directly to the people with the truth. He argues that the importance of maintaining his broadcasts is to get through to the people with facts and truth and try to counteract the so-called liberal conspiracy. He describes his broadcasts as the first of their kind in the country—"hard-hitting, documented, dealing with issues, naming names"—which have had great impact.

\textsuperscript{38} McIntire, Twentieth Century Reformation Hour Radio Broadcast, July 23, 1968.

\textsuperscript{39} McIntire, Twentieth Century Reformation Hour Radio Broadcast, July 17, 1967.
The liberals had to sit back and figure out some way that could get rid of this emphasis, and they conjured it up in what is called the Fairness Doctrine . . . The liberals have their pattern of operation, and they are moving with great rapidity to silence the fundamental radio broadcasters who expose evil. This is the weaponry that the liberal have developed as they have worked with and in the FCC.  

The effect of such government control and domination of the nation's airwaves, warns McIntire, will, in effect, result in the tyranny and oppression of the American people:

. . . when the government becomes the designer and the definer and the enforcer of what is called "fairness" from the standpoint of those who are operating it, it is another story. It becomes tyranny. It becomes oppressive, and it fractures the very basic nature of freedom itself. All has come out into the open.  

McIntire displays his libertarian belief against government interference in his statement regarding the proper role of the FCC:

The FCC should exist to take care of technical points, of wave lengths. I don't believe they can usurp authority to censor . . . .

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40 McIntire, "Massive Assault on Freedom of Speech," p. 3.
41 Ibid.
42 McIntire, Twentieth Century Reformation Hour Radio Broadcast, May 16, 1967.
At another time, discussing the proper function of the FCC he declares:

I want to go back to the days when all they (the FCC) did is to assign frequencies . . . The censor we need in this country is not the government.43

McIntire's libertarian philosophy regarding the role of the government in relation to the mass media, his belief in the self-righting process and the open market place of ideas, and his libertarian belief in individual responsibility is best summed up in the following statement:

It is our position that the FCC should have absolutely nothing to do with programming of any kind, that the Fairness Doctrine should be abandoned and repealed so far as any Government agency or Government regulation in regard to the same is concerned. The American people have been here these many years and Government has not regulated their speech or their press, and the country has survived. People are intelligent enough in free, open, and competitive market to maintain their interest. People can talk about the liberal press, but they know it is liberal and they discount it . . . Men are free to

change . . . things in a free society. They are not free to change . . . things when the Government becomes the master, as is presently the case.44

It is apparent, then, from this examination of McIntire's statements on the nature and function of the mass media that his beliefs agree with those of the Libertarian theory of the press. The beliefs and assumptions expressed in the other theory of the press, the Social Responsibility theory, discussed earlier, will be demonstrated in the analysis of the Fairness Doctrine which now follows. It is this theory of the media, represented in the Federal Communications Commission, and its Fairness Doctrine which McIntire strongly opposes and with which he has clashed in the operation of his radio station, WXUR.

CHAPTER VI

THE FAIRNESS DOCTRINE AND THE
SOCIAL RESPONSIBILITY THEORY OF THE PRESS

(A) INTRODUCTION

An examination of the Fairness Doctrine must be preceded by an analysis of the issues involved in the clash between McIntire and the FCC and its Fairness Doctrine. On the surface, the controversy appears to be McIntire's radically individualistic view vs. the FCC's more collectivistic view of what the media should be and do in society, views based on differing notions of the nature of man, the relationship of man to society, and the concepts of liberty and natural rights.

The basis for the conflict between McIntire and the FCC, stemming from the above beliefs, is the issue of First Amendment rights. Specifically, the disagreement arises from differing interpretations of the right of freedom of expression and the concept of access.

McIntire's thoughts concerning First Amendment rights have been stated in the previous chapter, intertwined with his accusations and charges against the FCC.
and its Fairness Doctrine. Briefly, for purposes of contrast and comparison, they will be summarized here.

Basically, McIntire subscribes to the traditional beliefs of a free and unrestricted access to outlets of communication, the marketplace concept, and the self-righting principle. Adherence to these theoretical principles will guarantee a free flow of ideas from which truth will emerge. Individual natural rights must be strongly protected from governmental infringements. Restrictions of any kind on these rights are a form of censorship and constitute unconstitutional abridgments of individual natural rights. Such interference by government will limit free speech and will result in less honest discussion to the detriment of the American people. Government's role is only to insure the protection of individual rights and liberties and to provide a favorable atmosphere for the individual in which he can realize his interests and goals.

Regarding McIntire's situation specifically, his argument is as follows: under his First Amendment right of free speech, he has the right to freely express his beliefs and opinions, for anyone with something to say on important public matters should be free to express
himself. Implicit in this argument, of course, is McIntire's presumption of his right of access to the means of communication to urge his ideas on the public. Moreover, in a capitalistic, free enterprise society, such access to an outlet of mass communication should be available to anyone with the inclination, intelligence and ability to operate or acquire one.

Once access has been secured then, his reasoning continues, he should be free to use his instrument of communication any way he desires, for his right of free speech and free press enables him to write or speak what he wishes. His right of access to the media is also based on the need to fulfill his goal of preaching the true gospel. His missionary purpose to enlighten others and guide them to the truth is reason enough for his use of the media. Only through his ability, and the ability of all individuals, to freely urge their opinions, McIntire argues, can truth be discovered in the open competition of the marketplace.

Concerning the government's position, McIntire strongly asserts they must stay out of the battle of opinion. He contends that the government's public interest standard requiring the programming of
controversial public issues, its fairness principle and its personal attack rule requiring provision of opportunity to air opposing viewpoints and to answer personal attacks, impairs free speech in violation of the First Amendment by imposing prior restraint upon the expression of views and opinions. It is a form of censorship, he argues, because under the fear of punishment or license forfeiture, he does not have complete freedom in the selection of program content. There must be no controls or obligations placed on his right to speak, for freedom of speech, as a natural right, has no duty attached to it. Under First Amendment protection, he has a right to say what he pleases and the government's restrictions on what he says and on what the people hear through its rules and regulations is censorship and a denial of his free speech rights. The government must have nothing to do with programming, he bluntly declares.

The welfare of the individual must be the goal of society, asserts McIntire, and therefore the duty of the state must be to protect, not restrict, his liberties. The best way government can protect his rights of free speech is by leaving him as free as possible to express his ideas and opinions. It is not government's right to
lead and direct man toward discussion or controversy, states McIntire, for "people are intelligent enough in a free, open, and competitive market" to form their own opinions and discover truth. Thus, regarding broadcasting, government's role should be simply to "take care of the technical points" and not interfere with programming.¹

Ironically, the comparison of these views with those of the FCC will reveal that both McIntire and the Commission are essentially arguing for the same goal — the free and open discussion of ideas. The conflict between the two parties involves the means to accomplish this goal. McIntire, from his traditional standpoint, emphasizes the laissez-faire approach as the means of achieving a marketplace of ideas, the free and unrestricted right of expression without any restraint. There is no need for any type of regulation, he told this writer, for unrestrained speech will automatically produce truth among the multitude of opinions.

¹ Personal Interview with Carl McIntire, Collingswood, New Jersey, December 8, 1970.
The FCC, however, holds that the marketplace concept and the self-righting principle are outmoded and inadequate to insure a free flow of ideas. Mirroring in their views the transformed character and function of the media, due to changed social, economic and technical conditions, they believe the First Amendment objective of promoting a free and full interchange of ideas must be implemented through governmental stimulation. Left to its own volition and self control, the media would, in most cases, restrict instead of protect the individual right of free speech. Thus governmental action is seen not in violation of First Amendment rights, but instead as a means to protect these rights from possible abridgment, in many cases, from private sources.

The following examination of the FCC's interpretation of First Amendment rights will indicate the reasoning behind its action. It will be shown that the views held by the FCC, and reflected in its Fairness Doctrine, represent the views enunciated by the social responsibility theory. Thus, essentially, McIntire's conflict with the FCC and its Fairness Doctrine is a conflict with the social responsibility theory. A discussion of the Fairness Doctrine, however, must proceed from a review of
broadcast regulation in general, for the rise of broadcasting was a major impetus to the formulation of the theory of social responsibility.

From its very beginning, commercial broadcasting was born under conditions of existing government regulation which required it to perform "in the public interest, convenience, and necessity," a phrase borrowed from public utilities law. Constrained by the burden of operating in a limited spectrum of frequencies, broadcasting as a mass medium of wide appeal was compelled to be regulated. Its physical nature, however, was not the only reason behind this fiat. Early experiences with the abuse of this powerful medium and the recognition of its potential to function as an important tool in informing the public and thus in aiding the democratic process, convinced many in and outside of the broadcasting field of the necessity of regulation to insure responsibility in broadcasting.

From the earliest discussions and debates among members of Congress and others concerned with the nature of American broadcasting, it was quite apparent that this sense of public interest was on their minds and was a major factor behind the enactment of the Federal Radio
Act of 1927 and the Communications Act of 1934. It is significant that the main theme found in these two Congressional Acts — that promotion of the public welfare, and not private interests, should be the goal of the broadcast media — is essentially the central notion espoused by the social responsibility theory of the press. Both statutes established federal commissions charged with the task of supervising overall broadcast operations and insuring that broadcasting serves the interests of the general public and not those of the licensees.

Implicit in the regulation of broadcasting is the social theory's doubt about the libertarian view of man: that he is a supremely rational and moral being who, motivated by the search for truth and guided by absolute principles of ethical behavior, would automatically assume his responsibilities toward his fellow man; and, moreover, through self-initiative would work for the common good while pursuing his own interests.

Such doubt witnessed a diminishing of faith in the notion that unrestrained liberty, coupled with man's reason and conscience, would guarantee a system of mass communications that would carry out its essential
functions for society. On the contrary, the regulatory policies and decisions of broadcasting represent, like the social theory, a more realistic and skeptical view of man who is a combination of reason and emotion but through laziness and ignorance is capable of being misled and manipulated by his fellow man in pursuit of selfish interests. In short, it was doubted that man, left to his unregulated initiative, would steadfastly seek to promote the public interest in broadcasting.

Reality not only contributed to a changed view of man but dictated the need for a new marketplace concept. The industrial and technological revolution of the late nineteenth and early twentieth centuries witnessed the rise of large economic concentrations and produced private domestic media empires far more powerful and pervasive than anything conceived by the Eighteenth Century standards contained in the Constitution.

Faith in the traditional theory of free exchange of ideas, based on the Eighteenth Century laissez-faire economic doctrine which asserts that unrestricted competition will automatically result in the greatest social good for the greatest number, retreated in the face of fact that competition in the modern marketplace produces
results not in accordance with theory. As the number of outlets of the mass media declined, economic factors favored some classes of ideas over others. And the limited number of ideas combined with the inequality of entry into the marketplace, served to restrain competition and the self-righting process.

Thus, it became evident that the First Amendment objective to preserve an uninhibited marketplace of ideas could be threatened by private and non-governmental sources, as well as by governmental sources.

The factor of urbanization, also a product of the industrial and technological revolution, exacerbated this problem of the monopolistic concentration of control of the media. Urbanization made people increasingly reliant on the mass media as sources of information about the world and their community, forcing them to be at the mercy of the few for the amount and kind of information they received.

These altered conditions produced new thinking regarding the relationship between government and natural rights. The traditional conception of government as the enemy of natural rights, against whose force the liberties of individual citizens must be protected, gave way
to a new conception of the role of government as a sometimes necessary ally of freedom. Instead of the traditional negative view of liberty held by the libertarians as an emancipation of the individual from any form of governmental restraint or interference with natural rights, a more positive view of the government emerged in which it assumed the role of protector and promoter of these rights. Such views became incorporated in the newly emerging social responsibility theory.

Broadcast regulation in general, thus, can be seen as an attempt by government to approximate in the broadcast media the marketplace concept of a free flow of ideas and to prevent them from becoming monopolized or the exclusive property of private interests for their own purposes. Through this action, the government can be interpreted as an ally of freedom in its attempt to insure that the rights of the public in general are not neglected or abridged by individual or private interests. And that the public interest remains the primary objective of the broadcaster's operating policies.

Since the early days of radio, government regulation of the broadcasting industry has been associated with an effort to secure a reasonably complete and wide-ranging
discussion of public issues. This objective of securing fairness and balance in programming was early reflected in Section 18 of the Radio Act and Section 315 of the Communications Act. The most important official statement of the Commission's ideas concerning the need to encourage and provide the opportunity of a free and general discussion of public matters in the Fairness Doctrine.

Derived from an administrative interpretation of the public interest principle, the Fairness Doctrine has evolved over some forty years as a guiding principle to assure to the public an opportunity to hear contrasting views on controversial issues. First fully enunciated in the Report on Editorializing by Broadcast Licensees (1949), it was nevertheless the expression of the combined thoughts and opinions of knowledgeable people in Congress, two regulatory Commissions, and the federal courts, that broadcasting must seek to implement the free and general discussion of public matters which seem essential to enable the people to exercise their democratic rights as intelligent citizens.

The Doctrine is grounded in the recognition that the air waves are not accessible to all who would use them
and requires that those given the privilege of access use their facilities, not as an outlet for purely personal interests, but as trustees for the public with the duty to present discussion of public issues and to do so fairly by providing opportunity for the presentation of contrasting views by responsible elements of the community.

The Doctrine is not a passive policy but an active one designed to help society obtain the services it requires from the broadcast media that might not otherwise be obtained from the self-regulated and self-righting broadcast system envisioned by McIntire and other libertarians.

It can be argued that the numerous policies, reports, and decisions embodied in the history of this administrative act essentially display many of the emerging values and beliefs that constitute the social responsibility theory. Indeed, the Doctrine reflects the basic premise of the social theory in its affirmative role as an agent to insure that broadcasting carries out the essential functions for which it was established -- the promotion of the democratic form of government by serving as a forum to enlighten the public through intelligent discussion and debate on public issues.
In this sense, the Doctrine's goal expresses essentially the main tasks of the press as outlined by the social theory -- to inform and enlighten the public through discussion and debate as an aid to self-government. Moreover, these same goals also reflect basically the standards for good press performance stated by the Commission on the Freedom of the Press, acknowledged as the chief formulator of the social theory.

In addition, the positive role of the Doctrine as an instrument to promote responsibility in broadcasting in cases where broadcasters default in their duties reflects the concept of positive liberty of the social theory, whereby necessary tools are available for the attainment of a desired goal. The corollary to this belief is that government must not just allow freedom in the media but must actively promote it. As was mentioned earlier in the discussion of the social theory, when a self-regulated system of mass communications fails to provide society with the services it requires from the media, the government, or some other agency, must insure that the media meets its obligations. The Fairness Doctrine can be considered an instrument that reflects this purpose.
However, the one important area where the Fairness Doctrine and the social responsibility theory most closely parallel each other, but clash with McIntire, is the First Amendment right of free expression. The thrust of the argument on this right, expressed in the Doctrine and by the social theory, is that the individual's right of free expression must be balanced against the rights of others and the general interests of society, with precedence given to the public welfare over the private rights of the individual.

This right of free expression, it is suggested, also includes the corollary right to hear other ideas and opinions. This right is necessary in order to carry out the duty of citizens in a democracy to be informed on public issues. It is no longer sufficient to protect only the individual's right of free expression, they assert, but it is also necessary to protect the public's right to adequate information. Thus, regarding the mass media, both the Fairness Doctrine and the social theory hold the belief that the media owners and operators do not have the free and unrestricted right to say or print only what pleases them, but are obligated to disseminate all significant viewpoints of the citizenry.
The conflict between McIntire and the FCC on the First Amendment issue appears to center upon this relationship between the concept of public access and the problem of protecting individual freedom of expression, or put another way, public vs. private access. McIntire's interpretation of this First Amendment right is absolutist. It appears he interprets this right as simply a constitutional confirmation of his natural right to free speech and, concomitantly, the protection of it from any abridgment. Indeed, whether by design or not, McIntire seems to interpret the intent of the First Amendment as assigning priority to protecting the individual's right of access to speak and be heard over the public's right of access to be informed through access to a diversity of ideas. Moreover, in his emphasis on the right of expression, he seems to confuse the First Amendment recognition of freedom of speech with freedom of access to the media.

As will be pointed out in the next chapter, there is contradiction in McIntire's views of First Amendment rights. While verbally he vigorously advocates protection of the individual right of free speech as a means to public information, in practice he contradicts himself by
denying this right of access to others to express their ideas, thus inhibiting full public discussion and debate. This policy is the basis for the FCC action against him. McIntire either fails or refuses to realize that, because of changes in the structure of the communication industry, there is inequality in the power to communicate ideas, and that protecting the right of expression is not equivalent to providing for it.

The FCC interprets the First Amendment differently, however, asserting, as the Supreme Court has repeatedly done, that its objective is an informed citizenry. It agrees with the court's interpretations that the First Amendment's protection of free speech and free press are designed to foster "uninhibited, robust, wide-open debate on public issues" (New York Times vs. Sullivan, 376 U.S. 254, 270) to achieve "the widest possible dissemination of information from diverse and antagonistic sources. . ." (Associated Press vs. United States, 326 U.S. 1 at p. 20). The ultimate objective, they contend, is to provide the public with greater access to ideas from which to make intelligent decisions on public policy.

This belief in the public's right to access for their ideas is clearly illustrated in the Fairness Doctrine in
its emphasis on an informed public as the "foundation stone of the American system of broadcasting." Indeed, it was the recognition of the vital role broadcasting could play in the development of an informed public which led to the Congressional enactment of the public interest standard of programming as the statutory basis of broadcasting. This recognition of the public information role and the belief that under the First Amendment the public has a right to free and open debate are the two bases for the Fairness Doctrine.

The rationale behind the positive nature of this regulatory policy stems from the FCC's interpretation of the relationship of its Section 315 responsibilities to basic First Amendment goals. Since the free exchange of ideas concerning public issues was the major objective of broadcast regulation, the Fairness Doctrine represents an affirmative approach by government to make broadcasting realize the basic First Amendment goal of providing an opportunity for free expression -- that is, to realize its informing function.

The necessity of this duty to protect the public's right to adequate information becomes more important in light of the trend toward monopolistic concentration of
the media which has over the years contributed to a diminishing of the number of available media outlets, thus restricting the opportunity of ideas to secure access to the media, and ultimately the public. Hence, the Doctrine's attempt to make broadcasting more available as a public forum by providing increased opportunity for individual self-expression is a positive step in this direction. Its actions in behalf of stimulating greater discussion and debate are an attempt to realize the public's First Amendment interests of receiving a full spectrum of viewpoints. This concern is reflected in the Commission's statement in its Editorializing Report that the broadcast media must be maintained as media "of freedom of speech and freedom of expression for the people of the Nation as a whole."

The belief that one's right of free expression is not absolute but is conditional on the ability of others to express and hear other ideas is mentioned several times in the Fairness Doctrine and is a main tenet of the social responsibility theory of the press. Emphasizing the priority of the public's right to know as against the individual's right to speak, the Commission declares in its Editorializing Report, "It is the right of the public to
be informed rather than any right on the part of the Government, any broadcast licensee or any member of the public to broadcast his own particular views on any matter. . ." (13 FCC, 1249, par. 6, 1949) And at another time in this same document, the Commission states that the full meaning of the concept of freedom of speech on radio can only be realized by giving precedence to the public's right to be informed on public issues over individual exploitation of this medium for private purposes. (1257, par. 20)

Thus, regarding McIntire's argument for a free and unrestricted right of free expression, the Commission holds that protection of his right to speak on a limited medium must be balanced against the public's right to hear a diversity of viewpoints. They point out that his right to speak is not at issue; rather, what is at issue is his denial of this right to others so they may have the opportunity to express their ideas and the public will have other viewpoints presented to it. The First Amendment cannot be read as a privileged protection for McIntire's right of access to express his views for selfish interests over a public medium, argues the FCC.
The belief that the First Amendment rights equally extend to providing an opportunity for expression as well as protection for that right once secured is also stressed by the Commission. In its 1949 Report, it stated that the First Amendment protection of freedom of speech against governmental abridgment does not provide special privileges to government licensees or public means of communication to deny this right to others with which they are in disagreement. It cites in support of its argument the Supreme Court's decision in the Associated Press case which asserted the government's right to protect the individual's right of free expression against those who would impose restraint on it. The Court said, "Freedom to publish means freedom for all and not for some", a statement that also clearly pertains to the right of free speech. The supremacy of listener/viewer rights over the broadcaster's rights have most recently been stated by the Supreme Court in its Red Lion decision in which it asserted "... it is the right of the viewers and listeners not the right of the broadcasters which is paramount."

(Red Lion Broadcasting Co. vs. FCC 395 U.S. 367, 390, 1969)

Thus, whereas McIntire interprets the meaning of the First Amendment as giving unmistakable priority to the
unabridgeable natural right of the individual to speak, the FCC believes the right to the widest possible access to ideas by the public to be consistent with the ends and purposes of the First Amendment. The Commission believes this goal must be accomplished by weighing the individual's right of access to opportunity for expression against the public's right to be confronted with the widest variety of competing ideas.

In sum, the Fairness Doctrine may be viewed as a legal vehicle to provide greater access to ideas by insuring greater access to the media by people who do not own broadcasting stations and thus would not have the opportunity to exercise their rights to express their ideas, nor hear differing ideas on public issues. It is an attempt to correct the inadequacy of the self-righting principle in the free marketplace of ideas so that the citizen's First Amendment right to speak and hear varying opinions and beliefs on matters of public importance is a fact and not an oratorical term.

Moreover, the Doctrine's role as an agent to protect the public interest -- the public's right to be informed -- through promoting the broadcast media as vehicles of free expression reflects the basic belief of
the social theory that the goal of the mass media of communication must be to further the public welfare and not private interests.

The following examination of the history of the Fairness Doctrine will confirm this belief in the public nature of broadcasting and, moreover, will provide a visible contrast to McIntire's more selfish view of the nature and function of the media.
The early years of American broadcasting were characterized by scant regulation. As radio broadcasting burgeoned in the early 1920's, and developed into a new and very popular form of mass communications, problems of technical interference became widespread. In the absence of regulation, radio operators freely and arbitrarily broadcast at all hours on all frequencies. The result was chaos.

Technical interference was not the only problem that beset early broadcasting. The air waves were jammed with "peddlers of the air," -- assorted hucksters and quacks and commercial profiteers who had ready access to the microphones and who assaulted listeners with their pitches. There were also the propagandists, religious

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zealots and a variety of demagogues, all with personal axes to grind who sought to disseminate their peculiar messages to the radio audiences.\(^4\)

From the inception of commercial radio broadcasting in the first half decade of the 20's, Congress recognized the great potential of this new medium as a vital means of communication, capable of making a major contribution toward an informed public, a condition indispensable to the proper functioning of a democratic system. It was to encourage the full realization of these capabilities within the constitutional framework of freedom and re-established by the First Amendment, and to bring order and responsibility to broadcasting, that Congress initially legislated in this field,\(^5\) enacting the Federal Radio Act of 1927\(^6\) and the Federal Radio Commission to implement it. These were replaced in 1934 by the Communications Act\(^7\) and the Federal Communications Commission.

\(^{4}\)Ibid., p. 16.

\(^{5}\)U.S. Congress, Senate Report of the Committee on Commerce, Subcommittee of the Committee on Communications (part VI), no. 994, 87th Congress, 2d. sess., p. 1.

\(^{6}\)44 Stat. 1162 (1927).

\(^{7}\)48 Stat. 1064 (1934).
Both Acts established that the American system of broadcasting should operate through private owners and operators upon whom rested the sole responsibility for determining the content and presentation of program material. 8

But in granting access to broadcast facilities to a limited number of private licensees, Congress made clear its conviction in both Acts that broadcasting was a public franchise to be operated in a way that would serve the public interest. 9 It was clearly stated that no part of the radio spectrum was subject to ownership as private property. The air waves belonged to the public and those who used them could do so only at sufferance of the sovereign and in the public trust. 10 Moreover, both Federal Commissions were given the power to issue, deny,


9 44 Stat. 1163-64 (sect. 4f); 1166 (sect. 9); 1167 (sect. 11); 48 Stat. 1082 (sect. 303); 1083 (307a); 1085 (309a).

10 44 Stat. 1163 (sect. 4); 1165 (sect. 5h); 1166 (sect. 9); 1167 (sect. 11); 48 Stat. 1081 (sect. 301); 1083 (sect. 304).
renew or revoke licenses. The standard by which they were to assess a broadcast licensee's operations was determination that the "public interest, convenience, or necessity will be served thereby."\(^{11}\)

This belief in the public nature of broadcasting was earlier expressed in the Congressional debates and hearings that preceded the enactment of the Radio Act.\(^{12}\) An example of the nature of the discussion leading to this Act can be seen in Congressman (later Senator) White's testimony in 1925 during the debates that eventually led to enactment of the Radio Act. The Maine Congressman said:

> We have reached the definite conclusion that the right of all our people to enjoy this means of communications can be preserved only by repudiation of the idea underlying the 1912 law that anyone who will, may transmit and by the assertion in its stead of the doctrine that the right of the public to service is superior to the right of any individual to use the other. This is the first and most fundamental difference between the pending bill and present law.

\(^{11}\)44 Stat. 1166 (sections 9 & 11); 48 Stat. 1064 (sections 307a, 309a, 312a).

\(^{12}\)67 Cong. Rec. 5478 (1927).
The recent radio conference met this issue squarely. It recognized that in the present state of scientific development there must be a limitation upon the number of broadcasting stations and it recognized that licenses should be issued only to those stations whose operation would render a benefit to the public, are necessary in the public interest or would contribute to the development of the art. This principle was approved by every witness before your committee. We have written it into the bill. If enacted into law, the broadcasting privilege will not be the right of selfishness. It will rest upon an assurance of public interest to be served.\textsuperscript{13}

This view of the paramount right of the public to enjoy the maximum possible utilization of broadcast communication over the private right of exploitation of the medium for selfish interests is emphasized repeatedly throughout the legislative history of the Federal Radio and Communications Commissions, and has been consistently upheld in the courts.

These sources have stressed that radio (and television) are public forums to be maintained as media of free speech and free expression for the general public, rather than private outlets for the views of a few;\textsuperscript{14}

\textsuperscript{13} 67 Cong. Rec. 5478-79, March 12, 1926; see also Bill H.R. 9971, 67 Cong. Rec., 9931.

\textsuperscript{14} 29 Fed. Reg., 10425 (1964).
that the public's right to be informed is superior to the
individual's right to express his private views; and that
as vital instruments in the formation of public opinion
the broadcast media can and should contribute to the
realization of the First Amendment objective of achiev­
ing "... the widest possible dissemination of informa­
tion from diverse and antagonistic sources"15 as essen­
tial to the public welfare. These ideas were formally
consolidated and embodied in the FCC's Editorializing
Report of 194916 which briefly reviewed and clarified the
Commission's position concerning the nature and purpose
of broadcasting and the obligations of broadcast licen­
sees.

Since 1949, the basic principles of licensee res­
ponsibility enunciated in the Fairness Doctrine have
undergone periodic review and clarification, instigated
for the most part by case decisions and challenges from
court appeals. The FCC has thought it necessary, from
time to time, to elucidate its policies concerning the

15 Associated Press vs. United States, 326 U.S.
20, 1945.

16 Editorializing by Broadcast Licensees 13 F.C.C.,
1246 (1949).
Fairness Doctrine by issuing periodic reports for the purpose of advising broadcast licensees and the public on its latest determinations concerning licensee responsibilities under the Doctrine. 17

The basic problem confronting broadcasting, then, was not whether to regulate - - for the radio spectrum was recognized as a public resource before 1927 - - but how to regulate. The Federal Radio Act was the first effective tool provided by Congress for that purpose. Congress did not, however, adopt specific standards to govern broadcasting. Rather it gave the FRC power to do so consistent with broad statutory guidelines. 18 It has been left to the FRC, FCC, the courts, the broadcasting industry, and certain interested segments of the public to formulate a more precise determination of the public interest standard.


18 44 Stat. 1163 sect. 4.
Congress' early recognition of broadcasting's potential as a medium for extending debate upon important public questions furnished the fledgling FRC with its first definition of the public interest standard.\textsuperscript{19} This was the basic programming standard that all licensee's devote a "reasonable" amount of broadcast time to discussion of important public questions and that while discharging this responsibility, the licensees were implicitly required to afford fairness and balance in presenting the various responsible viewpoints upon those questions.\textsuperscript{20} This principle became apparent as the early Commission began to deal with complaints against particular licensees on an ad hoc basis.\textsuperscript{21}

\textsuperscript{19} 67 Cong. Rec. 5478-5504 (1926); see also H.R. 9971, 67 Cong. Rec., 9931; 68, 4938. This bill became law (Public Law No. 632), Cong. Rec., 68, 69th Cong. 2d. sess., Feb. 26, 1927 4938.

\textsuperscript{20} Great Lakes Broadcasting Co. vs. F.R.C., Third Annual Radio Report (1929).

\textsuperscript{21} Early cases developing the principle of fairness and balance in the discussion of public issues can be found in the Federal Radio Commission's Annual Reports: Second Annual Radio Report, pp. 159-160 (1928); p. 155; Great Lakes Broadcasting Co., Third Annual Radio Report, p.32 (1929); Chicago Federation of Labor, Fourth Annual Radio Report, p. 52 (1930).
The Commission's Editorializing Report of 1949 has been often credited as the origin of the Fairness Doctrine. The standard words and phrases used in the articulation of the Doctrine were first expressed here. Yet, the thoughts behind them were expressed long before 1949, strongly suggesting that the Doctrine itself was born before this time.\(^{22}\)

Indeed, its basic principle was a part of the earliest decisions of the FRC.\(^{23}\) And this principle was closely identified with a larger responsibility devolving upon every broadcast licensee -- the licensee's basic responsibility to discuss, not avoid, all issues of public importance about which contrasting views are held in the community -- regardless of the incidental requirement that fairness be observed as part of this discussion, which is the basis for the Fairness Doctrine.\(^{24}\) Hence,


\(^{23}\) see note 20.

the licensee's obligation to be fair cannot be divorced from his basic duty to deal with public affairs, a duty that has confronted broadcasters from the beginning of broadcast regulation.25

In sum, the earliest and most basic programming standard -- the licensee's duty to broadcast all public issues of importance in his community and to provide fairness and balance in such presentations -- inherently contained the "fairness" principle.

The remainder of this chapter concerns the elaboration of this fairness principle whose thrust has been to promote expanded dialogue over the airwaves through insuring opportunity for a diversity and balance of views. Its goal has been the First Amendment objective of an informed citizenry. And in enforcing this principle, the Commission has attempted to make the broadcast media a substantial contributor to the democratic process.

These same goals are essentially the basis for the social responsibility theory whose main concern is to promote the media as instruments for enlightening the

25 Ibid.
public through public debate and discussion. Moreover, like the fairness principle, it argues that such public discussion can only be fully realized by providing for the communication of all significant points of view on issues facing the community.

Such beliefs are repeated throughout the administrative and court decisions, policies and reports that comprise the regulatory history of broadcasting and serve as the foundation of the Fairness Doctrine. The central concept that emerges from these sources is the emphasis on the belief in the priority of the public's right to enjoy the maximum benefits of broadcasting to individual rights to exploit this media for private purposes. This public priority is translated into the conviction in the superiority of the public's right to be informed over any individual's right to use the media for the expression of his private views or to further his partisan interests.

The emphasis is always on the promotion and protection of the social good as the goal of the media owners and operators as opposed to the private good. This is regarded by the courts, the two regulatory Commissions, and the social theorists as the true nature and function of the broadcast media, as well as the media in general.
Yet, it is this point on which McIntire and the FCC and its Fairness Doctrine clash and which has served as the basis for the conflict between the two, culminating in the denial of renewal of McIntire's radio license.

While the complete history of the growth of the Fairness Doctrine is beyond the scope and intention of this discussion, an examination of some of the major decisions of the FRC, FCC, and the courts leading up to and following the Editorializing Report of 1949 will prove instructive. Such an investigation will expose the thought behind the Doctrine's emergence, its effect on broadcasting practices, and, most important, the degree to which the ideas expressed in these policies and decisions correspond essentially to the ideas found in the social responsibility theory of the media and conflict with the libertarian views of McIntire. A brief description of the Fairness Doctrine will precede this discussion.
(C) THE FAIRNESS DOCTRINE

The Fairness Doctrine originally was purely an administrative interpretation of the public interest principle that radio should be operated as a medium of free speech for the general public. Based upon the recognition that the airwaves are inherently not available to all who would use them, "the doctrine has evolved over some forty years as the guiding principle in assuring to the public an opportunity to hear contrasting views on controversial issues of public importance." Essentially it represents a governmental attempt to encourage the free flow of ideas in broadcasting.

This idea of fairness was most fully articulated in 1949 when it assumed the status of an official doctrine in the Commission's Report on Editorializing by Broadcast Licensees. In that Report the Commission spoke of the


28 Editorializing by Broadcast Licensees, 13 F.C.C. 1246 (1949).
... affirmative responsibility on the part of broadcast licensees to provide a reasonable amount of time for the presentation over their facilities of programs devoted to the discussion and consideration of public issues. ... 29

The Commission further noted that in such discussion of public issues the public interest required that

... the licensee must operate on a basis of overall fairness making his facilities available for the expression of the contrasting views of all responsible elements in the community on various issues which arise. 30

Moreover, the Commission stressed that the bringing about of a fair and balanced presentation of viewpoints was an "affirmative duty" on the part of the licensee and the best way to fulfill his public interest obligation:

... it is evident that broadcast licensees have an affirmative duty generally to encourage and implement the broadcast of all sides of controversial public issues over their facilities. 31

29 Ibid., 1249, par. 7.

30 Ibid., 1250, par. 7.

31 Ibid., 1251, par. 9.
In 1959, the Fairness Doctrine, as the Editorializing Report came to be called, appeared to receive statutory confirmation in a Congressional amendment\textsuperscript{32} to Section 315a of the Communications Act which stated:

\begin{quote}
Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, new interviews, news documentaries, and on-the-spot coverage of news events from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance (underline supplied)\textsuperscript{33}
\end{quote}

Moreover, the Doctrine has been sustained by the Supreme Court as within the Commission's statutory authority and in full accord with the First Amendment.\textsuperscript{34}

\begin{footnotesize}
\begin{enumerate}
\item[33] Ibid.
\item[34] Red Lion Broadcasting Co., 395 U.S. 367 (1969).
\end{enumerate}
\end{footnotesize}
The other feature of the Fairness Doctrine is its personal attack provision. Later codified into the rules,\(^{35}\) it provides that if during controversial issue

\(^{35}\) 47 C.F.R., paragraphs 73. 123, 73. 598, 73. 679 (1970). The basic principle embodied in this rule was first enunciated by the Commission in its Report, Editorializing by Broadcast Licensees, 13 F.C.C., 1251, par. 10 (1949). These rules exempt attacks made on foreign groups or public officials and attacks made by legally qualified candidates for public office. 47 C.F.R. paragraphs 73. 123(b), 73. 300(b), 73. 598(b), 73. 679(b) (1970). Two 1968 amendments further exempt (1) attacks made during bona fide newscasts or "on-the-spot coverage" of a bona fide news event (32 Fed. Reg., 11531, par. 2 (1968) and, (2) bona fide news interview and news commentary or analysis in a bona fide newscast. 33 Fed. Reg., 5363, par. 4 (1968).

The Fairness Doctrine is often confused with Section 315 of the Communications Act of 1934 (48 Stat. 1064, 1088, 1934). Section 315 is a Congressional enactment which applies to the use of a broadcasting station by a "legally qualified candidate" (47 U.S.C. 314, 1964). It requires that "equal opportunities" be afforded all legally qualified candidates for a public office if any one such candidate for an office is permitted use of a station. (47 U.S.C. 314, 1964). However, the Fairness Doctrine refers to issues, not candidates, and requires licensees to afford reasonable opportunity for the presentation of contrasting viewpoints on controversial issues of public importance. Generally speaking, it does not apply with the precision of the "equal opportunities" requirement of Section 315. Instead, the licensee in applying the Fairness Doctrine is called upon to make a reasonable, good faith judgment on the facts of each situation as to whether a controversial issue of public importance is involved, what viewpoints have been or should be presented, the format and spokesman to present viewpoints, etc. (see par. 9 Editorializing by Broadcast Licensees, 13 F.C.C. (1949); Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance, 29 Fed. Reg. 10416 (1964).
programming, "an attack is made upon the honesty, character, integrity, or like personal qualities of an identified person or group," the licensee must notify the party attacked and offer them a reasonable opportunity to reply over his facilities, free of charge if necessary. These same obligations must be observed by the licensee who in an editorial endorses or opposes a candidate for public office, except that the notification time is 24 hours instead of one week as in the case of an ordinary citizen.

Both the "fairness" and the "personal attack" clauses of the Fairness Doctrine, however, are designed for the same purpose: to promote the First Amendment objective of an informed public through insuring greater access to the airwaves for a diversity of ideas and opinions.

36 47 C.F.R., paragraphs, 73. 123(c), 73. 300(c), 73. 598(c), 73. 679(c) (1970).

37 Ibid.
From the very beginning of broadcast regulation, the public nature of broadcasting has been repeatedly stressed. Underlying all the FRC's and later the FCC's decisions and policy proposals, informing them and binding them into a unity of purpose was the general premise that broadcasting is a unique and powerful instrument whose duty is to inform and enlighten the citizens of a democracy through the public dissemination of ideas and information on issues of public importance.

Throughout its regulatory history, therefore, broadcasting has been held to be impressed with the public interest and not to serve private or selfish interests. Its purpose is to disseminate news, information, and opinion, and to present the discussion of important issues to the citizenry. The philosophical basis of this public duty of broadcasting, of course, has been the spirit of the First Amendment whose objective is an informed citizenry through a free exchange of ideas concerning vital public issues of the day.

Thus, broadcasting's ability to contribute to the public's constitutional right and duty to have presented
to it information and opinion on important public issues as part of a citizen's responsibility in a democracy is the very cornerstone of its regulatory philosophy. From the very beginning, this philosophy, exercised through two regulatory agencies, has stressed the concept of public access to propagate or further special views or interests. Its goal has been to make the broadcast media vehicles of free speech and expression for all and not just a privileged few.

This paramount right of public access to speak and hear varying opinions and beliefs on matters of public importance is the purpose behind the concept of fairness, an idea implicitly contained in the broadcaster's basic public interest duty to discuss public issues of interest to the community and which has emerged into a major policy and statutory rule. Again, the regulatory philosophy of broadcasting echoes the social responsibility theory's view of the nature and function of the media.

The social theory's belief that media owners or operators do not have the private, unrestricted right to broadcast what pleases them or furthers their interests but must operate their facilities for the public good is the subject of the earliest cases facing the fledgling FRC.
The importance of discussing public issues over the airwaves and the constitutional right to do so was strongly recognized by this agency. In a decision involving four stations (WRAK, Erie, Pa., WABF, Kingston, Pa., WBRE, Wilkes-Barre, Pa., and WMBS, Lamoyne, Pa.) concerning the private use of these stations for broadcasting personal disputes, the Radio Commission, observed that the constitutional exercise of free speech by broadcasters extends to the discussion of public issues of importance to the community but not to private issues:

It is self-evident that the constitutional guaranty of freedom of speech applies to the expression of political and religious opinions, to discussions, fair comments, and criticisms on matters of general public interest, of candidates, of men holding public office, and of political, social and economical issues. At no time has the Commission considered that it had any right to chastise a station for its conduct in handling such matters if the station has observed the requirement of the law that it give rival candidates equal opportunities to use its microphone.39

39 Ibid., 160.
However, the Commission warned, the right of free speech by broadcasters has its limits:

Does this same constitutional guaranty apply to the airing of personal disputes and private matters? It seems to the Commission that it does not. The history of the guaranty shows that it was an outgrowth of a long struggle for the right of free expression on matters of public interest. Two neighbors may indulge in any verbal dispute they please in their own backyards where no one is within hearing distance. Let them try to conduct the dispute in a public place... and they soon find that they are not protected by the Constitution.40

Moreover, while acknowledging that it could not censor,41 the Commission nevertheless affirmed its right to protect the public interest:

The Commission is not attempting to pass on the responsibility for a dispute... The Commission, however, is certain that whoever may be to blame, it is not in the public interest, convenience, or necessity to permit these two broadcasters further to regale the inhabitants of Erie with their personal differences.42

40 Ibid.
41 44 Stat. 1172, sec. 29.
42 Second Annual Radio Report, (1928), pp. 159-60.
Note the FRC's belief in its right and duty to protect the public interest in the operations of broadcasting. It reflects the social theory's positive view of government as an affirmative agent that seeks not only to allow freedom in the operations of the media but of actively promoting it in order for society to obtain the needed services from the media. This attitude, which implicitly forms the basis of broadcast regulation, is indicated throughout its legislative history.

Of importance in this early Commission decision was its emphasis on the rights of the public over the private rights of the broadcaster:

The rights of the public to be free from disturbances of this sort are superior to those of the individual.43

And further,

When a station is misused for such a private purpose the entire listening public is deprived of the use of a station for a service in the public interest.44

Thus, the issue of right of access, which is central to the dispute between McIntire and the FRC's successor, is

43 Ibid., 160.
44 Ibid., 161.
the primary issue in this very early decision and will continue to appear frequently throughout the remainder of the decisions and policies of the FRC and FCC. Already it is clear from this early decision that the constitutional protection of free speech is not absolute as McIntire appears to believe. Rather it is a conditional right based on the public's right to receive adequate information concerning important public issues. Contrary to McIntire's belief, thus, the principle of the supremacy of the public's right to be informed against individual free expression as being more in tune with the goal of the First Amendment receives strong and early confirmation from the Commission.

The Commission's prohibition against the use of a station for private interests and the propagation of personal views of the licensee was repeated in a later decision to deny renewal of license to station WCOT, Providence, Rhode Island. In its opinion, the Commission said:

There is no convincing evidence as to any educational or aesthetic value of the programs rendered, but, on the contrary, it is manifest that the station is one which is operated without regard to the rendering of any real public service in the field of radio broadcasting and in such a manner as must be
objectionable to the large mass of the listening public and exists chiefly for the purpose of serving the private interests of the applicant and as a conveyance for his own personal views.45

Of significance here is the Commission's extension of its prohibition of the private use of a broadcast outlet not only to personal issues but to its primary use as a channel for private interests and personal views, be they public or private issues.46

The first mention of the concept of fairness concerning the broadcaster's obligation to present all significant viewpoints of the community was made in August, 1928 concerning the license of WEVD, New York City. The Commission was presented with a licensee who was using his station for the presentation of private views on public issues.47 It is suggested that in this case the infant "fairness doctrine" was born.48 In renewing WEVD's license, the Commission said:

46 U.S. Congress, Senate, Subcommittee on Communications, Staff Report on the Fairness Doctrine, p. 9.
48 U.S. Congress, Senate, Subcommittee on Communications, Staff Report on the Fairness Doctrine, p. 9.
The Commission will not draw the line on any station doing an altruistic work, or which is the mouthpiece of a substantial political or religious minority. Such a station must, of course, comply with the requirements of the law and must be conducted with due regard for the opinions of others.

Here the Commission granted licensee's the right to present private opinions on public issues but this right was qualified by the obligation to broadcast the opinions of others. Thus, another dimension to free expression has been explicitly added to the broadcaster's duty to present public issues — the obligation to provide and for the public to receive a full spectrum of viewpoints on these issues. This requirement, of course, is in keeping with the goal of the First Amendment to promote an informed public through providing it with the widest possible access to ideas.

This was also the first decision to explicitly state the social theory's concept of the right of expression, which holds that the individual's right of free expression must be balanced against the rights of others to speak


50 U.S. Congress, Senate, Subcommittee on Communications, Staff Report on the Fairness Doctrine, p. 9.
and hear various beliefs and opinions. Quite clearly, this emerging Commission policy of fairness will directly conflict with McIntire's firm belief in the absolute nature of free expression and his strong opposition to any form of government controls or restrictions on this right.

The WRAK, WCOT and WEVD cases were not noteworthy in themselves. They were important collectively, however, for they established the general regulatory philosophy upon which the FRC, and later the FCC, would base their evaluation of broadcasting stations --- a philosophy in marked contrast to McIntire's view of the nature and function of broadcasting in American society.

These principles were summarized in the Radio Commission's Great Lakes decision\(^{51}\) of 1929, a decision in which the Commission strongly emphasized the public nature of broadcasting and the priority of listener rights over broadcaster rights. In strongly rejecting the private use of a public medium dedicated to the propagation of special beliefs, the Commission stated:

\[
\text{Broadcasting stations are licensed to serve the public and not for the purpose of furthering the private or}
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selfish interests of individuals or groups of individuals. The standard of public interest, convenience, or necessity means nothing if it does not mean this. . .52

And the social theory's emphasis on the paramount rights of the listener (to hear and be informed) versus the rights of the broadcaster (to free and unfettered expression) is clearly expressed by the Commission:

Again the emphasis is on the listening public, not on the sender of the message. It would not be fair, indeed it would not be good service, to the public to allow a one-sided presentation of the political issues of a campaign. Insofar as a program consists of discussion of public questions, public interest requires ample play for the free and fair competition of opposing views, and the Commission believes that the principle applies not only to addresses by political candidates but to all discussions of issues of importance to the public. . .53

(underlining mine)

Moreover, the necessary concentration of the broadcast media, and hence the great influence it bestows in relatively few hands, is an additional compelling factor cited by the Commission for broadcasters to institute fairness and balance in the discussion of public issues.

52Ibid.

53Ibid., p. 33.
Here the Commission indirectly urges broadcasters to operate their facilities as public forums for the purpose of stimulating greater public discussion and debate and not as private outlets for the promotion of special interests. The Radio Commission explains that in the American broadcasting scheme,

... there is no room for the operation of broadcasting stations exclusively by or in the private interests of individuals or groups so far as the nature of programs is concerned. There is not room in the broadcast band for every school of thought, religious, political, social, and economic, each to have its separate broadcasting station, its mouthpiece in the ether. If franchises are extended to some it gives them an unfair advantage over others, and results in a corresponding cutting down of general public service stations. It favors the interests and desires of a portion of the listening public at the expense of the rest. Propaganda stations... are not consistent with the most beneficial sort of discussion of public questions. As a general rule postulated on the laws of nature as well as on the standards of public interest, convenience, or necessity, particular doctrines, creeds, and beliefs must find their way into the market of ideas by the existing public service stations, and if they are of sufficient importance to the listening public the microphone will undoubtedly be available. If it is not,
a well-founded complaint will receive careful consideration of the Commission. 54

One should note the change in meaning from the phrase "due regard for the opinion of others," stated in the WEVD case to the idea strongly suggested in the Great Lakes decision of an affirmative responsibility to implement opposing viewpoints which is quite similar in language and tone to the present-day Fairness Doctrine. 55

Moreover, this stronger language concerning the broadcaster's duty of providing a free exchange of ideas on issues of public importance is another indication of the importance the Commission attached to the priority of the public's right of access versus the private right of access.

Hence, at this point the basic regulatory principles regarding broadcasting were established. In the following years they were clarified and partly modified.

Nevertheless, these basic regulatory principles unmistakably reflect the philosophy of the social responsibility theory and directly conflict with the media

54 Ibid., pp. 32-37.

55 U.S. Congress, Senate, Subcommittee on Communications, Staff Report on the Fairness Doctrine, p. 9.
philosophy of McIntire. Strongly rejecting this libertarian view of the nature and function of the media as merely private enterprise to serve the personal needs and interests of their owners, the Commission's early decisions affirm the public nature of broadcasting whose primary purpose is to further the first amendment goal of providing the public the widest possible access to ideas as an aid to self government.

Concerning other fairness and personal use violations, a series of license revocations were made in the next few years. They helped to strengthen the emergent policy that a licensee must operate his station to promote the public interest and not his private needs. Three cases are worthy of brief mention in this regard.

The first case concerned Dr. John R. Brinkley, operator of station KFKB, Fifth Annual Radio Report, (1931), p. 67. Milford, Kansas who used his broadcast facilities to promote his hospital and pharmaceutical business. The Commission denied renewal of KFKB's license, finding that "the station's operations had been in the private interest of Brinkley and not in the public interest." The Commission stated:

The testimony in this case shows conclusively that the operation of Station KFKB is conducted only in the personal interest of Dr. John R. Brinkley (controlling stockholder of licensee corporation). While it is to be expected that a licensee of a radio broadcasting station will receive some remuneration for serving the public with radio programs, at the same time the interest of the listening public is paramount and may not be subordinated to the interests of the station licensee.\(^5\)

This decision was affirmed by the U.S. Court of Appeals which upheld the public interest standard of broadcasting. The Court said:

> It is apparent, we think, that the business is impressed with a public interest and that, because the number of available broadcasting frequencies is limited, the Commission is necessarily called upon to consider the character and quality of the services to be rendered.\(^5\)

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59 KFKB Broadcasting Association vs. F.R.C., 47 F. 2d., 670, 672, par. 3-6.
The Court further said:

When Congress provided that the question whether a license should be issued or renewed should be dependent upon a finding of public interest, convenience, or necessity, it very evidently had in mind that broadcasting should not be a mere adjunct of a particular business but should be of a public character. Obviously, there is no room in the broadcast band for every business or school of thought.60

In the Schaeffer case,61 the Radio Commission refused to renew a license on the ground that the licensee had allowed his station's facilities to be used for personal reasons. He had permitted his station to be used by a defeated candidate in a bitter political campaign for purposes of vilifying and denouncing those responsible for the candidate's defeat. It was found that such broadcasts maligned and defamed the character of reputable citizens by innuendo and indecent language.62

Aside from the issue raised concerning obscene and indecent language and the Commission's power to censor,63

60 Ibid., p. 672, par. 7.
63 Fourth Annual Radio Report, p. 46.
was the question of the licensee's responsibility for matter broadcast by third persons over his station.\textsuperscript{64}

Discussing the private nature in which the station was used, the Commission asserted:

\begin{quote}
A broadcasting station is public in purpose and character and any use of it as a private or individual affair is not to be tolerated. The conscience and judgment of a station's management are necessarily personal, but the station must be operated as if owned by the public, and not as the licensee's mere personal chattel.\textsuperscript{65} (underline mine)
\end{quote}

The Commission makes clear the fact that the authority and responsibility of all content emanating from his station rests solely on the shoulders of the licensee:

\begin{quote}
A licensee must retain ultimate control over station facilities to the end that he may refuse to permit the rendition of such program material as may seem objectionable and inconsistent with the standards prescribed by the Act. A licensee relinquishes such control to the extent of permitting another to broadcast matter which is not only obscene and indecent but defamatory to reputable citizens and
\end{quote}

\textsuperscript{64} Caldwell, p. 138.

\textsuperscript{65} Schaeffer Radio Co. (F.R.C. Docket no. 5228,)
must be considered as having failed in a public trust as no longer entitled to the privileges of a licensee.\(^66\)

The case of Rev. Shuler\(^67\) presents another interesting instance of official sanction against those who misuse a public medium for their private benefit. This case is interesting, moreover, for its similarity to the WXUR case and McIntire's private use of the broadcast medium. Like McIntire, Reverend Shuler was a clergyman who owned and operated a broadcast station under the auspices -- or guise -- of his religious organization. He was found guilty of using his radio station as a private platform for advocating personal beliefs and interests and venting personal attacks against persons and organizations with whom he disagreed or disliked.

Robert Shuler was pastor of Trinity Methodist Church, and nominal licensee and operator of radio Station KGEF, Los Angeles, California. The Commission in its findings, however, showed that, though in the name of the church,


\(^{67}\) Seventh Annual Radio Report, (1933), p. 11.
the station was in fact owned by the Reverend Doctor Shuler and its operation dominated by him.\textsuperscript{68} As the principal spokesman over the station, Shuler frequently took positions on controversial issues of a public nature and launched personal attacks upon public officials, the courts, and other individuals and groups. Not infrequently, his allegations and disparagements had no basis in fact.\textsuperscript{69}

From its findings, the Commission decided against renewal of KGEF's license, stating that his programming did not meet the public interest standards proposed by Congress and upheld by the Commission. The Commission referred to the personal attacks of the pastor and, in developing a new standard regarding broadcast content, it condemned his broadcasts for being filled with misstatements of fact and insinuations based upon such facts.\textsuperscript{70}

Of significance, however, to this study's concern with McIntire's philosophy and use of the media, was the

\textsuperscript{68}Trinity Methodist Church, South, vs. F.R.C. 62 F. 2d., 850.

\textsuperscript{69}U.S. Congress, Senate, Subcommittee on Communications, \textit{Staff Report on the Fairness Doctrine}, p. 11.

\textsuperscript{70}\textit{Ibid.}
Appellate Court's opinion regarding the proper function of the broadcast media. In this regard, the Court denied one's private right or privilege to the unregulated use of the media as their personal instrument and affirmed the public interest character of broadcasting as determined by Congress and implemented by the Radio Commission.

Moreover, in its opinion, the Court rejected McIntire's contention that the government's public interest standard regarding a licensee's programming constituted censorship and violated his First Amendment right of free speech and free press. On the contrary, the Court maintained the broadcaster's right to freely express his beliefs, opinions, likes, dislikes, but contended that he may not solely use a public medium for such private purposes. Such practices, argued the Court, can only be allowed in light of the broader public interest as stipulated in the rules and regulations of Congress and the FRC. The Court declared:

If it be considered that one in possession of a permit to broadcast in interstate commerce may, without let or hindrance from any source, use these facilities, reaching out, as they do, from one corner of the country to the other, to obstruct the administration of justice, offend the religious susceptibilities of thousands, inspire political distrust and civic discord. . .
and be answerable for slander only at the instance of one offended, then this great science, instead of a boon, will become a scourge, and the Nation a theater for the display of individual passions and the collision of personal interests. This is neither censorship nor previous restraint, nor is it a whittling away of the rights guaranteed by the First Amendment, or an impairment of their free exercise. Appellant may continue to indulge his strictures upon the characters of men in public office. He may just as freely as ever criticize religious practices of which he does not approve. He may even indulge private malice or personal slander — subject, of course, to be required to answer for the abuse therof — but he may not, as we think, demand, of right, the continued use of an instrumentality of commerce for those purposes, or any other, except in subordination to all reasonable rules and regulations Congress, acting through the Commission, may prescribe.71

In summary, the Brinkley, Schaeffer, and Shuler cases are important for their reaffirmation of the public nature of broadcasting and their strengthening of the principle of the public's paramount right of access versus the private right of access.

In another instance, the concept of fairness in the operation of broadcasting facilities and the public service nature of broadcasting were further delineated in

71 Trinity Methodist Church vs. F.R.C. 62 F. 2d 852-53.
the case involving the application by the Chicago Federation of Labor,\textsuperscript{72} license of WCFL, for a modification of its license. The labor organization wished to change its frequency from a low power to a higher power clear channel frequency with unlimited time of operation.

The organization represented to the Commission that WCFL served as the broadcasting agency for labor organizations of the country and that in view of the large membership and public importance of organized labor they should be granted a station of their own upon a desirable frequency without time limitation.\textsuperscript{73} This request was very similar to practices already clearly forbidden by the FRC and the courts in the Great Lakes and Brinkley decisions — the use of a public medium for special interests. In rejecting this request, the Commission reiterated its opinion on this subject:

\begin{quote}
The fact that the membership of the various bodies constituting the American Federation of Labor is large does not warrant the Commission in
\end{quote}

\textsuperscript{72}Chicago Federation of Labor vs. F.R.C. 41 F. 2d., 422 (1930); Fourth Annual Radio Report, (1930), p. 52.

\textsuperscript{73}Chicago Federation of Labor vs. F.R.C., 41 F. 2d., 422.
allocating a frequency to be used for the exclusive benefit of organized labor. There are not enough frequencies within the broadcast band to give each of the various groups of persons in the United States a channel on which to operate a broadcasting station, and if one group were entitled to such privileges others would also be. There is no place for a station catering to any group, but all stations should cater to the general public and serve the public interest as against group or class interest.74

Note that the Commission's concern that the broadcast frequencies not become the property of various private groups or interests for their exclusive benefit reflects the belief of the social responsibility theory that the paucity of media outlets and their concentration in few hands requires owners and operators of units of mass communications, especially broadcasters, to exercise responsibility and observe the general welfare as part of their operating policies.

The emerging principle of fairness or balance in programming regarding a licensee's duty to present all significant viewpoints on public issues of importance was

another important issue raised in the case of WCFL and a major reason for the Commission's denial of application to that station.

The Commission determined that granting of the WCFL application would have forced two stations, WBBM Chicago, and KFAB Lincoln, Nebraska, previously assigned the clear channel frequency, off the air or onto other frequencies. The grant was denied by the Commission on its determination that the public service had been and would continue to be adequately served by allowing the stations to operate the way they have in the past.

The significant aspect of this decision was that it was based upon an examination of the past programming practices of stations WBBM and KFAB in which it was revealed they furnished equal treatment to all segments of the community. In its decision, the Commission indicated that such programming practices were the means of a licensee to fulfill his public interest duty. The Court

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75 Chicago Federation of Labor vs. F.R.C. 423.
76 Ibid.
77 Ibid.
of Appeals upheld the Commission's decision and reaffirmed the Commission's policy of requiring broadcasters to furnish equal facilities for all classes in the community as part of their public interest obligation. The Court declared:

It (WBBM) began broadcasting in November 1933, and has in all respects and at all times scrupulously obeyed the law and rules governing broadcasting. It has always rendered and continues to render admirable public service. The station has consistently furnished equal broadcasting facilities to all classes in the community, and has won the favor and esteem of the public. Its commendable career entitles it to consideration. The career of station KFAB is equally meritorious.78

The issue of fairness and balance in programming to insure public access to a diversity of ideas and viewpoints again arose in 1938 when the Commission was faced with a similar situation in which a station proposed to operate exclusively for the propagation of its owner's beliefs and interests. The FCC denied the application of the Young People's Association for the Propagation of the Gospel79 because it was the intention of the applicant to

78 Ibid.
use the station for the dissemination of its owners sectarian beliefs and to deny its facilities to anyone whose views differed from those of the applicant. In its decision the Commission argued:

Where the facilities of a station are devoted primarily to one purpose and the station serves as a mouthpiece for a definite group or organization, it cannot be said to be serving the general public. . . if one group or organization is entitled to a station facility for the dissemination of its principles, then other associations of equal magnitude would be entitled to station licenses on the same grounds. Obviously, there are not a sufficient number of broadcasting channels to give each group a station license. The Commission has accordingly considered that the interests of the listening public are paramount to the interests of the individual applicant in determining whether the public interest would best be served. . .

It should be noted that again the government administrative agency charged with regulating broadcasting repeats its conviction in the priority of the public's right of access to the privileges of radio communication over the private right of access of any person or

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80 Ibid.

81 Ibid., p. 181.
organization to enjoy such privileges for the promotion of selfish interests. This same belief was apparent in the WCFL case and has served as the foundation of preceding decisions by both the regulatory agencies and the courts.
The Mayflower decision\textsuperscript{82} is the next important case in this narrative of the origins and development of the Fairness Doctrine. Its significance regarding broadcast regulatory history and the purposes of this narrative lies in its clear and unequivocal language forbidding the use of broadcast facilities for the promotion of a licensee's private interests; its affirmation of the broadcaster's responsibility to deal in controversial public issues; and its comprehensive description of broadcasting "fairness" requirements.

The Mayflower decision is also important for its controversial ruling forbidding a broadcast licensee to editorialize. The FCC held to a policy that a station licensee could not be an advocate on controversial questions and did not have the privilege of editorializing, i.e., expressing views on political candidacies and other controversial public questions in the name of the station itself. This policy was in line with past FRC

\textsuperscript{82} The Mayflower Broadcasting Corporation, 8 F.C.C. 333 (1940).
and FCC decisions, and upheld by the courts, clearly prohibiting the private use of a public medium for special interests. It appears in its decision the Commission interpreted licensee editorializing to be such a practice.

The case involved two Boston radio stations, WAAB and WNAC, owned and operated by the Yankee Network, Inc. Both stations had adopted a policy of broadcasting editorials from time to time urging the election of various candidates for political office or supporting various sides on a variety of issues of public controversy.  

The proceedings began with the application of the Mayflower Broadcasting Corporation in March 1939 for a construction permit to authorize a new broadcast station in Boston to operate on a frequency then assigned to station WAAB. In May 1940, the Commission determined that Mayflower was not financially qualified to construct and operate a station, dismissed the application, and renewed the license of WAAB.  

The decision was petitioned for reconsideration and in January 1941, the Commission held to its former decision.

83 Ibid., 339.

84 Ibid., 338-39.
However, in its Final Order the Commission discussed the matter of broadcast editorialization and determined that the broadcaster could not be an advocate. The Commission offered this argument regarding editorial practices of licensees:

... The material in this record has been carefully considered and compels the conclusion that this licensee during the period in question, has revealed a serious misconception of its duties and functions under the law. Under the American system of broadcasting, it is clear that responsibility for the conduct of a broadcast station must rest initially with the broadcaster. It is equally clear that with the limitations in frequencies inherent in the nature of radio, the public interest can never be served by a dedication of any broadcast facility to the support of his own partisan ends. Radio can serve as an instrument of democracy only when devoted to the communication of information and the exchange of ideas fairly and objectively presented. A truly free radio cannot be used to advocate the causes of the licensee. It cannot be devoted to the support of principles he happens to regard most favorably. In brief, the broadcaster cannot be an advocate.

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85 Ibid., 339-40.
86 Ibid.
In its statement on the fairness obligations of licensees, the FCC, like its predecessor the FRC, clearly echoes the social responsibility theory's belief in the necessity of disseminating all significant viewpoints of the community. The purpose of this practice, the broadcaster is again reminded, is that the public's right of access to the airwaves is paramount to the private right. The Commission declared:

Freedom of speech on the radio must be broad enough to provide full and equal opportunity for the presentation to the public of all sides of public issues. Indeed as one licensed to operate in the public domain the licensee has assumed the obligation of presenting all sides of important public questions, fairly, objectively and without bias. The public interest - - not the private - - is paramount. 87

Many thoughtful critics have argued that the Mayflower decision was a shift - - some argue a reversal - - in Commission policy regarding the broadcaster's right to take positions on public issues if they also broadcast opposing views. In the FRC and FCC decisions prior to and including the Mayflower decision, there had been a

87 Ibid., p. 340.
clear prohibition against the private use of broadcast facilities by licensees.

However, the language of the Commission in its Mayflower rationale seemed to generally categorize all licensee editorials as the private use of facilities. It seemingly failed to distinguish between the "private use" of the airwaves as in the Brinkley, Shuler and Shafer cases, where such licensees were found guilty of primarily or solely using their facilities to promote special interests, and the broadcast of "private views" on public issues as in the WEVD and Great Lakes decisions. Here the Radio Commission gave implicit permission to broadcasters to express private opinions on public issues as part of their public interest duty to promote discussion and debate on public issues -- as long as they presented opposing views to achieve fairness.

Though the Commission would eventually reverse itself in its Editorializing Report in 1949, the thrust of the Mayflower decision clearly established the Commission's position regarding the issue of access, which is at the heart of the controversy between McIntire and the FCC. Regarding the central question in this case --
access for whom, the private interests or public interest? — the Commission gives unmistakable priority to the public interest.

To fulfill the First Amendment objective of insuring the public access to a diversity of ideas, the Commission forcefully argues against the private exploitation and monopolization of the airwaves for special interests. Reflecting the social responsibility theory, the Commission strongly argues that the broadcast licensee, given the privilege and freedom to operate broadcast facilities, entails certain obligations — the duty of balancing the individual's right of free expression against the public's right to be informed of all sides on public issues.

Thus, in reviewing the decisions of the FRC, FCC and the courts to date, the philosophical and legal grounds for the clash between McIntire and the FCC have already been well established. The government's social responsibility views emphasizing social duty and the priority of public access plainly conflicts with McIntire's libertarian views championing the supremacy of individual rights and private access.

In a series of decisions and rules following the Mayflower decision, the Commission would further implement
its social responsibility belief in the need to actively promote the dissemination of all significant viewpoints of the public as the means to maintain an informed citizenry.

As previously noted, licensees were expected, from the outset, to deal with important public issues affecting their community. This is the basic affirmative responsibility from which "fairness" problems arise. Broadcasters were expected to air the various points of view related to controversial public issues contained in broadcast content. A problem arose, however, over issues which were not aired. What about issues that the broadcaster ignored or chose, for policy reasons, not to air but which certain segments of the public wanted to hear? If broadcasting was to realize its full potential as a medium of free speech, it would have to deal with all issues relevant to the community it served, rather than air all sides of only those issues it elected to consider.88

88 U.S. Congress, Senate, Subcommittee on Communications, Staff Report on the Fairness Doctrine, p. 18.
This was the problem confronting the Commission in the WHKC case,89 decided in June 1945. Station WHKC, Columbus, Ohio, was accused by the UAW-CIO of throttling free speech and not operating in the public interest by not permitting the sale of time for programs which solicit memberships, and discuss controversial subjects such as race, religion, and politics.90

It was further alleged by the union that the station did not apply this practice uniformly, but applied it "strictly to those with whom the management... disagrees, including the union, and loosely or not at all with respect to others."91 Finally, the union complained WHKC unfairly censored scripts submitted by them.92

Based upon this petition, WHKC's license renewal was set for a hearing. It was found from the hearings that the station's policy was governed by the provisions

89 United Broadcasting Co. 10 F.C.C. 515 (1945).
90 Ibid., par. 2.
91 Ibid.
92 Ibid.
of the National Association of Broadcasters which provided that no time should be sold for presentation of public controversial issues. Eventually, the station and the union reached agreement and the station's license was renewed.93

But in granting a renewal, the Commission made it clear that while the limited amount of airwaves and the heavy demand for time upon radio stations necessarily prevented the privilege of full access to broadcast facilities, a station could not be operated in the public interest while deliberately excluding from its broadcast content issues of importance to the community; nor could it be operating in the public interest by denying access to the discussion of significant issues and views of public concern with which it disagreed. It was the duty of the broadcaster to implement fairness and program balance into its schedule. The Commission stated:

It is recognized . . . that the physical limitations on the amount of spectrum space available for radio broadcasting and the large demands upon radio stations for use of time make it impossible for every person desiring to use the facilities of a station to be granted this privilege . . . These facts, however,

93Ibid., p. 516, par.'s 3, 4.
in no way impinge upon the duty of each station licensee to be sensitive to the problems of public concern in the community and to make sufficient time available, on a non-discriminatory basis, for full discussion thereof, without any type of censorship which would undertake to impose the views of the licensee upon the material to be broadcast . . . The Commission recognizes that good program balance may not permit the sale or donation of time to all who may seek it for such purposes and that difficult problems calling for careful judgment on the part of station management may be involved in deciding among applicants for time when all cannot be accommodated. However, competent management should be able to meet such problems in the public interest and with fairness to all concerned. The fact that it places an arduous task on management should not be made a reason for evading the issue by a strict rule against the sale of time for any programs of the type mentioned.94

In several later related instances regarding this same issue of providing the public with suitable access to a variety of competing ideas the FCC declared broadcasters should not unreasonably or arbitrarily deny their facilities for discussion of controversial public issues, including appearances by political candidates.95 The

94 Ibid., 517-18, par.'s 5,6.
95 In re Petition of Homer P. Rainey, 11 F.C.C. 903-04.
Commission also stated that licensees should not discriminate against particular groups, whether racial, religious or economic, in their programming policies. 96

According to these decisions, if licensees are to operate in the public interest they may not black out or simply refuse to permit discussion of selected controversial issues of importance to their communities. 97

Further clarification on the subject of denials by broadcast licensees to particular groups for the discussion of minority or unpopular views is provided in the Scott case. 98 Like the preceding WHKC case, the Scott case deals with the Commission's fairness policy which requires broadcasters to air a diversity of viewpoints concerning controversial public issues as part of their public interest duty. But, the Scott case furthers the licensee's duty regarding programming responsibility. Previously, the Commission in the WHKC case emphasized that this duty required the broadcaster to provide his

96 WBNX Broadcasting Co., Inc., 12 F.C.C. 837, 840, 841, par.'s 6, 7.

97 see notes 82, 83 supra.

facilities for the discussion of controversial issues of importance to his community and to allocate time specifically for such purposes. The Scott case, however, adds to the licensee's responsibility by stating that his duty to program discussion of public issues extends to all subjects of major importance to the community irregardless of the licensee's views or beliefs on the subject or his judgment regarding the degree of popularity or acceptance by the listening audience.

Robert H. Scott filed a petition in March 1945 requesting the FCC revoke the licenses of radio stations KQW, San Jose, California, and KPO and KFRC, both of San Francisco, California. An atheist, Scott had attempted to present programs devoted to atheism. He claimed that the stations refused to make any time available to him by sale or otherwise for the broadcasting of talks on the subject of atheism; yet they had permitted the use of their facilities for "direct statements and arguments against atheism as well as for indirect arguments, such as church services, prayers, Bible readings, and other kinds of religious programs." 99

99 Ibid.
The three stations responded to Scott's complaint by arguing that the use of their facilities for the discussion of atheism was not in the public interest; and moreover, that the subject did not constitute a controversial public issue, nor was it of "sufficient public moment" to justify its broadcast and its consequent preempting of existing program service.\(^{100}\)

Scott, in his petition, denounced those who while adhering to the principle of free expression deny this right to others who hold differing views:

I do not throw stones at church windows. I do not mock a people kneeling in prayer. I respect every man's right to have and express any religious belief whatsoever. But I abhor and denounce those who, while asserting this right, seek, in one way or another, to prevent others from expressing contrary views.\(^{101}\)

The Commission determined that the proposed broadcasts did not involve blasphemous attacks upon the Deity nor abusive or intemperate attacks upon any religious belief or organization.\(^{102}\) It was also the Commission's

\(^{100}\) Ibid., pp. 372-73.

\(^{101}\) Ibid., p. 373.

\(^{102}\) Ibid.
opinion that the station licensee's had treated atheism as a "special type of controversy" and had interpreted their public interest obligation as requiring or permitting them to bar access to their facilities for the presentation of the atheistic point of view, "not because of the manner in which the point of view is presented, but because they believe its substance to be distasteful or objectionable to a large majority of the listening audience. 103

In one of its most explicit statements concerning the fairness responsibility of broadcasters, the FCC declared the First Amendment guarantee of freedom of speech extends equally to the holder's of minority or unpopular beliefs. It further stated the public interest requires that broadcasters must reasonably afford these beliefs a full opportunity for expression so that the public will be afforded a diversity and balance of views as part of their guarantee of freedom of expression. 104 This is in keeping with the true purpose and intent of the First Amendment. The Commission declared:

103 Ibid.
104 Ibid., pp. 372-76.
The First Amendment to our Constitution guarantees both religious freedom and freedom of speech. While these guarantees are expressed in terms of limitation on governmental action, they are far more narrow legalistic concepts. They are essential parts of the fundamental philosophy underlying the form of government and the way of life which we call 'American'.

In upholding the need to guarantee the right of expression as a means to insure the public's right to hear varying ideas and opinions, irregardless of the acceptance or popularity of one's beliefs, the Commission acknowledged that this right can be equally abridged by denying access to the channels of communication as by legal restraints:

Freedom of religious belief necessarily carries with it freedom to disbelieve, and freedom of speech means freedom to express disbeliefs as well as beliefs. If freedom of speech is to have meaning, it cannot be predicated on the mere popularity or public acceptance of the ideas sought to be advanced. It must be extended as readily to ideas which we disapprove or abhor as to ideas which we approve. Moreover, freedom of speech can be as effectively denied by denying access to the public means of making expression effective — whether

105 Ibid., p. 373.
Thus, the attempt to insure more ideas access to the airwaves through requiring broadcasters to extend their facilities to holders of all views and beliefs, be they unpopular or held by a minority, clearly indicates the relationship of the FCC's "fairness" requirement to the First Amendment objective of fostering a wide and diverse competition of ideas as an aid to the development of an informed public.

Recognizing the difficulty and responsibility its fairness obligation places upon the licensee, the Commission urges the broadcaster to use discretion in selecting those who will be given the opportunity to express their views. Further, the Commission warns the broadcaster against indulging his preferences and prejudices in making these selections as a policy inconsistent with his right of free speech nor with the goal of the fairness requirement of affording the public the opportunity of hearing a diversity of balance of views.

We recognize that in passing upon requests for time, a station licensee is

106 Ibid., p. 374.
constantly confronted with most difficult problems. Since the demands for time far exceed the amount available for broadcasting a licensee must inevitably make a selection among those seeking it for the expression of their views. . . Admittedly, a very real opportunity exists for him to be arbitrary and unreasonable, to indulge his own, preference, prejudices, or whims; to pursue his own private interest or to favor those who espouse his views, and discriminate against those of opposing views. The indulgence of that opportunity could not conceivably be characterized as an exercise of the broadcaster's right of freedom of speech. Nor could it be fairly said to afford the listening audience that opportunity to hear a diversity and balance of views, which is an inseparable corollary of freedom of expression.

The fact that a licensee's duty to make time available for the presentation of opposing views on current controversial issues of public importance may not extend to all possible differences of opinion within the ambit of human contemplation cannot serve as the basis for any rigid policy that time should be denied for the presentation of views which may have a high degree of unpopularity. The criterion of the public interest in the field of broadcasting clearly precludes a policy of making radio wholly unavailable as a medium for the expression of any view which falls within the scope of the constitutional guarantee of freedom of speech. 107

107 Ibid., 376.
The WHKC and Scott cases can be viewed as the culmination of a long series of Commission decisions in which a basic regulatory philosophy has been established: the recognition of the importance of radio broadcasting to the dissemination of news and opinion concerning issues of public importance as a means of developing an informed public; the responsibility of the broadcast licensee to devote his facilities and air time to the discussion of public issues; and the need to incorporate fairness and balance in such discussions so that the public may receive a diversity of views and such issues in order to make intelligent decisions.

The underlying assumption of this rationale is the awareness that because of radio's vast potentialities as a medium of communication, discussion, and propaganda, it offers those who operate such channels the opportunity to capture the opinion process -- hence, the need for public control of broadcasting. The series of decisions of the FRC and FCC, and upheld by the courts, reflect the belief that the limited airwaves are too precious and therefore cannot be left to wasteful use without detriment or loss to the public interest -- that is, the interest of the listening public in the most effective use of radio.
An important element of this public interest, these agencies have determined, is the hearing of information and discussion of important public issues affecting the community served by the broadcaster.

However, as this brief review of broadcasting history has shown, the paucity of media outlets works against this policy. Those who own or control the means of public communication can effectively deny access to ideas and opinions they don't approve of or feel are unworthy of discussion.

Hence, there is a need for the FCC's activities to include more than being a kind of traffic officer, policing the airwaves to prevent interference between radio stations -- the kind of task advocated by McIntire. This need includes the power and responsibility, established in the Radio and Communications Acts, to determine the composition of content over the airwaves -- its right to generate program responsibility -- as a means to insure the public receives the maximum benefits from broadcasting.

The Commission's attempt through its fairness requirement to make the airwaves more accessible and to provide
greater expression of ideas among the public is one way of insuring such benefits. Accordingly, government assumes the role of protector or guarantor of individual rights. It can be seen as an ally of freedom, not its enemy as McIntire and others hold. Such behavior on the part of the government reflects the social responsibility theory's belief, embodied in the Fairness Doctrine, in the need for some agency to provide, promote and protect essential freedoms of the public from private and non-governmental agencies who can also serve to effectively threaten or deny such freedoms.

The FCC's concern with problems relating to the broadcasting of controversy and public issues, and the need to make time available for the views of minority groups was part of an overall concern with station programming. In the late Thirties the Commission began to give serious consideration to the establishment of rules governing program service for broadcasting stations, and a special committee, convened to study this problem,

had recommended minimum standards to be set as guidelines for licensees, proposals that were not formally acted upon. Further, Congressmen had criticized the Commission specifically for its lack of "standards of program service" and generally for its meager effort to require stations to operate in the public interest.

The need for a programming policy was also recognized by FCC Chairman Paul A. Porter in March 1945. In a speech before the National Association of Broadcasters, he complained that in the past, due to limitations of staff, the Commission has automatically renewed licenses even in cases where there were a large disparity between "promises and performances." However, the Commission Chairman stated that new procedures were under consideration which were designed to provide greater scrutiny of a licensee's overall program performance at renewal time.

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110 84 Cong. Rec., 1165, February 6, 1939.
111 Ibid., 1164-66.
Acting under Congressional pressure and mounting public criticism, the Commission, on March 7, 1946, issued a report entitled, Public Service Responsibility of Broadcast Licensees, more popularly known as the "Blue Book", which emphasized programming policies and practices. Of interest in this report is the Commission's comments on the use of broadcast facilities for the discussion of public issues.

It is clear from reading the Commission's statement on this subject that it holds radio's role as a disseminator of information and opinion in the highest regard. The Commission attaches great importance to the responsibility of the station licensee to devote adequate time to the discussion of public issues and encourages the use of skill and fairness in determining the type of programming that would best serve the public interest.

What is most significant in this report, however, and the reason for its mention in this narrative, is its reflection and restatement of the social responsibility

113 Emery, p. 237.

theory's concept of the need for some agency to serve as overseer of broadcast operations to insure that this medium performs certain essential functions for society - specifically the dissemination of news and opinion and the discussion of public issues. Further, the Commission indicates throughout its report the libertarian stress in the individual freedom and responsibility of the operator of a mass medium to operate his medium responsibility for the benefit of society. However, the social theory's idea in the need to insure such performance is most apparent.

The Commission's emphasis on the importance of radio as a disseminator of news and opinion for the discussion of public issues is indicated in the following statements:

American broadcasters have always recognized that broadcasting is not merely a means of entertainment, but an unequaled medium for the dissemination of news, information, and opinion, and for the discussion of public issues . . . and during the quarter of a century which has since elapsed, broadcasting has continued to include news, information, opinion, and public discussion, in its regular budget of program material. (underline mine)

Especially in recent years, such information programs as news and news
commentaries have achieved a popularity of any other single type of program.

... if broadcasters face the crucial problems of the post-war era with skill, fairness, and coverage, there is no reason why broadcasting cannot play as important a role in our democracy hereafter as it has achieved during the war years.

The use of broadcasting as an instrument for the dissemination of news, ideas, and opinions raises a multitude of problems of a complex and sometime delicate nature. . .

... the future of American broadcasting as an instrument of democracy depends in no small part upon the establishment of sound solutions to such problems. . . 115

The Commission discusses next the importance and need for broadcasting to be operated responsibly for the public benefit and the role of the FCC as protector and promoter of public rights and interest:

Under the Communications Act, primary responsibility for solving these and similar issues (broadcast problems) rests upon the licensees of broadcast stations themselves. Probably no other type of problem in the entire broadcasting industry is as important, or requires of the broadcaster a greater sense of objectivity, responsibility, and fair play.

115 Ibid., pp. 39-40.
While primary responsibility in such rests with the individual broadcaster, the Commission is required by statute to review periodically the station's operation, in order to determine whether the station has in fact been operated in the public interest. Certainly the establishment of a sound policy with respect to news, information, and the discussion of public issues is a major factor in operation in the public interest. (underline mine)

... The problems involved in making time available for the discussion of public issues are admittedly complex. Any vigorous presentation of a point of view will of necessity annoy or offend at least some listeners. There may be a temptation, accordingly, for broadcasters to avoid as much as possible any discussion over their stations, and to limit their broadcasts to entertainment which offends no one.

To operate in this manner... is to thwart the effectiveness of broadcasting in a democracy.

... The carrying of any particular public discussion... is a problem for the individual broadcaster. But the public interest clearly requires that an adequate amount of time be made available for the discussion of public issues; and the Commission, in determining whether a station has served the public interest, will take into consideration the amount of time which has been or will be devoted to the discussion of public issues. 116 (underline mine)

116 Ibid.
The "Blue Book" prompted sharp criticism from the broadcasting industry which argued that the specific regulations of the report concerning programming policies were a form of censorship expressly forbidden by Section 326 of the Communications Act. They contended that this report essentially stripped broadcasters of their First Amendment rights.

The issue of censorship is the perennial "red herring" conjured up by the broadcasting industry everytime the Commission issues a new policy or set of rules concerning programming practices. It is the argument that the government, represented by the FCC, has no legal right or authorization to set standards for programming. The government, in essence, is substituting its judgment for that of the licensee. Such imposition of controls or obligations, the broadcaster's contend, constitutes an indirect form of censorship, for if the licensee doesn't observe the rules or policies set by the Commission there is the threat of punishment or license revocation. These


conditions hinder the broadcaster's freedom to select his program content and are a restraint upon his First Amendment right of freedom of expression. The duty of the FCC, they argue, should be solely to allocate and regulate the technical aspects of broadcasting. This argument against government interference in programming policies is basically the same as McIntire's complaint against the FCC's activity concerning his station's programming, as was discussed earlier.

However, under its public interest obligation, mandated by Congress, the FCC has been given the statutory right and duty to maintain broadcasting as a medium of free speech for all. The government's purpose in instituting rules and standards for programming is clearly not to practice censorship -- which they are forbidden to do -- but to insure that broadcasting is operated for the benefit of all society and not for the benefit of a few. One means of doing this is by maintaining fairness and balance in the discussion of issues of public importance. A clear statement regarding the FCC's policy on fairness in programming and a general explanation of the rationale of government regulation of broadcasting were to follow in the FCC's Editorializing Report of 1949.
The amount and intensity of criticism directed at the "Blue Book" renewed the broadcasting industry's opposition to the Commission's earlier Mayflower decision, which the industry contended also violated the broadcaster's First Amendment's rights.\textsuperscript{119} The effect of this combination of pressure and criticism led to the Commission's ordering of an en banc hearing on September 5, 1947, in view of "widespread discussion of the exact meaning of its opinion of January 16, 1941, in the Mayflower Broadcasting Corporation case;" and the desirability of having a general policy concerning editorializing by broadcast stations.\textsuperscript{120}

The Commission decided to review the issues of the compatibility of licensee editorializing on "matters of public interest and controversy" with their public interest obligation; and the relationship of such

\textsuperscript{119} Ibid., p. 23.

editorializing with the licensee's affirmative obligation to insure fairness and balance of viewpoints in the presentation of controversial public issues.\textsuperscript{121}

The hearing was conducted in March and April of 1948. On June 2, 1949, the Commission issued its final report entitled \textit{Editorializing by Broadcast Licensees}.\textsuperscript{122} The Report sets forth most fully the basic requirements of the Fairness Doctrine and remains the keystone of the Commission's policy today. It collected and summarized the Commission's previous decisions on fairness, with one notable exception: the Mayflower ban was lifted and licensees were now permitted to editorialize.

The Report also established a two-fold obligation on the part of every licensee seeking to operated in the public interest: a.) that every licensee devote a reasonable portion of broadcast time to discussion and consideration of controversial issues of public importance; and b.) that in doing so, he be fair -- that is, that

\textsuperscript{121} \textit{Ibid.}

\textsuperscript{122} 13 F.C.C. 1246 (1949).
the licensee affirmatively attempt to make his facilities available for the expression of contrasting viewpoints on controversial issues held by responsible elements of the community.123

However, aside from its major decision to permit licensees to editorialize, the report is important for several other reasons: for its clear restatement and reaffirmation of the concepts and regulatory principles generated in the numerous decisions of the FRC, FCC and the courts which became the established foundation of broadcast regulation; and simultaneously for its restatement of the basic concepts of the social responsibility theory implicitly contained within the language of the report which provides a sharp contrast with the extreme libertarian ideas and views of McIntire expressed earlier.

The emerging concepts, values and beliefs of the social responsibility theory that has occupied the attention of this study in the decisions of the two Commissions and the courts now receive greater clarity and power in the language of the report. The fact that the report

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contains a restatement of such principles and concepts makes it anti-climactic in a sense, but no less important nor does it diminish its impact. The Commission's Editorializing Report represents an important milestone in broadcast regulation in its formulation and consolidation of basic regulatory principles concerning the future operations of broadcasting.

One most important aspect of the Editorializing is its preamble to the main section dealing with editorializing. In this preamble the Commission briefly reviews the rationale for the American system of broadcasting and its regulatory policies, explaining the role and duty of the individual broadcast licensee within this system. It thus provides a general philosophical framework in which to view the reasoning behind the Commission's decision.

At the beginning of the report, the Commission re-emphasizes the central role of radio as a primary instrument for the development of an informed public through its

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13 F.C.C. 1246 - 1252, paragraphs 1 - 10.
dissemination of information and ideas on public issues, and how this purpose serves as the basis for the public interest standard on which broadcast programming and licensee responsibility is evaluated. Hence, the duty of the broadcaster to devote part of his air time to the discussion of controversial public issues is reaffirmed:

It is axiomatic that one of the most vital questions of mass communication in a democracy is the development of an informed public opinion through the public dissemination of news and ideas concerning the vital public issues of the day. Basically, it is in recognition of the great contribution which radio can make in the advancement of this purpose that portions of the radio spectrum are allocated to that form of radio communications known as radio-broadcasting. Unquestionably, then, the standard of public interest, convenience, and necessity as applied to radio broadcasting must be interpreted in light of this basic purpose. The Commission has consequently recognized the necessity for licensees to devote a reasonable percentage of their broadcast time to the presentation of news and programs devoted to the consideration and discussion of public issues of interest in the community served by the particular station.125

125 _Ibid._, 1249, par. 6.
Again, the above declaration by the Commission re-
states the basic view of the social theory that the mass
media, with their power and influence, should have as
their primary goal the promotion of the public welfare.
And the best means of observing this duty is by promoting
the democratic form of government by enlightening the
public through providing information, discussion and
debate.

Throughout this report, and at the heart of the
Commission's decision regarding licensee editorializing,
is the issue of the right of access and the First Amend-
ment right of free expression. As was pointed out earlier
in the introduction to this chapter, the Commission strongly
believes in the priority of the public right of access
to the private right of access as being consistent with
the spirit and intent of the First Amendment. Reflecting
the social responsibility theory's views on the right of
expression, the Commission holds that the protection of
the individual's right of free expression must be pre-
served as part of a greater protection of the public's
right to hear adequate information in order to make in-
telligent decisions on public issues.
Concern over maintaining radio as an instrument of free speech and free expression for all the people instead of a few is one instance in which the Commission emphasizes the need for public access:

But the inevitably that there must be some choosing between various claimants for access to a licensee's microphone, does not mean that the licensee is free to utilize his facilities as he sees fit or in his own particular interests as contrasted with the interests of the general public. The Communications Act of 1934 . . . makes clear that licenses are to be issued only where the public interest, convenience, or necessity would be served thereby. And we think it is equally clear that one of the basic elements of any such operation is the maintainence of radio and television as a medium of freedom of speech and freedom of expression for the people of the Nation as a whole.126

Further, the Commission warns that the private operation of broadcast facilities by individual licensees for selfish interests, thereby denying access to these facilities and their ability to serve the interests of the community, is inconsistent with this goal of maintaining broadcasting as media of free speech:

. . . It would be inconsistent with these express provisions of the Act to assert that, while it is the purpose

126 Ibid., 1248, par. 5.
of the Act to maintain the control of the United States over radio channels, but free from any regulation or condition which interferes with the right of free speech, nevertheless . . . licensees may themselves make radio unavailable as a medium of free speech. . . Congress intended that radio stations should not be used for the particular persons who have been granted licenses, but in a manner which will serve the community generally and the various groups which make up the community. 127

The priority of the right of public access receives further confirmation by the Commission in this next statement in which it unequivocally expresses its conviction in the paramount right of the public to be informed over the private right of individuals to monopolarize access to the airwaves to insure that their personal viewpoints are presented. It is for this purpose, the Commission argues, that it is imperative that broadcasters provide for the presentation of differing viewpoints in their airing of programs devoted to the discussion of public issues. The Commission declared:

. . . we have recognized . . . the paramount right of the public in a free society to be informed and to

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Ibid.
have presented to it for acceptance or rejection the differing attitudes and viewpoints concerning these vital and often controversial issues which are held by the various groups which make up the community. It is the right of the public to be informed, rather than any right on the part of the Government, any broadcast licensee or any individual member of the public to broadcast his own particular views on any matter, which is the foundation stone of the American system of broadcasting.  

In keeping with this belief in the paramount right of the public to be informed, the Commission adds another dimension to the broadcaster's duty -- the task of actively promoting and implementing fairness in the discussion of public issues. The Commission emphatically states that the licensee's duty entails taking positive action to insure that all sides of controversial public issues by various responsible elements in the community are expressed, over and beyond their general duty of simply providing broadcast time for the expression of opposing views. Only this way, the Commission argues, will the public be reasonably assured of their First Amendment right of hearing a variety of information concerning vital public issues.

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128 Ibid., 1249, par. 6.
The Commission reasons:

We do not believe . . . that the licensee's obligations to serve the public interest can be met merely through the adoption of a general policy of not refusing to broadcast opposing views where a demand is made of the station for broadcast time. If, as we believe to be the case, the public interest is best served in a democracy through the ability of the people to hear expositions of the various positions taken by responsible groups and individuals on particular topics and to choose between them, it is evident that broadcast licensees have an affirmative duty generally to encourage and implement the broadcast of all sides of controversial public issues over their facilities, over and beyond their obligation to make available on demand opportunities for the expression of opposing views. It is clear that any approximation of fairness in the presentation of any controversy will be difficult if not impossible of achievement unless the licensee plays a conscious and positive role in bringing about balanced presentation of the opposing viewpoints. 129

The Commission attaches another duty, however, to the licensee's "affirmative duty" to insure fairness in the discussion of controversial issues. This is the obligation

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Ibid., 1251, par. 9.
to allocate time to any person or group which happens to be attacked during a program involving the discussion of controversial issues of public importance.\textsuperscript{130}

While the Report makes clear that the precise means by which fairness would be achieved is a matter for individual licensee judgment and discretion,\textsuperscript{131} the Commission sets limitations on this freedom in matters of personal attack.

\ldots elementary considerations of fairness may dictate that time be allocated to a person or group which has been specifically attacked over the station, where otherwise no such obligation would exist.\textsuperscript{132}

Again, the objective here is the same as the fairness requirement -- to provide the public the opportunity to hear differing ideas and viewpoints as part of their First Amendment right to be informed on matters of public importance. This obligation which stems from the fairness

\textsuperscript{130} \textit{Ibid.}, 1252, par. 10.

\textsuperscript{131} \textit{Ibid.}, 1251, par. 10.

\textsuperscript{132} \textit{Ibid.}, 1252, par. 10.
requirement emerged as the personal attack feature of the Fairness Doctrine and would attain the status of a rule in 1967.133

These duties on the part of licensees to provide access to broadcast facilities for the purpose of presenting contrasting views on public issues of importance, and for responding to personal attacks, is part of a general principle running throughout the Fairness Doctrine reflecting the social responsibility theory's view of the obligations attendant upon the broadcaster, or any owner or operator of a medium of mass communication, to provide society with needed services from the media, and the need for some agent to help insure that these duties are carried out when they default in their tasks.

Moreover, the social theory's belief that government must not simply allow freedom but must actively promote it is indicated in the Commission's argument for and insistence upon the need for licensees to play a more positive role in promoting the greater expression of opinions and beliefs through providing greater access to

133 47 C.F.R. 73. 123, 73. 300, 73. 598, 73. 679 (1970).
to the airwaves. In this way, the Commission's actions reflect a positive view of the government's role as an active protector of freedoms.

These preceding statements, contained in the preamble to this report, are important for they represent a clear and forceful declaration -- and a reassertion -- of the Commission's views regarding the nature and purpose of broadcasting and a summary of basic principles on which the regulatory policies of broadcasting are based.

As has been shown, these principles are significant for their reflection of the concepts and values contained in the social responsibility theory of the press and, concomitantly, because they essentially represent the antithesis of McIntire's views on the nature and function of the media. Ultimately, this disagreement serves as the basis for his present conflict with the FCC and its Fairness Doctrine.

Specifically, the following principles can be distilled from the report's preamble: the FCC contention that the broadcast media are important and powerful instruments for enlightening the public through their ability to disseminate information imposes on the
broadcasters the duty of providing for the discussion of public issues and establishes as their primary goal the promotion of the public interest; the discussion and debate on public issues makes imperative the need for more expression of ideas and opinions through providing greater access to the airwaves, thus making the broadcast media instruments of free expression for the greater public rather than the private outlets for a few; the importance of insuring greater access for more ideas to the airwaves is in keeping with the FCC's belief that the right of free expression is a right which includes the duty to respect the exercise of this same right by others as a means to protect the public's superior right to hear adequate information over any private right to exploit the media for private interests; and finally, in recognition of the paramount right of the public to be informed, the FCC stresses the need and responsibility of the individual licensee to actively promote the presentation of all sides of public questions as part of their duty to present programs devoted to the discussion of public issues.

The contrast of such principles with McIntire's views are apparent. The FCC's insistence on duty and
responsibility as a necessary component of the exercise of freedom of speech and press clashes with McIntire's libertarian belief in individual freedom for the media operator to operate as he chooses, and free from any form of interference or restriction of his right to do so. As a natural right, argues McIntire, free expression can have no duty attached to it. Moreover, the First Amendment's guarantee of free expression assigns priority to the protection of the individual's right to speak over the public's right to hear. The public's ability to receive a diversity of information will result only if the right of the individual to freely operate his medium is observed. Free expression itself carries its own built-in correctives and thus it is both unconstitutionally and morally wrong to exact any responsibilities for the exercise of a natural right.

Against this background, the Commission took up the matter of licensee editorializing. It acknowledged the inconsistency of regulating broadcasting in the interests of free speech and at the same time denying that freedom to those who happened to be broadcast licensees, even though it warned against the private use of public facilities by those who had been granted licenses.
Editorializing, the FCC now argued, could be regarded as part of the "affirmative duty" of the licensee to provide fairness and balance in its coverage of controversial issues of public importance — not so much in the interest of the licensee's right to speak as in the interest of the public's right to hear. The Commission viewed the relationship of licensee editorializing to operation in the public interest as but one specific facet of the licensee's larger obligation of providing fairness in the discussion and consideration of public issues, regarding broadcast editorializing "as just one of several types of presentation of public issues to be afforded their appropriate and non-exclusive place in the station's total schedule of programs devoted to balanced discussion and consideration of public issues."\(^{134}\) The Commission affirmed that such a policy was not contrary to the public interest:

\begin{quote}
\ldots we have therefore come to the conclusion that overt licensee editorialization within reasonable limits and subject to the general requirements of fairness \ldots is not contrary to the public interest.\(^{135}\)
\end{quote}

\(^{134}\)Ibid., 1253, par. 14.

\(^{135}\)Ibid., 1253, par. 13.
Thus the Commission concluded that while licensee editorializing was not contrary to the public interest, the basic question was not whether a licensee could present his own viewpoint but whether in presenting any viewpoint he was fair.

In defense of its policy, the Commission, on several occasions, dismissed contentions that the skills and resources at the command of the broadcaster would greatly favor his opinions and views over those of his opponents, thus leading to unfairness or lack of balance in the course of discussion of public issues. In upholding the right of broadcasters to express their opinions, the Commission explained:

What is against the public interest is for the licensee "to stack the cards" by a deliberate selection of spokesmen for opposing points of view to favor one viewpoint at the expense of the other, whether or not the views of those spokesmen are identified as the views of the licensee or of others. Assurance of fairness must in the final analysis be achieved, not by the exclusion of particular views because of the source of the views, or the forcefulness with which the view is expressed, but by making the microphone available for the presentation of contrary views.
without deliberate restrictions designed to impede equally forceful presentation.\textsuperscript{136}

The right and the benefit of the broadcaster to present his views on issues of public importance is defended on another occasion:

The Commission is not persuaded that a station's willingness to stand up and be counted on these particular issues upon which the licensee has a definite position may not be actually helpful in providing and maintaining a climate of fairness and equal opportunity for the expression of contrary views. Certainly the public has less to fear from the open partisan than from the covert propagandist.\textsuperscript{137}

It should be noted here that in its insistence upon the right and duty of the licensee to editorialize, as well as the right and need for others to express their views, the Commission reflects the social theory's belief in the value of individual ideas for both the individual and society, that is, the belief that individual ideas constitute valuable sources of intelligence for society and therefore their right to receive expression must be protected.

\textsuperscript{136}Ibid., 1253-54, par. 14.

\textsuperscript{137}Ibid., 1254, par. 16.
The Commission also took up the question of the constitutionality of its fairness standard in reply to allegations by some witnesses to the hearing that the Commission's action in enforcing a standard of fairness on broadcast licensees constituted "an abridgment of the right of free speech in violation of the First Amendment of the United States Constitution."\textsuperscript{138}

The Commission, however, rejected this charge, declaring that the First Amendment protection of free speech against governmental abridgment does not extend a special privilege to government licensees of public communications to deny or exclude the expression of views which they oppose. Moreover, added the Commission, by requiring licensees to implement greater access to the microphone, thus assuring the public the opportunity to hear a diversity of ideas and opinions on issues of public importance, the Commission's actions were "within both the spirit and letter of the First Amendment."\textsuperscript{139}

The quotation used by the Commission to support its argument clearly indicates its thoughts concerning the

\textsuperscript{138} Ibid., 1256, par. 19.

\textsuperscript{139} Ibid.
relationship between the First Amendment and the right of access and the role of the government regarding the protection of that right. Quoting the Supreme Court's opinion in the Associated Press case, the Commission declared:

It would be strange indeed . . . if the grave concern for freedom of the press which prompted adoption of the First Amendment should be read as a command that the Government was without power to protect that freedom . . . That amendment rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public, that a free press is a condition of a free society. Surely a command that the Government itself shall not impede the free flow of ideas does not afford nongovernmental combinations a refuge if they impose restraints upon that constitutionally guaranteed freedom. Freedom to publish means freedom for all and not for some. Freedom to publish is guaranteed by the Constitution but freedom to combine to keep others from publishing is not.140

In further defense of the public's paramount rights regarding the operation of the media of mass communication, the Commission asserted that radio, as a medium for

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expression, is equally included among those freedoms protected against governmental abridgment by the First Amendment. But it added that the freedom of the people as a whole to receive the maximum possible benefits of radio may also not be abrogated or surrendered to the freedom of any individual to exploit this medium for private purposes. In one of its strongest declarations on the superiority of the public right of access to the private right, the Commission declared:

... it seems indisputable that full effect can only be given to the concept of freedom of speech on the radio by giving precedence to the right of the American public to be informed on all sides of public questions over any such individual exploitation for private purposes. Nothing in the Communications Act or its history supports any conclusion that the people of the Nation, acting through Congress, have intended to surrender or diminish their paramount rights in the air waves, including access to radio broadcasting facilities to a limited number of private licensees to be used as such licensees see fit, without regard to the paramount interests of the people.

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13 F.C.C., 1257, par. 20.
The most significant meaning of freedom of the radio is the right of the American people to listen to this great medium of communications free from any governmental dictation as to what they can or cannot hear and free alike from similar restraints by private licensees.\textsuperscript{142}

\textsuperscript{142} Ibid.
Hence, the foundation of a modern fairness doctrine was established. Subsequent problems involving fairness would be resolved against the background of this 1949 Report.

In summary, this examination has detailed many of the major decisions which have contributed to the final formulation of a fairness doctrine, culminating in a definitive policy statement in the Commission's 1949 Editorializing Report, and has indicated how the concepts and values behind these decisions reflect those beliefs which constitute the social responsibility theory.

The substantive development of fairness regulation, from the earliest FRC pronouncement to the Editorializing Report, excepting the erratic Mayflower decision, has shown the Doctrine evolving rather logically in a growing body of precedent. The trend of this development has been toward greater licensee responsibility to operate his facilities "in the interests of, and as a trustee for the public at large."

From the outset the Federal Radio and Communications Commissions have interpreted Section 315 as giving them
Congressional approval to be concerned with standards of public interest, convenience, and necessity. They have read the history of the 1927 and 1934 Acts indicating Congressional concern that the broadcast spectrum be used for the public interest and not solely for private gain. The various groups in the community were all to be served.

Hence, the two Commissions, with the support of the courts, were empowered to regulate programming, the goal of which was primarily to insure that broadcasting be maintained as instruments of free speech and free expression. Only this way could broadcasters best serve their roles as trustees of the public interest.

The fairness concept brings to the forefront the special responsibility of the broadcast licensee as a trustee of the public interest. The requirements of being fair to the ultimate owners of the frequency spectrum quite clearly imposes duties and/or restraints on the licensee to say, or refrain from saying, what he likes and to operate his facilities in a free and unrestricted manner. Such a policy is irksome and onerous to a staunch libertarian like McIntire.
Nevertheless, as part of the licensee's growing responsibility, the 1949 Report made clear that licensees were to devote time to controversial issue programming — licensees were not to skirt the issue by bland programming. They were now strongly urged to air controversy and in doing so they had an "affirmative duty" to present opposing viewpoints.

In the decade that followed, industry criticism of and resistance to this positive duty of the licensee to secure the presentation of opposing views began to mount. But any such hope for or intention to have this principle diminished or changed was crushed in 1959 when Congress ratified the fairness principle and codified it into the Communications Act. Here, for the first time, Congress gave legislative recognition to the Doctrine. In seeking an amendment to Section 315 so as to exempt appearances by legally qualified candidates on certain news-type programs from the "equal opportunities" requirement, Congress inserted the following words to insure that the amendment would not be construed as impinging upon the Doctrine:

143 47 U.S.C. 315 (a), 11675.
Nothing in the foregoing sentence shall be construed as relieving broadcasters in the connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance. 145

This Congressional provision the FCC regards as statutory confirmation of its interpretation that the licensee has an "affirmative duty" to schedule programs dealing with public issues. 146 However, it can also be argued that such Congressional recognition of the Fairness Doctrine simultaneously gives special force to the social responsibility theory, reinforcing its values and concepts which the Doctrine's principles reflect.

Moreover, such indirect affirmation of the social responsibility theory by Congress further testifies to the government's position regarding the nature and proper function of the mass media in society. This position

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quite clearly stresses the special duties and responsibilities attendant upon the broadcaster, or generally speaking, any owner or operator of a medium of mass communication.

It further indicates the exceptional disparity between the views of the government and McIntire and serves to heighten and project one of the major issues over which the FCC and McIntire would elash a decade later.

Nevertheless, the Fairness Doctrine continued to cause many problems and much controversy for the Commission in the 1960's. Due to changing conditions and the pressure of new cases generated by its Fairness Doctrine, the Commission periodically was compelled to issue a series of reports, or policy statements, clarifying its policies and their meaning in order to better define for licensees their responsibilities in this new area. Throughout these periodic reports, however, the Commission continually declared its adherence to the views expressed in its 1949 Editorializing Report.
The Commission's first report and policy statement was issued in July 1960 in which, after the fashion of the "Blue Book", it sought to describe licensee responsibilities with respect to programming. The report reaffirmed the Fairness Doctrine and, in addition, in discussion licensee obligation in programming proposed that licensee editorialization be a major and necessary part of this programming as part of his duty to develop programming in the public interest.

In July 1963, the Commission issued another report on the subject of the Fairness Doctrine entitled, "Broadcast Licensees Advised Concerning Stations' Responsibilities under the Fairness Doctrine as to Controversial Issue Programming." The object of this report was simply

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147 Ibid., 9291.
148 U.S. Congress, Senate, Subcommittee on Communications, Staff Report on the Fairness Doctrine, p. 34.
150 Ibid., 7295.
to call broadcaster's attention to the necessity of observing the Fairness Doctrine and to the Commission's view of the Doctrine's application concerning situations of personal attack and controversial issue programming. It is important to note the Commission's restatement of its views concerning the rights and responsibility of the licensee regarding the matter of access. The Commission said:

The Commission does not seek to prevent the expression of any viewpoint by any licensee on any issue. It does seek to prevent the suppression of other contrasting viewpoints by any licensee on any issue when licensed broadcasting facilities have been used for the presentation of one view of the issue. This is required by the public interest standard of the law. 152

However, the Commission continued to be plagued by problems concerning the application of its fairness policy to specific cases. Under pressure to better define licensee responsibility in this area, the Commission, in July 1964, issued another of its primers on the subject.

152 Ibid.
entitled, "Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance."153

Popularly titled, "Fairness Primer", this report was designed to "advise broadcast licensees and members of the public of the rights, obligations, and responsibilities of such licensees under the Commission's 'fairness doctrine'".154 Reaffirming the 1949 Report, the "Fairness Primer" reviewed the history of the Fairness Doctrine showing its relation to the equal time provision, and then set forth digests of several of the FCC's more important rulings in fairness cases.155 Its purpose was "to keep the broadcaster and the public informed or pertinent Commission determinations on the fairness doctrine, and thus reduce the number of these cases required to be referred to the Commission for resolution."156


154 Ibid.


In addition to its review of previous decisions, the primer also served as a vehicle to announce, in a footnote, a new opinion on the "personal attack" responsibility, originally pronounced in the Commission's 1949 Report. The personal attack principle would now apply only in instances of attack in connection with the discussion of controversial issues of public importance.¹⁵⁷

The Commission also provided a new definition of personal attack — "attacking an individual's or group's integrity, character, or honesty or like personal qualities, and not when an individual or group is simply named or referred to."¹⁵⁸ Finally, it offered a new exception to licensee responsibility regarding personal attack — it was not necessary to send a transcript or summary, with an offer for time to respond, "in the case of a personal attack upon a foreign leader . . ."¹⁵⁹

After this series of reports and policy statements generated from the 1949 general Report, the Commission

¹⁵⁷ Ibid., 10420.
¹⁵⁸ Ibid.
¹⁵⁹ Ibid.
undertook formal rulemaking in 1966. In 1967, the two aspects of the Fairness Doctrine, relating to personal attacks in the context of controversial public issues and to political editorializing, were codified more precisely in the form of FCC regulations.\textsuperscript{160}

While the personal attack rule is discussed more fully in the next chapter, a brief summary of the regulations are given here. The new regulations held:

1. in the case of personal attacks the station must send a notice to the person attacked within one week, along with a tape or transcript, and offer time to reply; and
2. in the case of licensee editorials endorsing or opposing candidates for political office, similar steps must be taken within twenty-four hours.\textsuperscript{161}

While the Commission thus continued to erect a complex framework of fairness rulings, doubts persisted about the legality of the Fairness Doctrine. Finally, in

\textsuperscript{160} 47 U.S.C. 73. 123, 73. 300, 73. 598, 73. 679 (1970).
\textsuperscript{161} Ibid.
1969, a decisive Supreme Court test came in the RTNDA and Red Lion cases, decided simultaneously.\footnote{162}

The first case developed from the FCC's just mentioned special fairness rules on personal attacks and candidate endorsements. The Radio Television News Directors Association challenged these rules as unconstitutional. The Appeals Court upheld the RTNDA, but the Supreme Court unanimously reversed the lower court.\footnote{163}

The Red Lion case arose out of the refusal of WGCB-AM-FM, of Red Lion, Pennsylvania, to give time to journalist Fred J. Cook for reply to a personal attack. Cook has been charged with Communist affiliations in a right-wing syndicated radio-program series. When Cook requested time to reply, WGCB demanded that he either pay for the time or offer proof that he could neither find a sponsor nor afford to pay for the time himself. The FCC ruled that the Fairness Doctrine required a station

\footnote{162}{Red Lion Broadcasting Co. vs. F.C.C. 395 U.S. 367 (1969).}

\footnote{163}{RTNDA vs. F.C.C. 400 F. 2d., 1002 (1968); U.S. RTNDA, 395 U.S. 367 (1969).}
to make time available for reply to a personal attack, whether or not Cook could pay for it.\textsuperscript{164}

In both cases, the Supreme Court upheld the original FCC decisions, providing a landmark affirmation of the statutory and constitutional bases of the FCC's Fairness Doctrine and its component rules.\textsuperscript{165}

Before examining parts of his case, its importance to this study should be noted. In affirming the constitutionality of the Fairness Doctrine, the Supreme Court was essentially ratifying the social responsibility theory of the media whose concepts, values and principles have been shown to inhere in the Doctrine.

Moreover, in upholding the statutory right of the FCC to promulgate such rules and regulations as the Fairness Doctrine and its personal attack feature, the Court was also endorsing the social theory's concept of the need for some agency to insure that the media is operated responsibly in the public interest; and its positive view

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\textsuperscript{165} 395 U.S. 367 at 375.
\end{flushright}
of the government's role in promoting and protecting basic constitutional rights as an ally, rather than an enemy, of freedom.

Finally, the Court further confirmed two other principles which have been argued throughout this study as central issues in the conflict between McIntire and the FCC's Fairness Doctrine: 1.) the priority of public listener/viewer rights as against private (broadcaster) rights regarding access to the broadcast media and as being consistent with the goal of the First Amendment; and 2.) the belief that the Fairness Doctrine and its component rules, enhance rather than restrict First Amendment freedoms. The Court's opinions on these matters are cited in the following pages.

The issues of the constitutionality of the Fairness Doctrine and the statutory authority of the FCC to make such regulations are first considered by the Court. It found that the Fairness Doctrine and its specific manifestations in the personal attack and political editorializing rules are not in violation of the First Amendment.166 And, simultaneously, it held that the FCC's

166 Ibid., 367.
statutory mandate to ensure that broadcasters operate in the public interest and Congress' reaffirmation, in its 1959 amendment to Section 315 of the Communications Act, of the FCC's view that its Fairness Doctrine inhered in the public interest standard, is a legitimate exercise of its congressionally delegated authority. The Commission declared:

Believing that the specific application of the fairness doctrine in Red Lion, and the promulgation of the regulations in RTNDA, are both authorized by Congress and enhance rather than abridge the freedoms of speech and press protected by the First Amendment, we hold them valid and constitutional. 168

Congressional ratification of the Commission's view that its Fairness Doctrine expresses and implements the public interest standard was endorsed on another occasion by the Court. Referring to the 1959 amendment to Section 315, the Court explained:

This language makes it very plain that Congress, in 1959, announced that the phrase "public interest", which had been in the Act since 1927, imposed a duty on broadcasters to discuss both sides

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167 Ibid., 368.
168 Ibid., 375.
of controversial public issues. In other words, the amendment vindicated the FCC general view that the fairness doctrine inhered in the public interest standard . . . Here the Congress has not just kept its silence by refusing to overrun the administrative construction, but has ratified it with positive legislation. Thirty years of consistent administrative construction left undisturbed by Congress until 1959, when that construction was expressly accepted, reinforce the natural conclusion that the public interest language of the Act authorized the Commission to require licensees to use their stations for discussion of public issues, and that the FCC is free to implement this requirement by reasonable rules and regulations which fall short of abridgment of the freedom of speech and press, and of the censorship proscribed by (Section) 326 of the Act.169

The Court repeats its conviction in the statutory authority of the FCC to promulgate the Fairness Doctrine and its personal attack rules:

In light of the fact that the "public interest" in broadcasting clearly encompasses the presentation of vigorous debate of controversial issues of public importance and concern to the public; the fact that the FCC has rested upon that language from its very inception a doctrine that these issues must

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*ibid.*, 380–82.
be discussed, and fairly; and the fact that Congress has acknowledged that the analogous provisions of (Section) 315 are not preclusive in this area, and knowingly preserved the FCC's complementary efforts, we think the fairness doctrine and its component personal attack and political editorializing regulations are a legitimate exercise of congressionally delegated authority.170

FCC authority to issue its fairness regulations arises naturally from its duty, prescribed by Congress, to maintain broadcasting in the public interest:

The statutory authority of the FCC to promulgate these regulations derives from the mandate to the "Commission from time to time, as public interest, convenience, or necessity requires" to promulgate "such rules and regulations and prescribe such restrictions and conditions . . . as may be necessary to carry out the provisions of this chapter (47 U.S.C. par's. 303 & 303(r))" . . . The Commission is specifically directed to consider the demands of the public interest in the course of granting licenses (47 U.S.C. par's. 307(a), 309(a) . . . renewing them (47 U.S.C. par. 307 . . . and modifying them (ibid) . . . This mandate to the FCC to assure that broadcasters operate in the public interest is a broad one, a power "not niggardly but expansive",

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Ibid., 385.
Charges that the Fairness Doctrine and its personal attack and political editorial rules violated broadcaster's First Amendment rights was the next issue discussed by the Court. Arguing from a libertarian point of view, the broadcasters contended that the First Amendment protects their desire to use their frequencies "to broadcast whatever they choose, and to exclude whomever they choose from ever using that frequency." They argued that no one can "be prevented from saying or publishing what he thinks, or from refusing in his speech or other utterances to give equal weight to the views of his opponents", a right which applied equally to broadcasters. 172

The Court rejected this argument, however, declaring that the Fairness Doctrine does not violate the First Amendment. It argued that because of the nature of

171 Ibid., 379, 380.
172 Ibid., 386.
broadcasting, with the scarcity of radio frequencies, such
government regulation which requires broadcasters to pre­
sent all views representative of the community, is indeed
consistent with the First Amendment objective of produc­
ing an informed public capable of conducting its own
affairs. Thus, requiring a licensee to operate public
facilities for the benefit of the whole public is not un­
constitutional, maintains the Court:

There is nothing in the First Amendment
which prevents the Government from re­
quiring a licensee to share his frequency
with others and to conduct himself as
a proxy or fiduciary with obligations
to present those views and voices which
are representative of his community and
which would otherwise, by necessity, be
barred from the airwaves.173

In upholding the constitutionality of the personal attack
and political editorial features of the Fairness Doctrine,
the Court stated:

But we do hold that the Congress
and the Commission do not violate the
First Amendment when they require a
radio or television station to
give reply time to answer personal
attacks and political editorials.174

173 Ibid., 389.

174 Ibid., 396.
The constitutionality of such rules enforcing the sharing of scarce broadcast frequencies again emerged in the discussion of another issue raised by the plaintiffs and also by McIntire in his conflict with FCC regulations. This is the contention that the many obligations and "sacrifices" imposed on the broadcasters by the Fairness Doctrine and its personal attack and political editorial rules will in effect serve to deny the broadcaster complete freedom in the selection of programming content. Such interference, they contend, will result in self-censorship on the part of broadcasters and thus constitutes a denial of their First Amendment rights of speech and free expression. The net effect will be to reduce a full and honest discussion of public issues.\textsuperscript{175}

The Court dismissed this argument as speculative, stating that past experience has shown that the Fairness Doctrine has had no such effect on the communications industry in general, or the networks in particular.\textsuperscript{176} Nevertheless, the Court warns, if licensee's should "prove timorous", the Commission is not powerless in enforcing

\textsuperscript{175} Ibid., 392, 393.

\textsuperscript{176} Ibid., 393.
adequate discussion of public issues; nor does Congress have to permit licensees to ignore their obligations and monopolize the airways.\textsuperscript{177} Rules requiring the sharing of the airways so that the public may be assured of hearing a diversity of views on important public matters of the community is not in violation of the First Amendment, but on the contrary, is consistent with the provisions of this Amendment:

It does not violate the First Amendment to treat licensees given the privilege of using scarce radio frequencies as proxies for the entire community, obligated to give suitable attention to matters of great public concern. To condition the granting of renewal of licenses on a willingness to present representative community views on controversial issues is consistent with the ends and purposes of those constitutional provisions forbidding the abridgment of freedom of speech and freedom of press.\textsuperscript{178}

Moreover, in maintaining the government's right to regulate broadcasting as a means of insuring that broadcasting serves the public interest, the Court repudiates an earlier mentioned argument by McIntire that his

\textsuperscript{177}\cite{Ibid., 393, 394.}

\textsuperscript{178}\cite{Ibid., 394.}
First Amendment right of free speech bestows upon him the right of access to the airwaves to broadcast whatever he chooses. Explaining the special relationship between the First Amendment and broadcasting, the Court argued:

Where there are substantially more individuals who want to broadcast than there are frequencies to allocate, it is idle to posit an unbridgeable First Amendment right to broadcast comparable to the right of every individual to speak, write, or publish. If 100 persons want broadcast licenses but there are only 10 frequencies to allocate, all of them may have the same "right" to a license, but if there is to be any effective communication by radio, only a few can be licensed and the rest must be barred from the airways. 179

And then, as if anticipating McIntire's objection to this statement, the Court denies such actions to be in violation of the First Amendment:

It would be strange if the First Amendment, aimed at protecting and furthering communications, prevented the Government from making radio communication possible by requiring licenses to broadcast and by limiting the number of licenses so as not to overcrowd the spectrum . . . No one has a First Amendment right to a license or to monopolize a radio frequency; to deny a station license because

179. Ibid., 388, 389.
"the public interest" requires it "is not a denial of free speech."

Behind its decision of affirming the constitutionality of the Fairness Doctrine, the Court projects the following reasoning: that the government's requirement, as reflected in its Fairness Doctrine and its component rules, that licensees share their facilities with others to insure their First Amendment right of free speech, is in keeping with the First Amendment goal of an informed public and the superior right of the public to receive the maximum benefits from broadcasting as against the private rights of individuals to monopolize a scarce resource for their own ends. In its decision, the Court gives unmistakable priority to listener/viewer rights (public right of access) as against broadcaster rights (private right of access):

Because of the scarcity of radio frequencies, the Government is permitted to put restraints on licensees in favor of others whose views should be expressed on this unique medium. But

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Ibid., 389.
the people as a whole retain their interest in free speech by radio and their collective right to have the medium function consistently with the ends and purposes of the First Amendment. It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount. . . . It is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here.181

The Court explains that the "ends and purposes" of the First Amendment for which broadcasting is to be operated, which is essential to the public welfare, and towards which broadcast regulation, like the Fairness Doctrine, works, is the marketplace of ideas, whose avenues are not to be monopolized or obstructed by private or governmental sources:

   It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to contenance monopolization of that market, whether it be by Government itself or a private licensee.182

   In keeping with this belief in maintaining broadcasting as a media of free speech and in protecting the

181 Ibid., 390.
182 Ibid.
public's paramount rights in the airwaves, which is the goal of the Fairness Doctrine, the Court rejects the broadcaster's contention that the First Amendment protects their right to exclude others from their frequencies. The Court states:

... the First Amendment confers no right on licensees to prevent others from broadcasting on "their" frequencies and no right to an unconditional monopoly of a scarce resource which the Government has denied others the right to use. 183

Speaking further on this matter, the Court makes clear the lack of constitutional protection of private censorship by broadcasters:

There is no sanctuary in the First Amendment for unlimited private censorship operating in a medium not open to all. "Freedom of the press from governmental interference under the First Amendment does not sanction repression of that freedom by private interests." (Associated Press v. United States, 326 U.S. 1, 20 (1945)) 184

183
Ibid., 391.

184
Ibid., 392.
On another occasion, the Court further comments on the licensee's First Amendment rights:

... as far as the First Amendment is concerned those who are licensed stand no better than those to whom a license is refused. A license permits broadcasting, but the licensee has no constitutional right to be the one who holds the license or to monopolize a radio frequency to the exclusion of his fellow citizens.

In concluding remarks on the case, the Court reasserts its conviction that, in light of the scarcity of broadcast frequencies which serves to hinder or prevent suitable public access to the airwaves, government regulation which promotes greater access is both "authorized by statute and constitutional."\textsuperscript{186}

The Red Lion case is an appropriate place to end this study of the Fairness Doctrine's relationship to the social responsibility theory of the press. The Court's affirmation of the constitutionality of the Fairness Doctrine and the statutory authority of the FCC (and government in general) to issue rules and regulations

\textsuperscript{185} Ibid., 389.

\textsuperscript{186} Ibid., 400, 401.
designed to promote and protect First Amendment rights was, in addition to a confirmation of the concepts and values comprising the Doctrine, an indorsement of the social responsibility theory of the press which it reflects.

Concomitantly, the Court's decision was a rejection of many of the principles concerning the nature and role of the media held by McIntire — such issues as rights of access, the nature of First Amendment rights, and the role of the government regarding the media and First Amendment freedoms.

On these issues, the Court first supported the priority of the public right of access over the private right; held that First Amendment rights are not absolute but conditional requiring the exercise of some restraints and entailing certain responsibilities in the interest of the common good; looked favorably upon the positive role of government in its capacity to issue regulations which often enhance First Amendment freedoms rather than restrict them; and affirmed the philosophy of the media which emphasizes its social responsibility to serve and promote the public welfare — especially its informing function.
The Red Lion case is of special interest and importance to McIntire also because its litigation and decision coincided with McIntire's clash with the FCC over many of the same issues contained in Red Lion. Of importance is the fact that McIntire's radio Station WXUR-AM-FM, Media, Pennsylvania, is a sister station to the Red Lion Station WGCB in the sense that both are managed by the same person and operated under the same philosophy, although, as the following discussion of the WXUR case will indicate, McIntire maintained over-all control and direction of WXUR station.

Moreover, like Red Lion, WXUR also ran into trouble with the FCC primarily over Fairness Doctrine violations, actions prompted essentially by McIntire's libertarian views on the nature and function of the media and the issues of rights of access and First Amendment rights. The case itself and the issues surrounding it will now be discussed with the main intent of showing how McIntire's libertarian views of the press are reflected in the operations of his station. This will be clearly indicated in the stated findings and conclusions of the FCC.
CHAPTER VII

McINTIRE VS. THE FCC: THE WXUR CASE

(A) INTRODUCTION

The case of Brandywine-Main Line Radio, Inc. is important for two reasons. First, and related to the purpose of this study, it demonstrates McIntire's libertarian conception of the media's function -- a private instrument to be used for one's personal needs and interests -- a practice clearly in violation of the legislative history of the Communications Act and its predecessor the Radio Act. Both legislative enactments declared broadcasting to be a public utility dedicated to serving the public interest and not private interests of its licensees.\(^1\) Second, it was the first time that a license renewal was denied on Fairness Doctrine grounds by the Federal Communications Commission.\(^2\)

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\(^1\) Editorializing by Broadcast Licensees, 13 F.C.C. 1248 (1949).

The purpose of this chapter is to present a factual example of McIntire's views on the function of the media as demonstrated in the operations of radio Station WXUR owned by Faith Theological Seminary of which McIntire is Chairman of the Board. The factual findings of the Brandywine case serve as testimony to McIntire's private use of the radio medium as a further means to propagate his sectarian beliefs and interests.

The major issue in this case, as defined by the FCC, was compliance with the requirements of the Fairness Doctrine. The real issue, however, is more basic and concerns the view of the role of the media -- in this case broadcasting -- in a democratic society. Essentially, the dispute stems from the clash between two conflicting views of the media's function -- the traditional theory and the social responsibility theory discussed earlier. Ultimately, the Brandywine case has broad implications for the role of the broadcast media in a democratic society. Moreover, new issues emerge from this case that will confront broadcasting and the FCC in the future concerning the reemergence of an earlier form of media and its specific role in society. These issues will be examined in the next chapter.
This chapter is not a legal recitation of all the findings, issues, arguments, and counterarguments contained in this case, which by 1971 consumed over 8,000 pages and filled 29 volumes. It briefly discusses the major points of the case — the statutory standards, administrative decisions and regulations, judicial decisions, and primary issues — that are pertinent to an understanding of the case and its disposition as far as it has proceeded at the administrative level. Judicial review of the case has just been initiated.

The format of this chapter is as follows: a discussion of the nature of the case — a review of the statutory laws, administrative regulations and policies applicable to the case — the basic issues, a history of the instant case, and conclusion.
The Communications Act of 1934 is based upon the judgment that the airwaves, being a limited resource, should be regulated in the public interest. The Act seeks to protect that interest by limiting broadcast licensees to a term of three years and by rendering their initial grant and renewal dependent upon a finding by the Federal Communications Commission that the "public interest, convenience, or necessity will be served thereby." Since the early days of radio regulation, under the Federal Radio Commission, the public interest has, for these reasons, required that a licensee air opposing viewpoints on public issues, a requirement that has broadened into a policy known as the Fairness Doctrine.

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The practice of denying licenses and license renewal where the licensee proposed to use or had used his station facilities for the presentation of only one point of view was early employed by the Federal Radio Commission. This practice was upheld by the courts as being within the Commission's regulatory power and as not "taking property without due process" within the meaning of the Fifth Amendment. This practice by the Federal Radio Commission regarding denial of initial application for licenses was followed by the FCC.

It was not until 1970, however, in the case of Brandywine-Main Line Radio, Inc. that the FCC denied a license renewal on the basis of the Fairness Doctrine. This imposition by the FCC of its severest sanction against a radio station on Fairness Doctrine grounds makes

6Trinity Methodist Church South vs. F.R.C., 62 F.2d 850 (D.C. Cir. 1932); KFKB Broadcasting Assʹn. Inc., vs. F.R.C., 47 F.2d 670 (D.C. Cir. 1931).

7Trinity Methodist Church, South vs. F.R.C., 62F.2d 850 (D.C. Cir. 1932).

this case very important in the eyes of the broadcasting industry and the general public. It seems to indicate a stricter and more dedicated enforcement by the FCC of the social obligations of the broadcaster, mandated by Congress in the Radio and Communications Act, to operate broadcasting as an instrument for public enlightenment, not as an outlet for private desires.
Upon the basis of all the evidence collected from pleadings and several investigations, and the Initial Hearing Examiner's findings of fact and conclusions in light of the record evidence, the FCC designated four major issues for consideration in their hearings regarding Brandywine's applications for license renewal: compliance with the Fairness Doctrine\(^9\) (that is, the provision regarding presentation of contrasting viewpoints); compliance with the personal attack principle;\(^{10}\)

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\(^9\) In its present form the Fairness Doctrine stems from the 1949 report. Editorializing by Broadcast Licensees, 13 F.C.C. 1246, 125051 par. 8.

representations concerning program plans;¹¹ and, ascert
ainment of community needs.¹² The Commission, in its
denial of Brandywine's applications, emphasized that any
one of these grounds alone was sufficient to justify their
denial.¹³

However, regardless of the importance of the two
alternative issues on which consideration of Brandywine's
renewal applications were based, the FCC saw the major
issue "at the heart of this proceeding (was) the question
of compliance with the Fairness Doctrine,"¹⁴ including
the personal attack principle. Moreover, disregard of
the "fairness" and "personal attack" clauses of the
Fairness Doctrine by Brandywine were essentially at the

¹¹ AM-FM Program Forms, 5 P & F Radio Reg. 2d. 1773
(1965); Report and Statement of Policy Re: Commission
En Banc Programming Inquiry, 20 P & F Radio Reg. 1901
(1960); F.X.C. vs. WOKO, Inc. 329 U.S. 223, 227 (1946).

¹² Report and Statement of Policy Re: Programming

¹³ Brandywine-Main Line Radio, Inc., 24 F.C.C. 2d 35

heart of the charges of misconduct brought against the
station by the Intervenors objecting to both the original
transfer of licenses\textsuperscript{15} and the applications for renewal
of licenses.\textsuperscript{16}

Although the origin and development of the Fairness
Doctrine was discussed in the previous chapter, its
central position in this case requires a brief restatement
of its basic tenets.

The Fairness Doctrine is a regulatory principle\textsuperscript{17}
designed to implement the public interest standards ex­
pressed by Congress in both the Radio Act of 1927 and
the Communications Act of 1934.\textsuperscript{18} It is essentially
comprised of two basic features regarding the duties and
obligations of the broadcast licensee concerning the

\begin{itemize}
  \item \textsuperscript{15}Brandywine–Main Line Radio, Inc., 4 P & F Radio
Reg. 2d 699 (1965).
  \item \textsuperscript{16}P & F Radio Reg. 2d 127 (1967).
  \item \textsuperscript{17}U.S. Congress, Senate, Committee on Commerce, Sub­
committee on Communications, Fairness Doctrine, 90th
Congress, 2d sess., 1968, Staff Report on the Fairness
  \item \textsuperscript{18}29 Fed. Reg. 10415 Appendix B (1964).
\end{itemize}
presentation of programs involving controversial issues. These are known as the "fairness" and "personal attack" provisions.

The "fairness" provision is a statement of policy which imposes a dual obligation on licensees: they must devote a "reasonable percentage of their broadcasting time to the discussion of public issues of interest in the community" and, they must design this programming "so that the public has a reasonable opportunity to hear different opposing positions" on such public issues. In its Editorializing Report, the FCC has stressed this licensee obligation to present varying opinions on public issues of importance by declaring that it is "... the paramount right of the public to hear a reasonably balanced presentation of all responsible viewpoints on particular issues ..." And the duty of the licensee to insure fairness is clearly and unmistakably stated by the Commission in this same Report:

... it is evident that broadcast licensees have an affirmative duty ... to encourage and implement the

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20 Ibid., p. 1258.
broadcast of all sides of controversial public issues over their facilities, over and beyond their obligation to make available on demand opportunities for the expression of opposing views. It is clear that any approximation of fairness in the presentation of any controversy will be difficult if not impossible of achievement unless the licensee plays a conscious and positive role in bringing about balanced presentation of the opposing viewpoint.  

In order to fulfill its obligations under the Fairness Doctrine, a licensee need not provide "equal" time for the expression of each point of view, but must simply act reasonably and in good faith in seeking to present balanced opinion on controversial issues. The Commission has stated:

The duty to operate in the public interest is no esoteric mystery, but is essentially a duty to operate a radio station with good judgment and good faith guided by a reasonable regard for the interests of the community to be served.

22 Ibid., p. 1251.


24 Editorializing by Broadcasting Licensees 13 F.C.C. 1256 at 19.
Moreover, wide discretion is given the licensee in deciding what "subjects should be considered," the "different shades of opinion" that need airing, how much time should be devoted to their expression, the most appropriate spokesmen for each point of view, and whether a person or groups require time for response to an attack. In determining whether the licensee has complied with the doctrine, the Commission's policy is not to condemn an "honest mistake or error in judgment" so long as the licensee has demonstrated a good faith attempt to provide a balanced presentation of a controversial issue. The Commission has declared:

... it is clear that the standard of public interest is not so rigid that an honest mistake or error in judgment on the part of a licensee will be or should be condemned where his overall record demonstrates a reasonable effort to provide a balanced presentation of comment and opinion on such issues. The question is necessarily one of reasonableness of the station's actions, not whether any absolute standard of fairness has been achieved.

25 Ibid., 1251-52.

26 Ibid., p. 1255.
In this instant case, the FCC found that even this standard had not been met by Brandywine.

Concerning the "fairness" provision of the Fairness Doctrine, the FCC has relied almost exclusively on case decisions to provide standards for its application. However, regarding the other feature of the Doctrine -- that of "personal attack" -- the Commission has reached beyond case law and codified its policies into rules governing licensee obligations. The personal attack

rule provides that when during the presentation of views on controversial issues of public importance,

an attack is made upon the honesty, character, integrity, or like personal qualities of an identified person or group,

the licensee must, within the time limit of one week after the attack, and no later, notify the person or groups attacked, the date, time, and identity of the broadcast, a script, tape, or summary of the attack, and an offer of a reasonable opportunity to respond over the licensee's facilities. 28

The same obligations fall on the licensee who in an editorial endorses or opposes a candidate for public office except that the notification time is shorter. 29

The constitutionality of the Commission's promulgation of these rules, and their application in a specific case,

28 47 C.F.R. paragraphs 73. 123(a), 73. 300(a), 73. 679(a) (1970).

29 47 C.F.R. paragraphs 73. 123(c), 73. 300(c), 73. 679(c) (1970).
were recently upheld by the Supreme Court in Red Lion Broadcasting Co. vs. F.C.C.\textsuperscript{30} The Court has written:

Believing that the specific application of the Fairness Doctrine in Red Lion, and the promulgation of the regulations in RTDNA, are both authorized by Congress and enhance rather than abridge the freedoms of speech and press protected by the First Amendment, we hold them valid and constitutional, reversing the judgment below in RTNDA and affirming the judgment below in Red Lion.\textsuperscript{31}

In light of this brief review of the Fairness Doctrine, the history of the Brandywine-Main Line Radio case will now be discussed.

\textsuperscript{30}Red Lion Broadcasting Co., Inc. vs. Federal Communications Commission 395 U.S. (1969). Also, together with this decision, the decision of the United States Court of Appeals concerning the Radio Television News Directors Ass'n (RTNDA) was reversed which had earlier declared the FCC's 1967 rules unconstitutional. 400 F. 2d 102 (D.C. Cir. 1968).

(D) HISTORY OF THE CASE

Carl McIntire began his radio ministry in 1958 with his Twentieth Century Reformation Hour program over radio Station WVCH in Chester, Pennsylvania. This program was canceled by WVCH in January, 1964 and, as a consequence, was no longer carried on any station in the Philadelphia area. Unable to have his program aired and firmly believing in the necessity for a radio outlet in the Philadelphia area for his Reformation Hour program, McIntire learned from his close friend and associate, John Norris, in late 1963 that radio Station WXUR in Media, Pennsylvania was for sale and was interested in acquiring it. 32 McIntire explained the reason behind his decision:

When we found we were virtually blacked out and that our views, our opinions, were not going to be aired in this community, we became interested in

purchasing a station or being a part of a purchase in some way so that a program such as mine could be aired in the community.\textsuperscript{33}

Radio Station WXUR was licensed in 1962 to Brandywine-Main Line Radio, Inc., Media, Pennsylvania. Its signal provides primary service to Delaware County and to Philadelphia and the nearby areas of Pennsylvania, New Jersey, and Delaware. This extensive coverage made the station very attractive to McIntire.\textsuperscript{34}

In September, 1964, it was decided that Faith Theological Seminary, of which McIntire was President and Board Chairman, should try to purchase the station and in October of that same year an application for transfer of control was filed with the Federal Communication Commission.\textsuperscript{35}


\textsuperscript{34} Brandywine-Main Line Radio Inc., 14 P & F Radio Reg. 2d 1054.

\textsuperscript{35} Ibid., pp. 1054-55.
As expressed in the application, the purpose of the license transferee was to operate the Stations (WXUR AM-FM)

For the principal purpose of broadcasting the Gospel of our Lord and Savior Jesus Christ, for the defense of the Gospel and for the purposes set forth in the charter of Incorporation.\footnote{Ibid., p. 1055.}

According to the findings of fact in the Initial Hearing for the renewal of Brandywine's licenses, while the application did not mention the Twentieth Century Reformation Hour program by name, there was no concealment of the fact that carrying this program was one of the transferee's main objectives.\footnote{Ibid.} This finding is supported by a letter written by McIntire on December 9, 1964 to former Chairman E. William Henry in which McIntire expressly stated that,

If the FCC approves of the purchase by Faith Theological Seminary of WXUR, I propose to contract for time on that station just as I do on all my other station.\footnote{Brandywine-Main Line Radio, Inc., 24 F.C.C. 2d 45 (1968).}
Commenting on the purpose for which stations WXUR AM-FM were acquired, Initial Hearing Examiner, H. Gifford Irion said:

The record leaves no doubt that one of the purposes -- probably the main purpose -- for acquiring WXUR was to furnish Dr. McIntire with an outlet in the Philadelphia area for broadcasting '20th Century Reformation Hour' and McIntire was very candid about this.39

Noting that McIntire's home base is in Collingswood, New Jersey, a suburb of Philadelphia, and that he sends tapes to some 600 stations throughout the country, the Examiner acknowledged McIntire's need and purpose for a radio outlet:

It is not remarkable that he felt abused at being denied an outlet in his own bailiwick. What was more plausible than his wishing -- and his follower's wishing -- for an outlet like WXUR.40

On another occasion, the Examiner reiterated the purpose for which the men of Faith Seminary sought to acquire radio Station WXUR:

It would require endless quotations from the record to show what ... was predominant in the minds of the

39 Ibid., p. 44.

brethren of Faith Seminary (PTS). They were all essentially religious men of the conservative fundamentalist persuasion . . . and they felt, no doubt profoundly, that their ways of worship were being neglected by broadcast stations in the general Philadelphia area. This sentiment attached particularly to the programs of Dr. McIntire but it was not confined to them.41

The filing of the application by Faith Theological Seminary for the purpose of acquiring radio Stations WXUR AM-FM was followed by a series of letters to the Commission (November 1964-March 1965) objecting to a grant of the application. Fourteen civic, civil rights, and religious organizations42 petitioned the Commission for a hearing on the Seminary's application and its denial.

41 Ibid.

42 The organizations that objected to the grant of the application for transfer of control were the Greater Philadelphia Area Committee for UNICEF, the NAACP, the Anti-Defamation League of B'naï B'rith, the Pennsylvania Southeast Conference of the United Church of Christ, the Presbytery of Philadelphia, the National Urban League, the Greater Philadelphia Council of Churches, the Jewish Community Relations Council, American Baptist Convention, the Eastern Pennsylvania Synod of the Lutheran Church in America, the Philadelphia Baptist Association, and the Executive Committee of the Catholic Inter-racial Council of New Jersey. 4 P & F Radio Reg. 2d at 698 n. 1.
These various organizations and individuals based their action upon section 309(d) (1) of the Communications Act which authorizes "any part in interest" to petition the Commission to deny application.\(^43\) Further, it has been held that "Responsible representatives of the listening public have standing as parties of interest to contest the renewal of a broadcast license."\(^44\) Also, section 309(e) of the Communications Act requires that the Commission designate any application for a license a hearing when "a substantial and material question of fact is presented or the Commission for any reason is


\(^{44}\) Office of Communication of the United Church of Christ vs. F.C.C., 359 F. 2d 994 (D.C. Cir. 1966). In this case, the United Church of Christ and the AFL-CIO petitioned the Commission to allow them to intervene in the proceeding to, to order a hearing on the application, and to deny application on the grounds of racial and religious discrimination, excessive commercialization, and the failure to comply with the Fairness Doctrine. The Commission held that these groups had no standing to object to the grant of the renewal, a ruling that was reversed by the above court which ordered that a hearing be conducted on the renewal application. In this decision, the court held that responsible representatives of the public have standing or parties of interest to contest license renewals. (1002). The court further held that the Commission must hold an evidentiary hearing to resolve the public interest issue raised by claims of broadcast violation of the Fairness Doctrine. (1006).
unable to make the finding" specified in section 309 (a) "whether the public interest, convenience, or necessity will be served" by granting the application.\(^4^5\)

The basic argument against the proposed transfer of Brandywine Radio to Faith Seminary was that McIntire, as President and Board Chairman of the Seminary, would be the dominant figure in Brandywine after the proposed transfer of control. It was alleged that,

in his radio programs and publications, he has made false and misleading statements and deliberate distortion of the facts relating to various public issues such as race relations, religious unity, foreign aid, etc.; that he has made intemperate attacks on other religious denominations and leaders, various organizations, governmental agencies, political figures and international organizations; and that such

expressions are irresponsible and a divisive force in the community and help create a climate of fear, prejudice, and distrust of democratic institutions.46

It was also argued by these petitioners that in light of his record of "partisan and extremist" views on public issues, McIntire lacked the degree of social and public responsibility demanded of broadcast licensees and that these views would carry over into the operation of the stations in view of his connection with the transferee.47

Finally, the question was raised whether in light of his views, McIntire would bring about a balanced presentation of opposing views or whether he would place his personal views above the station's public interest obligations.48

A brief comment on the meaning behind these charges is relevant here. These arguments of the Petitioners appear to suggest a facet of McIntire that has been referred to earlier in this study and which requires

48Ibid.
reemphasis, a trait many of the Petitioners came to recognize in their experiences with McIntire over the years. This is his propensity to dominate everything with which he is associated.

As Chairman of the Board of Directors of Faith Seminary, McIntire, while alleged to not have taken an active role in the management of WXUR, had the power to delegate operating authority to a Radio Board.\(^4^9\) The dominant member of this Board was John Norris, president and General Manager of WXUR and also a close personal friend of McIntire.\(^5^0\) Norris was a member of both the Seminary Board and the Radio Board.\(^5^1\) According to the Examiner, Norris was a staunch conservative, religious Fundamentalist — as were the other Radio Board members and most of the station's staff — who as General Manager was dedicated to broadcasting their particular religious beliefs. Referring to this religious association among WXUR's principal staff members, the Examiner noted:

\(^4^9\) 24 F.C.C. 2d. findings par. 18 (1970).

\(^5^0\) Ibid. findings, paragraphs 7, 18-19, 21, 26.

\(^5^1\) Ibid. findings, paragraphs 19, 24.
There is no question as to Norris' zeal for his religious faith which he characterized as "fundamental conservatism" as did others associated with WXUR. . . and Norris, from the time he assumed the helm at WXUR, was dedicated to broadcasting the preaching of Scripture.52

As noted earlier, these religious beliefs were intertwined with a conservative political philosophy which, the Examiner, professed, he had "no competence to determine where one stopped and the other began."53 Norris was also responsible for having instituted new religious programming and, furthermore, was personally familiar with most of the preachers or commercial religious broadcasters whose programs would appear on WXUR immediately after the transfer application was accepted.54

In short, it is reasonable to assert that although Norris was manager of WXUR and was responsible for its everyday operations and policies, the ultimate decision-making power resided in McIntire. Stated another way,

52 Ibid. findings, par. 25.
53 Ibid. findings, par. 14.
54 Ibid. findings, par. 25.
it is very improbable that the chief officers or personnel of WXUR would be of a liberal religious or political persuasion who held views not consonant with those of McIntire. It could be assumed that he exerted a negative guidance which indirectly influenced the policies and personnel of the station. Thus, the Petitioners were justifiably correct in being wary of the programming policies and practices of WXUR if its facilities should be acquired by Faith Seminary.

Nevertheless, the Commission, while acknowledging that a serious question was raised by the Petitioners, denied the request for a hearing and granted, in March 1965, Faith Seminary's application to assume control of Stations WXUR AM-FM. In its decision the Commission, in light of the objections expressed by the Petitioners, stated the main areas of its concern in its consideration to grant or deny a license to Faith Seminary to be compliance with the requirements of the Fairness Doctrine by the transferee.55

55 Ibid., pp. 697, 700.
In view of the questions raised, the Commission's decision reiterated the necessity that a licensee serve the public interest by adherence to the Fairness Doctrine. The Commission cited Brandywine's representation to the Commission that it understood its duties and obligations under the Doctrine, that it would comply with the Doctrine's requirements, and that it recognized it could not use the station's facilities for its own private purposes to the exclusion of the needs and interests of its service area.56 It was stated by Brandywine that:

It will be the policy of the transferee to make time available on an equal and non-discriminatory basis to all religious faiths requesting time for the presentation of religious programs. In other words, the same terms and conditions will be applicable to all faiths requesting such time as will be applicable to the religious faith and creed espoused by the transferee or any of its officers and directors, e.g., if time is given without charge to one it will be equally available to all others without charge; if time is made available to one on a paid basis it will be made available to others for the same charges and upon the same terms and conditions. It will be the policy to make time available to

56 Ibid., p. 701.
religious faiths equally, as aforesaid, upon payment of the station's regular charges for religious broadcasts. However, as indicated by the amendment a half-hour will be available and utilized on Sundays, on a sustaining basis, or sponsored if appropriate sponsorship should be available for an Interfaith Forum program, in which ministers or representatives of different faiths will be invited to participate in roundtable discussions of religious principles and tenets as related to current social problems.

Every effort will be made to obtain varied participation from week to week to assure the greatest possible balance of views on the subjects of discussion. The transferee will invite the cooperation of recognized ministerial associations in the greater Philadelphia area to present their recommendations as to participants and subjects of discussion on this program and in the event of failure to obtain such cooperation, the transferee will extend invitations to, and make sincere efforts to obtain participation by, individual churches and faiths in a manner which will assure, to the fullest extent possible, fair and equal representation of varying views.57

Relying upon this statement that it would comply with the Doctrine, and noting the absence of any indication that it would not be adhered to, the Commission concluded that a grant would serve the public interest.

57 Ibid.
Of interest is the Commission's argument in defense of their decision to grant the transfer of licenses, an argument that strongly upholds the libertarian beliefs of freedom of speech, freedom of the press, free exercise of religion, the market-place of ideas, and an abhorrence of censorship of any kind. In explaining its decision, the Commission cautioned itself from choosing "among applicants upon the basis of their political, economic, or social views . . ." and cited Mr. Justice Douglas' opinion emphasizing the First Amendment intent for the sanctity of individual thought and belief:

If liberty is to flourish, government should never be allowed to force people to listen to any radio program. The right of privacy should include the right to pick and choose from competing political philosophies. If people are let alone in these choices, the right of privacy will pay dividends in character and integrity. The strength of our system is in the dignity, the resourcefulness, and the independence of our people. Our confidence is in their ability as individuals to make the wisest choice. That system cannot flourish if regimentation takes hold.  

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The Commission further supported its decision to grant licenses to Faith Seminary by asserting its responsibility of avoiding censorship and the intrusion of its own views with respect to the merits of controversial issues, while at the same time insuring that licensees "fairly and properly utilize their stations to serve the community generally and the various groups which make up the community, rather than only their private interests." The Commission stated that it would not, in these circumstances, deny an initial license "because of doubts as to the proposed licensee's ability to serve the public . . ." because "denial removes the opportunity to demonstrate good faith."61

Concluding, the Commission granted Faith Seminary control of Brandywine Radio Inc. with the stipulation that the new licensee observe the conditions applicable to all broadcast grants: that it make a good faith effort to ascertain and serve the needs and interests of its area rather than serve his private interest; that it abide by

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60 24 F.C.C. 2d. p. 702.

61 Ibid.
the requirements of the Fairness Doctrine; and that it not slant the news or in any way distort the factual material.\footnote{Ibid.}

Brandywine, now owned by the Seminary, operated the stations for fifteen months before the licenses came up for renewal. In May 1966, Brandywine applied to the Commission for renewal of its licenses for the period from August 1, 1966 to July 31, 1969.\footnote{Ibid. findings, par. 18.} In July 1966, a Petition to Intervene and Deny the applications was filed on behalf of eighteen civic and religious groups,\footnote{The petitioners were the AFL-CIO of Pennsylvania, the American Baptist Convention Division of Evangelism, the Delaware Valley Council of the American Jewish Congress, the Anti-Defamation League of B'nai B'rith, the Board of Social Ministry of the Lutheran Synod of Eastern Pennsylvania, B'rith Sholom, the Catholic Community Relations Council, the Catholic Star Herald, the Fellowship Commission, the Greater Philadelphia Council of Churches, the Jewish Community Relations Council of Greater Philadelphia, the Jewish Labor Committee, the Media Fellowship House, the Media Chapter of the NAACP, the New Jersey Council of Churches, the Philadelphia Urban League, the U.S. Section of the Women's International League for Peace and Freedom, the American Jewish Committee, and the Rev. Donald G. Huston, pastor First Presbyterian Church of Lower Merion (Penn.). 24 F.C.C. 18 (1970). In subsequent paragraphs, these petitioners will be collectively referred to as Intervenors.}
including the Media Borough Council and the House of Representatives of the General Assembly of Pennsylvania, all requesting the Commission for hearings and investigations into the station's operations subsequent to March 17, 1965, the date the Commission consented to the transfer of control of the licensee to Faith Theological Seminary. The House-passed Resolution (no. 160) of the Pennsylvania legislature condemned the programming policies of WXUR and McIntire in particular. The pertinent text of the Resolution is furnished here as indicative of many of the offenses alleged to have been committed by Brandywine's broadcast operations and provided by the findings of the Initial Hearing:

65The Commission received numerous letters and resolutions concerning the operations of Brandywine and conducted an independent investigation into its operations. Correspondence requesting an investigation, or hearing on Brandywine's programming was also submitted by the greater Philadelphia Branch of the American Civil Liberties Union, the Unitarian Church of Delaware County, the Pennsylvania Council of Churches, and several other individuals. Letters favoring the station's operations have been received from the Thirtieth General Synod of the Bible Presbyterian Church and several individuals. 24 F.C.C. 2d 18 (1970) *In 1966, a resolution, No. 160, was introduced in the Pennsylvania House of Representatives and was passed condemning the programming policies of WXUR and McIntire in particular.

... Reverend McIntire (has made) vicious attacks on the National Council of Churches and has continually exhorted the political and economic views of the radical right.

Reverend McIntire had little success until 1950 when his radio program, the 20th Century Reformation Hour was established. He now broadcasts over some 600 stations and reaches millions of people daily.

The views which the Reverend McIntire expounds are those which we now equate with the word 'extremism' ... The right of the Reverend McIntire to hold or express such views is not in issue. The only issue is whether the Reverend McIntire exercises the degree of social and public responsibility which the law demands of a broadcast licensee. There is serious question whether Radio Station WXUR, under the operational control of Reverend McIntire, is giving the balanced presentation of opposing viewpoints required of broadcast licensees; therefore ...

the House of Representatives of the Commonwealth of Pennsylvania requests the Federal Communications Commission to investigate Radio Station WXUR in Media, Pennsylvania, to determine whether or not it is complying with the requirements of a broadcast licensee. 67

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67 Ibid.
In their petition, the Intervenors alleged that subsequent to the time Faith Seminary assumed control of the stations it violated the Fairness Doctrine by carrying unbalanced programming which presented only one viewpoint on various controversial public issues. Brandywine was also charged with presenting programming which attacked "religious and racial minority groups" and with failing to comply with Commission procedures concerning cases of personal attacks broadcast over its facilities. The Intervenors claimed further that Brandywine had failed to make any effort to ascertain and serve the needs and interests of the community and had not observed the programming promises and representations that it made to the Commission when it applied for transfer of control.

68 Since the rules governing personal attacks had not yet been promulgated by the Commission (July 1967), the issue was compliance with the procedures outlined in the Commission decisions and in its 1964 report. Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance. 29 Fed. Reg. 10415 (1964); 40 F.C.C. 2d 598 (1964).

69 Brandywine-Main Line Radio, Inc. 9 P & F Radio Reg. 2d. 127.

70 Ibid., pp. 126-27.
Brandywine, in response, denied all charges made against it and notified the Commission that it was prepared to furnish "substantial evidence" to disprove the Intervenor's charges and to show it had complied with the Fairness Doctrine. Brandywine also consented to the Intervenor's request for an evidentiary hearing and their request for full status as parties to such hearing.\(^7\)

The Commission in its Memorandum Opinion and Order found "substantial questions" raised concerning the operations of Stations WXUR AM-FM by Brandywine in the following respects:

(a) whether Brandywine had met the conditions set forth in the Commission's Memorandum Opinion and Order of March 17, 1965 (\(4\) P & F Radio Reg. 2d 697-700 par. 7) during its license period from April 29, 1965 to August 1, 1966.

(b) the efforts, if any, Brandywine made to ascertain and serve the needs and interests of the community served by its station.

(c) whether the applicant "fully and candidly" advised the Commission of its program plans in connection with its application for transfer of control of the stations involved.

\(^7\) Ibid., p. 127.
(d) Brandywine's efforts to comply with the requirements of the Fairness Doctrine concerning the points on contrasting viewpoints and personal attack.

(e) whether Brandywine had used its station facilities to serve the sectarian and political views of its principals and to raise funds for their support rather than to serve the Community generally.\(^72\)

The Commission also took special note of the charges that Brandywine had operated its stations as a divisive force in the community by disparaging religious and racial minority groups and by castigating and vilifying persons and groups who espoused views on controversial issues different from the station's principals.\(^73\)

Based on these concerns, the Commission concluded that an evidentiary hearing was required because it could not determine whether a grant of renewal of licenses to Brandywine would serve the public interest. Under section 309(e) of the Communications Act, the Commission in January 1967 designated the application for hearing on the following issues:

(1) To determine what efforts Brandywine made to ascertain the needs and interests of the public served by its stations;

\(^72\)Ibid., p. 128.

\(^73\)Ibid.
(2) To determine what Brandywine did to serve the needs and interests of the public served by its stations;

(3) To determine whether Faith Seminary failed to inform the Commission fully of its program plans in connection with its applications for acquisition of control of Stations WXUR AM-FM;

(4) To determine whether Brandywine complied with the Fairness Doctrine and Section 315 of the Act by affording a reasonable opportunity for the discussion of conflicting views on issues of public importance;

(5) To determine whether Brandywine complied with the personal attack rule of the Fairness Doctrine and its procedures;

(6) To determine whether Brandywine utilized its stations to serve the sectarians and political views of its principals rather than serve the community generally and all the various groups which make up the community;

(7) To determine whether Faith Seminary, regarding its application for transfer of control of WXUR, misrepresented to the Commission its program plans, its intent to comply with the Fairness Doctrine, and its intent to serve the needs and interests of the community generally rather than its private sectarian, political, and fund raising interests; and
(8) To determine whether in light of all the evidence a grant of renewal of the licenses of WXUR AM-FM would serve the public interest, convenience, or necessity. 74

The Commission further ordered that according to section 309(e) of the Act, the burden of going forward with the evidence in the first instance would be on the Intervenors with respect to issues (1), (2), (4), (5), and (6), with the Commission's Broadcast Bureau offering any evidence in its possession relevant to the issues. The Broadcast Bureau was also given the burden of furnishing evidence in the first instance concerning issues (3) and (7). Brandywine was directed to present its evidence after these initial presentations and was assigned the ultimate burden of establishing that it possessed the requisite qualifications to be a licensee and that a grant of its applications for license renewal would serve the public interest, convenience, or necessity. 75

The evidentiary hearings were commenced in October 1967 and proceeded through June 26, 1968 when the record

74 Ibid., pp. 129-30.
was closed. The Hearing Examiner's Initial Decision was released in December 1968. He recommended that Brandywine's applications for renewal of their licenses be granted.76

In his decision, the Hearing Examiner, Mr. Gifford Irion, acknowledged that Brandywine had failed to fulfill its obligations under the Fairness Doctrine, but concluded that his did not warrant denial of the renewal application. In a summary and conclusion of the findings of fact in the Hearing, the Examiner's decision to recommend renewal appears to be based on at least seven points. Four of these points directly refer to those issues designated by the Commission for evidentiary hearing. The other three points are supplementary opinions adjudged significant by the Examiner in offering his complete assessment of the case.

The Examiner found that (1) Brandywine had devoted a substantial amount of their broadcast time to controversial issues and had provided "an outlet for contrasting

76 Ibid., p. 20.
viewpoints on a wide variety of subjects; and, although WXUR had not met the obligations of the Fairness Doctrine at all times, it had made sincere attempts to mend its ways. Some comments of the Examiner are illustrative of this point.

In his conclusion of his findings of fact, the Examiner cites the necessity and difficulty of determining what a controversial issue of public importance is, whether it was discussed, whether an attack was truly personal according to rules of the Fairness Doctrine, and whether a licensee made an honest and good faith effort to air contrasting viewpoints on public issues of importance. From his examination of the evidence, the Examiner made this conclusion regarding WXUR's compliance with the Fairness Doctrine:

In the broad perspective of the record, it is inconceivable that any station could have broadcast more variegated opinions upon so many issues than WXUR.

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77 Ibid., 139 at 54 (concl.).

78 Ibid., 42, findings, paragraphs 68-71, 76-78, 80-81, 92, 94-97, 101, 105, 133, 136, 140, 153, 156, 158, 165-66, 201, 203.

79 Ibid., 130 at 28 (concl.); findings, paragraphs 25-33, 37-47.
On several occasions the Examiner noted WXUR's attempt to promote robust discussion of controversial issues and to "permit every expression of ideas" through various call-in interview and discussion shows. While acknowledging the dangers of such programming, he concluded that "There was an attempt, however inept, to allow wide-swinging utterance of all shades of thought," thus meeting "the first mandate of the Fairness Doctrine calling for the broadcast of divergent viewpoints."80

The Examiner also found irony in the charges against WXUR that it had not broadcast sufficient discussion of controversial issues. He said:

There is strange irony in the fact that WXUR has attempted to do what broadcasters have been exhorted to do and that is to offer vigorous discussion of controversial issues. That station has, in fact, presented such discussion in about the same degree that most stations offer entertainment.81

80 Ibid., 135 at 42, 43 (concl.); findings, paragraphs 47, 65-66, 91, 92, 97, 101, 181, 202-203, 208, 218.

81 Ibid., 131 at 31 (concl.).
In an added comment on this appraisal, the Examiner states what he believed was WXUR's main problem:

The multitudinous seas of opinion were navigated in what seemed to be a breathtaking course and this, indeed, was a main cause of the station's difficulties -- not that it was narrowly partisan but that it sought and received too much controversy. 82

In further comment on Brandywine's compliance with the Fairness Doctrine, the Examiner noted WXUR's use as a platform for the political and sectarian beliefs of FTS and its saturation with conservative Fundamentalist speakers. He qualified this acknowledgment, however, by stating that WXUR had made attempts to present contrasting viewpoints and thus was not solely dedicated to the tenets of Faith Seminary or McIntire:

(the question of) whether WXUR had been used as an instrument for the propagation of the sectarian and political views of FTS or whether it has provided an opportunity for the expression of conflicting viewpoints, it is obvious . . . that the station has done both. Many of the foregoing findings reveal the summary fact that conservative fundamentalist speakers have abounded

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Ibid., 130 at 29 (concl.).
on the station and . . . have used it for the solicitation of funds. But they also reveal that other viewpoints have been solicited and in specific instances have been voiced. In brief, WXUR has by no means dedicated solely to the tenets of FTS, McIntire, or any other person or organization.

The Examiner also noted the decidedly conservative political tone that dominated much of WXUR's programming, stating that, in addition to McIntire, the various commentators that were carried on WXUR " . . . were eloquently self-styled conservatives . . . They formed a legion which . . . could be called conservative or right-wing."

The Examiner also viewed what he considered WXUR's ample program balancing within the overall context of programming among other Philadelphia area stations and suggested that any examination made into WXUR's operations should certainly apply to all other stations as well:

Views ranging from fundamentalism to agnosticism -- and a miscellany of intermediate positions -- were given

83 24 F.C.C. 2d par. 219.
84 Ibid., paragraphs 221-24.
85 Ibid., par. 216.
voice on WXUR and if a question of balance is raised, it must surely apply to every other broadcast station in the Philadelphia area.\textsuperscript{86}

In addition, it was asserted by the Examiner that WXUR, because of its advocacy of Fundamentalist philosophy, served as an effective balance to the other Philadelphia area stations and thus, in this sense, was an important instrument in providing contrasting or differing views on important issues for the public:

Assessing this in terms of the public's right to hear all views on important issues, one cannot ignore the evidence that other stations in the Philadelphia area -- and there are a great many -- had effectively blocked out this fundamentalist philosophy so that, in an area sense, WXUR provided a balance of programming for the benefit of the public.\textsuperscript{87}

Believing that no deliberate abuses were made by Brandywine concerning balanced programming, the Examiner argued that evidence points to the contrary -- that a good faith effort was made to promote free speech, although this aim was not always realized. He found certain facts incontrovertible:

\textsuperscript{86}Ibid., 125 at 10 (concl.); findings, paragraphs 96, 139, 166, 172-74, 176-77, 179, 198, 202, 204.

\textsuperscript{87}Ibid., 124 at 10 (concl.).
FTS was a fundamentalist institution with fundamentalist ideals and it was desperately anxious to proclaim them to the listening public. It was, however, also an institution devoted to the principles of free speech and those to whom it entrusted the management of WXUR made demonstrable efforts to consummate this purpose. That they sometimes failed is no more than proof that one does not always realize one's ideals, whether it be through ineptitude or through adverse circumstances.88

(2) The second point on which the Examiner based his decision was his finding that although Brandywine had failed to comply with the procedures or rules concerning personal attacks,89 its action was sincere and unintentional and arose from a lack of sufficient staff and resources (financial and physical) to effectively monitor programs and inform those attacked over its facilities.90 Brandywine's violation of the personal attack rule is clearly acknowledged by the Examiner:

Unquestionably it is in the area of personal attacks that WXUR has been

88 24 F.C.C. par. 44 (concl.).
89 see note 55 supra.
90 Ibid., findings, paragraphs 30-31, 33, 38, 40, 44, 90, 98, 99, 100, 102-03, 105; concl. 26, 32, 34, 43, 52.
revealed in its worst light... Enough has come out of the record to conclude that such attacks probably did occur and, what is worse, the management did very little to comply with the mandate of the rules in supplying tapes or summaries. Usually, the individual attacked was obliged to request a tape and, even then, he had difficulty.\footnote{Ibid., 131 at 32 (concl.).}

On another occasion, the Examiner reiterated this opinion:

Only in the matter of protecting persons from personal abuse did it show a signal failure.\footnote{Ibid., par. 33 (concl.).}

He qualified his indictment, however, by calling for a consideration of "other factors" and by reminding the reader that "this is a proceeding on the renewal of licenses and in renewal cases the entire performance has to be considered."\footnote{Ibid., paragraphs 32, 33 (concl.).}

The Examiner also pointed to the practical problem of monitoring programs and cited the testimony of WXUR's first station manager as to the difficulty of a small station with limited facilities to accomplish the
tasks of auditioning all the tapes which come in for broadcast and of monitoring everything spoken on a station's programs.\textsuperscript{94} The Examiner argued:

For very practical reasons there had to be some delegation of responsibility to the sponsors and the taking of a calculated risk that commentators, moderators, \textit{and} callers would use some discretion.\textsuperscript{95}

Further, the Examiner, drawing upon a House Interstate and Foreign Commerce Committee Report\textsuperscript{96} on station responsibility and network practices concerning broadcast matter, cited as supporting evidence in his argument the finding\textsuperscript{97} that the station licensee has little or no part

\textsuperscript{94} \textit{Ibid.}, 135 at 43 (concl.).

\textsuperscript{95} \textit{Ibid.}


\textsuperscript{97} \textit{Ibid.}, 339, paragraphs 195-96.
in the creation, production, or selection of material that is broadcast through his facilities. And the Examiner found as closely parallel the situation that existed between the relation of WXUR to many of its syndicated commentators to that of an affiliated station to its network. 98 This House study said:

> It is apparent from what has been said that the licensee-affiliate has little or no part in the creation, production, selection and continuance of the network programming broadcast through his facilities. It also appears that the licensee has only the most general kind of advance knowledge as to the subject matter and content of such programs prior to broadcast. It was testified that the station does not know the detail of the vast majority of network programs until he views them on his monitor. In other words, the station and its audience first see such programs at the same time. This being the case, there obviously, is no opportunity for the licensee to exercise his program responsibility before the fact with regard to the great bulk of network programs. . . . In sum, by far the greatest part of the programming which reaches the average viewer of television is chosen for and delivered to him by persons other than the station licensee whose legal responsibility

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98Brandywine-Main Line Broadcasting, Inc., 24 F.C.C. 2d 135-36 at 43 (concl.).
requires that he serve the needs and interests of his community.\textsuperscript{99}

In a further attempt to qualify the finding of WXUR's violation of the personal attack rule,\textsuperscript{100} the Examiner cited the discrepancy between the application of policy and "abstract propositions" to a specific situation and warned of the responsibility inherent in the application of such rules to the real life situation of WXUR, suggesting that the "vast panorama of American broadcasting" is really under consideration here.\textsuperscript{101} He argued, "As abstract philosophical these (rules) are one thing but in the hurly-burly of everyday commercial broadcasting they assume a somewhat different image."\textsuperscript{102} He then questioned whether small stations should be judged for their operations according to the same standards of larger stations:


\textsuperscript{100}see note 73 supra.

\textsuperscript{101}Brandywine-Main Line Radio, Inc., 24 F.C.C. 129 at 25 (concl.).

\textsuperscript{102}Ibid., 130 at 26 (concl.).
For example, is the same test to be applied to a large, well-financed and well-staffed station as to a small independently-operated station? One is obliged to remember that the small broadcaster is likely to run into problems which for fiscal reasons are well-nigh insoluble as, for example, in monitoring controversial discussions. This is a task which a large operation might handle with skill but a station with a small staff would be defeated by.103

(3) The third point on which the Examiner based his decision to grant renewal of licenses stemmed from his finding that WXUR "... attempted to serve and did, in fact, serve every legitimate need or interest in the community."104 While frankly acknowledging that in the case of WXUR "there was no concentrated effort to survey the community as to its needs, tastes and interests in the manner that is customarily presented by applicants in these proceedings,"105 the Examiner questioned the absolute necessity or validity of such surveys, asserting that "the absence of a questionnaire or spot check is not necessarily indicative of indifference to what the

103Ibid.
104Ibid., 133 at 7 (concl.).
105Ibid., 102 at 211.
community needs in the way of programming." He supported as valid and not unreasonable WXUR's "a priori" decision that a need existed for more conservative religious programming in the Philadelphia area, a decision based on two grounds: a sketchy survey by WXUR of the religious programming specified in the renewal applications of other area stations; and by the blackout of McIntire and his Twentieth Century Reformation Hour program after its cancellation by Station WVCH in 1964. From such a survey WXUR concluded that conservative Fundamentalist religion was under-served in the area and there was a need for more of this programming. The Examiner found that,

There is no reason to doubt the good faith of the applicant in reaching this conclusion nor is there any evidence to support an affirmative finding that it was incorrect.

106 Ibid., 103 at 211.
107 Ibid., 103 at 212.
108 Ibid., 122 at 4 (concl.).
109 Ibid.
In fact, the validity of WXUR's judgment, he added, seemed to have been borne out by McIntire's financial success:

McIntire could hardly have raised the substantial sums which were collected as a result of his marathons if there were not a considerable body of appreciative listeners.\textsuperscript{110}

The Examiner concluded from these findings, therefore, that,

The men of Faith Seminary, including both Norris and McIntire, had firm convictions about the need for the type of programming which is epitomized by the 20th Century Reformation Hour and there is no ostensible reason for saying that their was a capricious judgment.\textsuperscript{111}

Not only did Brandywine ascertain the needs and interests of the community but it also served them as well, stated the Examiner. Again, taking issue with the need for a survey to determine the community's needs and interests, he cited "two very useful sources of information regarding the needs of the community"\textsuperscript{112} employed

\textsuperscript{110} Ibid., 122 at 5 (concl.); findings, paragraphs 134-35.

\textsuperscript{111} Ibid., 122 at 5 (concl.).

\textsuperscript{112} Ibid., 123 at 6 (concl.).
by WXUR. One was Mrs. Marion Pedlow whose morning "chit-chat" program "was specially tailored to satisfy the needs of Media and its environs"; the other was Carl Mau "whose knowledge of Delaware County was outstanding and whose program "Delaware County Today" was addressed to the interests of local residents in an exemplary degree."

The Examiner stated:

The record is abundantly clear that these two individuals had many relationships with the community life of Delaware County in its political, social, charitable, and other aspects.

In addition to these two people and their programs, the Examiner further said that WXUR also had a third community contact in the person of Marvin Burak "whose program, in addition to expressing a leftist political viewpoint, was designed to protect consumers against fraudulent practices."

The Examiner concluded from these findings that,

\[113\] Ibid.
\[114\] Ibid.
\[115\] Ibid., findings, paragraphs 180-81, 196, 198, 213, 214.
\[116\] Ibid., 123 at 7 (concl.).
In terms of what the average American broadcast station does,. . . all of these persons give air time to an exceptionally wide variety of community topics.\(^{117}\)

(4) The fourth point on which the Examiner based his decision for license renewal concerned the question of whether Faith Seminary misrepresented to the Commission its programming intentions. The Examiner concluded that "the plans of the applicant (FTS) were made known to the Commission without reservations."\(^{118}\) Referring to Faith Seminary's application for license transfer, the Examiner said:

\[
\ldots \text{the witnesses for FTS were more than candid in expressing their faith and their desire to propagate it to the general public.}^{119}\]

He noted the stated religious beliefs of FTS and their rather explicit objectives in acquiring and operating the

\(^{117}\) Ibid.

\(^{118}\) Ibid., 127 at 18 (concl.).

\(^{119}\) 24 F.C.C. 2d 42, 46 par. 16 (1970).
stations¹²⁰ — "to furnish Dr. McIntire with an outlet in the Philadelphia area for broadcasting '20th Century Reformation Hour' . . .";¹²¹ and McIntire's own candid statement of his intentions concerning the use of the station if the transfer were approved.¹²² Remarked the Examiner:

At all events it was clearly an intention of FTS to use the facilities of WXUR for the propagation of McIntire's views, be they religious or political.¹²³

Noting the later addition of conservative programs, generally characterized as the "hate clubs",¹²⁴ and the

¹²⁰Ibid., findings, paragraphs 9, 12, 13, 14, 16.
¹²¹Ibid., findings, par. 9.
¹²²Ibid., findings, par. 12.
¹²³Ibid., findings, par. 14.
¹²⁴Ibid., findings, paragraphs 39, 222-26; the inclusion of the names of these programs is important because they provide evidence of the type of programming that filled much of the programming schedule on WXUR. In an article in the May 1964 issue of the Nation, Fred Cooke, a writer for that publication, collectively identified such programs as the "Nine Hate Clubs of the Air" because of their extreme right-wing views. The programs are: 20th Century Reformation Hour; Life Line; Manion Forum; Billy James Hargis' Christian Crusade; Dan Smoot Report; Church League of America; Independent American; Howard Kershner Commentary; and Behind the Headlines. 24 F.C.C. 2d findings, paragraphs 39-40, 222-26.
fact that conservative, Fundamentalist speakers abounded on the station, and often used it to solicit funds, the Examiner stated that while such programming was not specifically proposed, other facts had to be considered — for instance, the repeated efforts to present other viewpoints through interview, discussion, and call-in programs. In this manner, an effort was made to achieve balanced programming and thus comply with the Fairness Doctrine. 125 Such behavior on the part of the station led the Examiner to conclude that,

On the whole the record does not reflect an intent by FTS to mislead the Commission nor does it show a signal failure to match promise with performance. 126

In addition, the Examiner offered this argument for WXUR's programming:

Obviously WXUR did not render the exact schedule it had proposed, at least not under the same program titles, but this was not necessarily a misrepresentation. It appears that FTS laid bare all its material intentions, including the presentation of Dr. McIntire's 20th Century Hour and other fundamentalist programs.

125 Ibid., pp. 127-28 at 19 (concl.).

126 Ibid., p. 128 at 19 (concl.).
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performance rather than on isolated instances of error."\(^{132}\) Pointing to the need to "reach results in light of the entire recore,"\(^{133}\) he warned against being persuaded by "fragmented portions of evidence"\(^{134}\) or "dwelling upon some singular deficiency."\(^{135}\) The Examiner saw the need for "striking a balance on the multitude of considerations developed by this record"\(^{136}\) and believed that "WXUR was not nearly as reprehensible as might be supposed from reading isolated sections of the findings."\(^{137}\) He concluded that "the entire performance of the station has been much more consonant with the objectives of the (Fairness) Doctrine than hostile or delinquent."\(^{138}\)

\(^{132}\) Ibid.

\(^{133}\) Ibid., p. 127 at 18 (concl.).

\(^{134}\) Ibid.

\(^{135}\) Ibid., p. 131 at 33 (concl.).

\(^{136}\) Ibid., p. 139 at 54 (concl.).

\(^{137}\) Ibid., p. 138 at 52 (concl.).

\(^{138}\) Ibid., p. 139 at 54 (concl.).
The Examiner emphasized the importance of the case, "not only to the licensee of WXUR, but to the industry in general," and noted that "it is no exaggeration to say that every broadcast station in the United States in some degree or other is under judgment in this proceedings." He feared that if Brandywine's licenses were to be denied "it could very conceivably result in silencing all controversial discussion on American radio and television." Or, he continues,

... it could mean that discussion would henceforth be a diluted parlor chat in which such restraint was exercised that the outcome would be sufficiently dull and totally unenlightening.

And, continued the Examiner, an adverse decision by the Commission could also "... have the practical result of removing certain militant viewpoints from the microphone."

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139 Ibid., p. 121 at 1 (concl.).

140 Ibid., p. 134 at 40 (concl.). This opinion has been noted in RTNDA vs. United States and F.C.C., 400 F. 2d 1002, 1012, 1014, 1016-17, 1020-21.

141 Ibid., p. 134 at 40 (concl.).

142 24 F.C.C. 2d 139 at 54 (concl.).
Lastly, the Examiner simply did not believe that failure to comply with the Fairness Doctrine was sufficient ground to deny license renewal. Such an action, he argued, is "the supreme penalty, one which by custom has been reserved for transgressors whose acts of disobedience or folly have reached major dimensions."\textsuperscript{143}

In sum, the Examiner believed that in light of all the ambiguities of the Fairness Doctrine and the difficulty of applying its broad, abstract principles to a factual situation so as to achieve its purpose of promoting free discussion, "it becomes apparent that only for the most flagrant violations should WXUR be denied its renewal of license."\textsuperscript{144}

In the final analysis, argued the Examiner, the overall performance of WXUR had been more consistent with the principles of the Fairness Doctrine than delinquent or negligent; and to "impose the fell judgment of removing WXUR from the air . . . could only have the consequence of admonishing broadcasters everywhere that they would

\textsuperscript{143} Ibid., p. 126 at 16 (concl.).

\textsuperscript{144} Ibid., pp. 138-39 at 54 (concl.).
Moreover, added the Examiner, an unfavorable decision would be "manifestly contrary to all the Fairness Doctrine stands for and therefore must be rejected." He thus concluded that in this case "Draconian justice" was inadvisable.

Following the Hearing Examiner's Initial Decision in December 1968, the Broadcast Bureau and the Intervenors, in April 1969, filed exceptions to the Initial Decision. In July 1969, a reply to these exceptions was filed by Brandywine. And the Commission heard oral argument en banc in March 1970.

On July 7, 1970, the Commission, perhaps because of court pressure, for the first time dealt severely with a Fairness Doctrine violation and it denied the application for a renewal of license on a basic finding that

145
Ibid., p. 139 at 54 (concl.).

146
Ibid.

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Brandywine failed to "make reasonable efforts to comply with the Fairness Doctrine" during its license period.\textsuperscript{149} This extraordinary sanction against a licensee occurred shortly after another recent license renewal case involving alleged Fairness Doctrine violations. In the United Church of Christ vs. F.C.C., the District of Columbia Circuit Court's decision forced the Commission to place the burden of proof of compliance with the Doctrine on the licensee rather than to require the intervenors prove noncompliance. The intervenors retained the burden of coming forth with the evidence,\textsuperscript{150} but once this prima facie showing of failure to comply had been made the burden of coming forward shifted to the licensee.\textsuperscript{151} Said the Commission in its decision to deny renewal, Brandywine was required "to come forward with

\textsuperscript{149} 24 F.C.C. 2d 22 (1970).


\textsuperscript{151} 425 F. 2d 543, 546 (1969).
evidence to show the manner in which it undertook to comply with the Fairness Doctrine. This it failed to do.¹⁵²

The Commission based its decision to deny renewal of Brandywine's licenses on what it termed "the most serious shortcomings" of Brandywine in its operation of WXUR—any one of which (violations) would alone be sufficient to require denying renewal and disqualifying Faith Seminary as a licensee.¹⁵³ In addition, the Commission stated that Brandywine's violations were "rendered even more serious by the fact that we carefully drew the Seminary's attention to a licensee's responsibilities before we approved transfer of the stations to its ownership and control."¹⁵⁴

The Commission found, upon evaluating all the material evidence contained in the hearing record, that Brandywine's licenses should not be granted on four grounds. (1) Brandywine failed to provide reasonable


opportunities for the presentation of contrasting views on controversial issues of public importance. The Commission found prima facie evidence that WXUR had presented only "one side of numerous issues . . . without presenting opposing viewpoints," as revealed in the results of monitoring conducted both by its Broadcast Bureau and by the Intervenors. Further, Brandywine's reliance upon certain call-in and interview programs as means of meeting its fairness obligations were considered inadequate by the Commission because they "either were not directed at obtaining opposing views on the issues . . . or were so conducted as to discourage the presentation of views not shared by their moderators." The Commission determined that Brandywine was "indifferent to its affirmative obligation

155 Ibid., p. 25 at 17.
156 Ibid., p. 22 at 9.
157 Ibid., p. 22 at 10.
to 'encourage and implement the broadcast of all sides of controversial public issues' . . . and indeed, it was hostile to such broadcasts.'

In addition, the Commission made clear its beliefs regarding licensee responsibility. It noted that Brandywine's failure to abide by the Fairness Doctrine was not mitigated because of its small staff, thus refuting the argument presented by the Examiner for special consideration of small stations in their observance of their broadcast duties and obligations.

The Commission asserted:

The objective of the Fairness Doctrine is to protect the listener's right of access to information about all sides of controversial issues of public importance. No showing has been made of inability to comply with fairness requirements because of financial limitations. Nor is Brandywine exculpated by its alleged delegation of Fairness Doctrine responsibilities to the sponsors or producers of the programs it broadcast. Fairness

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158 Ibid., p. 25 at 17.
159 Ibid., par. 16.
160 see note 86.
Doctrine responsibilities may not be delegated. Beyond whatever agreements are reached between a licensee and a program supplier as to whom should bear the costs or secure air time for the necessary presentation of contrasting views, the ultimate responsibility for compliance with the Fairness Doctrine rests with the licensee.161

(2) Brandywine coupled its failure to comply with the general obligations of the Fairness Doctrine with what the Commission asserted were "repeated violations of the personal attack principle."162 The Commission stated that Brandywine showed flagrant disregard of the personal attack procedures required to be carried out after broadcasts of personal attacks.163 The Commission also noted and confirmed the Examiner's finding that Brandywine failed to provide the party attacked with the necessary transcripts, tapes or summaries of a broadcast, and that usually the individual was required on his own initiative

161
Ibid., par. 16. see Editorializing by Broadcast Licensees 13 F.C.C. 1247-48 at 4; also "Living Should be Fun" 33 F.C.C. 101, 107 (1962).

162

163
Ibid., paragraphs 19, 20.
to acquire these materials, and even, then experienced difficulty.\textsuperscript{164} It was further noted by the Commission that Brandywine was in fact incapable of complying with the personal attack procedures since it had not established any monitoring system to detect such attacks.\textsuperscript{165}

In addition, the Commission held that these violations of the personal attack requirements could not be excused by Brandywine's alleged delegation of responsibilities to its program sponsors or producers, because, as the Commission made clear with regard to fairness obligations, the licensee bears the ultimate responsibility for

\textsuperscript{164} \textit{Ibid.}, paragraphs 19, 20.

\textsuperscript{165} \textit{Ibid.}, at 20.
what is broadcast over their stations. Moreover, unlike the Hearing Examiner, the Commission was unwilling to excuse Brandywine's violations because of its limited staff and financial resources, again noting that it had not shown inability to comply with its Fairness Doctrine obligations because of financial limitations.

The Commission found that denial of Brandywine's application for renewal of its licenses was warranted not only by its failure to comply with the Fairness Doctrine and its personal attack rule but on two other grounds as well. (1) The Commission cited Brandywine's failure to

166 Ibid. at 21. The subject of licensee responsibility has been enunciated several times by the Commission in public notices, reports, and in various decisions. See Broadcast Licensees Advised Concerning Station's Responsibilities under the Fairness Doctrine as to Controversial Issue Programming 40 F.C.C. 571 (1963); National Association of Broadcasters in Re Responsibility under the Fairness Doctrine 40 F.C.C. 579, 580 (1963). In this letter, the Commission wrote: "Under fundamental communications policy the licensee is fully responsible for all matter which is broadcast over his station. It follows that when some program contains a personal attack, the licensee must be fully aware of the contents of the program whatever its source or his actual involvement in the broadcast." See also Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance. 40 F.C.C. 598 (1964); 29 Fed. Reg. 10415 (1964); Cullman Broadcasting Co. 25 P & F Radio Reg. 895 (1963); Editorializing by Broadcast Licensees 13 F.C.C. 1248 at 4.

167. 24 F.C.C. 2d 27 at 21.
inform it concerning its program plans.168 Noting the related aspects of this violation to the basic fairness questions in the case, the Commission accused Brandywine of displaying in their programming a significant departure from their expressed representation169 concerning the fair treatment of all religious faiths.170 Further, the Commission, in reference to the immediate introduction of the programs labeled as "hate clubs"171 soon after the transfer of licenses were approved, noted Brandywine's failure to adhere to its earlier program proposals172 and disagreed with the Examiner's opinion173

168
Ibid., p. 32 at 32.

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171
see note 106.

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173
see note 11.
by concluding that the difference between the programs proposed and those broadcast later was one of substance and not form. 174 The Commission perceived conscious duplicity on the part of Brandywine:

What is important to us is the willingness to withhold from us the Seminary's intentions with respect to a substantial amount of programming, for it is clear that the intention to carry programs pre-dated the acquisition of control and we were never informed of it.175

In light of this evidence, the Commission concluded:

... these failures cannot be laid to inadvertance. They must be considered a conscious course of conduct. 176

(2) The other violation was the Commission's finding that Brandywine had made inadequate efforts to ascertain the community's needs and interests, or that it had served those needs or interests to any substantial degree. 177 The Commission agreed with the Examiner's

174 24 F.C.C. 2d p. 30, paragraphs 29-30; p. 128 at 20 (concl.).

175 Ibid., p. 31 at 30.

176 Ibid., p. 32 at 32.

177 Ibid., paragraphs 34, 35, 37.
finding that Brandywine had not conducted any surveys of its listening area to determine community needs or interests\textsuperscript{178} in spite of the Commission's mandate\textsuperscript{179} that "assiduous planning and consultation with members of the community" was needed to ascertain their views of community needs and interests.\textsuperscript{180} The Commission excused as irrelevant the Examiner's contention that, due to the lack of outlets in the Philadelphia area for Fundamentalist religious programming, McIntire's program had a balancing effect,\textsuperscript{181} and the Commission dismissed the argument that two area residents on the staff of WXUR served as effective sources of information on community needs and interests.\textsuperscript{182} The Commission also rejected the

\begin{flushright}
\textsuperscript{178}\textit{Ibid.}, 34.
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\textsuperscript{180}24 F.C. 2d p. 33 at 34.
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\textsuperscript{181}Ibid. at 35.
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\textsuperscript{182}Ibid. at 36.
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Examiner's reliance on WXUR's call-in and interview programs as substitute means of serving community needs and interests. In sum, the Commission found in Brandywine's actions "a total dereliction of its obligations."  

While the Commission had stated that any one of these grounds was sufficient to justify denial of the application, the importance of the decision to deny renewal for the purpose of enforcing the Fairness Doctrine should not be diminished. Not only did the Commission stress that compliance with the Fairness Doctrine was "at the heart of this proceeding," but it stated its belief that the application should be denied on Fairness Doctrine grounds before it turned to a consideration of the other two issues:

We have concluded that the WXUR licenses should not be renewed because of substantial failures by the licensee to afford a fair forum for the discussion

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183 Ibid. at 37.
184 Ibid.
185 Ibid., p. 21 at 8.
of contrasting views on controversial issues of public importance and to afford opportunities to reply to personal attacks. The record before us on other issues in the proceeding relating to the reliability of the applicant's representations as to its programs plans also requires a denial of the renewal applications. 186

Subsequent to the Commission's decision to deny renewal in July 1970, a petition for reconsideration was soon filed by Brandywine in August 1970. 187 In its petition, Brandywine raised the following issues concerning the Commission's decision: a claim of unconstitutionality in the Commission's Fairness Doctrine ruling; the evidentiary facets of this ruling; the personal attack ruling, the ruling on Brandywine's program representations; and the ruling on ascertainment of community needs. 188 However, the Commission nonetheless, after carefully considering Brandywine's arguments, determined that its decision was correct and denied Brandywine's petition. 189

186 Ibid., p. 28 at 23.
188 Ibid., 565-66 at 3.
189 Ibid., p. 565 at 2.
In this decision, the Commission dismissed only one of its earlier decisions and this was that Brandywine should not be disqualified for failure to make an adequate attempt to ascertain community needs. But the Commission strongly upheld its decision concerning Brandywine's non-compliance with the Fairness Doctrine. Of interest is Brandywine's argument that the Commission had carried the Fairness Doctrine to unconstitutional lengths which would have an inhibiting effect upon freedom of speech -- particularly controversial speech -- in broadcasting. The Commission replied, however, that its decision was based upon fairness concepts whose constitutional validity was upheld by the Supreme Court in the Red Lion case. The Commission adhered to its previous holding that, in light of prima facie evidence showing Brandywine's failure to encourage and implement the presentation of opposing viewpoints, and its lack of evidence in demonstrating compliance with these fairness obligations, Brandywine failed to comply with the

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190 Ibid., par. 27.

Fairness Doctrine in providing reasonable opportunities for the presentation of contrasting views on controversial issues of public importance.\textsuperscript{192}

Brandywine also raised the question of constitutionality with regard to the manner in which the Commission applied the personal attack rules to the findings in the case, arguing that these rules were not codified until July 1967.\textsuperscript{193} The Commission responded, however, by stating that this rule making was a codification of existing principles of licensee operation and that essentially the same requirements based upon the same standards were in effect at the time relevant to the case.\textsuperscript{194} The Commission stated that it had applied to Brandywine the principles embodied in its Public Notice.\textsuperscript{195}

\textsuperscript{192}Brandywine-Main Line Radio, Inc., 27 F.C.C. 2d paragraphs 5, 6, 7, 9.

\textsuperscript{193}Ibid., paragraph 17.

\textsuperscript{194}Ibid.

The Commission restated its former decision that Brandywine was guilty of disregarding the personal attack principle of the Fairness Doctrine.\textsuperscript{196}

It is apparent that the Commission's and emphasis on Fairness Doctrine violations by Brandywine reflect a deliberate attempt by the Commission to render the decision significant for Fairness Doctrine enforcement in light of the other two alternative grounds for denial, one of which was eventually dismissed.

Of importance to this case are the views of the two lawyers engaged in the license renewal proceedings -- Benjamin Cottone, counsel for Brandywine Radio, and Thomas Schattenfield, counsel for the Intervenors. Their views, presented in interviews conducted by this writer in January 1971, are indicative of the views of their respective clients. First the views of Cottone are presented.

The constitutional question of freedom of speech is seen by Cottone as the central issue in this case. He contends that the Fairness Doctrine is too ambiguous, too confusing, because "it has been bastardized" by the FCC

\textsuperscript{196} 27 F.C.C. 2d 577 at 27.
from its original spirit and content. Thus, the FCC has been unfair by attacking station WXUR without any objective standards. The Commission, rather than issuing a decision, is essentially setting ground rules for programming content, he asserts. "It is a question of censorship," Cottone declares.

Contrary to the Commission's denial, Cottone is convinced that the offensiveness of McIntire and the program content of his station is the cause of the FCC's denial of WXUR's license, rather than violation of the requirements of the Fairness Doctrine. He claims that such action is a purge of McIntire and his views by the FCC. "I believe the FCC is condemning McIntire and the content of his programs instead of following procedures and the FCC rules," he explained. He recommended that a "licensee should be judged according to his overall record and his honest disposition to uphold the Fairness Doctrine," which he believes is evident in WXUR's operations.

Cottone also believes the reason for the FCC's action is due to its state of fear and panic about any complaints of citizens groups. "Such fear," he asserted, "was produced from the decision in United Church of Christ vs.
FCC in which Judge Warren Burger exorciated the FCC for having ignored the legitimate complaints of the citizens groups. Cottone said, "Such FCC reactions are a form of contrition and piety turned against the little guys. They are being used then as examples." WXUR thus, is being made a scapegoat, Cottone claimed.

Another reason for the FCC's action against WXUR, Cottone argued, is "the hostility of the liberal elements towards McIntire." This hostility is behind the justification of their attitudes and methods in suppressing him. He stated that the liberals err because they don't try to counter him by answering his charges or statements over the air. "The trouble is that the liberals won't answer the Right Wing charges on the air. They have an affirmative -- a moral, social, and public responsibility -- to do so instead of relying on personal attack rules and other technicalities."

Cottone called this liberal approach negative and unmasculine and asked,"If the liberals are really sincere about countering him why do they make a big to do by using the violation of the Fairness Doctrine?" Answering his question, Cottone said, "Because the liberals feel they will be prostituting themselves by engaging McIntire."
They won't argue with him because they feel it aggran-
dizes him." He described the liberal attitude toward
McIntire in blunt terms: "If you don't want to engage
in a . . . contest with a skunk, why bother."

Commenting on McIntire's philosophy of the mass
media, Cottone said McIntire views the media as the only
means he has for getting across his viewpoint. This
viewpoint is essentially a horror of the spread of Commu-
nism. For instance, McIntire sees in Vietnam the issue
of whether communism will engulf democracy. Hence,
Cottone explained, because of McIntire's anti-Red views
and because he believes the mass media is monopolized by
the liberals, he needed some means to air his views:
"He needed Station WXUR because he couldn't buy time on
any other station." Cottone's opinion is that McIntire
and anyone else should be able to use the media to
express his views. He argued that if McIntire and others
are prevented from giving such expression, greater havoc
will be created.

On the question of program fairness, Cottone believes
there is less balancing on other programs carrying extreme
broadcasts than the "variegated opinions on WXUR." He
said listeners to the 6,000 to 8,000 weekly Right Wing
broadcasts reputed to be flooding the air waves cannot even compare to the enormous listening audience covered by the large radio and television stations and networks which, he contended, are preponderantly liberal in outlook. While he agreed that ideological broadcasting of a Right Wing nature existed, he saw nothing wrong with them because he believed that such hate people are a dying breed "who will suppress themselves anyway."

Further, he said that the rising young generation is strongly liberal politically and thus people like McIntire will eventually lose their audiences. He believed, however, that the action of the FCC simply increases McIntire's popularity by making a martyr of him. This elicits sympathy for him all over the country, a fact which McIntire seeks to exploit in every way possible, Cottone continued.

Commenting on McIntire's character, Cottone personally thinks that McIntire is demagogic. "He is not really convincing converts," Cottone said. He overdoes his subjects by harping on the same thing. His whole approach to things is one of negativism and nihilism."

Schattenfield holds a different view from Cottone. He sees the case as "cut and dried." The central issue,
he said, is simply whether WXUR abided by the rules and regulations of the Fairness Doctrine and the FCC "which other stations must and do observe." The station failed to ascertain the needs and desires of the community in which it operates, he continued, and added: "If the station made any effort to abide by the rules, fine; but it made no effort to abide by the rules. Exceptions should not be made for people who don't believe in free speech only when it serves their purpose."

Schattenfield said that Cottone wants to give the impression that the intervenors and the government want to suppress free speech. McIntire also sees such an attempt to silence him. But, Schattenfield believes, "It is not a question of trying to suppress an individual or group, but a question of people aroused enough to implement rules. WXUR did absolutely nothing to observe the FCC rules."

Schattenfield concluded the interview by expressing his theory on the subject of freedom of expression:

"... people who feel they have a monopoly on truth believe they can do anything they want. McIntire says he doesn't engage in dialogue; this is representative of McIntire. He throws up an iron curtain around himself and his ideas."
He doesn't want to hear opposing viewpoints. He wants his own ideas reinforced. People believe in free speech as long as it doesn't impose on their beliefs; when it does, it's dangerous.
The central issue in this case, as was clearly defined by the Commission, is compliance with the duties and obligations of the Fairness Doctrine.\textsuperscript{197} The findings of the Hearing Examiner and the Commission, while leading both to different conclusions in many instances, nevertheless quite clearly pointed to one main conclusion regarding Faith Seminary's ownership and operation of Brandywine Radio, Inc. (WXUR) -- that the station was essentially acquired and operated for the purpose of providing McIntire, and others of a similar religious-political persuasion, an outlet for the propagation of his sectarian views and private interests.

It was shown from the findings that McIntire, denied such an outlet in 1964, strongly felt he had a special need and right to a mass media outlet to disseminate his sectarian beliefs. As the Commission stated, the social, political, or religious philosophy of the licensee or of

\textsuperscript{197} 24 F.C.C. 2d 21, par. 8 (1970).
anyone using his facilities is unimportant.\textsuperscript{198} The right to hold one's views and to express them was not the issue. Indeed, the First Amendment protects such rights. However, to operate a broadcast medium for one's private interest, in effect monopolizing public air waves for the propagation of one's personal beliefs, with little or no presentation of opposing viewpoints, denies the public's right to access to information about all sides of issues of public importance and ignores the objective of the Fairness Doctrine which is to protect this right.\textsuperscript{199}

As was discussed earlier, the purpose of the social responsibility theory is to promote the media as an instrument of public information, thus serving democracy's need for an informed citizenry. The Fairness Doctrine attempts to realize this goal by compelling the broadcast media to approximate the traditional market-place of ideas.

In this instant case, the conflict arises from the clash of the Commission's social view of the media's.

\footnotesize{\textsuperscript{198}Ibid., p. 25, at 15; see WBNX Broadcasting Co., Inc., 12 F.C.C. 837, 841 paragraphs 6, 7.}

\footnotesize{\textsuperscript{199}24 F.C.C. 2d p. 25, par. 16.}
function in society and, essentially, Faith Seminary's libertarian view of the media's nature and function. From the findings in this case, the latter's view seems to be the belief that the media can be used for the private interests of its owner -- that is, as a private platform for the sectarian beliefs of Dr. McIntire and the Seminary as well. The media are seen more as a private enterprise vested with power to further private interests than as a social institution invested with the responsibility of promoting the public interest.

The decision in Brandywine may foretell a period of more vigorous enforcement by the Commission of the Fairness Doctrine and, thus, the promotion of the goal of the social theory of the media -- to enhance the media's role as a servant of public information. However, McIntire's philosophy and use of the media, as exemplified in this case, reflect the reemergence of a certain type of media designed for a different function than the national or mass media. And the rise of such media may pose further problems for the Commission in the application of its Fairness Doctrine. The significance and implications of these media and their function are considered in the next chapter.
This dissertation has focused upon Carl McIntire the man, his philosophy and his use of the mass media. It has disclosed that McIntire's Fundamentalist theology was the major factor that shaped his views and use of the media, for as was indicated, every aspect of his life is grounded in his concept of God and the nature of man and society.

Fundamentalism has been shown to be a pessimistic religion; that is, a religion which mistrusts human nature and scorns the dependence upon reason as a guide to salvation. It has little faith in the perfectibility of man, stressing instead the doctrine of man's depravity and his inability to reason his way to an acceptable solution of the many problems which haunt him on earth. Instead, Fundamentalism holds that the solution to man's problems lies in Divine power and intervention.

The Fundamentalist God is a mistrustful God, whose nature is unknowable. He is conceived as a suspicious, omnipotent being, who distrusts man because he is by nature sinful and depraved. Man risks punishment for his iniquity in a literal hell.
Man's evil nature is the cause of the Fundamentalists' distrust of their fellow man. Man is considered a innately bad and untrustworthy and all men and groups are looked upon as being, in a sense, deceptive and conspiratorial. Man's depravity is also seen as the reason for his unknowing nature and impotence in light of an omnipotent God.

With the rise of experimental science at the latter half of the nineteenth and early twentieth centuries, however, the potential of man's mind was revealed. The new scientific outlook resulted in a change regarding man's view of the Scriptures and a challenge to the place of revelation as a source of knowledge.

As a Fundamentalist, McIntire held that the Bible should be interpreted literally, as the absolute revelation of God and the source of all knowledge and truth. Those who applied the new scientific methods of thought to the study of the Bible were labeled modernists. Challenges to traditional theology and the reaction they evoked resulted in the Fundamentalist controversy.

McIntire has been shown to be a major figure in the Fundamentalist controversy, a conflict which eventually
split Protestantism into two major camps regarding the goals and purpose of the Gospel and the role of the church ministry. McIntire, very early in his ministerial career, argued that liberal-modernist interpretation of the Bible was apostasy. And his uncompromising stand on this issue over the past forty years has resulted in his virulent attacks on all religious liberals. This zeal also has resulted in numerous separations from various religious bodies and organizations, a habit that has earned him the title of "schismatic."

It has been demonstrated in this study that disbelief in the literal interpretation of the Bible as the source of all truth was judged by McIntire as the major cause of man's neglect of God and has been the primary reason for the deterioration of the human condition. The most noteworthy aspect of this contention, however, found expression in McIntire's belief in a vast, powerful, and sinister conspiracy as the motive force behind the destruction of man's traditional faith. He came to regard this conspiracy as principally intent upon the destruction of historical Christianity and thus the foundations upon which America and her greatness were established.
It has been indicated that McIntire believes America to be God's chosen place on earth, founded upon principles of historical Christianity which were written by the country's forefathers into its Constitution. McIntire contends that America's power and greatness are signs of God's favor and grace.

In recent years, however, America's power and favored position is in grave danger of being lost because of man's religious apostasy, encouraged by the spread of liberal-modernist theology found among the nation's churches and seminaries. As has been shown, McIntire believes such apostate thought has penetrated the leaders of the Federal Government, the educational system and the mass media. This frightening decline and decay of America's moral and religious fiber is attributed by McIntire to the conspiracy.

In the Bible McIntire finds the sources of the conspiracy. They are the forces of evil -- the Beast, the devil, the biblical anti-Christ -- which has come to conquer the forces of Christ and rule the earth for a millennium. McIntire identifies the anti-Christ as twentieth century international, atheistic, totalitarian
communism whose goal is to destroy Christian America, the embodiment of the true, unchanging principles of historic Christianity.

Communism is viewed by McIntire not as a contrasting political, social, economic ideology but as atheism incarnate, the forces of anti-religion. Because communism is equated with sin and Satan, the battle with this devilish, atheistic force is seen somewhat as a Christian crusade and duty — fighting for Godly, free, Christian America.

The total defeat and eradication of communism and the restoration of the true Gospel of Jesus Christ has been shown to be McIntire's avowed life's mission. Believing he and his followers are the inheritors of the true Word of God, McIntire is convinced he has a special duty to spread this Word and return America to her former Christian heritage. He considers his mission to be the leader of the powers of righteousness engaged in a life and death struggle between the forces of absolute good and absolute evil, between Christ and the anti-Christ, between freedom and totalitarianism. As indicated, he contends that there can be no compromise with the truth.
There must be nothing short of total victory. For this reason, he argues, all means available must be used in the decisive battle.

This examination further has shown that the nature of this struggle and McIntire's accepted missionary duty to spread the truth led him eventually to embrace the mass media as an instrument for fulfilling his mission. From his statements on the mass media it has been shown that he believes them to be instruments approved and ordained by God and given to him to help him in his work. He has indicated that he considers the media to be the most vital and powerful tools of his crusade against the forces of evil and for spreading the Gospel. With the media he has been able to reach and influence an enormous audience.

This study also has demonstrated how McIntire's life work has had an influence not only on his decision to use the media but also on his conception of its nature and function in society. An examination of McIntire's statements on the media and First Amendment rights indicates his belief in the superiority of the private right of access and the right of media owners and/or operators to the free and unrestricted use of the media to operate it
as they desire as part of their natural right of free speech and free expression. In short, McIntire conceives the media as an important instrument to be used to further one's private needs or interests. And in McIntire's case, his right of access to the media is based on his missionary purpose to enlighten others through preaching the true gospel.

Two significant and related aspects of the media's role in society have emerged from this examination of McIntire's philosophy and use of the press and the airwaves. One is the issue of broadcast advocacy; and the other is the phenomenon of the rise of the specialized or minority media.

In his philosophy and in his use of the radio medium, McIntire represents essentially a return to an earlier form of the American press as it existed in the eighteenth and early nineteenth centuries -- a journal of advocacy or opinion. Then the minority or advocacy press prevailed, representing specialized interests and opinion. From the period of the Civil War to the mid-twentieth century, however, with the growth of the mass press, the emphasis on advocacy in the press was replaced by a passion for objectivity. The press assumed a more socially responsible
role in that it recognized the importance of serving the interests of the whole public instead of the partisan interests of a private few. Writers, editors and the public generally came to agree that the press should be dispassionate, offering all views but promoting none.

McIntire's advocacy broadcasting is significant because it reflects a growing swing from the belief that the media should be objective toward the philosophy of advocacy. The media serve McIntire essentially as an extension of his ministry. His particular religious beliefs compel him to use the mass media solely for the purpose of propagating his personal views, a practice that has brought him into direct conflict with the prevailing social responsibility theory represented by the Federal Communications Commission and its Fairness Doctrine.

It has been demonstrated that McIntire uses the media to promote personal interests, to discredit ideas, laws, legislation and organizations of which he disapproves, and to attack people and groups who hold beliefs not consonant with his. In his broadcasts he has sown the seeds of distrust of the President, the Federal Government, various government and religious officials and religious
organizations. While McIntire strenuously upholds and practices his right to freely advocate his own beliefs and to criticize persons who hold differing views, he does not adequately provide for the airing of contrasting points of view and he does not observe fairly the FCC rules regarding reply by those who have been attacked by him or others over his station's facilities. The result is an unfair monopolization by McIntire of a natural resource for the private purpose of promoting his sectarian views and interests at the expense of the public interest.

But the problem is not centered in just one individual — Carl McIntire. Some other broadcasters, like McIntire, also regard themselves as proprietors of private enterprises and operate their stations according to their own needs and interests without consideration for the larger public interest. Often their goal is the same — to use the media as a forum for advocacy. McIntire is the most prominent of these broadcast advocates, using the largest number of broadcast outlets and reaching the greatest number of people — more than 600 stations. One source estimates that more than 10,000 broadcasts per week, heard in 50 states, are flooding the nation's
airwaves with McIntire's advocacy broadcasting.\(^1\) In combination, the mass potential of these advocacy broadcasters to influence a sizeable segment of the public is substantial, possibly decisive in certain situations.

The need to prevent private monopolization and exploitation of the mass media and the importance of maintaining the public's paramount right of access to information is aptly revealed in the following quote of Dag Hammarskjold, former U.N. Secretary General:

> The madman shouted in the marketplace. No one stopped to answer him. Thus it was confirmed that his thesis was incontrovertible.

This quotation reflects a basic issue raised in this dissertation and confronted by the broadcasting industry specifically, the communications industry generally, the government, and all of American society. It is an issue that concerns the basis of the American decision-making process and the privilege of the American people to exercise a basic right in a democracy — a right guaranteed them in the First Amendment — the right of freedom of expression. The purpose of the First Amendment

was to promote public discussion and participation and to encourage the widest possible dissemination of ideas. The rationale behind this amendment is that the citizens of a democracy must be properly informed in order to form intelligent judgments about the many important and complex problems facing society.

A democracy's success and continuance is based on an informed electorate in whose hands political power is ultimately based. The decisions of its citizens about issues and personalities are only as good as the information they receive. The public can make intelligent decisions only if it is exposed to all facts and views. Hence, a healthy democracy depends on reliable communications systems through which the public receives its information.

This belief was shown to be behind the numerous decisions, opinions, and rulings of the FCC and the courts. In its Fairness Doctrine, the FCC attempts to implement the positive dimension of the First Amendment by compelling broadcasters to provide, in their operations, greater opportunity for expression of views among the citizenry and thus to encourage a diversity of opinion in
discussions of public issues of importance. Essentially, the FCC through its Fairness Doctrine is attempting to approach in broadcasting the Miltonian idea of a free and open "marketplace of ideas", to make broadcasting a public, not a private forum of ideas and opinions -- to insure debate, not suppress it. The ideal of the FCC is to build a truly participatory information process.

The need for some form of regulation to insure a more diverse opinion process is apparent. Because political and also economic power ultimately reside in the hands of the public, it is clear that the ability to attract public attention and to gain its support is a most important and attractive goal. The public has been and always will be besieged by countless people trying to market their point of view and to sway the populace to act favorably upon the communicator's message.

In making its decision, however, the public should have the right of access to all information, the right to be exposed to all views. If because of sheer volume and/or monopoly of the means of communication the people read or hear only a limited amount of information or a certain point of view, it follows that they, for the most part, will be forced to form their opinions or make their
decisions only on such information. Commenting on the significance of this situation, Charles Baker, director of the Institute for American Democracy, says: "The human mind, like the computer, can only assess the information and values fed into it ...".

Since the inception of broadcasting, the government has realized the impossibility of permitting the media to become the private mouthpiece of any special interest. The great potential of the broadcast media to influence public opinion and behavior, and hence its ability to promote great harm or good, was recognized early by Congress. It realized that broadcasting's ability to reach vast audiences quickly and simultaneously could be of immense benefit in keeping the citizens of a democracy informed. But Congress also understood the great harm to the well-being of a democracy that could result if this limited but powerful resource were to be used by individuals or special groups to further private needs and interests.

\[2\] Statement by Charles Baker, Executive Director, Institute for American Democracy (IAD), Submitted to the Senate Communications Subcommittee, December 15, 1967.
This concern moved Congress to enact regulation of this newest form of mass communication in the public interest and to designate broadcasting as a public utility. The airwaves were to be public property which the licensee leased for a given period. His primary responsibility was to operate his station to inform the public.

While these regulations are publicly acknowledged, they are not always and fully practiced. Because of the growing dependence of a modern, complex and interdependent society on its mass media for information and understanding, there is a greater need than ever for observance of public duty on the part of the broadcaster. But this obligation has not always been respected and continues to be given lip service in many instances. The ideal situation where the broadcaster or publisher sincerely operates in the public interest is simply not the real situation. While individual responsibility to perform in the public interest is still encouraged and remains the foundation principle on which the American mass media operates, the government, in various degrees, has been compelled to step in, as in the case of broadcasting, and coerce broadcasters not performing their duty to inform the public.
The position of McIntire and much of the broadcasting industry is that any form of interference on regulation of program content by the government is a violation of their First Amendment rights of freedom of speech, freedom of press, and regarding McIntire, the free exercise of religion. In the Red Lion case, and now in the WXUR case, the broadcast parties are asking the courts to rule the Federal Communications Commission's Fairness Doctrine unconstitutional and the FCC without statutory authority to promulgate such rules. Such action, if agreed to by the courts, would serve to strip the Commission of its right to protect the public interest in the content of broadcasting. A court ruling in favor of the advocacy position would appear to have the effect of eliminating all restraint on the material issued over the airwaves except those imposed by the stations themselves.

This is the nature of the confrontation shaping up between those holding essentially a libertarian view of the press, who advocate the idea of a free and unfettered media, and the social responsibility advocates, who stress the need for public responsibility in the operations of the media. The battle, centered in the broadcasting field, most recently has been highlighted by charges of
ideological broadcasting by "professional radio radicals" by a rash of public complaints against broadcast pro-
gramming, and by an increased readiness of citizen's
groups to contest license renewals.

The results and implications of the eventual rulings by Congress, the FCC, and especially the courts will surely affect the whole communications industry and present formidable matters of concern for American society. At stake, ultimately, is the determination of the role of the broadcast media and other media in society — that is, whether they shall be used as a public forum to fulfill the purpose of the First Amendment by promoting an uninhibited marketplace of ideas, or as private fiefdoms to be controlled and operated as the owner wishes.

In the past several years, the dominant role that broadcasting plays in the lives of today's American has been indicated by various surveys which have revealed that broadcasting is the primary source of information for some 60 per cent of the American public. Studies further show that the broadcast media have the higher credibility among the public than the print media.
Moreover, because of the tremendous cost of owning and operating each unit of mass communication, they have become increasingly concentrated in fewer hands than before.

Of importance to this discussion, then, is whether the libertarian view of the media, as espoused and practiced by McIntire, is compatible with present society and the nature of broadcasting. In short, is it possible to permit the broadcast media to become private forums for the advocacy of opinions and the individuals interests of their owners and operators? What would be the consequences for the public interest? Would such an arrangement promote a diversity of opinion — a "free marketplace of ideas" — or suppress it? And would the democratic decision-making process be aided or inhibited?

It would appear that the advocacy position as prescribed by McIntire would not serve the interests of contemporary society; it would serve to suppress rather than promote a diversity of opinion. The advocacy position is feasible only where many media provide a multiplicity of voices in the marketplace of ideas. However, today, the total number of media outlets is restricted by cost and physical limitations. Under such
conditions an advocacy-oriented media would tend to reduce the number of viewpoints available.

Thus, the basic assumption of the free-press idea -- many diverse voices competing in an open marketplace of ideas -- could not be met. And without such a condition, some provision must be made so that the open marketplace concept is realized and the public is furnished with a variety of opinion.

Pertinent to this discussion of the issue of advocacy broadcasting and right of access are the comments of Mr. Charles Baker, director of the Institute for American Democracy, a Washington-based organization which monitors the activities of extremist groups and which has been active in the fight to, in the words of Baker, "breathe life into the dormant Federal Communications Commission's Fairness Doctrine."

Baker has devoted much investigation to the area of broadcast regulation; and he has been very prominent in the campaign to alert the public as to the responsibilities and duties of the broadcast licensee under the Communications Act, and specifically the Fairness Doctrine, and in informing the public as to its rights and benefits regarding licensee operations and programming.
Of special concern to Baker are abuses of the Fairness Doctrine by advocacy broadcasters like McIntire and the lack of proper enforcement of the Doctrine's rules by the FCC. Such concern has prompted much research and writing on this subject by Baker which continually appear in the form of articles, pamphlets, and newsletters issued by IAD. Baker also appears periodically on radio programs and has testified before the Senate Communications Subcommittee on the subject of the Fairness Doctrine and the need to insure public access to the airwaves.

Thus, Baker's remarks on the subject of private exploitation and monopolization of the mass media, especially broadcasting, are of special importance here for they provide additional insight into the problem of advocacy broadcasting and its probable effect on the information process and the public's ability to make intelligent decisions regarding important public issues.

According to Baker, the central issue of broadcasting today is to insure that the nation's airwaves -- a priceless resource -- are used to inform. He is concerned with the proliferation of advocacy broadcasting in recent years -- what he terms "ideological programming . . . with the hard sell of ideas and attitudes and
concepts by people who emotionally or financially have something to gain." He insists, "The right to express one's views on the air must be maintained for all. But with this right comes the responsibility of letting the audience be exposed to those who do not share this viewpoint." In a taped radio broadcast prepared especially by IAD, he and Dr. Grover Bagby, Associate General Secretary of the Methodist Board of Christian Social Concern, stress the need and importance to a democracy of insuring the public's right of access to a diversity of information: They agreed,

The fundamental protection in a democracy is through the counter-active power of healthy ideas. The strength of a democracy lies in the opportunity of the people to be exposed to all the facts and to see or hear all views so they may form an intelligent decision. If people hear only one or a few viewpoints continuously or do not hear contrasting viewpoints, they are not likely to form good judgments.  

4 Ibid.
5 Ibid.
Baker is a strong proponent for maintaining broadcasting as media of free speech and free expression. On one occasion, citing the need to insure freedom of expression over the broadcast media, Baker directly refers to McIntire's disregard for this policy, arguing, "When McIntire and others verbally tar and feather a foe, both the victim and the audience have a right to get the full facts before the public and to be informed before making a reply or decision." 6

Speaking on this same subject before a Senate Communications Subcommittee, Baker testified, "Without contrasting fare, an ideology can be sold to those who do believe their ears. Without response to personal attacks, the reputations of individuals and organizations who oppose these views can be besmirched and their effectiveness destroyed." And in further comments before the same Subcommittee on the effects of such practices, he said:

What they regularly carry or omit in pursuit of a profitable operation

6Ibid.

has a great deal to do with the views held by the citizens in their broadcast area.\footnote{Ibid.}

The volume and frequency of this advocate type of broadcasting — or ideological broadcasting as Baker chooses to call it — and its probable results on the listening audience is also a subject of concern for Baker. He notes with concern the concentrated effort by some broadcasters to sell their ideology by air. The number of these advocacy broadcasts, he explains, promoting a point of view to influence a sizeable segment of the American public represents a serious threat to the democratic decision-making process. In underscoring the importance of this attempt to use the broadcast media to influence the public mind, Baker recognizes a similarity between advocacy broadcasters and commercial advertisers. He declares:

\begin{quote}
It's an old advertising maxim that a million dollars in commercials "buys" a brand one per cent of the toothpaste market. In the marketplace of ideas, an ideology promoted by millions of dollars worth of purchased time can
\end{quote}
command the support of a substantial percentage of the audience unless listeners are exposed to 'the other side'.

Finally, Baker refers to the possible effect on broadcast programming, and ultimately the public interest, an elimination or depreciation of FCC rules or policies, such as the Fairness Doctrine, would have. He told the Communications Subcommittee:

Under such circumstances this is bound to be influenced by whatever the licensee thinks is important or correct to hear and/or the programming which pulls in the biggest available audience with scant regard for the well-being of the audience. In short, broadcasters are left free to substitute, in many instances, their private interest for the public interest.

Thus, it can also be seen from Baker's remarks that the issue of advocacy broadcasting presents a problem to the healthy operation of a democratic society. He too

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affirms the need for broadcasting to act as a public rather than a private forum for the free and unrestricted exchange of ideas as the means by which the First Amendment goal of an informed citizenry can be realized.

This appearance of the advocate type of broadcasting by McIntire and others is significant, for it represents the resurgence of a special type of media described as the minority or specialized media and characterized by its emphasis on advocacy or opinion.

The reasons for their resurgence are obscure, but one plausible explanation is the need of certain individuals and/or segments of the populace to voice their beliefs and represent themselves to the larger public, an opportunity mostly denied them by the national or mass media.

The minority media serve the common interests and special needs of certain publics. They both articulate and interpret the world for their audiences, and without them sizeable segments of the population would have no representation in the marketplace of ideas. These minority voices offer their audiences an opportunity to participate in the public discussion and decision-making
on issues that affect their lives. They serve as outlets which provide minority groups, like McIntire's Twentieth Century Reformation movement, a podium in the area of ideas.

The performance of the specialized media in society has been examined by Professor James Carey in a study that traces the growth and significance of such media of communication. Such media, he says, turn a "locally based, decentralized, tenuously connected sub-culture into a highly identifiable group, and above all, into an audience." They create a common "culture" transcending geographic boundaries. They build this common "culture" into an "encompassing ideology, an explanation of their behavior, and an argument stipulating their relationship to the larger society." 11

Carey further states that specialized or minority media demonstrate the progressive differentiation of social

structures, reflecting a process whereby groups formerly dependent upon face-to-face contact are organized into audiences. On this point, he observes:

Such media create entirely new publics or groups by providing collective symbols that transcend space, time, and culture. While such media address themselves to a narrow dimension of their audience's life, they create national communities of interest by allying themselves with national bureaucracies and selecting their audiences on a national basis.\textsuperscript{12}

However, minority media represent a centrifugal force in social organization, Carey contends, "through their capacity to organize differentiated speech communities and to confer national identity on groups and nationalize their interests; by marking off boundaries of conflict and accommodation with the values and institutions of the larger society; and by transforming groups into audiences."\textsuperscript{13} This means, he indicates, that the differing forms of mass communication become more important than face-to-face interaction "in the processing of information

\textsuperscript{12} \textit{Ibid.}, p. 24.

\textsuperscript{13} \textit{Ibid.}, p. 25.
within the group, in the assignment of status, and in the development of ideologies and values."14

Two basic processes or trends in society are discussed by Carey to determine the role mass communication plays in mediating or hindering these processes.

The first identifies social theory with what is described as a process of massification. This refers to the central tendency in society to "eclipse local, regional, and partial groups and affiliations by the growth of national centres of power and communication. Simultaneously, it observes the erosion of individual and group differences and a massive homogenization of social life, a process which reduces the variety of earlier American national life to a uniformity of style and sentiment."15 In brief, this position sees all the facets of modern society — communication, work, education — as working toward the tendency of centralization and homogenization of life.16

14 Ibid.
The second process in sociological theory emphasized not the massification but the progressive differentiation of social life:

It emphasizes the crucial role of the division of labor in creating distinct worlds of work and community. It stressed not the sameness of social life but its overwhelming variety; not the centralization of power but its dispersal; not the threat of totalitarianism but the exceptional opportunities for individuality and freedom accompanying the decline of ascription. . .17

Carey polarizes these positions to isolate the dominant tendencies in industrial societies: a tendency toward centralization and decentralization, or massification and differentiation. He perceives the crucial problem in the social theory of communication to be "the isolation of ways in which communication processes mirror, index, and facilitate the processes of differentiation, integration, and legitimation (or, alternatively, frustrate them.)"18

The nature and function of the national and specialized media also are discussed by Carey. The national

17Ibid., p. 27.
18Ibid., p. 28.
media, he says, cut across speech communities drawing their audiences out of all specialized sub-sectors. "Such media attempt to create a consensus or at least a centre of value, attitude, emotion and expressive style. . . . They also tend to block out of communication those values, attitudes, and groups which threaten the tenuous basis of social order." 19

The specialized forms of media, however, "provide an impulse to the creation of speech communities by ferreting out incipient groupings in society and giving them semblance, form, rhetoric, and symbols." 20 In this regard, he continues, the specialized media serve two opposing functions: First they unify disparate persons and groups into national communities of interest and translate these interests into understandable terms for the national community stipulating their specific relationship to society. Thus, the minority groups are afforded a means of participating in national decision-making. 21 He adds:

19 Ibid., p. 29.
20 Ibid., p. 30.
21 Ibid.
"These minority media . . . are in many ways more crucial forms of communication because they are building blocks upon which the social structure is built up and they serve as intermediate mechanisms linking local and partial mileus to the wider community." 22

But the specialized media can also serve as a dis-integrating factor in society. By highlighting the distinct differences of a group from those of others, these media can divide and polarize the national community. Depending upon the size of the public they serve, minority media can play an important part in obstructing the operations of the national community. 23

Carey's views on the role of the minority media have relevance to McIntire's use of the media, both print and radio. Various statements by McIntire throughout this study strongly indicate the significance of the media to him and his mission and its importance as a mechanism to communicate directly his message to his wide and diversely

22 Ibid., pp. 30-31.

23 Ibid., p. 31.
located audience. With the media he could vent his feelings and propagate his beliefs concerning the grave danger that besets Christian America. His concern for disseminating the "truth" to potential believers has made his radio station and newspaper a form of specialized media.

McIntire's conception and use of the media to express minority views also reflects his role of advocate, for the function of specialized media is to reflect a minority point of view. His use of the radio and his Christian Beacon weekly newspaper are two examples of the minority media. He has said many times that his is a minority viewpoint that finds little or not expression over the national media and for this reason he has a right to purchase a radio station so he can communicate with the public and propagate his ideas.

Carey's idea of the specialized media is also compatible with McIntire's philosophy of the media. As noted, McIntire believes the mass media should operate for the needs and interests of the owner or operator under the protection of the First Amendment.
With the media McIntire has been able to create a national, not local or regional community of interest, a fact which has given him greater power and influence. His early use of radio and the subsequent meteoric rise in popularity and influence which it brought to him suggested to McIntire that there were large numbers of people dispersed throughout the country who held the same interests he did. For once, after thirty years of relative obscurity, McIntire realized the need and importance of the mass media as an instrument by which his followers could be united into some kind of consolidated minority. Through the media he could hold them together and minister to them.

The growing and enthusiastic response he received over the years from his listeners led McIntire to believe that his broadcasts were vital as an expression of the needs, interests, and beliefs of thousands of listeners throughout the country. Moreover, through the media he came to believe he could make converts to his ministry and cement his ties with previous disciples.

The media also served another function for McIntire's followers. It acts as a gatekeeper to filter the events
of the outer world and their meaning through the prism of values held by the minority public. It is interesting to note, in this regard, what one former disciple of McIntire's has said about him concerning his role of gatekeeper, and the particular audience he represents:

"... these people live in a sealed community, shut-off world wherein one voice, that of their pastor, speaks for all and of all. In many homes I have visited, I have looked for but never seen any evidence of newspapers or other regular means of communication ... In the fields of conversation, what McIntire had to say appeared to be all that mattered."24 And speaking further on this reliance on McIntire by his followers, this former disciple said: "His interpretation of the news events of the world appeared absolute." He suggests that this one example of McIntire's audience that he knew could be multiplied by many similar examples throughout the country which are groups around a pulpit awaiting McIntire's message about the meaning of events occurring in this nation and the world.25


25 Ibid.
Hence, through his use of the media, McIntire has been able, in the words of Carey, to build a common "culture" with an encompassing ideology; to voice and create shared feelings and aspirations; and to translate and transmit the attitudes, knowledge and concerns of this audience to the wider public.

The rebirth of this advocate minority media, of which McIntire's operations are examples, is the result of social, economic, and technological change. The Founding Fathers, authors of the Constitution, were products of a different philosophical tradition and society. The libertarian press theory, which they sanctioned, best served the needs of society as they saw them.

By the twentieth century, however, journalism operated on a mass scale, and the cost of its operations became increasingly prohibitive to the majority of people. Also, there was the emergence of the new electronic media. The Founding Fathers did not and could not have seen the rise of the electronic media or the tremendous cost of owning and operating a newspaper, magazine, or broadcasting station. They could not have foreseen the increasing monopolization of the mass media in the hands of a relatively few persons. And they did not see the
enormous growth, power, and influence of a federal government that encroached more and more on the traditional decision-making powers given the public by the Constitution. The rise of this federal behemoth paralleled the increasing public frustration and helplessness of citizens to govern their own lives.

As a result of the social and economic changes, there have emerged two large and powerful institutions that have restricted and frustrated the public's traditional right of expression and participation in decision-making. One is the federal bureaucracy which many feel has grown increasingly insensitive and unresponsive to the thoughts and demands of the individual. The other is the communications industry where the dissemination of information and the expression of opinion have gone from many hands to a few, where the libertarian idea of a marketplace of ideas exists only in theory, not reality.

It appears two separate and opposite social processes are working to restore, somewhat, the traditional principles of free expression and participatory democracy. From the general trend of the courts in their decisions there seems to be growing pressure to make the media (both print and broadcast) a real marketplace of ideas. As seen in
the examination of the decisions and rulings of the FCC and the courts, there is a design to give the public greater opportunity for expression in the media and for participation in decision-making.

In recent years, events have shown a greater public clamor to bring politics out of the "back room" and into the open where all can participate. The only means by which the public can achieve their national or local debates is through the press. This trend can be strengthened and furthered if the press assumes, or is compelled to assume, a real social responsibility.

Another social process intent upon making American democracy more participatory is the rise of the specialized or minority media — the advocate press. In many ways, this phenomenon reflects the desire of many separate publics to participate in the policies and decisions of the national community. In this sense, these media may help achieve this goal. In another sense, the specialized media may hinder decision-making by further polarizing an already divided country.

The significance and implications of the minority or advocacy media may not be fully recognized. In a period when the national or mass media is being criticized
for credibility, and losing the respect and trust of many people, the minority media are assuming greater credibility among their small audiences. These media become the windows to the outer world and the interpreters of events for their audience. The influence of the specialized media on their audiences becomes greater. In the future, this may be an increasingly important forum in which ideas are discussed and decisions made, and ultimately where power lies.

The economics of the specialized media also is noteworthy. With the aid of technology, the cost of owning or operating a newspaper is decreasing, thus reducing one of the major impediments for enter publishing. In broadcasting, the emergence of Cable television will make it possible to multiply stations and channels in every locality, thus providing the potential for a greater diversity of viewpoints. A multiplicity of channels could mean the eventual availability of advocacy broadcasts such as McIntire represents. With these technological changes in communications, a new situation may exist in which theoretically the conditions of the press as they existed in Miltonian theory would be restored. In
this case, there would not be the present day contradiction between fact and philosophy.

Another implication can be found in McIntire's philosophy and use of the media. This combination plus his subsequent court tests have thrust upon the FCC the burden of clarifying and/or proving their role regarding broadcast regulation and the constitutionality of their rules and policies. In light of the technological changes in mass communications, the maintenance of the present FCC regulations remain uncertain.

On the basis of this study, it can be concluded that Carl McIntire is a controversial and significant figure, not only for the nature of his work — to save America's Christian soul from the damnation of the liberal-Communist forces of evil —, but, above all, for his distinctive philosophy and forceful and determined utilization of the mass media as a major instrument for promoting his private mission. In this regard, McIntire's rise in importance and influence is one noteworthy element, in the Twentieth Century rise of the American mass media, in the power of the media and in the particular tasks for which they serve.
That McIntire is a comparatively small voice in relation to the national or mass media and that he represents a radical minority viewpoint in no way diminishes the thorny problems he poses for media theoreticians.
I. BOOKS


II. ARTICLES, PERIODICALS, NEWSPAPERS


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III. PUBLIC DOCUMENTS & LEGAL CITATIONS

a) Government reports:


b) Statutory materials:


c) Court cases:


d) Books:


IV. MISCELLANEOUS MATERIALS


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V. SPECIAL SOURCES

a) Radio broadcasts:


b) Interviews:

Personal Interview with Carl McIntire, Collingswood, New Jersey, December 8, 1970.


c) Unpublished materials: