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Thesis

⑥ THE RIGHT TO KNOW

vs.

THE NEED TO KNOW,

⑩ By

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TABLE OF CONTENTS

	PAGE
INTRODUCTION	1
 CHAPTER	
I. THE PROBLEM AND THE PRESS	5
The Area to be Analyzed	5
The Role of the Press and Freedom of the Press	8
Dealing With the Menace	16
The Justification and Need for Government Public Relations	22
The Need for a Balance	26
II. INFORMATION VIS-A-VIS SECURITY	28
The Right to Know vs. The Need to Know	28
Executive Privilege	35
The Classification System	38
A Ray of Light	43
The Judgment Factor	45
The Conflict Continues	47
Civil-Military Relations	51
A Constitutional Conflict	56

CHAPTER	PAGE
The Dangers--and Alternatives	60
III. MANAGING THE NEWS	62
News Weaponry	62
Certain Axioms Reaffirmed	69
The Cuban Crisis	71
Hence the Hue and Cry	76
The Right to Lie?	78
Two Kinds of News or Information	81
Conflicting Statements	85
A Balanced View is Required	89
IV. SEEKING THE BALANCE	93
The Unanswered Questions	93
Government Information is Vital	93
Fundamental Conflicts of Interest	98
Space Age Information Checklist	102
The Final Solution	107
APPENDICES	108
APPENDIX A	109
APPENDIX B	116
BIBLIOGRAPHY	124

INTRODUCTION

In the general area of freedom of information there exists a paradox in that no two people agree, yet many are "experts," on how much information should be released, what kind, when, to whom, in what manner, under what circumstances, how often, and in what context.

Considering the number of variables involved it is not surprising that the opinion continuum is heavily weighted at each end, with fallow middle ground. There is either so little information released that the public is denied knowledge of how its government is functioning, or too much released which is detrimental to the security of the United States. Some examples of these views are:

Unfortunately, there has existed and still does exist in high governmental and military circles a strange psychosis that the government's business is not the people's business. For reasons less clear, high government officials persist in giving lip service to the fact that the people have a right to know but in actual practice they circumvent this right to the people. Government officials have a growing tendency to forget that in a democracy it is up to the people to make final decisions and that it is impossible unless the necessary information is available on which to base such decisions. This psychosis persists to the point where some

government officials decide what is good for the people to know.¹

This statement represents the opinion of an entire committee and is based on the results of more than a year's investigation of the availability of information from federal agencies.

On the other hand, another report from another committee diametrically opposes the report by the Moss Committee with this brief but unequivocal assertion:

Too much information has been released which is of no benefit to the American public but which is of tremendous value to our opponents.²

Still another comment on the problem, while not expressing a completely different point of view, is indicative of the perplexity of the problem.

It appears that there has been too much information, mis-information, cross-information, and non-information emanating from the Department of Defense.³

¹U.S. Congress, House, Committee on Government Operations, Availability of Information from Federal Departments and Agencies, 25th Intermediate Report, 84th Congress, 2nd Session House Report No. 2947, July 27, 1956 (Washington, D.C.: U.S. Government Printing Office, 1956), p. 89.

²U.S. Congress, House, Committee on Appropriations, Department of Defense Appropriations for 1956, 84th Congress, 1st Session, House Report No. 493, May 5, 1955 (Washington, D.C.: U.S. Government Printing Office, 1955), p. 27

³U.S. Congress, House, Committee on Appropriations, Department of Defense Appropriations for 1954, 83rd Congress, 1st Session, House Report No. 680, June 27, 1953 (Washington, D.C.: U.S. Government Printing Office, 1953), p. 11.

Conceivably, all the comments could be right if judged by the specific incidents which comprise their separate frames of reference. However, all cannot be right when the entire problem is considered. The irony of the last comment is that it was written a decade ago--and the conflict continues.

It seems then, that the age-old thorn in the three sides (Executive, Judicial, and Legislative) of our democratic government is the continuing conflict of opinion as to what constitutes a balanced information policy.

When the pain becomes acute--due to Press or public clamor--the government body begins to writhe. Miraculously, "experts" from every walk of life suddenly appear. Each is apparently equipped, trained, and capable of easing the pain.

Some prescribe an emetic, believing that the throb of the conflict will disappear if there is a sudden outpouring of the "poison" assumed to have been built up as a result of withholding information. Others, equally learned, take the opposite or paragoric view. All examine the thorn and have many meetings concerning the best method of treatment.

Unfortunately, few, if any, view the thorn as a necessary prod--the proverbial "poke in the ribs"--designed

to keep both the government and the people alert.

What then is the answer to the age-old problem?

To pursue the analogy for a moment more, what is required is the achievement of a balance so that the thorn remains just a prod--not a lethal thrust to the heart of the government body.

This balance that must be achieved is the balance between the right of the people to information and facts that are essential to a government by the consent of the governed (The Right to Know), and the necessity of the government to withhold certain information in the interests of national security (The Need to Know).

In other words, a balancing of The Right to Know vs. The Need to Know--a delicate balance that must be achieved if we are to retain our democratic system of government.

CHAPTER I

THE PROBLEM AND THE PRESS

The Area to be Analyzed

The area to be analyzed in this thesis is one of the most important, pervading, and current themes of today. The problems of censorship in a free society, particularly in light of the nature of the insidious Communist threat, require a delicate and continual balancing of the necessity for our government to withhold certain information which would, if released, be detrimental to our national interests and/or defense, and the right of the public to know those facts that are essential to government by the informed consent of the people. As is true of many of the most important questions of our time, there is no formula, no pat answer, and no "standard operating procedure" for this matter, but there is the necessity for striking a balance in the field of government information practices. Those individuals responsible for authorizing the release of information must make " . . . an estimate . . . as to whether it is of greater value to our effort or to the

opposition, the enemy."¹ In addition, these individuals ". . . must make every effort to provide the people with the raw factual material and the interpretive information that is the basis of democratic public opinion formulation."²

In a democratic society such as ours where the ultimate decisions are dependent upon the will of the people, or as stated in our Declaration of Independence, "Governments are instituted among Men, deriving their just Powers from the Consent of the Governed," there must be a means for the people to get adequate information about events and conditions. This information must be presented accurately, fully, and with as little bias as possible. A free government must have an informed and intelligent populace and the information that they receive must be true information, so that the public opinion resulting from the information disseminated by the mass media will, indeed, be public opinion, and not the opinion that any particular group or individual desires the public to have.

¹Oscar Morgenstern, The Question of National Defense (New York: Random House, 1959), p. 230.

²Bernard Rubin, Public Relations and the Empire State (New Brunswick, N.J.: Rutgers University Press, 1958), p. 9.

The public relations significance of this topic is manifold. As Stanley Kelley, Jr. said, "The activities of the public relations man have become a significant influence in processes crucial to democratic government." The public relations man, whether his official title be Information Officer, Executive Vice-President, Assistant Secretary for Public Affairs, or Press Secretary, is concerned with interpreting public opinion. He must be cognizant of the moods and attitudes of the many publics of his employer, whether a large corporation, small business, or government agency. The public relations officer, calling on his knowledge of the communications media and social sciences, is very often in a position to advise what information will be disseminated to the public and what will not, hence exerting a tremendous influence at this point. As Edward Bernays has said, although the people are sovereign in a democracy, they require guidance--the kind of guidance that the specialist in the use of the channels of communication can provide. The very best summation of the public relations significance of this thesis is found in an article by George A. Warmer. He said,

Given one world with the western tradition that all people have a right to facts and another world where propaganda is used for pre-determined government ends and we find ourselves in a titanic struggle between two opposite concepts of communication. In our

world we are committed to the belief that time for discussion should be taken to expose falsehood and fallacies. We would not avert evil by censorship but rather by freedom of expression. From this point of view, communicators occupy as important a position in a free society as any other group. If they perform responsibly, if they see themselves as the ones who must disseminate truth convincingly and thoroughly, they may well contribute more to western civilization and culture in this time of severe crisis than any other group.³

The Role of the Press and Freedom of the Press

"Public opinion is formed by news. Successful democracy depends upon its accuracy. Whenever this principle is abused, the people cease to govern and become ruled by those who choose to transgress it."⁴ The American people have traditionally depended on the newspapers to bring them the news, and although radio and television have added effective new means of informing people, the newspaper continues to be indispensable in the preservation of our free society. "A newspaper is a public trustee. It is the

³George A. Warmer, "Public Relations and Privacy," Toward Social Responsibility in Public Communications (Boston: Institute for Public Relations Studies, Fall, 1962), p. 39.

⁴Lynde M. Walter, Editorial in the Daily Evening Transcript, July 24, 1830, reprinted in the Boston Evening Transcript, April 30, 1941.

guardian of the peoples rights. It is a public institution which must operate from motives higher than mere gain. It is both the watchdog and the promoter of honest and efficient government."⁵ Thomas Jefferson's position in regard to a free press was stated in a letter to Edward Carrington, written on January 16, 1787:

The people are the only censors of their governors: and even their errors will tend to keep these to the true principles of their institution. To punish these errors too severely would be to suppress the only safeguard of the public liberty. The way to prevent these irregular interpositions of the people is to give them full information of their affairs through the channel of the public papers, and to contrive that those papers should penetrate the whole mass of the people. The basis of our governments being the opinion of the people, the very first objective 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.⁶

There is no longer much question as to the indispensability of mass communication to democratic government, for it is only through the mass media that the people can gain enough knowledge of events and conditions to be well

⁵Ibid.

⁶Thomas Jefferson as quoted in Frank Thayer, Legal Control of the Press (Brooklyn: The Foundation Press, Inc., 1962), pp. 23-24.

enough informed, hence capable of making intelligent decisions. The mass media includes the printed media of newspapers, magazines, and books, and the electronic media of radio and television. The oldest, tried and true medium, and the medium upon which the major burden of responsibility falls, is the newspaper. Referring once again to Jefferson, he said "Where the press is free, and every man able to read, all is safe."

The press is in an extremely privileged position in our society in that no governmental control is exercised over it. True, the press is subject to the laws of libel, copyright, and the like, and the Post Office Department sometimes threatens withdrawal of second-class mailing privileges, but basically, the press is free--as contrasted to the very strong governmental control exercised over some of the other business enterprises in our nation, like Standard Oil Company, U.S. Steel, General Motors, E.I. du Pont de Nemours and Company, and so on. This privileged position of the press is no mere accident or oversight as is evidenced by words like these:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; . . .⁷

⁷Article I (First Amendment), The Constitution of the United States of America.

and, more specifically:

The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this commonwealth.⁸

The press is in this privileged position because the colonists knew the struggles of the common people of England for a free press and suffered themselves under the oppressive measures of the English colonial governors. The freedom of the press was hard earned by the colonists and not taken lightly. In expressing this view, Jefferson said, "Our liberty depends on the freedom of the press and that cannot be limited without being lost." In addition, the press has the responsibility to remain free in order to perform its correlative duty of gathering and imparting information balanced against its guaranteed freedom of expression. The press has been called the "fourth branch of government" by more than one scholar, and indeed, I feel that it is just that. As is commonly known, the United States Government is founded on the "constitutional trinity" of the Legislative, Executive, and Judiciary departments. And, "as one man, the American nation seems to regard it as fixed for all time that the checks and balances"⁹

⁸Part I, Article 16, Constitution of the Commonwealth of Massachusetts.

⁹Herbert Brucker, Freedom of Information (New York: The Macmillan Company, 1949), p. 10.

among these three branches of the government are all there is to our government.

But are they? How can one legislate, or execute, or judge, if one does not know what is going on? How indeed can the people choose their representatives in government without a bedrock of information on which to base their votes? In sum, upon what meat doth this our democracy feed? It feeds upon facts brought into the minds of its citizens by the press, the radio, and the supplementary media of information. This information system of our democracy constitutes a little recognized but indispensable fourth branch of the United States government. . . . Adequate information provides the only environment in which democratic government can live. Without information, Congress, President, and courts cannot function.¹⁰

As a fourth branch of government the press must act as a check on the government just as surely as the Congress acts as a check on the Executive and the Judicial on the Legislative. The responsibility of a free press to check on government was well stated by Thomas Erskine, an Englishman defending Thomas Paine in a British court, about 1785. He said,

In this manner power has reasoned in every age; government, in its own estimation, has been at all times a system of perfection; but a free press has examined and detected its errors, and the people have from time to time reformed them. This freedom has alone made our Government what it is; this freedom alone can preserve it.¹¹

¹⁰Ibid., p. 10.

¹¹Quoted in Frank L. Mott and R.D. Casey, Interpretations of Journalism (New York: F.S. Crofts and Company, 1937), p. 18.

Thus we see that the press is in its privileged position for many reasons. Freedom of the press is not a right given exclusively to the writer or publisher, but rather it is a right that belongs to and protects the people from abuses by the government. It may not always be the press that initiates these corrections of government, for a congressman, judge, or any interested citizen has the right to be heard. However, it is through the press and the mass media that the facts become known. Without the press to disseminate the facts, it would be very difficult, if not impossible, to enforce any correction. Consider the recent unprecedented display of intelligence data, including high and low level photographs of Cuban bases, ports, and fields that was exhibited over nation wide television coverage, and emanated from the State Department auditorium. Defense Secretary Robert S. McNamara, under direct orders from the President, appeared before the nation to answer congressional critics who contended that an offensive threat (Soviet) still exists in Cuba. Whether or not he proved his point still remains to be seen. The fact that this was aired publicly was due, in great part, to the coverage given the charges, made by Senator Kenneth B. Keating (R-N.Y.) and other congressional members, in the press. Indeed, the press, through numerous editorials and

columnists, contributed to the clamor for information on this subject of vital importance to every American. This is the fourth branch in action. There must continue to be a suspicious curiosity and skepticism about all things, present in the press--for without this investigation inclination, the press could not fulfill its obligations to our free society--it could not serve as our check on government nor bring us the information we require to make intelligent decisions and to take an active part in governing. This then would be a violation of the sacred trust placed in the press, which is the only private institution specifically mentioned in the Bill of Rights, and it would be a threat to the people's right to know, which, as defined by Kent Cooper, means that "the citizen is entitled to have access to news, fully and accurately presented."¹² Mr. Cooper, in his book, The Right to Know, further states that "there cannot be political freedom in one country, or in the world, without respect for the 'right to know.'"¹³ In another book with almost the identical title, Harold L. Cross emphasizes that "Freedom of information is the very

¹²Kent Cooper, The Right to Know (New York: Farrar, Strauss and Cudahy, 1956), p. xiii.

¹³Ibid., p. xiii.

foundation for all those freedoms that the First Amendment of our Constitution was intended to guarantee."¹⁴ Wilbur Schramm, in his outstanding book Responsibility in Mass Communications, asks, "What is the kind of freedom we are trying to keep?"¹⁵ and then very succinctly answers the query with, "When you look carefully at it, it breaks down into three parts:

Freedom to know--the right to get the information we need in order to organize our lives and take an intelligent part in governing.

Freedom to tell--the right to transmit information freely and to take a public stand on an issue and argue for it.

Freedom to find out--the right of access by communicating media to sources of information which needs to be told and known."¹⁶

All of these freedoms are protected by our free press, and although the press itself is somewhat touchy

¹⁴Harold L. Cross, The People's Right to Know (New York: Columbia University Press, 1953), preface.

¹⁵Wilbur Schramm, Responsibility in Mass Communications (New York: Harper and Row, Publishers, Inc., 1957), p. 106.

¹⁶Ibid., p. 107.

about criticism, it does, in the long run, what our founding fathers hoped it would. "The Fourth Estate, the free press, the prying press--they are all one and the same thing--is like the rain that soaks you to the skin. The soaking may annoy you, but without rain you could not live. Without a press free to pry, democracy cannot live."¹⁷

Dealing With the Menace

In the last few decades there has been a marked increase in the tendency of government officials (and organizations) to classify information. In addition, there is no doubt that an intensification of security measures is in evidence nowadays, and the viewpoint of the mass media toward this situation is readily apparent in the following quote by James S. Pope, Louisville Times editor:

Sharp and critical disagreement has been found to exist between the country's newspaper editors and the office-holders who contrive much of the news. How much should the people know? Of course, every newspaperman is used to a nominal tussle over news that reflects some discredit on elected or employed public officials. . . . That is a conflict as old as government and news of government. But the conflict has gone beyond that simple ceremonial. Only recently have most editors begun to realize that these familiar little guerilla skirmishes now are part of a broad-scale offensive against freedom of information--against the basic principle of the

¹⁷Herbert Brucker, op. cit., p. 48.

citizen's right to know, so that he may govern himself.¹⁸

But is there in fact, as Mr Pope says, a broad-scale offensive against freedom of information? This is a question that must be examined carefully before obediently answering in the affirmative. The question is not a new one either. Consider this seemingly current query. "Is there a system of censorship conducted by the present administration at Washington for the purpose of suppressing vital facts? Is there an organized attempt to prevent the public from learning what is being done?"¹⁹ No, the administration in question is not the present one, nor were the questions prompted by either the U-2 or Cuban affairs. Rather, the self-same questions we do hear today, were asked, in this case, in 1935 about the administration of President Franklin D. Roosevelt.

The government has the responsibility to avoid disclosure of any information that would be useful to the enemy or harmful to the interests of the United States. I use the word "enemy" because I feel we are now engaged in

¹⁸James S. Pope, "Problems of Journalism," Address to the American Society of Newspaper Editors, 1950.

¹⁹George Michael, Handout (New York: G.P. Putnam's Sons, 1935), p. 3.

the "supreme crisis of Western civilization"²⁰ and must recognize the Communists as our declared enemy, dedicated to destroying us and dominating the world. As Admiral Arleigh Burke, retired Chief of Naval Operations said in his testimony before the Special Preparedness Subcommittee of the Committee on Armed Services:

We are at a pivotal time in history . . . we are witnessing a powerful social order, Communism, trying to get control of the whole world. The Communists have already seized control of a large part of the world and they ruthlessly maintain that control once they have seized power. . . . The Communists use all elements of power to achieve their aims of dominating the world. . . . They use military power, economic power, subversion, propaganda, political negotiations, every means possible, in their attempts to gain their ends. This has been said many times, but it is important for us to realize that the Communists have demonstrated the most complete amalgamation in the use of all forms of power in human history.²¹

There is no peace in the world today, according to both our definition of the word and the Communist definition, the latter being the "time when there will no longer be any opposition to the paramount aim of bringing the entire world under Communism."²² An interesting analogy of the difference

²⁰Senator Thomas J. Dodd of Connecticut.

²¹U.S. Senate, Military Cold War Education and Speech Review Policies (Washington, D.C.: U.S. Government Printing Office, 1962), pp. 8-9.

²²Stefan T. Possony as quoted in U.S. Senate, Wordsmanship-Semantics as a Communist Weapon (Washington, D.C.: U.S. Government Printing Office, 1961), p. 4.

in points of view between the Communist and the Free World outlook on peace was made by Senator Strom Thurmond when he observed that,

Traditionally, the governments of non-Communist nation-states "shift-gears" when the line between peace and war is crossed. The Communists do not recognize any difference of status or operational methods between peace and war, and conduct themselves partially within the framework of both. By these means they paralyze nation-states by inducing them to remain in the traditional process of "shifting gears." The center of the shift is necessarily "neutral." The consequence in non-Communist nations is extensive confusion.²³

Due to the nature of the insidious Communist threat, the government's responsibility to prevent the unauthorized disclosure of official information, particularly in the field of military and diplomatic affairs, which would be detrimental to the interests of the Free World and this Nation, has increased tremendously. As the government's responsibility has increased, so too has the responsibility of the press increased--not to try to break the secrecy, but to carefully and attentively question the administration of secret operations in an effort to prevent governmental "secrecy"²⁴ and a restriction of the free

²³U.S. Senate, Military Cold War Education and Speech Review Policies, op. cit., p. 49.

²⁴My own term, derived from security and secrecy. Intended meaning: the misuse of secrecy (or classification) in the supposed interests of national security.

flow of information to the people. Although there seems to be an inherent contradiction between the two requirements, nevertheless there is a need for more official secrecy and a need for more public information. Some proposals were made by Secretary of Defense McNamara at a news conference in Washington, D.C., on May 26, 1961, to aid members of the Defense Department in reconciling and fulfilling the two requirements. The following are extracts from the Secretary's remarks:

In order to provide further guidance for those of us, all of us, both military and civilian officials alike, who must deal with this problem, I suggested four principles to help the members of the Department to meet both these requirements. The application of these principles, although they might restrict the flow of properly classified information to some extent, would encourage more open, more responsible discussion of the pros and cons of national defense policies and practices. The principles are:

(1) In a democratic society the public must be kept informed of the major issues in national defense policy, because the most important issues are likely to be the most difficult ones; the arguments on both sides must be made clear so that there can be a consensus of coincidence in the ultimate decision. We are under a special obligation to disclose mistakes and ineffective administrative operations.

The public has at least as much right to bad news as to good news.

(2) It is essential to avoid disclosures of information that can be of national assistance to our potential enemies, and therefore weaken our defense position. It is equally important to avoid overclassification; when in doubt, under-classify. In no event should overclassification

be used to avoid public discussion of controversial matters.²⁵

These words of Secretary McNamara seem to be in answer to the question posed earlier: "Is there a broad-scale offensive against freedom of information?" While there is no clear cut yes or no involved, it raises anew another question that was posed by Aristotle centuries ago: "The environment is complex and man's political capacity is simple. Can a bridge be built between them?" As is evidenced by our democratic form of government, a bridge can indeed be built to span the canyon of ignorance, or lack of information, between the people and the government. There must be a willingness on the part of government officials and agencies to release information that the public has a right to know and which would not endanger national security. In addition, the press must continue to ferret out and publicize the actions of the government, thus bringing to the people the information that reduces the canyon of ignorance to a mere valley, and enables the citizen to be informed so that he is capable of making intelligent and, hopefully, correct decisions.

²⁵Secretary of Defense Robert S. McNamara as quoted in U.S. Senate, The New Drive Against the Anti-Communist Program (Washington, D.C.: U.S. Government Printing Office, 1961), p. 30. Emphasis mine.

The Justification and Need for Government
Public Relations

Another problem that has come to light recently is the difficulty of the press (and all the mass media) to adequately cover the news of government due to the increase in the size of the establishment, and the complexities of government. In days gone by, news of government was a comparatively simple matter of reporting political campaigns and speeches, personalities, trust-busting, and so on. It was an entirely different problem than that of reporting world affairs, space flights, atomic energy, photo-reconnaissance, tax reductions and reforms, and other complex subject matter. Interpreting the complexities of government requires highly trained specialists, in many cases beyond the payroll capabilities of the newspapers. Nevertheless, a great deal of progress has been made by the media in government reporting during the past decade.

Because the people's right to know is at a maximum when dealing with the government, and their ability to know is at a minimum, the public relations man in government assumes a significant role in aiding the press to obtain information. Although there are many that will argue there is no place for public relations in the government because of the "propaganda" aspect or connotation associated with it, it is well to remember that propaganda itself is

neutral--it can be good or bad.

There are also some specific legal restrictions which tend to confuse the issue and practice of public relations by the government. In 1913 an act of Congress was passed which forbid the spending of money for "publicity experts"--this, if enforced, could completely paralyze all government information practices including, if interpreted literally, the United States Information Agency (USIA). The result would be a plunge into the canyon of ignorance.

The justification for government public relations rests on the premise that a democratic government is obliged to report to its citizens, and, effective administration requires citizen participation and voter support.²⁶ As Stanley Kelley observed:

Any system of government, autocratic or democratic, owes its life to some kind of support in public opinion. Our own system not only accommodates itself to this opinion but also gives to the mass of citizens, . . . instruments to control the policies and personnel of government. It is into this fundamental relationship . . . between those who seek power and those who bestow authority, that the public relations man inserts himself. . . .²⁷

This does not infer that government public relations practitioners should replace the press as the public's

²⁶ Stanley Kelley, Jr., Public Relations and Political Power (Baltimore: The Johns Hopkins Press, 1956).

²⁷ Ibid., p. 179.

intelligence service or as the fourth branch of government --rather, there is room and a positive need for both. The press, by virtue of its privileged position in our society, has the responsibility of keeping the people well informed. "The news media must be eternally vigilant and aggressive" says the Report of the Sigma Delta Chi Committee on Freedom of Information. It further advises:

There is nothing in the constitutional guarantee of freedom of the press which assures a newspaper the trust and respect of the people with whom it must live. Without that trust and respect, freedom of the press enters into direct conflict with freedom of information. Because the press does not manufacture most information, and only reports it, the newspaper must have the cooperation of those persons in whose custody the information is to be found.

That cooperation, in the main, must be freely given. Yet, because of conflicts between the impulses of political self preservation which naturally rule most persons in public life, and the obligations of the press to print both the good and the bad, that cooperation must be assiduously cultivated. This is not to say that a newspaper should curry favor of any political regime. But certainly it must discharge its functions as the "fourth estate" of government with as much honor, consistency, and competence as are necessary to establish and maintain the complete respect of both public officials and the public.²⁸

Although I have said previously that there is no peace in the world today, I sincerely hope that the reader

²⁸"Report of Sigma Delta Chi Committee on Freedom of Information," Quill (January, 1953).

is not expecting to find in the conclusion, the advocacy of another organization similar to either the World War I Committee on Public Information or the World War II Office of War Information. While these agencies were, I believe, a necessity at the time, there is an irreconcilable conflict present when censorship is imposed upon the people. The conflict exists between the newspapers, whose business it is to dig continually for the news, and the government, who tries to keep quiet what it is doing. This situation, fortunately, does not exist today as it did then. A famous editorial in the New York Herald Tribune (October 9, 1941) summed up the feelings of the people toward the increasing number of government agencies (prior to the war) dealing in one way or another with information. This editorial, headed, "Here's Where We Get OFF," said,

Here, obviously, is the answer to the prayers of a bewildered people. The Office of Facts and Figures, or OFF, will coordinate the Office of the Coordinator of Information (or OCI), report on the Office of Government Reports, . . . press-agent the innumerable Press Agents of the Individual Departments (often called the PAIDS) and will under no circumstances do anything whatever that anybody else is doing already. . . .

OFF is just going to superimpose its own "well organized facts" upon the splendid confusion, interpret the interpreters, redigest those who now digest the digesters, explain what those who explain what the explainers of the explanations mean, and coordinate the coordinators of those appointed to coordinate the coordinations of the coordinated. Before this example of the sublime administrative genius which now rules in Washington, the mind can

only reel with admiration. . . . When the Office of Utter Confusion and Hysteria (to be referred to as OUCH) has finally been created, then the capstone will have been set upon the pyramid and we can all die happy, strangled in the very best red tape.²⁹

Both the press and the government have made significant advances in obtaining and releasing information that is not detrimental to the public interest. The government, aided by professional public relations personnel, has shown itself to be more responsive to public opinion while the press, in spite of ever increasing governmental complexity, has succeeded in furthering the public's understanding by better reporting, explaining, interpreting, and clarifying of the current issues of the day.

The Need for a Balance

As is true in many matters of public policy, a balance is required. "In arriving at such a point of equilibrium in the field of government information practices, it is important to consider not only the claims that need to be weighed in the balance, such as the need to stimulate the maximum flow of information to the community and to prevent the disclosure of state secrets to a national

²⁹Editorial in the New York Herald Tribune, October 9, 1941, p. 22.

adversary, but also the degree to which each of these conflicting interests is effectively represented in the process of pressure and counterpressure through which public policy in a democracy is so largely hammered out."³⁰

There is no task more difficult, facing our democratic government and the free press, than that of containing pressures toward excessive publicity without encouraging practices of "securecy" that would restrict the free flow of information about public affairs which is necessary to a government that derives its just powers from the consent of the governed.

³⁰Francis E. Rourke, "How Much Should The Government Tell?" Saturday Review, Volume 44, No. 19 (May 13, 1961), p. 31.

CHAPTER II

INFORMATION VIS-A-VIS SECURITY

The Right to Know vs. The Need to Know

No single factor is more important to the strength of our democracy than the free flow of accurate information about the government's operations. The citizen in a democracy must know what his government is doing, or he will lack the soundest basis for judging. . . .¹

The "right" to have such an uninterrupted free flow of information so that the citizen will indeed have a sound basis for judging, is the "right to know." Any "efforts to hobble the news for publication through executive privilege, overemphasis on classified information and various legislative proposals affecting the press may be a violation of the right to know."² There is little disagreement that the government has the obligation to inform the public--nor can one find many dissenters to the axiom that the people have a right to know. In addition, it is acknowledged that the

¹Clark R. Mollenhoff, Washington Cover-Up (New York: Doubleday and Company, Inc., 1962), p. 9.

²Frank Thayer, Legal Control of the Press (Brooklyn: The Foundation Press, Inc., 1962), p. v.

press, the public, and the Congress must ascertain that freedom of information is guaranteed, so that our democracy will continue to thrive. How this is to be guaranteed poses a question that has been raised ever since this country was founded. The basic problem that exists is the censorship of information, in the true interest of national security, to insure against the release of information which would be useful to the enemy or harmful to the interests of the United States.

Most of the facts on which the American people must base a sound judgment are in the possession of the Government, and the Government is well aware of this fact. "During the 1960 Presidential campaign, President Kennedy made a most forthright declaration on the responsibility of the President to keep the citizens fully informed so that democracy would flourish."³ He said,

An informed citizenry is the basis of representative government. Democracy--as we know it--cannot exist unless the American people are equipped with the information which is necessary if they are to make the informed political choices on which the proper functioning of the democracy depends. An informed people--able to examine, and when necessary, to criticize, its government--is the only guarantee of responsible democracy.⁴

³Clark R. Mollenhoff, op. cit., pp. 177-178.

⁴Ibid., p. 178.

Still during the campaign, President Kennedy said further, that,

The President--who himself bears much of the responsibility for the preservation of American democracy--has the affirmative duty to see that the American people are kept fully informed. It is true that in today's world of peril some Government information must be kept secret--information whose publication would endanger the security of national security--the people of the United States are entitled to the fullest possible information about their Government--and the President must see that they receive it.⁵

This pronouncement was in line with the platform of the Democratic party on "Freedom of Information." That platform said,

We reject the Republican contention that the workings of government are the special private preserve of the Executive. The massive wall of secrecy erected between the Executive branch and the Congress as well as the citizen must be torn down. Information must flow freely, save in those areas in which the national security is involved.⁶

After the campaign was over and John F. Kennedy became our thirty-fifth President, in his State of the Union address on January 30, 1961 he said,

For my part, I shall withhold from neither the Congress nor the people any fact or report, past, present, or future, which is necessary for an informed

⁵Ibid.

⁶Ibid., p. 177.

judgment of our conduct or hazards.⁷

The Chief Executive and the Democratic party platform (or at least one plank of it) are quoted here to point out that there is no unawareness of the problem in Washington --the problem being the great debate over freedom of information. Essentially, this becomes a question of how open can we allow our society and government to be in this era of supreme conflict for world supremacy, between Communism and the Free World. It is not enough to cite obvious examples of the necessity for classification--nor is it intelligent to state that the government should release all information. What is required is a balancing of the "right to know" vs. the "need to know"--a delicate balance that must be achieved if we are to retain our democratic system of government.

The right to know has been discussed previously, and in the past few years has become a fairly common expression meaning simply that the people have a right to information--or it can be stated conversely that the government has an obligation to fulfill the people's right to know. This "right" is "an attribute of the liberty guaranteed . . . by the Bill of Rights, but it is not automatic,

⁷Ibid.

and the campaign for freedom of information must be tirelessly waged. . . ."⁸

The need to know is not, as many might imagine at first glance, the antithesis of the right to know. Rather, it is somewhat of a modification of the right to know and is directly concerned with the other obligation of the government--that of safeguarding our national security by not releasing information which will materially aid an enemy. As such, the need to know is an expression usually connected with the military and other governmental agencies and carries the connotation of releasing information only to those who have a need for such information in order to satisfactorily perform their particular jobs or duties. As stated in an official government publication, "Knowledge or possession of classified defense information shall be permitted only to persons whose official duties require such access. . . ."⁹

The inherent difficulty of the right to know concept lies in the fact that when the scales are tipped in

⁸Remarks by C. Herschel Schooley, Director of Information, Department of Defense to the American Political Science Association Convention Panel on Government Information Problems, Hotel Henry Hudson, New York, September 7, 1957. (Mimeographed.)

⁹Air Force Regulation 205-1, Safeguarding Military Information (Washington, D.C.: Department of the Air Force, 10 June 1960), p. 22.

the direction of a freer flow of information, our adversaries take advantage of everything that we divulge openly or make publicly available. Allen W. Dulles, former director of the Central Intelligence Agency, while admittedly prejudiced in this direction, said, "I feel that we hand out too many of our secrets, particularly in the field of military hardware and weaponry, and that we often fail to make the vital distinction between the type of things that should be secret and those which, by their nature, are not and cannot be kept secret."¹⁰

The difficulty inherent in the need to know concept is, eventually, the lack of information. This comes about gradually, often insidiously, and, in the opinion of one scholar familiar with the problem of freedom of information, ". . . is the key to the fundamental evil of censorship; for, whether we like it or not, military censorship brings political censorship in its train. To expect to have the essential good of military censorship without the evil of political censorship is like expecting to have a garden without weeds."¹¹

The official government documents that promulgate the general principles of security of information recognize

¹⁰Allen W. Dulles, "Dulles Discusses Secrecy," The Christian Science Monitor, February 19, 1963, p. 22.

¹¹Herbert Brucker, Freedom of Information, op. cit., p. 186.

that the people have a fundamental right to information regarding the size and capabilities of its military forces, and are cognizant of the fact that the military services depend upon and exist only by virtue of the confidence and support of the American public. "It is the Air Force's policy to keep the public informed on military activities, provided information so released is not detrimental to United States security."¹² To carry this policy up the chain of command, "The Department of Defense recognizes the right of the public to complete information and the important function of the media in presenting the facts to the public. Its policy is to keep our people fully informed within the limits permitted by security."¹³

Any censorship, regardless of form, is always a strain on the mutual confidence, trust, and good will between the Government and the people, but it is recognized (by some, at least) as a necessary evil in spite of the fact that it is an impingement upon the right to know. An Air Force Manual warns against undue withholding or suppression of information by saying, "The press will always find a way to disclose to the public, information of a

¹²Air Force Regulation 190-12, Information Services --Release of Information (Washington, D.C.: Department of the Air Force, 18 December 1956), p. 1.

¹³Air Force Manual 190-5, Field Press Censorship (Washington, D.C.: Department of the Air Force, 13 August 1954), p. 3.

non-security nature which the military tries to suppress. And, when the information is published, the fact that suppression was attempted magnifies the original error out of all proportion."¹⁴ If we accept the two premises that (1) to publish information is to give it directly to the enemy, and (2) there are certain facts which must, in the interests of national security, be withheld, then we must conclude that a uniform system of classifying official information is a definite requirement. However, this system must not upset the delicate balance between the right to know and the need to know--a balance that is the very essence of democracy.

Executive Privilege

The need for some means of governmental classification in the interests of defense and security has, of course, long been recognized. It was none other than George Washington who established the right of the Chief Executive to withhold even from the Senate, public papers, the disclosure of which he felt would not be in the national interest. Setting the precedent for the Government's

¹⁴Ibid., p. 5.

concern about the flow of military information, Washington is said to have written to the President of the Congress in 1777 and said,

It is much to be wished that our printers were more discreet in many of their publications. We see almost in every paper . . . accounts transmitted to the enemy of an injurious nature. If some hint or caution could be given them on the subject, it might be of material service.¹⁵

The historic conflict of freedom of information versus national security, or of the right to know vs. the need to know, has reached a new level of intensity in the past decade. This is a direct result of the growth of both the size and complexity of government coupled with the uneasy tension brought upon us by the nation whose leader has promised to bury us.

On September 25, 1961, President Harry S. Truman issued Executive Order 10290 giving all the agencies of the Federal Government (Executive branch) authority to classify information which those officials might deem important to national security. This did, in effect, give the head of every governmental agency authority to act as his own censor. Truman said to department heads that the order "must not be used to cover up mistakes by any official or

¹⁵"Salinger Firmly Denies Soviet Flights Over U.S.," Washington Star, December 5, 1962.

employee of the Government." However, the way the Order was written, its use for these very purposes was inevitable. President Truman's order was strongly, if not vehemently opposed by the press, as witnessed by such denouncements as James S. Pope's, in a report to the American Society of Newspaper Editors; His committee found, "Appalling evidence that the guiding credo in Washington is that it is dangerous and unwise to let information leak out in any unprocessed form."¹⁶

President Dwight D. Eisenhower modified Truman's order when he issued a new Executive Order (number 10501), effective December 15, 1953. This directive limited the authority to classify to selected Executive agencies. The Departments of State, Defense, Treasury, Justice, and Commerce, the Atomic Energy Commission (AEC), and the Central Intelligence Agency (CIA) retained full authority to classify, while in seventeen other agencies, classification may be affixed by the head of the agency alone. An additional twenty-eight agencies (ranging from the Battle Monuments Commission to the Veterans Education Appeal Board) are forbidden to classify on the grounds of national defense

¹⁶"U.S. Press Is Free to Print the News but Too Often Is Not Free to Gather It," Quill, Volume 39 (July, 1951), p. 9.

or security. This Order was almost as violently criticized by the press as was the preceding one, and the President was urged by many news groups and individuals to rescind it. However, President Eisenhower insisted that "The Order represents the minimum protection necessary to the defense interests of the nation,"¹⁷ and it is (Executive Order 10501), in fact, the basis for our present classification system.

The Classification System

There seems to be a general impression in the minds of many people that the only decision required of a government official, be he military or civilian, when deciding on the appropriate security classification to be affixed to official information which requires safeguarding in the interests of the United States, is which "stamp" to pick up and use. This is hardly the case. "The use of a defense classification is authorized only for official information which requires protection in the interests of national defense. An individual who assigns or authorizes the assignment of a defense classification to information in

¹⁷President Dwight D. Eisenhower as quoted in Scott M. Cutlip and Allen H. Center, Effective Public Relations (New Jersey: Prentice-Hall, Inc., 1958), p. 355.

violation of this rule is subject to disciplinary action authorized by law or administrative regulations."¹⁸

The need for classification, the authority to classify, and the classification categories themselves require a closer examination than the cursory one usually given this subject. With reference to the need, Air Force Regulation 205-1, the "Bible" for Safeguarding Military Information, is specific. It says,

The interests of national defense require that the United States preserve its ability to protect itself against all hostile or destructive action. This includes protection against covert or overt action or espionage, as well as military action. It is thus essential that certain official information which affects the national defense be protected uniformly against unauthorized disclosure. It does not, however, authorize the withholding of information otherwise releasable on the grounds that its release might be embarrassing or might tend to reveal administrative error or inefficiency.¹⁹

This paragraph is in itself quite clear, particularly in its reference to the suppression of information that is not official information, or information that would not endanger national security. The specific categories of classification set up by the President's Executive Order are defined as follows, again in Air Force Regulation 205-1:

¹⁸Air Force Regulation 205-1, op. cit., p. 10.

¹⁹Ibid., p. 5.

Official information which requires protection in the interests of national defense will be limited to three categories . . . which in descending order of importance shall carry one of the following designations: TOP SECRET, SECRET, or CONFIDENTIAL.²⁰

To further elucidate each category of classified official information, Executive Order 10501 defines the TOP SECRET category as follows:

The use of classification TOP SECRET shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The TOP SECRET classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense.²¹

The SECRET category is defined thusly:

The use of the classification SECRET shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could result in serious damage to the Nation, such as by jeopardizing the international relations of the United States, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans,

²⁰ Ibid.

²¹ Ibid.

scientific or technological developments important to national defense, or information revealing important intelligence operations.²²

and the CONFIDENTIAL in this manner:

the use of the classification CONFIDENTIAL shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could be prejudicial to the defense interests of the Nation.²³

The authority to classify is spelled out in great detail in the regulations, with the primary or governing factor being the category of classification. For example, the authority for the original assignment of information to the Top Secret category is limited to officials who have broad responsibility for directing or supervising the development or origination of the types of information described in the definition of Top Secret matter. In effect, this authority to classify material Top Secret is limited to General Officers (and higher) only. ". . . only the following officials are authorized to assign an original classification of TOP SECRET to information: the Secretary, Under Secretary, and each Assistant Secretary of the AIR FORCE; the Chief of Staff and Vice Chief of Staff, USAF; each Deputy Chief of Staff, The Inspector General, Comptroller of the Air Force, Assistant Chief of Staff, Guided Missiles, and Assistant Chief of Staff,

²²Ibid., p. 6.

²³Ibid., p. 7.

Intelligence, Headquarters, USAF; and commanders of major air commands."²⁴

As the classification category becomes lower, the number of personnel authorized to classify increases. Add to this the other military departments and the civilian agencies of the government and we find thousands, if not tens of thousands of individual officers endowed with the authority to classify. Is there any doubt that the operation called classification is a complex one? I think not. It is complex, it is frustrating, it is not readily resolved, and it is necessary, I fear, for every responsible person knows that there are many security requirements in peacetime as well as during a war. I use the word "peacetime" in lieu of "cold war" only because it connotes the opposite of war. However, despite the complexity of our security system, we must continue to accept fully the democratic principle of the public's right to know compatible with genuine security requirements. James Wiggins, one of our foremost editors, put it very succinctly when he said,

Wise censorship by democratic definition ought to be a censorship that yields the most security with the least interference with the news. The military cannot have all the security it wishes without denying to the people the information they must

²⁴Ibid., p. 4.

support for an effective defense. The people cannot have all the information they would like to have without endangering security.²⁵

In our American democracy, the right to know is inherent in the people, and the government, having been granted the authority to withhold information in the public interest, bears the burden of proof of the need to know. This does not, in any way, alter its duty or obligation to safeguard information involving security, but will, in practice, strengthen the security system.

A Ray of Light

There have been, and will continue to be, many differences of opinion on the problem of freedom of information. Just recently, a House subcommittee on government information policies concluded that the change of administrations in Washington had eased the flow of news to a certain extent, but not enough. This incidentally, was prior to the October, 1962 Cuban crisis. Noting that innumerable government employees still classified secret a tremendous amount of information, ranging from the amount

²⁵James Wiggins, Freedom or Secrecy (New York: Oxford University Press, 1956), p. 12.

of water pumped into hams to data on missile tracking, the subcommittee concluded that the problem of secrecy in government is not a partisan one, but stems from the nature of bureaucracy as well as from the ever present influence of necessary military secrecy. Sigma Delta Chi, the professional journalism fraternity, came to very much the same conclusion and added that the Democrats, who so loudly criticized the Eisenhower information policies, now were behaving more gently while Republicans who previously were silent, are now vociferously demanding that the lid be taken off classified information.

Due in great part, I believe, to the perseverance of the Moss Committee (actually the Special Sub-Committee on Government Information, Representative John E. Moss, Chairman), much more, previously classified information, will be released under the new system which now downgrades most documents at regular time intervals, unless it is decided that the information must remain classified. If this is the case, a complicated procedure of re-classification must be initiated. The fastest a document normally may be made public under the new rules is three years, unless officials decide sooner that the information no longer is sensitive.

As is always the case, some examples of government secrecy defy any rational explanation. One such case

involved a well known scientist, professor, and scholar who wrote a secret report for the government and who, some five years later, was refused permission to read it over again because he lacked the proper clearance. The government can always expect a lot of help from the media in carrying out its responsibility to inform the public of its mistakes--and mistakes will be made in any operation of such tremendous impact--for stories such as these help to sell newspapers.

The Judgment Factor

While I feel that it is the duty and responsibility of the media to ferret out and publicize such discrepancies, this responsibility holds true for the good deeds as well as the bad. Precious little, if any, is ever written about the soul searching done by individual officers when faced with the decision of classifying a particular piece of information. I have been in this position often enough to be well aware of the fact that the right to know versus the need to know is a carefully weighed question, the answer to which does not come easily. As has been noted by one astute observer of government and government information practices,

In the administration of our written laws and executive directives and printed organizational

charts of Government agencies and their functions, the judgement factor is all important. . . . In the information field, with the complexities, and intangibles, it should not be surprising that there have been, or will be honest differences of the question of release or access to information. . . . Yet it is the individual in possession of the information who has the official responsibility for a decision.²⁶

It is quite evident, particularly in times like these, that a balance must be struck between freedom and security. We must find ways of achieving security with the minimum sacrifice of our hard won freedoms. As we weigh and balance our requirements and make the adaptations we feel are absolutely essential, we must bear in mind that our experience has always shown that free men are strong men. Perhaps the crux of the matter was well stated when it was written that ". . . regulations are not as important as is the wisdom exerted in their application,"²⁷ and ". . . it is one thing to have a theoretically sound system and quite another thing to make it operate

²⁶House of Representatives, Special Subcommittee on Government Information of the Committee on Government Operations, Replies from Federal Agencies to Questionnaire (Washington, D.C.: U.S. Government Printing Office, 1955), p. 116 as quoted in Bernard Rubin, "Secrecy, Security, and Traditions of Freedom of Information: Several Problem Areas," Toward Social Responsibility in Public Communications (Boston: Institute for Public Relations Studies, Fall, 1962), p. 169.

²⁷Bernard Rubin, op. cit., p. 169.

well in an enormous organization such as the Department of Defense."²⁸

The Conflict Continues

With the possible exception of the White House itself, I think it can be safely stated that the Pentagon is the source of more vital news, day in and day out, than any other agency of our government. Whether the nation is at peace or war, military activity affects the lives of millions of people in a decisive and intimate way--it affects their pocketbooks, their homes, their careers, and their future--it does, in fact, insure that there will be a future by maintaining the strongest military force in the world. It is, in other words, an immense center of legitimate news. However, the people responsible for releasing this news are constantly faced with the problem of balancing the Right to Know vs the Need to Know--this dilemma is perhaps best described in the following report of the Committee on Classified Information:

At the risk of stating a platitude, this country is far different from a dictatorship, and the impact of that difference is strong on the problem

²⁸Report of Committee on Classified Information, to Secretary of Defense, November 8, 1956. Charles A. Coolidge Chairman, p. 3.

of information security. Being a democracy, the government cannot cloak its operations in secrecy. Adequate information as to its activities must be given to its citizens or the foundations of its democracy will be eaten away. We find that the Department of Defense fully subscribes to these principles. On the other hand, our democracy can be destroyed in another way, namely, by giving a potential enemy such information as will enable him to conquer us by war. A balance must be struck between these two conflicting necessities.

In the Department of Defense there are peculiar factors which make the striking of the proper balance difficult. The Department spends roughly two-thirds of the national budget. At one time or another it directs the lives of millions of young men and women. And it is charged with planning for the survival of the nation in case of war. These considerations center public interest on its activities and weight the balance in favor of maximum disclosure. On the other hand, the activities of the Department are of the greatest interest to a potential enemy. He can profit from a disclosure of its activities to a far greater extent than disclosure of the activities of most of the other governmental departments. So the other side of the scales is heavily weighted. The result is that striking the proper balance is more important and more difficult than is the case with most of the other departments of the government.²⁹

The conflict over our information policy continues. One group insists that too much information of value to potential enemies is being released, while the other group mourns the withholding of information required by the public to intelligently meet its responsibility in a democracy.

²⁹Ibid., pp. 1-2.

In the "pro" group--those for increased security--it is charged that the damage done to our Nation by public information releases, leaks, trade journal stories, speeches, etc., greatly exceeds that done by spies and subversives.

The opposing camp charges that classification (or just withholding) is censoring history, blocking scientific progress, used as a cover for personal fear of embarrassment, preventing government from functioning properly, gagging high officials, and is a deliberate attempt to disseminate self-serving propaganda designed to garner public support, influence legislation, and so on.

One student of the problem offered a rather simple explanation--not, however, a solution. He said,

Conflict over information policy is an inevitable by-product of the democratic process. The point at which a proper balance is achieved between disclosure and secrecy will always be debated by groups with conflicting responsibilities and contrasting perspectives.³⁰

It is important to note that there are other dichotomies perhaps as significant as disclosure vis-a-vis secrecy to be considered in formulating an information policy. What might otherwise be considered just a "by-product of the democratic process," limited in scope and importance, takes

³⁰ Harry H. Ransom, Government Secrecy and National Security: An Analysis, Serial No. 123, Harvard University Defense Policy Seminar, January 6, 1958, p. 10.

on much larger dimensions when placed in perspective as a part of the continuing struggle between the forces of communism and freedom. These are not normal times. The danger presented by the Communist offensive should be well known to the reader. No responsible American would want to give "a potential enemy such information as will enable him to conquer us by war."

The consternation caused by the nature of the insidious Communist threat is illustrated by the innovations and improvisations in the structure of the Executive branch of our government that began shortly after World War II. A major legislative attempt to achieve political--military coordination and unity of effort was made with the enactment of the National Security Council and incorporated the three military services into a Department of Defense. The first effort to strike the proper balance, in spite of the peculiar factors that make such an equilibrium so difficult, came in October of 1947, when Secretary of Defense James Forrestal issued a memorandum, Subject: Public Relations of the National Military Establishment. While this did not create a single public relations office it did establish some coordination machinery between the services and the parent Department.

On March 17, 1949, the Office of Public Information in the Department of Defense was established. This was a

natural outgrowth of unification and was created in response to pressure from the press, the public and Congress.

A great many changes have taken place in what was originally called the Office of Public Information (OPI). Titles have been changed, new jobs have been created and old ones eliminated, personalities have come into the spotlight and faded out, and so on. The important changes, however, have been made above the old OPI on the Department of Defense formal organization chart.

As things stand now, all the rules, regulations, and guidance pertaining to the public affairs of the three services are laid down (in the name of the Secretary of Defense) by a civilian Assistant Secretary for Public Affairs. The incumbent is Mr. Arthur Sylvester, formerly the Washington Bureau Chief of the Newark News.

Civil-Military Relations

It is, I believe, quite clear that the military services are not free agents in the field of public information. Nor do I believe that they should be. This raises the broad question of the principal of civilian control over the military. I, for one, do not feel that there is any question in the mind of any military man that civilian control should not be supreme.

Because the military are never in a position of having to resolve a conflict between the orders of the Commander-in-Chief, and the Constitution, which it is sworn to uphold and defend, there will never be a challenge to civilian authority. The responsibility of insuring that Executive orders are not contrary to the Constitution, which the President has also sworn to uphold, is delegated to the Legislative branch of our government.

Those who "fear" the challenge of the military, to civilian supremacy, usually refer to the statement of President Eisenhower, in his final address as President, when he used the term, "military--industrial complex." However, President Eisenhower himself placed the matter in its correct perspective when he told a Senate Subcommittee that,

The entire Nation, including the armed services, insists that in our free system military influence must be kept within proper constitutional, legal, and administrative bounds. Moreover, as mentioned in my final address as President, we must watchfully mind the military--industrial complex, for it tends to generate powerful economic and political pressures beyond the anticipations even of the participants themselves. But these are matters of proportion and sensible national leadership, requiring the same kind of continuing oversight and perspective that other major power groupings in our society including business, labor, and government itself, require in the interest of keeping our system flexible, balanced, and free. In half a century of national service, I have yet to meet the American military

officer who viewed himself as a budding Napoleon, or even a Rasputin, and I suggest that it is worthy of note that in recent world history the three major dictators--Hitler, Mussolini, and Stalin--came from civilian life. This fact does not warrant a general indictment of civilian motivation any more than one or two military extremists might warrant the absurdity that all the military harbors political designs dangerous to our constitutional form of government.³¹

One General Edwin A. Walker (ex-General) does not constitute a serious threat to our form of government.

Former Secretary of Defense Robert A. Lovett, speaking of the topic at hand, stated:

Alarmist cries about the lack of civilian control over the military, in our Nation, deal with a strawman issue. They are concerned with a problem that does not really exist, and they are divisive and damaging by falsely implying that the military does not accept our historic tradition of civilian supremacy. Nothing could be more wrong. I have been with the military in three wars and have worked with them in other governmental capacities and I have never heard any military commander raise the slightest question at any time as to their subordination to civilian control.³²

Another former Secretary of Defense, Thomas S. Gates, along the same line, said almost the same thing in his statement:

Civilian control, in a historic sense, is not debatable. I have never heard it questioned.

³¹President Dwight D. Eisenhower as quoted in U.S. Senate, Military Cold War Education and Speech Review Policies, op. cit., p. 198.

³²Robert A. Lovett as quoted in Ibid., p. 199.

Military men respect it and believe in it . . .

No military man nor military group wants political control. I have no fear whatsoever in this regard. "The man on the white horse" is no more real than Don Quixote tilting at windmills and is a very foolish worry of some extremists. This will not and cannot happen under our system and it would never be accepted by responsible officers.³³

"The very nature of civil-military relations in the United States, and the fact that civilian supremacy does prevail, places certain responsibilities on those civilians above the military. Admiral Arthur W. Radford (USN, retired) pointed out one particular facet of civilian responsibility which has been somewhat neglected."³⁴ He said,

The citizens of our great country are today fortunate in having military services without a peer in the world. Their morale has been high, and I believe it still is. On the other hand, it can be quickly and radically lowered by attacks such as we have witnessed in the recent past. Civilian leadership in the Defense Department has both the responsibility and the opportunity to exercise its authority in defense of active duty military personnel who cannot publicly defend themselves against unwarranted and unjust civilian attacks.³⁵

This last point is extremely well taken. An example of the type of attack that Admiral Radford mentioned is pointed out in the Air University Quarterly Review (Fall,

³³Thomas S. Gates as quoted in Ibid.

³⁴Senator Strom Thurmond, Ibid., p. 201.

³⁵Admiral Arthur W. Radford (USN, retired) as quoted in Ibid.

1961). Speaking of the numerous criticisms in influential publications, the Review said, "One writer put it this way: "The path to these heights of power and influence is cleared for the military and its industrial allies by a public relations establishment that has no equal in American public or private life. The establishment uses the press, television, movies, comic strips, civil organizations, veterans groups, schools and troops to sell the military point of view to the American people. . . . The channels of communications are manipulated each day with taxpayers' money to implant the general military view of life on the American people."

Because the military services are not free agents and are, in fact, subordinate elements of the Department of Defense, the Department should speak out in their defense. The military are the instruments of national policy, not the formulators. The distinction is vital. Once a decision has been made by the properly constituted authorities, the military has the obligation to support it loyally without public dissent. This does not mean that the military should be (or is) "gagged." Not in the least. In the interest of the Nation, advice should be accepted, even solicited before policy concerning the military is formulated. The evidence seems to indicate that this is not necessarily the case.

For example, just recently a magazine article entitled "The McNamara Monarchy," took the Secretary of Defense to task for his "one-man Pentagon rule."

The Washington Post, on March 13, 1963, reported that the Secretary promised the House Armed Service Committee, he will ease up and let others make some of the decisions.

The Post went on to say that "Representative Leslie C. Arends (Ill.) GOP whip and ranking Republican on the Committee, took the floor yesterday to charge that McNamara, in fact if not in name, had set himself up as a single chief of staff for all the armed forces. He accused the Secretary of substituting "civilian judgment in matters strictly military" and overruling the Joint Chiefs of Staff. . . ."36

A Constitutional Conflict

The basic issue involved in these attacks on the Secretary of Defense is a constitutional one of the utmost importance. Mr. McNamara is the symbol of the Presidency. The Congress itself, when it created the Department of

³⁶John G. Norris, "One-Man Pentagon Rule Disclaimed," The Washington Post, March 13, 1963.

Defense by the National Security Act of 1947, declared that it is established "as an Executive Department of the Government."

Our Constitution divides military power in a manner similar to the way it divides other powers. "In spite of some public discussion and rather tortured logic by some uninformed persons, the entire history of our Government establishes clearly and beyond successful challenge that the military has been, is now and should be subject to day-by-day supervision, control management, and administration by civilian authority in the executive branch of the Government with all lines of responsibility leading up to the President in his constitutional role as Commander-in-Chief of the Armed Forces. It distorts the entire system of checks and balances and the very basis of our system of government to suggest, as some have, that Congress rather than the Chief Executive has primary authority and responsibility in this field."³⁷

Under these circumstances, Congress and the Executive are, to a certain degree, natural antagonists, each striving to extend its power at the expense of the other.

³⁷U.S. Senate, Military Cold War Education and Speech Review Policies, op. cit., p. 10.

But, the terms of the struggle have recently undergone a radical change.

Congress was given its share of military authority in the beginning as a check against presidential use of his authority to oppress the people. The dangers of a military dictatorship were to be countered by enabling Congress to refuse funds for too powerful a military establishment. Today, however, the pressure for a constantly expanding military establishment comes more from Congress than the President.

This is clearly seen in the current controversies over manned bombers vs. missiles, the award of contracts for an all-service aircraft (TFX), and the debate on strategic bomber-reconnaissance aircraft development (RS-70).

The Secretary of Defense has, on occasion, decided against the advice of the Joint Chiefs of Staff. The wisdom of his decisions remain for history to decide. The past has shown that the professional personnel of the armed services usually have greater knowledge and experience in making technical decisions in their area than any political appointee. However, if the final authority over both technical and policy matters is lodged in Congress rather than in the Executive branch, the real power will be held by the Joint Chiefs of Staff. This, in itself,

would be a violation of the principle of civilian control, which we have discussed.

Although it is not to be found in writing anywhere, the "military" frequently serve as the ball in a tennis game in which the opposing sides are the Congress and local, selfish constituents on the one side and the Executive branch on the other.

"The greatest single task of an efficient Secretary of Defense is to taper off production of weapons and weapons systems as they become obsolescent and to stop building them as soon as they become obsolete.

Nothing has been said, despite the sudden spate of criticism, to shake faith in the judgment and competence of Mr. McNamara, and the Nation desperately needs such ability as his."³⁸

There are many reasons why the final authority should not be vested in Congress. Not only would it be a violation of the principle of civilian control (since the JCS would, in effect, have control), but the dangers of local pressure, that exist in a Congress whose members represent no national constituency, would increase tremendously. This point of view was well summed up by the late

³⁸"Mr. McNamara's Ordeal," Christian Science Monitor, March 19, 1963, p. 21.

Fleet Admiral Ernest J. King. In his thesis "The Influence of National Policy on the Strategy of War" written at the Naval War College in November of 1932, he said,

Too much, by far, do representatives depend for their re-election upon the real benefits procured for their districts, thus leading to the scrutiny of national expenditures from the point of view not of the good of the whole, nor even the greatest good for the greatest number, but rather of the individual, whether voter or official.³⁹

Perhaps the solution to this facet of the problem, if, indeed, there is a solution, is in electing honest, dedicated, impartial, and informed representatives that will have the interests of the Nation uppermost in their minds--not just the interest of their state or local district.

As is true of most of the crucial decisions in a democracy--at least those that ultimately affect the Nation as a whole--the decision must be made by the highest authority in the Nation--the electorate.

The Dangers--and Alternatives

Which brings us directly back to the problem of freedom of information in our democracy. Being a democracy,

³⁹Fleet Admiral Ernest J. King, "The Influence of National Policy on the Strategy of a War," Thesis, Naval War College, Norfolk, Va., November, 1932, as quoted in "Behind TFX Case," The New York Times, Western Edition, March 21, 1963.

the government must disseminate adequate information to the electorate. "It is obvious that the basis for decision is information, and if vital information is withheld, no amount of popular scrutiny can determine the facts involved."⁴⁰ Without the "facts involved," the electorate cannot make the correct decisions and we can "kiss" our form of government goodbye.

On the other hand, if we give out such information as to enable an enemy to conquer us by force, we can watch it go up in smoke.

The alternative is the striking of the proper balance between the dissemination of that information necessary to retain our democratic system of government and the withholding of such official information as is required to maintain our freedom.

We cannot, however, in attempting to balance the Right to Know vs. the Need to Know, condone any official withholding of information that is not in the interest of the entire Nation, or resort to the tactics of a totalitarian state where the official declaration that "government generated news is a weapon" might be accepted--it is not and will not be accepted in this country.

⁴⁰Bernard Rubin, Public Relations and the Empire State, op. cit., p. 67.

CHAPTER III

MANAGING THE NEWS

News Weaponry

Arthur Krock, a long time columnist of The New York Times, in an article written for Fortune magazine (March, 1963) said,

In my professional lexicon, active management of the news by Government consists of attempts by any official unit or individual in an area of authority to influence the presentation of news. This can be done by suppression, concealment, distortion, and false weighting of the facts to which the public is entitled (this excludes the areas in which national security is plainly or potentially involved). It can be done through threats, or implications of threats, of shutting off legitimate sources of information to reporters who have dug out facts whose publication embarrasses Government for personal, policy, or political reasons. . . .¹

As is obvious even to a casual observer, there is a great deal of talk about news management in the government these days. However, a brief glimpse into history will reveal that almost every administration has tried to manage the news to a certain extent. While it is true, I believe,

¹Arthur Krock, "Mr. Kennedy's Management of the News," Fortune, Volume LXVII, No. 3 (March, 1963), p. 82.

that the present administration has deliberately sought to magnify each of its accomplishments and minimize its shortcomings, the same is true of virtually every administration and government in history--it is, indeed, a political fact of life.

In an amusing albeit apropos article, Art Buchwald said,

We found an old transcript the other day of a press briefing between Abraham Lincoln's press secretary and White House reporters, which show that even in those days attempts were made to bottle up vital news of interest to the public. Here are excerpts from it:

QUESTION: Mr. Nicolay, yesterday the President gave a speech at Gettysburg, and he started it out by saying, "Four score and seven years ago our fathers brought forth on this continent a new nation." Sir, would you mind telling us the names of the fathers he was referring to?

SECRETARY: I'm sorry, gentlemen. I can't reveal the names at this time.

QUESTION: The Saturday Evening Post, which is published in Philadelphia, said he was referring to Washington, Jefferson, and Franklin.

SECRETARY: That's just conjecture. The President is not responsible for everything written by his friends.

QUESTION: The President said yesterday in the same speech that the country was engaged in a great civil war, testing whether that nation or any nation so conceived and so dedicated can long endure. He didn't say how he intended to win the war. Does this mean he has a no-win policy?

SECRETARY: The President in his speech was only concerned with the battle of Gettysburg, which

incidentally we won. The Department of War will give you full details on other battles.

QUESTION: The department refuses to give us any information. We don't know how many troops were used at Gettysburg, who commanded them, or how many casualties there were. All we were given were some poor photos of Confederate gun emplacements. How can we be sure the Confederates still don't have artillery hidden in the hills around Gettysburg?

SECRETARY: We have constant surveillance of the hills. To the best of our knowledge all Southern artillery pieces have been removed.

QUESTION: What about Confederate troops? There are an estimated 17,000 in the area.

SECRETARY: We have the South's promise they will be removed in due course.

QUESTION: Mr. Secretary, why didn't Mrs. Lincoln go with the President to Gettysburg?

SECRETARY: Mrs. Lincoln feels that her place is at home with her children. But she did send a telegram.

QUESTION: In talking about the government of the people, for the people, and by the people, did the President have any particular group in mind?

SECRETARY: Not to my knowledge, gentlemen. But I'll check it out just to make sure.

QUESTION: Mr. Secretary, the President in his speech yesterday indicated he intended to manage the news.

SECRETARY: How did he do that?

QUESTION: He said in the same speech, "The world will little note nor long remember what was said here." It seems to me in this phrase he was intimidating the newspapermen who were there.

SECRETARY: I don't think you have to interpret the speech in that manner. The President's remarks,

written on an envelope, were off the cuff, and he felt there was no reason to be quoted. An official version of his speech will be made available to the press in due time, as soon as the President has a chance to go over it again.²

Unfortunately, there are many--too many--examples of news management and suppression in our history.

In the summer of 1947 Lt. General Albert C. Wedemyer was sent to the Orient to analyze the situation in China for the government and, since we were not at war, presumably for the people as well. What he found, and reported, was bad news from the standpoint of the administration then in power, and it was not given to the public.

General Wedemyer did in fact, foresee the collapse of the Chiang Kai-shek Government. The news that was managed--or more correctly, suppressed--in October, 1947 was prophetically worded as follows:

Continued deterioration of the situation (in China) may result in establishment of a Soviet satellite in Manchuria and ultimately in a communist-dominated China, which would be inimicable to the United States' interests.³

Surely it would have been better for this report to have been publicly aired--perhaps if it was, the Government of

²Art Buchwald, "Lincoln Managed the News," The Boston Sunday Globe, March 3, 1963.

³Kent Cooper, The Right to Know, op. cit, p. 280.

the Republic of China, the Chinese Government that we now recognize, would not be confined to an island a mere 230 miles long by 90 miles wide (Taiwan).

The problem, assuredly, is not new. Herbert Brucker said, "In the twenty-four centuries since the republic of Rome gave them their name, censors have sought to regulate an amazing range of human conduct. Even today, in this land of freedom there is considerable . . . censorship. . . ."4

Carrying the practice back as far as we dare, James Reston of The New York Times suggests that it (news management) goes back to the Garden of Eden. "Adam and Eve managed the news to brighten their own images. The apple was a distortion; she tempted him with something else."5

Some of the more recent examples of the way news is "managed," reflect the awareness of the present administration of the importance of the mass media--particularly television. To date, the President has utilized "live" television for 31 of his 53 press conferences. Former Presidents Truman and Eisenhower, the first to have access to full scale television if they desired to use it, did not make

⁴Herbert Brucker, Freedom of Information, op. cit., p. 169.

⁵"How Much Management of the News?" Newsweek, Volume XXI, No. 14 (April 8, 1963), p. 59.

comparable use of this medium.

Franklin D. Roosevelt was the first President to put any stress on news management. It is said that he "charmed" many newspapermen. His news conferences were masterfully handled and he had a unique grasp of how public opinion could be "manipulated." Radio was put to wide and extensive use by President Roosevelt and, via the air waves, he "sold" the New Deal.

President Kennedy follows more in the footsteps of Roosevelt than any of his other predecessors, and he has a great deal more power and technical assistance available to him. Beside the "live" TV news conferences, the President has appeared on TV (starting with the debates with Richard Nixon) on innumerable occasions encompassing such events as the State of the Union Message, the Cuban Crisis, his visit to Strategic Air Command (SAC) Headquarters, political rallies, and so on.

If the vehicle that carried the New Deal forward was the radio, it follows that the New Frontier is being carried forward by television--or rather by skillful use of it--as well as of all the media.

A glimpse at some of the current crop of controversies concerning managed news illustrates the wide range of subjects that the Administration is accused of controlling,

manipulating, or suppressing.

In the abortive Bay of Pigs invasion of Cuba, it seems as though every stratagem, including even that of false information, was used to cover up the extent of American involvement. Only recently did the American people learn that some American pilots were killed during the April, 1961 attack. Officially, these pilots were "volunteers"--not members of the U.S. Air Force, CIA, or any other government agency. An official investigation and subsequent report on the invasion has never been released to the public. Selected parts of a congressional investigation were "leaked" to the people when they helped create an impression that was favorable to the Administration. A full two years after the event, charges and counter-charges are still being made--the latest by Dr. José Miro Cardona, president of the Cuban Revolutionary Council, who accused the United States of backing down on promises to act against Cuba.

On October 31, 1962, just six days prior to the Congressional elections, a report was issued by the Labor Department stating that "over 4,500,000 more Americans have jobs than when this Administration took office in January of 1961." This was "news" to support the Administration. However, after the election, official

statistics showed that the 4.5 million figure had not been adjusted to take into account normal seasonal differences in employment between the months of January and October. In other words, the figure exaggerated by about three million the number of jobs the Administration could rightly claim credit for.

There are numerous other examples that could be cited as indicative of the trend to "manage" news. Briefly stated, there was the Steel Price Crisis of April, 1962, the Stevenson (Adlai) "Leak" Affair, the Skybolt Missile disagreement, the Canadian episode, and so on.

However, it was the Cuban crisis of October, 1962 that brought the "management of news" controversy to a head. "If there had been no Cuban crisis, there would be no information crisis, or at least none of the present magnitude."⁶

Certain Axioms Reaffirmed

Before examining the allegation, it is important, I think, to reaffirm certain axioms:

First, in a democracy such as ours, the press is vital as the "fourth branch" of government to ascertain

⁶Ibid., p. 60.

that any deceptions, suppressions, or half-truths are disclosed, so that a correction can be made.

Second, the press cannot adequately accomplish this task unless it has free access to the news--not to classified information. The freedom of the press guaranteed by the Constitution makes it mandatory, in my opinion, that the press ferret out the news. The dilemma at this point seems to have more horns than the proverbial two. "Suppression of the news (by the Government) . . . is discordant with the theory of democracy,"⁷ yet the Government has the obligation to withhold information of value to an enemy--on the other hand it has been said that "if the press devoted the energy to covering the news that it devotes to bellyaching about freedom of information, the public would be much better informed."⁸

Continuing with the axioms, we must never lose sight of the fact that these are not "normal" times. We are engaged in a Cold War, which even though not declared, is as extensive and crucial (if not more so) than any war in our history. As has been so well observed previously,

⁷Kent Cooper, op. cit., p. 281.

⁸Newbold Noyes, Jr., as quoted in "How Much Management of the News?" Newsweek, op. cit., p. 63.

this war is waged in every conceivable way--politically, economically, militarily, and through propaganda.

Although these are, admittedly, not normal times, the increasing complexity of events, the need for interpretation of events rather than just raw facts, and the requirement for national understanding make it absolutely necessary that the flow of information be as free as possible. Governmental censorship is one thing, and the deliberate falsification of facts by government is another. A New York Times editorial of May 10, 1961, insists that free government demands an informed people and that official falsehoods are ethically unacceptable, foolish, and incompatible with the precepts and requirements of free governments. "A democracy--our democracy--cannot be lied to."⁹

In the light of these axioms, the questions that require examination are: Has there, in fact, been management and censorship of the news? And are such actions justified?

The Cuban Crisis

Inasmuch as it was the Cuban (1962) crisis that brought the debate to its "present magnitude," the facts

⁹"The Right Not To Be Lied To," The New York Times, May 10, 1961, p. 44.

of that episode and the aftermath need to be looked at clearly and carefully.¹⁰

Ever since January 7, 1959, when the United States recognized the new revolutionary Cuban Government, U.S.-Cuban relations have continued to deteriorate. On January 3, 1961, after almost two full years of Fidel Castro's anti-American and pro-Communist maneuvers, the United States terminated diplomatic relations with Cuba.

Although the shipment of Communist arms to Cuba had been going on steadily for some time, the Soviet Union announced early in September, 1962 that it had agreed to send further military equipment and supplies. In addition, the regime in Cuba simultaneously announced that any invasion of the island would endanger world peace. These pronouncements precipitated the crisis and brought forth the following statement by President Kennedy at a press conference on September 13, 1962:

There has been a great deal of talk on the situation in Cuba in recent days both in the Communist camp and in our own, and I would like to take this opportunity to set the matter in perspective.

In the first place, it is Mr. Castro and his supporters who are in trouble. In the last year, his regime has been increasingly isolated from this hemisphere.

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¹⁰See Appendix A, p. 109, for a detailed chronological review of major developments leading up to the Cuban crisis of 1962.

Ever since Communism moved into Cuba in 1958, Soviet technical and military personnel have moved steadily onto the island in increasing numbers at the invitation of the Cuban government.

Now that movement has been increased. It is under our most careful surveillance. But I will repeat the conclusion that I reported last week, that these new shipments do not constitute a serious threat to any other part of this hemisphere.

But let me make this clear once again: If at any time the Communist build-up in Cuba were to endanger or interfere with our security in any way, including our base at Guantanamo, our passage to the Panama Canal, our missile and space activities at Cape Canaveral, or the lives of American citizens in this country, or if Cuba should ever attempt to export its aggressive purposes by force or the threat of force against any nation in this hemisphere, or become an offensive military base of significant capacity for the Soviet Union, then this country will do whatever must be done to protect its own security and that of its allies.

We shall continue to work with Cuban refugee leaders who are dedicated as we are to that nation's future return to freedom. We shall continue to keep the American people and the Congress fully informed. We shall increase our surveillance of the whole Caribbean area. We shall neither initiate nor permit aggression in this hemisphere.

This seemed to set the stage for the "really big show" of October, 1962. Exactly one week following the President's statement, and after considerable debate in both the U.S. House of Representatives and the Senate, a joint resolution (230) was approved by the Senate by a vote of 87 to 1. On September 26 the House approved the resolution by a vote of 384 to 7. This resolution cited the Monroe Doctrine (1823), the Rio Treaty (1947), and the

declaration by the Foreign Ministers of the Organization of American States (January, 1962) as more than sufficient authority for remedial action, if deemed necessary. It was:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined--

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

During the crisis itself it was alleged that the press was deceived in these respects: that in the week preceding October 22, 1962 it was told the Pentagon had no information indicating that offensive missiles had been placed by the Russians in Cuba; that it had been misled about the movement of troops; that the President's "cold," given as the reason for his return to Washington, did not, in fact, exist.

What had been happening in that fateful week? On Monday, October 15, the government had its first reports on the aerial surveys which eventually confirmed the presence of Soviet missiles in Cuba; on Thursday, the President met with Andrei Gromyko, who did not mention the weapons; on Friday additional evidence was gathered that confirmed the

fact that offensive weapons were, indeed, being installed in Cuba by the Soviet Union; on Saturday and Sunday the President conferred almost continuously with the National Security Council and various aides to determine a course of action; on Monday, October 22, 1962, the confrontation took place when President Kennedy addressed the Nation on the Cuban situation. Commenting on the missile sites in Cuba and the danger the missiles present to the security of the United States and the Western Hemisphere, the President said that he had ordered a "quarantine" on all such offensive weapons for Cuba and insisted that the Soviet Union remove the missiles.¹¹

This so-called management of the news on Cuba was followed by several other actions and comments that have added to the complex of accusation. On October 27, a Defense Department memorandum outlining procedures for dealing with media representatives was issued.

The substance of each interview and telephone conversation with a media representative will be reported to the appropriate Public Information Office before the close of business that day. A report need not be made if a representative of the public information office is present at the interview.

¹¹See Appendix B, p. 116, for the full text of President John F. Kennedy's Report to the People, October 22, 1962.

Four days later the State Department issued a directive to its personnel to the same affect.

Hence the Hue and Cry

On October 30 Arthur Sylvester, the Assistant Secretary of Defense for Public Affairs said that the handling of Government news in the Cuban crisis was a "part of the arsenal of weaponry" available to the President.

The following statement by Mr. Sylvester is, I believe, the virus that has caused the recent outbreak of news management charges:

News generated by actions of the Government as to content and timing are part of the arsenal of weaponry that the President has in the application of military force and related forces to the solution of political problems, or to the application of international political pressure. In the kind of world we live in the generation of news by actions taken by the Government becomes one weapon in a strained situation. The results, in my opinion, justify the methods we used.¹²

Out of these actions and pronouncements came the indictments--and the hue and cry heard throughout the Nation.

A very small sampling of the editorial comment (following Sylvester's comment) across the country is indicative of the fact that most editors and newsmen felt

¹²Statement by Arthur Sylvester, October 30, 1962.

there was indeed "management of the news." For example,
The New York Times (October 31, 1962) said,

Arthur Sylvester . . . frankly admitted the government had managed, controlled and dammed up the flow of news about the Cuban crisis, and he indicates it expected to continue to do so.
 . . . to attempt to manage the news so that a free press should speak (in Sylvester's words) in "one voice to your adversary" could be far more dangerous to the cause of freedom than the free play of dissent. . . .

The Washington Post (November 1, 1962) continued in the same vein with,

The acknowledgment by . . . Sylvester that the government used its power to control information about the Cuban situation not only to safeguard the military security of the country, but to further national policy, will alarm and distress many people.
 . . . Sylvester combined the functions of propaganda, censorship and military control of the news.
 . . . in any crisis hereafter, citizens will wonder if they are being told the truth or what the government thinks will favorably influence events.

The Baltimore Sun (November 1, 1962) headed an editorial "New Censor Rules Recall Goebbels." "Pentagon Censorship," was the label applied by the Dallas Morning News (November 2, 1962) while the Tulsa Daily World (November 2, 1962) proclaimed, "News Control Sets Dangerous Pattern." The Washington Evening Star (October 31, 1962) summed it up quite succinctly when it said,

Mr. Sylvester is to be commended for his frankness, at least. But he has let an ugly cat out of the bag.
 . . . The "kind of world we live in" seems now to be a world in which the truth given the American

people of what happened is that part of the truth selected by officialdom to piece together a desirable image. That image may be a distortion, the inevitable result of an attempt to use the press and its news as instruments of national policy.

One may hope that having tasted the fruits of a use of power more readily identified with the Soviet Union, with Hitler, Mussolini and a long string of new if lesser dictators than with our own country, those in high places will now realize that this fruit is poison and discard it before an antidote becomes necessary.

On November 27 the State Department rescinded its directive requiring reports on contacts with newsmen, after protests from the correspondents covering the Department. The Pentagon directive, however, has not been rescinded--but it is not now being observed as rigidly as when it was issued.

The Right to Lie?

There is, it seems to me, more than one way to look at the managing of the news controversy. I do not contend for a moment that our Government has the "inherent right to lie to save itself when faced with nuclear disaster,"¹³ as Mr. Sylvester has so unwisely put it. If it is inherently right for the Government to lie and for the news media to propagate the Government's lies, then it

¹³Ibid., December 6, 1962.

naturally follows that it must be unpatriotic to challenge those lies. It would be unpatriotic to challenge the word of the Government during a crisis, for obviously that would endanger the Nation. Moreover, it would be "wrong" to speak up after the crisis, because the next time the Government issued a lie, it would not be believed. Following this line of reasoning then, anyone who speaks the truth, as opposed to the official lie, is a traitor, for he is jeopardizing the survival of the Nation.

On the other side of the coin, the Government is re-quired to suppress certain information. As Mr. Sylvester said in testimony to the House Subcommittee on Government Information (on March 25, 1962), ". . . in times of crisis information which ordinarily would be made available to our citizens must temporarily be withheld in order to deny it to our enemies."¹⁴

Mr. Sylvester, answering charges of "news management" also said "It is my belief that truthful, factual information must be the basis for the U.S. Government's information program in relation to the American people. And that is the policy that has been followed in the Defense

¹⁴Arthur Sylvester, Statement Before the Foreign Operations and Government Information Subcommittee, March 25, 1963 (mimeographed), p. 2.

Department since I became Assistant Secretary of Defense for Public Affairs with, of course, due concern for national security and in the case of the Cuban crisis, the lives of American military personnel."¹⁵

Both Arthur Sylvester and Robert J. Manning, the Assistant Secretary of State for Public Affairs, appearing before the House Subcommittee (previously cited) agreed that the flow of news sometimes has to be slowed in the interests of national security. Mr. Sylvester said,

. . . when we look at the Cuban situation in perspective, we see that for reasons of national survival some information about our defensive actions was temporarily withheld so that our Government could act without giving advance notice to our adversaries. But as soon after the event as the decision could be safely taken, the full story was told.¹⁶

Mr. Manning, obviously in less "hot water" than Mr. Sylvester said, "the State Department is as wide open as Yankee Stadium, and the admission is free." In a more serious moment, Mr. Manning said that under certain circumstances the Government required an interlude of secrecy in which to conduct certain delicate negotiations or to

¹⁵Ibid.

¹⁶Ibid., p. 13.

perfect certain policies. Premature disclosure would have the same effect, he added, "as it does on photographic film." Opposing this, he said, is the right of the public in a democratic society to be fully informed about the policies of its Government.

One statement that seems to sum up a lot that has been said about managing the news was made by Mr. Sylvester to the Subcommittee. He said,

A free press and an enlightened people are essential to the very existence of our democratic form of Government. . . . The necessity for enlightenment of our people [the Right to Know] is tempered by the necessity to preserve our Government and to protect the people [the Need to Know].¹⁷

Two Kinds of News or Information

It is of the utmost importance in this discussion to differentiate between two kinds of news (or information) involved in the debate. First there is the news of secret operations or secret negotiations--the kind of covert (or black) warfare which we normally associate with the Communists. However, we also resort to such activities in the necessity of fighting fire with fire and propaganda with propaganda. As a former Secretary of State said, in

¹⁷ Ibid., pp. 1-2. Comments in bracket mine.

discussing the responsibility of the United States to secure information we must have for protection against a sneak attack:

The Government of the United States would be derelict to its responsibility not only to the American people, but to free peoples everywhere if it did not, in the absence of Soviet cooperation, take such measures as are possible unilaterally to lessen and overcome this danger of surprise attack. . . the President [Eisenhower] has put into effect since the beginning of his Administration directives to gather by every possible means the information required to protect the United States and the Free World. . . .¹⁸

The second kind of news or information that is involved is that kind which may place the government in an unfavorable light, but which is nevertheless information that should be made known.

These two types of information or news should not be confused.

Returning to the first category of information, there is no doubt that "the right of a free people to know what is being done in its name is in open conflict with the necessity for secret operations."¹⁹ Keeping in mind the responsibility of a free press, I am compelled to ask,

¹⁸Secretary of State Christian A. Herter, Statement for the Press, issued by Lincoln White, 9 May 1962, the White House. Emphasis mine.

¹⁹Murray Dyer, The Weapon on the Wall (Baltimore: The Johns Hopkins Press, 1959), p. 180.

what would the critics have done in the Cuban crisis?

It seems rather strange to me that the majority of the newspapers (and newsmen) which praised the President for bringing the Soviet Union to heel (in Cuba anyway), then proceeded to criticize him for the way in which he performed the deed.

Mr. John Colburn, Chairman of the Committee on Freedom of Information of the American Society of Newspaper Editors said in a report, that news (in the course of the Cuban crisis) was generated by government actions to implement a government propaganda policy and that there has developed within the administration a concept that the United States must speak with "one voice" in times of crisis.

Would the critics have had the President reveal his suspicions about the missile sites prior to photographic confirmation? Would they have had the confirming photographs published, and the proposal to confront the Russians discussed publicly? There is no doubt that such a procedure would have enabled the Communists to take the steps necessary to deny the accusation and certainly would have removed the element of surprise which was so important psychologically. It seems evident that the end (the backing down of Khrushchev) could hardly have been achieved

without the means employed.

Mr. Clark Mollenhoff (Washington correspondent for the Cowles papers) has had a great deal to say about news management and calls such action "self-serving." Is Mr. Mollenhoff, along with the other critics (such as Arthur Krock, New York Times; Hanson W. Baldwin, New York Times; Mark S. Watson, Baltimore Sun, etc.) saying that the government should not engage in propaganda--in the good sense of the word--and that the President was motivated by personal (or party) interests rather than the national interest? I do not think that this is their intent.

It seems then that some of the excitement about managed news, at least with respect to the first, or secret, category of news is unjustified. Since we must, of necessity, continue to engage in covert operations, they must remain secret. We must put a certain amount of faith in the President and depend on him to decide how much news of this kind will be released. Only he has access to all the facts and I feel sure that he is aware of the premise that covert operations "must accept as their first and basic rule of operation the position that any decision to undertake a particular piece of work, in secret, must be subjected to the test of whether, if it becomes known, the damage it will do to our acknowledged aims, openly stated,

will do more harm than is acceptable if we are still to maintain that we are an honorable and ethical people."²⁰

As for the charge that the government spoke "with one voice," it is well to remember that this was not a suggestion that the Nation speak with one voice at all times. The statement was only that in times of crisis one official or one branch of the Government should not contradict what another was saying, and, most importantly, what the President was saying.

Conflicting Statements

An excellent example of "many voices" in a time of crisis, and the chaotic result, is the aftermath of the U-2 affair of May, 1960. The fact that a U.S. plane had been shot down was first announced by Soviet Premier Khrushchev on May 5, 1960 (although the aircraft was missing since May 1st). For two days following this announcement, the American Government loudly insisted that the aircraft was a weather observation plane that had accidentally violated Soviet air space when it crossed the Turkish-Soviet border due to a failure in the plane's oxygen equipment.

²⁰Ibid., p. 175.

Statements were issued by the White House, the State Department, and the National Aeronautics and Space Administration (NASA), and were confusing if not contradictory. In retrospect, it can be said that some of the statements made were not too clever. Consider for a moment, the ridicule with which we might greet a Soviet statement that a Russian aircraft had "accidentally" violated American airspace--if the aircraft was over Salt Lake City, Utah, a comparable geographical analogy to Sverdlovsk, U.S.S.R., where the U-2 was shot down.

"Comrades," said Nikita Khrushchev as he addressed the Supreme Soviet on May 7th, "I must let you in on a secret. When I made my report (original report on the U-2, May 5th), I deliberately refrained from mentioning that the pilot was alive and healthy, and that we had the remnants of the plane. We did this deliberately, because had we given out the whole story, the Americans would have thought up another version."²¹

Khrushchev had set the trap well. Our Government was forced into a rapid about-face, caught, as it were, with our pants down. The statement that was issued to the

²¹David Wise and Thomas Ross, The U-2 Affair (New York: Bantam Books, 1962), p. 65.

press of May 7, 1960, said,

The Department has received the text of Mr. Khrushchev's further remarks about the unarmed plane which is reported to have been shot down in the Soviet Union. As previously announced, it was known that a U-2 plane was missing. As a result of the inquiry ordered by the President, it has been established that insofar as the authorities in Washington are concerned, there was no authorization for any such flight.

Nevertheless it appears that in endeavoring to obtain information now concealed behind the Iron Curtain, a flight over Soviet territory was probably undertaken by an unarmed civilian U-2 plane. . . .

One of the things creating tension in the world today is apprehension over surprise attack with weapons of mass destruction. . . . It is in relation to the danger of surprise attack that planes of the type of unarmed civilian U-2 aircraft have made flights along the frontiers of the Free World for the past four years.²²

It seems painfully obvious that the United States did not have one good plan ready in the event the Soviets did capture the pilot of a U-2, alive. To anyone who studies the conflicting statements issued to the press, it will be apparent that no decision (in advance) was made whether we would or would not admit the overflights. In effect, we admitted everything, but in a hazy sort of a way.

The last of the statements issued with regard to the U-2 affair was released on May 9, 1960, one week prior to the Paris Summit Conference that all the world hoped

²²Ibid., pp. 73-74.

would bring some small measure of thaw to the Cold War. The new statement admitted that we had been engaged in aerial spying for years, including overflights of Russia, and that the President was aware of these flights. It blamed the Soviet Union for making these flights necessary and left the strong implication that they might continue. The failure of the Summit Conference is written in the history books. A testimonial, perhaps, to "many voices" during a crisis.

News or information in the second category--the kind which may place the government in an unfavorable light and is suppressed in an effort to shield officials from criticism--is entirely different in character and should be treated in an entirely different manner.

This is the type of news that can so readily be managed. "The goal is to get the public to have those viewpoints and selected facts that are in tune with the objectives of the individuals and party in power."²³

Here the warnings of Messrs. Krock, Baldwin, Mollenhoff, Watson, Colburn, et al., must be carefully heeded. There is always, in critical times like these a necessity for classifying certain information. It is in these areas

²³"How News is 'Managed' by Officials in Washington," U.S. News and World Report, Volume LIV, No. 15 (April 15, 1963), p. 38.

that there must be close examination by the government of what is being withheld and a full alertness on the part of the press in ferreting out any unjustified concealment. There must be, above all, the closest possible adherence to the fundamental principle of freedom of the press. "Any official withholding of news from the public is an outright denial of the theory of democracy. The people cannot rule unless they have the facts upon which to base their judgements."²⁴ The people would not want the facts on properly classified information knowing that publication of such facts would aid only the enemy.

A Balanced View is Required

The New York Times (October 31, 1962), summed up the requirement for a balanced view with the following:

There is no doubt that "management" or "control" of the news is censorship described by a sweeter term. There is no doubt that it restricts the people's right to know. There is no doubt that public positions upon great national issues cannot be intelligently formed unless the facts are available. There is no doubt that a democratic government cannot work if news of and about the government is long suppressed or managed or manipulated or controlled.

There is also no doubt that in time of crisis a sense of responsibility and restraint on the part of

²⁴"Pentagon Censorship," Dallas Morning News, November 2, 1962.

all public information media is imperative. The withholding by voluntary restrictions or, in time of war by censorship, of certain types of military and security information is imperative.²⁵

The critical phrase here is "withholding by voluntary restrictions." Surely the Times does not propose to leave it up to the newsman to decide what security information will be printed and what not printed. As the President asked at his press conference on November 20, 1962, "Are we suggesting that any member of the Defense Department should speak on any subject to any newspaperman? That the newspaperman should print it or not print it as he sees fit without any effort to attempt to limit the printing of news which may deal with intelligence information?"²⁶ Certainly this is a pertinent query and one that deserves a great deal of thought, especially by newsmen. I do not believe the average newsman would want the burden of judging whether a particular piece of information should be released--nor could that responsibility legally be vested in him. The Government alone has this ultimate burden of responsibility.

²⁵"Managing the News," The New York Times, October 31, 1962.

²⁶President John F. Kennedy, Presidential Press Conference, November 20, 1962.

The cry of "managing the news" should not be raised lightly. "The overwhelming majority of newsmen would prefer to see the issue of news management die. 'The issue has been demagogued out of all proportion by the freedom of information zealots and the thoughtless remarks of Arthur Sylvester,' insists Peter Lisagor of The Chicago Daily News."²⁷

Neither should the critics cry out "censorship," lest it bring a general distrust of the government that is not warranted. The President's position on "censorship" has been, I think, misrepresented. After the Bay of Pigs affair there were many protests about news suppression. He suggested that, if the newspapers wanted him to set up an Office of War Information similar to that of World War II, he would be glad to do so.

The Office of War Information was not an office of censorship. Rather, it was a central bureau to which journalists might turn for counsel when they were in doubt as to whether any information they desired to publish might threaten national security.

This proposal was distorted into a statement that censorship was being advocated and freedom of the press

²⁷Newsweek, op. cit., p. 63.

threatened. This is not the case at all.

What then are the answers to these various dilemmas? Was the President stating a truism when he said, "Perhaps there is no answer to the dilemma faced by a free and open society in a cold and secret war." The answers are difficult to ascertain but there are some principles that must guide the actions of those concerned with the problem of freedom of information.

The newspapers must ask, before they print "news," is it in the national interest? It is not enough for the press to be free, it must be responsible also.

The Government must recognize that there are grave dangers in censorship, by any name, and that any "managing of the news" must be done with the utmost caution and under constant scrutiny.

If the government of the United States cannot maintain a wholesome partnership with the people of the United States by trusting them with full information to which they feel they are entitled, then the people²⁸ will not trust their government, and they should not.

In sum, the flow of information must be as free and as full as possible, but account must be taken of the truly essential needs of national security. There must, in other words, be a careful balance maintained between the Right to Know and the Need to Know.

²⁸Kent Cooper, op. cit., p. 309.

CHAPTER IV

SEEKING THE BALANCE

The Unanswered Questions

If the purpose of this study is to be realized, then the discussion should have provided the reader with enough information to allow him to answer some of the perplexing questions that have been raised, to his own satisfaction. There should, however, be at least one question left unanswered; that being, how do we achieve the required balance that has been constantly pointed out?

It is the purpose of this final chapter to attempt to answer that question and to summarize the essence of that which has been discussed in the preceding three chapters.

Government Information is Vital

The question asked above deals with how the balance is to be achieved. Prior to answering that, however, I think it is vital that we discuss who is in a position to materially contribute to the balance. It is, I believe,

the government information officer who will, more and more, find himself in the precarious position of providing (or at least substantially contributing to) the delicate balance required between the right of the public to true, full, and unbiased information (The Right to Know), and the necessity of withholding certain information which would, if released, be detrimental to national security (The Need to Know).

This is not to say that the government information officer will make all the major decisions on what will or will not be released to the public. However, I think it is fairly obvious to even the casual observer that he does exert a tremendous influence in determining, both directly and indirectly, what information will be disseminated to the public. As we have discussed previously, the judgment factor assumes even greater importance when seen in this context. There are a few people in government (including some military commanders of the "old Army school"), as well as a few industrial executives, that still adhere to the now outmoded, "the public be damned" concept. Here the government information officer (GIO), or the civilian public relations man, must step up and advise his boss (or commander) of the pitfalls of such a policy.

Although the government practices public relations in a manner similar to business corporations and private

organizations, there is a marked difference in the conduct of the practice due to the rather unique problems and responsibilities facing the government.

"The maze of government needs to be explained, interpreted, and clarified,"¹ and this can only be accomplished by a government operation that makes itself ". . . so adequate, both in reputation and facilities, that the voice of the government can be heard and believed above the confusion which a democracy necessarily brings forth."²

The unique responsibilities of the government are well stated by an expert in both public relations and political science when Dr. Bernard Rubin, in his unique and informative Public Relations and the Empire State says,

The United States was founded on the belief that the sanction for all governmental power comes directly from the people. Basic to this conception is the cross-reference system which is called representative democracy: The will of the people is reflected in governmental policy; the work of all governmental units is under the constant scrutiny of the people.

Essential to this way of life, then, is an informed public. The people must have the facts so that they may be adequately prepared to judge men and policies. . . . Under such a system, the providing of information to further popular

¹Scott M. Cutlip and Allen H. Center, Effective Public Relations, op. cit., p. 351.

²A. H. Feller, "OWI on the Homefront," Public Opinion Quarterly (Spring, 1943), p. 56.

understanding of the operations of democracy is a prime responsibility of those in authority.³

Dr. Rubin goes on to say that there has been a ". . . tremendous growth of the public relations concept in government."⁴

Adding even more weight to the argument that the government information officer can (and does) exert tremendous influence, Zechariah Chafee, Jr. says,

Government information can play a vital part in the cause of good administration by exploring the impact of new social forces, discovering strains and tensions before they become acute, and encouraging a positive sense of unity and national direction.⁵

Public relations, having been defined as "the management function which evaluates public attitudes, identifies the policies and procedures . . . with the public interest and executes a program of action to earn public understanding and acceptance,"⁶ should be a legitimate, well

³Bernard Rubin, Public Relations and the Empire State, op. cit., p. 10.

⁴Ibid.

⁵Zechariah Chafee, Jr., Government and Mass Communications (Chicago: University of Chicago Press, 1947), p. 736.

⁶Gene Harlan and Allen Scott, Contemporary Public Relations; Principles and Cases (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1955), p. 3.

supported, irreproachable function of our government. Axiomatic as this appears to be, there are many groups and individuals opposed to such a view, as has been pointed out in this study.

There exists a double standard which many citizens apply to the public relations function of government and private enterprise. The public generally accepts the right of business to publicize and advertise even though the customer eventually pays for it. On the other hand many people consider government information activities a waste of time and of the taxpayer's money. This is an unfortunate and uneducated point of view. In our democratic society the government is the servant of the people and has responsibilities to all--the very nature of representative government requires that the people be informed as completely as possible, consistent with national security, and as honestly as possible by those who govern them, for only an informed electorate can make the decisions necessary in a democracy. As one newspaperman so keenly observed;

While the information program of many Washington agencies are far from perfect, and are beset by numerous unsolved programs, they nevertheless contribute substantially to building up an informed

body of public opinion. They are an essential part of a democratic government.⁷

Fundamental Conflicts of Interest

Although the public relations function has existed in government as long (if not longer) as in any other field, there continues to be a great deal of suspicion and hostility toward it. This hostility stems from fundamental conflicts of interest inherent in our democratic form of government. These conflicts, discussed at length in the study, are:

1. The continuing struggle between our free press fighting for the people's right to know, and the officials of the government who must decide what information may be disseminated to the people that will not endanger them.

2. The continuing fight for the balance of power between the legislative and executive branches of our government.

3. The never ending struggle for power between the major political parties. The "out" party always fears the power of powerful "propagandists" in keeping the "ins" in and the "outs" out.

⁷Dick Fitzpatrick, "Public Information Activities of Government Agencies," Public Opinion Quarterly (Winter, 1947-1948), p. 538.

The government information officer is very often caught in the vortex of these encompassing conflicts.

Because the people's right to know is at a maximum when dealing with the government, but their ability to know is at a minimum (due to the increase in size and complexity, discussed previously), the government information officer assumes even greater significance in his attempt to provide the required balance. Cutlip and Center stress this same point when they say,

As the impact and extent of government increase, the need for adequate communication between public official and citizen becomes more urgent. Yet inescapable forces tend to drive them farther and farther apart. This problem is being met, to some degree, by public relations.⁸

Additionally, all information officers of the government are bound by certain limitations on their use of persuasive techniques. Generally speaking, the GIO's function is to inform not to persuade. As a reliable, official source of information, the government information man is honor bound to respect the truth. "It is obvious that governmental public relations practitioners must strive to avoid what has already proved to be lamentable

⁸Scott M. Cutlip and Allen H. Center, Effective Public Relations, op. cit., p. 350.

commercial practices."⁹

I firmly believe that a well informed public with all the true facts will arrive at the correct conclusions and make intelligent, proper decisions. If, however, we fail to inform the people, I expect they will make their decisions anyway. But then these decisions will be based on either misinformation or lack of information. The information officer, responsible for the dissemination of ideas, is constantly

. . . confronted by a dilemma: he must . . . forego the use of certain techniques of persuasion. . . . He must choose between being a less than fully effective technician and a scrupulous human being or an effective technician and a less than scrupulous human being.¹⁰

Summing up my belief that it is the government information officer who will find himself in the precarious position of providing the delicate balance between the need for citizens of our democracy to know what their government is doing and the need to protect information important

⁹Bernard Rubin, Public Relations and the Empire State, op. cit., p. 71. For further enlightenment see pp. 71-73 for five "guideposts for the conscientious public relations practitioner" in government.

¹⁰Robert Merton, "Mass Persuasion: The Moral Dimension," in Bernard Berelson and Morris Janowitz (eds), Reader in Public Opinion and Communication (Glencoe, Ill.: The Free Press, 1953), p. 465.

to the defense of the United States, are these words of the then Director of Information, Office of the Secretary of the Air Force, Major General Arno H. Luehman. Speaking of the job of the information officer, he said, "He is also the public's advocate for the rights of a free press. It is his duty to advise his superiors of the hazards of unnecessary withholding of information. . . ."11

Any unnecessary withholding of information by the government violates the maxim that a "government by popular will attains its maximum stature only when it rests on a public opinion which is not only free, but is also informed and intelligent."12

This discussion, while intended as a prelude to answering the question of how we achieve the required balance, may also engender in the reader some feeling of commiseration for the people (government information officers or not) who must wrestle with the problem of releasing information.

As I have constantly pointed out, there is a need for balance. This balance between the right to know and

¹¹Arno H. Luehman, Major General, USAF, "The Information Job," Air University Quarterly Review, Volume XIII, No. 2 (Fall, 1961), p. 5.

¹²Byron Price, "Maintaining a Healthy Public Opinion," Public Opinion Quarterly (Summer, 1945), p. 140.

the need to know, as discussed in the study, remains an elusive ideal. It seems to vanish just as we approach it. The dual weights of responsibility of the government, to increase the flow of information to the people while protecting, in their behalf, sensitive information valuable to our enemies, approach a state of equilibrium only to be upset by a "Cuban Crisis" or a "U-2 Affair." I do not feel that the balance is upset deliberately--except in the interest of national security, or because of an error in judgment. "Human error is of constant concern to all of us," said the number one information officer of the Department of Defense, "and we bend our efforts to discover it and correct it, and to review our guidance and our procedures to minimize it."¹³

Space Age Information Checklist

In an effort to minimize such errors, since it is recognized that we cannot eliminate them completely, I feel that it will be valuable to list the factors (in checklist form) that the government information officer

¹³Arthur Sylvester, Statement Before the Foreign Operations and Government Information Subcommittee, op. cit., pp. 2-3.

(or anyone else who finds himself faced with the problem) should consider in seeking the required balance.

This being the space age, with such heretofore unheard of words as apogee, perigee, blastoff, etc., becoming well known household terms, I feel certain the use of the word "checklist" will be understood without further explanation. In devising this checklist, or "model," perhaps it will be better received if I coin my own space age term. Let us then refer to this checklist as one for space age information (SPAINFO), intended to assist the user disseminate information rapidly with as little chance of committing an error in judgment, or of inadvertently releasing information that may be of value to an enemy, as possible.

The following questions are offered as a checklist to the government practitioner in an attempt to aid him in achieving the balance:

1. Is this information true? In spite of the fact that this seems to be an obvious question, I think it is an excellent starting point. The government information officer cannot be a party to the dissemination of a lie. He must do what he can to prevent a reoccurrence of a situation like the U-2 affair of May, 1960. In that case (as in most others) silence, as opposed to a lie, would have been golden.

2. Is this information, even though it is true, a manipulation of the truth? The information personnel of the government, as one of the most important links between the government and the people, must never allow themselves to become associated with those "who ignore the public trusteeship of their institution, who give only one side of the picture, who deal in half-truths or whole lies."¹⁴

3. Will this information be detrimental to our national security and/or defense? It is a temptation in many cases to answer this question the easy way--in the affirmative. However, before a final judgment is made, the individual should satisfactorily answer the question of how it will adversely effect the Nation, taking into consideration also, the next question.

4. Will this information be of more value to our own people than to the enemy? This is particularly germane to scientific information which, in many cases, is

¹⁴George F. Milton, "The Function of the Newspaper," Public Opinion in a Democracy (New York, January, 1938), p. 55. Special Supplement to the January, 1938 issue of Public Opinion Quarterly as quoted in Bernard Rubin, Public Relations and the Empire State, op. cit., p. 67.

published in some obscure (unclassified) journal already possessed by the opposition. By withholding such information we deny it only to our own people.

5. Will the lack of this information, if withheld, cause the opinion that is formed to be wrong? This is one of the most vital yet insidious aspects of the problem of freedom of information. It is usually beyond the realm of classified information, dealing with such things as may tend to make the administration in power look bad. For example, if President Kennedy had made a "deal" with Premier Khrushchev that in return for the Russians backing down in Cuba (making the Administration look good), the United States would allow the Communist foothold to remain and stop the raids of the "Cuban refugees," the disclosure of such information would certainly reverse the opinion that was formed in October, 1962. "The governmental public relations officer must present to the public the information that is the principal substance in the popular decision-making process."¹⁵

6. Will suppression of this information, if it becomes known, cause the people to disbelieve, and lose

¹⁵Bernard Rubin, Public Relations and the Empire State, pp. cit., pp. 72-73.

faith in, their own government? If the answer to this even wavers toward the affirmative, the duty of the GIO seems quite clear--to prevent suppression.

7. Will this information cause undue anguish?

This deals with the type of information that is usually of a personal nature, such as the notification of next of kin following a disaster. Suppression or withholding of the names is certainly justifiable in cases like these for it would be inhuman to have a parent learn of the loss of a son (for example) through the cold impersonality of the mass media.

8. Do I have all of the facts that are available on this particular subject?

9. Have I considered all of the implications and ramifications of this information?

10. Has this information been coordinated with the necessary agencies and personnel prior to release?

While this checklist does not presume to be a panacea for the problem of freedom of information, perhaps it will in some small way, help point out the dangers of unnecessary withholding of information--or, put into space age vernacular, perhaps this SPAINFO--CL (space age information check list) will help prevent "securecy" (see Chapter I, footnote 24).

The Final Solution

Almost as if he were speaking of the very balance we seek, Zechariah Chafee, Jr., said,

The men who propose suppressions, . . . speak much of the dangers against which they are guarding, but they rarely consider the new dangers which they are creating or the great value of what they are taking away.¹⁶

Perhaps the final solution, if indeed there exists such a possibility, was inadvertently illuminated when Mr. Sylvester himself, testifying before the Foreign Operations and Government Information Subcommittee, said,

I am not a public relations man. I may need one--but I am not one, and I'm not trying to be one.¹⁷

Perhaps he should get one--or try to be one--for it is obvious that more and more, it is the government information officer who must provide the delicate balance required between The Right to Know and The Need to Know.

¹⁶Zachariah Chafee, Jr., The Blessings of Liberty (New York and Philadelphia: J.B. Lippincott Company, 1956), p. 115, as quoted in Bernard Rubin, "Secrecy, Security, and Freedom of Information: Several Problem Areas," op. cit., p. 206.

¹⁷Arthur Sylvester, Statement, March 25, 1963, op. cit., p. 15.

APPENDIX A

This chronology has been compiled from many and varied sources such as:

The New York Times

The Stars and Stripes (Pacific edition)

The Washington Daily News

The Washington Post

The Washington Evening Star

The Boston Globe

Aviation Week and Space Technology

Time

Newsweek

The Air Force Times

U.S. News and World Report

Congressional Digest

The Congressional Record

January 1, 1959: President Batista flees Cuba.

January 2, 1959: Fidel Castro proclaims a provisional government headed by Manuel Urrutia as the President.

January 7, 1959: The United States recognizes the Cuban Government.

January 7, 1959: The Communist Party paper Hoy appears in Havana for the first time since 1953.

April 15, 1959: Prime Minister Castro visits the United States indicating he has not come asking for money.

July 13, 1959: President Urrutia appeared on television and stated that communism is not really concerned with the welfare of the people, and that it constitutes a danger to the Cuban revolution.

July 17, 1959: In a television appearance, Castro resigns as the Prime Minister and accuses President Urrutia of treason because of his July 13th speech. Urrutia resigns.

July 26, 1959: Castro announces he will resume the position of Prime Minister.

December 31, 1959: Cuba and Communist China sign trade agreements under which Cuba is to sell Peiping 50,000

tons of sugar.

January 11, 1960: The U.S. protests the seizure of American property in recent weeks by Cuban officials.

January 26, 1960: President Eisenhower reaffirms the U.S. policy of non-intervention in the domestic affairs of other countries, including Cuba.

February 13, 1960: Cuba and the Soviet Union sign a trade and economic aid agreement. The Soviets are to buy one million tons of Cuban sugar in each of the next five years--in addition, the Soviets extend 100 million dollars credit for the purchase of equipment.

March 4, 1960: The French munitions ship La Coubre explodes in Havana harbor--Castro identifies the U.S. as the responsible agent. This charge is denied three days later by the U.S.

May 6, 1960: A Cuban Coast Guard patrol ship fires (without warning) upon the U.S. submarine Sea Poacher on the high seas, some eleven miles from the Cuban coast.

May 8, 1960: Cuba and the Soviet Union establish diplomatic relations.

June 29, 1960: The Cuban Government seizes the Texaco and Esso refineries on the grounds that they had violated Cuban law by refusing to refine Soviet crude oil.

July 3, 1960: The Congress of the U.S. gives the President the authority to reduce our import quota on

Cuban sugar.

July 9, 1960: Soviet Premier Krushchev states that the U.S.S.R. is "raising its voice and extending a helpful hand to the people of Cuba. . . . In case of necessity, Soviet artillerymen can support the Cuban people with rocket fire."

July 23, 1960: Cuba signs a five year trade and payment agreement with Communist China, calling for the Chinese to buy 500,000 tons of Cuban sugar in each of the next five years.

August 29, 1960: The Foreign Ministers of the American Republics, meeting at San Jose, Costa Rica, approve the Declaration of San Jose, stating that the acceptance by an American state of "extracontinental intervention" endangers American solidarity and security.

September 2, 1960: In reply to the Declaration of San Jose, Prime Minister Castro presents the "Declaration of Havana" which bitterly attacks the United States and the Organization of American States, denounces U.S. intervention in Latin America, accepts an offer of aid from the Soviet Union, and denies that the Soviet Union or Red China have any interventionist intentions in the Western Hemisphere. Says that Cuba will establish relations with the Chinese People's Republic.

September 21, 1960: Castro and Krushchev meet in New York.

October 19, 1960: The U.S. prohibits exports to Cuba except for nonsubsidized foodstuffs, medicines, and medical supplies.

November 18, 1960: The U.S. states that at least twelve Soviet ships have delivered arms and ammunition to Cuba since July, 1960 and that Soviet bloc arms to Cuba amount to at least 28,000 tons.

December 16, 1960: President Eisenhower sets the Cuban sugar quota at zero for the first quarter of 1961.

December 19, 1960: Cuba and the Soviet Union sign a joint communique through which Cuba openly aligns itself with the Soviet Union and indicates its solidarity with the Sino-Soviet bloc.

January 2, 1961: Prime Minister Castro demands that the U.S. Embassy in Havana be reduced to eleven officials within forty-eight hours.

January 3, 1961: The U.S. terminates diplomatic and consular relations with Cuba in view of Castro's demand, which placed crippling limitations on the ability of the United States to carry out normal diplomatic and consular functions. Cuba turns over its diplomatic and consular affairs to the Embassy of Czechoslovakia in Washington.

March 31, 1961: President Kennedy, in line with previous Eisenhower actions, fixes the Cuban sugar quota for 1961 at zero.

April, 1961: The U.S. State Department states in a pamphlet on Cuba, that since mid-1960 more than 30,000 tons of arms, with an estimated value of \$50 million, have arrived in Cuba from beyond the Iron Curtain. In addition, the Cuban armed forces are dependent on the Soviet bloc for maintenance and that Soviet and Czech military advisers and technicians have accompanied the arms. The pamphlet went on to say that Cubans have gone to Czechoslovakia and the Soviet Union for training as jet pilots, maintenance crews, and artillerymen, and that Cuba has (except for the U.S.) the largest ground forces in the hemisphere, at least ten times as large as those maintained by previous Cuban Governments, including that of Batista.

April 17-19, 1961: Cubans (and some Americans) are turned back in an attempt to free Cuba from Castro and Communism in the Bay of Pigs invasion.

April 20, 1961: President Kennedy states that any "unilateral American intervention" would have been contrary to our international obligations, but we do not intend to abandon Cuba.

December 2, 1961: Castro affirms that, "I believe absolutely in Marxims . . . I am a Marxist-Leninist and

will be a Marxist-Leninist until the last day of my life."

January 31, 1962: The Foreign Ministers of the American Republics, meeting at Punta del Este, Uruguay, declare that as a consequence of its public alignment with the international Communist movement, the present Marxist-Leninist government of Cuba is excluded from participation in the inter-American system and any of the bodies of the OAS.

APPENDIX B

REPORT TO THE PEOPLE

OCTOBER 22, 1962

PRESIDENT KENNEDY

This Government, as promised, has maintained the closest surveillance of the Soviet military build-up on the island of Cuba. Within the past week unmistakable evidence has established the fact that a series of offensive missile sites is now in preparation on that imprisoned island. The purpose of these bases can be none other than to provide a nuclear strike capability against the Western Hemisphere.

Upon receiving the first preliminary hard information of this nature last Tuesday morning [October 16] at 9:00 a.m., I directed that our surveillance be stepped up. And having now confirmed and completed our evaluation of the evidence and our decision on a course of action, this Government feels obliged to report this new crisis to you in fullest detail.

The characteristics of the new missile sites indicate two distinct types of installations. Several of them include medium-range ballistic missiles capable of carrying a nuclear warhead for a distance of more than 1,000 nautical miles. Each of these missiles, in short, is capable of striking Washington, D.C., the Panama Canal, Cape Canaveral, Mexico City, or any other city in the southeastern part of the United States, in Central America, or in the Caribbean area.

Additional sites not yet completed appear to be designed for intermediate-range ballistic missiles capable of traveling more than twice as far--and thus capable of striking most of the major cities in the Western Hemisphere, ranging as far north as Hudson Bay, Canada, and as far south as Lima, Peru. In addition, jet bombers, capable of carrying nuclear weapons, are now being uncased and assembled in Cuba, while the necessary air bases are being prepared.

This urgent transformation of Cuba into an important strategic base--by the presence of these large, long-range, and clearly offensive weapons of sudden mass destruction--constitutes an explicit threat to the peace and security of all the Americas,

in flagrant and deliberate defiance of the Rio Pact of 1947, the traditions of this nation and hemisphere, the Joint Resolution of the 87th Congress, the Charter of the United Nations, and my own public warnings to the Soviets on September 4 and 13.

This action also contradicts the repeated assurances of Soviet spokesmen, both publicly and privately delivered, that the arms buildup in Cuba would retain its original defensive character and that the Soviet Union had no need or desire to station strategic missiles on the territory of any other nation.

The size of this undertaking makes clear that it has been planned for some months. Yet only last month, after I had made clear the distinction between any introduction of ground-to-ground missiles and the existence of defensive antiaircraft missiles, the Soviet Government publicly stated on September 11 that, and I quote, "The armaments and military equipment sent to Cuba are designed exclusively for defensive purposes," and, and I quote the Soviet Government, "There is no need for the Soviet Government to shift its weapons for a retaliatory blow to any other country, for instance Cuba," and that, and I quote the Government, "The Soviet Union has so powerful rockets to carry these nuclear warheads that there is no need to search for sites for them beyond the boundaries of the Soviet Union." That statement was false.

Only last Thursday, as evidence of this rapid offensive buildup was already in my hand, Soviet Foreign Minister Gromyko told me in my office that he was instructed to make it clear once again, as he said his Government had already done, that Soviet assistance to Cuba, and I quote, "pursued solely the purpose of contributing to the defense capabilities of Cuba," that, and I quote him, "training by Soviet specialists of Cuban nationals in handling defensive armaments was by no means offensive," and that "if it were otherwise," Mr. Gromyko went on, "the Soviet Government would never become involved in rendering such assistance." That statement also was false.

Neither the United States of America nor the world community of nations can tolerate deliberate deception and offensive threats on the part of any nation, large or small. We no longer live in a

world where only the actual firing of weapons represents a sufficient challenge to a nation's security to constitute maximum peril. Nuclear weapons are so destructive and ballistic missiles are so swift that any substantially increased possibility of their use or any sudden change in their deployment may well be regarded as a definite threat to peace.

For many years both the Soviet Union and the United States, recognizing this fact have deployed strategic nuclear weapons with great care, never upsetting the precarious status quo which insured that these weapons would not be used in the absence of some vital challenge. Our own strategic missiles have never been transferred to the territory of any other nation under a cloak of secrecy and deception; and our history, unlike that of the Soviets since the end of World War II, demonstrates that we have no desire to dominate or conquer any other nation or impose our system upon its people. Nevertheless, American citizens have become adjusted to living daily on the bull's eye of Soviet missiles located inside the U.S.S.R. or in submarines.

In that sense missiles in Cuba add to an already clear and present danger--although it should be noted that nations of Latin America have never previously been subjected to a potential nuclear threat.

But this secret, swift, and extraordinary build-up of Communist missiles--in an area well known to have a special and historical relationship to the United States and the nations of the Western Hemisphere, in violation of Soviet assurances, and in defiance of American and hemispheric policy--this sudden, clandestine decision to station strategic weapons for the first time outside of Soviet soil--is a deliberately provocative and unjustified change in the status quo which cannot be accepted by this country if our courage and our commitments are ever to be trusted again by either friend or foe.

The 1930's taught us a clear lesson: Aggressive conduct, if allowed to grow unchecked and unchallenged, ultimately leads to war. This nation is opposed to war. We are also true to our word. Our unswerving objective, therefore, must be to prevent the use of these missiles against this or any other country and to secure their withdrawal or elimination from

the Western Hemisphere.

Our policy has been one of patience and restraint, as befits a peaceful and powerful nation, which leads a worldwide alliance. We have been determined not to be diverted from our central concerns by mere irritants and fanatics. But now further action is required--and it is underway; and these actions may only be the beginning. We will not prematurely or unnecessarily risk the costs of worldwide nuclear war in which even the fruits of victory would be ashes in our mouth--but neither will we shrink from the risk at any time it must be faced.

Acting, therefore, in the defense of our own security and of the entire Western Hemisphere, and under the authority entrusted to me by the Constitution as endorsed by the resolution of the Congress, I have directed that the following initial steps be taken immediately:

First: To halt this offensive buildup, a strict quarantine on all offensive military equipment under shipment to Cuba is being initiated. All ships of any kind bound for Cuba from whatever nation or port will, if found to contain cargoes of offensive weapons, be turned back. This quarantine will be extended, if needed, to other types of cargo and carriers. We are not at this time, however, denying the necessities of life as the Soviets attempted to do in their Berlin blockade of 1948.

Second: I have directed the continued and increased close surveillance of Cuba and its military buildup. The Foreign Ministers of the OAS [Organization of American States] in their communique of October 6 rejected secrecy on such matters in this hemisphere. Should these offensive military preparations continue, thus increasing the threat to the hemisphere, further action will be justified. I have directed the Armed Forces to prepare for any eventualities; and I trust that, in the interest of both the Cuban people and the Soviet technicians at the sites, the hazards to all concerned of continuing this threat will be recognized.

Third: It shall be the policy of this nation to regard any nuclear missile launched from Cuba against any nation in the Western Hemisphere as

an attack by the Soviet Union on the United States, requiring a full retaliatory response upon the Soviet Union.

Fourth: As a necessary military precaution I have reinforced our base at Guantanamo, evacuated today the dependents of our personnel there, and ordered additional military units to be on a stand-by alert basis.

Fifth: We are calling tonight for an immediate meeting of the Organ of Consultation, under the Organization of American States, to consider this threat to hemispheric security and to invoke articles 6 and 8 of the Rio Treaty in support of all necessary action. The United Nations Charter allows for regional security arrangements--and the nations of this hemisphere decided long ago against the military presence of outside powers. Our other allies around the world have also been alerted.

Sixth: Under the Charter of the United Nations, we are asking tonight that an emergency meeting of the Security Council be convoked without delay to take action against this latest Soviet threat to world peace. Our resolution will call for the prompt dismantling and withdrawal of all offensive weapons in Cuba, under the supervision of U.N. observers, before the quarantine can be lifted.

Seventh and finally: I call upon Chairman Khrushchev to halt and eliminate this clandestine, reckless, and provocative threat to world peace and to stable relations between our two nations. I call upon him further to abandon this course of world domination and to join in an historic effort to end the perilous arms race and transform the history of man. He has an opportunity now to move the world back from the abyss of destruction--by returning to his Government's own words that it had no need to station missiles outside its own territory, and withdrawing these weapons from Cuba--by refraining from any action which will widen or deepen the present crisis--and then by participating in a search for peaceful and permanent solutions.

This nation is prepared to present its case against the Soviet threat to peace, and our own proposals for a peaceful world, at any time and in any forum--in the OAS, in the United Nations, or in any other meeting that could be useful--without limiting our freedom of action.

We have in the past made strenuous efforts to limit the spread of nuclear weapons. We have proposed the elimination of all arms and military bases in a fair and effective disarmament treaty. We are prepared to discuss new proposals for the removal of tensions on both sides--including the possibilities of a genuinely independent Cuba, free to determine its own destiny. We have no wish to war with the Soviet Union, for we are a peaceful people who desire to live in peace with all other peoples.

But it is difficult to settle or even discuss these problems in an atmosphere of intimidation. That is why this latest Soviet threat--or any other threat which is made either independently or in response to our actions this week--must and will be met with determination. Any hostile move anywhere in the world against the safety and freedom of peoples to whom we are committed--including in particular the brave people of West Berlin--will be met by whatever action is needed.

Finally, I want to say a few words to the captive people of Cuba, to whom this speech is being directly carried by special radio facilities. I speak to you as a friend, as one who knows of your deep attachment to your fatherland, as one who shares your aspirations for liberty and justice for all. And I have watched and the American people have watched with deep sorrow how your nationalist revolution was betrayed and how your fatherland fell under foreign domination. Now your leaders are no longer Cuban leaders inspired by Cuban ideals. They are puppets and agents of an international conspiracy which has turned Cuba against your friends and neighbors in the Americas --and turned it into the first Latin American country to become a target for nuclear war, the first Latin American country to have these weapons on its soil.

These new weapons are not in your interest. They contribute nothing to your peace and well being. They can only undermine it. But this country has no wish to cause you to suffer or to impose any system upon you. We know that your lives and land are being used as pawns by those who deny you freedom.

Many times in the past the Cuban people have risen to throw out tyrants who destroyed their

liberty. And I have no doubt that most Cubans today look forward to the time when they will be truly free--free from foreign domination, free to choose their own leaders, free to select their own system, free to own their own land, free to speak and write and worship without fear or degradation. And then shall Cuba be welcomed back to the society of free nations and to the associations of this hemisphere.

My fellow citizens, let no one doubt that this is a difficult and dangerous effort on which we have set out. No one can foresee precisely what course it will take or what costs or casualties will be incurred. Many months of sacrifice and self-discipline lie ahead--months in which both our patience and our will will be tested, months in which many threats and denunciations will keep us aware of our dangers. But the greatest danger of all would be to do nothing.

The path we have chosen for the present is full of hazards, as all paths are; but it is the one most consistent with our character and courage as a nation and our commitments around the world. The cost of freedom is always high--but Americans have always paid it. And one path we shall never choose, and that is the path of surrender or submission.

Our goal is not the victory of might but the vindication of right--not peace at the expense of freedom, but both peace and freedom, here in this hemisphere and, we hope, around the world. God willing, that goal will be achieved.

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