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The Feel Of The Facts

By Richard Hauer Costa

It was the stuff of which a journalism teacher's dreams are made: one of those times when he could throw away the book and illustrate a formidable array of principles with a case from his own campus backyard.

Last fall at a pre-election forum a clever student actually lured the state's No. One lawyer—the attorney general—into answering a question in such a way that he appeared to be repudiating a congressional candidate of his own political stripe.

The stage for the drama was set a week earlier when the candidate tried to make campaign hay of the fact that his opponent had expressed himself in favor of admitting Communist China to the U.N. This view, however, had not been aired in a political arena but in a citizen survey conducted by the incumbent congressman months before his respondent knew he would be running for office. Now, carefully omitting any mention of names or issues, the student asked the state attorney general about the ethics of the tactic. Did he think it cricket to use survey material for political purposes?

The state official, stumping in unfamiliar territory, soon began thrashing about in a kind of agony of self-examination. At first inclined to dismiss the question, he found himself giving the student an answer based on conviction rather than expedience. His candor battled his caution—

and won. He shook his head and, with a gesture of distaste, answered: "No, it's something I wouldn't have done. You learn something every day, but a thing like that—No, I wouldn't have done it. No, No."

His answer quickly became a journalistic catalyst. It made a strong lead in the campus newspaper; the town daily picked up the story; it even made the wire; politicians clashed; the attorney general was summoned in a neighboring city for a clarification. Had he intended to repudiate the act of a political ally? This time, gun-shy, he declined to express any opinion of the tactic beyond making it clear he had not known there was a local issue involved.

The statements and counter-statements lived out their short lives in headline type. They proved as ephemeral as most stories that begin "so-and-so exchanged verbal brickbats as pre-election tension mounted today. . . ." For any in the small audience who saw and heard the attorney general and then read the headlines he unknowingly touched off, there was a human lesson: one best taught by reference to the tape which recorded the official's words. It alone—memory being fickle—would show that *what* the official said could not be divorced from the *way* he said it.

Yet no reporter felt the need to reproduce the story with anything like the fidelity of tape. In the interests of making a campaign headline, no mention was made of the attorney general's revealing ambivalence. The facts got in the way of the truth.

This idea that the whole of a news story is greater than the sum of its parts was expressed brilliantly by Thomas Sancton 13 years ago ("War, Peace, and Journalism," *The Nation*, Apr. 16, 1949). The former Nieman Fellow wrote:

"Gestalt journalism," that is, journalism which seeks whole truth in any given field . . . , deeming the whole truth, or even the mere effort to discover it, greater and qualitatively different than piecemeal, selective reporting of its parts—"Gestalt journalism" . . . describes only what serious reporters have tried to do since writing began.

Four years ago, writing on "The Poet and the Press" (*Atlantic Monthly*, March, 1959), Archibald MacLeish warned even more pointedly of the folly of separating the *look* from the *feel* of events:

. . . We are deluged with facts, but we have lost, or are losing, our human ability to feel them. Poetry still survives with us. . . . But the poem itself has lost its power in men's minds. We have not discarded the art . . . but we have impaired the practice of the skill that

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The News Management Issue

As Washington News Men See It

By Bruce Galphin

Because of continuing interest in the subject of news "management" by government officials, *Nieman Reports* has sought to explore the question further through opinions of former Fellows now in Washington.

Not unexpectedly, the replies covered a broad spectrum of complaints, from grievances against specific official behavior to introspective alarm about the complacency of news men themselves.

David Kraslow, of the Knight Newspapers' Washington bureau, puts his finger on the difficulty of discussing "management." We have been lumping under one phrase a variety of sins: executive privilege, White House leaks, excessive secrecy, and so forth.

"We have always lived with such problems. We fight them instinctively—and relentlessly," he continues.

What particularly disturbs Kraslow—and in his opinion a "new" problem—is outright lying.

"It is one thing to speak the magic words 'national security,' and then tell the citizens nothing. It is quite another to tell them something that ain't so. . . We ought to be raising hell about doctored news, not managed news."

Donald L. Zylstra, who as military editor of American Aviation Publications is continually in contact with the Pentagon, criticizes the "rigid spelling out of the conditions under which interviews would be conducted with reporters."

Earlier administrations, he writes, "seldom questioned the right of government officials to generate news through discussions of their official actions with reporters." Now, he argues by example, officials must submit to "open and offensive censorship."

Both Zylstra and Murrey Marder of the Washington *Post* are concerned about ex post facto news announcements.

"There is a rising tendency," Marder writes, "to discuss vital national and international affairs on the record only after decisions have been made and discussions can have no formulative effect on policy."

If this fait accompli principle were carried to its extreme, Zylstra asserts, "citizens might be permitted only 10 to 15 per cent of the pertinent, unclassified news about government processes. . . . Since when was tidiness in a democracy to be prized above a free flow of information?"

Robert C. Toth of the New York *Times*' Washington bureau reports a disturbing instance in which a news man

got into a "heated argument about some Administration officials" with another Administration man, then two days later heard his comments repeated back to him by Pierre Salinger.

"My feeling," Toth writes, "is that this Administration is trying harder to 'control' news because there are more academic minds in it than in predecessors, that these professors read newspapers and magazines very thoroughly, and that they demand the same accuracy and completeness in news accounts that they got in theses."

This academic orientation, Toth continues, also shows up in a tendency of scientists to print reports of tax-supported research first in learned journals and to let news men "pick them up thereafter."

Remarks about the sophistication of the Kennedy men turned up in other Fellows' comments.

John Steele, *Time* Magazine's Washington bureau chief, finds "the current crowd . . . perhaps a little too 'image conscious' . . . They do read the hell out of us, and, after all, that's the highest form of flattery in our profession."

And Richard Dudman of the St. Louis *Post-Dispatch* writes: "The Kennedy Administration may try to manage the news a bit more than some of its predecessors. In large part, this is a reflection of the increased articulateness and individuality—some might call it gabiness and egotism—that characterizes members of this Administration."

Dudman further contends that it is a "dangerous delusion" if reporters forget that government press officers are hired to "promote the good and conceal the bad, and put the best possible face on all news concerning their agency."

Several Fellows believe plain old hard work would remedy a lot of the complaints about "management."

"Work is the great equalizer here," writes Dick Harwood of the Louisville *Times* Washington bureau. He finds it natural that the man in the small bureau is at a disadvantage with regular beat reporters. But, he adds, "We do not stand or fall as reporters on occasional tidbits from the great man's table."

"A favored reporter," says Julius Duscha of the Washington *Post*, "gets an occasional beat on his rivals, and perhaps even an occasional invitation to dinner. But the beat usually is nothing more than a 'puff' for the Administration."

"Significant stories that go behind the official statements

seldom come from Administration sources. They must be developed from such sources as lower-echelon employes, Senators and Representatives and their aides, and lobbyists."

Douglass Cater of *The Reporter* contends that "... to evolve a theory about 'freedom of information' is mistakenly to assume that getting the important story can really be made resistance-proof."

Further press self-criticism comes from Bob Fleming, chief of ABC's Washington news bureau and chairman of the Radio-Television Correspondents' executive committee. He finds officials taking advantage of an "insidious professional rivalry within the news-gathering profession" (i.e., the pencil press v. the electronics journalists).

In an appeal for more "irresponsibility" on the part of the

press, Alan Barth of the *Washington Post* challenges some of the basic assumptions about cooperation between officials and news men.

The function of the press, he writes, "is to give a self-governing people the fullest possible information about what their government is doing and to operate as a tribune of the people, challenging governmental authority whenever it goes beyond appropriate bounds."

While the need for secrecy may sometimes be persuasive, Barth continues, "it is inescapable . . . that such secrecy deprives the public, in large measure, of control over its destiny."

"We do not need to fear government censorship of the press in the United States. We do need to fear inadequate press censorship of the government."

The Symposium:

Look at the Product

By John L. Steele

Quite frankly, I believe that in our profession there is entirely too much wailing at the wall on the subject of press freedom and the so-called "management" of the news. I am disturbed lest news men become so obsessed with this subject that they forget their own jobs, that of "managing" to tell the news in a meaningful way. In the main, I have found that governmental news policies have not inhibited us to any great degree, and I find important sources somewhat more available than at certain periods in the past.

On balance, I find the current crowd exceedingly interested in what is written about governmental activities, perhaps a little too "image conscious" to the point where they risk over-emphasizing the matter of "how things look," rather than "how things are." They do read the hell out of us, and, after all, that's the highest form of flattery in our profession.

Regarding your specific question of accessibility to President Kennedy: that is a matter of Presidential discretion and on this score I have no complaints. My concern is not with any special consideration given this journalist or that, but with the outcome of such consideration. Is the product good or bad, mature or immature, realistic or self-serving? I submit that these kinds of judgment lie at the heart of journalistic performance and that, as always, news men rather than bureaucrats remain the masters of their fate and the keepers of their professional conscience.

P.I.O.: Natural Enemy

By Richard Dudman

The Kennedy Administration may try to manage the news a bit more than some of its predecessors. In large part, this is a reflection of the increased articulateness and individuality—some might call it gabbiness and egotism—that characterizes members of this Administration.

The big difference here is that the Kennedy Administration admits it manages the news and tries to justify it. Kennedy himself spoke along that line after the Bay of Pigs invasion in 1961, and Arthur Sylvester more recently has tried to make it sound honorable and patriotic for newspapers to serve as public relations organs for the government in time of stress instead of printing all the news they can get.

In the Eisenhower Administration, officials were hard or impossible to see, and when you did see them they often wouldn't tell you much. I doubt that Kennedy has matched the circumstances of the Eisenhower illness as an example of management of a news event of top importance at the White House.

Some of the complaints about managed news are by reporters who seem to hold the naive belief that government press officers have the job of providing information to the press. Actually, their work is to promote the good and conceal the bad and put the best possible face on all news concerning their agency. They are natural enemies of newspapermen, and any other assumption is a dangerous delusion.

News - Proof News?

By Douglass Cater

I sometimes think that, even as for Assistant Secretary Sylvester, the attempt to articulate absolutes about "the news" is the undoing of us all. Certainly, news is regarded as a weapon in the strategies of most officials who are involved in the subtle battles of statescraft. But they are misguided to believe they can say so out loud and get away with it. Certainly, the press is duty bound to suspect, to challenge, to attempt to get round the blockades erected by those in government against access to "the news." But to try to evolve a theory about "freedom of information" is mistakenly to assume that getting the important story can really be made resistance-proof.

A free press and a purposeful government are destined to be involved in war of sorts. The fact that the Kennedy Administration is more skillful and sophisticated than its predecessors in its usages of publicity only makes this more inevitable. What both sides should seek in this particular warfare is a measure of tacit agreement on weapons control, not total disarmament. On the press' side, the kind of ruthless self-criticism exemplified by Ted Rowse's *Thalidomide* story in the December *Nieman Reports* will do more to ensure continuing vigor and deserved freedom for the press than a thousand laments about threat of government censorship.

Hard, Unglamorous Work

By Julius Duscha

It has always been the job of public relations men, whether they work for the government or for private industry, to manage the news. On the other hand, it is the job of reporters to tell readers not only what the public relations men claim is happening but to go beyond the handouts to get the full story.

I think that Washington needs fewer reporters who go around bleating about the management of the news and more reporters who are willing to do the hard, unglamorous work of digging out the news.

I seldom cover the White House, the Pentagon or the State Department, but I have had considerable experience covering the Agriculture, Interior, Commerce and Labor Departments as well as some of the regulatory agencies. The significant stories in these departments and agencies seldom come from handouts or press conferences. More often, they are developed by reporters who know their subjects, know their way around the agencies—and on Capitol Hill—and are willing to work at their beats.

For all of the reporters who are in Washington, the city is actually poorly covered. The reporters tend to swarm to the most glamorous assignments—the White House, the State Department, the big congressional hearings. There is all too little day-to-day coverage of the other departments and agencies, and even the coverage of the big stories often consists of duplicating stories regurgitating the obvious.

There is no question that the Kennedy Administration has tried to manage the news, but so did the Eisenhower Administration. A favored reporter gets an occasional beat on his rivals, and perhaps even an occasional invitation to dinner. But the beat usually is nothing more than a "puff" for the Administration. Significant stories that go behind the official statements seldom come from Administration sources. They must be developed from such sources as lower-echelon employees, Senators and Representatives and their aides, and lobbyists.

No big scandal can be hushed up for long by an Administration. The Billie Sol Estes scandal, which I spent much of last year covering, is the latest example. I know of Agriculture Department officials who hoped that the Estes case could be hushed up and who advised Secretary Freeman not to talk about it. But in this instance the press would not let Freeman sit on the case.

Not all of the fault with Washington coverage lies with the reporters, however. Many editors are unwilling to provide the space that is needed for comprehensive coverage of Washington. Other editors are only concerned about the big stories on which the pack of Washington reporters converges like yelping foxes for a few days and then drops.

My plea, then, is for more real reporting in Washington. If all of the newspapermen in Washington who call themselves reporters would get out of their offices and the National Press Club bar more often, and look with more skepticism on every official pronouncement, there would be less need for anyone to worry about freedom of information and management of the news.

The Academic Influence

By Robert C. Toth

I've two comments on news management here, the first on the general topic, the other on scientific results paid for by tax funds.

A couple of months ago a fairly influential Administration guy came to dinner. During coffee a newspaper friend dropped by. There developed a heated argument about some Administration officials. Two days later my reporter friend had his statements repeated to him over lunch by

Pierre Salinger. Seems my Administration guest had made a report. His defense, when I braced him, was that he believed all officials should report on all conversations with news men.

My feeling is that this Administration is trying harder to "control" news because there are more academic minds in it than in predecessors, that these professors read newspapers and magazines very thoroughly, and that they demand the same accuracy and completeness in news accounts that they got in theses. If the whole truth can't be told, they reason, then no part of it should get out. Making government people write memos on what they told newsmen should cut down on the part-truths and rumors they pass on.

On tax-supported research results, there is a powerful Society for the Preservation of the Good Life for Scientists here. Discoveries are often told first to scientists through scientific journals, and news men can pick them up thereafter. An extreme view is that of physicists who won't print anything in their journals if it has appeared earlier in a newspaper. They have missionaries in the various government science agencies. After some fighting we are now promised that we will get research results on space exploration at the same time they are submitted to the journals.

I won't bore you with all of the arguments on both sides. But I thought it should be mentioned in any discussion of news management.

National Security Fibs

By David J. Kraslow

I think the entire debate over "managed news" is getting out of hand. I am not even sure anymore as to what we're talking about. We are scattering our shot at a whole variety of issues. They are somewhat related, to be sure, but I fear we may miss the mark on what, in my view, really counts and we may wind up confusing the public, as well as ourselves.

Executive privilege, White House leaks, excessive secrecy, management of news (name me one politician in all history who did not attempt to manipulate the flow of news to best serve his cause or himself). All of these, and other questions, have come into the debate.

I am inclined to accept Ed Lahey's long view of such matters. We have always lived with such problems. We fight them instinctively—and relentlessly. We gain a little ground; we lose a little ground. But in the net, I think, we manage to stay on top.

There is a "new" and very basic issue on which we should be concentrating our ire and our fire.

It is one thing to speak the magic words, "national security," and then tell the citizens nothing. It is quite another to tell them something ain't so, when you know it is so. And then, when what happened becomes painfully obvious, you explain you had to fib for the sake of national security. The "you," of course, is the national government, or any agency or official thereof.

We ought to be raising hell about doctored news, not managed news. We ought to be raising hell about an official mentality which seems too ready to tamper with the credibility of the United States government for the sake of alleged short-term gains.

The U-2 business of 1960, the Bay of Pigs in 1961, the Cuban mess of 1962 (and I'm not overly concerned about the President's diplomatic cold in the latter instance). Three times in less than three years the American people were misled by their own government on matters of major import. This is a fact, period.

We lost a lot more than a propaganda battle when the United States told a whopper about Francis Powers and his U-2. We have not yet paid the full price for that lie (only last month Eisenhower said he has all along regretted not obeying the instinct that told him it would be better to say nothing than to lie).

I wonder, for example, how the textbooks are going to handle the U-2 affair.

Are they going to say that a government which must have the consent and confidence of the people found it necessary to lie to the people?

If it's all right for government to lie sometimes, the student asks, how can the people know when government is not lying?

I grew up believing that when Uncle Sam said something, you could pretty well depend on it. Prof. Ernest May, a Harvard historian, tells me it's out of character for American governments to lie. That's what we ought to be worrying about.

Obviously, I haven't tackled directly any of the questions suggested in your letter. They are all worthy of discussion, but if I took them on I would be doing precisely what I complained of at the outset.

I might say that the Presidential press conference can be a most useful method of helping to keep an Administration honest in its handling of news.

As I noted in a *Nieman Reports* piece a year ago, other than news men, there is no one—in or out of government—who can examine a President on the record.

Sure, the instrument is far from perfect. But it's all we have. Improve it—don't kill it. And Mr. Kennedy's record on press conferences is still almost as spotty as it was when I wrote the piece.

Needed: Irresponsibility

By Alan Barth

I shall confine myself to a single aspect of the complex problem of "news management." I think the nub of the matter is not that the press is "controlled" but that it is excessively complaisant and cooperative.

The assumption underlying what I have to say is that the press in the United States was given an extraordinary grant of freedom—under the First Amendment—that is, immunity from governmental regulation—in order to enable it to serve as a censor of the government. Its function, in short, is to give a self-governing people the fullest possible information about what their government is doing and to operate as a tribune of the people, challenging governmental authority whenever it goes beyond appropriate bounds.

Of course, a press which is independent enough of the government to serve as an effective critic of governmental conduct is, almost by definition, in some degree an irresponsible press. A measure of irresponsibility is the price which must be paid—and which the authors of the Constitution were prepared to pay—in order to enable the press to discharge its vital function of censoring the government.

Irresponsibility is the charge customarily leveled at the press. But I think the most serious shortcoming of the press today is that, out of respectable and patriotic motives, it has allowed itself, indeed, to become, in alarming degree, an instrument and partner of the government, rather than a censor.

There are some persuasive reasons for secrecy on the part of the national government these days and for newspaper acceptance and support of such secrecy. From the point of view of national security, it may be necessary to leave unreported many defense activities or the projects of such agencies as the Atomic Energy Commission; it may be desirable to let a Central Intelligence Agency organize a little putsch here or launch an invasion there or install a puppet dictatorship in some other part of the solar system without telling the public anything about it. It is inescapable, however, that such secrecy deprives the public, in large measure, of control over its destiny.

"Everything secret degenerates," Lord Acton once wrote, "Nothing is safe that does not show it can bear discussion and publicity." Whatever the justification for secrecy, moreover, it is incompatible with freedom and self-government.

Along with newspaper compliance with official secrecy has gone a dangerous tendency, it seems to me, to let editorial criticism of the government stop, like politics, at the water's edge. American policy in regard to Cuba, Berlin, Viet Nam and the Congo may have been in every respect

infallible; but the degree of uniformity in editorial comment concerning it suggests a kind of uncritical rallying round the flag.

The FBI may be an infallible law enforcement agency and the Un-American Activities Committee, a benevolent guardian of the political proprieties; but the paucity of criticism concerning them suggests a failure in the first function of a free press—to safeguard individual liberty against expanding government power.

Nowhere in the United States is the press being "controlled" by the government. But it is in danger of controlling itself out of a mistaken sense of responsibility.

We do not need to fear government censorship of the press in the United States. We do need to fear inadequate press censorship of the government.

Press Can't Have It Both Ways

By Murrey Marder

It would be nice and neat if the debate over government management of the news turned on tidy blacks and whites; the handsome knight vs. the evil prince, the good guys vs. the bad guys, with the press, of course, uniformly aligned on the side of the angels, and the government, naturally, representing the forces of darkness. There is a lot more of this in the present dispute than the Administration will concede; but a lot less of it than some of our colleagues imagine.

Every reporter in Washington who covers national affairs could have anticipated, if he had wished to think about it, that a debate about the Kennedy Administration's press policy was bound to erupt, even without Art Sylvester's verbal blooper, the Defense Department's foolish directive, or the attempt of Bob Manning at State to settle for the least silly choice of operating rules pushed at him by the Administration.

The collision was bound to come not because this Administration is hostile to the press. On the contrary, it was because the Administration ardently sought a friendly and understanding press, even though there are some inside this Administration who regard the press as a plague.

No Administration, at least since FDR's first term, assumed office declaring there was so much wrong in the nation and in the world that had to be set right. Illusions were aligned as targets for shattering; misconceptions were paraded for conversion to realities. There was work to be done, huge work, to educate complacent Americans about life in an increasingly dangerous nuclear age, and the most important vehicle for education was going to be

the press in all its dimensions—newspapers, magazines, television and radio.

The goal was one the press could only applaud. But in what followed, part of the press, part of the most influential part, namely many publishers, editors, columnists, television and radio executives, confused their place in the scheme of American life. An energetic, intelligent, attractive young President opened the inner sanctum to them for beguiling peeks at what went on inside his government and inside his mind. The privileged listeners, naturally enough, were fascinated. The experience left its mark on them, and, by the osmosis processes of journalism, on their organizations.

It is a good thing, not a bad thing, for the hierarchy of journalism to understand some of what the writing and reporting branch of journalism deals with every day, the operation of government. But the press cannot have it both ways. It cannot be both the confidante and the critic of government. It must choose one role or the other.

This does not mean that the press must be ever hostile to government, always ready with journalistic brickbat in hand. The press can and should be the explainer of what government is doing; but it also must be detached enough from the government and the processes of government to try to report what government is and is not accomplishing.

We have experienced what occurs when the boundaries between government and press become obscured. News is less and less enunciated in the open where it is exposed to the cut and thrust of debate about who said what and when and why and how and where. Instead, news emerges, increasingly, in soft and cloudy bubbles from inspired leaks and "inside" information. "The President believes that. . ." "Secretary Rusk is determined to. . ." "The Administration today indicated. . ."

Television, for its part, produces what is called an hour, or half-hour, of informal, frank talk with this or that Cabinet officer. But often it is a recorded exchange from which the rougher questions and the fuzzier answers have been clipped out.

Even the President's news conference, now that it is televised, is more a production than a press conference. Are we seeing actors, or reporters? The product has an almost discernible cast of regular characters; those who can outshout their fellows, or otherwise have a corner on the President's eye.

No wonder, given this kind of operation, that attempts are made to use the cotton wool language of bureaucratize, to "channelize" the remaining sources of information that are not already a part of the managed program.

This, by no means, is to charge this Administration with doing something more devious than its predecessors would have stooped to. On the contrary, this Administration is reaching for a familiar objective through different means,

in which the vanity of the press is an important part of the weaponry. Basically, the press has been a compliant patsy.

It must not be overlooked, however, that in some areas of government life, especially in the field of foreign policy, this Administration is making more information available than any Administration in recent years, through background talks, private interviews, etc. Our fellow Nieman Fellow, Bob Manning, is justified in underscoring this. This access is invaluable to any news man trying to report what protocol does not permit a government to say quite out loud; of course, it is also invaluable to the government.

But a price has been paid for this access wherever it exists in government, and it is an unnecessary price if the government really means what it says about the profound need for public understanding of the complexities of an increasingly complex world.

The on-the-record utterances of government have been grievously limited. The free, open dialogue between government and public has been seriously foreshortened. There is a rising tendency to discuss vital national and international affairs on the record only after decisions have been made and discussion can have no formulative effect on policy.

It is time to turn the tide. But the press, as well as government, must recognize its own culpability in what has brought us where we are.

Work Is the Equalizer

By Richard L. Harwood

My opinion about government management of the news has only limited value. I have not worked in Washington under any Administration except Kennedy's. I do have an opinion, however, about the two propositions you raise—news "management" and favoritism—in Washington today.

On the first point, I have not observed that this Administration has made any greater effort to control the news to its own advantage than other levels of government with which I'm familiar. In some ways, the opposite is true. For example, both the Labor and Commerce Departments have consistently minimized the significance of employment and income gains over the past year. Instead of boasting uncritically about "new records" for the economy, they have constantly reiterated their dissatisfaction with the unemployment level and with the rate of growth in the G.N.P.

I have been further impressed by the accessibility of people in both the White House and the bureaucracy. I have not had any private interviews with the President or with members of the Cabinet. But Presidential assistants and sub-Cabinet officers have been very cooperative.

The problem of "favoritism," in my judgment, has likewise been overrated. There are always a lot of cry-babies in the press corps who complain of such things. But I won't join that chorus. Kennedy developed a number of friendships with reporters while in the Senate. Some of them, like Rowland Evans and Charlie Bartlett, are people of wealth who associated with the Kennedys in the Georgetown social circle. Others, like Bill Kent and Bill Lawrence, got close to him during the 1960 campaign. A few "scoops" may have resulted from the personal relationships between these men and the President. Bartlett, for example, had help from the White House on the *Saturday Evening Post* piece. My general reaction, however, is, "So what?" We do not stand or fall as reporters on occasional tidbits from the great man's table and we are not handicapped seriously in our jobs by being denied these tidbits.

I think a great deal of the yak yak over favoritism is motivated by envy of the social status enjoyed by reporters who go to parties at the White House. Another motive may be the mistaken belief that the easiest and best way to function as a Washington correspondent is to be on intimate terms with the great men. Relationships of that sort have obvious, if limited, advantages. But I doubt that they are essential. In any event, I think it is inevitable that in any Administration there will be journalistic "insiders." The prestige of papers like the *New York Times* and of journals such as *Newsweek* and *Time* opens doors that are often shut to the *Midland Bugle*. More important, these publications and a few others devote to the coverage of Washington news the resources necessary to do the job. It is a reasonable assumption that any man assigned permanently to the White House or to the State Department or to any other agency is likely to have more contacts within a given agency than the reporter who drifts in once or twice a month looking for something that happens to catch his fancy.

Work is the equalizer here. A diligent reporter, I believe, can compete with the "insiders" if he is willing to make the effort. The trouble is that we do not always make the effort and that is the greatest weakness of the press corps; it is also the source of our vulnerability to people who would "manage" the news.

For example, a favorite pastime here is to participate in "background" luncheons or dinners with "high government sources." These sessions are sometimes a bore; sometimes they are enormously useful. They are dangerous, however, in the sense that they provide officials with an opportunity to brainwash reporters. Sometimes reporters leave these sessions, rush to their typewriters and produce inside stories that may, in fact, be little more than propaganda pieces. The antidote for this sort of thing is to do some homework and some backchecking before writing. But this means work and it's easier to be spoonfed.

I do not mean to be a Pollyanna about all this, nor am I entirely cynical about the "freedom of information" crusade. There may have been serious problems at both the Pentagon and State Department during the Cuban affair. I was out of Washington covering politics during that period and have no personal knowledge of that interlude of censorship.

In general, however, my feeling about Washington is that necessary information about the conduct and performance of the government is available to those willing to make the effort to get it. And after it is gotten, of course, we are obliged to make the further effort to evaluate it and figure out what it means. I think we and our newspapers would be a lot better off if we spent more time and energy doing our jobs and less time and energy whining about how beastly it is to get the news.

Government by Fait Accompli

By Donald L. Zylstra

The Kennedy Administration has brought a qualitative difference into its attempts to manage news.

Earlier Administrations seldom questioned the right of government officials to generate news through discussions of their official actions with reporters. Attempts to inform these news sources about what higher echelons considered acceptable practice, to steer them away from talk embarrassing to their chiefs, were common. But rigid spelling out of the conditions under which interviews would be conducted with reporters—even designation of specific officials in an administrative department privileged to talk with the press—these refinements were largely left to the Kennedy Administration.

Several years ago an armed forces secretary, or the chief of staff of the Army, Navy or Air Force would have considered it his prerogative to schedule a press conference at a time and place of his choosing, without consultation with higher Pentagon authority.

Only under the McNamara regime in the Pentagon have reporters been treated regularly to the unnerving spectacle witnessed recently when Air Force Secretary Eugene Zuckert met the press. Not only was Assistant Defense Secretary Arthur Sylvester present to "introduce" Zuckert (acquainted on a first name basis with virtually every news man present) but the press secretary continued to intrude throughout the press conference.

Instead of deciding for himself the propriety of answers to reporters' questions, Zuckert was reduced to taking his cues from Sylvester, who arbitrated the proceedings, either by vigorous negative nods—or by noting that this item would have to be "checked" by his office and the data re-

leased later—"if classification permitted." Under earlier regimes, the press would have been surprised indeed to encounter a secretary or chief of staff submitting to such open and offensive censorship. Under McNamara, such procedure is becoming so common as scarcely to evoke comment.

Not only is the McNamara Pentagon administration determined to have its say about what news is released, it is conspicuously determined to control who dispenses it, when, and under what conditions. The volume of innocuous handout releases and even official briefings has increased materially—but only in an unsuccessful attempt to forestall more searching coverage by reporters.

Officers choosing to grant un-chaperoned interviews in sensitive subject matter areas are finding themselves queried later by Office of Public Affairs minions—and Sylvester-inspired attempts to learn reporters' sources are becoming more frequent.

Military professionals and highly placed civilians in the Pentagon who would have had no qualms about talking with trusted reporters 24 months ago often consider refusal to talk the safest course—if not the best way of insuring their professional futures.

This marked deterioration in the Department of Defense news climate, noted by Pentagon press regulars almost since the advent of the McNamara regime, first came to the attention of a large portion of the Washington press corps during the Cuban Quarantine crisis. With few exceptions, publications and news services represented by reporters covering the quarantine carried a rash of stories and editorials protesting Pentagon news policy.

But barring some unforeseen action in Congress, it now appears Sylvester has won the battle by default. Certainly there is no indication Secretary McNamara is unhappy with his performance. Nor does his continuation in his job seem even remotely in doubt. Were news men less than vigorous in deploring the situation? This Pentagon reporter doesn't think so.

Many competent reporters, including most Pentagon regulars, are convinced that further attempts to combat defense news censorship will require an assist from a quarter that has remained much too silent until now. Most publishers and the executives of news services and other reporting organizations have given lip-service support to the need for preserving access to government news.

Publishers, wire service chiefs and newsroom executives haven't exerted themselves unduly to protest government news cover-ups. As heads of corporations in their own right, publishers may almost subconsciously equate their positions with executives in government.

This lack of concern was never better demonstrated than at the November 1961 Associated Press Managing Editors Association convention in Dallas. There, Clark Mollen-

hoff's early attempt to bring the unwholesome Pentagon news situation to the attention of newspaper executives was regarded as entertaining, an interesting battle of wits, pitting a seasoned Washington reporter against State Department's Deputy Assistant Secretary of State for Public Affairs, Carl T. Rowan, and the Defense Department's Arthur Sylvester.

In pointing up general dissatisfaction of Pentagon reporters with Defense news policies, Mollenhoff anticipated the Cuban Quarantine outcry by nearly a year. At best the only reaction he was able to produce was a nodding of editorial heads in sage agreement that he *had* presented a problem. The Associated Press story covering its own panel discussion of the situation largely missed its import—doing little more than bill the confrontation as an interesting exchange of views.

Nor will an apathetic public offer much support in reversing the government secrecy trend unless the press does a materially better job of calling the matter to its attention. Unfortunately most readers of newspapers and news magazines seem ready to accept the line frequently taken recently by the White House and the Defense and State Departments: "You don't want a lot of reporters prying into the activities of government at this dangerous time, do you?" This seems an entirely plausible viewpoint and the subtly damaging effects of news manipulating usually aren't apparent except in galling retrospect.

Only this apathy, on the part of the public and press executives, could have paved the way for a situation where, for one of the few times in this century, professional news men were denied the opportunity of covering an important military operation. Individual reporters tried vigorously and persistently to gain first-hand access. But they were accorded pitifully little support from their publications or the public. Clearly, acceptance of the principle of information by government handout has become appallingly general.

Controversy and compromise have been deliberately built into our system as its cardinal principles. But even in the Defense Department by far the largest share of news suppression is practiced, not because it violates security, but on the grounds it is "controversial." This term has reached a new depth in connotations of undesirability among us. It is accepted *per se* nowadays as a valid reason for concealment in government.

Thus we stand meekly aside and continue to condone the practice of releasing news only when it relates to the finished package, the ultimate act, agreement or decision. Procedures for hammering out legislation or executive decisions being what they are, it is fair to assume that, if the "speak-with-one-voice" approach were carried to its ultimate extreme, citizens might be permitted only 10 to 15 percent of the pertinent, unclassified news about government pro-

cesses. We should soon be faced with a succession of accomplished facts, with little or no basis for judging the conditions or merit of the accomplishment. Since when was tidiness in a democracy to be prized above a free flow of information?

No Problem for Real Reporter

By John J. Lindsay

The Congress, rather than the Executive, has been my beat most of the past six years, first on the *Washington Post*, and in recent months for *Newsweek*. But there is a good deal of interplay in assignments.

No reporter in Washington with the slightest talent, capacity for hard work, ordinary curiosity, and insight need feel himself left out or conspired against in covering the Congress. With 535 individuals, about 20 percent of whom exercise real power and have connections with sources of information inside the Administration, there should never be a blast about news management on Capitol Hill. Most reporters have to admit they can get as much "inside" information as their brains can absorb.

Now the executive branch is different, but it is a difference of emphasis, rather than anything else. Here's the sharp contrast between the Eisenhower Administration's "news management" and that of the Kennedys:

Unless a reporter was with the "in group," that tight little coterie of reporters and correspondents that springs up with each change of Administration, it was all but impossible to break through the service of Jim Hagerty under Ike. For instance, if a reporter wanted to talk with Emmett Hughes or Bryce Harlow four years ago, he had to call Hagerty first. After sparring with him for five or ten minutes, he either got the green light or he didn't and frequently he got nothing more than a run-around. Recently I had occasion to need information from Wiesner, Schlesinger and Larry O'Brien in one afternoon. Calls were placed directly. Schlesinger was out of town but his secretary gave me the name and telephone number of the person he was visiting. Wiesner's secretary said he was out but would be back. O'Brien was in but was tied up. Before two hours had passed, O'Brien was on the phone with a completely candid response to my question.

Wiesner called back, and with a titanic forbearance—for the question I had to ask was piddling—carefully explained his position to me.

The big difference between the Eisenhower Administration's news handling and this one, is the availability of those who know what is going on and, in most circumstances, their willingness to discuss it candidly. This doesn't mean there are not limitations. The reporter who refuses to accept

a response unless it is completely on the record, will fill little news space. This is a shibboleth of the business anyway, in my judgment; it is a question of whether you really want to report what is going on or whether you want to demonstrate to reader and employer alike that you scored big by talking to the top man and nailing him down for direct quotes. Frequently, the direct quotes say nothing that any good high school publication couldn't elicit and your readers go begging for the really significant story: what does it all mean?

Not infrequently, when the heat is on, as it was during the second Cuban crisis, your best sources will clam up for three or four days. This in itself is a tip that something big is happening. Rather than sit around with thumbs in ears moaning about it, the able reporter will try to get behind that happening, too. (It is no great surprise to me that despite the red herring dragged across the trail, cover stories and other devices used, two newspapers nailed the story of the Administration's plan for the handling of the introduction of Soviet missiles into Cuba. That they sat on this at the request of the Administration may be news management but if it was, the precedents are clear and unassailable. No reporter worth his salt here muttered about the ability of those reporters to smoke out a big one. Personally, I was green with envy, but I know how it was done: curiosity, imagination, boldness and the insight to put together extraneous, seemingly unrelated, scraps of information, stab at the truth and pin somebody down with the evidence. It sure as hell wasn't magic and nobody "leaked" that story. It was obtained, despite one of the most effective security screens ever thrown up.)

The Administration personnel are much more sophisticated about handling news than their counterparts under the Eisenhower Administration. They are acutely aware of the damage that can be inflicted by the reporter who, in a huff over rebuff, rushes into print with a half-baked story. They also read the newspapers, an example set by Mr. Big as contrasted with the example set by Eisenhower.

There is no reason why any reporter who wants to go after it and can handle it professionally, should be shut out of the sources of news. Those who are content with handout reporting, generally speaking, are those who bleat the loudest when they get their ears pinned back by enterprisers. The fact that the *Herald Trib* is down-beat at 1600 Pennsylvania Ave. N.W., has not noticeably prevented their good reporters from coming up with good, solid, exclusive stories.

There is probably more backgrounding going on in Washington today than at anytime in the past 10 years. Is this bad?

These affairs have a limited value, however, for producing news. Any reporter who depends upon them won't be around long to report. Obviously, except in rare instances

when the guest fills reporters in on the thinking of his department or agency on a problem to peak sometime in the future, the interviews ranges over things past.

This, in a sense, may be "managed news" in that only a handful of reporters are present at a time and place, generally, of the guest's choice. There is the implication likewise, of shutting out other reporters, and, in effect, battenning hatches on use of information that might otherwise come out in the course of events.

I am inclined to think, however, that much of the news broken by these backgrounders will come out one way or the other. And because they are conducted on a "non-attribution" rather than "off-the-record" basis, the enterprising reporter has no difficulty shaping things in hard form. Under Eisenhower, there was far less sophistication in understanding the difference between non-attribution and off the record. As for shutting out other reporters, what prevents those "shut-out" from organizing their own background group?

Charles Bartlett is a case in point. In our business, the President has no closer personal friend. I defy any reporter to go over Bartlett's columns of the past two years and point out exclusive stories, stories not carried earlier by other publications. The *Post* story burned Charley badly, so what does that prove about being a confidant of the President?

There are unfortunately, many Washington correspondents who although highly successful themselves, blast incessantly about "managed news." I am convinced that the hue and cry over "news management" is an editors' lament. You can't keep your Washington correspondents tied up for days at a time running down garbage of interest only to the publisher and his ego ("Need five tickets now to Inaugural Ball") and expect that the reporter is going to have energy or desire to crack the real stories here. When the press puts the pressure on things happen. Walls tumble down, policies are reversed and silent people talk. If there is a tendency to pass the buck, rationalize, hide behind words, shoot up trial balloons, this is human and we should understand this and still plunge on and do our jobs.

Summing up: I believe the management of news is going to be with us forever. I think there is less of it now than four years ago. Policy makers are more readily available at the highest levels than ever before; they not only know what is going on they talk about it.

Reporters personally, by and large, carve out their own futures here and no man need feel left out if he is competent, energetic and can handle what he gets like a pro.

Washington correspondents, generally speaking, today are head and shoulders above their predecessors. They are better educated, more aware, more energetic, less inclined either to liberal or conservative dogma, and deeply unimpressed by the panoply of the "big-men" in Washington.

My personal view is that even if confined to wire services, the newspapers of the United States are getting more and better reporting than ever before. With the advent of the individual news services promoted by such papers as the *Times*; *Herald-Trib*; *Washington Post* and *Los Angeles Times*; *Chicago Tribune* and *News*, to mention a few, there isn't a paper in this country with any pretensions to excellence that has the slightest excuse in the world for not turning out a much better newspaper than most of them do.

Two-Way Street

President's press conference, Feb. 7

Question. Mr. President, ever since Mr. Sylvester talked about what's called "managing the news," there's been a lot of confusion on the subject. Do you feel the administration has a responsibility to engage in a sort of information program, educating people in the fact that under certain circumstances this practice has some ethical validity, and if this is not done, how will the public know when it's getting factual information, and when it's not?

The President. I think it gets a good deal of factual information—and I think we're trying to give the information in the matter of Cuba, we've been trying to be accurate, and there's also, it seems to me, the information of the press to make a judgment as to whether information that is coming out is accurate, not only by the national government, but by others, and to subject that to careful scrutiny as they do our information.

Now, I remember a story the other day in one of our prominent papers, which had a report of a congressman about the presence of missiles, no supporting evidence, no willingness to give us the source of his information. We are not, after all, a foreign power, and on page 10 was the statement of the Secretary of Defense giving very clear detail—that was page 10, the other was page one—so it's the responsibility of ours and, it seems to me, also the press.

I would think that a good many Americans after the last three weeks of headlines, have the impression that there are offensive weapons in Cuba. Now it is our judgment based on the best intelligence we can get, that there are not offensive weapons in Cuba.

And I think it's important that the American people have an understanding, and not because of these various rumors and speculations—compel the Secretary of Defense to go on television for two hours to try to get the truth to the American people and in the course of it have to give a good deal of information, which we are rather reluctant to give, about our intelligence gathering facilities.

Looking Down on News Men – And Why

By Robert H. Fleming

Mark Sullivan once said "The only way for a newspaperman to look at a politician is down." There is reason now to believe that President Kennedy and some key Administration officials have reversed the direction. In a number of ways, they are looking down.

I propose to argue that if the assessment is accurate, there is some reason behind it. News men may be getting about the treatment they are deserving. I have an idea a fairly reasonable case will be made by those alarmed over "managed news." I think it worthwhile to raise some questions of whether the critics come into the court of public opinion with clean hands. Let me explain:

Mr. Kennedy has used five major methods of communicating through the media of public information. The first is by public addresses and White House ceremonies; the news coverage of these has apparently been satisfactory.

The second is the Presidential news conference; these range from quite adequate to mediocre. Let's examine the news conference of November 20 last, when the President was asked about news restraints imposed by the State and Defense Departments.

Edward Folliard of the *Washington Post* asked the first question. It was rather vague. So was the President's answer.

(Mr. Kennedy dropped one surprising comment into his reply to Folliard: he said "newspapermen were not permitted to go to Guantanamo because obviously that might be an area that might be under attack." And with 381 correspondents and guests present, not one asked whether—or why—the Kennedy Administration was forbidding war correspondence.)

As the President turned Folliard's question about news suppression to a defense of protecting national security, there was obvious need for a follow-up question. Clark Mollenhoff of the *Cowles Publications*, an ardent advocate of news access rights, was on his feet at once, but Mr. Kennedy chose to recognize another reporter. So the next question sought his analysis of the November election—a reversal of the discussion field especially pointed because the questioner was Mollenhoff's *Cowles* colleague, Charles Bailey. As it is so often, the news conference was here a vehicle with a very erratic steering apparatus.

It was ten minutes before Mollenhoff turned the discussion back to news accessibility—would the President modify the State and Defense Department controls? Again, the same answer that Folliard received: the Administration

would modify the controls if it became convinced that changes were needed. The next question was on a Brazilian proposal to restrict nuclear weapons in Latin America. Still later in the conference, Raymond Brandt of the *St. Louis Post-Dispatch* tried a third time, with the same minimal success. I think there's a point here that reporters were not solely looking for news; to some degree, they were debating Administration policies with the President, and perhaps even urging him to curb zealous aides. But I argue that the news conference, with the independence of reporters who seldom combine their interests and efforts on any topic and with the number of news men participating, scarcely serves as a good channel of communication. (I'll leave to another time the argument over whether television has changed the news conference.)

A third Kennedy device is the individual interview. He sees more individual news men than any previous President, and finds most of them accurate reporters of his views, even though information is often for background only. Critics—the uninvited—think this device has two other results: it leaves out many reporters, who are understandably envious, and it places a price of cooperation on those who wish to retain Presidential good will. It's more true that the individual interview method is restrictive by nature. Mr. Kennedy, much as he might like to, can't find enough time to see many reporters. And the individual meeting method can breed other problems: the President had trouble disavowing Charles Bartlett's reporting on Adlai Stevenson and the National Security Council, and even greater repercussions were barely avoided when Soviet diplomats thought Walter Lippmann was voicing Presidential views on trading off Turkish bases for Cuban.

Mr. Kennedy has used two modifications of the personal contact. One was to invite White House reporters to his Palm Beach home for a detailed background discussion. Originally, the group apparently was to be small and trustworthy, but the number mounted to 35, and some reporters were inept enough to misconstrue some Presidential remarks. The release of part of the transcript—and hence the revelation of the un-secret backgrounder—came when some British leaders became alarmed at news reports from Palm Beach, so that the damage had to be undone by releasing the transcript.

Pierre Salinger, after juggling the hot potato, has in-

licated Mr. Kennedy has had quite enough of large-scale private talks.

But the President's other variation was more to his liking. In late December, he sat down before television cameras with the White House correspondents of the three networks, talked 90 minutes with them, and the next night watched the results in an hour television program, carried by all the networks in prime viewing time. Salinger expressed the President's satisfaction; certainly the networks were pleased and apparently most viewers were. But this, by agreement between Mr. Kennedy and network executives, was a "conversation" reviewing his first two years as President. It was not planned as—nor did it achieve—the searching examination of policies and methods that is at least an asserted prerogative of news men covering the President. On the television "conversation," the reporters were guests of Mr. Kennedy, and they knew it.

But one of the echoes of that television program had a familiar ring—the dissonance of professional jealousy. And there is enough of that within the broad scope of the Fourth Estate to cause some of that looking down on news men. I think Salinger, and such key aides as Bob Manning at State, Arthur Sylvester at Defense, and Ed Guthman at Justice, have become a bit disenchanted with the newspaper profession from which they've come.

They've moved to the other side of big desks now, but they may well have reason to wonder why news men have rejected a journalistic cease-fire tied to a common discussion of problems, and chosen instead to shoot spitballs from a distance.

Washington reporters voice a number of complaints:

Salinger, more than the others, has had to answer angry complaints that he's too kind to television. Sylvester, on the other hand, has been charged with being partial to the print media and, even using a "security" argument far too often. Manning is rated a fairly understanding friend of news men, but his boss is an advocate of extra-quiet diplomacy, just as Defense Secretary McNamara, and perhaps Sylvester, would be happier if there were no reporters. Guthman, once a crusading reporter of impressive investigative skill, has scolded other reporters for the same zeal and ability.

These criticisms often get to the point of challenging the general competence of the press secretaries, disregarding the competence of the critics. Yet there may well be reason for government officials to say, to these critics, "put up or shut up."

In April, 1961, Mr. Kennedy delivered a speech asking newspapers to show more self-restraint on security information. The ASNE sent a committee to see him, heard his suggestion that media representatives be intermediaries for the government, and said they doubted that the plan would work. Instead of seeking a plan that would work,

editors raised the cry of censorship. And some criticism went far beyond the President's suggestions. Mr. Kennedy and his aides aren't fools; they felt there was a need for action, cooperative planning, perhaps, and none developed.

The President offered the same suggestion again at his November 20 news conference. Salinger has repeated the invitation, and some efforts toward action are now under way. But two factors have slowed down the planning. One is that several professional groups, examining the case for such discussions, have not found specific needs that they could take to the President. They could not make a case that freedom of the press, or the right of access to information, was actually being abridged. But they have had another problem, too—insidious professional rivalry, within the news-gathering profession. Newspaper and wire service reporters have not wanted to join radio and television news men, either at the working or the managerial level. It's not a new problem in Washington. Wire service men, while their management people were soliciting clients among broadcasting stations, tried to block radio and television coverage of capital stories. And editors and publishers have been reluctant to join broadcasters in the common cause of the right of coverage.

This squabbling has gone to the men in government who manage news policies. And I'm convinced it's a major factor in why these men may look down, instead of up, at news men.

A Southern Aspect

By Bruce Galphin

As the reporter in Washington often is tempted to withhold news by officials' appeals to his patriotism, so the reporter in the South hears the plea based on racial harmony.

He is asked not to report a sit-in because publication may lead to the gathering of mobs; to wait until after the fact on a lunch counter desegregation agreement; to withhold the first steps in a school integration effort.

For example, not many months ago, the superintendent of a suburban school system near Atlanta asked the *Constitution* to delay reporting the fact that his system had received its first request for a desegregation transfer by a Negro student.

His arguments were appealing: It was only a few days before the governor's election; the report might aid the racist candidate; there were signs the applications may have been a "put-up" job. Furthermore, if the public were not exacerbated by too-early publicity, the matter might be handled without the embarrassment of litigation.

The *Constitution* printed the story the next morning, however. The newspaper's position is that it has a duty

to the public to report news, not to withhold it. (And secondarily, the paper could argue that with the competition of radio and television, wire services and suburban papers, the news would not "keep" anyway, and might as well be told factually and thoroughly from the beginning.)

This full-publicity attitude was accepted by city and school officials when Atlanta was preparing for its first school desegregation in 1961. Each step of the application and screening process was given full coverage, along with details of police security measures.

Negro leaders occasionally objected, perhaps with justification, that publication of the names of applicants opened these students and their parents to possible pressure. On the whole, however, the net result was beneficial to all: there were no surprises and therefore no sudden new resentments when the day of desegregation finally arrived.

In New Orleans, by contrast, the identities of neither the transfer students nor the schools involved were known until after the fact. This policy of secrecy cannot be saddled with all the blame for the disorders which ensued; certainly the encouragement of defiance by high state officials was far more dangerous. But clearly the press failed to prepare public opinion for the inevitable day.

This is not to argue that there might not be some extreme cases in which self-restraint would be necessary. But it is to say that such cases would have to be extremely unusual. A reporter should think twice and many more times before abandoning the rule of the thumb that news is news.

Contributors

The special section on News Management was edited by Bruce Galphin, now on a Nieman Fellowship from the *Atlanta Constitution*. The contributors are:

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All except Douglass Cater are former Nieman Fellows.

Correction on Manning

To the Editor:

An article of mine in *Nieman Reports* for December was incorrect in stating that Robert J. Manning, Assistant Secretary of State for Public Affairs, had directed that State Department officials *either have a public affairs officer present in any talk with a reporter*, or turn in a report on the interview. The Manning memo (of Oct. 31) called only for a report, not for the presence of a third party.

In his later memo (Nov. 27) suspending the procedure laid down Oct. 31, Manning stated:

"There were some specific steps that the suggested procedure explicitly was *not* designed to include, namely the requiring of advance permission for press interviews or contacts, the presence of a public affairs adviser or other third party at such in-

terviews, or the reporting of the substance of the interviews.

"The procedure was confined to one step: that officials who grant interviews indicate to the department of public affairs, after the event, the fact that such an interview took place, the name of the correspondent and his organization and the general subject discussed. I added that such a procedure was not designed to introduce any inhibition in the relations between department officers and correspondents.

"Nevertheless the procedure has come under fire in the press. . . . The procedures have in many instances been misrepresented in the press as calling for the very stringencies that were in fact specifically mentioned as unwanted and undesirable. . . ."

LOUIS M. LYONS

For That Hole in the Forms

By Edwin A. Lahey

It is a time honored custom for the out of town speaker to tell you what's wrong with newspapers.

Forgive me for flouting tradition—but I don't think there's a goddamned thing wrong with newspapers.

I'm proud of my business, and grateful to it for a satisfying life as a reporter. I'd rather cover a President than be President. I'd rather cover the county court house than be the town banker. I'd rather be club editor than president of a country club to which a reporter couldn't belong.

If journalism had not rescued me from the working classes, I would today have about forty years seniority on the Chicago and North Western Railroad. This would perhaps have permitted me to work the day shift in the train yard at Proviso yards in Chicago.

When I need some self-justification for this professional smugness, I recall as my example a man named Jack Burke, a pit boss in a Havana gambling joint. I met him during an investigation of Batista's links with the U.S. underworld five years ago. I asked Burke how he had got into the racket, and he recalled the event with some pride.

"I used to drive a milk wagon in San Francisco," Burke told me. "After a while I noticed that I had to work twenty-nine days to get a day off, but that they worked the horse only every other day. That's how I became a crap dealer."

To belabor the point, I have never for a moment regretted the day that I had a chance to become a reporter. And my most thoughtful prayer at this stage of life is that my bosses will remain solvent and that I'll hang on until it's time for them to give me a gold watch and some matched luggage.

My strong feeling about a business that has been good to me makes me impatient with intellectuals who criticize the American press for its banality, its parochialism, and its imputed failure to keep our people dewy-eyed and well informed.

Frequently these intellectual discussions use the *New York Times* as a measuring rod for the deficiencies of us provincials.

There's always a gaping hole in this presentation.

The *New York Times* is a great institution, everyone agrees. If it did not exist, the Ford Foundation would have to start one. But there's room in this country for only one *New York Times*. God forbid that we could support more than one. If we ever got into an orgy of keeping well informed to the point that everyone was reading the equivalent of the *New York Times*, there'd be no coal dug, no yarn carded, no automobiles bolted together.

Nearly every highbrow discussion of journalism in which

I've participated has ignored the dichotomy of the newspaper business. So long as we have a free enterprise society, newspapering is first of all a profit and loss operation, and after that a thing of the spirit.

A. J. Liebling is the most devastating critic of the U. S. press that we know. But read Liebling, and you sense that he is still suffering from a traumatic emotional experience he had back in 1930, when some hard-headed character took a look at the account books at the *New York World*, decided he didn't want to lose any more money, and killed that great institution.

The callous business judgment which killed the *World* also left Liebling with a lifelong bitterness. Why? Simply because Liebling, as an idealistic young man, had overlooked the fact that the romantic life of a reporter in a battered hat is impossible unless some advertising hustler in a hard hat is bringing in the sheaves.

The tiresome discussions about the role of the press in a free society could probably be deflated a little if newspapermen and their critics alike kept in mind the unique and dichotomous nature of journalism in a democratic society resting on a free enterprise system of production.

Newspapering is a mass production, assembly-line manufacturing process, first and foremost. And like any other manufacturing process, the assembly line shuts down if the customers don't buy the merchandise.

But there is a slight difference that makes our manufacturing business unique. And you'll pardon me for repeating that ancient story about the debate over equal rights in the French chamber of deputies. When a speaker remarked that there was only a slight difference between men and women, the chamber arose as one man and shouted:

"Vive la petite difference!"

"La petite difference" in our business is this:

We are the only commercial enterprise specifically covered by a guarantee in the Constitution of the United States. I refer, of course, to the freedom of press specified in the First Amendment, a simple and well worn phrase packed both with opportunity and responsibility.

Shaken down, this is what it means:

After we have filled the forms with ad copy, with the cross word puzzle, with Ann Landers or Dear Abby, with the daily bridge hand (where north and south for some reason always get the cards), with recipes for Lenten meals, with the vital statistics, with the night police report, and with the canned material from New York, Washington, and Hollywood, we find a little hole remaining in the type.

That is where comes to flower the brilliant thought you had in the shower. That is where reporters find space to report an unjust conviction, or some evidence of stealing in high places, or the preposterous utterances of some politician suffering from delusions of grandeur.

It's that little hole in the forms, where we express ourselves, that the First Amendment was written about. The expressions of the spirit that go into that free space, sometimes noble and courageous, sometimes petty and self-serving, are the things that make "la petite difference" between us and all other manufacturing industries.

That freedom of the press of which you are custodians is precious.

And editors would be less than human if they were not at times hypersensitive about freedom of the press. They would also be less than human if they did not sometimes overemphasize the privilege of freedom enough to blur their vision of the responsibility that is part and parcel of the privilege.

I do not offer this as serious criticism of the people in our business. When editors are either hypersensitive about their rights, or insensitive to their responsibilities, a better balance is soon restored by time, events, and the pressures of competition.

I think that an editor's sense of responsibility is sometimes blunted temporarily by his personal environment, which can permit a cultural gap to develop between editors and readers. Let me explain this theory. A \$20,000 editor will live in a \$20,000 suburb; he will play golf and poker with \$20,000 people; inevitably he will think \$20,000 thoughts; with enough environmental conditioning, an editor could find a cultural gap between him and the people on the wrong side of the tracks. This cultural lag, if it exists, can betray itself in a delayed awareness, on the part of the editor, toward a fresh wave of news affecting groups outside his personal life. I think this lag was apparent in the early 1930s, in the explosive rise of a labor movement which is now almost respectable. It has been apparent in more recent years, among some editors who have forlornly wished that this boring story of the racial crisis would just go away.

Ours is a nerve racking business. It follows that hypersensitivity about freedom of the press appears more frequently in our ranks than does insensitivity to duty.

In thirty-six years as a reporter, I have had my share of personal experiences with arrogant or corrupt people who took it upon themselves to stop the flow of information. But I have difficulty getting agitated about these characters. Somehow or other the information starts to flow again. You steal it, you keep harping about it, you get legislators on your side who want their names in the paper, and they carry the torch for you.

To me, a much more serious problem than suppression of

news by public figures is the selection of news by reporters. I have been aware of this particularly since living in Washington. There's just too much of the world for the human mind to comprehend any more. The reporter or editor who can settle on a news budget on any given day without some secret apprehension about what he's missing is probably a very rare bird.

On many a day when I am afflicted with this problem, I think with nostalgia of a German who was on the night desk of the old *Westliche Post* in St. Louis. President Harding was on his death bed in San Francisco. Right after the German editor had locked up his front page for the night, the AP bulletin phone rang, and a voice said:

"Flash . . . Harding dead."

"Vee got enuf news already," the editor said as he hung up.

We can all envy the stolidity of that editor. If we had it, the incidence of ulcers in our business would certainly decline.

And with that German's sluggish self-possession, editors and reporters as a group might be slower in their wrath about threats to the freedom of the press.

We've had an uproar in recent weeks about news management and suppression. I hesitate to criticize the brethren in Washington with whom I share the daily burden of futility and frustration. But I think that extended residence in that insidious atmosphere tends to make many of us too touchy about what goes on amongst the federal payrollers behind closed doors.

I derived only one lasting impression from the Cuban crisis—John F. Kennedy, looking very much like Matt Dillon, one of my own heroes, walked up to the mouth of a cave and told Khrushchev to throw out his gun and come out with his hands up. The break in the tension that followed may some day appear to be the most important event of our generation. The fact that the President did this with some clever news management has failed to disturb me.

I think many of you are still upset by the Pentagon order which requires all officials in the Department of Defense to report to the public information secretary the substance of any talks they have with reporters.

This sounds like implied censorship. It carries the germ of something that could be contrary to public interest.

But in fairness to Art Sylvester, formerly of the *Newark News*, who is Assistant Secretary of Defense for Public Affairs, another side of this order should be considered.

Ever since the armed services were consolidated in 1947, with the statutory provision that the Secretary of Defense must come from civilian life, these have been flareups of guerilla warfare conducted by the information services of the military service branches against the civilian authority imposed upon them by law. This warfare has been carried on through the leakage of contrived stories behind the backs

of civilian information officials. The purpose of these illicit leaks is generally to influence public or Congressional opinion against the decisions or pending decisions of civilian authorities.

The Pentagon directive which has created controversy is quite simply a defense weapon of the civilian authorities against the furtive insubordination of the information officers of the separate service branches. Secretary of Defense McNamara, with a proper concern for morale, does not like to have this discussed publicly, but that's the fact of the matter.

If and when a form of news management like this becomes a vehicle for concealing information to which taxpayers are entitled, I think we can be certain that somebody will break the blockade.

There's another generally ignored fact that should be remembered when we talk of news suppression. Find me a government official with more than a handful of payrollers in his department, and I'll find you a stool pigeon, an informant who at some time in his career wants to get even with his boss.

It may seem crude for me to stand here and plead for an honorable place in history for the stool pigeon. But let's face it—life in our honorable profession would be more difficult without them.

This is a timely occasion, incidentally, for discussing the role of the stool pigeon in government. A significant magazine story casting scorn on Adlai E. Stevenson's role in the Cuban crisis, could only have come from some informant close to the President and the National Security Council. After noting the uproar caused by this story, I had the feeling that if Mr. Kennedy came before a group of editors again and asked them to exercise self-censorship, he would be laughed off the platform.

And now I offer a final reason for restraint in our concern about freedom of the press.

The incidents involving suppression of news are actually conflicts between mortal men and an institution.

You are the institution. You'll be around.

The payrollers are the mortal men. In the long run, they've got to lose.

I doubt that many public wrongdoers have gone unpunished. At some time or another an unexpected shift in the wind topples the screen and reveals them in all their ugliness. Or the voters finally catch up with them, usually after long and painful efforts by newspapers to expose them as fakers. Whatever they do, life eventually closes in on them. And if you aren't around to record the event, your successor will be. The important thing to remember is that you'll have the last word.

As we enter these conflicts with public payrollers, we could gain some serenity by reminding ourselves that our adversary is probably a lot more scared than we are.

I'll close by recalling a story about John Eastman, publisher of the old *Chicago Journal*.

One day Mr. Eastman found Bob Casey, then a young reporter, full of fury about some bit of effrontery or arrogance he had just experienced with a public servant. Eastman advised Bob to simmer down.

"Bob," he said, "I sit in my window with a bouquet of roses in one hand and a sockful of dung in the other. And my friends and my enemies pass."

Perhaps if we remember John Eastman's advice to Bob Casey in our recurring crises over freedom of the press, it will help us all to relax.

Edwin A. Lahey is chief of the Washington Bureau of the Knight Papers. He addressed the Associated Press News Council in Charlotte, December 8. Their urgent request for an advance manuscript yielded what is said to be the only prepared text of a Lahey speech in existence. This is a collector's item.

NIEMAN NOTES

1956

John L. Dougherty moved from city editor to assistant managing editor of the Rochester *Times-Union* last November. He has been with the paper since 1939.

1958

Life Magazine has just published a big, handsomely illustrated book on Southeast Asia by Stanley Karnow, chief of the *Time-Life* bureau in Hong Kong.

1961

The Peoria *Journal-Star* picked J. Thomas Pugh off the city desk to make him an editorial writer, last fall.

Lewis Nkosi, on the staff of the Congress for Cultural Freedom, appears frequently in London reviews on African developments. The *Spectator* of Dec. 14 leads its book section with an article, "Who is Africa?" by Nkosi. He attended the conference of African writers at Kampala, Uganda, last summer and re-

1962

ported on "African Writers" in the (Manchester) *Guardian* of last August 8.

John A. Hamilton, associate editor of the Lynchburg *News*, received the Ernie Pyle Award for 1962, in recognition of a story of the first white parent in Prince Edward County, Va., to criticize publicly county leaders for their segregation policy that closed the public schools. Hamilton also received, for the second successive year, the Virginia Press Association award for the best editorial writing in the metropolitan class of Virginia dailies.

“News” in Vietnam

A Case of Underdeveloped Freedom to Know

By Nguyen Thai

I intend to explore some of the limitations and prospects of freedom of information in the underdeveloped countries.

First let me note some news items, chosen at random, which will give a realistic picture of the press control existing in many underdeveloped countries today.

A news item of November 8 from Reuters announced that the Indonesian news agency *Antara* has begun operations as a government-controlled organization. *Antara*, the report said, was recently taken over by the State. The other private news agency, PIA, should be merged with the new *Antara* before the next year, President Sukarno says.

Another news item of November 5 announced that NBC correspondent James Robinson was kicked out of South Vietnam by the Ngo dinh Diem government. According to the *Vietnam Press* report, Robinson “has put himself in contradiction to our laws on immigration and on the defence of our institutions in time of war.”

Exactly one month earlier, on September 5 it was announced that the *Newsweek* correspondent was expelled from South Vietnam. “President Ngo dinh Diem’s government,” the *Washington Post* reported on that occasion, “has ordered *Newsweek* magazine’s special correspondent, Francois Sully, to leave the country. . . . His troubles with Vietnam came to a head last April when Ngo’s government first attempted to expel Sully and Homer Bigart, correspondent of the *New York Times*.”

I could go on quoting instances of this sort, which show you how real is the press control in many underdeveloped countries, but I do not wish to give you a totally dismal picture of freedom of information in the non-western nations. I only intend to invite you to look at the *reality* of press oppression in that part of the world so that eventually a better strategy for promoting freedom of information can be elaborated.

In this connection I think it may be useful to consider in some detail the case of South Vietnam as an underdeveloped country where information is controlled and freedom of the press virtually non-existent. I have selected South Vietnam as a case because I know it best and very little has been said about the information system over there. I have no ax to grind against the present regime in South Vietnam. My concern is simply to point out, as objectively as an information specialist can do, a case of

underdeveloped information so that we can identify some characteristics in the patterns of controlled information in the underdeveloped countries. It may perhaps interest you later to compare the case of South Vietnam to similar instances of controlled information in the underdeveloped countries. You may perhaps find out that in their basic traits the patterns of controlled information in many emerging nations are quite similar *mutatis mutandis*.

Let us now look at the case of South Vietnam and especially the *Vietnam Press* agency as a major instrument for the control of information in an underdeveloped country. *Vietnam Press* is the official news agency of South Vietnam (not to be confused with its Communist counterpart in Hanoi called the *Vietnam News Agency*). Created in 1951, *Vietnam Press* (VP) is patterned on the *Agence France Presse*. It has very close connection with the government, in theory and in practice. Its director general is appointed by the President of the Republic; its board chairman is usually the Minister of Information; and its budget is heavily subsidized by the government. When I took over the management of VP in 1957, it had an annual budget of 28 million piasters (equivalent to about half a million dollars) and a staff of one hundred employees. Compared to the budget and personnel of the big international news agencies like AFP, Reuters, UPI and AP, these figures for VP look microscopic. They are 20 to 40 times smaller. But I think it is somewhat unfair to compare a national news agency of an underdeveloped country like VP which is barely 10 years old with a gigantic worldwide organization like the Associated Press which dates back a century.

What we are really interested in, from the viewpoint of free information, is the function of VP as a mass medium operating in the political context of an underdeveloped country. In this regard it can be stated without exaggeration that VP is politically significant in South Vietnam. For as the official and unique news agency, VP has the monopoly of news distribution to all the mass media in the country. Through the supply of information, it performs the function of a discreet censor of all the news that is not politically acceptable to the leaders of the regime. The news that goes into the twice daily bulletins of VP which are bought by all local newspapers is “politically fit to print.” Thus VP comes into the preliminary stage of control of information before the Ministry of Information’s

censorship bureau. VP discreetly suppresses "unfavorable" information as it supplies news to the local mass media.

In fact VP supplies news, both national and international, to the government offices, the foreign embassies, the National Radio and all the newspapers published in Vietnam. These include 12 dailies in Vietnamese language (romanized script); 6 Chinese (characters) dailies; 1 French and 1 English language daily. All told there are 20 dailies in three languages published in South Vietnam (more exactly in Saigon, except one printed in Hue) which receive their news from VP.

The relatively great number of newspapers published in Vietnam does not indicate a corresponding variety of news and editorial opinions. By and large, most newspapers, given the political control imposed and the identical supply of news, have given up the functions of "editorial interpretation" and even of news presentation. The area where competition is still allowed must be *a-political*; so the newspapers stress the "entertainment" function. The two most financially successful newspapers have the best series of continued novels in the second and third pages of their 4 page edition. Likewise it is interesting to note that the newspaper which can afford politically to present some editorial views happens to have the best connection with the powerful "Service for political and social research" of the Presidency. Though its name is misleading this is the nerve center of political control, in information as well as in other areas of politics. From this semi-secret service, attached to the President's office and working under the direct supervision of the President's brother, originate the orders to attack American "imperialism" when the U. S. tries to be tough in its foreign aid policy, or even to have newspapers which dare criticize the regime raided by "angry anti-communist mobs."

The second fact to keep in mind in connection with the number of newspapers in their relatively low total circulation. Although circulation figures are kept secret, the 20 dailies in Vietnam total about 200,000 copies for a population of 13 million. The ratio of newspaper copies per 100 inhabitants for South Vietnam is therefore still far behind the "desirable" ratio of 10 copies per 100 people proposed by UNESCO as a target for the underdeveloped countries. What is much more important than the statistics for ratio of circulation is the *qualitative* gap between developed and underdeveloped information systems. To demonstrate this gap, unfortunately I cannot offer any figures. The most I can do is to cite a couple of instances related to the circulation of newspapers which may give a clue to the wide qualitative gap.

In America probably one never sees anybody rent a newspaper? Well, such a practice is current in South Vietnam. What happens is that a newstand distributor rents a newspaper to a reader who does not want or cannot afford to

buy it. He reads for a few hours and returns it to the stand. He pays the newstand distributor a fee for the rent and the latter is perfectly happy because by this practice of renting he gets more than the usual percentage on sale.

One may ask then, what is the significance of the circulation figures in an underdeveloped country? Does it reflect sale or readership? In view of the practice of renting newspapers it is hard to give a clear-cut answer. Many things about underdeveloped countries cannot be estimated precisely. It is a step forward if you can arrive at an approximation. Take for instance the circulation figures of 200,000 copies per day. This is no certified circulation figure. It is merely an approximation based on two sets of conflicting figures given by the newspaper publishers. The first kind of figures (usually higher) are given to the Ministry of Information when the publishers request authorization to buy newsprint at the official price. The second kind (usually lower) are supplied to *Vietnam Press* for calculating the news service rate based on circulation.

So the *qualitative* gap between a free and developed information society and a controlled, underdeveloped information system is immense. It is a pity that we cannot as yet prove this gap by citing contrasting quantities such as the newsprint consumption per person (36 kilos in the West vs. 0.3 kg in Asia) or the number of newspaper-copies per 100 inhabitants (35 copies for the West and about 1 copy for most Asian countries).

The main point in recognizing the qualitative gap in the information systems of developed and underdeveloped societies is first to appreciate freedom of information wherever it exists and next to promote it wherever it is suppressed. It is indeed important to realize the necessity of preserving freedom of information in the Western societies because too often it tends to be overlooked by free peoples. It is like pure air; nobody pays attention to it although everyone needs it. Only somebody who has been exposed to foul air is likely to notice the existence of pure air.

Furthermore, the concern for the preservation of free information must be strong enough in the developed societies before efforts can be made to develop freedom of information in the underdeveloped countries. There must be an increasing awareness among the free peoples that freedom of information is a *worldwide* enterprise. For in our world of instant communication across the continents, freedom of information loses much of its significance if peoples in the developed countries can not know what is happening in the emerging nations. Today freedom of information can be really meaningful only when news is conceived as the property of humanity. Regardless of where it originates, news belongs to all people endowed

with the right to know. In this context then the preservation of free information is a task which concerns as much the peoples of the developed as those of the underdeveloped countries. Unless the former actively defend the free flow of information in the underdeveloped areas, very soon they will be deprived of all the news in a major part of the world and affecting most of humanity.

In this connection I am glad to report that some practical efforts have been made to extend the frontiers of free information in the underdeveloped countries. Most noteworthy is the work during recent years of UNESCO in the development of the mass media for the emerging nations. I had the opportunity to participate two years ago in the Conference on the development of mass media in Asia convened by UNESCO and to follow closely subsequent meetings in Latin America and Africa. I can say that UNESCO has been successful in having it accepted by many member nations and organizations that "freedom of information is the basic freedom and that it is essential to the furtherance of and protection of all other freedoms." This increasing awareness of the importance of free information in modern society is in itself a step forward. Yet the difficulties encountered by UNESCO in promoting freedom of information in the underdeveloped countries must not be underestimated.

As a matter of fact, as long as UNESCO seeks to promote the *quantitative* development of the mass media it will be relatively successful. Given the rapid pace of technological progress and the possibility of international cooperation in the mass media field, it is likely that UNESCO will be able to mobilize enough technical equipment and financial means for the task of installing more radios, televisions and printing more newspapers for the inhabitants of underdeveloped areas. It is also quite conceivable that the governments of the new nations will give their support to the UNESCO effort of quantitative development of mass-media.

It is much less likely that in the near future the governments in the emerging nations will liberalize their control on information and permit a worldwide development of information from the *qualitative* viewpoint. For mass media as passive instruments for political propaganda can be multiplied, but the free flow of information is often feared as a deterrent of authoritarian rule. It seems then unrealistic, for the time being, to expect the governments in the developing countries to favor freedom of information. But it is also defeatist to believe that it is impossible to develop freedom of information in the underdeveloped countries.

The task indeed will not be easy, but it is possible. Given the proper support and the right strategy, freedom of information can eventually be achieved in the underdeveloped areas. There are two main reasons for this hope. The first

is what I call the "gap of professionalization." This is the opening in the government control created by the technical professionalization which necessarily follows the quantitative increase of mass media in the underdeveloped countries. Modern newspapers, news agencies, radio and television networks require the help of information specialists. But the latter, even if they are hired by the authoritarian government, cannot for long perform their job in a *professional* way unless the political control is willing to allow a minimum of freedom in information. When this happens, the "gap of professionalization" is likely to widen in the irreversible direction of increasing freedom.

The second factor which may favor the development of free information in the underdeveloped countries is what I refer to as the "gap of truth." This is the opening created in the authoritarian pattern of thought control by the increasing exposure of the underdeveloped peoples to the mass media. Today even the most elaborate propaganda machinery of a totalitarian society cannot keep lying all the time. The mass media offer the dictators a powerful instrument for quick brainwashing, but they also make their lies less foolproof. For somewhere, somehow the people's minds, once exposed to information, will tend to separate the truth from the lie. It may take more or less time and effort, but the process of human curiosity searching for truth is almost inevitable. Especially in our world of increasing international communication and interdependence, it is quite difficult to "fool some of the people all the time" and almost impossible to "fool all the people all the time."

This is not to say however that freedom of information will automatically come to the underdeveloped countries. If it is to come at all, it must be actively promoted. The gaps in the authoritarian control can become significant and useful for the free flow of information, only if they are consciously widened by the common efforts of the information specialists in the developed as well as the underdeveloped societies. The former must be ready to extend a helping hand and a tactful cooperation to the latter. Practical ways can always be found through the close collaboration of the two so that the political control of information can be reduced or abolished in the emerging nations. And it is here that the role of individuals and private groups dedicated to freedom of information is crucial. Without their imaginative and relentless efforts adapted to the circumstances, there is no prospect for freedom of information in the underdeveloped countries.

Nguyen Thai, now on a Nieman Fellowship at Harvard, sponsored by the Asia Foundation, was director of the official Vietnam Press news agency from 1957 to 1961. This is from his speech to the fifth annual Freedom of Information Conference at Columbia, Missouri, Nov. 21, 1962.

Danger From Within

By Lord Francis-Williams

The historic role of the press has always been three-fold. It has first, of course, the responsibility to report, to collect and print news as an essential munition of democracy whose importance has never been more crisply expressed than in a phrase from Rebecca West: "A community needs news for the same reason that a man needs eyes. It has to see where it is going." But it also has the responsibility to interpret and comment on the news and thus make its own unique contribution to that continuing debate that is at the heart of the democratic method. And finally, and certainly not less important than either of its other functions, it has a responsibility to watch authority.

It is the function of the press to look at the face of authority from below, from among the governed not the governing: its role is to be dangerous to those who rule even when they rule with the best intentions. Its business is to establish a minefield through which all authority, at whatever level, must walk with care.

When we consider these three responsibilities of the press and how vital each is to the democratic method we are likely to find little cause for rejoicing in the present state of the press in the world—even the non-communist half of it. The last decade has been a bad year for those who believe in press freedom. Over almost the whole of Africa the freedom is now in retreat. It has been emasculated or suppressed in almost every one of the new emergent nations brought to birth with such pangs of democratic hope. In South Africa it has the noose around its neck. Nor except for India, is the prospect in Asia much better. In Pakistan, Burma, Malaya, Singapore, Thailand and Indonesia the attributes of a free press are all denied in some degree and in many in large degree. So are they in much of South America.

Most of these are new countries, or still politically and economically underdeveloped. If their hostility to a free press is lamentable it is sometimes—although not always—possible to make allowances for it. But consider some recent attitudes to press freedom disclosed either in legislation or government action in several countries of a more mature state of life altogether, in France or in Germany, in the *Der Spiegel* affair, in your own country and in mine.

Recently a prominent British newspaper publisher, Cecil King, delivered himself of the judgment that the restrictions placed on full and honest reporting by British libel laws, by the laws concerning Contempt of Court, by Parliamentary Privilege and by the arbitrary use of the

Official Secrets Acts were making a mockery of press freedom in Britain. "You only have press freedom," he declared, "provided what you say is ineffective or unheeded. It collapses like a pack of cards as soon as real issues are at stake." And when one considers the official attempts in the United States to suppress, play down or plant news during the Cuban crisis and the voice of Assistant Secretary Sylvester from the Pentagon proclaiming the deliberate generation of news by governments to be a legitimate part of the weaponry of the modern world then one feels that perhaps Mr. King's warning has a trans-Atlantic echo to it also.

It was not some irresponsible hell-raiser of yellow journalism but one of the greatest papers in the world, *The Times* of London at the height of its power and responsibility just over a century ago, that proclaimed in words as significant now as then that: "The press lives by disclosures. The dignity and freedom of the press are trammelled from the moment it accepts an ancillary position. To perform its duties with entire independence and consequently with the utmost public advantage the press can enter into no close or binding alliances with the statesmen of the day nor surrender its permanent interests to the convenience of any government."

The democratic need for a press that stands aside from all established forms of authority, holding an independent position as a reporter of and commentator on the news, is not likely to grow less but greater in the next decade. The freedom of the press is not a privilege of newspapers but a right belonging to the public and it is one that becomes more not less important as societies become more sophisticated. We have seen in this century an immense centralizing of power: the power of government, of great industrial corporations, of trade unions, of authority large and small, public and private at all levels. These large concentrations of power are no doubt inevitable, a part of the progress to ever more sophisticated forms of organization. But they make the existence of an independent press tied to no interest, public or private, other than its own interest, which is the interest of its readers as citizens, more essential than at any time in history.

But here we have to recognize that if external pressures to confine or diminish the independence of the press seem to be on the increase, the greatest threat to the traditional position of the press now comes from inside itself. And the external pressures are more easy to repel, at least in

highly developed, politically aware and sophisticated communities such as our own, than are those from inside.

Journalism is a profession with the historic responsibilities of a profession to those it serves, the historic and well-established obligations of a profession upon those who serve it. But it is a profession inside an industry and the industry is in danger of swamping the profession.

Historically the ability of the press to perform the functions required of it in a democracy has always depended upon the existence of a variety of newspapers. It is only where there are many voices representing many interests that a completely free press can be said to exist—indeed the whole premise upon which the long argument for press freedom was based and which eventually brought it to success was that a democracy required means by which every substantial interest should be able to express itself. The press does not merely depend on competition to thrive, competition is its heart's blood; the competition of ideas, of information, of disclosure, the challenge of controversy, the assurance that what ought to be printed will get printed because even if one paper ignores or suppresses it there are plenty of others that will publish. Newspapers have neither the right nor the ability to claim a judicial role in society. There may be men capable of emptying their minds of all prejudice and freeing themselves of all interests and associations capable of getting in the way of impartial judgment. There may be such men but if so I have not met them, and it seems to me asking altogether too much of nature to expect to find them in the office of every newspaper. Never trust the newspaper that claims to be wholly objective and impartial. The newspaper with a reputation for impartiality is the most dangerous of all.

In a partisan world it is foolish to expect that newspapers alone shall be non-partisan. Indeed those that set themselves up to be so are likely to make not only uncommonly dull newspapers but dangerous ones to boot. For the qualities that inspire the good newspaper are and ought to be much more akin to those of the advocate than the judge. The values of the press do not call for impartiality. What they do call for are the qualities of the honest advocate: that facts shall not be suppressed or distorted to bolster up a bad case—or even make a good one stronger, that argument shall be related to evidence and that it shall be presented with honesty towards those attacked as well as those defended. And above all they require that all sides shall be presented and that there shall exist a sufficient number of papers of differing interests and publics to see that they are. You cannot have a good press—certainly cannot have freedom of the press in any complete and genuine form—unless there are an adequate number of newspapers to make sure that every significant fact in every important public issue is put before the public and every significant point of view allowed expression.

The freedom of the press is not a freehold. The press is the trustee, not the owner, of the estate, holding such authority as it possesses solely in a representative capacity on behalf of its readers. This authority needs constantly to be invigorated by the loyalty of deliberate choice on the part of those who buy and read one newspaper rather than another. A newspaper's readers are its constituents. They cast their votes for it each day they buy it. To deny them the right of choice is as inimical to the proper process of democracy as to deny the right of choice in popular elections. Concentration of press power is a threat to the democratic method of the same order as concentration of political power.

This is well recognized by all believers in the freedom of the press when the concentration of the press into a few channels flows from political action as it does in totalitarian countries. But I suggest that the end results are not less contrary to the true values of democracy when this concentration in the field of information and the press follows from the commercial exploitation of the press as an industry, without due regard to the responsibility of the press as a profession.

Yet in the last decade by the process of mergers and amalgamations, the deliberate maintenance of high cost structures by unions and managements alike, which have had the effect of driving all but the strongest out of existence, and by the aggressive exploitation of mass circulation positions to make it progressively more difficult for those serving medium size publics to survive, this concentration of press power in fewer hands has already reached dangerous proportions and in the next decade may well become one of the most dangerous of all internal challenges to democracy.

It is now indeed the case that the economics of the British newspaper industry—and the ambitions of a few newspaper publishers—have brought the profession of journalism to such a pass that it is virtually impossible for any national morning newspaper to survive profitably with a circulation of less than 2,000,000 copies a day. The vital element of choice has been taken from large numbers of newspaper readers not by political action but by the methods of the newspaper industry itself—ably abetted one must say in this erosion of democracy by the advertising industry.

This process of press concentration has not yet gone quite so far in the metropolitan press of America as it has in Britain—although he would be a bold man, I think, who would assert that we may not soon see a further shrinkage in New York. But the development of the solus newspaper outside metropolitan areas—and the provincial press is for geographical and other reasons much more important in America than in Britain—has gone much further in America than it has even with the British

press where it is serious enough in all conscience. I regard the single paper with virtual exclusivity in a great community as one of the greatest dangers to press freedom in its full sense. Not because such newspapers are necessarily politically biased but because their almost inevitable tendency is to seek to become all things to all men, to blur the edges of controversy although controversy is essential to communal health, to avoid disclosing what is unpleasant, to become eunuchs of journalism unready and unable to generate that spirit of constant scrutiny and debate which the democratic method above all else calls for.

Let us awake to the fact that despite attacks on press freedom from outside—and they must always be resisted—the gravest danger at present comes from inside.

In Britain we have recently had to meet a new phenomenon in the press in the shape of Mr. Roy Thomson—a Canadian like Lord Beaverbrook but of a very different character. Mr. Thomson is the businessman in newspapers concerned with newspapers solely as a business—as he might be with chain stores or laundries. You have some, I think, like him in the United States—although none, I think, yet so wholly dedicated to the proposition that the press is no more than one branch of commerce. Mr. Thomson is the first of what may be a new breed—the international press tycoon. He owns a great Sunday paper in Britain, a chain of provincial morning and afternoon papers, a cluster of provincial weeklies and magazines. He owns papers in Canada and in Africa. He owns some in the United States and is negotiating for more. He owns altogether just on a hundred newspapers. They vary in political attitude, in social approach, in public appeal and in national identity. What they have in common is balance sheets and in Mr. Thomson's gospel it is by their balance sheets ye shall know them. His concern, as he himself told me, is solely with newspapers as business propositions. He is prepared to buy any newspaper in any part of the world that can be made to pay—and he thinks there are very few that he cannot make pay.

He thus carries the commercialization of the press to its furthest point. But although he has gone further than most he is no more than an extreme representative of a trend. Indeed the danger that faces much of journalism—and therefore the public—in the future is not so much what seemed probable a generation or two ago, that the press's historic role in public information would be twisted to serve the private and propaganda purposes of ambitious megalomaniacs, but that it will be pressed into a pattern that will deny it all purpose other than the purely commercial one of attracting the most profitable number of paying customers by whatever means comes easiest. I do not want to exaggerate. There are great newspapers in your country and mine, and elsewhere in the world also, where that is never likely to happen and where the sure

alliance of publisher and editor in dedication to the highest traditions of journalism provides a durable shield of the public interest.

But democracy which of its nature derives from and exists by the mass cannot live by its peaks alone—valuable and sustaining though those peaks are. Its health depends not on the exceptional but upon the average. And it needs to be said that although the press is a business, it is and always must be, if it is to fulfill its democratic purpose, more than a business.

It is true that as a business it could often benefit from the injection of new and more businesslike methods. A larger injection of management and budgetary controls introduced by Mr. Roy Thomson and his fellow business men in journalism could in this respect do nothing but good. And indeed it may be the case, as Roy Thomson himself would claim, that a managerial revolution in journalism by men personally uninterested in the policies of the papers they run, concerned to look at them only as potentially profitable public utilities, holds within itself less danger to the public service aspect of the press than the old era, which now seems to be passing, of the press baron using his newspapers as instruments of his personal views. As Roy Thomson once remarked to me: "Everybody thinks they can edit a newspaper but only a fool would think he could edit a hundred."

Yet it is surely the case that the freedom of the press, long fought for, secured by the struggle and sacrifice not of journalists alone but of men and women of infinite variety and courage in the armies of democratic advance, is not the private possession of newspapers or their proprietors or editors but belongs to the community. It does not exist in order that newspaper owners should grow rich or that those who work for newspapers should be able to live pleasant lives—desirable as both these propositions may be. It exists because this freedom is a necessary instrument of democracy and without it democracy cannot survive.

Those who own or write for newspapers cannot free themselves from their obligations to the past—or the present—and still less from the responsibilities to the future. They have no more right to claim immunity from the historic responsibilities of their office because those responsibilities may sometimes seem to them to stand in the way of easy commercial advantage than have Members of Parliament or Congress, or Judges or Educators. They cannot divest themselves of them for any purpose of commercial advantage or private interest whatsoever without failing in their trust.

Of course a newspaper must by energetic management and efficient administration pay its way. There is no bonus for democracy in a subsidized press. Of course it must entertain. To entertain as well as to inform is part of the

traditional functions of the press. Of course it must hold up the mirror to life in all its aspects: the trivial as well as the serious, the scandalous as well as the reputable, the sensational and the temporary as well as the permanent march of events. But if it does any of these things at the cost of its essential purpose as a vital instrument of public information and an irreplaceable factor in the democratic debate—then it cannot be surprised if it loses the confidence of the public which can alone sustain it. I cannot help feeling that some of the ills brought upon the press of my own country—and perhaps to some extent and in differing ways upon yours—are the fault of newspapers themselves. When newspapers fall in public esteem by excessive triviality, by arrogance, by intrusion, by a total disregard for the rights to privacy of ordinary people, then they diminish not only their own authority and their

power to command public support in what is important to their public independence but the stature of democracy itself. When newspapers find what they believe to be vital to the freedom of the press under attack it is into their own hearts that they should look as well as into the state of the society of which they are a part.

Historian and critic of the press in Britain, Lord Francis-Williams has been police reporter, editor of the *Daily Herald*, war-time press censor, press adviser to Prime Minister Atlee, author of *Dangerous Estate*, and governor of the B. B. C. He is now a leading commentator on the B. B. C. This article is part of his paper on "Responsibilities of the Mass Media" at the 10th anniversary convocation of the Fund for the Republic in New York in January.

The Anti-Secrecy Law In Wisconsin

By Sheila Sullivan

In 1959 Bill No. 100, A., which created Wisconsin's Anti-Secrecy Law, was passed and signed into law by Governor (now U. S. Senator) Gaylord Nelson. The law guarantees open public meetings and unopposed admittance of newsmen except in certain cases specifically excepted in the law. The wording of the new law recognized that a representative government is dependent upon an informed electorate. It therefore declared that hereafter the policy of the state was "... the public is entitled to the fullest and most complete information regarding the affairs of government, as is compatible with the conduct of governmental affairs and the transaction of governmental business."

The door was consequently opened to all meetings of all state and local governing and administrative bodies, boards, commissions, committees, and agencies, including municipal and quasi-municipal corporations. This was an historical "first" in Wisconsin.

No longer was it possible for any formal action to be introduced, deliberated, or adopted at any closed meeting or executive session. The only exceptions provided by the law are:

1. The deliberation after hearing or trial by a judge, jury, or administration;
2. Considering employment, dismissal, promotion, demotion, compensation, licensing, or discipline of any public employe or person licensed by a state board or commission or the investigation of charges against such a person, unless an open meeting is requested by the

employe or person charged, investigated, or otherwise under discussion;

3. Probation, parole, crime detection and prevention;
4. Deliberating or negotiating on the purchasing of public property, the investment of public funds, or conducting other public business which for competitive or bargaining reasons require closed session;
5. Financial, medical, social, or personal histories and disciplinary data which may unduly damage reputation; and
6. Conferences between any local government thereof or administrative body and its attorney concerning the legal rights and duties of such agency with regard to matters within its jurisdiction.

In effect, nearly all meetings are open to the public and to the press. Previous legislation on open meetings includes Article IV, section 10 of the Wisconsin Constitution:

Each House shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The doors of each House shall be open except when public welfare shall require secrecy.

Agitation for an anti-secrecy law began in Wisconsin in 1951. The Democratic Party had it for a platform plank for several years. It was not until the present administration took office that the agitation became more than just agitation. Interest was not limited to purely party line,

however. According to Edwin Bayley (a former assistant to Governor Nelson and now with the Peace Corps), one of the toughest anti-secrecy provisions was an amendment offered by a Republican Assemblyman, Byron Wackett of Watertown. The amendment which was subsequently adopted provided that "... no formal action of any kind shall be introduced, deliberated upon, or adopted at any closed session."

The man who did the most to further the anti-secrecy movement in government was the man in the Capitol, Governor Gaylord Nelson. Before he took office he declared, "... High on the list of goals will be to open all so-called 'executive' sessions of committee hearings to the public." On January 19, 1959, he stated that the best policy and the right policy for all department discussions affecting the public occur at open hearings. "Every department here is conducting public business, and it is important that the public, through the press, have as full an opportunity as possible to see on what basis decisions are made."

Consistent with his declaration on freedom of information, a code was drawn up and was formally adopted on March 3, 1959 for all operation of various boards and commissions within his capitol domain.

It wasn't until August 12, 1959, that the law was finally approved. In signing the measure, Nelson said that he considered it "... an important step toward ripping down the paper curtain of secrecy that has been hiding more and more governmental actions from the press and the public alike." Nelson also noted that government "... is becoming increasingly complex at every level, making maximum public exposure to what is essentially the public's business absolutely vital if our democracy is to continue to function—as it must—on the basis of an informed electorate." This quote, taken from the *Wisconsin State Journal*, of August 13, 1959 was a pot pourri of his pre-office hopes, with a strong dash of reality thrown in for sweetening.

The bill was hailed by the press as covering most of the necessary ground, yet it was dubious about possible weaknesses. In an interpretive article, the August 15 *Milwaukee Journal* pointed out that the law:

1. Could have a provision requiring advance public notice of all meetings. (Some government officials avoid public scrutiny by holding unannounced meetings.)
2. Might have restricted the closed meeting to consideration of only those points covered by exceptions. (Some units of government might try to use presence of one such item to close an entire meeting. This would be an instance where newspapers and the public would have to protest.)
3. No penalties for public officials or employees who violate the declared policy of open meetings and hearings are provided.

Although, as the *Milwaukee Journal* pointed out, there was no penalty provision, there is a man principally responsible for enforcing it.

Attorney General (later Governor) John W. Reynolds was an enthusiastic champion of the law from the outset. In a speech before the Wisconsin Press Association he delivered a comprehensive explanation of the law. In it he discussed how the law was to be enforced:

These laws are not self-enforcing. By that I mean we do not have a state police force responsible for their enforcement. They are enforced by aggrieved citizens who are denied their rights to attend meetings or gain full information about them. . . . As a practical matter this means it is the obligation of the working press at all times to insist upon compliance with the Anti-Secrecy law by governmental agencies.

The challenge was forcefully put to the press: "Gentlemen, you have a good anti-secrecy law. But the benefits of this law will only be realized if we have a vigilant and vigorous press working with conscientious public officials who insist upon compliance with its provisions." Cautioning them, he concluded: "... remember, if you are ever refused admittance to a meeting which should be public and if you fail to protest, then you are responsible for losing one of the battles in the continuous struggle for freedom of information."

In Wisconsin, as in many other states, the attorney general is not obligated nor has he the power to render official opinions to persons other than officials. Cross points out that "... unofficial opinions or beliefs are sometimes issued, but that they are without legal effect or substantial value as precedents."

Because of this, it is up to the press and the public—working with public officials—to insist that meetings opened by the law are, in fact, open.

Concerning public policy declarations of the new statute, Attorney General John Reynolds stated, "We shall not rule in favor of secret meetings unless the situation presented clearly comes within the few exceptions to the statutes."

At the time of this statement, his office had ruled that all University faculty and meetings of the Board of Regents of the University be open. A synopsis of opinions involving the anti-secrecy law was published by the Attorney General's office, which is preceded by this statement:

For some time now this office has been receiving requests for interpretation of Wisconsin's Anti-Secrecy Law. Many of such requests have come from private persons. While this office does not ordinarily advise such persons, I have answered many of these re-

quests and explained my views in regard to the proper interpretation of this law because I believe so strongly that there should be no unnecessary secrecy in government. This problem is of such great importance that I have decided to summarize the views which I have expressed on this subject and issued a formal opinion which will be published with other formal opinions so that it will be available to district attorneys, city attorneys, and attorneys for school boards and other public agencies, who may be called upon to advise public bodies regarding the necessity of conducting public business in open meetings which interested members of the public can freely attend.

The opinions set forth in the synopsis require that city council meetings and special council meetings be open to the public. It was ruled that joint sewerage districts cannot hold secret meetings. The faculty meeting of the University of Wisconsin, which was considering abolishing intercollegiate boxing, was told that the meeting must be open. A closed session could be held for that part of the meeting which concerned the medical history and records of a University boxer, Charles Mohr, who died following an intercollegiate boxing match. All the meetings of a school board and meetings of its committees must be open to the public, even where preliminary matters are being discussed.

The synopsis ends with this strong note:

Any doubt whether a matter falls within one of these exceptions should be resolved in favor of open, public meeting. Any public agency, finding it necessary to conduct any business in private, should first make a finding of fact, resolutions or statements that matters to be discussed will fall within one or more of these exceptions, before going into executive session. No matter within the exception should be discussed or acted upon until the meeting has been open to the public.¹⁹

Probably the most controversial opinion regarding anti-secrecy was involving the Medical School in the summer of 1961, and its management by Dr. John Z. Bowers, Dean of the Medical School. The Attorney General stated: "We advised that if the Dean of the Medical School had resigned and the only question to be discussed was whether to retain him in employment, then the meeting could be closed to the public, after the board had made the necessary finding or declaration on the record to show that the subject matter would come within the exception. If, on the other hand, the resignation or continued employment of the Dean was merely incidental to the policy problems of the Medical School administration and recruiting, then the meeting should be open to the public."

On the basis of his opinion, it was up to the Regents to

decide. The state law requires public bodies to hold open sessions, but permits closed meetings on issues dealing with personnel. It was also pointed out that Bowers had the option of asking for an open meeting, if he so desired.

Regent Arthur De Bardeleben, Park Falls, requested newsmen be excluded from the session because the matter was a personnel problem and did not concern school policies. Regent President Carl Steiger, Oshkosh, told the newsmen that the board would hold a brief, closed session, and then open the meeting to the press. He also stated that Dean Bowers had not requested and had not been asked to attend the meeting.

The *Capital Times* reported on June 5, 1961 that "... Dr. Bowers said this morning that he had not been asked to attend or participate in the meeting of the Regents' education committee.

In interviews with the press, the treatment of the Bowers case was brought up repeatedly as an example of taking unfair advantage of the personnel exception of the anti-secrecy law. Eliot Maraniss of the *Capital Times* went on record as saying, "The Regents were using the personnel cloak to discuss administrative matters." He felt that the attorney general had misinterpreted the law. John Newhouse of the *Wisconsin State Journal* said, "The whole case should have been brought out into the open, in this instance. The public is suspicious because the facts were never brought out."

In general the reporters interviewed felt that the law was a definite improvement. Both Samuel Reynolds (*Wisconsin State Journal*) and Elliott Maraniss told how the law was beneficial in admitting them to the intercollegiate board meeting concerning the abolition of student boxing. The biggest improvement in news gathering, according to Richard Bradlee of the *Capital Times*, was the opening of executive meetings. Bradlee maintained that the law should have included opening the party caucuses. "Most of the decisions are still made there." Using the recent tax bill to further his point, he added, "There was no debate on the floor of the assembly on the compromise tax bill, nor were the amendments ever explained on the floor. All the discussion was done in caucus and the press was only told of the results three days later. It leaves the impression that a lot of 'deals' were made."

Harvey Breuscher, Madison AP wire chief, did not believe that the party caucus should be open. He said "... you might as well have both parties sit side by side in one caucus as to open their meetings." George Armour of UPI, Madison, cited the party caucus as "the big area still closed." He stated that "the stuff still leaks out. It would be better to have the reporters present than to have the Senators leaking out only the information which they wanted to have leaked out." He thought that the opening of the executive session was an important step and was "surprised to see how

frankly the members would speak at these open meetings."

More than one reporter pointed out that the law was a step forward because "most of the Madison reporters have been aggressive in using it. Maraniss said that while some boards or agencies will try to take advantage of the flaws in the law, it is up to the reporters to break through. This sentiment was also echoed by Glenn Miller of the *Wisconsin State Journal*: "The law is effective only if it is used. We give all our reporters mimeographed copies of the Attorney General's speech urging a vigorous and vigilant press to show to any committee heads, etc., that the reporter has the right to attend the meetings opened by law." Miller added that not only was the law needed, but also a vigorous interpretation of it by the Attorney General. It "... definitely has brought some improvement, not only because of the law (we needed that, too), but also because of the vigorous pronouncements of Attorney General John Reynolds whenever he was called on to interpret the law."

The fear that the law would result in underground meetings was unfounded, according to Assistant Attorney General Nathan S. Heffernan. He said that even if the meetings were held "underground," the final decision would have to be announced to the public. "I think that if the law is being evaded and secret discussions are being held, that this will become apparent when the same matters are publicly discussed, and then the press would be in a position to check." He also stated that the remedy for failure to hold open meetings was "political, not legal. The law as it stands has no teeth in it. It is up to the people ... the ultimate recourse is to vote out of office those ... who regard government as their own private domain and wish to make decisions without public knowledge. It's true that, as a matter of law, no official decision can be made in a private meeting, and only in a public meeting can any action be adopted."

His statement coincides with Cross who said, "The right to legislative and administrative proceedings, to the extent to which it exists, is of strikingly modern origin, was denied and was of dubious legal validity both in England and in the United States throughout the eighteenth century, has had an essentially political-legislative journey through life, and still depends in substantial respects on custom and public opinion rather than legislative or judicial declaration."

As in all laws, there is an expressed right and the inherent responsibility.

In discussing the handling of complaints, Heffernan said that "it is not the function, ordinarily, to give opinions for citizens. Statutes only give the attorney general the right to formal opinions to district attorneys, state officials, and the legislature. However, in this particular field, concerned with secrecy in government, we have felt that the

problems arising as a result of the passage of the new law have merited our giving at least some advice to officials and citizens who are concerned with these problems."

Nevertheless, the office answers each letter personally. "We are queried about the law on the average of at least once a week, often more than that." Heffernan stated, "... the law seemed to be doing the most good on the local level, especially in relation to school board meetings and city council meetings." Regarding the latter, he cited that the city of Sheboygan had adopted a rule that notices of special meetings be served upon representatives of the press in the same manner as they are served upon council members. He hailed this practice as "... in keeping with the purpose and intent of the Anti-Secrecy Law." It would seem beneficial if other city councils would follow the example set forth by the Sheboygan council.

The number of queries received by the office of the attorney general shows that the Wisconsin public has been taking every advantage of the law. A case in point regards a letter from Richard A. Rechlicz of Brookfield who inquired if the general discussion of salaries for teachers came under the law. The reply, taken directly from the carbon copy in the attorney general's correspondence file, stated: "It is our opinion that the general discussion of salaries would be a matter to be discussed only in an open meeting. The provision of the law which provides that there may be closed executive session refers to individual cases and does not give the right to a public body to close the meeting where salary schedules in general are being discussed. We have also taken the position that prior to the time a public body goes into executive session, it should make a finding of fact and a statement on the record that it is going into executive session for one of the specific purposes enumerated in the statute."

The Anti-Secrecy Law has shown itself to be a law in practice and not only in theory. I believe that the law has been an improvement to the better democratic practice of society. The people with whom I have talked also believe in the inherent good of the law. The reporters are aware of their responsibility of representing the public and have energetically responded to the challenge.

The press and the Attorney General's office combine to safeguard the public right of information.

As one member of the press corps pointed out, Harvey Breuscher, the Madison Associated Press wire chief, "even the public bodies affected have discovered that open meetings aren't so bad!"

Sheila Sullivan is a reporter on the Rockford, Illinois, newspapers. She did this study of the Wisconsin Anti-Secrecy Law as a student in Professor Bruce H. Westley's course "Press and Society" at the University of Wisconsin's School of Journalism.

The Times "Libel" Case

By Shad Polier

Freedom of the press is gravely involved in the Alabama libel suits against the New York *Times* which the United States Supreme Court has agreed to review.

The New York *Times* case involves the affirmance by the Supreme Court of Alabama of a judgment awarding \$500,000 in punitive damages against the *Times* and four Alabama Negro ministers for an alleged libel contained in an advertisement published in that newspaper on March 29, 1960. This suit was brought by L. B. Sullivan, one of the City Commissioners of Montgomery, Alabama. It is only one of several suits for similar amounts brought by the three Montgomery Commissioners and by Mayor James of that city. In addition, former Governor Patterson of Alabama has sued for \$1,000,000.

The James suit, which has already resulted in a verdict of \$500,000, is still pending in the trial court on an application for a new trial. Since the Parks case, as well as the Sullivan case, were tried before Circuit Judge Walter B. Jones—probably the most outspoken "white supremacist" sitting in any Southern Court—it is hardly to be expected that the application for a new trial will be granted. Nor is there any likelihood that the verdict in the James case will be set aside by the Supreme Court of Alabama.

Consequently, unless the United States Supreme Court reverses the Sullivan case, there is every reason to expect that ultimately the *Times* and the individual defendants will be assessed punitive damages in the four cases in a total of \$2,500,000. It is certain, therefore, that if the verdict in the Sullivan case is allowed to stand, freedom of the press and freedom of speech will be gravely impaired.

The fact that the present suit and the other suits brought against the New York *Times* and these defendants involve the publication of an advertisement rather than a news story is of no constitutional significance. Both stand upon the same constitutional footing and the alleged erroneous statements contained in the advertisement might just as well have appeared in a news story. The only difference would be that in that situation only the *Times* and not the individual defendants would have been involved.

Indeed, this is precisely the situation in another group of cases instituted against the New York *Times* because of news stories written by its distinguished reporter, Harrison Salisbury, reporting a reign of terror against Negroes in Birmingham, Alabama. The three Alabama City Com-

missioners seek damages of \$500,000 each and a Birmingham detective is asking for \$150,000 in damages. The case arising out of the Salisbury reports was removed by the *Times* to the Federal Court where, of course, there will be no exclusion of Negroes in the selection of the jury, nor any segregation in the courtroom and, it may be added, where Negro counsel will be addressed as "Mister" and not as "Lawyer" (all contrary to the practices in Judge Jones' Court), nor for that matter will counsel for the plaintiffs be permitted to refer to "Niggers," an appellation which was sanctioned both by Judge Jones and by the Supreme Court of Alabama.

The same Birmingham City Commissioners are suing the Columbia Broadcasting System for \$150,000 each because of its television coverage of racial conflict in that community. Two Alabama voting registrars are also suing CBS for \$100,000 each, claiming that its report reflected upon the way in which they perform their duties. One of these two cases has been removed to the Federal Court and a removal proceeding is pending in the other.

It is obvious to any lawyer that one of the reasons that the four Alabama Negro ministers were named as defendants in the suits based on the advertisement was to forestall removal to the Federal Court by the *Times*. Certainly the ministers were not joined as defendants in the expectation of being able to enforce such monetary judgments against them. Of course, there was something to be gained by bankrupting these leaders of the Negro community, and thereby to frighten others.

But as every lawyer knows, if only the *Times* had been sued, it would have had the absolute right as a non-Alabama corporation to remove the suits based upon the advertisement to the Federal Court for trial. This right exists under the Federal statutes which go back to the First Judiciary Act, adopted in 1789, for the purpose of enabling non-resident defendants to take their cases into the Federal Courts in order to avoid local prejudice.

Removal was sought in the other two suits brought by Governor Patterson and Commissioner Parks. The right to remove was sustained by the Federal District Judge, who was reversed in a 2-to-1 decision of the Court of Appeals for the Fifth Circuit. Ultimately, in my opinion, if the matter is not rendered moot by reversal by the United States Supreme Court on the merits in the Sullivan case, it will be held that removal should have been permitted.

At the threshold, the Sullivan case and all of the others brought against the New York *Times* and Columbia Broadcasting System present another procedural issue of considerable importance. This is whether these defendants can be considered to be "doing business" in Alabama to such an extent that Alabama has the right to subject them to suit in that State by serving process on a "stranger" for the *Times*.

Shad Polier, distinguished as a lawyer in civil liberties cases, wrote this for the American Jewish Congress to fill the gap of press lack of concern over this threat to their own function.

This is of enormous practical consequences since, as stated in the application by the *Times* to the Supreme Court for review:

It takes no gift of prophecy to know that if minuscule state circulation of a paper published in another state suffices to establish jurisdiction of a suit for libel, threatening the type of judgment entered here, such distribution inter-state cannot continue.

So, too, the *Times* further urged, "If the movement of correspondents inter-state provides a factor tending to sustain such jurisdiction, as the court below declared, a strong barrier to such movement has been erected." For these reasons it was urged that to subject the *Times* to suit in Alabama violates both the Due Process Clause of the Fourteenth Amendment and the Commerce Clause of the Constitution.

If the verdict in the Sullivan case stands, it will be a gun pointed at the head of every local newspaper and every local radio and television station. Critical voices are already few in the South. Even they are likely to be silenced if affirmed and those who have not yet spoken will be discouraged and intimidated from doing so.

The advertisement published by the New York *Times* included an appeal for funds to support Dr. Martin Luther King, Jr., in the prosecutions then pending against him for perjury and to support the causes with which Dr. King had long been identified. The charge that Dr. King had committed perjury in connection with his Alabama income tax returns was subsequently tried before an all-white jury in Montgomery and resulted in his acquittal.

The advertisement included the names of some 80 prominent Americans. Among them were Mrs. Ralph Bunche, Harry Emerson Fosdick, A. Philip Randolph, Mrs. Eleanor Roosevelt and Norman Thomas. Assuming that all of the other 80 authorized the use of their names—as I did—it is our good fortune that none of us were served with process in the State of Alabama and had to face suits for \$2,500,000.

The advertisement also carried the names of 20 Negro ministers over whose names the advertisement printed the legend: "We in the south who are struggling daily for dignity and freedom warmly endorse this appeal." Among them were the four Alabama ministers who were sued, together with the *Times*. Two of them are nationally known: Rev. Ralph D. Abernathy, colleague and co-leader with Dr. Martin Luther King, Jr., in the Montgomery bus boycott; and Rev. Fred L. Shuttlesworth who, again and again at the risk of his life, has challenged segregation in its many manifestations.

Under the title "Heed Their Rising Voices," taken from a *Times* editorial of March 19, 1960, the advertisement portrayed the activities and struggles of students and others

engaged in non-violent demonstrations against lunch counter segregation. The advertisement was placed by the "Committee to Defend Martin Luther King and the Struggle for Freedom in the South." As indicated by the Committee's title, the advertisement centered mainly on the persecution of Dr. King.

The advertisement included charges that Southern Negro students were being met by a wave of terror, that Dr. King's home had been bombed, that he had been assaulted by the police and had been arrested for "speeding," "loitering" and "similar offenses" and had now been charged with perjury, a felony which could imprison him for 10 years. It was asserted that the strategy was to remove Dr. King physically as a leader and to demoralize Negroes and weaken their will to struggle. It concluded with an appeal for funds for his defense, to support the students and to aid in the struggle for the right to vote.

No public official was named or identified by office in the advertisement. Commissioner Sullivan claimed, however, that since he is Commissioner in charge of the Montgomery police, the advertisement could be reasonably interpreted as falsely charging him with misconduct in the performance of his duties since it implied that Dr. King had been improperly arrested four times during Commissioner Sullivan's tenure and that on one occasion, while Commissioner Sullivan was in office, "truck loads of police armed with shotguns and tear-gas ringed the Alabama State College Campus" when their leaders were expelled from the College after the students had conducted a protest demonstration on the State Capitol steps. For this an Alabama jury awarded punitive damages of \$500,000 and the Alabama Supreme Court unanimously affirmed that judgment!

As far as the four Negro ministers are concerned there cannot, in my opinion, be the slightest doubt that the United States Supreme Court will reverse the judgment and that it will order the suit dismissed as to them, without even reaching the question of whether a new trial would otherwise be required by reason of segregation in the courtroom or the claim that the trial was conducted before a jury from which Negroes had been systematically excluded and in an atmosphere of racial bias and hostility and community pressure which made a fair trial impossible. My confident assertion is based upon the fact that the individual defendants testified without contradiction or impeachment that they had nothing to do with the publication of the advertisement.

The ministers were, nevertheless, held liable because they had not responded to a demand made by Commissioner Sullivan that they disavow the advertisement. There cannot be the remotest doubt that under the Fourteenth Amendment no such obligation to express any avowal or disavowal of a belief as to the correctness of the charges

contained in the advertisement can be imposed upon an individual. In holding otherwise the Alabama Supreme Court clearly flouted the decisions of the United States Supreme Court. These include *West Virginia v. Barnette*, decided in 1943, striking down, under the First and Fourteenth Amendments, a regulation requiring a student to salute the flag as a condition of attending public school. Also relevant is *Smith v. California*, decided in 1959, holding unconstitutional the conviction of a bookseller for selling a pornographic book where there was no proof that he knew its contents. Nor can this principle be avoided on the ground that, as a matter of Alabama law, silence may judicially be held to imply ratification. Such a conclusion is so at war with reality as, in itself, to constitute a separate and distinct violation of the Due Process Clause of the Fourteenth Amendment.

The suit against the *Times* presents squarely for the first time for decision by the United States Supreme Court the question of what limitations upon the law of libel are imposed by the First Amendment. The Supreme Court of Alabama brushed aside the constitutional contentions with two brief statements that "The First Amendment of the United States Constitution does not protect against libelous publications" and "The Fourteenth Amendment is directed against state action not private action."

The contention that State action is not involved in the award of a libel judgment in the amount of \$500,000 is manifestly absurd. The award represents the action of a State Court and its enforcement represents State action. That this is sufficient to bring into play the safeguards of the Fourteenth Amendment (and through it the guarantees of the First Amendment) was settled in 1948 when, in *Shelley v. Kraemer*, the United States Supreme Court declared unconstitutional the enforcement of a racial restrictive covenant in a deed to property.

The extent to which constitutional restrictions are applicable to an award of damages for libel is as yet unsettled. Indeed, this fact, which gives the *Times* case such importance, undoubtedly accounts for the United States Supreme Court granting each side four hours for the argument, which will probably take place next fall.

In *Beauharnais v. Illinois*, decided in 1952, the United States Supreme Court, 7-to-2, sustained a criminal conviction for a statement deemed to constitute a libel of a racial group. However, the majority expressly rested this decision upon the finding by the State Court that the statement was, under all the circumstances "liable to cause violence and disorder." Mr. Justice Clark is the only member of the majority who still sits on the Supreme Court. Both dissenters—Justices Black and Douglas—are still sitting, and Mr. Justice Black has indicated that he believes that no libel judgment can be sustained under the First and Fourteenth Amendments.

Even the majority in *Beauharnais* reserved the Supreme Court's "authority to nullify action which encroaches on freedom of utterance under the guise of publishing libel." They cautioned that "Discussion cannot be denied and the right, as well as the duty, of criticism must not be stifled." It seems to me that the counsel for the *Times* correctly argues that under the decisions of the Supreme Court:

Libel, like obscenity, contempt, advocacy of violence, disorderly conduct or any other possibly defensible basis for suppressing speech or publication, must be defined and judged by standards which are not repugnant to the Constitution. The criterion employed below [by the Alabama Supreme Court] does not survive that test because it stifles criticism or official conduct no less potently than did seditious libel, a crime long deemed inconsistent with the First Amendment.

It also seems that the facts of the Sullivan case demonstrate that the award of damages infringes constitutional rights since nothing in the evidence established the type of injury or the hurt to his reputation that might provide an interest to which the First Amendment freedom may be made to yield. Further, it is clear that where, as here, a constitutional right is involved, neither the findings of the jury nor those of the Alabama Supreme Court are conclusive. In such a case, the ultimate determination must be made by the Supreme Court as to whether the advertisement could reasonably be found by implication to charge Commissioner Sullivan with wrongdoing and that it did so in such a way as to injure or jeopardize his reputation in a way that forfeits the constitutional protection of freedom of the press. I venture to predict, therefore, that the Supreme Court will reverse on the ground that in substance the award of damages was nothing more than an attempt to repress freedom of speech, and that the magnitude of the punishment imposed shows that there was no rational relationship between the alleged offense and the penalty.

Actually, as urged by the *Times* and by counsel for the individual defendants, the Sullivan judgment, while in form an award to redress a private injury, was in substance a prosecution for criminal libel. The only difference is that no threat of jail hung over the heads of the defendants and the moneys awarded are payable to the plaintiff, a public official, rather than to the State. Such damages are no less likely than criminal convictions to stifle the "free political discussion" which the Supreme Court long ago recognized as "the very foundation of constitutional government."

In its application for review, the *Times* calls attention to the historic concurring opinion of Mr. Justice Brandeis in *Whitney v. California*, decided in 1927, in which he observed that "a police measure may be unconstitutional

merely because the remedy, although effective as a means of protection, is unduly harsh or oppressive." The *Times* urges, soundly it seems, that this principle would, in any event, require the reversal of the judgment in the instant case as oppressive, even if it otherwise could be sustained, because:

Any judgment of this magnitude, imposed routinely on these facts and sustained no less routinely on appeal, will necessarily have a repressive influence which extends far beyond preventing such inaccuracies of assertion as have been established here. This is not a time when it would serve the values enshrined in the Constitution to force the press to curtail its attention to the racial tensions of the country or to forego dissemination of its publications in the areas where tension is extreme. Here, too, the law of libel must confront and be subordinated to the Constitution. The occasion for that confrontation is at hand.

In the landmark case of *Bridges v. California*, decided in 1941, the United States Supreme Court declared that a judge could not constitutionally punish for contempt, a criticism of his conduct or decision, "though the utterance" contains "half truths" and "misinformation." And as recently as last June, the United States Supreme Court, in *Wood v. Georgia*, set aside the conviction of a Georgia sheriff for contempt of court because of a statement he had circulated concerning the charge made to a grand jury by State Court judges in connection with an investigation about to

be launched into alleged bloc voting by Negroes. The statement accused the judges of racial bias, hypocrisy, political intimidation, persecution and political naivete, and compared the judges with the Ku Klux Klan. The contempt conviction was set aside because it did not meet the test laid down by the Supreme Court in *Bridges v. California* and subsequent decisions that there must be a showing of clear and present danger of perversion of the cause of justice. It is difficult to believe that comparable criticism of an elected political official may consistently with the holdings in those cases be punished as a libel on the ground that it diminishes the reputation of an elected official. The supposition underlying the contempt of court holdings that judges are "men of fortitude, able to thrive in a hardy climate," must certainly extend to elected public officials as well.

Since it is a defendant in the Sullivan case and the other suits brought by Alabama officials, the editorial reticence of the *New York Times* is understandable. What is not understandable is the relative silence upon the issues presented by the rest of the press of this country or, for that matter, by radio and television commentators.

The issue presented is one of the gravest importance to the freedom of press and to the struggle for equality, for the securing of which an unfettered press is essential. It is to be hoped that full presentation of the facts and discussion of the issues will soon replace the relative silence by the makers of public opinion that has so far blanketed the *Times* case.

Crisis in India: Press vs. Parliament

By Ram Nandan P. Singh

Recent Supreme Court decisions in India should stimulate some serious thinking on the part of the constitutionists. For a large part the present crisis arises out of a battle for supremacy between the press on the one hand and the Parliament on the other. On August 31, 1961, the Speaker of India's Parliament reprimanded R. K. Karanjia, editor of Bombay's English Language tabloid weekly, the *Blitz*, before the "Bar of the House." The offense, publication of a "defamatory" material pertaining to the speech of a member of the House and thereby causing a "breach of privileges" enjoyed by a Parliament member. In another instance, this year the Supreme Court ruled that the government of India's "Newspaper Price-Page Act" was against the provisions of the constitution. For Article 19 (1) of the constitution of India guarantees freedom of expression which has been interpreted by the Supreme Court to include freedom of the press. As one of the fundamental rights of citizens, this article states:

"All citizens shall have the right to freedom of speech and expression." Said the judges declaring the Newspaper Price-Page Act as ultra void of constitution:

"The citizen is entitled to propagate his views and reach any class and number of readers as he chooses, subject to safeguards. Freedom of expression was violated by the portion of the Act which sought to regulate the amount of space newspapers could devote to advertisements. Such provisions ultimately create a vicious circle which would ultimately end in the closure of the newspaper."

The restrictive measures designed by the government are not always caused by tyrannical tendencies. The Price-Page Act was designed to protect the small rural newspapers from being economically over-shadowed by the large city newspapers. According to provisions of this act the government could fix a higher price if a news-

paper chooses to publish more pages—that is the price of a newspaper had to be in consonance with the number of pages it carried in every edition. India has been in newsprint shortage and hence it helped restrict newsprint consumption by discouraging the number of pages. Acute shortage of newsprint resulted in heavy drainage in foreign currency because the needed quantity has to be imported from outside, mostly from the European countries. The curb on advertisement space was designed to limit the amount of space to advertisements so that readers should be protected from a tendency to load the subscribers with “too much of ads.” However, the Supreme Court decision on Price-Page Act puts a landmark in the history of the free press in India.

In still another case the complaint arose out of a defamation suit filed by a citizen who contended that publication of his picture in a Madras vernacular weekly under the title “Soldiers of *Goonda* (Notorious) War” was defamatory. The state High Court dismissed the petition on the ground that the petitioner failed to prove the extent of actual damages caused to the petitioner’s prestige due to the publication of his picture in the alleged way. When appealed, the Supreme Court ruled that “publication of the picture itself was sufficient and that to prove whether actual damage was done to the petitioner’s prestige was not necessary.” The Supreme Court also allowed a substantial amount in damages to the complainant.

In an interesting case involving a Madras English daily, the *Mall*, the state High Court ruled that editorial comments in the newspaper concerning the speech of a member of a state legislature was objectionable. It particularly took exception to editorial comments on the speech of a member of the Legislature. The House Privileges Committee, however, excused the editor only after he had tendered apology in person before the House Privileges Committee.

The Supreme Court, however, ruled differently in another very glaring case concerning an English language daily from Patna, in case *The Searchlight* v. Dr. S. K. Sinha. In this case the verdict was given against the newspaper. The Supreme Court decision prohibited the newspaper from publishing and commenting on an incoming piece of legislation on the grounds that such publication was liable to “influence the voting pattern in the House,” and thus likely to cause a bias in the “voting behavior of members” of the House.

In the present controversy arising out of this supremacy battle to establish whether the press or the Parliament was supreme, the Law Minister of India, Mr. A. K. Sen, emphasized that there could be no question of privileges of Parliament yielding to the fundamental rights of citizens. According to this view, the privileges of Parliament were always supreme, and should prevail over the rights of individual citizens, fundamental or otherwise. The privileges

claimed by the Parliament did affect the press in two ways. First in the publication of true reports of proceedings of Parliament, and secondly in making any reflection on any individual member of the House or the House as a whole or even on any of its officers. Those who take the position that Parliament is supreme contend that the press have no right to criticize or violate the privileges given to the elected representatives of the electorate. Holding this view, it is contended that while it is unnecessary to frame a separate law building up parliamentary privileges, it is felt necessary that the Indian Parliament enact enough legislation to safe-guard privileges of the press. This could be possible if an amendment to Section 499 of Indian Penal Code (Fourth Exception) were introduced so that publication of parliamentary proceedings could be considered equal to or at par with the publication of judiciary proceedings. The Law Minister in effect said:

“If the freedom of the press were to prevail over the privileges of the Parliament, that would mean a section of the people, namely the press, would have the virtual power to influence and control the activities of the whole people speaking and acting through the Parliament.”

If one agrees with the above contention, it would mean ignoring a very pertinent issue. There is no doubt that a press may function as a special interest group, at the same time it is also true that a free press is the life stream of democracy. We are reminded of the famous saying of Thomas Jefferson when he said, “But it is difficult to draw a clear line of separation between the abuse and the wholesome use of the press, that as yet we have found it is better to trust public judgment, rather than the magistrate.” Individuals however intricately involved they may be, have a right to think and within reasonable ground, have freedom to communicate what is thought in a way that is intelligible to others. A nation’s Parliament may and does function as a special interest group. Added to it, the system of controls like a “Whip” and “voting on party lines,” coupled with the fact when a party has a brute majority, the members of Parliament have a tendency to rush through hasty and sometimes harmful legislation—at times equally detrimental to the interests of at least some sections of the electorate.

In all these cases the law makers of India have been following the pattern of Parliamentary democracy which provides a special privilege under which members of Parliament are protected from all criticism on account of any action or speech delivered on the floor of the House.

The Constitution of India says that in such a state where privileges are disputed, “the law so defined as those of the House of Commons in England” shall be consulted. A logical corollary of this, therefore, follows in that if there is any dispute involving breach of privileges, one has to

look to the British documents. British procedures then are largely unwritten and are derived from custom, tradition and precedent. The English law likewise has changed a great deal in the last one hundred years. Conditions in India involving breach of privileges usually differ greatly from those in Britain. Under the British law which is being followed by the Indian Parliament in spirit, publication of any material pending before the House is considered as offense because such publication is set to influence the voting pattern in the House. A pertinent question that can be raised in this connection is that what good after all is the Press, if it cannot discuss freely even the issues pending with the legislative bodies.

The curb on freedom of expression first came when restriction was put under the Constitution (First Amendment) Act of 1951 under which the Indian Parliament was empowered to enact legislation reasonably restricting the exercise of this right "in the interest of security of state, friendly relations with foreign states, public order, decency, grounds of morality or in relation to contempt of court, defamation, or incitement to offense.

Presently there are six main federal laws that concern either impediment to or facilitate in the flow of news in India. They are: the Press and Registration of Books Act, 1867; the Working Journalist (Conditions of Service) Act, 1955; Newspaper (Price of Page) Act, 1956 (now invalid); the Delivery of Books and Newspapers (Public Libraries) Act, 1954; and the Parliamentary Proceedings (Protection of Publication) Act, 1956; the Constitution (First Amendment) Act of 1951.

After independence the Indian press vigorously emerged as a body to present truthful sides of stories directed to educate and mold public opinion towards unity and harmony within the country. In a nation wedded to the cause of planned national development, the newspapers gained added responsibilities to build up people's aspirations and help achieve national goals. To a great extent, the Indian press is fulfilling its role in this direction; serving the cause loyally and truthfully. Public episodes, acts of negligence by political leaders in high positions are never spared

by the Indian press. The vernacular press has shown tremendous growth and is playing a profound role in molding public opinion, side by side with the important and still powerful English press of this sub-continent.

Torn by multiplicity of languages and confused by illiteracy of the masses, the Indian newspapers, particularly the vernacular newspapers have entered into an era of expansion. Largely due to free and compulsory education a revolution in readership is on the way, promising to increase newspapers readership by millions. It can be said with a large measure of accuracy that the press in India is an opinion press. It is fairly effective in the crystallization of public opinion. Inadequate in advertising techniques, lacking in variety, the 400 daily newspapers of India are serious, but objective, in reporting.

The press is usually informative and vigorous in tone. The press, in general and particularly the large city newspapers, are comparatively free. Generally there is no previous restraint upon publications. In spite of all these, some of the recent press laws, like the Parliamentary Proceedings (Protection of Publications) Act of 1956 or even the Working Journalist (Conditions of Service) Act of 1955 have tended to mean a curb on free Press.

But the essence of freedom is deep-rooted in the Indian traditional life. It was Mahatma Gandhi whose influence on the spiritual and political life of India dominated for well over half a century. Himself a journalist (he edited *Indian Opinion*, *Young India*, and *Harijan* (Children of God), he once said:

"I do not want my house to be walled on all sides and my windows to be stuffed. I want the cultures of all lands to be blown about my house as freely as possible."

The Indian newspapers are not regimented. The government of India does not own any newspapers, neither does it subsidize any news agency. The press still acts like a watch dog, it shouts at the slightest sound whether the sound comes from a gentleman or a thief.

Mr. Singh is a graduate student from India at the University of Missouri.

NIEMAN NOTES

1952

The Camden *Courier-Post* announced appointment, Jan. 1, of **John O. Davies** as associate editor. He had been chief of the Gannett News Bureau at Trenton, after long service with the Newark *News*, as reporter, war correspondent and capital bureau chief.

Petroleum V. Nasby is known in history as the humorist whose comment Lincoln used to read to his cabinet to lighten the gravity of the times. His real name was David Ross Locke and he was editor of the Toledo *Blade*. **John M. Harrison**, formerly of the *Blade's* editorial page, now professor of journalism at Penn State University, presents Locke's editorial views during Reconstruction, in an article

in the Autumn 1962 issue of *Journalism Quarterly*.

1953

Jack Flower, long with the Sydney *Herald*, is general manager of the Newcastle (Australia) newspapers, "morning 60,000, evening 40,000." He was financial editor, London correspondent and assistant chief of staff with the Sydney *Herald*.

The Book Banners

By Bruce Galphin

THE CENSORS AND THE SCHOOLS.

By Jack Nelson and Gene Roberts Jr.
Little, Brown. Boston. 208 pp. \$4.50.

If it were certain that the end result would be the complete abandonment of "text" books in education, one would be tempted to look the other way while the American Right marches to glory by the glow of burning books.

But alas, as long as textbooks are big business, there will be supple spines and flexible morals in the industry; the net effect of the censors' onslaughts will simply be blander and further devitaminized pap. The more this unnourishing fare is pumped into the belly of education, the more the victim will starve.

The best antidote to this slow death is an aroused and aware public. If school administrators and laymen alike could know the source of these attacks, could be prepared for the tricks of distortion used by the "patriots" and could know the often peculiar histories of the *dramatis personae*, they would be prepared for counterattack.

That is one reason why this study, made by two of last year's Nieman Fellows, is especially valuable. Another is simply that it is a pleasure to read—spritely in style, solid in documentation, occasionally hilarious but more often frightening.

Mr. Nelson and Mr. Roberts conclude that a book battle usually bursts without warning on unarmed and too easily frightened educators. They report, for instance, that the DAR's fantastic, anonymously compiled list of 170 "unacceptable" books—whose authors pretty much comprise a Who's Who of American social science—as yet has received scant attention from the national press. As a result, the list has the potency of a secret weapon in each community in which it is exploded.

And so the authors show how the book-banners go about their work: little old ladies—male and female—put on their dress tennis shoes, go to the local school board or legislative committee and scare the begabbers out of the educators with authoritative-looking documents pub-

lished and distributed by an interlocking group of Save-America organizations.

Mr. Nelson and Mr. Roberts also take a sharp look at the documents themselves—which are often as inaccurate in detail as they are warped in perspective—and at the professional zealots.

Sometimes one detects the aroma of a sweet racket; but, generally, attacking textbooks requires sacrifices. The crusader must use valuable time, cleansing the classroom, which might otherwise be devoted to battling fluoridation, mental health legislation, social security, the income tax and (in the South) integration.

(Some of the book-banners, it is true, concentrate their energies on one crusade, and express embarrassment at the "nuts" in their midst.)

Occasionally newspapers and such liberal organizations as the NAACP and the Anti-Defamation League are guilty of text-tampering, but the Far Right, needless to say, holds the prize.

The cast of thought-watchers in this volume include E. Merrill Root, the index-counter; Mrs. Lucille Crain and her *Educational Reviewer*; Allen A. Zoll and his National Council for American Education; America's Future; the D.A.R.; the S.A.R.; the John Birchers; Mrs. Harry Artz Alexander, the Granada, Miss., scourge of the left; and that Texas hell-of-a-fellow, J. Evetts Haley. (One hopes the publisher will index future editions.) The account of the brawling legislative textbook hearings in the Lone Star State is one of the high points of this volume.

It would be pleasant to laugh away these goblins; unfortunately they have been too influential. And where they have failed by direct assault, they have succeeded by creating "controversy," that bugaboo of the bookmen. As the authors explain, publishers are all too happy to revise all substance out of a book to make it sell. (Or, as they quote J. Frank Dobie, "The publishers are so compliant that most of them would print the texts in Hindu if the buyers preferred.")

How does one counterattack? (It is distressing to think that any time must be wasted in preserving the status quo rather than in stimulating more substantial textbooks.) Mr. Roberts and Mr. Nelson assert that scholars, rather than pressure groups, should do the book-

choosing. Since it takes pressure to counteract pressure, this would appear to be a job for the accrediting associations.

And as the authors suggest, the extremist groups and their propaganda are inclined to wilt in the strong light of day.

Bruce Galphin of the *Atlanta Constitution* is now on a Nieman Fellowship at Harvard.

NIEMAN NOTES

1942

Neil Davis has again received the National Editorial Association's Herrick Editorial Award for the excellence of his weekly *Lee County Bulletin*, in Auburn, Ala.

1950

John McCormally was named editor of the *Hutchinson News* as of Jan. 1. Now 40, he had been executive editor. He started with the *Emporia Gazette* as reporter in 1946, moved to the *Hutchinson* paper in 1950, and has served as political editor, Sunday editor, managing editor. With 52,000 circulation, the *News* is the third largest paper in Kansas.

"I finally managed to do what I told the Nieman Committee in 1949 I wanted to do—become the editor of a Kansas paper. Now I've really got my work cut out for me."

The Eric Allen Lecture before the Oregon Newspaper Publishers Association in February was given by Clark Mollenhoff of the Cowles Publications, who also spent several days of lectures and seminars at the University of Oregon School of Journalism where John L. Hulteng (1950) is dean.

1955

Henry Shapiro returned to his long-time Moscow post as bureau chief of UPI in February, after a semester as visiting lecturer at the University of California, Berkeley. On Feb. 3, he narrated part of an NBC hour program on the Rise of Khrushchev. He was guest speaker at a Nieman dinner, Jan. 23.

(Continued from page 2)

art can give, the skill of feeling truly and so truly knowing.

Perhaps men like MacLeish and C. P. Snow—men attuned to the worlds of *events happening* and of *men feeling*—can sense better than those of us bound by day-to-day deadlines the flaw that has split knowledge of heart from knowledge of head. Surely Sir Charles—scientist by training, writer by vocation—had something like this segregation of fact from feel of fact in mind when he wrote in *The Two Cultures*:

There seems to be no place where the cultures meet. . . .

It is bizarre how very little of twentieth-century science has been assimilated into twentieth century art. Now and then one used to find poets conscientiously using scientific expressions, and getting them wrong (but) that isn't the way that science could be any good to art. It has got to be assimilated along with, and as part and parcel of, the whole of our mental experience, and used as naturally as the rest.

Surely Robert Frost, though his poet's soul refused to allow him to make any such explicit connection for his audience, was aware of the need to see the events of contemporary history feelingly when, last September, he recited to a Moscow literary group his poem about a wall in New England:

. . . Before I built a wall I'd ask to know

What I was walling in or walling out

And to whom I was like to give offense.

Do these last lines from "Mending Wall" not give fuller dimension to a segregation story in Mississippi as well as to a wall in Berlin?

President Kennedy, his mind grasping for every nuance of meaning behind his quarantine-Cuba ultimatum, sought at the end of his historic speech on Oct. 22 to give the feel of the facts when he said:

Our goal is not the victory of might but the vindication of right—not peace at the expense of freedom, but both peace and freedom, here in this hemisphere, and, we hope, around the world. . . .

Still reeling at the impact of the announcement and dazzled at the masterful coverage given it, on a few hours'

notice, by the TV networks, I found myself going back to our library's newspaper files to the event which provides the sternest frame of reference for any fear of wholesale destruction—Hiroshima. President Truman, minutes after the bomb leveled a city of 350,000, described the force in terms with which no hard-facts journalist could argue:

We have just dropped a bomb which has more power than 20,000 tons of TNT or 2,000 Superforts. . . . The force from which the sun draws its power has been loosed against those who brought war to the Far East (and) it was an overwhelming success.

A few months later, however, *The New Yorker* devoted an entire issue to a poet-journalist named John Hersey as he visioned the impact of the bomb on a number of its victims. This feeling-of-the-facts impression by a Japanese doctor, the proprietor of a tiny hospital in Hiroshima:

He saw the flash. To him—faced away from the center and looking at his paper—it seemed a brilliant yellow. Startled, he began to rise to his feet. In that moment (he was 1,550 yards from the center), the hospital leaned behind his rising and, with a terrible ripping noise, toppled into the river. The Doctor, still in the act of getting to his feet, was thrown forward and around and over; he was buffeted and gripped; he lost track of everything, because things were so speeded up; he felt the water.

An alert reporter in our city, seizing on the feel of the facts, did a story on the absence of air raid drills the day after Mr. Kennedy's Cuban-blockade announcement. He could have noted, looking for alarmist headlines, that there were no drills despite widespread unease. Instead he quoted the school system's top Civil Defense official: "*The children are too tense already.*" Somehow his words brought the whole story into human focus.

Journalism, with its fetish for hard facts, should never lose sight of the resilient setting in which the facts ought to be reported. The doctrine that human interest and "straight" reporting lie at opposite poles from each other makes as little sense as saying that the poet and the journalist having nothing in common.

Prof. Costa is at Utica College of Syracuse University.

NIEMAN NOTES

1940

1939

Regents' Lecturer at the University of California at Riverside this year is to be Irving Dilliard, former editorial page editor of the St. Louis *Post-Dispatch*.

William B. Dickinson, managing editor of the Philadelphia *Bulletin*, was asked to contribute to a symposium on what women's pages would be like in 1973. This for the *Bulletin* of the American Society of Newspaper Editors. Dickinson said,

"I have a sneaking hunch that in 10 years women's pages as such may no longer exist." Women, he thinks, don't like to be segregated and men just skip the women's pages completely. "My thought would be to use the stuff run of paper. It would then interest men as well as women."