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By THE COMMISSION ON FREEDOM OF THE PRESS

# A FREE AND RESPONSIBLE PRESS

A General Report on Mass Communication:  
Newspapers, Radio, Motion Pictures,  
Magazines, and Books

*"If there is ever to be an amelioration of the condition of mankind, philosophers, theologians, legislators, politicians and moralists will find that the regulation of the press is the most difficult, dangerous and important problem they have to resolve. Mankind cannot now be governed without it, nor at present with it." - JOHN ADAMS TO JAMES HAYNE FEBRUARY 11, 1815.*

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## FOREWORD

IN DECEMBER, 1942, Henry R. Luce, of Time, Inc., suggested to me an inquiry into the present state and future prospects of the freedom of the press. A year later this commission, whose members were selected by me, began its deliberations.

The inquiry was financed by grants of \$200,000 from Time, Inc., and \$15,000 from Encyclopaedia Britannica, Inc. The money was disbursed through the University of Chicago. Neither Time, Inc., Encyclopaedia Britannica, Inc., nor the University of Chicago has had any control over or assumed any responsibility for the progress or the conclusions of the inquiry.

At its first meeting the Commission decided to include within its scope the major agencies of mass communication: the radio, newspapers, motion pictures, magazines, and books. Wherever the word "press" is used in the publications of the Commission, it refers to all these media.

The Commission did not conduct elaborate "research." It sought facts to fill out gaps in its information or to answer questions which arose in the course of its discussions. In full session or in committee the Commission has heard testimony from 58 men and women connected with the press. The staff has recorded interviews with more than 225

members of the industries, government, and private agencies concerned with the press. The Commission held 17 two-day or three-day meetings and studied 176 documents prepared by its members or the staff.

The Commission includes in this general report only so much factual description of the press as is necessary to understand its conclusions. At the risk of presenting here what may seem an elementary or oversimplified picture, the Commission refers the reader for more detailed information to the special studies mentioned below.

Because of the present world crisis, the Commission confined itself in this study to the role of the agencies of mass communication in the education of the people in public affairs. Another study could have been made dealing with the interrelationship between the American press and American culture. This would have analyzed the present state of American culture and emphasized the dramatic change by which the agencies of mass communication have become a part of the American environment, affecting the thought and feeling of every citizen in every department of his life.

This report deals with the responsibilities of the owners and managers of the press to their consciences and the common good for the formation of public opinion. It goes without saying that the responsibilities of the owners and managers of the press for American culture are as great as those outlined in this report.

The Commission is aware that the agencies of mass communication are only one of the influences forming American culture and American public opinion. They are, taken together, however, probably the most powerful single influence today. The new instruments at their disposal, which have not been exploited by other agencies, such as the school and the church, are making them more powerful all the time. The inadequacy of other agencies has doubtless contributed to the rapid growth of the power of the press. I should say, for example, that if the schools did a better job of educating our people, the responsibility of the press to raise the level of American culture, or even to supply our citizens with correct and full political, economic, and social information would be materially altered. By pointing out the obligations of the press, the Commission does not intend to exonerate other agencies from theirs. The relative power of the press carries with it relatively great obligations.

Together with its interest in the flow of public information, the Commission has been concerned about the flow of ideas. "Civilized society is a working system of ideas. It lives and changes by the consumption of ideas. Therefore, it must make sure that as many as possible of the ideas which its members have are available for its examination." The Commission knows that one dreadful curse of contemporary life is the terrifying flood of words with which the agencies of mass communication threaten to

inundate the citizen. Anybody with nothing to say can say it by mass communication if he has a knowing press agent, or a considerable reputation, or an active pressure group behind him, whereas, even with such advantages, anybody with something to say has a hard time getting it said by mass communication if it runs counter to the ideas of owners, editors, opposing pressure groups, or popular prejudice. This report should not be taken as supporting the doctrine that the freedom of the press gives access to the agencies of mass communication, as a matter of right, or even of good public policy, to those who have nothing to say. The tremendous influence of the modern press makes it imperative that the great agencies of mass communication show hospitality to ideas which their owners do not share. Otherwise, these ideas will not have a fair chance. The Commission is interested in obtaining a hearing for ideas, not in adding to the confusion of tongues.

The Commission's recommendations are not startling. The most surprising thing about them is that nothing more surprising could be proposed. The Commission finds that these things are all that can properly be done. It is of the utmost importance, then, that these things should actually be done and that the neglect of them, which now imperils the freedom of the press, should be replaced by a serious and continuing concern for the moral relation of the press to society.

[ This general report is a collaborative enterprise: every line of it was hammered out in conference and correspondence.] The members of the Commission unanimously concur in the presentation and recommendations of the report, with the inevitable caveat that, if each were to employ his own language instead of speaking with a common voice, the tone and emphasis at this or that point might be somewhat different.

In addition to this general report, the Commission has published, or will publish, through the University of Chicago Press, the following special studies:

*Freedom of the Press: A Framework of Principle* by

WILLIAM ERNEST HOCKING

*Government and Mass Communications* by ZECHARIAH  
CHAFEE, JR.

*Freedom of the Movies* by RUTH A. INGLIS

*Peoples Speaking to Peoples* by LLEWELLYN WHITE and  
ROBERT D. LEIGH

*The American Radio* by LLEWELLYN WHITE

*The American Press and the San Francisco Conference* by  
MILTON D. STEWART, with an Introduction by HAROLD  
D. LASSWELL

These special studies are sponsored and published by the Commission, but the members are not responsible for their contents beyond what may be said over their signatures in a preface or an introductory statement to each study.

ROBERT M. HUTCHINS, *Chairman*

CHICAGO, ILLINOIS

December 10, 1946



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# 1

## THE PROBLEM AND THE PRINCIPLES

### THE PROBLEM

**T**HE Commission set out to answer the question: Is the freedom of the press in danger? Its answer to that question is: Yes. It concludes that the freedom of the press is in danger for three reasons:

First, the importance of the press to the people has greatly increased with the development of the press as an instrument of mass communication. At the same time the development of the press as an instrument of mass communication has greatly decreased the proportion of the people who can express their opinions and ideas through the press.

Second, the few who are able to use the machinery of the press as an instrument of mass communication have not provided a service adequate to the needs of the society.

Third, those who direct the machinery of the press have engaged from time to time in practices which the society condemns and which, if continued, it will inevitably undertake to regulate or control.

When an instrument of prime importance to all the people is available to a small minority of the people

only, and when it is employed by that small minority in such a way as not to supply the people with the service they require, the freedom of the minority in the employment of that instrument is in danger.

This danger, in the case of the freedom of the press, is in part the consequence of the economic structure of the press, in part the consequence of the industrial organization of modern society, and in part the result of the failure of the directors of the press to recognize the press needs of a modern nation and to estimate and accept the responsibilities which those needs impose upon them.

We do not believe that the danger to the freedom of the press is so great that that freedom will be swept away overnight. In our view the present crisis is simply a stage in the long struggle for free expression. Freedom of expression, of which freedom of the press is a part, has always been in danger. Indeed, the Commission can conceive no state of society in which it will not be in danger. The desire to suppress opinion different from one's own is inveterate and probably ineradicable.

Neither do we believe that the problem is one to which a simple solution can be found. Government ownership, government control, or government action to break up the greater agencies of mass communication might cure the ills of freedom of the press, but only at the risk of killing the freedom in the process. Although, as we shall see later, government

has an important part to play in communications, we look principally to the press and the people to remedy the ills which have chiefly concerned us.

'But though the crisis is not unprecedented and though the cures may not be dramatic, the problem is nevertheless a problem of peculiar importance to this generation. And not in the United States alone but in England and Japan and Australia and Austria and France and Germany as well; and in Russia and in the Russian pale. The reasons are obvious. The relation of the modern press to modern society is a new and unfamiliar relation.

The modern press itself is a new phenomenon. Its typical unit is the great agency of mass communication. These agencies can facilitate thought and discussion. They can stifle it. They can advance the progress of civilization or they can thwart it. They can debase and vulgarize mankind. They can endanger the peace of the world; they can do so accidentally, in a fit of absence of mind. They can play up or down the news and its significance, foster and feed emotions, create complacent fictions and blind spots, misuse the great words, and uphold empty slogans. Their scope and power are increasing every day as new instruments become available to them. These instruments can spread lies faster and farther than our forefathers dreamed when they enshrined the freedom of the press in the First Amendment to our Constitution. '

With the means of self-destruction that are now at their disposal, men must live, if they are to live at all, by self-restraint, moderation, and mutual understanding. They get their picture of one another through the press. The press can be inflammatory, sensational, and irresponsible. If it is, it and its freedom will go down in the universal catastrophe. On the other hand, the press can do its duty by the new world that is struggling to be born. It can help create a world community by giving men everywhere knowledge of the world and of one another, by promoting comprehension and appreciation of the goals of a free society that shall embrace all men.

We have seen in our time a revival of the doctrine that the state is all and that the person is merely an instrument of its purposes. We cannot suppose that the military defeat of totalitarianism in its German and Italian manifestations has put an end to the influence and attractiveness of the doctrine. The necessity of finding some way through the complexities of modern life and of controlling the concentrations of power associated with modern industry will always make it look as though turning over all problems to the government would easily solve them.

This notion is a great potential danger to the freedom of the press. That freedom is the first which totalitarianism strikes down. But steps toward totalitarianism may be taken, perhaps unconsciously, because of conditions within the press itself. A technical

society requires concentration of economic power. Since such concentration is a threat to democracy, democracy replies by breaking up some centers of power that are too large and too strong and by controlling, or even owning, others. Modern society requires great agencies of mass communication. They, too, are concentrations of power. But breaking up a vast network of communication is a different thing from breaking up an oil monopoly or a tobacco monopoly. If the people set out to break up a unit of communication on the theory that it is too large and strong, they may destroy a service which they require. Moreover, since action to break up an agency of communication must be taken at the instance of a department of the government, the risk is considerable that the freedom of the press will be imperiled through the application of political pressure by that department.

If modern society requires great agencies of mass communication, if these concentrations become so powerful that they are a threat to democracy, if democracy cannot solve the problem simply by breaking them up—then those agencies must control themselves or be controlled by government. If they are controlled by government, we lose our chief safeguard against totalitarianism—and at the same time take a long step toward it.<sup>1</sup>

<sup>1</sup> A third possibility is that government itself may come into the field with an alternative system of communications. The Commission has given little consideration to this possibility, except in international

## THE PRINCIPLES

Freedom of the press is essential to political liberty. Where men cannot freely convey their thoughts to one another, no freedom is secure. Where freedom of expression exists, the beginnings of a free society and a means for every extension of liberty are already present. Free expression is therefore unique among liberties: it promotes and protects all the rest. It is appropriate that freedom of speech and freedom of the press are contained in the first of those constitutional enactments which are the American Bill of Rights.

Civilized society is a working system of ideas. It lives and changes by the consumption of ideas. Therefore it must make sure that as many as possible of the ideas which its members have are available for its examination. It must guarantee freedom of expression, to the end that all adventitious hindrances to the flow of ideas shall be removed. Moreover, a significant innovation in the realm of ideas is likely to arouse resistance. Valuable ideas may be put forth first in forms that are crude, indefensible, or even dangerous. They need the chance to develop through free criticism as well as the chance to survive on the basis of their ultimate worth. Hence the man who publishes ideas requires special protection.

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communications. Yet the example of Station WNYC, controlled by New York City, suggests what government may do in domestic communications if it regards private service as inadequate.

The reason for the hostility which the critic or innovator may expect is not merely that it is easier and more natural to suppress or discourage him than to meet his arguments. Irrational elements are always present in the critic, the innovator, and their audience. The utterance of critical or new ideas is seldom an appeal to pure reason, devoid of emotion, and the response is not necessarily a debate; it is always a function of the intelligence, the prejudice, the emotional biases of the audience. Freedom of the press to appeal to reason may always be construed as freedom of the press to appeal to public passion and ignorance, vulgarity and cynicism. As freedom of the press is always in danger, so is it always dangerous. The freedom of the press illustrates the commonplace that if we are to live progressively we must live dangerously.

Across the path of the flow of ideas lie the existing centers of social power. The primary protector of freedom of expression against their obstructive influence is government. Government acts by maintaining order and by exercising on behalf of free speech and a free press the elementary sanctions against the expressions of private interest or resentment: sabotage, blackmail, and corruption.

But any power capable of protecting freedom is also capable of endangering it. Every modern government, liberal or otherwise, has a specific position in the field of ideas; its stability is vulnerable to critics in

proportion to their ability and persuasiveness. A government resting on popular suffrage is no exception to this rule. It also may be tempted—just because public opinion is a factor in official livelihood—to manage the ideas and images entering public debate.

If the freedom of the press is to achieve reality, government must set limits on its capacity to interfere with, regulate, or suppress the voices of the press or to manipulate the data on which public judgment is formed.

Government must set these limits on itself, not merely because freedom of expression is a reflection of important interests of the community, but also because it is a moral right. It is a moral right because it has an aspect of duty about it.

It is true that the motives for expression are not all dutiful. They are and should be as multiform as human emotion itself, grave and gay, casual and purposeful, artful and idle. But there is a vein of expression which has the added impulsion of duty, and that is the expression of thought. If a man is burdened with an idea, he not only desires to express it; he ought to express it. He owes it to his conscience and the common good. The indispensable function of expressing ideas is one of obligation—to the community and also to something beyond the community—let us say to truth. It is the duty of the scientist to his result and of Socrates to his oracle; it is the duty of every man to his own belief. Because of this

duty to what is beyond the state, freedom of speech and freedom of the press are moral rights which the state must not infringe.

The moral right of free expression achieves a legal status because the conscience of the citizen is the source of the continued vitality of the state. Wholly apart from the traditional ground for a free press—that it promotes the “victory of truth over falsehood” in the public arena—we see that public discussion is a necessary condition of a free society and that freedom of expression is a necessary condition of adequate public discussion. Public discussion elicits mental power and breadth; it is essential to the building of a mentally robust public; and, without something of the kind, a self-governing society could not operate. The original source of supply for this process is the duty of the individual thinker to his thought; here is the primary ground of his right.

This does not mean that every citizen has a moral or legal right to own a press or be an editor or have access, as of right, to the audience of any given medium of communication. But it does belong to the intention of the freedom of the press that an idea shall have its chance even if it is not shared by those who own or manage the press. The press is not free if those who operate it behave as though their position conferred on them the privilege of being deaf to ideas which the processes of free speech have brought to public attention.

But the moral right of free public expression is not unconditional. Since the claim of the right is based on the duty of a man to the common good and to his thought, the ground of the claim disappears when this duty is ignored or rejected. In the absence of accepted moral duties there are no moral rights. Hence, when the man who claims the moral right of free expression is a liar, a prostitute whose political judgments can be bought, a dishonest inflamer of hatred and suspicion, his claim is unwarranted and groundless. From the moral point of view, at least, freedom of expression does not include the right to lie as a deliberate instrument of policy.

The right of free public expression does include the right to be in error. Liberty is experimental. Debate itself could not exist unless wrong opinions could be rightfully offered by those who suppose them to be right. But the assumption that the man in error is actually trying for truth is of the essence of his claim for freedom. What the moral right does not cover is the right to be deliberately or irresponsibly in error.

But a moral right can be forfeited and a legal right retained. Legal protection cannot vary with the fluctuations of inner moral direction in individual wills; it does not cease whenever a person has abandoned the moral ground of his right. It is not even desirable that the whole area of the responsible use of freedom should be made legally compulsory, even if it were

possible; for in that case free self-control, a necessary ingredient of any free state, would be superseded by mechanism.

Many a lying, venal, and scoundrelly public expression must continue to find shelter under a "freedom of the press" built for widely different purposes, for to impair the legal right even when the moral right is gone may easily be a cure worse than the disease. Each definition of an abuse invites abuse of the definition. If the courts had to determine the inner corruptions of personal intention, honest and necessary criticisms would proceed under an added peril.

Though the presumption is against resort to legal action to curb abuses of the press, there are limits to legal toleration. The already recognized areas of legal correction of misused liberty of expression—libel, misbranding, obscenity, incitement to riot, sedition, in case of clear and present danger—have a common principle; namely, that an utterance or publication invades in a serious, overt, and demonstrable manner personal rights or vital social interests. As new categories of abuse come within this definition, the extension of legal sanctions is justified. The burden of proof will rest on those who would extend these categories, but the presumption is not intended to render society supine before possible new developments of misuse of the immense powers of the contemporary press.

## THE PRINCIPLES IN THE PRESENT SITUATION

The principles we have attempted to state are those general truths which are valid as goals for all civilized societies. It must be observed that freedom of the press is not a fixed and isolated value, the same in every society and in all times. It is a function within a society and must vary with the social context. It will be different in times of general security and in times of crisis; it will be different under varying states of public emotion and belief.

The freedom we have been examining has assumed a type of public mentality which may seem to us standard and universal but which is in many respects a product of our special history—a mentality accustomed to the noise and confusion of clashing opinions and reasonably stable in temper in view of the varying fortunes of ideas. But what a mind does with a fact or an opinion is widely different when it is serene and when it is anxious; when it has confidence in its environment and when it is infected with suspicion or resentment; when it is gullible and when it is well furnished with the means of criticism; when it has hope and when it is in despair.)

Further, the citizen is a different man when he has to judge his press alone and when his judgment is steadied by other social agencies. Free and diverse utterance may result in bewilderment unless he has access—through home, church, school, custom—to

interpreting patterns of thought and feeling. There is no such thing as the "objectivity" of the press unless the mind of the reader can identify the objects dealt with.

Whether at any time and place the psychological conditions exist under which a free press has social significance is always a question of fact, not of theory. These mental conditions may be lost. They may also be created. The press itself is always one of the chief agents in destroying or in building the bases of its own significance.

If we now fix our problem in space and time and look at the press in the United States today, we see that the conditions of our society and of the press in our society require new applications of the principles we have stated.

The aim of those who sponsored the First Amendment was to prevent the government from interfering with expression. The authors of our political system saw that the free society they were seeking to establish could not exist without free communication. As Jefferson put it: "The basis of our governments being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers and be capable of reading them."

Our ancestors were justified in thinking that if they could prevent the government from interfering with the freedom of the press, that freedom would be effectively exercised. In their day anybody with anything to say had comparatively little difficulty in getting it published. The only serious obstacle to free expression was government censorship. If that could be stopped, the right of every man to do his duty by his thought was secure. The press of those days consisted of hand-printed sheets issuing from little printing shops, regularly as newspapers, or irregularly as broadsides, pamphlets, or books. Presses were cheap; the journeyman printer could become a publisher and editor by borrowing the few dollars he needed to set up his shop and by hiring an assistant or two. With a limited number of people who could read, and with property qualifications for the suffrage—less than 6 per cent of the adult population voted for the conventions held to ratify the Constitution—there was no great discrepancy between the number of those who could read and were active citizens and those who could command the financial resources to engage in publication.

It was not supposed that any one newspaper would represent all, or nearly all, of the conflicting viewpoints regarding public issues. Together they could be expected to do so, and, if they did not, the man whose opinions were not represented could start a publication of his own.

Nor was it supposed that many citizens would subscribe to all the local journals. It was more likely that each would take the one which would reinforce his prejudices. But in each village and town, with its relatively simple social structure and its wealth of neighborly contacts, various opinions might encounter each other in face-to-face meetings; the truth, it was hoped, would be sorted out by competition in the local market place.

Those circumstances which provided variety and interchange of opinion and easy individual access to the market place of ideas have changed so radically as to justify us in saying that this country has gone through a communications revolution.

Literacy, the electorate, and the population have increased to such a point that the political community to be served by the press includes all but a tiny fraction of the millions of the American people. The press has been transformed into an enormous and complicated piece of machinery. As a necessary accompaniment, it has become big business. There is a marked reduction in the number of units of the press relative to the total population. Although in small communities we can still see a newspaper plant and product that resemble their Colonial prototypes, these are no longer the most characteristic or the most influential agencies of communication.

The right of free public expression has therefore lost its earlier reality. Protection against government

is now not enough to guarantee that a man who has something to say shall have a chance to say it. The owners and managers of the press determine which persons, which facts, which versions of the facts, and which ideas shall reach the public.

This is one side of the shield—the effect of the communications revolution on the right of the citizen to publish his beliefs. The other side is the effect of the communications revolution on the press as the agency through which the members of a free society receive, as well as exchange, the judgments, opinions, ideas, and information which they need in order to participate in the management of that society. The press has become a vital necessity in the transaction of the public business of a continental area.

In local affairs there is still a chance for face-to-face observation to get in its work. Many private groups, formal and informal, throw an extensive web of alternative communication over the country or over parts of it. But there is obviously less opportunity for direct observation and news by word of mouth in a metropolitan region, in a great nation, or in a world society than there is in a village, a small state, or a single country. For the most part the understanding of the leaders and people of China, Russia, England, and Argentina possessed by the citizens of New Hampshire, Kansas, Oregon, and Alabama will be gained from the agencies of mass communication. Hardly less is the dependence on these agencies of

midwest farmers for their understanding of a strike in Detroit or a change in the discount rate by the Federal Reserve Board in Washington.

The complexity of modern industrial society, the critical world situation, and the new menaces to freedom which these imply mean that the time has come for the press to assume a new public responsibility.

Through concentration of ownership the variety of sources of news and opinion is limited. At the same time the insistence of the citizen's need has increased. He is dependent on the quality, proportion, and extent of his news supply, not only for his personal access to the world of event, thought, and feeling, but also for the materials of his duties as a citizen and judge of public affairs. The soundness of his judgment affects the working of the state and even the peace of the world, involving the survival of the state as a free community. Under these circumstances it becomes an imperative question whether the performance of the press can any longer be left to the unregulated initiative of the few who manage it.

The moral and legal right of those who manage it to utter their opinions must remain intact; this right stands for the valid kernel of individualism at the heart of all social life. But the element of duty involved in the right requires a new scrutiny; and the service of news, as distinct from the utterance of opinion, acquires a new importance. The need of the

citizen for adequate and uncontaminated mental food is such that he is under a duty to get it. Thus his interest also acquires the stature of a right.

To protect the press is no longer automatically to protect the citizen or the community. The freedom of the press can remain a right of those who publish only if it incorporates into itself the right of the citizen and the public interest.

Freedom of the press means freedom from and freedom for. The press must be free from the menace of external compulsions from whatever source. To demand that it be free from pressures which might warp its utterance would be to demand that society should be empty of contending forces and beliefs. But persisting and distorting pressures—financial, popular, clerical, institutional—must be known and counterbalanced. The press must, if it is to be wholly free, know and overcome any biases incident to its own economic position, its concentration, and its pyramidal organization.

The press must be free for the development of its own conceptions of service and achievement. It must be free for making its contribution to the maintenance and development of a free society.

This implies that the press must also be accountable. It must be accountable to society for meeting the public need and for maintaining the rights of citizens and the almost forgotten rights of speakers who have no press. It must know that its faults and

errors have ceased to be private vagaries and have become public dangers. The voice of the press, so far as by a drift toward monopoly it tends to become exclusive in its wisdom and observation, deprives other voices of a hearing and the public of their contribution. Freedom of the press for the coming period can only continue as an accountable freedom. Its moral right will be conditioned on its acceptance of this accountability. Its legal right will stand unaltered as its moral duty is performed.

## 2

### THE REQUIREMENTS

**I**F THE freedom of the press is freighted with the responsibility of providing the current intelligence needed by a free society, we have to discover what a free society requires. Its requirements in America today are greater in variety, quantity, and quality than those of any previous society in any age. They are the requirements of a self-governing republic of continental size, whose doings have become, within a generation, matters of common concern in new and important ways. Its internal arrangements, from being thought of mainly as matters of private interest and automatic market adjustments, have become affairs of conflict and conscious compromise among organized groups, whose powers appear not to be bounded by "natural law," economic or other. Externally, it has suddenly assumed a leading role in the attempt to establish peaceful relationships among all the states on the globe.

Today our society needs, first, a truthful, comprehensive, and intelligent account of the day's events in a context which gives them meaning; second, a forum for the exchange of comment and criticism; third, a

means of projecting the opinions and attitudes of the groups in the society to one another; fourth, a method of presenting and clarifying the goals and values of the society; and, fifth, a way of reaching every member of the society by the currents of information, thought, and feeling which the press supplies.

The Commission has no idea that these five ideal demands can ever be completely met. All of them cannot be met by any one medium; some do not apply at all to a particular unit; nor do all apply with equal relevance to all parts of the communications industry. The Commission does not suppose that these standards will be new to the managers of the press; they are drawn largely from their professions and practices.

A TRUTHFUL, COMPREHENSIVE, AND INTELLIGENT  
ACCOUNT OF THE DAY'S EVENTS IN A CONTEXT  
WHICH GIVES THEM MEANING

The first requirement is that the media should be accurate. They should not lie.

Here the first link in the chain of responsibility is the reporter at the source of the news. He must be careful and competent. He must estimate correctly which sources are most authoritative. He must prefer firsthand observation to hearsay. He must know what questions to ask, what things to observe, and which items to report. His employer has the duty of training him to do his work as it ought to be done.

Of equal importance with reportorial accuracy are the identification of fact as fact and opinion as opinion, and their separation, so far as possible. This is necessary all the way from the reporter's file, up through the copy and makeup desks and editorial offices, to the final, published product. The distinction cannot, of course, be made absolute. There is no fact without a context and no factual report which is uncolored by the opinions of the reporter. But modern conditions require greater effort than ever to make the distinction between fact and opinion. In a simpler order of society published accounts of events within the experience of the community could be compared with other sources of information. Today this is usually impossible. The account of an isolated fact, however accurate in itself, may be misleading and, in effect, untrue.

The greatest danger here is in the communication of information internationally. The press now bears a responsibility in all countries, and particularly in democratic countries, where foreign policies are responsive to popular majorities, to report international events in such a way that they can be understood. It is no longer enough to report *the fact* truthfully. It is now necessary to report *the truth about the fact*.

In this country a similar obligation rests upon the press in reporting domestic news. The country has many groups which are partially insulated from one

another and which need to be interpreted to one another. Factually correct but substantially untrue accounts of the behavior of members of one of these social islands can intensify the antagonisms of others toward them. A single incident will be accepted as a sample of group action unless the press has given a flow of information and interpretation concerning the relations between two racial groups such as to enable the reader to set a single event in its proper perspective. If it is allowed to pass as a sample of such action, the requirement that the press present an accurate account of the day's events in a context which gives them meaning has not been met.

#### A FORUM FOR THE EXCHANGE OF COMMENT AND CRITICISM

The second requirement means that the great agencies of mass communication should regard themselves as common carriers of public discussion.<sup>1</sup> The units of the press have in varying degrees assumed this function and should assume the responsibilities which go with it, more generally and more explicitly.

It is vital to a free society that an idea should not be stifled by the circumstances of its birth. The press cannot and should not be expected to print everybody's ideas. But the giant units can and should

<sup>1</sup> By the use of this analogy the Commission does not intend to suggest that the agencies of communication should be subject to the legal obligations of common carriers, such as compulsory reception of all applicants for space, the regulation of rates, etc.

assume the duty of publishing significant ideas contrary to their own, as a matter of objective reporting, distinct from their proper function of advocacy. Their control over the various ways of reaching the ear of America is such that, if they do not publish ideas which differ from their own, those ideas will never reach the ear of America. If that happens, one of the chief reasons for the freedom which these giants claim disappears.

Access to a unit of the press acting as a common carrier is possible in a number of ways, all of which, however, involve selection on the part of the managers of the unit. The individual whose views are not represented on an editorial page may reach an audience through a public statement reported as news, through a letter to the editor, through a statement printed in advertising space, or through a magazine article. But some seekers for space are bound to be disappointed and must resort to pamphlets or such duplicating devices as will spread their ideas to such public as will attend to them.

But all the important viewpoints and interests in the society should be represented in its agencies of mass communication. Those who have these viewpoints and interests cannot count on explaining them to their fellow-citizens through newspapers or radio stations of their own. Even if they could make the necessary investment, they could have no assurance that their publications would be read or their pro-

grams heard by the public outside their own adherents. An ideal combination would include general media, inevitably solicitous to present their own views, but setting forth other views fairly. As checks on their fairness, and partial safeguards against ignoring important matters, more specialized media of advocacy have a vital place. In the absence of such a combination the partially insulated groups in society will continue to be insulated. The unchallenged assumptions of each group will continue to harden into prejudice. The mass medium reaches across all groups; through the mass medium they can come to understand one another.

Whether a unit of the press is an advocate or a common carrier, it ought to identify the sources of its facts, opinions, and arguments so that the reader or listener can judge them. Persons who are presented with facts, opinions, and arguments are properly influenced by the general reliability of those who offer them. If the veracity of statements is to be appraised, those who offer them must be known.

Identification of source is necessary to a free society. Democracy, in time of peace, at least, has a justifiable confidence that full and free discussion will strengthen rather than weaken it. But, if the discussion is to have the effect for which democracy hopes, if it is to be really full and free, the names and the characters of the participants must not be hidden from view.

THE PROJECTION OF A REPRESENTATIVE PICTURE OF  
THE CONSTITUENT GROUPS IN THE SOCIETY

This requirement is closely related to the two preceding. People make decisions in large part in terms of favorable or unfavorable images. They relate fact and opinion to stereotypes. Today the motion picture, the radio, the book, the magazine, the newspaper, and the comic strip are principal agents in creating and perpetuating these conventional conceptions. When the images they portray fail to present the social group truly, they tend to pervert judgment.

Such failure may occur indirectly and incidentally. Even if nothing is said about the Chinese in the dialogue of a film, yet if the Chinese appear in a succession of pictures as sinister drug addicts and militarists, an image of China is built which needs to be balanced by another. If the Negro appears in the stories published in magazines of national circulation only as a servant, if children figure constantly in radio dramas as impertinent and ungovernable brats—the image of the Negro and the American child is distorted. The plugging of special color and “hate” words in radio and press dispatches, in advertising copy, in news stories—such words as “ruthless,” “confused,” “bureaucratic”—performs inevitably the same image-making function.

Responsible performance here simply means that the images repeated and emphasized be such as are in total representative of the social group as it is. The

truth about any social group, though it should not exclude its weaknesses and vices, includes also recognition of its values, its aspirations, and its common humanity. The Commission holds to the faith that if people are exposed to the inner truth of the life of a particular group, they will gradually build up respect for and understanding of it.

#### THE PRESENTATION AND CLARIFICATION OF THE GOALS AND VALUES OF THE SOCIETY

The press has a similar responsibility with regard to the values and goals of our society as a whole. The mass media, whether or not they wish to do so, blur or clarify these ideals as they report the failings and achievements of every day.<sup>2</sup> The Commission does not call upon the press to sentimentalize, to manipulate the facts for the purpose of painting a rosy picture. The Commission believes in realistic reporting of the events and forces that militate against the attainment of social goals as well as those which work for them. We must recognize, however, that the agencies of mass communication are an educa-

<sup>2</sup> A striking indication of the continuous need to renew the basic values of our society is given in the recent poll of public opinion by the National Opinion Research Center at Denver, in which one out of every three persons polled did not think the newspapers should be allowed to criticize the American form of government, even in peacetime. Only 57 per cent thought that the Socialist party should be allowed, in peacetime, to publish newspapers in the United States. Another poll revealed that less than a fourth of those questioned had a "reasonably accurate idea" of what the Bill of Rights is. Here is widespread ignorance with regard to the value most cherished by the press—its own freedom—which seems only dimly understood by many of its consumers.

tional instrument, perhaps the most powerful there is; and they must assume a responsibility like that of educators in stating and clarifying the ideals toward which the community should strive.

#### FULL ACCESS TO THE DAY'S INTELLIGENCE

It is obvious that the amount of current information required by the citizens in a modern industrial society is far greater than that required in any earlier day. We do not assume that all citizens at all times will actually use all the material they receive. By necessity or choice large numbers of people voluntarily delegate analysis and decision to leaders whom they trust. Such leadership in our society is freely chosen and constantly changing; it is informal, unofficial, and flexible. Any citizen may at any time assume the power of decision. In this way government is carried on by consent.

But such leadership does not alter the need for the wide distribution of news and opinion. The leaders are not identified; we can inform them only by making information available to everybody.

The five requirements listed in this chapter suggest what our society is entitled to demand of its press. We can now proceed to examine the tools, the structure, and the performance of the press to see how it is meeting these demands.

Let us summarize these demands in another way.

The character of the service required of the American press by the American people differs from the service previously demanded, first, in this—that it is essential to the operation of the economy and to the government of the Republic. Second, it is a service of greatly increased responsibilities both as to the quantity and as to the quality of the information required. In terms of quantity, the information about themselves and about their world made available to the American people must be as extensive as the range of their interests and concerns as citizens of a self-governing, industrialized community in the closely integrated modern world. In terms of quality, the information provided must be provided in such a form, and with so scrupulous a regard for the wholeness of the truth and the fairness of its presentation, that the American people may make for themselves, by the exercise of reason and of conscience, the fundamental decisions necessary to the direction of their government and of their lives.

## 3

# THE COMMUNICATIONS REVOLUTION

### THE INSTRUMENTS

**T**HE new instruments which technology has given the press have enormously increased the range, variety, and speed of mass communications. They have also contributed to the growth of huge business corporations. The development of new techniques and growth in the size of units are not peculiar to the press. They have occurred in almost all industries. Moreover, the changes in the press are closely related, partly as cause and partly as effect, to the technological and industrial changes elsewhere. The technical-industrial development in other areas made possible the new machinery of mass communication which permits, and even requires, operation on a continental scale. The minutely timed reactions of the new industrial society depend, in turn, on the service supplied by the vast network of the agencies of mass communications.

### THE TECHNOLOGICAL REVOLUTION

Mass communication began with the invention of the steam-driven press in the early nineteenth century. This was followed by the high-speed rotary

press, the linotype machine, and photoengraving, which were accompanied by the appearance of the land-line telegraph, the oceanic cable, and the land-line telephone.

Our generation has seen the development of moving—then moving and talking—pictures, of wireless transmission used for telegraph, telephone, and voice broadcasting; of airplane transport; of offset and color printing. Together they have changed the character of mass communication, adding to the printed word the broadcast word and the moving image, and bringing the remote corners of the world within a few hours of one another.

We are now in the midst of this technological revolution. It is far from completed. The war put into military use a new series of inventions. Their possibilities have not been fully realized, partly because of delays resulting from reconversion from war work and partly because of the need for further experiment. Technological advance creates its own inertia because investment does not disappear so rapidly from the balance sheet as new inventions render the equipment obsolescent. The investments of users of existing machinery and the vested interests of skilled employees slow down change.

The fullest use at lowest prices of radio telegraph was retarded, and still is retarded, because of the huge investment in ocean cables and land lines; direct international radio voice broadcasting from the

United States languished for want of interest by advertisers until the war compelled its exploitation and proved its value to the American people. Linotype machines which can do the job of four or five ordinary machines are held back by the opposition of the unions; apprenticeship rules are holding back improvements in engraving. It is admitted that frequency modulation (FM) radio has been delayed not only by war priorities but also by AM (standard broadcasting) owners and by the unions. It remains to be seen whether similar delays will be encountered, for similar reasons, by television and the facsimile newspaper.

But full utilization of these inventions is clearly in the offing, and their potential influence is enormous.

A world-wide voice broadcasting network over which the deliberations of the United Nations as they take place could be transmitted to every citizen on the planet is mechanically possible at the present time. Such a network has been recommended by the United States National Commission for U.N.E.S.C.O.

Air mail and air express are technically at the point where films or periodicals can be delivered anywhere on the inhabited earth in two or three days. Light plastic plates of magazine pages can be flown to printing plants anywhere so that a complete periodical may come off the press on five continents forty-eight hours after it has been assembled in the originating office.

Through new processes of book manufacturing the people of the world can be supplied with the best literature of all countries at twenty-five cents a copy or less. Experimental work on printing presses is expected to reduce the cost of manufacture still further, particularly for the smaller plants.

Frequency modulation radio is now mechanically ready for general use. It is expected to replace the standard broadcasting systems, except for high-powered clear channels reaching sparsely settled areas. FM's technical superiority over AM is that it gives better tone, free from static. FM provides an opportunity for more stations, each serving its local community on equal terms as to volume, and makes possible new and more widely distributed station ownership.

An even newer device, pulse-time modulation, though not yet clearly established as a means of broadcasting to home receivers, will undoubtedly make it possible within a few years to broadcast more than one program simultaneously over one channel. It will cut down the cost of broadcasting any program and at the same time increase the variety of programs available to a community at a given time.

Of immediate importance are the advances which the war produced in long-distance wireless transmission. Speeds up to eight hundred words a minute (as compared with average cable speeds of forty to sixty words a minute) have been attained, and interrup-

tions resulting from atmospheric conditions are slowly yielding to the ingenuity of the engineers. Four-color facsimile, by which text or photographs or both are transmitted by wireless, has reached the point where whole pages of books and periodicals with their illustrations are now being instantaneously sent in any language halfway round the earth.

The war also gave impetus to multiple-address press transmission, by which news is distributed by wireless, not from point to point, but from a single originating station to receivers in an entire region. Just how radically this reduces costs appears from an application to the F.C.C. of a subsidiary of the International Telephone and Telegraph Company, recently approved. The cost to the users of this multiple-address press system will be a cent and a half a word. This is four to ten times cheaper than any previous service. It is as cheap for the obscure editor in a distant outpost of civilization as for the metropolitan publisher in a European capital. It is as cheap—and it is of the same quality. Within the next decade or two this kind of service will be a major means of communicating news across national borders. Only national regulations and the habits of press associations prevent its general adoption today.

The facsimile newspaper is equally practicable now. Such a newspaper would go to press at the local radio station at 5:00 A.M., say, would be broadcast from FM transmitters, and would drop, automatically

folded, from the home radio receiver ready for the family breakfast table. It can be distributed more quickly and more frequently than the standard newspaper. No expensive power presses will be required to print it and no newsstands, news dealers, trucks, trains, or airplanes to distribute it. The farmer and the city dweller will have access to news of the same quality.

The facsimile newspaper need not be expensive. John V. L. Hogan, one of the ablest experts in the facsimile field, estimates that receivers may come down to the price of radio phonographs, say \$100-\$400. The paper, to be provided by the reader, at present costs four cents for a four-page facsimile edition. But Hogan estimates that it eventually may cost only a penny—actually cheaper than the printed newspaper.

Television is more familiar to the layman, but his conception of it does not altogether reflect the importance of the invention. Television is not just a better or different form of radio. It is a combination of radio and motion picture which adds new dimensions to mass communication. The form, color, and sound of events will sooner or later be re-enacted by television before enormous household audiences all over the world. People in remote parts of the globe will be permitted the same face-to-face observation of each other that is now limited to the citizens of small communities.

The speed, quantity, and variety of mass communication will continue to increase. Long since, the

volume and variety of words and images have exceeded the capacity of any individual consumer to assimilate them. The press has an increasing responsibility for the organization and selection of the material it distributes. But the citizen, who has always had to sift the material he has received, will now have a more complicated task than ever.

We cannot assume that the mere increase in quantity and variety of mass communication will increase mutual understanding. It may give wider currency to reports which intensify prejudice and hatred. Nevertheless, the new instruments exist and will be used in any case. The cure for distorted information would seem to be more information, not less—the full and responsible use of the new instruments of communication to get before the peoples of the world a true picture of one another and of what goes on among them.

#### THE ORGANIZATION

These technological changes have in one sense resulted in a greater diversity of communication. Information and discussion are now supplied through different channels by different managements. Television and the broadcast newspaper may introduce still further diversity of ownership and management, for it is not certain that these new instruments will become the property of those who control the old ones.

But the outstanding fact about the communications industry today is that the number of its units has declined. In many places the small press has been completely extinguished. The great cities have three or four daily newspapers each, smaller cities may have two; but most places have only one. News-gathering is concentrated in three great press associations, and features are supplied from a central source by syndicates. There are eight majors in motion pictures, four national radio networks, eight to fifteen giants among magazine publishers, five to twenty-five big book houses. Throughout the communications industry the little fellow exists on very narrow margins, and the opportunities for initiating new ventures are strictly limited. The detailed picture of concentration in each medium is as follows.

#### NEWSPAPER CONCENTRATION

For a considerable period (since 1909) the number of daily English-language newspapers has fallen at a fairly constant rate. At the same time there has been a growth in literacy, in total population, and in total circulation. The peak of 2,600 dailies reached in 1909 has been steadily reduced to the present 1,750. Dr. R. B. Nixon, who has done the most recent research on this subject, reported in the *Journalism Quarterly* for June, 1945, that only 117 (approximately one out of twelve) of the cities in which daily newspapers are published now have competing dai-

lies. He also found that in ten states of the Union no cities have competing dailies; in twenty-two states no cities have competing Sunday newspapers. Altogether 40 per cent of the estimated total daily newspaper circulation of forty-eight million is noncompetitive. Rival newspapers exist only in the larger cities.

Twenty-five hundred of the 16,000 and more weekly newspapers of the nation disappeared between 1910 and 1920, another 1,300 between 1920 and 1930, and 1,750 more in the next decade. Fewer than 10,000 now survive.<sup>1</sup>

#### MAGAZINE AND BOOK CONCENTRATION

A few big houses own the magazines of largest circulation.<sup>2</sup> The eight leading publishers include the so-called "Big Five": Curtis, with the *Ladies' Home Journal*, *Saturday Evening Post*, *Country Gentleman*, and the new *Holiday*; Time, Inc., with *Life*, *Time*, *Fortune*, and *Architectural Forum*; Crowell-Collier's, with *Colliers*, *American*, and *Woman's Home Companion*; Hearst, with *Good Housekeeping*, *Harper's Bazaar*, *House Beautiful*, and the new *Junior Bazaar*; and McCall's, with *McCall's Magazine* and *Red Book*. To these should be added the

<sup>1</sup> The approximately 100 foreign-language dailies and 150 Negro dailies and weeklies have shown neither marked increase nor decline.

<sup>2</sup> There is a top group of magazines, a dozen to fifteen, each of which has a circulation of 2,000,000 or more, and a second group of seventy to eighty with circulations over 100,000.

*Reader's Digest*, which had at the end of the war an estimated domestic circulation of 8,500,000, plus Spanish, Portuguese, Swedish, Arabic, Danish, and Finnish editions totaling another 1,500,000; all but the last of these had the largest circulations in their languages. Among the giants must be included also the Capper group of farm periodicals and the separately owned *Farm Journal*, which together have a circulation over six million. Very recently the Coronet-Esquire group, with a reported circulation of four million for *Coronet*, has jumped into the higher brackets.

Thirty years ago there were nearly two dozen major women's magazines and a group of six large magazines which was just emerging. Now the six largest in a reduced field have nearly nine-tenths of the total circulation.

Though there is still a lively interest in new ventures in magazines and the attempt to launch one is frequently made, the advantages in promotion possessed by the big groups give their publications a head start in the race for readers.

In book publishing the competitive area is comparatively broad. New book houses appear frequently, and some rapidly achieve financial success. Approximately two hundred houses provide 90 per cent of the books published in the United States each year. More than a quarter of the annual titles are produced by the ten largest publishers.

There is a Big Five in trade or general publishing. They are headed by Doubleday-Doran, which printed forty million volumes in 1945, with gross receipts somewhere near thirty million dollars. The next four, Macmillan, Pocket Books, William Wise, and Harper's, do not approach this size. (The Book-of-the-Month Club could be included in this group.) In the textbook and subscription book field a small number of still other publishers do a large percentage of the total business which equals or exceeds the trade publication total.

In the field of technical books McGraw-Hill deserves special mention. It accounts for approximately 25 per cent of such books and, in addition, dominates the field of business and industrial magazines. The importance of these magazines, and hence of concentration in this area, should not be underestimated.

#### RADIO COMPETITION AND THE NETWORKS

The situation in radio is distinguished by the fact that the number of stations which can broadcast without interference is limited by nature and the further fact that the maintenance of competition among these stations is enjoined by law. The result is that the number of stations at present is just over a thousand, of which only twenty-five are Class IA clear channel stations, and that single ownership of

more than one in any locality or more than eight in all is effectively prevented by the Federal Communications Commission. In spite of these facts, however, the prevalent trend in the communications industry has dominated radio. The broadcasting networks which provide programs to the stations are outside the regulative power of the F.C.C., except as they own stations subject to regulation, or except as regards their contracts with affiliated stations. Over the last twenty years, four great networks have emerged—the National Broadcasting Company, the Columbia Broadcasting System, the American Broadcasting Company, and the Mutual Broadcasting System. The natural tendency of national advertisers to gravitate toward the networks has induced nearly eight hundred of the thousand stations to become affiliated with the chains.

#### MOTION PICTURE CONCENTRATION

The eight major motion picture companies are Loew's (M-G-M), RKO, Warner Brothers, Paramount, and Twentieth Century-Fox, which five produce, distribute, and exhibit pictures; Columbia and Universal, which produce and distribute alone; and United Artists, which distributes for a group of independent producing companies and exhibits in England. Approximately a fifth of the theater capacity of this country has been affiliated with the five produc-

ing companies among the eight majors. The theaters in the best city locations with the largest audiences, the highest admissions, and the longest runs have been controlled by the eight major companies.<sup>3</sup>

#### CHAINS

Large individual units in a single medium are not the only types of Big Press that have grown up. Another kind of development, especially in the newspaper field and in motion pictures, is the ownership of more than one newspaper or other mass medium in one or several cities by a single person or corporation. These are technically called chain ownerships.

The number of papers controlled by national chains has actually declined in recent years, the papers included in the Hearst chain having dropped from twenty-six to seventeen in the ten depression years, and those in the Scripps-Howard chain from twenty-three to eighteen. At present only a dozen chains among newspapers extend beyond seven dailies, and all but three or four are limited to a single region.

The number of regional chains or, more properly, single ownership of papers in two to a dozen different communities has, however, increased. In 1935 there were 63 such combined ownerships, and in 1945, 76. Fourteen were cases of single ownership of 8 or more

<sup>3</sup> Other large and well-established companies dealing in production and distribution are Monogram, Republic, and PRC. There are a number of other "satellite" producing companies which distribute their pictures through one or the other of the majors.

papers. The 76 chains—national, regional, and local—own 375 dailies altogether, or 25 per cent of all English-language dailies. In addition, there are 174 localities in which there are partial combinations of separately published newspapers through joint use of the single printing establishment, so that a Republican and a Democratic newspaper run peacefully through the same press but at different times of day.

Whatever the tendency is, the fact remains that the local and regional chains, together with the Hearst, Scripps-Howard, and McCormick-Patterson ownership groups, control more than half (53.8 per cent) of the total newspaper circulation of the nation. Fourteen newspaper owners control 25 per cent of the daily circulation, with less than fifty owners controlling nearly half the total Sunday circulation.

#### LOCAL NEWS MONOPOLIES

Monopoly, in the strict sense of single control of all current information coming into an area, does not exist in the communications industry. The nearest thing to it—and it is too near for comfort—is unitary ownership in a single locality. This does exist. Ninety-two per cent of the communities in this country, all but the bigger cities, have only one local newspaper. In a hundred small communities the only newspaper owner also owns the only radio station. This creates a *local* monopoly of local news.<sup>4</sup> Joint newspaper-radio

<sup>4</sup> There are cases of significant concentration of newspaper and radio ownership in some *regions*, such as that of Frank E. Gannett, whose

ownership is increasing. About a third of the radio stations in the United States are controlled by newspapers, and the applications for FM licenses so far received exceed this ratio.

#### THE COMMUNICATIONS EMPIRES

The Commission doubts that any regional or national monopoly of communications by a single owner is possible. Mr. Hearst at the top of his fortunes, not many years ago, had accumulated twenty-six newspapers, thirteen magazines (mainly with large circulation), eight radio stations, a newsreel company, a substantial interest in a motion picture feature producing company, a leading feature syndicate, and one of the three press associations, for a total of an estimated thirty million readers and a huge motion picture and radio audience. But at this peak Hearst's organization was in brisk competition with rivals in each medium. It was a communications empire of great size and influence; but it was no monopoly. And it has visibly decreased in size in recent years.

The Luce interests, the Cowles interests, and the Marshall Field interests are powerful combinations in the various media. The Radio Corporation of America, if not an empire in the Hearst sense, was at its moment of greatest extent a mass communications principality of extraordinary scope.

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chain of papers does not extend outside upstate New York. His hegemony, powerful as it is, falls far short of giving him an actual monopoly in that region.

The Luce interests have owned, at one time or another, a weekly news magazine (*Time*), a weekly picture magazine (*Life*), two monthly magazines (*Fortune* and *Architectural Forum*), a documentary motion picture producing company and a radio program ("March of Time"), and interest in a metropolitan radio station (WQXR) and a radio network (A.B.C.)—the two latter now sold. The Cowles brothers own four midwest newspapers, four radio stations, and a weekly picture magazine. The Radio Corporation of America, which is a leading manufacturer of radio and sound and color equipment, owns the National Broadcasting Company, had a substantial interest in RKO-Radio Pictures, Inc., and is one of the two leading American companies handling the international radio telegraph business to and from the United States.

Big money made in other fields is now going into communications. The Atlas Corporation has recently bought *Liberty Magazine*, with a circulation of a million and a half, and has a substantial interest in RKO-Radio Pictures, Inc., and Walt Disney Productions, as well as three movie-fan magazines. Marshall Field owns two metropolitan dailies, four radio stations, a farm journal, and a Sunday newspaper magazine supplement used by more than forty papers. He also has a controlling interest in a large book publishing house and its related reprint house. Edward Noble used money from the sale of Lifesavers to buy the

Blue network. The Pew interests (Sun Oil) control one of the biggest farm journals, a group of trade papers including *Iron Age*, and *Pathfinder* magazine with a large circulation in small town and rural areas.

#### NEWS AGENCIES, FEATURES, AND SYNDICATES

The press associations and some one hundred and seventy-five companies offer feature services with nation-wide coverage, so that, as compared with fifty years ago, an increasing sameness appears in news stories, photographs, cartoons, and columns. Even editorials are mass-produced for certain categories of papers. Almost all of the ten thousand weekly newspapers still surviving, for example, have for a long time used the services of the Western Newspaper Union, a manufacturer of editorials, features, and columns, owned by John H. Perry, the so-called "Boiler Plate King." Nearly three thousand of them use an eight-page paper provided by Western Newspaper Union, four of the pages of which are pre-written, pre-edited, and pre-printed by syndicate. Perry is also developing a chain of small papers including seven dailies, fourteen weeklies, and four radio stations. He owns the principal trade magazine for the weekly press and has an interest in plants producing printing machinery which he sells to his clients.

Of the 1,750 remaining general English daily newspapers in the United States, 95 per cent, serving all but one-fifth of 1 per cent of the total daily circula-

tion, take the services of one or more of the three major press associations—the Associated Press, United Press, and International News Service. This standardization is made more uniform still by the fact that International News Service is owned by interests identified with Hearst, United Press by interests identified with Scripps-Howard, and the Associated Press by a limited, and until recently self-limiting, group of newspaper publishers. (Radio stations and news magazines are now admitted to associate membership without a vote.)

The same interrelationship within an interrelationship appears in the syndicate news and photo feature business which sells photographs, comic strips, feature columns, and the like, thus providing a central control of content far more extensive than any control through ownership. Perry's Western Newspaper Union is itself one of the country's biggest newspaper syndicates in terms of papers served. Of the five or six biggest syndicates, among the hundred-and-seventy-odd now operating, King Features is connected with the Hearst interests; United Features and Newspaper Enterprise Association, with the Scripps-Howard interests. Associated Press operates one of the largest and most complete feature services. Large syndicates are owned or controlled by metropolitan newspapers: the *Chicago Tribune* and the *New York Daily News* (jointly), one of the largest of all the syndicates, the *New York Herald Tribune*, the *Des*

*Moines Register and Tribune, the Chicago Sun, PM, the New York Evening Post, and the Chicago Times.*

#### MONOPOLISTIC PRACTICES

The main causes of the trend toward concentration in the communication industries have been the advantages inherent in operating on a large scale using the new technology. High labor costs have also contributed to the elimination of the smaller, marginal owner.

Other forces are at work as well. They are *personal* forces; they have nothing to do with technological change. They exist, and always have existed, in all branches of the economy, and the communications industries are no exception. These forces are those exaggerated drives for power and profit which have tended to restrict competition and to promote monopoly throughout the private enterprise system. As in other industries, the means employed in specific instances have varied all the way from complicated economic pressures down to the simple instruments of physical violence.

Hearst and McCormick fought an epic newsstand war in Chicago early in the present century, which involved not only the destruction of papers but also the shooting of employees. These battles, and the private armies which fought on either side, were a factor in promoting the gang warfare which has distressed the city since. Violence as a curb on competi-

tion has not, however, been confined to Chicago. The New York papers, including the *Times* and the *Herald Tribune*, had newsstand fights in the thirties; and *PM* faced serious difficulties in finding a place on the newsstands.

Potential competitors have divided territory as Hearst, Gannett, and Block did in upstate New York and as motion picture theaters have done elsewhere. Small publishers are now complaining that giant concerns, such as Time-Life and Curtis, have pre-empted paper stocks and printing facilities under long-term contracts. In recent litigation the Associated Press was compelled to give up a practice which the Supreme Court found monopolistic, since it permitted one publisher to deny the Association's service to a competitor. Antitrust actions, now on appeal, against the eight great motion picture companies are designed to separate the control of production from exhibition, a combination which is claimed to amount to monopoly. These companies have produced 80 per cent of American feature films and distributed 95 per cent of the films reaching the public.

#### THE COST OF NEW VENTURES

Monopolistic practices, together with the cost of machinery and the momentum of big, going concerns, have made it hard for new ventures to enter the field of mass communications.<sup>5</sup>

<sup>5</sup> This is especially true in the newspaper, magazine, and radio network fields; not so much so in book publishing and radio station ownership.

Although there is no such thing as a going price for a great city newspaper, it is safe to assume that it would cost somewhere between five and ten million dollars to build a new metropolitan daily to success. The investment required for a new newspaper in a medium-sized city is estimated at three-quarters of a million to several million; for a small-town paper, \$25,000—\$100,000. Radio stations have been sold at figures well over a million dollars, though such prices must include, in the words of Commissioner Durr, “something [the sellers] do not own and have no right to sell; namely, the use of a radio channel.” The equity needed for a new feature motion picture producing company would probably be at least \$100,000, but this is merely a shoestring; one cannot sensibly initiate a producing unit without a contract with one of the major distributors. A publisher should not start a magazine aimed at the mass market unless he is prepared to lose two or three million dollars at the outset. On the other hand, a book publishing house might be established for as little as \$100,000.

Our survey of the instruments and the organization of the communications industry leaves us with certain questions. To what extent has the reduction in the number of units of the press reduced variety? Has the reduction in the number of units cut down the opportunity to reach an audience on the part of those who have something to say? Has the struggle for power and profit been carried to such a point in

this field that the public interest has suffered? Have the units of the press, by becoming big business, lost their representative character and developed a common bias—the bias of the large investor and employer? Can the press in the present crisis rise to its responsibility as an essential instrument for carrying on the political and social life of a nation and a world of nations seeking understanding? If not, will its irresponsibility deprive it of its freedom?

These questions require an examination of the actual performance of the American press today.

## 4

### THE PERFORMANCE

**P**PRIVATE enterprise in the field of communications has great achievements to its credit. The American press probably reaches as high a percentage of the population as that of any other country. Its technical equipment is certainly the best in the world. It has taken the lead in the introduction of many new techniques which have enormously increased the speed and the variety of communications. Whatever its shortcomings, the American press is less venal and less subservient to political and economic pressure than that of many other countries. The leading organs of the American press have achieved a standard of excellence unsurpassed anywhere in the world. It is necessary to keep these general comments in mind in order to see the criticisms which follow in the proper perspective.

The economic logic of private enterprise forces most units of the mass communications industry to seek an ever larger audience.<sup>1</sup> The result is an omni-

<sup>1</sup> It oversimplifies the business formula to state it merely as "number of subscriber-listeners determines advertising rate and volume and these, in turn, determine income and profits." The income levels and specialized types of reader-listeners for a particular medium serve as

bus product which includes something for everybody.

The communications industry, in building this omnibus, has not introduced new material into communication. It has transferred to mass communication what had formerly passed from person to person as gossip, rumor, and oral discussion. The oldest mass medium of which we have record, the *Acta diurna*, an official bulletin board publishing the news in the Rome of the first Caesars, was an omnibus vehicle including sports, crime, and other sensational events as well as news regarding public affairs and official propaganda. So, too, in England, when newspapers were strictly limited to serious intelligence for a small reading public, there was a literature of handbills and pamphlets specializing in crime news.

The American newspaper is now as much a medium of entertainment, specialized information, and advertising as it is of news. A solid evening of radio adds up to something like the reading of a mass-circulation newspaper except that the percentage of reporting and discussion of public affairs is even lower. It goes as low as zero in the case of some local stations, as low as 2 per cent in many, and up to 10 per cent in some network affiliates. The magazines of largest circulation provide a mixed menu of print, pictures, stories, articles, and gossip, to entertain and

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specialized targets for advertising specific commodities, quite apart from the gross numbers of reader-listeners.

inform persons of all ages and tastes, with advertising occupying half or more of each issue. The motion picture, as everybody knows, has developed mainly and avowedly as a medium of mass entertainment.

We see, then, that information and discussion regarding public affairs are only a part, and often a minor part, of the output of the communications industry. On the other hand, such information and discussion as are included reach a far larger audience because of the low price which advertising and mass circulation make possible.<sup>2</sup>

Information and discussion regarding public affairs, carried as a rider on the omnibus of mass communication, take on the character of the other passengers and become subject to the same laws that governed their selection: such information and discussion must be shaped so that they will pay their own way by attracting the maximum audience.

#### SCOOPS AND SENSATIONS

Hence the word "news" has come to mean something different from important new information. When a journalist says that a certain event is news, he does not mean that it is important in itself. Often it is; but about as often it is not. The journalist means by news something that has happened within the

<sup>2</sup>The commercial impulse is not the only one which drives the communications industry toward larger and larger audiences. Anybody who has anything to say wants to say it to as many people as possible. Countries with government-owned radio, for example, tend to adopt the device of an omnibus product, with simplified and dramatized content.

last few hours which will attract the interest of the customers. The criteria of interest are recency or firstness, proximity, combat, human interest, and novelty. Such criteria limit accuracy and significance.

The eager pursuit of these qualities is undoubtedly captivating to the participants, but to the world at large it seems often to lead to unfortunate excesses. The unauthorized "scoops"—at the end of the war, with announcements prematurely made only to be awkwardly withdrawn by the press associations and radio networks—unsettled people's confidence in the dependability of these news sources and marred the generally good war record of the press in safeguarding important announcements.

To attract the maximum audience, the press emphasizes the exceptional rather than the representative, the sensational rather than the significant. Many activities of the utmost social consequence lie below the surface of what are conventionally regarded as reportable incidents: more power machinery; fewer men tending machines; more hours of leisure; more schooling per child; decrease of intolerance; successful negotiation of labor contracts; increase of participation in music through the schools; increase in the sale of books of biography and history.

In most news media such matters are crowded out by stories of night-club murders, race riots, strike violence, and quarrels among public officials. The Commission does not object to the reporting of these

incidents but to the preoccupation of the press with them. The press is preoccupied with them to such an extent that the citizen is not supplied the information and discussion he needs to discharge his responsibilities to the community.

The effort to attract the maximum audience means that each news account must be written to catch headlines. The result is not a continued story of the life of a people, but a series of vignettes, made to seem more significant than they really are. The sum of such discontinuous parts does not equal the whole, because the parts have not been represented in their actual size and color in relation to the whole.

This was illustrated at the San Francisco Conference. This gathering necessarily followed a course governed by protocol; it involved proposal and counterproposal, preparation of texts, amendments and revisions, and eventual agreement by compromise.

On many days during the weeks the Conference was in session there was nothing to report. But the reporters had to send in their stories. Somehow there had to be news. The result on the lower levels was a series of personal items modeled after the Hollywood fan magazine and on the higher levels a distorted account of what took place. Because drama and tension were demanded by the editorial desks back home, drama and tension were manufactured at San Francisco. Hence calm was turned into the calm-before-the-storm. Silence became the silence-of-im-

pending-conflict. The passage of time became a portentous period of delay. So completely was the task of manufacturing suspense performed that, when after some weeks an acceptable charter was signed, the effect on newspaper readers was one of incredulous surprise. (A detailed study of the treatment given the Conference by the press has been made by Milton D. Stewart of the Commission staff and will be published under the title, *The American Press and the San Francisco Conference.*)

The worst offenders in this direction are to be found among the newspaper columnists and radio commentators. The members of this craft have come to perform an indispensable function in American public discussion. But they must attract the maximum audience, too. Some of them have thought that the way to do this is to supply the public with keyhole gossip, rumor, character assassination, and lies.

#### THE PRESSURE OF THE AUDIENCE

People seldom want to read or hear what does not please them; they seldom want others to read or hear what disagrees with their convictions or what presents an unfavorable picture of groups they belong to. When such groups are organized, they let the press know their objections to remarks concerning them. The press is therefore caught between its desire to please and extend its audience and its desire to give a picture of events and people as they really are.

The motion picture industry offers the most elaborate example of accommodation to the pressure of the audience. (The Motion Picture Code is described in a study by Ruth Inglis, a member of the Commission staff, published by the Commission under the title, *Freedom of the Movies*.) This accommodation may not have gone quite so far as the present Code executive says it would have to go to satisfy all protestors: it has not limited the villain of the screen to "a native-born, white, American citizen, without a job, and without any political, social, religious, or fraternal affiliation of any kind." But pressure groups, because they have or are thought to have influence on attendance, have shaped the motion picture to their desires. Hollywood's efforts to develop the documentary film may be thwarted by its habit of yielding to this kind of intimidation.

Every branch of the communications industry is subject to the same sort of pressure. Publishers who stick to their guns have suffered for it. The managing editor of one of the principal papers of the country testified before the Commission that in his opinion his publication took a drop of more than 50,000 in circulation because of a policy displeasing to a well-organized pressure group.

It would be a mistake to assume that pressure is always bad just because it is pressure. Testimony before the Commission reveals that pressure groups often correct unconscious bias or mistakes and bring

into view neglected areas of discussion. But the power of these groups and the importance of the mass media raise a serious question, to which we shall later return: How can a medium of communication which almost by definition must strive to please everybody perform the function which it should perform today?

#### THE BIAS OF OWNERS

The agencies of mass communication are big business, and their owners are big businessmen. The American consumers just prior to the war paid the forty thousand mass communication establishments nearly two and a half billion dollars for their services, representing one dollar out of every twenty-seven spent that year for all goods and services. The press is a large employer of labor. With its total wage and salary bill in the same year nearly a billion dollars, it provided about 4 per cent of the country's total salary and wage expenditures. The newspapers alone have more than 150,000 employees. The press is connected with other big businesses through the advertising of these businesses, upon which it depends for the major part of its revenue. The owners of the press, like the owners of other big businesses, are bank directors, bank borrowers, and heavy taxpayers in the upper brackets.

As William Allen White put it: "Too often the publisher of an American newspaper has made his money in some other calling than journalism. He is a rich

man seeking power and prestige. He has the country club complex. The business manager of this absentee owner quickly is afflicted with the country club point of view. Soon the managing editor's wife nags him into it. And they all get the unconscious arrogance of conscious wealth. Therefore it is hard to get a modern American newspaper to go the distance necessary to print all the news about many topics." In the last thirty years, in Mr. White's opinion, newspapers "have veered from their traditional position as leaders of public opinion to mere peddlers and purveyors of news . . . . the newspapers have become commercial enterprises and hence fall into the current which is merging commercial enterprises along mercantile lines."

The same point is made with equal force by another distinguished editor, Virginius Dabney of the *Richmond Times-Dispatch* writing in the *Saturday Review of Literature*: "Today newspapers are Big Business, and they are run in that tradition. The publisher, who often knows little about the editorial side of the operation, usually is one of the leading business men in his community, and his editorial page, under normal circumstances, strongly reflects that point of view. Sometimes he gives his editor a free hand but far oftener he does not. He looks upon the paper primarily as a 'property' rather than as an instrument for public service." The typical American publisher, Mr. Dabney continues, "considers the important part of

the paper to be the business management, and is convinced that so long as high salaries and lavish expenditures are made available to that management, the editorial department can drag along under a schedule of too much work and too little pay. Of course, such a publisher sees that the editorials in his paper are 'sound,' which is to say that they conform to his own weird views of society, and are largely unreadable."

Neither indictment is of universal application nor was it intended by its author to be so. There are, as Mr. Dabney says, "brilliant and honorable exceptions." But another highly respected editor, Erwin D. Canham of the *Christian Science Monitor*, thinks upper-bracket ownership and its big-business character important enough to stand at the head of his list of the "short-comings of today's American newspapers."

The published charges of distortion in the press resulting from the bias of its owners fall into the categories that might be expected. In 1935 the American Newspaper Publishers Association condemned the proposed Child Labor Amendment. The A.N.P.A. action with regard to the child labor provision of N.R.A. was characterized by the *St. Louis Star-Times* as "a disgrace to the newspaper industry." Bias is claimed against consumer co-operatives, against food and drug regulation, against Federal Trade Commission orders designed to suppress fraudulent advertis-

ing, and against F.C.C. regulations affecting newspaper-owned broadcasting stations. Other claims involve affiliations with suppliers of raw paper stock and their affiliations with electric power companies. Still others arise from the ownership of outside businesses by the owners of the press. Many people believe that the press is biased in matters of national fiscal policy.

#### ADVERTISING AND SALES TALK

( One of the criticisms repeatedly made is that the press is dominated by its advertisers. The evidence of dictation of policy by advertisers is not impressive. Such dictation seems to occur among the weaker units. As a newspaper becomes financially stable, it becomes more independent and tends to resist pressure from advertisers. )

A recent illustration indicates the kind of pressure that may be exerted and the place it is likely to be applied. The American Press Association, advertising representative for about four thousand weeklies and small-town dailies, obtained from the United States Steel Corporation and American Iron and Steel Institute a big order of "policy" advertising in connection with the steel strike last winter, which was placed in fourteen hundred small-town newspapers. The advertising representative, thereupon, wrote a letter to the fourteen hundred publishers saying: "We recommended that your newspaper be put

on their [Steel Institute] schedule, as the best territory; and we are counting on you to give them all the support that your good judgment dictates. This is your chance to show the steel people what the rural press can do for them. Go to it, and pave the way for more national advertising.”<sup>3</sup>

The radio industry has peculiar problems in relation to advertising. Fewer than a hundred and fifty advertisers now provide all but 3 or 4 per cent of the income of the radio networks, and fewer than fifty provide half the total. The concentration of radio sponsorship goes further than that. Commissioner Durr of the F.C.C. is authority for the statement that in 1943 one-eighth of N.B.C.’s business came from one advertiser, that two advertisers supplied one-fourth and ten advertisers 60 per cent of N.B.C.’s income. One advertiser gave the A.B.C. network one-seventh of its income; two gave it a quarter, and ten more than 60 per cent. In 1945 five companies accounted for nearly a quarter of the network income.

The large advertisers on the air use a small number of advertising agencies; a dozen and a half provide about half the income of the three networks reporting these facts. These agencies not only place the contracts, but also write, direct, and produce the programs. The great consumer industries—food, to-

<sup>3</sup> It should be added that, according to *Editor and Publisher*, fewer than 15 per cent of the papers receiving this advertisement carried editorials or news stories on the subject.

bacco, drugs, cosmetics, soap, confectionery, and soft drinks, which in 1945 gave the networks three-quarters of their income—determine what the American people shall hear on the air.

Although the station owner is legally responsible to the government for what goes out over his station, he gets a large part of it from the networks. The networks get their programs from the advertising agencies. The advertising agencies are interested in just one thing, and that is selling goods. We are all familiar with the result, which is such a mixture of advertising with the rest of the program that one cannot be listened to without the other. (A special study of the radio industry by Llewellyn White of the Commission staff, entitled *The American Radio*, is being published by the Commission.)

Advertising forms almost half the subject matter of the three media which carry it. It serves a useful purpose in telling people about goods that are for sale. Sales talk relies heavily on sheer repetition of stimuli, presents favorable facts only, exaggerates values, and suggests a romantic world part way between reality and a materialistic utopia. It does not discuss a product. It "sells" it.

Much of what passes for public discussion is sales talk. At its best, however, public discussion can be a two-way process, with listening, response, and interchange, in which some at least of the participants are genuinely seeking for answers and feeling their way toward those answers which are supported by the

weight of the evidence. The American faith is that this is the way public opinion should be formed; it should not be manufactured by a central authority and "sold" to the public.

People are used to these different kinds of discourse and often have no difficulty in distinguishing between them. They do not expect to rely on unnamed "medical experts" indorsing a toothpaste as they would upon a named authority writing a serious article on a medical subject in a serious publication. But if this distinction is to be maintained, sales talk should be plainly labeled as such; whether for toothpastes or tariffs, cosmetics or cosmic reforms, devices for reducing waists or raising prices. It should be separated from material which is not advertising or advocacy; and the control of the two kinds of content should be, so far as possible, in separate hands.

#### MUTUAL CRITICISM

One of the most effective ways of improving the press is blocked by the press itself. By a kind of unwritten law the press ignores the errors and misrepresentations, the lies and scandals, of which its members are guilty. The retraction by John O'Donnell in the *Washington Times-Herald* and *New York Daily News* of his widely resented statement that the victim of General Patton's slapping incident was a Jewish soldier and that because of this the General's later removal from area control in Germany was urged by prominent American leaders, also Jews, was men-

tioned by only one other daily newspaper in New York. Mayor La Guardia, when he was in office, freely criticized the press and was as freely quoted in the New York papers. After he became a columnist and commentator, he specialized in criticism of what he regarded as the inaccuracy and misrepresentation of the press. But he ceased to be news. He was met with almost complete silence.

If the shortcomings of the American press can best be overcome by the efforts of the press itself, the abandonment of the practice of refraining from mutual comment and the adoption instead of a resolute policy of criticism of the press by the press are indicated.<sup>4</sup>

#### THE NEED AND THE PERFORMANCE: QUANTITY

Of the towns in the United States with a population of 1,000 or more, all are reached by newspapers, mail, telephone, and telegraph, and almost all have motion pictures and direct mail service. This is a notable record of achievement. Radio falls far short of this. Although almost all these communities have secondary radio service, only one in fifteen has primary service.

Quantity is in some ways the enemy of the kind of service the country needs. Radio and motion pictures, and to some extent newspapers, tend to offer the fare which will appeal to the largest number of people. But there are large minorities who desire the

<sup>4</sup> A policy of mutual comment might also foster two-way discussion of public issues.

fulness of a newspaper of record and the distinguished quality of the best foreign motion pictures. These, as well as the omnibus product, should be available for all who want them. At present they are obtainable only in a few metropolitan centers.

Outside the United States the coverage of mass communications is much less complete than it is in this country. Whole populations are cut off from the interchange of news and discussion by poverty, by censorship, and by poor physical facilities for intercommunication. Invention in the field of communications is plainly on the side of more words and pictures going farther at lower costs. But the full use of the new instruments to build a world community will require a clear national policy and a great joint effort on the part of government and private agencies. (International communication is discussed in detail in *Peoples Speaking to Peoples*, by White and Leigh, one of the special studies published by the Commission.)

#### THE NEED AND THE PERFORMANCE: QUALITY

Our society needs an accurate, truthful account of the day's events. We need to know what goes on in our own locality, region, and nation. We need reliable information about all other countries. We need to supply other countries with such information about ourselves. We need a market place for the exchange of comment and criticism regarding public affairs. We need to reproduce on a gigantic scale the

open argument which characterized the village gathering two centuries ago. We need to project across all groups, regions, and nations a picture of the constituent elements of the modern world. We need to clarify the aims and ideals of our community and every other.

These needs are not being met. The news is twisted by the emphasis on firstness, on the novel and sensational; by the personal interests of owners; and by pressure groups. Too much of the regular output of the press consists of a miscellaneous succession of stories and images which have no relation to the typical lives of real people anywhere. Too often the result is meaninglessness, flatness, distortion, and the perpetuation of misunderstanding among widely scattered groups whose only contact is through these media.

As we have said, the American press has great technical achievements to its credit. It has displayed remarkable ingenuity in gathering its raw material and in manufacturing and distributing its finished product. Nor would we deny that extraordinarily high quality of performance has been achieved by the leaders in each field of mass communications.<sup>5</sup> When we look at the press as a whole, however, we must conclude that it is not meeting the needs of our society. The Commission believes that this failure of the press is the greatest danger to its freedom.

<sup>5</sup> The periodic awards for excellence in each medium repeatedly go to the same newspapers, stations, producers, writers, and directors.

## 5

### SELF-REGULATION

THE Commission has repeatedly recorded its conviction that the press itself should accept responsibility for performance in the public interest. In several other walks of life the occupational group is organized for this purpose, and erring members are disciplined by the group itself. We shall now examine the possibilities of similar organization and similar self-discipline in the press.

#### SELF-REGULATION IN MOTION PICTURES

The most elaborate scheme of self-regulation among the agencies of mass communication is found in the motion picture industry. The Motion Picture Association of America<sup>1</sup> has a code which is obeyed and enforced.

The Association was formed and the code adopted to meet the threat of censorship. The points covered by the code and by the administration of it show that the aim is to control the content of films so that they will pass the state boards of censorship and foreign censors and will not antagonize pressure groups.

<sup>1</sup> Its original name was Motion Picture Producers and Distributors of America.

The code administration attends to the elimination of shots of adulterous and abnormal sex activities, of bodily exposure beyond certain limits, of obscenity, profanity, details of criminal behavior, brutality, etc. It insists on formulas by which morality must always emerge superior to immorality; the official agents of law and respectability must not be ridiculed; and the nationals of all countries must be inoffensively represented.

This self-regulating agency has limited purposes. It calculates the minimal prohibitions necessary to permit films to circulate without censorship and without boycott. The results indicate that the calculation is fairly exact.

The sanction behind the code is the existence of the state and municipal boards of censorship and organized pressure groups, plus a \$25,000 fine on producers and distributors for violations. But the main basis for its observance in the past was the economic influence of the major producer-distributors over the theaters. Since the affiliated theaters would not show pictures unless they had the approval of the Code Administration, almost all the independent producers routed their pictures through that office as a matter of discretion. Antitrust litigation now in progress may change this control over theaters and so undermine the industry's scheme of self-regulation.

During the twenties the movies reflected the cur-

rent uncertainty of morals as well as suffered the growing-pains of an art which had shot upward in public esteem much faster than it could adjust itself to public responsibility. By 1934 the Association, under the pressure of active criticism, became a regulatory body which could regulate. It put a stop to the salacious and crudely sensational pictures which had been the target of consumers' boycotts and gave the industry for the first time some public standing.

Such and no more was and still is the purpose of the Production Code. As Will Hays and the great majority of the producers conceived it, Hollywood was simply an entertainment industry, marketing its wares on the time-honored principle of giving the public what it wanted, subject only to the controls of libel, indecency, and the danger of offending important groups of potential customers. Therefore it is useless to look to the code as it is now constituted to establish a higher level of group responsibility—the responsibility to project pictures of the component parts of society to one another, with their ways of living, ideals, defects, and special outlook. The code set standards of acceptability, not of responsibility; and the standards are minima, not goals of adequate or ideal performance.

Organized self-regulation in the motion picture industry has achieved the purpose it was established to serve. But that purpose was a limited one, and one that has not hitherto had much to do with making the

motion picture the kind of medium of mass communication which it could become and ought to be. Moreover, the success of self-regulation in the motion picture industry was made possible by conditions in that industry which do not obtain in others. Those conditions are the boards of censorship, militant pressure groups, and the concentration of economic power in a few large companies. How important these special conditions are is shown by the failure of self-regulation in other branches of the communications business.

#### SELF-REGULATION IN RADIO

The radio problem is entirely different from that of the movies. Radio stations are licensed by the Federal Communications Commission with the proviso that they must operate in the public interest, convenience, and necessity. At the same time the Federal Communications Act prohibits the F.C.C. from censoring programs. The F.C.C. was early in the field, and state regulatory bodies have not appeared in radio as they did in motion pictures.

The National Association of Broadcasters has never included all the stations. It has no machinery for the censorship of programs. Although it has a written code, the only sanction behind it is a warning, which may be followed by ejection from membership. As membership carries no definite privileges with it, and is a voluntary act of occupational good citizenship, stations or networks which do not want to obey its code need not join the N.A.B. Since the

N.A.B. depends on membership for its revenue and moral strength, it has not to date been zealous to enforce its code. There seem to be no cases of enforcement on record.

The main activities of the N.A.B. have been of the kind in which trade associations usually engage. It has sought to protect station and network interests in negotiating with the American Society of Composers, Authors, and Publishers, with labor unions, with the F.C.C., and with Congress. From time to time it has wrestled with some of radio's important problems as a medium of mass communication, e.g., access to it by various groups, the relation of advertising to news and discussion, the right of reply to personal criticisms, etc. As yet it has not solved these problems.

The radio has not required a code to protect it from censorship and boycott. The Communications Act has so far protected it from censorship. The advertisers have protected it from boycott. The advertisers have done a more effective job than any code could do, since an advertiser will not risk making a single enemy through his radio program. A soap manufacturer will permit nothing derogatory to the Chinese on a program he sponsors—soap is used in laundries. The really effective radio code is not the innocuous declarations of the N.A.B.; it is the regulation of content by the advertisers.

The desire to reach the largest possible audience and to avoid the slightest risk of offending any potential customer has produced the kind of radio we have today.

Until some months ago radio had received no threat from the F.C.C. regarding standards of operation in the public interest. Now the F.C.C. has said that, unless broadcasters themselves deal with over-commercialism, the government may be forced to act. So far this challenge has produced little from the N.A.B. except outraged cries about freedom of speech and suggestions for a new code, which, of course, would not go to the heart of the problem.

#### SELF-REGULATION OF NEWSPAPERS

The American Newspaper Publishers Association represents the owners. They are the men who have the power. The group, at least as far as its public record shows, has not concerned itself with questions affecting the role of a free press in a free society but has dealt almost exclusively with the business problems of the industry.

The American Society of Newspaper Editors is composed for the most part of employees. Its members are the editors of the major city dailies and some of the smaller city and town editors of distinction, including owners when owners and chief editors are the same. At an early meeting the Society drew up and adopted a code of ethics which, if followed, would have made the newspapers responsible carriers of news and discussion. The only means of enforcement was expulsion from the Society. Shortly after the code was adopted, a case of gross malprac-

tice on the part of one of the members was reported. After the Society had deliberated long and painfully, the case was dropped. This settled the function of the code.

The American Newspaper Guild is made up of reporters and subeditors, organized in some cases along with mechanical, business, and clerical employees. When it started in the early thirties, it was a separate group of working, writing journalists, and there were hopes that it might establish itself as a professional society dedicated to raising standards. A number of factors, including the opposition of publishers to the organization, led to an affiliation with the C.I.O. Since then the Guild has concentrated on union recognition and better salaries, hours, and working conditions. These are, of course, useful first steps in building professional competence and independence.

In some Guild contracts there have been provisions protecting the by-line writer against printing anything under his name of which he does not approve. But the voluntary, if temporary, renunciation of the professional goals envisaged at the outset appears in the official declaration that the Guild "does not dispute [the right of the owners to make of their newspapers a vehicle of their own prejudices] even though the all-too-frequent distortions and suppression of news by large newspapers and press associations have made them less the aids to a truly free market in ideas than they ought to be in a democratic society.

The Guild recognizes that newspaper proprietors have an absolute right to be careless, prejudiced and even wrongheaded, subject only to the right of the reader not to read or to read and discount.”<sup>2</sup>

#### BOOKS AND MAGAZINES

In the fields of books and magazines there is no system of self-regulation. Yet here the professional standards are certainly no lower—perhaps they are higher<sup>3</sup>—than in other branches of the communications industry. The fact that these branches are as much or more professionalized than the others suggests that we must look to other methods of developing professional ideals and attitudes than organizations, codes, and disciplinary procedures.

#### PROFESSIONALIZATION

A profession is a group organized to perform a public service. There is usually a confidential relation to the recipient of the service, one of advice, guidance, and expert assistance, which makes the rule of *caveat emptor* peculiarly inappropriate. And there is an *esprit de corps* resting, among other things, on a common training and centering in the maintenance of standards. In theory, at least, the group seeks to

<sup>2</sup> Of some interest because they do exercise minimal powers of self-discipline are the White House and Congressional Press Gallery associations. They have a definite accredited membership and eject any member who violates their simple codes, which include such things as publication of “off-the-record” remarks. This disciplinary action means ejection from the White House conferences and press galleries, an important handicap for any Washington correspondent.

<sup>3</sup> The role of criticism of books, which is more intelligent and active than that of radio and motion pictures, doubtless is very important here.

perform its service and to maintain the standards of the service even though more money could be made in ways that would endanger or sacrifice the confidential relation and the quality of the work. The code of the legal profession has almost the force of law; unless the courts rule that the Bar Association was wrong in a particular instance, a man found guilty by the bar of violating the ethical code of lawyers will not be permitted to continue to earn his living by practicing the profession. The medical profession has almost the same control over its members.

No public service is more important than the service of communications. But the element of personal responsibility, which is of the essence of the organization of such professions as law and medicine, is missing in communications. Here the writer works for an employer, and the employer, not the writer, takes the responsibility.<sup>4</sup> In the mass media, except at the higher levels of writing, the identity of the individual writer's product tends to be merged in a joint result, as in newspapers, where it is divided among reporter, copy desk, and makeup desk. The effective organization of writers on professional lines is therefore almost impossible.

But if professional organization is not to be looked for, professional ideals and attitudes may still be demanded. Those ideals and attitudes in the profes-

<sup>4</sup> This is not true of the writing of books and is true only to a limited, though apparently increasing, extent in magazines.

sions of law, medicine, and divinity are cultivated by the professional school of those disciplines. They act as independent centers of criticism. The better they are, the more independent and the more critical they are. The schools of journalism have not yet accepted this obligation. With few exceptions they fall short of professional standards. Most of them devote themselves to vocational training, and even here they are not so effective as they should be. The kind of training a journalist needs most today is not training in the tricks and machinery of the trade. If he is to be a competent judge of public affairs, he needs the broadest and most liberal education. The schools of journalism as a whole have not yet successfully worked out the method by which their students may acquire this education.

The individual responsibility of the owner or manager of any unit of the press will always be inescapable and great. That responsibility is to his conscience and the common good. Lawyers and doctors have a similar responsibility—their conscience has been in some degree institutionalized. The profession, as such, has a conscience. That is what makes it a profession. The difficulties in the way of the formal organization of the press into a profession are perhaps insurmountable. But, keeping in mind the inescapable individual responsibility, society should see to it that every effort is made to develop a more institutionalized or communal responsibility.

## 6

### WHAT CAN BE DONE

**T**HE thirteen recommendations made in this chapter reflect the conviction, stated at the beginning of this report, that there are no simple solutions of the problem of freeing the press from the influences which now prevent it from supplying the communication of news and ideas needed by the kind of society we have and the kind of society we desire.

These recommendations have been grouped according to the source from which action must come—government (including the courts), the press itself, and the public. We consider it particularly important to lay before the press and the public the measures which each of them may take in order that the press may give the service which the country requires and which newspapers, magazines, books, motion pictures, and radio, as now technically equipped, are capable of furnishing. The more the press and the public are willing to do, the less will be left for the state; but we place our recommendations as to legal action first because freedom of the press is most commonly thought of in relation to the activities of government.

## WHAT CAN BE DONE THROUGH GOVERNMENT

We do not believe that the fundamental problems of the press will be solved by more laws or by governmental action. The Commission places its main reliance on the mobilization of the elements of society acting directly on the press and not through governmental channels.

No democracy, however, certainly not the American democracy, will indefinitely tolerate concentrations of private power irresponsible and strong enough to thwart the aspirations of the people. Eventually governmental power will be used to break up private power, or governmental power will be used to regulate private power—if private power is at once great and irresponsible.

Our society requires agencies of mass communication. They are great concentrations of private power. If they are irresponsible, not even the First Amendment will protect their freedom from governmental control. The amendment will be amended.

In the judgment of the Commission everyone concerned with the freedom of the press and with the future of democracy should put forth every effort to make the press accountable, for, if it does not become so of its own motion, the power of government will be used, as a last resort, to force it to be so.

The American people recognize that there are some things the government should do. For example,

Americans place their trust in private enterprise, but they do not object to having the government run the post office. They believe in individual initiative, but they do not carry the doctrine of self-help so far as to dispense with courts of law. Though we may like to think of government merely as a policeman, we know that it does play a positive role at many points in our society and that in any highly industrialized society it must do so.

Under our system the legislature may pass no law abridging the freedom of the press. But this has never been thought to mean that the general laws of the country were inapplicable to the press. The First Amendment was intended to guarantee free expression, not to create a privileged industry. Nor has the First Amendment been interpreted to prevent the adoption of special laws governing certain types of utterance. Nor is there anything in the First Amendment or in our political tradition to prevent the government from participating in mass communications: to state its own case, to supplement private sources of information, and to propose standards for private emulation. Such participation by government is not dangerous to the freedom of the press.

The principal aim of this section of our report is not to recommend more governmental action but to clarify the role of government in relation to mass communication.

1. *We recommend that the constitutional guarantees of the freedom of the press be recognized as including the radio and motion pictures.*

In view of the approaching advent of the broadcast facsimile newspaper and the development of the newsreel and the documentary film, constitutional safeguards for the radio and the motion picture are needed more than ever. We believe that such regulation of these media as is desirable can and should be conducted within the limitations which the federal and state constitutions now place upon the regulation of newspapers and books.<sup>1</sup>

In the case of motion pictures this recommendation would not abolish state boards of review; it would require them to operate within the First Amendment as interpreted by the Supreme Court.

In the case of radio this recommendation would give constitutional support to the prohibition against censorship in the Communications Act. It would not prevent the Federal Communications Commission from denying a license on the ground that the applicant was unprepared to serve the public interest, convenience, and necessity. Nor would it prevent the Commission from considering, in connection with an application for renewal, whether the applicant had kept the promises he made when the license was granted and had actually served the public interest,

<sup>1</sup> The new constitution of Missouri protects "freedom of expression by whatever means."

convenience, and necessity. This recommendation is intended to strengthen the prohibition against censorship, not to guarantee licensees a perpetual franchise regardless of their performance. The air belongs to the public, not to the radio industry.

*2. We recommend that government facilitate new ventures in the communications industry, that it foster the introduction of new techniques, that it maintain competition among large units through the antitrust laws, but that those laws be sparingly used to break up such units, and that, where concentration is necessary in communications, the government endeavor to see to it that the public gets the benefit of such concentration.*

We accept the fact that some concentration must exist in the communications industry if the country is to have the service it needs. People need variety and diversity in mass communication; they must also have service, a quantity and quality of information and discussion which can often be supplied only by large units.

The possibilities of evil inherent in concentration can be minimized by seeing to it that no artificial obstructions impede the creation and development of new units. In the communications industry it is difficult to start new units because of the large investment required and because of the control of the existing units over the means of distribution.

Little can be done by government or any other

agency to reduce the cost of entering the industry except to adjust governmental charges, such as tax laws and postal rates, to facilitate new enterprises, and to prevent established interests from obstructing the introduction of new techniques. Tax laws and postal rates should be restudied with a view to discovering whether they do not discriminate against new, small businesses and in favor of large, well-established ones.

As for new techniques, an invention like FM radio offers the possibility of greatly increasing quantity and diversity in broadcasting. The cost of the equipment is low, and the number of frequencies large. We believe that the Federal Communications Commission should fully exploit the opportunity now before it and should prevent any greater concentration in FM radio than the service requires.

Government can stop the attempt by existing units of the press to monopolize distribution outlets. The types of governmental action called for range from police protection and city ordinances which would make it possible for new newspapers and magazines to get on the newsstands to antitrust suits against motion picture companies which monopolize theaters. The main function of government in relation to the communications industry is to keep the channels open, and this means, in part, facilitating in every way short of subsidy the creation of new units in the industry.

The Commission believes that there should be active competition in the communications industry. It inclines to the view that the issue of the size of the units competing is not one which can best be dealt with by law. The antitrust laws can be invoked to maintain competition among large units and to prevent the exclusion of any unit from facilities which ought to be open to all; their use to force the breaking-up of large units seems to us undesirable.

Though there can be no question that the antitrust laws apply to the communications industry, we would point out that these laws are extremely vague. They can be very dangerous to the freedom and the effectiveness of the press. They can be used to limit voices in opposition and to hinder the processes of public education.

Since the Commission looks principally to the units of the press itself to take joint action to provide the diversity, quantity, and quality of information and discussion which a free society requires, it would not care to see such action blocked by the mistaken application of the antitrust laws. Honest efforts to raise standards, such as we suggest elsewhere in this chapter,<sup>2</sup> should not be thwarted, even though they result in higher costs.

Since the need for service is the justification for concentration, the government should see to it that, where concentration exists, the service is rendered;

<sup>2</sup> Pp. 92-96 below.

it should see to it that the public gets the benefit of the concentration. For example, the Federal Communications Commission should explore the possibilities of requiring the radio networks to increase the number of their affiliated stations and of using clear-channel licenses as a means of serving all the less populous regions of the country. The extension of radio service of the quality supplied by the networks and the maintenance and multiplication of local stations are of the first importance. There are only two ways of obtaining these results: they can be achieved by the acceptance of responsibility by the industry, or they can be achieved by government ownership. We prefer the former.

3. *As an alternative to the present remedy for libel, we recommend legislation by which the injured party might obtain a retraction or a restatement of the facts by the offender or an opportunity to reply.*

The only legal method by which a person injured by false statements in the press may vindicate his reputation is a civil action for damages. The remedy is expensive, difficult, and encumbered with technicalities. Many injured persons hesitate to sue because of the "shadow of racketeering and blackmail which hangs over libel plaintiffs."<sup>8</sup>

<sup>8</sup> Riesman, in *Columbia Law Review*, XLII, 1282, 1314-40. For a description of this remedy as well as for a more comprehensive discussion of the relation of government to the press, see the report to the Commission of one of its members, Zechariah Chafee, Jr., entitled *Government and Mass Communications*, to be published by the University of Chicago Press.

The proposed remedy should operate quickly while the issue is before the public. It should lead to an increase in the practice, now common among the responsible members of the press, of voluntarily correcting misstatements. It ought to diminish lying in the press.

We are opposed to the group libel laws now under discussion in several states. We believe that an action for libel should be a civil suit brought by a person who can show that he, as an individual, was damaged by a false statement about him. We fear that, if an individual may sue or initiate a criminal prosecution, because a group he belongs to has been criticized falsely, the law might be used to suppress legitimate public controversy.

The Commission has given extensive consideration to numerous suggested methods of reducing lying in the press by law. We insist that, morally considered, the freedom of the press is a conditional right—conditional on the honesty and responsibility of writer, broadcaster, or publisher. A man who lies, intentionally or carelessly, is not morally entitled to claim the protection of the First Amendment. The remedy for press lying, however, must go deeper than the law can go. We are reluctant to suggest governmental interference with the freedom of the press; we see many difficulties of enforcement; we do not find in the present situation justification for stronger legislation than that which we here propose.

4. *We recommend the repeal of legislation prohibiting expressions in favor of revolutionary changes in our institutions where there is no clear and present danger that violence will result from the expressions.*

The Supreme Court has held that expressions urging the overthrow of the government by force are within the protection of the First Amendment unless there is a clear and present danger that these expressions will lead to violence. We believe that this sound principle is violated by the peacetime sedition clauses of the Alien Registration Act of 1940 and by the various state syndicalism acts which make it a crime to advocate the overthrow of the government by force, irrespective of the probable effect of the statements. The really dangerous persons within the scope of these laws can be reached by the conspiracy statutes and the general criminal law. As applied to other persons, which is most likely to be the case, these laws are of dubious constitutionality and unwise. Yet only a few of the agitators who are prosecuted can succeed in getting before the Supreme Court. Consequently, so long as this legislation remains on the statute-books, its intimidating effect is capable of stifling political and economic discussion. These acts ought to be repealed.

5. *We recommend that the government, through the media of mass communication, inform the public of the facts with respect to its policies and of the pur-*

poses underlying those policies and that, to the extent that private agencies of mass communication are unable or unwilling to supply such media to the government, the government itself may employ media of its own.

*We also recommend that, where the private agencies of mass communication are unable or unwilling to supply information about this country to a particular foreign country or countries, the government employ mass communication media of its own to supplement this deficiency.*

We should not think it worth while to make these recommendations if it were not for the fact that in recent years there have been increasingly strident charges that the government is exceeding its proper functions and wasting the taxpayers' money when it undertakes to inform the people in regard to its program or to supplement and correct the picture of this country which the press has projected to other parts of the world or which results from misinformation or lack of information.

Doubtless some governmental officers have used their publicity departments for personal or partisan aggrandizement. But this evil is subject to correction by normal democratic processes and does not compare with the danger that the people of this country and other countries may, in the absence of official information and discussion, remain unenlightened on vital issues.

In addition to supplying information at home and abroad, the government has special obligations in international communications, which are elaborated in *Peoples Speaking to Peoples*: to use its influence to reduce press rates all over the world; to obtain equal access to the news for all; to break down barriers to the free flow of information; and to collaborate with the United Nations in promoting the widest dissemination of news and discussion by all the techniques which become available.

#### WHAT CAN BE DONE BY THE PRESS

The recommendations we have made for action by government, though they are minimal, could be reduced still further in the domestic field, at least, by the action of the press itself. Existing units of the press could abstain from attempts to monopolize distribution outlets; they could insist that new techniques be made available and freely used; the press could of its own motion make it a rule that a person injured by a false statement should have an opportunity to reply. We believe that these changes are bound to come through legislation if they do not come through the action of the press and that it would be the part of wisdom for the press to take these measures on its own initiative.

The communications industry in the United States is and, in the opinion of the Commission, should remain a private business. But it is a business affected

with a public interest. The Commission does not believe that it should be regulated by government like other businesses affected with a public interest, such as railroads and telephone companies. The Commission hopes that the press itself will recognize its public responsibility and obviate governmental action to enforce it.

It may be argued that the variety, quantity, and quality of information and discussion which we expect from the press cannot be purveyed at a profit and that a business which cannot operate at a profit cannot last under a system of private enterprise. It has been said that, if the press is to continue as a private business, it can succeed only as other retailers succeed, that is, by giving the customers what they want. On this theory the test of public service is financial success. On this theory, too, the press is bound by what it believes to be the interests and tastes of the mass audience; these interests and tastes are discovered by finding out what the mass audience will buy. On this theory, if the press tries to rise higher than the interests and tastes of the mass audience as they are revealed at the newsstands or at the box office, it will be driven into bankruptcy, and its existence as a private business will be at an end.

We have weighed the evidence carefully and do not accept this theory. As the example of many ventures in the communications industry shows, good practice in the interest of public enlightenment is

good business as well. The agencies of mass communication are not serving static wants. Year by year they are building and transforming the interests of the public. They have an obligation to elevate rather than to degrade them.

The gist of the recommendations in this section of our report is that the press itself should assume the responsibility of providing the variety, quantity, and quality of information and discussion which the country needs. This seems to us largely a question of the way in which the press looks at itself. We suggest that the press look upon itself as performing a public service of a professional kind. Whatever may be thought of the conduct of individual members of the older, established professions, like law and medicine, each of these professions as a whole accepts a responsibility for the service rendered by the profession as a whole, and there are some things which a truly professional man will not do for money.

1. *We recommend that the agencies of mass communication accept the responsibilities of common carriers of information and discussion.*

Those agencies of mass communication which have achieved a dominant position in their areas can exert an influence over the minds of their audience too powerful to be disregarded. We do not wish to break up these agencies, because to do so would break up the service they can render. We do not wish

to have them owned or controlled by government. They must therefore themselves be hospitable to ideas and attitudes different from their own, and they must present them to the public as meriting its attention. In no other way can the danger to the mind of democracy which is inherent in the present concentration be avoided.

*2. We recommend that the agencies of mass communication assume the responsibility of financing new, experimental activities in their fields.*

Here we have in mind activities of high literary, artistic, or intellectual quality which do not give promise of immediate financial return but which may offer long-term rewards. Only in a few metropolitan areas can the citizen easily gain access to a wide variety of motion pictures and radio programs. Elsewhere discriminating, serious minorities are prisoners of the estimate of mass taste made by the industry. Motion pictures, radio programs, newspapers, and magazines aimed at these minorities may not make money at the beginning. They require a considerable investment. They do not attract capital seeking quick profits. Nonprofit institutions can do something in this field, but they should not be expected to do the whole job. The responsibility of the industry for diversity and quality means that it should finance ventures of this kind from the profits of its other business.

3. *We recommend that the members of the press engage in vigorous mutual criticism.*

Professional standards are not likely to be achieved as long as the mistakes and errors, the frauds and crimes, committed by units of the press are passed over in silence by other members of the profession. As we indicated in chapter 5, the formal organization of the press into a profession, with power in the organization to deprive an erring member of his livelihood, is unlikely and perhaps undesirable. We have repeatedly evidenced our desire that the power of government should not be invoked to punish the aberrations of the press. If the press is to be accountable—and it must be if it is to remain free—its members must discipline one another by the only means they have available, namely, public criticism.

4. *We recommend that the press use every means that can be devised to increase the competence, independence, and effectiveness of its staff.*

The quality of the press depends in large part upon the capacity and independence of the working members in the lower ranks. At the present time their wages and prestige are low and their tenure precarious. Adequate compensation, adequate recognition, and adequate contracts seem to us an indispensable prerequisite to the development of a professional personnel.

Elsewhere in this chapter<sup>4</sup> we shall refer to education for journalism. Here we would merely indicate that the press can do a good deal to improve the quality of its staff by promoting an intelligent educational program, both for young people and for men and women who are already at work in the field. The type of educational experience provided for working journalists by the Nieman fellowships at Harvard seems to us to deserve extension, if not through private philanthropy, then with the financial assistance of the press itself.

5. *We recommend that the radio industry take control of its programs and that it treat advertising as it is treated by the best newspapers.*

Radio cannot become a responsible agency of communication as long as its programming is controlled by the advertisers. No newspaper would call itself respectable if its editorial columns were dominated by its advertisers and if it published advertising, information, and discussion so mixed together that the reader could not tell them apart. The importance and validity of this recommendation seem to us so obvious as not to require argument. Radio is one of the most powerful means of communication known to man. With the advent of facsimile and television, it will become more powerful still. The public should not

<sup>4</sup> Pp. 99-100 below.

be forced to continue to take its radio fare from the manufacturers of soap, cosmetics, cigarettes, soft drinks, and packaged foods.

#### WHAT CAN BE DONE BY THE PUBLIC

The people of this country are the purchasers of the products of the press. The effectiveness of buyers' boycotts, even of very little ones, has been amply demonstrated. Many of these boycotts are the wrong kind for the wrong purposes; they are the work of pressure groups seeking to protect themselves from justifiable criticism or to gain some special advantage. The success of their efforts indicates what a revolt of the American people against the service given them by the press might accomplish.

We are not in favor of a revolt and hope that less drastic means of improving the press may be employed. We cannot tell what direction a revolt might take; it might lead to government control or to the emasculation of the First Amendment. We want the press to be free, and a revolt against the press conducted for the purpose of giving the country a truly free press might end in less freedom than we have today.

What is needed, first of all, is recognition by the American people of the vital importance of the press in the present world crisis. We have the impression that the American people do not realize what has happened to them. They are not aware that the com-

munications revolution has occurred. They do not appreciate the tremendous power which the new instruments and the new organization of the press place in the hands of a few men. They have not yet understood how far the performance of the press falls short of the requirements of a free society in the world today. The principal object of our report is to make these points clear.

If these points are clear, what can the people do about them? They have, or they can create, agencies which can be used to supplement the press, to propose standards for its emulation, and to hold it to its accountability.

1. *We recommend that nonprofit institutions help supply the variety, quantity, and quality of press service required by the American people.*

We have indicated our belief that the agencies of mass communication have a responsibility to the public like that of educational institutions. We now wish to add that educational institutions have a responsibility to the public to use the instruments employed by the agencies of mass communications. The radio, the motion picture, television, and facsimile broadcasting are most powerful means of molding the minds of men. That is why we worry about their exclusive appropriation by agencies engaged in the pursuit of profit. Not that educational institutions are free from financial problems and the pressures as-

sociated with them. But the nonprofit corporation does not exist for the purpose of making profits. It is peculiarly able to enlist the co-operation of all who are interested in the cultural development of the country. Hence it can render those services which commercial enterprise cannot offer on a profit-making basis.

It can restore an element of diversity to the information and discussion reaching the public by organizing the demand for good things and by putting out good things itself. A chain of libraries, schools, colleges, and universities, together with the various religious organizations, could establish the documentary film in mass communication. A chain of educational FM stations could put before the public the best thought of America and could make many present radio programs look as silly as they are.

The business of organizing demand requires nothing but realization of the importance of the opportunity and co-operation, to which educational institutions are notoriously averse. The business of putting out good things requires in addition a determined effort to acquire the professional skill that is needed if the efforts of nonprofit corporations are not to be scorned as the work of second-rate amateurs.

We cannot believe that nonprofit institutions will continue to fail to grasp the opportunity they have before them. It has always been clear that education is a process which goes on through the whole of life.

It has always been clear that, as working hours diminished and leisure increased, a responsibility devolved upon educators to help people make wise use of their leisure. Now a new urgency is added to this duty. The world seems on the brink of suicide, and the ultimate catastrophe can be avoided only if the adult citizens of today can learn how to live together in peace. It will not be enough to educate the rising generation; the time is too short. The educators have the enormous task of trying to make the peoples of the earth intelligent now. It is fortunate that, as their task has grown greater and more pressing, technology has given them new instruments of incredible range and power.

2. *We recommend the creation of academic-professional centers of advanced study, research, and publication in the field of communications. We recommend further that existing schools of journalism exploit the total resources of their universities to the end that their students may obtain the broadest and most liberal training.*

The importance of the field of communications does not seem to us to have been adequately recognized by the educational institutions of the country. We doubt that new professional or technical training schools should be established in this area. We do see, however, a need for centers of investigation, graduate study, and critical publication. These are, in

fact, so important that without them it is unlikely that the professional practices and attitudes which we recommend to the press can ever become characteristic of the communications industry.

Preparation for work in the press seems to us to require the best possible general education. It is important that students who enter schools of journalism should not be deprived of liberal education because they have made up their minds that they want to work on the press. Few schools of journalism can develop a liberal curriculum within their own faculties. It is therefore imperative that they associate themselves as closely as possible with other departments and schools of their universities.

*3. We recommend the establishment of a new and independent agency to appraise and report annually upon the performance of the press.*

The public makes itself felt by the press at the present time chiefly through pressure groups. These groups are quite as likely to have bad influence as good. In this field we cannot turn to government as the representative of the people as a whole, and we would not do so if we could. Yet it seems to us clear that some agency which reflects the ambitions of the American people for its press should exist for the purpose of comparing the accomplishments of the press with the aspirations which the people have for it. Such an agency would also educate the people as

to the aspirations which they ought to have for the press.

The Commission suggests that such a body be independent of government and of the press; that it be created by gifts; and that it be given a ten-year trial, at the end of which an audit of its achievement could determine anew the institutional form best adapted to its purposes.

The activities of such an agency would include:

1. Continuing efforts, through conference with practitioners and analysis by its staff, to help the press define workable standards of performance, a task on which our Commission has attempted a beginning.

2. Pointing out the inadequacy of press service in certain areas and the trend toward concentration in others, to the end that local communities and the press itself may organize to supply service where it is lacking or to provide alternative service where the drift toward monopoly seems dangerous.

3. Inquiries in areas where minority groups are excluded from reasonable access to the channels of communication.

4. Inquiries abroad regarding the picture of American life presented by the American press; and co-operation with agencies in other countries and with international agencies engaged in analysis of communication across national borders.

5. Investigation of instances of press lying, with

particular reference to persistent misrepresentation of the data required for judging public issues.

6. Periodic appraisal of the tendencies and characteristics of the various branches of the communications industry.

7. Continuous appraisal of governmental action affecting communications.

8. Encouragement of the establishment of centers of advanced study, research, and criticism in the field of communications at universities.

9. Encouragement of projects which give hope of meeting the needs of special audiences.

10. The widest possible publicity and public discussion on all the foregoing.

The above recommendations taken together give some indication of methods by which the press may become accountable and hence remain free. We believe that if they are carried out, press performance will be brought much closer to the five ideal demands of society for the communication of news and ideas which were set forth in the second chapter: (1) a truthful, comprehensive, and intelligent account of the day's events in a context which gives them meaning; (2) a forum for the exchange of comment and criticism; (3) the projection of a representative picture of the constituent groups in the society; (4) the presentation and clarification of the goals and values of the society; (5) full access to the day's intelligence.

Plainly, each of these five ideals will be served by more than one of our recommendations. Instead of stating those relationships in detail, we think that it will be more helpful to point out how the various recommendations will supplement each other in remedying some aspects of the press as it now exists which have constantly disturbed the members of the Commission during our investigation.

The failure of radio to reach all citizens adequately can be relieved through the licensing policy of the F.C.C., while the international coverage of American news and opinions can be extended by various measures proposed in *Peoples Speaking to Peoples*.

Deliberate falsifications and reckless misstatements of fact will be lessened by a new legal remedy compelling the publication of a retraction or reply and, even more, by the assumption of a greater responsibility for accuracy on the part of the press, by the readiness of newspapers and other agencies of communication to criticize one another for gross departures from truthfulness, and by periodic appraisals of press accuracy issuing from a body of citizens.

The inclination of the press to adapt most of its output to the supposed desires of the largest possible number of consumers and the resulting trends toward sensationalism and meaninglessness can be reduced by similar periodical appraisals from citizens and by the initiation of new activities for the benefit of specialized audiences on the part of the

press itself as well as nonprofit institutions. In the case of radio, the quality of output can be improved through organizations of listeners in the communities and through the determination of the industry to take control of its programs out of the hands of the advertisers and their agents.

The greatest difficulty in preserving free communications in a technical society arises from the concentration of power within the instruments of communication. The most conspicuous example of this is in the ownership of instrumentalities, but the concentration also exists in the power of advertisers, of labor organizations, of organized pressure groups—all capable of impairing the free interchange of news and ideas. The danger is that the entire function of communications will fall under the control of fewer and fewer persons.

Among the consequences of this concentration, the output of the press reflects the bias of owners and denies adequate expression to important elements in communities.

In order to counteract the evil effects of concentration, we have urged that newspapers and other agencies of mass communication regard themselves as common carriers of information and discussion, that the entry of new units into the field be facilitated, and that the government prevent monopolistic control of outlets by the sources of production.

Finally, members of the Commission were disturbed by finding that many able reporters and editorial writers displayed frustration—the feeling that they were not allowed to do the kind of work which their professional ideals demanded, that they were unable to give the service which the community needs from the press. A continuation of this disturbing situation will prevent the press from discharging its responsibilities toward society. As remedies we have urged the press to use every means that can be devised to increase the competence and independence of the staff, and we have urged universities and schools of journalism to train existing or potential members of the press in the exercise of judgment on public affairs. In many different ways the rank and file of the press can be developed into a genuine profession.

The outside forces of law and public opinion can in various ways check bad aspects of press performance, but good press performance can come only from the human beings who operate the instrumentalities of communication.

We believe that our recommendations, taken together, give some indication of methods by which the press may become accountable and, hence, remain free. The urgent and perplexing issues which confront our country, the new dangers which encompass our free society, the new fatefulness attach-

ing to every step in foreign policy and to what the press publishes about it, mean that the preservation of democracy and perhaps of civilization may now depend upon a free and responsible press. Such a press we must have if we would have progress and peace.

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APPENDIX  
FREEDOM OF THE PRESS: A  
SUMMARY STATEMENT  
OF PRINCIPLE<sup>1</sup>

Freedom of speech and press is close to the central meaning of all liberty. Where men cannot freely convey their thoughts to one another, no other liberty is secure. Where freedom of expression exists, the germ of a free society is already present and a means is at hand for every extension of liberty. Free expression is therefore unique among liberties as protector and promoter of the others; in evidence of this, when a regime moves toward autocracy, speech and press are among the first objects of restraint or control.

There are obvious reasons for bracketing freedom of the press with freedom of speech, as in the First Amendment. The press was at first hardly more than a means for extending the speaker's audience: the printed word could go far beyond the reach of his voice and to greater numbers and, through its dura-

<sup>1</sup> The definition of principle, of which this statement is a summary, is contained in a report entitled *Freedom of the Press: A Framework of Principle*, prepared for the Commission by one of its members, William Ernest Hocking. It is being published as a separate volume by the University of Chicago Press.

bility, could continue to speak at all later time. This space-time extension alters nothing in the relation of the speaker to his audience or the nature of his message. And while today the voice, by the aid of radio, is freed from its natural limitations—it can reach as far as print, at least as many, and in far shorter time—it is the more evident that the two social functions merge.

Equally obvious are important differences between speech and press. Speech is natural and inseparable from the human person, the breath of his social existence, and so intimate a tool of all mental life that without free speech thought itself could not be fully free. The press, by contrast, is an institution of developed society, a machine-using institution, and one whose role tends to enlarge as new instruments are devised. Extending many fold the working environment of personal life, it creates an appetite for its own increasing services. It has done much to make possible the unity of large states; without its aid the incipient order of mankind would be inconceivable. The problems it faces today are in large part the problems of its own achievements. It is incumbent upon us to inquire whether the traditional groundwork of principle which has inspired our existing law and our social attitudes is adequate to the period we now enter.

We shall begin by analyzing the situation of the press within society into its elements, in order to find

the bare essentials of the actual fact we call "the press."

It will be understood that we are using the term "press" to include all means of communicating to the public news and opinions, emotions and beliefs, whether by newspapers, magazines, or books, by radio broadcasts, by television, or by films.

#### I. THE PARTIES DIRECTLY AT INTEREST

When we use the phrase "freedom of the press," we mention but one party at interest; the term "press" indicates an *issuer* of news, opinions, etc., through the media which reach mass audiences. But since no one cares to utter news or opinions into the void, there must be at least one other party at interest, the reader or listener as *consumer* of news, opinions, etc.; we shall refer to him collectively as the *audience*.

The interest of the issuer is, typically, to express his mind without external constraint or restraint—his ideas and reports of events, also his feelings, judgments, protests, business proposals, appeals, visions, prophecies. . . . To the press, the implied audience is seldom visibly present or personally known; it is an imagined audience, and it is hopefully considered a representative audience. For, while it is commonly called "the public," it is at most a fair sample of the actual public. From this fragment, given freedom of speech, the message will spread to others and, with good luck, find the listeners to whom it belongs.

The interest of the consumer is, in detail, highly variable and personal. Yet, in any mentally alert society, there is a fairly universal desire for access to a world of experience, thought, and feeling beyond the range of private observation. And also beyond the range of private concern, for it is the genius of the human animal to "take an interest" in what does not immediately concern him. It may be a random and marginal curiosity; it may amount to an insistent hunger. In any case, since the nature of the appetite is such that it exceeds any actual satisfaction, the issuer can usually count on a latent demand; he may develop a demand where none pre-exists.

Wherever there are two parties, within a community, there is always a third party, the community itself. As a social totality including all pairs of (domestic) issuers and consumers, the community has a stake in the impact of all conversation, but especially in that of speech addressed to a mass audience. For all communication, apart from its direct meaning, has an effect on the communicators, on the social fabric, and on the common standards which measure the free cohesion of the group.

## II. FREEDOM OF THE PARTIES AT INTEREST

Though the issuer's interest cannot be realized without an audience, his interest carries with it no claim whatever to compel the existence of an audience but only to invite an audience from men free not

to listen. Freedom of the press must imply freedom of the consumer *not to consume* any particular press product; otherwise, the issuer's freedom could be at the expense of the consumer's freedom.

As the issuer cannot compel an audience, so the consumer cannot compel the existence of a speaker. Nor does it usually occur to him that he has a claim upon anyone for more light and leading than is spontaneously offered. The expresser is offering a gift. Nevertheless, the consumer is not a passive receptacle. Since the issuer cannot survive without his free attention, the consumer has power to encourage or discourage his advances. Through the consumer's willingness to pay for the successful divination of his appetites, he lures out the yield of thought-products; it is his free suffrage that builds up the great press and sustains a mass production in which thought and pseudo-thought devised for the market mix in varying proportions. He may go to the extent of setting up, with a like-minded group, a press organ to meet special group needs, interests, or prejudices; here the consumer controls, or perhaps becomes, the issuer. But the birth of opinion the consumer cannot control; the genesis of thought is incurably free and individual. For its abundance and pertinence he must take his chances as with the fertility of his native soil. He is necessarily interested in the freedom of the sources of opinion, because if they are unchecked and unwarped, even by himself, he will have, other

things being equal, the widest and most honest offering to select from or to piece together or to mix with his own thought. His interest here coincides with that of the issuer, actual or potential.

Hence it is that, although there are these two direct interests, *only one of them, in simple conditions, needs protection*. To protect the freedom of the issuer is to protect the interest of the consumer and in general that of the community also. Hitherto in our history it has been sufficient to protect the "freedom of the press" as the freedom of issuers.

But, as this analysis is intended to indicate, under changed conditions the consumer's freedom might also require protection. If his need became more imperative, and if at the same time the variety of sources available to him were limited, as by concentration of the press industry, his freedom not to consume particular products of the existing press might vanish. It would then be no longer sufficient to protect the issuer alone. This theme is resumed in Section XI below. Meantime we trace the theory in terms of the issuer's freedom.

### III. FREEDOM OF THE ISSUER REQUIRES PROTECTION

The utterance of opinion is not merely the announcement of an "I think. . . ." It is a social force and is intended to be such.

Since civilized society is a working system of ideas, it lives and changes by the consumption of ideas. It

is vulnerable to every shock to the fortunes of the ideas it embodies. And since there is usually less motive for uttering ideas with which everybody and every institution is in accord than for uttering those destined to change men's minds, a significant new idea in the social field is likely to arouse resistance. The issuer will have need of protection. But of what protection?

Freedom of expression can never be made a costless immunity by shackling hostile response, for response is also expression. Free expression is destined not to repress social conflict but to liberate it. But its intention is that the *level of social conflict shall be lifted from the plane of violence to the plane of discussion*. It should mean to the issuer that he is protected, not from anger, contempt, suffering, the loss of his clientele, for in this case his critic would be unfree, but from types of harm not an integral part of the argument or relevant to the argument (wrecking the issuer's shop, threatening his employees, intimidating his patrons . . .).

There are those who would define freedom of expression as meaning no pain and no opprobrium to the issuer, no matter what he proposes. This ideal, if it is such, could be realized only in a society to which all ideas had become either impotent or indifferent. In any actual society free speech will require courage. And the first danger to free expression will

always be the danger at the source, the timidity of the issuer, or his purchasability.

#### IV. THE EFFECTIVE AGENCIES FOR PROTECTING FREE EXPRESSION ARE THE COMMUNITY AND THE GOVERNMENT

The community acts, by routing social conflict through the ballot box, encouraging the method of discussion by making it a preliminary to action, and, then, by such traditions of self-restraint and toleration as may exist.

But, in the steadiest of communities, the struggle among ideas tends to become physical as it becomes prolonged; there is an incessant downtrend of debate toward the irrelevant exchange of punishments—malicious pressures, threats and bribes, broken windows and broken heads. Government is the only agency which, through its monopoly of physical force, can measurably insure that argument in speech and press will continue to be argument and not competitive injury. The elementary function of government in simply maintaining public order and the rights of person and property must be noted as the cornerstone of free expression, inasmuch as the cruder menaces to freedom are always from within the community.

Wherever in society there is an institution, a body of belief or interest, an organized power—good, bad, or mixed—there is a potential (we do not say actual)

foe of the free critic—good, bad, or mixed. This potential hostility to the challenger is due not simply to the fact that it is easier and more natural for the obstinate vein in human nature to discourage or repress the critic than to meet his arguments. It is due also to irrational elements commonly present in the critic and the critic's audience. Freedom of the press to appeal to reason is liable to be taken as freedom to appeal to public passion, ignorance, prejudice, and mental inertia. We must not burke the fact that freedom of the press is dangerous. But there is no cure for bad argument either in refusing to argue or in substituting irrelevant pressures upon, or repression of, the free critic for the patient attempt to reach the elements of reasonableness in the mass mind, as long as the belief persists that such elements are there. The only hope for democracy lies in the validity of this belief and in the resolute maintenance, in that faith, of the critic's freedom.

The first line of defense for press freedom is government, as maintaining order and personal security and as exercising in behalf of press freedom the available sanctions against sabotage, blackmail, and corruption.

#### V. GOVERNMENT AS PROTECTING FREEDOM AGAINST GOVERNMENT

Any power capable of protecting freedom is also capable of infringing freedom. This is true both of

the community and of government. In modern society the policy of government vis-à-vis the free expression of its citizens is in peculiar need of definition.

For every modern government, liberal or otherwise, has a specific position in the field of ideas; its stability is vulnerable to critics in proportion to their ability and persuasiveness. To this rule, a government resting on popular suffrage is no exception. On the contrary, just to the extent that public opinion is a factor in the tenure and livelihood of officials and parties, such a government has its own peculiar form of temptation to manage the ideas and images entering public debate.

If, then, freedom of the press is to achieve reality, government must set limits upon its capacity to interfere with, regulate, control, or suppress the voices of the press or to manipulate the data on which public judgment is formed.

What we mean by a free society is chiefly one in which government does thus expressly limit its scope of action in respect to certain human liberties, namely, those liberties which belong to the normal development of mature men. Here belong free thought, free conscience, free worship, free speech, freedom of the person, free assembly. Freedom of the press takes its place with these. And all of them, together with some stipulations regarding property, constitute the burden of our bills of rights.

## VI. FREE EXPRESSION AS A RIGHT

If government accepts a limitation of its range of action in view of such interests, the reason is that they are not only important interests but also moral rights. And they are moral rights because their exercise, besides being valuable to both the citizen and the community, has an aspect of duty about it.

The motives of expression are certainly not all dutiful; they are and should be as multiform as human emotion itself, grave and gay, casual and purposeful, artful and idle. In a modern state all social activity, including the conduct of business, requires use of the press as well as of speech and assumes its natural freedom. But there is a vein of expression which has the added impulsion of duty, namely, the expression of thought and belief. If a man is burdened with an idea, he not only desires to express it, he ought to express it. The socially indispensable functions of criticism and appeal may be as abhorrent to the diffident as they are attractive to the pugnacious, but for neither is the issue one of wish. It is one of obligation—to the community and also to something beyond the community, let us say, to truth.<sup>2</sup> It is the duty of

<sup>2</sup> For brevity, we shall use the concern for "truth" as token of a group of interests having a similar claim on expression, such as belief regarding "right," or justice of feeling, or public policy, or the advocacy of a legitimate personal interest. To make "truth" the symbol of all this will bring our discussion into close relation with the classical argument for freedom of expression, which has been chiefly concerned with the contest of opinions in respect to truth and falsehood. "Truth" is beyond the state and may symbolize whatever is, in similar fashion, obligatory on individual and state alike.

the scientist to his result and of Socrates to his oracle; but it is equally the duty of every man to his own belief. Because of this duty to what is beyond the state, freedom of speech and press are moral rights which the state must not infringe.

While dutiful utterance bears the burden of the claim of right as against the state, that right extends its coverage over all legitimate expression.

This self-limitation of the state cannot in the long run be contrary to the public interest. For, whatever its judgment of the opinions expressed, no nation can have a net interest in repressing the conscience of its citizens. On the contrary, the modern state recognizes that the citizen's conscience is a source of its own continued vitality. And, wherever the citizen has a duty of conscience, there the sovereign state has also a duty, namely, to that conscience of its citizen. Thus both its interest and its duty require the state to give the moral right a legal status.

This consideration is logically prior to the traditional ground of a free press, namely, that the unhampered publication of opinion promotes the "victory of truth over falsehood" in the public arena. Public discussion is indeed a necessary condition of a free society, and freedom of expression is a necessary condition of an amply furnished public discussion. It is not a sufficient condition, for the co-presence of a variety of opinions is not equivalent to debate; it may well be questioned whether the actual process we now call public discussion is functioning as the health

of a democracy requires. In any case, it is a process which elicits mental power and breadth in those consumers whom it does not baffle or confuse; it is essential to building a mentally robust public; and, without something of the kind, no self-governing society could operate. But the original source of supply for this very process is the duty of the individual thinker to his thought; here is the primary ground of his right.

While it is not, like the right of speech, a universal right that every citizen should own a press or be an editor or have access to the clientele of any existing press, it is the whole point of a free press that ideas deserving a public hearing shall get a public hearing and that the decision of what ideas deserve that hearing shall rest in part with the public, not solely with the particular biases of editors and owners. In any populous community a vigorous trimming-out process among ideas presenting themselves for wide public hearing is obviously essential; but freedom of the press becomes a mockery unless this selective process is free also. This means that free speech, with its informal emphases, is the natural vestibule to a free press and that the circumstance of ownership of press instruments confers no privilege of deafness toward ideas which the normal selective processes of the community promote to general attention.<sup>3</sup>

<sup>3</sup> It is worth noting that the Soviet Constitution, while limiting publishable ideas within a fixed orthodoxy, undertakes within these limits to implement press expression for a wide segment of the people who

VII. THE MORAL RIGHT OF FREEDOM OF EXPRESSION  
IS NOT UNCONDITIONAL

If reasons can be given for a claim of right—and there are reasons for all of them—those reasons constitute the condition on which the right can be claimed. The absence of that condition, therefore, automatically removes the basis for the claim.

By this logic, since the claim of the right of free expression is based on the duty of a man to his thought, then when this duty is ignored or rejected—as when the issuer is a liar, an editorial prostitute whose political judgments can be bought, a malicious inflamer of unjust hatred—the ground for his claim of right is nonexistent. In the absence of accepted moral duties there are no moral rights.

It may reasonably be doubted whether any man is capable of a thoroughgoing repudiation of duty. His experiments in the rejection of good faith are likely to be sporadic; a single lie does not make a man a liar nor a single acceptance of bribe a prostitute. Further, if a man is stung into reckless or inflammatory speech by a genuine grievance which ought to be made known, his bedeviled utterance may contain an important piece of truth. Still, if we define a liar as a man who habitually tells the truth except when it suits his policy to deviate, the press liar is not a myth-

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own no presses. It provides (Art. 125) that “printing presses, stocks of paper . . . communications facilities, and other material requisites” shall be put at the disposal of working people and their organizations.

ical person. His ultimate humanity and freedom he cannot alienate; but he has used his freedom to undermine his freedom. His claim of right as an issuer of opinion has by his own choice become groundless.

Since all rights, moral or legal, make assumptions regarding the will of the claimants, there are no unconditional rights. The notion of rights, costless, unconditional, conferred by the Creator at birth, was a marvelous fighting principle against arbitrary governments and had its historical work to do. But in the context of an achieved political freedom the need of limitation becomes evident. The unworkable and invalid conception of birthrights, wholly divorced from the condition of duty, has tended to beget an arrogant type of individualism which makes a mockery of every free institution, including the press. This conception has concealed the sound basis of our liberal polity, the one natural right, the right to do one's human task. From this one right, the others can be derived so far as they are valid; and into this right the ingredient of duty is inseparably built.

#### VIII. A RIGHT OF LIBERTY INCLUDES A RIGHT TO BE IN ERROR

Liberty is experimental, and experiment implies trial and error. Debate itself could not exist unless wrong opinions could be rightfully offered by those who suppose them to be right. For social purposes,

the cutting edge of the right of free expression is its demand for what is called "toleration" on the part of those who see, or think they see, error in others. What is required is something more positive than toleration—respect for the process of self-correction as against any authoritatively imposed correctness.

The assumption of this respect is that the man in error is actually trying for the truth; and this effort on his part is of the essence of his claim to freedom. What the moral right does not cover is a right to be deliberately or irresponsibly in error.

#### IX. THE ABUSE OF A RIGHT DOES NOT IPSO FACTO FORFEIT THE PROTECTION OF THE LEGAL RIGHT

Legal protection cannot vary with the inner fluctuations of moral direction in individual wills; it does not cease whenever the moral ground of right has been personally abandoned. It is not even desirable that the whole area of the responsible use of freedom should be made legally compulsory, even if such a thing were possible, for in that case free self-control, necessary ingredient of any free state, would be superseded by mechanism.

The attempt to correct abuses of freedom, including press freedom, by resort to legal penalties and controls is the first spontaneous impulse of reform. But the dangers of the cure must be weighed against the dangers of the disease; every definition of an abuse invites abuse of the definition. The law might

well be justified in acting against malicious public criticism; but if courts were called on to determine the inner corruptions of intention, honest and necessary criticism would proceed under an added peril and the "courage of disclosure" incur a new cost.

Hence many a lying, venal, and scoundrelly public expression must continue to find shelter under a "freedom of the press" built for widely different ends. There is a practical presumption against the use of legal action to curb press abuse.

X. THERE ARE, HOWEVER, LIMITS TO THE LEGAL  
TOLERATION OF ABUSE OF THE LIBERTY  
OF EXPRESSION

The already recognized areas of legal correction of misused liberty in this field—libel, misbranding, obscenity, incitement to riot, sedition in case of clear and present danger—have a common principle, namely, that an utterance or publication invades in a serious, overt, and demonstrable manner recognized private rights or vital social interests. If new categories of abuse come within this definition, the extension of legal remedies is justified. In view of the general presumption against legal action above stated, the burden of proof will rest upon those who would extend these categories; but the presumption is not intended to render society supine in the face of all new types of misuse, actual or possible, of the immense powers of the contemporary press.

Today a further question of public responsibility in the use of freedom is raised in view of the extent to which the function of the press is affected by a public interest. Not only positive misdeeds but omissions and inadequacies of press performance have now a bearing on general welfare. Freedom to express has hitherto included freedom to refrain from expressing; for the press this liberty is no longer perfect.

#### XI. THE WORK OF THE PRESS AS CLOTHED WITH A PUBLIC INTEREST

As observed at the beginning (Sec. I), the work of the press always involves the interest of the consumer; but, as long as the consumer is free, his interest is protected in the protection of the freedom of the issuer. Today, however, the conditions affecting the consumer's freedom have radically altered. Through concentration of ownership the flow of news and opinion is shaped at the sources; its variety is limited; and at the same time the insistence of the consumer's need has increased. He is dependent on the quality, proportion, and extent of his news supply not alone for his personal access to the world of thought and feeling but also for the materials of his business as a citizen in judging public affairs. With this situation any community in which public opinion is a factor in policy, domestic and international, must be deeply concerned.

Clearly a qualitatively new era of public responsibility for the press has arrived; and it becomes an imperative question whether press performance can any longer be left to the unregulated initiative of the issuers. The moral and legal right of thinkers to utter their opinions must in any case remain intact; this right stands for the kernel of individualism at the heart of all free social life. But the element of duty involved in the right requires a new scrutiny. And the service of news, as distinct from the utterance of opinion, acquires an added importance. The need of the consumer to have adequate and uncontaminated mental food is such that he is under a duty to get it; and, because of this duty, his interest acquires the stature of a *right*. It becomes legitimate to speak of the moral right of men to the news they can use.

Since the consumer is no longer free not to consume, and can get what he requires only through existing press organs, protection of the freedom of the issuer is no longer sufficient to protect automatically either the consumer or the community. The general policy of *laissez faire* in this field must be reconsidered.

## XII. THE ACCOUNTABLE PRESS AND THE RESPONSIBLE COMMUNITY

The press today, as the Supreme Court has recently recognized in the case of news services, has responsibilities to the general spread of information which

present analogies to those of a common carrier or of a trustee, though the likeness in either of these cases is limited. The analogy is closer to an educational enterprise in which private schools, enjoying the advantages and risks of experimental initiative, are yet performing a necessary public function for which a measure of social accountability would be appropriate. Do these analogies suggest that for the press also some degree of public oversight and co-operation and possibly of regulation must be the way of the future?

An over-all social responsibility for the quality of press service to the citizen cannot be escaped; the community cannot wholly delegate to any other agency the ultimate responsibility for a function in which its own existence as a free society may be at stake.

At the same time, the main positive energy for the improvement of press achievement must come from the issuers. Although the standards of press performance arise as much from the public situation and need as from the conscious goals of the press, these standards must be administered by the press itself. This means that *the press must now take on the community's press objectives as its own objectives*. And for the correction of abuses the maxim holds good that self-correction is better than outside correction, so long as self-correction holds out a reasonable and

realistic hope, as distinct from lip service to piously framed paper codes.

How shall this realism be implemented? And how shall the objectives of the press be held to identity with the necessary objectives of the community? By a recognition on the part of the press that, while its enterprise is and should remain a private business, its efforts to define and realize its standards are also a community concern and should be systematically associated with corresponding efforts of community, consumers, and government.

—With those of consumers and community, acting through specialized organs, as responsible critic, gadfly, and source of incentive.

—With those of government in various ways whose principles we may indicate as follows:

1. Without intruding on press activities, government may act to improve the conditions under which they take place so that the public interest is better served—as by making distribution more universal and equable, removing hindrances to the free flow of ideas, reducing confusion and promoting the reality of public debate.<sup>4</sup>

2. New legal remedies and preventions are not to be excluded as aids to checking the more patent abuses of the press, under the precautions we have emphasized. Such legal measures are not in their

<sup>4</sup> Further illustrations under this head may be found in Hocking, *Freedom of the Press: A Framework of Principle* (University of Chicago Press).

nature subtractions from freedom but, like laws which help to clear the highways of drunken drivers, are means of increasing freedom, through removing impediments to the practice and repute of the honest press.

3. Government may and should enter the field of press comment and news supply, not as displacing private enterprise, but as a supplementary source. In so doing, it may present standards for private emulation. While in our experience a democratic government is one in which government itself is one of the main objects of public discussion and can therefore never be allowed to control or to regulate the debate, it is not inconceivable that a government by the people should also be a powerful instrument for the people, in respect to educational and other noncommercial possibilities of the developing press.

#### XIII. RESULTING CONCEPTION OF FREEDOM OF THE PRESS

The emerging conception of freedom of the press may be summarized as follows:

As with all freedom, press freedom means freedom from and also freedom for.

A free press is free from compulsions from whatever source, governmental or social, external or internal. From compulsions, not from pressures; for no press can be free from pressures except in a moribund society empty of contending forces and beliefs.

These pressures, however, if they are persistent and distorting—as financial, clerical, popular, institutional pressures may become—approach compulsions; and something is then lost from effective freedom which the press and its public must unite to restore.

A free press is free for the expression of opinion in all its phases. It is free for the achievement of those goals of press service on which its own ideals and the requirements of the community combine and which existing techniques make possible. For these ends it must have full command of technical resources, financial strength, reasonable access to sources of information at home and abroad, and the necessary facilities for bringing information to the national market. The press must grow to the measure of this market.

For the press there is a third aspect of freedom. The free press must be free to all who have something worth saying to the public, since the essential object for which a free press is valued is that ideas deserving a public hearing shall have a public hearing.

#### XIV. CONTEMPORARY PROBLEMS OF PRINCIPLE

1. These several factors of an ideal press freedom are to some extent incompatible with one another.

A press which has grown to the measure of the national market and to the full use of technical resources can hardly be free from internal compulsions. The major part of the nation's press is large-scale

enterprise, closely interlocked with the system of finance and industry; it will not without effort escape the natural bias of what it is. Yet, if freedom is to remain secure, this bias must be known and overcome.

Again, the growth of the press acts together with the growth of the nation to make more remote the ideal that every voice shall have the hearing it deserves. Concentration of power substitutes one controlling policy for many independent policies, lessens the number of major competitors, and renders less operative the claims of potential issuers who have no press. For this clash there is no perfect remedy. There is relief, to the extent that the wider press, somewhat as a common carrier, assumes responsibility for representing variant facets of opinion. But no listening devices of the human mind have yet secured us from a certain wastage of human genius as the scale of a nation's thinking enlarges; and the contemporary arts of what is called publicity can hardly be acquitted of aiming rather at further lens distortion than at just and proportionate recognition of worth. As commercial arts it is hard to see how they can make justice their supreme object.

2. There is an antithesis between the current conception of the freedom of the press and the accountability of the press.

Accountability, like subjection to law, is not necessarily a net subtraction from liberty; the affirmative factor of freedom, freedom for, may be enhanced.

But the liberty to be carefree is gone. Charles Beard could say with accuracy that "in its origin, freedom of the press had little or nothing to do with truth telling . . . . most of the early newspapers were partisan sheets devoted to savage attacks on party opponents. . . . Freedom of the press means the right to be just or unjust, partisan or non-partisan, true or false, in news column or editorial column."<sup>5</sup> Today, this former legal privilege wears the aspect of social irresponsibility. The press must know that its faults and errors have ceased to be private vagaries and have become public dangers. Its inadequacies menace the balance of public opinion. It has lost the common and ancient human liberty to be deficient in its function or to offer half-truth for the whole.

The situation approaches a dilemma. The press must remain private and free, *ergo* human and fallible; but the press dare no longer indulge in fallibility—it must supply the public need. Here, again, there is no perfect solution. But the important thing is that the press accept the public standard and try for it. The legal right will stand if the moral right is realized or tolerably approximated. There is a point beyond which failure to realize the moral right will entail encroachment by the state upon the existing legal right.

<sup>5</sup> *St. Louis Post-Dispatch Symposium on Freedom of the Press, 1938*, p. 13.

XV. THE ENDURING GOAL AND THE  
VARIABLE REALIZATION

A free press is not a passing goal of human society; it is a necessary goal. For the press, taken in sum, is the swift self-expression of the experience of each moment of history; and this expression ought to be true. Much of the content of the press is intended solely for its own day; and the journalist sometimes reflects that his art is one of improvisation, and that its products, being destined to pass with the interest of the moment, require no great care in their workmanship. Yet, just because it is the day's report of itself, it is the permanent word of that day to all other days. The press must be free because its freedom is a condition of its veracity, and its veracity is its good faith with the total record of the human spirit.

At the same time, freedom of the press is certainly not an isolated value, nor can it mean the same in every society and at all times. It is a function within a society and must vary with the social context. It will be different in times of general security and in times of crisis; it will be different under varying states of public emotion and belief.

The freedom we have been examining has assumed a type of public mentality which may seem to us standard and universal, but which is, in many respects, a product of our special history—a mentality accustomed to the noise and confusion of clashing opinions and reasonably stable in temper when the

fortunes of ideas are swiftly altered. But what a mind does with a fact or an opinion is widely different when that mind is serene and when it is anxious; when it has confidence in its environment and when it is infected with suspicion or resentment; when it is gullible and when it is well furnished with the means of criticism; when it has hope and when it is in despair.

Further, the consumer is a different man when he has to judge his press alone and when his judgment is steadied by other social agencies. Free and diverse utterance may result in bewilderment unless he has access—through home, church, school, custom—to interpreting patterns of thought and feeling. There is no such thing as press “objectivity” unless the mind of the reader can identify the objects dealt with.

Whether at any time and place the psychological conditions exist under which a free press has social significance is always a question of fact, not of theory. These mental conditions may be lost. They may also be created. The press itself is always one of the chief agents in destroying or in building the bases of its own significance.

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## PUBLICATIONS OF THE COMMISSION

The following special studies (referred to in the Foreword) made for the Commission have been published, or are now in process of publication, by the University of Chicago Press:

1. *Freedom of the Press: A Framework of Principle*. By WILLIAM ERNEST HOCKING, professor of philosophy, emeritus, Harvard University.

We have had "freedom of the press" as a proud institution for a century and a half; England has had something similar for just three hundred years. During that period we have had much experience as to how the institution works. And there have been immense changes both in the power and reach of the press and in the dependence of the public mind on what the press (including radio, film, television, etc.) hands out. Have these changes and this experience altered in any way the meaning and value of this particular freedom?

If facts have no influence on principles, the answer is "No." This book takes an opposite view. It holds that principles are important and have a certain permanent element; but it also holds that a re-examination of the whole press situation in respect to its guiding ideas is made imperative by the present state of the world and of our society. We can neither be content merely to mutter "freedom of the press" as a defense against every proposal for responsibility or reform nor be oblivious of the fact that elsewhere in the world press freedom is not alone widely restricted but subject to keen critical attack as to its social validity in its unlimited form.

This book takes pains to be thorough; it examines liberty in general before getting into this special phase of liberty. Some readers will find it too thorough. Its style is tough. It is as juicy as a steel rail, and it is divided into sections like a barbed-wire fence, offering the wayfarer similar inducements to repose, but only at the joints of the argument. Readers who do not care to try a hard job of thinking are advised to look elsewhere.

On the other hand, the author is not writing a set of abstractions or deductions from the a priori. He not alone considers history in the large, and the social relativities proper to every great ideal, but speaks from a sympathetic acquaintance with press work, having himself been on all sides of the desk. It is the living press of today and tomorrow for which he seeks guiding ideas.

Various members of the Commission, in appended notes, have carried on discussions with the author of points where divergence of viewpoint on specific sections of the analysis exists.

2. *Government and Mass Communications*. By ZECHARIAH CHAFEE, JR., professor of law, Harvard University.

An extensive analysis of the threefold relation of government to mass communication: (1) the use of governmental power to limit or to suppress discussion, (2) affirmative governmental action to encourage better and more extensive communication, and (3) government as a party to communication.

The volume covers the whole field of governmental and legal regulation of the press under peacetime conditions, with special attention to certain areas where proposals are currently made to alter existing statutory, judicial, or administrative practice. These include libel and compulsory correction of published errors, post-office mail-exclusion orders and denial of second-class privileges, compulsory disclosure of source, laws requiring collective bargaining, and antitrust

statutes as applied to the press industries. The author's recommendation regarding many of these problems is included.

A special section reviewing the war experience with regard to government as a dispenser of information at home and abroad, with an analysis of the desirable scope of this function in time of peace, is included.

3. *Peoples Speaking to Peoples*. By LLEWELLYN WHITE, assistant director, and ROBERT D. LEIGH, director of the Commission. Chicago, 1946.

An extensive analysis of international mass communication. Based upon a threefold Commission program of (1) improving physical transmission facilities, (2) lessening political and economic restrictions on the free flow of words and images across borders, and (3) improving the accuracy, representative character, and quality of the words and images transmitted, the authors review the development of the physical instruments and processes in international communication, including the newer facilities of voice, dot-dash and facsimile broadcast radio transmission, the organization of press associations, and of books and periodicals in the international field. They analyze proposals for merger of telecommunication facilities, for multilateral and bilateral treaties designed to reduce barriers and to promote freer access to information, for export federations in books and the voice broadcasting fields, for international agencies to regulate physical transmission, to lessen political and economic restrictions on information, and to inquire into violations of free press treaties. They make specific recommendations in relation to each of these matters and propose a related government-industry program to guarantee that the whole field of communication between peoples will be adequately covered.

4. *Freedom of the Movies*. By RUTH A. INGLIS, of the research staff, Commission on Freedom of the Press; assistant professor of sociology, University of Washington. Chicago, 1947.

*Freedom of the Movies* is a study of self-regulation, Hollywood's own means of controlling the content of films as they are produced. The purpose of self-regulation is to prevent cuts and rejections by the half-dozen state and many municipal censor boards and to avoid trouble with moralistic and other pressure groups. The principles and rules of the Production Code and its administration by the Johnson Office (long the Hays Office) are described fully in the book so that the reader may ponder them for himself.

Having studied self-regulation in the light of the growing criticism of the movies on the ground that they are silly, insignificant, and lacking in artistic integrity, the author offers concrete suggestions for achieving a vital screen which at the same time is not obscene or indecent. The author's specific proposals for the improvement of self-regulation will command the attention of those who have felt that the movies have been too sensitive to certain segments of the community and unmindful of certain nonreligious social values.

5. *The American Radio*. By LLEWELLYN WHITE, assistant director of the Commission on Freedom of the Press.

A story of radio's first quarter-century—its amazing physical growth, its economic and artistic development, its attempt to regulate itself, the government's attempt to regulate it, the consumer's attitude toward it. The author applies to the broadcasting industry the yardstick of accountability for performing an important intelligence function, defines the points of defect, and makes definite proposals for improvement which take account of the technological developments now on the way or on the horizon.

6. *The American Press and the San Francisco Conference.*  
By MILTON D. STEWART. With an Introduction by HAROLD  
D. LASSWELL, professor of law, Yale University.

A systematic study, on a comparative basis, of the treatment given the San Francisco Conference by the general newspaper and periodical press, press associations, radio, films, and special-group publications. The need for a positive as well as a negative conception of freedom is discussed, and standards are proposed as an essential tool for gauging the freedom and the accountability of the press in actual operation. This is followed by statistical summaries and examples of the levels of performance reached in covering the first United Nations conference by about seventy daily newspapers, forty general magazines, the four major radio networks, the five leading newsreels, and several hundred group publications. Comparisons of achievement within each medium and among the media are made.













