**Franklin Roosevelt had his own *Breitbart*, and radio was his Twitter.**

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Donald Trump's champions and critics agree: He is rewriting the relationship between the press and the presidency. On the pro-Trump side, Newt Gingrich claims that the president's "brilliant" use of Twitter allows him "very quickly over and over to set the agenda at almost no cost," while Press Secretary Sean Spicer says it gives him a "direct pipeline to the American people." Critics highlight how Trump sidelines the press by bullying his critics, rebuffing hard questions, and favoring sympathetic outlets such as *Breitbart*. They have expressed alarm about Trump's call to "open up" libel laws as a means to quash "horrible and false" stories.

Another president, Franklin Delano Roosevelt, revised the media rules in equally profound ways. Like Trump, he feuded with the mainstream media; like Trump, he used a new medium as a direct pipeline to the people. He also used the government's machinery to suppress unfavorable coverage, a fate we hope to avoid in the age of Trump.

**Manipulating the Media**

Roosevelt, like Trump, had a good relationship with the press at the start of his public career. Journalists found him quotable and amusing. But by 1934 this honeymoon had frayed, and a year later it had given way to a war of words. Roosevelt complained constantly about the press's "poisonous propaganda." With a tone of mock sympathy, he reassured reporters that he understood they were not to blame, because publishers told them what to write.

In the 1936 election, Roosevelt claimed that 85 percent of the newspapers were against him. In the standard work on the subject, historian Graham J. White finds that the actual percentage was much lower and the print press generally gave FDR balanced news coverage, but most editorialists and columnists were indeed opposed to the administration. Convinced that the media were out to get him, Roosevelt warned in 1938 that "our newspapers cannot be edited in the interests of the general public, from the counting room. And I wish we could have a national symposium on that question, particularly in relation to the freedom of the press. How many bogies are conjured up by invoking that greatly overworked phrase?"

Roosevelt's relationship with radio was warmer. The key distinction was that broadcasters operated in an entirely different political context: Thanks to federal rules and administrators, they had to tread much more lightly than newspapers did. At its inception in 1934, the Federal Communications Commission (FCC) reduced the license renewal period for stations from three years to only six months. Meanwhile, Roosevelt tapped Herbert L. Pettey as secretary of the FCC (and its predecessor, the Federal Radio Commission). Pettey had overseen radio for Roosevelt in the 1932 campaign. After his appointment, he worked in tandem with the Democratic National Committee to handle "radio matters" with both the networks and local stations.

It did not take long for broadcasters to get the message. NBC, for example, announced that it was limiting broadcasts "contrary to the policies of the United States government." CBS Vice President Henry A. Bellows said that "no broadcast would be permitted over the Columbia Broadcasting System that in any way was critical of any policy of the Administration." He elaborated "that the Columbia system was at the disposal of President Roosevelt and his administration and they would permit no broadcast that did not have his approval." Local station owners and network executives alike took it for granted, as *Editor and Publisher* observed, that each station had "to dance to Government tunes because it is under Government license." Some dissident radio commentators, such as Father Charles Coughlin and Boake Carter, gained wide audiences. But radio as a whole was firmly pro-Roosevelt—and both Coughlin and Cockran were eventually forced off the air for pushing the envelope too far.

For Roosevelt, of course, the main advantage of radio was that the networks knew they had to carry his frequent fireside chats and other speeches in full, usually with minimal commentary. In very Trumpian language, Roosevelt praised the new media for restoring "direct contact between the masses and their chosen leaders." As the media historian Betty Houchin Winfield notes, radio allowed the president to be "the news gatherer, the reporter, as well as the editor," all at the same time.

Even as he was securing domination of the ether, Roosevelt worked hard to neutralize criticism from the print media. Here he used a combination of manipulation and intimidation. By 1935, the famous Roosevelt charm was much less of a guarantee of success, and his press conferences became increasingly orchestrated. Like Trump, he singled out some reporters who wanted to ask questions and ignored others. Writing for *The* *Washington Post* in 1938, Harlan Miller commented that Roosevelt only answered questions which enabled him to "utter an oral editorial.…He selects only those on which he can ring the bell."

He also gave special access to pro-administration outlets, such as J. David Stern's *Philadelphia Record* and Marshall Field's *Chicago Sun*. Another Field publication, *PM*, was probably the closest facsimile to a New Deal *Breitbart*. In both editorials and news reports, *PM* repeatedly demonized FDR's enemies, often comparing them to fascists. These pro–New Deal outlets had a special entrée to top administration officials, who gave them valuable scoops. The collaboration went both ways. In 1942, Field brought an antitrust complaint against the much less Roosevelt-friendly Associated Press.

**The Black Committee**

Roosevelt's intimidation efforts reached their apogee in the hands of the Special Senate Committee on Lobbying. The president indirectly recruited Sen. Hugo L. Black (D–Ala.), a zealous and effective New Deal loyalist, as chair. The committee's original mission was to probe the opposition campaign to the "death sentence" in the Public Utility Holding Company Bill, a provision that would have allowed, under certain circumstances, the dissolution of utility holding companies. The Black Committee gained traction with the public when it brought to light evidence that some lobbyists had concocted thousands of "fake telegrams" sent to Congress to protest the bill. Smelling blood, Black expanded the investigation into a general probe of anti–New Deal voices, including journalists.

The Treasury granted Black access to tax returns dating back to 1925 of such critics as David Lawrence of the *United States News*. Then he moved to obtain his targets' private telegrams, demanding that telegraph companies let the committee search copies of all incoming and outgoing telegrams for the first nine months of 1935. When Western Union refused on privacy grounds, the FCC, at Black's urging, ordered it to comply.

Over a nearly three-month period at the end of 1935, FCC and Black Committee staffers searched great stacks of telegrams in Western Union's D.C. office. Operating with virtually no restriction, they read the communications of sundry lobbyists, newspaper publishers, and conservative political activists as well as every member of Congress. Writing to Black, one investigator stated that they had gone through "35,000 to 50,000 per day." Various newspapers and members of Congress later estimated that staffers had examined some five million telegrams over the course of the investigation. In 2017, this would be akin to staffers from a congressional committee and the FCC teaming up at the headquarters of Google and Yahoo! and then spending months secretly searching emails.

The committee used the information it found as a basis for more than 1,000 new subpoenas. One of these was for all incoming and outgoing telegrams, not just those sent through Washington, D.C., of W.H. Cowles' anti–New Deal newspaper chain in the Northwest.

The subpoenas' vast reach alarmed Western Union's executives, who didn't want to drive away privacy-conscious customers. In early February 1936, the company adopted a new policy of telling all targeted individuals that the Black Committee had searched their telegrams. Before this time, the committee had been able to do its work in secret; most of its targets had no clue about what was happening. As more people found out, the committee faced intensified opposition.

The angriest response might be that of Newton D. Baker, a cautious critic of the New Deal who had served as Woodrow Wilson's secretary of war. After Western Union informed him that Black's committee had examined his telegrams for an entire year, he wrote: "Man of peace as I am, I am quite sure I could not keep my hand off the rope if I accidentally happened to stumble upon a party bent on hanging him."

**The Clash with Hearst**

Meanwhile, Black was taking on the most famous newspaper publisher in American history: William Randolph Hearst. An exuberant nationalist and law-and-order advocate, Hearst had been instrumental in securing Roosevelt's nomination in 1932 but had since turned against his old ally. Roosevelt reciprocated by instructing the Department of the Treasury to closely monitor Hearst's taxes.

In February 1936, the Black Committee served a subpoena on Hearst directly for a telegram he had sent on April 5, 1935, to James T. Williams Jr., an editorial writer for the Hearst papers. In that communication—marked "Confidential"—Hearst asked Williams to write editorials calling for the impeachment of Rep. John J. McSwain (D–S.C.), the chair of the House Military Appropriations Committee: "He is the enemy within the gates of Congress.…He is a Communist in spirit and a traitor in effect. He would leave United States naked to its foreign and domestic enemies."

It is odd that Black publicly subpoenaed the original telegram from Hearst, given that he already had a complete copy of it from the earlier search of the Western Union office. Perhaps he feared raising potentially embarrassing questions about the secretive nature and methods used in that search. In any event, in March, Hearst petitioned the Supreme Court of the District of Columbia to enjoin Western Union from handing over the telegram. The suit charged that the committee had violated the First, Fourth, and Fifth Amendments, adding that the telegram contained no reference to lobbying.

Black's first instinct was to counterattack, but he did so in an uncharacteristically clumsy way. He sent copies of the Hearst telegram both to the press and to McSwain. He apparently hoped that his colleagues would take such offense at the inflammatory prose that they would rally to the committee. In a coup de grace, Black minimized the potential legal damage by also withdrawing the subpoena. Because the committee already had a copy, he explained, no "good purpose can be served by a one-sided court battle in the nature of a mock trial of an injunction proceeding affecting the basic constitutional powers of the Congress of the United States."

At the same time, Black vented his anger at Western Union for its uncooperative attitude. In a public letter to the head of the company's D.C. office, he accused the owners of putting the needs of one particularly high-volume customer, William Randolph Hearst, ahead of the public good: "The Western Union Telegraph Co. would naturally not desire to bring out the fact that an effort had been made by its patron to intimidate and coerce in the performance of its legislative duty a Member of Congress [McSwain], whose reputation for loyalty and patriotic service is above criticism."

One of Black's colleagues on the committee, Sen. Sherman Minton (D–Ind.), used the occasion to mount a well-coordinated attack on Hearst and all he represented. In a speech on the Senate floor, he revisited the newspaper mogul's misdeeds dating back to the Spanish-American War. Hearst, Minton proclaimed, "would not know the Goddess of Liberty if she came down off her pedestal in New York Harbor and bowed to him. He would probably try to get her telephone number." Like Black, Minton depicted Hearst and other anti–New Dealers as the real enemies of free speech for spreading fascist propaganda and stealthily promoting a financial dictatorship.

Black's release of the Hearst telegram backfired. Critics pointed out that it directly contradicted the committee's previous pledge to only reveal telegrams found to be relevant. By releasing the telegram, *The Washington Post* editorialized, the Black Committee showed it had become "rather too smart for success." Instead of discrediting Hearst, the action had "sharply underlined the indefensible nature of its own dragnet tactics" that had revealed "a private wire from a citizen who has filed a charge of conspiracy against the committee." *Editor and Publisher* wondered "if anything is safe" when a congressional committee and the FCC are able to fish a "private message out of the Western Union office for political reasons solely." Arthur Krock, the Washington bureau chief of *The New York Times*, dubbed the release a misguided ploy to "gain public approval of Snoopnocracy."

Caught flat-footed, Black's defenders claimed that they were following the precedent set by earlier congressional investigations, such as the probe of the Teapot Dome scandal. But those earlier subpoenas had not included anything approaching the Black Committee's open-ended demands for telegrams—fishing expeditions that hadn't specified particular individuals. Black further hurt his cause with a continuing tone-deafness toward privacy concerns. For example, he claimed that the "law doesn't recognize that a telegram is a man's" but "is the telegram company's and is retained for subpoena purposes."

Despite this outward self-confidence, Black had cause for concern. He was meeting resistance from unexpected quarters, including a leading spokesman for liberal reform: syndicated columnist Walter Lippmann. The committee, Lippmann wrote, was "becoming an engine of tyranny in which men are denied the elementary legal protection that a confirmed criminal caught red-handed in the act can still count upon." Lippmann, who had impeccable civil liberties credentials, thought Black's investigation resembled those led by right-wing "Red hunters" who "cared nothing whom they slandered." Lippmann unsparingly challenged the senator's motivations and abilities: Black, he declared, "is an enthusiast for investigations, but in the realm of justice he is an obvious illiterate." He closed his column by calling for an investigation of the investigators.

The American Civil Liberties Union (ACLU) denounced the committee's actions too. Black found it perplexing that he had to worry about his left flank, asking in a letter to a Kansas ACLU officer why a group claiming "to protect the masses of the people from loss of their economic and political liberty" had aligned itself with those who valued "property" over "human" rights. The ACLU renewed its campaign against the committee after news reports that the National Woman's Party, led by equal rights crusader Alice Paul, was on the target list. The ACLU's executive director, Roger Baldwin, wrote to Black asking why he was probing a group that had nothing to do with utility legislation. In his reply, Black evaded the question, claimed that the committee's procedure did not depart from time-worn American traditions, and added, somewhat ominously, that he was "sure that upon mature consideration, you will wish to withdraw your request for information."

In the face of mounting congressional opposition, and to fend off a possible injunction, the FCC announced that any telegrams it had seized were now "in the possession of the Special Committee of United States Senate." Moreover, it did not intend any "further investigation or examination" of telegrams at Western Union. A *Washington Post* editorial attributed the commission's decision to "public outcry against the OPGU methods followed by Senator Black's investigators." (The OPGU was the Soviet secret police.) Short of funds and under fire, Black had no choice but to end the "field investigation." The FCC's decision forced the Black Committee to retreat on future searches but also shielded it from direct legal sanctions.

The committee's most powerful champion was Roosevelt himself, although he carefully avoided tipping his hand in public. He referred specifically to the Black Committee at a May 1936 meeting, according to former FDR advisor Raymond D. Moley. In the midst of a "nightmarish conversation [that] went on and on in circles for some two hours," Moley bluntly asked Roosevelt about the lack of "moral indignation" when Black's committee had "ruthlessly invaded the privacy of citizens." Moley opined that he would rather let the guilty "go free than to establish the principle of dragnet investigations." Roosevelt responded with a long discourse on how Black's actions had "ample precedent." Moley inferred that Roosevelt believed "the end justified the means."

Although members of the committee talked about resuming the deliberations in the winter, it never met again under Black's chairmanship. The senator had sometimes churned up embarrassing information on anti–New Dealers, but his methods had proven too toxic.

The final decision of the U.S. Court of Appeals for the District of Columbia in the Hearst case, handed down just after Roosevelt's landslide re-election victory in 1936, gave only mixed solace to Black Committee foes. The Court blasted the FCC for sanctioning a "wholesale" examination of telegrams and then turning these over to the Black Committee, declaring that this was "without authority of law and contrary to the very terms of the act under which the Commission was constituted." It added that "telegraph messages do not lose their privacy and become public property when the sender communicates them confidentially to the telegraph company," elaborating that in many states it was a "penal offense" to violate this privacy. The Court also affirmed that it had jurisdiction over the FCC's future actions. Yet it ruled that it had no constitutional basis to assert jurisdiction in the case, despite the "unlawful nature of the search," because the investigation had ceased.

Still, the Hearst ruling was a precedent against any future mass seizure of private telegrams by a congressional committee, at least via the FCC. One can only imagine what Joseph McCarthy could have done had he been able to get similar access to private communications. In later years even Black, who often championed civil liberties after he joined the Supreme Court, expressed some regret about his actions as a senator.

**The Libel Bill**

At the time, the Hearst ruling meant little to Roosevelt, who appeared to have no need for more investigations. He now had overwhelming Democratic support in both houses of Congress and seemed free to get a Third New Deal if he wanted one. His window of opportunity soon closed, however.

In 1937, the president overplayed his hand by pushing a plan to appoint additional justices to the U.S. Supreme Court. The hard pushback, most visibly by Democrats, threw him off balance. A leader in the opposition was the Committee for Constitutional Government (CCG), led by publisher Frank Gannett, formed only days after Roosevelt announced his plan. The CCG pioneered direct mail methods and had an impressive list of supporters, including the progressive reformer and civil libertarian Amos Pinchot, the novelist Booth Tarkington, and the Rev. Norman Vincent Peale. The group soon expanded its agenda to oppose the New Deal as a whole.

Alarmed New Dealers resumed the investigations of the Senate Special Committee on Lobbying to target those who opposed "objectives of the administration." By this time Black had joined the Supreme Court, so now Sen. Minton was chair. Minton was an even more zealous defender of Roosevelt's agenda than Black had been. According to credible accounts, Roosevelt had first offered him the Supreme Court job that later went to Black but Minton demurred, wanting to stay in the Senate.

While the Hearst decision had closed off Minton's power to seize copies of telegrams, his methods were still extremely heavy-handed. Committee staffers arrived en masse at the CCG's office, where they began copying financial records, membership lists, and other files. After watching this for some time, Edward H. Rumely, the CCG's energetic secretary, ordered them out, charging an illegal "fishing expedition." Meanwhile, the Department of the Treasury gave Minton access to Rumely's income tax returns. The defiant secretary refused to hand over donor or member lists on the grounds that the demand violated privacy and constitutional rights. The Justice Department contemplated a prosecution but ultimately decided that it might backfire by making Rumely a martyr.

Minton struck back by proposing a "libel bill" imposing a prison sentence of up to two years for publishing newspapers or magazine articles "known to be false." (Many years later, a confidante of Minton said that someone else, possibly from the administration, had asked him to do it.) While rolling out the bill, Minton charged, in confused but revealing language, that "the free press of this country does not want encroachment upon democracy by the radio of the country. If there is going to be any encroachment on democracy, the free press wants to do it itself. It wants a free hand to do all of the encroaching it wants to do." He cited several examples of "propaganda," including articles in the *Philadelphia Inquirer*, a prominent anti–New Deal voice. He also alleged that publishers "want to curb the radio" and "deny the president the right to sit down before a microphone in his own home and speak to the people of the country about their government."

Minton's proposed bill encountered outrage across the political spectrum. The ACLU condemned it, and the American Newspaper Publishers Association declared it part of a "lawless inquisition" that showed "arrogant disregard of the bill of rights." Denying any threat to radio, Gannett promised that he and other publishers would "fight to the end for freedom of speech, freedom of the press, and freedom for radio." The strongly pro–New Deal Rep. Maury Maverick (D–Texas), grandson of the man whose name inspired the term, also rejected the bill, emphasizing "the right of Mr. Roosevelt's opposition to express its opinions freely."

Roosevelt, unlike Trump, was not one to needlessly risk political capital in a losing battle. Asked at a press conference to take a stand on Minton's bill, he punted, joking that he did not think the federal government had sufficient funds to build enough new prisons to make room for everyone who could be convicted under such a law. Before moving on to the next question, he quipped for the benefit of the reporters present: "You boys asked for it, you know."

Taken completely aback by the opposition, and no doubt by Roosevelt's reluctance to weigh in, Minton withdrew his bill and soon called off further investigations. It is quite possible too that Minton himself did not fully believe in his own proposal. Two years later he lost his re-election race, but he bounced back in 1949 when his old Senate ally, Harry S. Truman, offered him a slot on the Supreme Court. This time Minton said yes.

**Lessons for a New Era**

These stories provide some reassurance for Americans worried about Trump. If nothing else, they indicate that even a president as powerful, popular, and politically adept as Roosevelt can be checked when faced with determined opposition.

Friends of free speech can also take heart that Trump has many comparative vulnerabilities (mostly self-inflicted). His tweets, in contrast to Roosevelt's fireside chats, display a spur-of-the-moment attitude that is more likely to backfire. Trump's loner status, his alienation from congressional and Republican elites, is another disadvantage. Roosevelt was able to use senators such as Black as fronts; Trump will have a harder time establishing deniability if a trial balloon bursts. Another plus: The FCC no longer exercises nearly as much power over the non-print media.

But there are plenty of good reasons to be fearful for the future of free speech under Trump, too. The presidency has accumulated many powers it lacked in Roosevelt's day (at least in peacetime), including access to a massive surveillance state. And objectors in Congress have diminished ability to check the president's designs via the filibuster. Should Trump make a Rooseveltian assault on free speech, our best hope may be that his haphazardness will be his undoing.