

Kenneth A. Cox Oral History Interview—10/19/1977
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Biographical Note

Cox, Chief of the Broadcast Bureau, (1961-1963), and Commissioner of the Federal Communications Commission (1963-1970), discusses the development of US satellite communications, the 1962 All-Channel television bill, and the functioning of the FCC during the Kennedy administration, among other issues.

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Oral History Interview

with

Kenneth A. Cox

October 19, 1977
Washington, DC

By William J. Hartigan

For the John F. Kennedy Library

HARTIGAN: Now, Mr. Cox, would you mind relating to us when and where you first met the late President John F. Kennedy?

COX: Well, I can't fix the date precisely but I worked for the.... [tape switched off] Long before I was at the Commission [Federal Communications Commission], I worked on the Hill for the Senate Commerce Committee in connection with its television inquiry in the late '50s. And I knew Mike Feldman [Myer Feldman] who was then a staffer on one of the committees that the Senator was involved in and later became, I believe, one of his top staff members in his plans for and campaign for the presidency—and of course was eventually counsel to the President in the White House. And Mike took me around and introduced me to the Senator. Then I got to know Ted Sorensen [Theodore C. Sorensen] and through him I met the Senator once during the campaign when he was going through Seattle where I was back practicing law in between my Hill assignments. And then one of my senior partners was a longtime acquaintance. I don't think he was a close friend, but had known the Senator through meetings on the West Coast; Herb Little [Herbert S. Little], one of my senior partners. And he arranged a dinner for a group of friends in either late '59 or early 1960 in Seattle and included me, and

I got to visit with the Senator then. My contacts with him were, I think, probably those three times, maybe one other, and they all took place before he was president. And when he got around to nominating me for the Commission I never met him personally. I dealt with people in the White House.

HARTIGAN: The Commission you were appointed to was...

COX: Was the F.C.C. [Federal Communications Commission]...

HARTIGAN: F.C.C.

COX: ...in 1963.

HARTIGAN: And that was in 1963. And was that, the Chairman was....

COX: Newt Minow [Newton N. Minow].

HARTIGAN: Newt Minow.

COX: Yeah.

HARTIGAN: Yeah.

COX: And Newt, that is Newt asked me to come back in 1961 to be chief of the Broadcast Bureau, I think pretty much at the insistence of Senator

Magnuson

[Warren G. Magnuson] and of Nick Zapple [Nicholas Zapple] with whom I'd worked on the Hill. He and I got along very well, and he of course was rather close to the President. And he made an effort in mid-1962 to get me appointed to another spot which finally went to Bill Henry [E. William Henry]. This is all spelled out in the publication that the Senate committee, I think on government operations, put together on twenty years of nominations to the F.C.C. and the Federal Trade Commission. But then in December of 1962, the President announced that he was not going to ask Commissioner Tam Craven [T.A.M. Craven] to continue beyond age seventy, or whatever the retirement age is, and that he was going to submit my name when Congress returned; they were then in recess. And so I was nominated in early January of 1963. It was held up a little bit because the Senate was debating reorganization; there was a question as to whether it was a continuing body or whether it could modify the rules concerning cloture. And I was finally sworn in March 23, 1963. So I think that Newt's relationship with the President was certainly critical to my being appointed, though I hope the President had some recollections of our earlier contacts. Certainly I'd talked

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to people in the White House—Ralph Dungan [Ralph A. Dungan] and a number of other

people in the party.

HARTIGAN: Before you were appointed Commissioner, did you have any relations, either through your business or otherwise, activities in the government that they pertained to Senator Kennedy or President Kennedy?

COX: Not really. But as I indicated, from January 1956 through early 1960, I periodically, well I worked for 15 months continuously in '56 and '57 for the Senate Commerce Committee, both here and in Seattle, while Senator Magnuson was running for reelection. And then I came back periodically in '58, '59 and '60. And I suspect that I probably ran into the Senator a number of times casually during that period. I certainly, as I say, knew both Mike Feldman and Ted Sorensen and ran into them. I managed for the Commerce Committee the very hotly contested hearings on confirmation of Admiral Lewis Strauss [Lewis L. Strauss] to be Secretary of Commerce, which was rejected. The Senate by a narrow vote finally rejected his nomination. Senator Kennedy was involved in that only to the extent, personally. That like a lot of other members of the Senate, he had had, I think, rather friendly relations with Admiral Strauss and, indeed, congratulated him upon his nomination, but ended up voting against his confirmation because he was persuaded that the Admiral wouldn't really be very good for the American public.

HARTIGAN: Why is that?

COX: And I have never had any business dealings with the Senator, or when he became president, or his family.

HARTIGAN: Do you recall any other legislative activities that you can relate to during his legislative years?

COX: No, I don't think so. I don't think that communications was a top priority of his. He, I know, was interested in it because my friend, Nick Zapple, whom I mentioned a while ago, has always been, I think, rather close to the Kennedy family, not in a social sense, but he.... [problem with tape]

HARTIGAN: Now, Mr. Cox, I'm sorry we've had.... Well, I noticed that this tape was not operating, and everything is plugged in, but it's working now, and I hope you won't mind reviewing back...

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COX: No.

HARTIGAN: ...because it was very interesting. I think one of the major points....

COX: Is it going now?

HARTIGAN: Yeah. One of the major points you went through that we missed on the tape was your description of the communications satellite situation while you're...

COX: Yes. I indicated that, since I wasn't directly involved, because I was not yet a

Commissioner, I don't know to what extent President Kennedy was personally involved, or through his staff, but in the early '60s the Commission was becoming concerned about the development of satellite communications, international satellite communications first because other countries were seemingly moving ahead. And it urged the President, I believe, to get involved in this and I'm sure that he had some role in it.

The Commission initially proposed a solution which would have sort of turned satellite communications over to the existing carriers, making it a carrier's carrier for them. I don't know to what extent the White House differed with that, though it may have; certainly some in Congress did and felt that the public should have an ownership here, in part because the satellite's high capacity was a result of rocket developments which, of course, the President had supported, and the public had paid the cost of developing the rockets which made this technology possible. The final compromise in the Congress was to create a public corporation whose directors were nominated by the President and in which the public was sold the majority of the stock, but I think up to forty percent was allowed to be acquired by the existing carriers. Now since then, the carriers, most of them, and I believe all of them now have disposed of their ownership because it turned out there was a kind of built-in conflict of interest. They have always been very much involved with the use of undersea cables, and the Commission has continued to authorize additional cables because it regards them as an alternative, and perhaps somewhat more secure, method of international communications. If you have a carrier asked to make a choice between using cable facilities in which it has ownership, and satellite facilities in which it doesn't, or has a limited and indirect ownership, there might be some conflict. So as I think you and I agreed, it may be that the Congress, and perhaps the President's advisors, were more farsighted on that score than the F.C.C., because I think the F.C.C. would have taken another course.

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There also was in that connection, not directly involved in legislation but certainly involved in the picture, the matter of what technology was going to be used. AT&T was pushing what we called random lower orbiting satellites which circled the earth at only an altitude of four, five or six hundred miles, and which came into view over the horizon in the North Atlantic and could be accessed by the earth station up in Maine. You then had to have a very intricate horn antenna which picked the satellite up and then could rotate to follow it as it went through the sky—and then after two or three hours, it would lose it over the horizon. And if you were going to have continuous communication you would have had to have a series of these, one after the other. And the cost of that would have been so great

either that there never would have been any substantial development of satellites, or that only AT&T could have afforded it. Actually, of course, the technology that was adopted when the legislation was put into effect, was the use of synchronous satellites developed by Hughes Aircraft. And those are launched and positioned at an altitude of something over 18,000 miles over the equator, and they rotate at the same rate as the earth turns so that you can have less expensive, fairly simple fixed antennas that are just pointed to that satellite and can transmit to it. And I think that there may or may not have been some concern on the part of the White House in that area. But to really find out what they were doing in areas outside broadcasting, I think you'd have to talk to Newt Minow or to other commissioners, or to Bernie Strassburg [Bernard Strassburg] who was then the chief of the Common Carrier Bureau and who was directly involved.

Now, I also mentioned that the President did accede to the Commission's request to lend his support to the enactment of the All-Channel Television Bill, which was very important in the development of U.H.F. [Ultra High Frequency] television because in 1952 the commission had adopted a revised table of allocation for television, which, for the first time, made use of U.H.F. channels. And there were then something like 65 million sets in the hands of the public, which could receive only V.H.F. [Very High Frequency] channels. The manufacturers were not too much interested in incorporating U.H.F. capability, and the sets they made were not very good, and the tuners tended to burn out in a very short time. And so the Commission finally decided that they wouldn't get U.H.F. going unless they could force manufacturers to improve U.H.F. capability in all sets. And they persuaded President Kennedy to support that position, to include it in one of his legislative messages to Congress urging this as one of his major goals in 1961 or 1962, probably late '61 or early '62. And the legislation was enacted and has made an enormous contribution.

You asked a bit about other important developments and I talked a little bit about cable television. I don't know to

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what extent the President had a concern or an involvement in that. He, undoubtedly, was aware of developments. The Commission had, up till the time I became chief of the Broadcast Bureau, not been regulating cable at all. I urged that it do so. And then as a commissioner I continued to press for that. And the Commission has since then developed a rather extensive regulatory scheme for handling cable, and cable has become a much, much more important part of our total television system than it was in the 1950s. Whether or not the President and his people were involved in that, I don't know. I suspect you could find people who could tell you. Now, we also talked, and I think it was after the point at which you had trouble here, about my nomination. I don't know whether you want that again.

HARTIGAN: Yes, I'd like that. There was a very interesting point.

COX: Newt Minow, who'd of course brought me back in 1961 as chief of the Bureau, pretty much at the suggestion of Senator Magnuson and Nick Zapple with whom I'd worked, wanted me to be nominated to replace Commissioner John Cross [John S. Cross] when his term expired June 30, 1962. He enlisted

Senator Magnuson's assistance, the Senator being the Chairman of the Senate Commerce Committee. However, John, who was a delightful gentleman but a little conservative for Newt's taste, was from Arkansas, and his wife, Ruth, a delightful lady, was the daughter of a former congressman from Arkansas who was a great favorite of his colleagues. And the chairman of the House Commerce Committee was Oren Harris of Arkansas. And Wilbur Mills [Wilbur D. Mills], of course, was chairing the Way and Means Committee in the House. And so they made a very strong effort to keep John on. And the President, I'm told by others, was caught in the crossfire. He let the matter sort of drag on until September or possibly in October of '62, while John continued to serve. And finally, I guess, just decided he couldn't satisfy anybody if he named one of us, and so he apparently....

HARTIGAN: The other party being Senator Magnuson.

COX: Yes. In other words, if he kept John Cross, Senator Magnuson was going to be annoyed; if he had nominated me, why, Oren Harris was going to be annoyed, and he'd have, in either case, a powerful chairman on whom he depended, unhappy with his choice. So the report I got was that he then turned to his brother, Robert [Robert F. Kennedy], and said, "Look, you know this isn't going to work out. Give me a name." And Robert Kennedy remembered Bill Henry, a young lawyer who'd been very active in the President's campaign in Tennessee. And they checked with him, he was interested, and he was nominated.

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Then shortly thereafter, when Newt left to go back to Chicago, Bill was named chairman. It was because of that experience that Newt then went to the President later in 1962 and said, "Look, we don't want to go through this again. Commissioner Craven's term doesn't expire until June 30, 1963. If you wait till then, well, there'll be all sorts of applicants. The broadcasters will be organized to try to keep Ken Cox out because they regard him as a tough regulator. But Commissioner Craven reaches mandatory retirement age next January. So what you ought to do is, while Congress is in recess, you write him a letter and make it public, in which you commend him for his fine service to the public, but you state that you're not going to waive the statute and ask him to stay on—and at the same time you announce that you're going to nominate Ken when Congress comes back." And that's what the President did, and so it was all short-circuited, and he didn't have the problems. I was delayed a little bit in my confirmation, but that was simply because the Senate was debating about whether it was a continuing body or it could change its rules as to cloture. I also indicated that while I never had any discussions with the President when my nomination was pending, I did talk to Ralph Dungan and Kenny O'Donnell [Kenneth P. O'Donnell]. They were interested in my views, my policies, primarily in the broadcast field because that's where I'd been active, and that was at that time the most important activity of the F.C.C., although that's no longer true. I mean, broadcasting is very important, but common carrier and cable television have come along since then. And so I assume since I was nominated that they found my views not incompatible with the President's interest in the communications field, to the extent that he had goals that he was trying to pursue. Now I think that's pretty

much what we covered that seems to have gotten cut off.

HARTIGAN: I think probably the explanation of the attempt on the part of Judge Landis [James M. Landis] to reorganize these....

COX: Oh, yes. The President, I think perhaps based on his own experience in the Senate, and certainly on reports that he received, was concerned as President Carter [Jimmy Carter] now is, that the regulatory agencies were not as effective and efficient as had been hoped. There was a time when commissions were being created with great regularity because it was thought they could do the job better than the courts, or better than the Congress itself. But they've gotten bogged down. And so he asked Judge Landis, Judge James Landis, to come up with some recommendations. He wrote a series of reports which were critical of named agencies. And based on that, the President proposed a series of reorganization plans. One of these

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was for the F.C.C. I indicated that I think one went into effect, possibly the one regarding the C.A.B. [Civil Aeronautics Board]; there might have been another, though I rather doubt it. Newt's other colleagues didn't like the fact that the proposed reorganization strengthened the hand of the chairman and of the executive director working with the Chairman. And so they testified against it on the Hill and persuaded a majority of Congress that this wasn't a good idea, and they succeeded in getting Congress to turn the plan back. It's hard to say whether that was good or bad. I think that some limited restructuring might have been a good idea. Since I wasn't directly involved in it, I never really tried to decide whether I thought, in detail, the proposals were sound or not. I discussed it a time or two with Newt Minow, and he was a little reluctant because he didn't like to be seen as trying to enhance his own position. He testified in favor of the legislation because the President had wanted it and he certainly saw some validity to it. But, I think after the F.C.C. proposal failed, the other plans sort of fizzled out. And as I say, we're now back to it because President Carter is very seriously interested in a very extensive reorganization of the independent agencies, as well as of the executive branch generally. And so something may finally come of President Kennedy's concerns about it.

HARTIGAN: You made mention of the relationship between President Kennedy and the Commission...

COX: Oh, yeah.

HARTIGAN: ...and compared it to other presidents.

COX: Yes. I have always felt that his relation with the Commission was the proper one, that is, he named the Commissioners, appointed them. Maybe I'm being both partisan and a little self-congratulatory, but I've always felt that he

took a greater interest in appointments to the regulatory agencies than President Eisenhower [Dwight D. Eisenhower] or President Johnson [Lyndon B. Johnson] or Presidents Nixon [Richard M. Nixon] and Ford [Gerald R. Ford], the ones I've observed rather closely. And I think he tended to nominate better people. But once we were appointed, he lent us assistance on important legislative matters like the All-Channel Bill. He occasionally sent us correspondence, of course to which we prepared answers. But other than that he kept his hands off. I'm sure there were informal contacts between him and Newt Minow, but I didn't receive calls from him or from the White House staff.

I was interviewed recently by a young graduate student out in Colorado who's writing a doctoral thesis on the

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relationship between the White House and regulatory agencies, and he kept asking me how often did I receive calls from the White House, how often was I in the White House; and the answer was I wasn't there and I didn't receive calls. President Kennedy asked the Chairman, this may have gone by the board now, but he asked the Chairman to send him monthly a brief letter which simply recited the major steps or actions the Commission had taken since the last letter. This kept the President informed as to what we were doing, and I guess if he was expecting something and it didn't come along, he might have made inquiry as to what was going on. But this was as to actions taken, not as to actions we were considering, which might have been an invitation for at least his staff to get involved. Now, President Nixon, through Tom Whitehead [Clay T. Whitehead], his director of the Office of Telecommunication Policy, thought otherwise, though I was out of the Commission during most of his term. He was, I think, much more interested in influencing personnel policy and influencing substantive policy in the agency. I'm not so sure about President Ford; I wasn't there at all during his term. President Johnson sort of kept hands off, but I think perhaps for slightly different reasons, since he and his wife [Claudia Alta "Lady Bird" Johnson] owned broadcast properties. I think he recognized that there might be questions raised if he seemed to be involved in F.C.C. deliberations. But I think that that really is the way to do it. In other words, they are independent agencies. They are more arms of Congress than they are parts of the overall executive structure. And while the President plays a very important role in naming commissioners, I think one of the major reasons for ineffectiveness in regulatory agencies is that most presidents haven't been sufficiently concerned about the appointments. And of course, also, we always had to go through the Bureau of the Budget, and our needs had to be fitted in with the President's overall view of what he thought he could get from Congress for his total Administration. But other than that, he kept hands off.

HARTIGAN: Reflecting strictly on the F.C.C. now, for the moment, and you did mention that the same old proposals are back again about reorganizing agencies. Do I understand that in your point of view, in your experience on the F.C.C., that changes to improve the F.C.C. would be pretty moderate?

COX: Yes. I don't think that they would be certainly very revolutionary, nor were President Kennedy's proposals. His suggestions might or might not have

improved things, but they were more or less fine tuning. Congress is now considering, of course, what they once touted as a total rewrite of the Communications Act and in that process, I assume, might decide to have three or five instead of seven commissioners, and

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might change their terms, and redo all sorts of things. I have never felt that that was necessary. I've been satisfied with a seven-man commission. A good seven-year term makes a lot of sense. It gives you an opportunity for some geographical distribution and variation in backgrounds of commissioners for different talents. And it allows long enough service that you really have a chance to learn to understand a rather complex field and be effective in it. And I've always argued that the two things that were really needed were for presidents to take greater care in naming people, as I've said, and President Kennedy did, and for Congress to provide enough money and personnel to do the job well. That's never been achieved—that is, the Commission has been on rather short rations and has done some things rather badly. The state commissions, which were not very effective, don't really have the funding they need.

HARTIGAN: On that point, the relationship with the state, that seems to float into more of a, more political problems than anything else. Is that a fair evaluation?

COX: Yes. When the Commission was created there was an effort to preserve the federal system, and so, for example, in the area of telephone and telegraph, the Act says that the F.C.C. is to regulate the service and the rates of interstate and foreign communications, and that this is not to disturb the rights of the states to regulate intrastate communication. And over the years, the Commission has been subjected to political pressure usually from Congress—I don't know if the White House ever has become involved in this—to shift additional revenue requirements from the states to interstate users, so that the state commissions would look better. They would not have to raise rates, or might defer rate increases because they found themselves in a situation where interstate rates were going down while local and intrastate long distance rates were going up. This was embarrassing.

I think that, as telecommunications has become much more complex, you can make an argument—I don't make it because I don't think it'll ever succeed—but you could make an argument that we might be better off with a single federal regulation for all of telecommunications. I would think that's unlikely because states' rights is still an important principle in this country. And I think what's needed is really to improve the ability of the state commissions, most of which are woefully understaffed, to deal with that problem. And maybe we should create a few more commissions, because some of those state commissions regulate grain elevators, intrastate railroads, bus lines, water companies, and gas companies, and they do it with a fraction of the personnel that the F.C.C. has just to regulate communications.

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But the federal-state relationship has been, and still is, a little bit touchy. The F.C.C. has adopted policies with respect to the kinds of things you can attach to your telephone which the state commissions don't like, but which the courts have sustained. That's another thing that we've been trying to get Congress to change.

HARTIGAN: I think we've just started to reach on to the programming. The big thing in the papers today, violence on T.V., what should be on. During your administration, was that a topic of discussion also then?

COX: Yes. I don't know to what extent President Kennedy was concerned or involved. I assume he got lots of complaints because there have always been complaints from somebody about the quality, or lack of quality, of television programming. Now the complaints are more about violence and sex on television, and they are coming from a wider base of the public—from the American Medical Association, from church groups, from the P.T.A. [Parent Teacher Association]—and the broadcast industry is moving to try to accommodate. And the Commission tried eventually a year or so ago to promote what it called "family viewing." It didn't adopt a rule, but former Chairman Wiley [Richard E. Wiley] developed a policy for the networks, and he persuaded them and the National Association of Broadcasters to adopt policies which would have required that all programs presented between eight and nine p.m., in the eastern time zone, be suitable for all family viewing, and that those more questionable programs would be shown later in the evening, though some children are certainly still in the audience even then. When Newt Minow was chairman, of course, he achieved almost instant fame by going to the National Association of Broadcasters Convention in Chicago, shortly after I joined the Broadcast Bureau, and delivering his "Vast Wasteland" speech which challenged the television industry to sit in front of its set and to watch hour after hour, because he said they would see a vast wasteland. He was able—and I suspect in some sense it may have been because they thought he had the backing of the President, I don't know—to get the networks to increase their public affairs programming and to increase and improve children's programming, which were two of his major concerns. After he left, and over the years under less active chairmen, I think that's pretty much dwindled away again, and we are now again hearing complaints that there is not enough children's programming, that there is virtually no network documentary programming on a regular basis. There are occasional programs which are put on, but most of the time the networks and their affiliates are concentrating on sports and entertainment, the things that are most profitable.

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So there have been two kinds of complaints: one that certain things are missing, such as programs for children, informational programs, cultural programs. Of course, later in the '60s, under President Johnson, Congress created the Corporation for Public Broadcasting and began funding an increased effort to create an alternative system, which at least provides some of the cultural elements that are lacking from commercial television. There is much more music on public radio, for example, quality music. There's a good deal of quality

dramatic programming on public television, although unfortunately it all seems to come from England.

The other complaint is that there are deleterious things in programming, primarily undue emphasis on sex and violence. And that is at a peak now. I think there's more now than there was when I was on the Commission, and that's because the industry is highly competitive. If one program succeeds then they try to top it with the next one, and they keep getting farther and farther out. And in order to hold the audience's attention, to maximize their audiences, they include elements which I think pose a threat to America's view of itself and actually encourage anti-social conduct, the research shows, on the part of some people. Not normal people, but I think people who already have other problems have been influenced, perhaps have committed crimes. Some of their sensibilities have been dulled. On the other hand, I think we have to give television credit for having greatly assisted the efforts toward racial integration. They helped in the Vietnam War by bringing it right into the public's living room. So they do a lot of fine things, but I think if Newt Minow were to be on the Commission again—right now, of course, he does a little legal work for one of the networks, so he would have to be fairly discreet—but I think if he were to reappraise it, he might be even more critical of the quality of the programming now than he was in 1961.

HARTIGAN: You mentioned when you were talking about Chairman Minow's "Wasteland" speech to the broadcasters that they paid attention because they felt that he had the backing of the president. As a commissioner, did you have that feeling he did have the strong backing of the President?

COX: Well, I believe that, unlike a lot of chairmen who are simply appointed because the President has to name somebody and this individual is highly recommended or is pushed by a powerful political figure, I believe that Newt had a personal relationship with the President. My recollection is that he was somewhat socially involved. I think President Kennedy was a little more socially active than most of our presidents, and I think Newt was personally involved in some of these

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things. I had the impression that if Newt called the White House and wanted to talk to the President, he could talk to the President. And I think that's not always been true. I think that sometimes the Chairman is known to the President, but he's not a personal friend of the President's, and that does affect the effectiveness of the Chairman. He's trying to lead, in the case of the F.C.C., six other commissioners. He can do that just by the power of his persuasion, or occasionally may be able to do it because they believe he does have a relationship with the presidency that they don't.

HARTIGAN: Mr. Cox, during your administration on the F.C.C., do you recollect any involvement of the late United States Attorney General Robert Kennedy?

COX: No, other than his role in finding Bill Henry for us. And the Department of Justice, I think beginning in the Kennedy years and continuing to this day,

has taken an ever increasing interest in communications matters. It intervenes before the Commission in rulemaking matters and things of that sort. To what extent he was personally involved in it, I don't know.

His assistant attorney general in charge of the anti-trust division was Lee Loevinger. And the reports are—I was not there so I don't know—but it's published in the senatorial report that he and Lee just didn't quite hit it off, and so he apparently persuaded his brother to nominate Lee to the F.C.C. to take Newt Minow's place when he went back to Chicago. So to that extent, he had some rather significant impact. Mr. Loevinger was a very vocal and strong-willed member of the Commission for about five years, and I guess perhaps was there partly as a result of the attorney general's interests. But I think Robert Kennedy, both as attorney general and later as a senator, was not primarily concerned with communications matters, and I never had any contact with him about that.

HARTIGAN: Deviating just a minute, did you participate to any extent in the presidential election of 1980, 1960, I'm sorry?

COX: To a degree. I contributed funds and worked on it as a precinct committeeman in Seattle, very low level. I indicated earlier I attended a fundraising dinner given by my senior partner. I was an active supporter but certainly not officially involved or anything of that sort. I attended a fundraising luncheon that Ted Kennedy [Edward M. Kennedy] addressed in Seattle, and I personally met him. I can't certainly claim any real connection. As a matter of fact

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Washington, I think, went the other way.

HARTIGAN: It was not one of our better states.

COX: It was not one of the better states that year.

HARTIGAN: We did enjoy some of the talent from Washington on that Administration. There were several people from the State of Washington that...

COX: Yes.

HARTIGAN: ...served with the Kennedy Administration and served it well.

COX: Well, I think the President always had a very fine relationship with Senator Magnuson. After he was president, I attended a fundraising dinner for Senator Magnuson in Seattle, just because I happened to be out there on business, which the President attended with a substantial delegation. And I remember the President telling the story about how effective Senator Magnuson was. He said, "You know, when New York State was having its World's Fair, I had two very influential, eloquent senators who tried to get federal funding and got very little out of the federal government in

the way of support for that enterprise. But you people out here had a very successful and profitable smaller fair.” And he said, “All that happened was that Senator Magnuson got up on the floor one day, and he said, ‘Well, colleagues, I have a little ol’ bill here’” [Laughs] for something like \$70 million or something, and it built a beautiful building which still stands. It was a permanent structure which is now the Civic Science Center in Seattle and was a major contribution to the success of the fair. So despite the fact that the state didn’t go for him, I think he had friendly feelings for it.

HARTIGAN: There’s one point I think I forgot to ask you about, and I don’t know whether

it was a prevalent point at the time you were on the Commission. But paid television is coming up again.

COX: Yeah.

HARTIGAN: Under your administration or the Kennedy Administration, was that ever discussed, and if so what seemed to be the attitude?

COX: Well, my first contact with pay television was when I

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was working for the Senate committee, and we held extensive, we held five solid days of hearings in April of 1956. And I then wrote a report, which I submitted to my senatorial employers, but they wanted no part of it because they decided it was a hot potato. I was recommending experiments with over-the-air pay television, and this was strongly opposed by the theater interests and by several labor organizations and some of the farm organizations. And so they said, “Let’s just send it back to the F.C.C.” Well, the F.C.C. didn’t do much about it for some time. When I became chief of the bureau, there was underway, had been since 1951 or ‘52 a pay television proceeding in which the Commission had received a room full of comments from the public—this was one of the things in which the public got more interested than in some of the technical controversies. And while I was a commissioner, we finally did develop rules for over-the-air pay television which is even today just beginning to get off the ground. Actually because of the rapid growth of cable television, which has some technological advantages since it has multiple channels instead of just one, pay cable is much more extensive now than over-the-air pay television. So movement was going ahead all during this period. Again, I don’t know if the White House was involved. You’d have to ask Newt Minow whether he had any indication from the President of his views. I did not receive any inputs from the White House although again, perhaps, I may have discussed that issue with the staff before I was nominated.

HARTIGAN: It’s still pretty much in the same posture as it was then or....

COX: It is coming along now, because as cable grows, it is possible to have an add-on service that is in addition to the retransmission of over-the-air

broadcast signals. The cable system can provide one or two or more channels of paid movies or paid sports, and so it's beginning to take off. Also, satellite technology has come along, and now permits the provider of such program services to interconnect widely dispersed cable systems by satellite which is much more economical than doing it by land.

HARTIGAN: Mr. Cox, I just want to turn this tape. I think I have one question I want to...

COX: All right.

[BEGIN SIDE TWO]

COX: Well, pay television has still not achieved the level

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of success that its advocates have been urging now, since 1949, I guess. But it is beginning to move in that direction, and, as I say, Newt Minow or others might know whether the President had any interest in it, a position on it. I don't know because I didn't have any contact with him on it.

HARTIGAN: You recollect in general terms, recapping if you will, any far reaching, any exciting ideas that started and never did get off the ground while you were on the Commission and may possibly still have a shot in the future?

COX: Well, I don't know that they're exciting, perhaps rather mundane. Nick Johnson [Nicholas Johnson] and I, when we were on the Commission, felt that the Commission was not doing its job in the renewal process. Stations have to apply for renewal every three years. And it's a very routine process. As former chairman Burch [Dean Burch] once publicly stated, he said he was embarrassed that he could not tell a station licensee, he could not tell Congress, he could not even tell his own staff precisely what the Commission's standards were for renewal or non-renewal of licenses. We tried to develop, or at least suggest, some standards that we thought ought to be explored in connection with renewals, not that we wanted to turn the industry on its head. We certainly felt that 96 or 97 percent of station licenses would be renewed every three years, but we believed that you would get enhanced performance from stations if they knew that the Commission was taking this function seriously. So that was one thing that we pushed for.

I was also concerned, as Nick was, about multiple ownership policies, concentration of control over the broadcast media. There are rules. We proposed to tighten them, but it was not done. The Department of Justice has tried to put it before the Commission and before the courts to press for stricter policies there, and the matter is still an open one. It's being considered by Congress in connection with possible revision of the Communications Act. That was certainly an area of concern.

I can't claim to have had any other great creative ideas that died aborning. There certainly were a lot of things on which I got outvoted, but I don't think most of them were in

the category of really being major issues. As I may have indicated earlier, having originally pressed for regulation of cable television, I took a stricter view of that regulation throughout my term than my colleagues did, and since I left they have substantially withdrawn regulation of a number of aspects of cable, which I think is unsound in the sense that it does not adequately protect the public's interest in further expansion of the over-the-air system, which is free. Because cable service, even if you don't take the pay cable alternative, involves nowadays probably

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\$7.00, \$7.50 a month simply for the receipt of ordinary programs, which the system is picking up and retransmitting. But aside from that, I don't....

HARTIGAN: Would you care to sort of generalize, recap your opinions of the administration of John F. Kennedy, from your point of view?

COX: Well, I was very proud to be a part of it. I admired the President very much. I greatly appreciated his belief that I could make a contribution to the Commission. As I say, I thought that his relationship with the Commission was exactly the right one. I was terribly saddened, of course, as was the entire world, by his untimely death just when he was beginning to get things going. So I suppose if he had served out his term and been reelected, which would just about have coincided with the end of my term, there might have come a time when we would have disagreed about some major issue. But as far as I could see, he was consciously trying to strengthen and improve the agency's performance. He was supportive of the agencies, and he did not interfere with them. I was a very great admirer of him.

HARTIGAN: One final question. Do you recall where you were when the President was assassinated?

COX: Precisely. I was having lunch with Nick Zapple in the dining room at the Union Station. We were just paying the check, and when the waitress brought back our change she was crying. And we said, "What on earth is the matter?" And she said, "The President's been shot at Dallas." Well, we didn't know whether she had it right or not, so we dashed over to the Old Senate Office Building where we would have access to radio and television and a phone. And just as we were getting to the nearest entrance, the two Senators, the President's two brothers, came dashing out of the entrance to a waiting car heading for the airport, and it was obvious from their faces that the report was true. We then went up to Senator Magnuson's office and started listening to television and very quickly, of course, got the word that the shot was fatal. So I will never forget that. I then got back to the Commission just to see if there was anything that might require our action. The phones were out of order; I couldn't get out over my own phones to call my home. Things were so disrupted I went down the hall, finally, to a pay phone to call my wife, and she had not heard. For some reason she was busy around the house, and neither she nor her mother had turned the T.V. on. My boys were then quite young, and I brought them down to

the funeral cortege and then we

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took them up to the Capitol when the President's casket was on display there and it was a... You know, I guess it was, as it was to millions of people. It was a very personal experience.

HARTIGAN: Well, Mr. Cox, on behalf of the Kennedy Library, I do want to thank you for the generous amount of time you've given us this morning...

COX: Glad to do it, Bill.

HARTIGAN: ...and the patience with our mistakes [laughter], the machine breaking down, and we will have this transcribed and send you a copy of the transcript. You can read it, then delete whatever you want to...

COX: I don't think there's anything you need to delete.

HARTIGAN: ...and if in the course of your hunting around in your memorabilia you find anything that may be of interest, be on display at the Kennedy Library, we'd appreciate you considering it.

COX: Well, Dan's [Dan H. Fenn Jr.] been after me to turn over my papers, and part of the problem is that they're still boxed up at home and there are some things there that I know I would like to have, and I've just never been able to get through them, in seven years.

HARTIGAN: Well, I'll tell you, you might want to do what I did with mine. I had them sent to the Library, of course I'm up there so I could go over them, but while I was down here preparing to have some of the archivists come to [interruption]. You could have one of our local archivists here contact you at your convenience, go over your material and let you know what is of value. Then you can decide whether you want to let the Library have it or not.

COX: Yes.

HARTIGAN: There will be a lot of papers that won't have any relevancy at all, of course, and...

COX: That might be a good idea.

HARTIGAN: It sort of will help you instead of.... They can quickly tell you what the Library would be interested in. Then it may be something you may not want to get rid of, and we could have a copy of it, probably.

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COX: Right, and of course there may be, a lot of it they will simply say, "We don't want that."

HARTIGAN: Right. So if you don't mind, if you don't object we'll have somebody give you a call at your convenience and....

COX: Okay.

HARTIGAN: Fine.

COX: You'll have to have a truck to get it down here. You know, I got all....

HARTIGAN: Well, they'll probably go out to your garage and look at it, too.

COX: [Laughter]

HARTIGAN: Thank you very much, Mr. Cox.

COX: Okay, Bill.

[END OF INTERVIEW]

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