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USAWC MILITARY STUDIES PROGRAM PAPER

THE FUTURE OF FIELD PRESS CENSORSHIP: IS THERE ONE?

AN INDIVIDUAL STUDY PROJECT
INTENDED FOR PUBLICATION

by

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U.S. Army War College
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ABSTRACT

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INTRODUCTION

Historically, the adversarial tone of the relationship between the military and the news media is never more pronounced than in wartime. The basis for such tense relations is the news media's desire to report fully on wars and the military's desire, for reasons of security, to limit what is reported to the public by the media. The military usually resolved this problem by invoking censorship in the combat zone. Known in the United States military as field press censorship (FPC), censorship of news reports about combat operations was an integral feature of all major U.S. conflicts until the Vietnam War.

However, today there is no authority for the U.S. Armed Forces to impose FPC, and there are no units in the force structure to perform that mission. In January 1987, the Department of Defense (DOD) cancelled DOD Directive 5230.7, "Wartime Information Security Program (WISP)."¹ That directive contained, among other things, the authorities, policies, and procedures for the Armed Forces to impose FPC. The WISP directive was cancelled for several reasons. One was the fact that in 1976 all FPC units, which had existed only in the reserve components, were eliminated. This was after Congress, two years earlier, had cut off funding for WISP training of reserve component personnel.² Another reason was that OMB had determined that Executive Order 11490, which was the authority for the WISP directive, was outdated and needed to be rewritten. In the absence of a new Executive Order and lack of

Congressional funding DOD decided to cancel the WISP directive, thereby relieving commanders from compliance with a regulatory requirement which was no longer applicable.³

It should be noted that in rescinding the WISP directive the DOD did not foreswear censorship in perpetuity. In concurring with the proposal to cancel the directive, Robert B. Sims, then Assistant Secretary of Defense (Public Affairs), pointed out, "While there is still a need for protecting information during a conflict, the WISP simply is not feasible at this time."⁴

Further, in response to a query from the U.S. Army Office of the Chief of Public Affairs in March 1987, the Office of the Assistant Secretary of Defense (Public Affairs) (OASD (PA)) stated that office still foresaw "a need for some sort of field press censorship regardless of the cancellation of the WISP directive."⁵ The response also indicated guidance would be forthcoming.

To date, OASD (PA) has not issued guidance as to what form, if any, a FPC program will take in the future. This study will attempt to develop a viable approach to FPC in the context of future wars. In doing so, it will address FPC in past U.S. conflicts, the impact of U.S. societal concerns to include First Amendment rights, and communications technology advances on the concept of FPC in possible future wartime scenarios.

HISTORICAL BACKGROUND

At the time of the Battle of Lexington and Concord in 1775, there were 37 newspapers publishing in the American colonies. During the Revolutionary War this number reached 70; but, by the time Cornwallis surrendered at Yorktown,

35 newspapers were being published in the emerging nation.⁶ These newspapers, mostly weeklies, reported the Revolutionary War as best they could without on-scene reporters and often at peril from Tories and Patriots alike. Although there was no press censorship as we know it, concern about news reports of the war mirrored more recent military attitudes. A desire for circumspection in the press was voiced by no less a person than General George Washington, who opined in 1777:

It is much to be wished that our printers were more discreet in many of the publications. We see in almost every paper, proclamations or accounts transmitted by the enemy of an injurious nature. If some hint or caution could be given them on the subject, it might be of material service.⁷

The U.S. Civil War, considered by many to be the first modern war, was the first major war in which the U.S. and the news media came into conflict over what was reported in the press. Communications technology advances in the form of the telegraph and the first use of photography to record combat represented challenges to the military in its efforts to safeguard vital wartime information.

A total of some 500 correspondents was on hand to report the war on the Union side.⁸ The presence of these reporters irritated and often enraged Union commanders. General Sherman is said to have threatened one reporter in his camp with execution. Less drastic, but representative of the military's attitude, was General Joseph Hooker's opinion of war correspondents which he expressed in a report to Secretary of War Stanton. He stated, "Now to every army and almost every general a newspaper reporter goes along, filling our transports, swelling our trains, reporting our progress, guessing at places, picking up dropped expressions, inciting jealousy and discontent, and doing infinite mischief."⁹

The majority of reporters covering the Civil War was ill-educated and ill-informed about military affairs, often dishonest, and many invented the news reports they sent to their newspapers.¹⁰ Newspaper reports, often inaccurate, frequently had a demoralizing effect on the civilian populace. In other cases reports revealed critical military information which found its way to enemy commanders.

The North was aware of the "mischief" perpetrated by this slipshod reporting and had applied censorship in a sporadic manner ever since the First Battle of Bull Run.¹¹ As the war progressed, censorship was more rigorous. But, according to Phillip Knightley in The First Casualty, it did not work, despite the closing down of some newspapers, banning of correspondents, and issuing orders (never carried out) to shoot reporters who did not submit their stories for the government's review.¹² The haphazard imposition of censorship in the Civil War stemmed, according to Knightly, ". . . from confusion over who was to enforce it--at different times during the war, it was administered by the State, Treasury, and War Departments--and, inevitably, the intention to suppress only information of value to the enemy became also the desire to suppress material damaging to the northern side."¹³

Thirty-three years after the end of the Civil War the U.S. military engaged in another conflict, the Spanish-American War. This conflict, less intensive, less prolonged, and less far-reaching than the Civil War, was considered an ideal opportunity by newspaper moguls and reporters. In fact, U.S. involvement in that conflict has been attributed to the American press, in particular William Randolph Hearst, publisher of the New York Journal. Backing up this assertion, it is said that Hearst sent a telegram prior to the start of the hostilities, replying to a request to return home from his illustrator in Cuba, which stated, "Please remain. You furnish pictures. I

will furnish war."¹⁴ In any case, U.S. newspapers responded wholeheartedly and some 500 reporters, artists, and photographers arrived in Florida shortly after war was declared to gain transportation to the battlefronts in Cuba and Puerto Rico.¹⁵

Primarily because of great popular support, few combat casualties, and a conflict of relatively short duration, the government did not consider imposing press censorship in the Spanish-American War. This gave the huge contingent of correspondents accompanying U.S. combat troops a free hand in reporting the war. This they did, using technological improvements such as the telegraphic cable and leasing fast boats to ship the news to their papers.

World War I could be considered the first instance of the U.S. government imposing a formal, systematic press censorship program in time of armed conflict. It also was the first instance of U.S. newspapers agreeing voluntarily to safeguard against publication of vital military information. Within days of the U.S. declaring war on Germany in April 1917, President Wilson established the Committee on Public Information. The committee was charged with providing official information about the war to the news media and to serve as the government's liaison with newspapers.¹⁶ It also had responsibility for the wartime propaganda effort.¹⁷

At the outset of the war the government withheld virtually all information from the press and the public on the grounds that it could provide help to the enemy. The committee, however, persuaded government news sources to issue some information, restricting the release of only such critical information as ship sailing dates, troop movements, and other information of military value.¹⁸ Simultaneously, the committee established a code for newspapers which called upon them to adhere to such restrictions; and the newspapers often censored themselves more strictly than the code demanded.¹⁹

Another facet of the press censorship program in World War I was the accreditation of reporters. All correspondents with the American Expeditionary Force (AEF) had to be accredited by the U.S. government. The accreditation policy was carefully enforced and its procedures were stringent. According to Knightley, the rules of accreditation "had to be read to be believed" and included the reporters having to appear personally at the War Department and swear to the Secretary of War or his representative to "convey the truth to the people of the United States," and to write in the official's presence an autobiographical sketch which contained information about his work, experience, character, and health, and what his planned activities were while in Europe.²⁰ He also had to post a \$2,000 bond, to be forfeited to a charity if he were expelled from the combat zone, and a \$1,000 deposit for his maintenance.²¹ Once in Europe, American correspondents with the AEF fared better than their counterparts with allied forces. General John Pershing, AEF Commander, did not require military escorts to accompany American reporters, some 40 in all, in the AEF area; and they were able to move freely to and from the front lines and around the rear areas.²² However, there were some controls on their activities. Every story the reporters wrote had to be submitted, prior to dispatch to their publications, to censors in the press section of the AEF's Military Intelligence Service.²³

Although voluntary censorship by U.S. newspapers was the hallmark of military-media relations in World War I, two laws passed in 1917 empowered the government to ensure no violation of security would go unpunished. One, The Espionage Act of 1917, made it a crime to willfully make "false reports or false statements with the intent to interfere with the successful operation of the military or naval forces;" the other, the Trading With the Enemy Act of

1917, authorized censorship of all communications into and out of the United States.²⁴ The application of these laws was used sparingly, but they represented to many newspaper publishers a threat to First Amendment rights and were the source of a number of court cases following the war.

As was to be expected, there were incidents of over-zealous military censors driving war correspondents to anger and devious means to file reports with their publications. The relationship between the Committee on Public Information and newspaper executives was sometimes tense, a result often of bureaucratic snarls and threats of legal action. However, overall the World War I censorship program did work. Unfortunately, the friction generated between the military and the media did not abate totally when the war was won and censorship ended.

World War II saw the full emergence of dual-pronged press censorship: censorship at the source and censorship at the outlet. There also was a prevailing attitude of cooperation from the news media. Knightley explains it this way, "War correspondents went along with the official scheme for reporting the war because they were convinced that it was in the national interest to do so."²⁵

Unlike World War I, the censorship and propaganda functions were not linked in a single organization during World War II.²⁶ The Office of War Information, established in June 1942, distributed information about the war to U.S. and overseas news media. Another agency, the Office of Censorship, established in December 1941, dealt with censorship of all civilian communications outlets in the U.S., monitored compliance of news organizations with the Code of Wartime Practices for the American Press, and directed the voluntary censorship program.²⁷ A similar code was developed for radio, a new communications medium for reporting conflicts. As in World War II, news

outlets--both press and radio--applied the code more stringently than was mandated.²⁸ Overseas, military intelligence personnel manned censorship operations. They reviewed and excised information as needed for military security from war correspondents' reports from the battle zones.

During the war, the U.S. Armed Forces accredited 1,646 correspondents and as many as 500 full-time American reporters were overseas at one time.²⁹ Military censorship policies varied from theater to theater and from Service to Service. Newsmen found the U.S. Department of the Navy and the British Admiralty to be the most severe in their censorship.³⁰

The magnitude of the on-scene coverage in World War II saw two new operational developments in military-media relations. For the first time, arrangements for press and radio coverage became part of military planning. This is attributed to the attitude of U.S. military leaders who recognized the importance of public opinion and the impact which news reports had on it. In recognition of this, they sought the means to provide accurate information to the field correspondent.³¹ This softened the blow to reporters of having to submit their stories to the military censor before transmission.

The other innovation was the use of media pools for major operations. The prime example of such pools was the coverage of D-Day. Some 558 correspondents and photographers were accredited for the D-Day invasion, but actually only 40 correspondents accompanied the first forces to Normandy.³² Although the pool concept was not universally welcomed by war correspondents, they realized it was in many cases the only way firsthand reports of operations could be obtained; and therefore they agreed to such arrangements. After D-Day more and more correspondents were in Europe to cover the war. By the time a press relations office was set up at allied headquarters in Paris in late 1944, there were nearly 1,000 reporters on hand.³³

Despite the strictness of censorship military-media relations in World War II were, in the view of Drew Middleton of the New York Times, marked by mutual trust and confidence.³⁴

The Korean War presented a departure from the spirit of mutual purpose demonstrated in World War II. In the first months of the Korean conflict there was voluntary censorship. Although the U.S. government had empowered General MacArthur to impose FPC, he refrained from doing so, declaring censorship to be "abhorrent."³⁵ Guidelines for the voluntary censorship were vague. They permitted reporters to write what they wanted, but held them personally responsible, in the words of MacArthur, ". . . if you break security or make 'unwarranted criticisms'."³⁶ This policy satisfied no one and proved unworkable. It resulted in almost daily security breaches in news reports and increasingly critical stories of military operations and troop morale. This situation worsened as the war progressed; and, reluctantly, on 20 December 1950, General MacArthur imposed military censorship.³⁷ Of the more than 230 American and foreign reporters accredited to cover operations in Korea at the time, an estimated 90 percent favored censorship as the only means to ensure military security.³⁸

The censorship program applied to all forms of news media--press, radio, and television which was then in its infancy in news reporting. It did not, however, apply to censorship of news outlets in the U.S. This was a departure from censorship programs imposed in previous U.S. wars.

Actual censorship was handled both in Tokyo at Far East Command (FEC) Headquarters and at Eighth Army Headquarters in Korea. Although the FPC policy was uniform, its application differed at each headquarters.³⁹ Further, reporters could relatively easily evade the censorship rules. Using

long-distance telephone lines to file their stories which had been cleared by the two headquarters correspondents could, and some did, expand on the cleared texts of their reports.⁴⁰

According to Peter Braestrup, writing in Battle Lines, "In an effort to improve military censorship to the benefit of both newsmen and the command, GHQ FEC, on 11 January 1951, redistributed censorship and press responsibilities."⁴¹ Among the changes, FEC Headquarters was charged with becoming involved in censorship operations only when roundup stories or rewritten reports were prepared that included material not previously cleared in Korea.⁴² Refinements in FPC policies and procedures continued after that time. In June 1951, censorship became a theater level function with a main censorship office in Japan and a detachment in Korea linked by direct telephone communications. Eighth Army Headquarters no longer actively participated in censoring news materials.⁴³

In the interest of uniformity, the censorship criteria were standardized and applied consistently. Additionally, censors, prior to assuming their duties, were uniformly trained by FEC Headquarters.⁴⁴ As Braestrup recounts, the criteria used in the clearance process for news materials were based on two factors: "(1) Would the release of a report offer aid and comfort to the enemy; and (2) Would its release adversely affect the morale of UN troops fighting in Korea?"⁴⁵

Although the FPC program in Korea provided for loss of accreditation and expulsion from the war zone for violating security, records indicate these provisions were never enforced.⁴⁶ And, following General Ridgway's assumption of command of UN forces, censorship eased.⁴⁷

Overall, once censorship was imposed, military-media relations improved in the Korean War. Braestrup states that few complaints were registered by correspondents over the strictness of FPC; and, as noted above, the majority of correspondents considered FPC more of an aid than a hindrance in reporting the war.⁴⁸

However successful censorship was at the source in the Korean War, it was nonexistent at the outlet, for censorship was not invoked in the U.S. proper as it had been in World Wars I and II. This allowed for an array of opinions about the war and its prosecution to appear in the press and in the broadcast media. Such news analysis was often highly critical and could be said to have contributed to growing unfavorable U.S. public opinion toward the Korean War as it proceeded. These circumstances appear to have foreshadowed in part the situation found in the Vietnam War.⁴⁹

The Vietnam War was, perhaps, the most widely covered conflict in U.S. history. Today, 16 years after U.S. combat forces left Vietnam, the issue of whether or not field press censorship should have been invoked continues to be debated. The fact is, however, that the Vietnam War is the only major U.S. conflict since the nation's founding not to have FPC.

The U.S. military commitment in Vietnam was mirrored in the numbers of news media representatives who arrived on-scene to cover that conflict. From 20 U.S. and foreign correspondents in 1964, that contingent reached 637 in 1968.⁵⁰ Conversely, with the United States diminishing presence beginning in 1969, the press contingent numbers decreased to the point where, in 1974, there were only 35.⁵¹ According to Alan Hooper in, The Military and the Media, "The Joint United States Public Affairs Office (JUSPAO) also grew to meet the increasing media representation and eventually numbered 247 American and 370 Vietnamese" ⁵²

The system used to deal with the news media in Vietnam was one of accreditation and ground rules. FPC was considered for the Vietnam War, and detailed studies--one in 1965, the other in 1966--were made by the Department of Defense about the feasibility of invoking FPC. According to Major General Winant Sidle, U.S. Army, Retired, who conducted the 1966 study and later served as the Chief of Information for the U.S. Military Assistance Command, Vietnam (MACV), both studies advised against imposing FPC.⁵³ Among the reasons for recommending against FPC, according to General Sidle, were: (1) any censorship program would have to include the South Vietnamese, who had already set unpopular rules for their own media and were in near-constant discord with U.S. correspondents; (2) the technical difficulties in censoring television film; (3) the lack of censorship in the U.S., where there could be none short of a formal declaration of war; and (4) the impracticability of applying censorship to reports filed in Saigon, where reporters could easily leave the combat theater to file the same story.⁵⁴

Based on these considerations, the Department of Defense opted for a system of accreditation and ground rules to handle newsmen and women covering the Vietnam War. All reporters initially had to be accredited by the Department of Defense in Washington. By late 1966, accreditation responsibility was transferred to MACV Headquarters and handled by its Information Office.⁵⁵ The process required news representatives to present, immediately upon arrival in Vietnam, a letter from their news organizations, e.g. newspaper, radio or television network, wire service, etc., stating that the news outlet planned to use the named correspondent's material.⁵⁶ Once accredited, the correspondents were given a detailed briefing on the operations and procedures used by the MACV Information Office and provided a

set of 15 ground rules with which they were required to comply or face cancellation of their accreditation.⁵⁷ The reporters also were required to sign a document, kept on file at MACV Headquarters, stating they had been briefed on the ground rules and would abide by them.⁵⁸ As General Sidle recalls, there were only nine cases where accreditation was removed and the individuals expelled from Vietnam.⁵⁹

The ground rules were designed to protect vital military information. They ranged from barring disclosure of future plans, operations or strikes, troop movements and their size, to prohibiting reports on exact numbers of casualties until released by MACV Headquarters, to aerial photography of fixed installations.⁶⁰ General Sidle pointed out that the news media were very cooperative regarding the ground rules and regularly sought guidance from the MACV and JUSPAO public affairs representatives to verify that certain information could be used in their reports without violating the rules.⁶¹

General Sidle noted that relations with the media in Vietnam were professional and often cordial. Braestrup supports his view, pointing out that military-media problems stemmed less from any on-the-scene confrontations than from the Administration's policies and attempts at news management emanating from Washington.⁶²

Correspondents were well treated in Vietnam with an array of amenities, such as swimming pools, television, and PX privileges, both in Saigon and at the major press camps in the field at Pleiku, Da Nang, and elsewhere. "So, we really coddled them almost, you could say," remembers General Sidle.⁶³ In addition to the amenities, the military worked at getting reporters to the scenes of operations and to base camps, providing in-country air transportation and often dedicating scheduled flights solely to transporting

correspondents.⁶⁴ The military public affairs contingent also ran a 24-hour telephone service to answer newsmen's queries, conducted regularly scheduled news briefings--the infamous "Five O'Clock Follies," and set up interviews for correspondents with MACV officials and field commanders whenever possible.⁶⁵ That at times correspondents were not satisfied with the quality and timeliness of information provided by MACV and JUSPAO was not a poor reflection on the military public affairs effort. It, more realistically, was due to the hesitancy of knowledgeable military officials to keep their public affairs officers fully informed.⁶⁶

Providing military escorts to assist reporters in getting their stories is another aspect of combat coverage in Vietnam. Whenever reporters visited troops or covered operations, General Sidle, while he was MACV Information Chief, insisted they have military escorts.⁶⁷ The escorts were not to serve as censors, but were there to provide background information on situations which inexperienced reporters might misunderstand or miss.⁶⁸ According to General Sidle, most correspondents appreciated the help they received from their escorts.⁶⁹

The ground rules system resulted in no serious security breaches, and the military escort program contributed to accurate reporting. As noted by Braestrup and General Sidle, straight news coverage of events in Vietnam was largely balanced and, overall, was more positive than negative.⁷⁰

The news coverage of Vietnam may at some time in the future be remembered only for the impact technology had on it. Television, no longer in its infancy as in the Korean War, was a major influence on how Vietnam was perceived by the U.S. public. Its near real-time reporting capability had a major impact on the "homefront" and, perhaps less evident, on the approach which the military would take on news coverage of future conflicts.

The lingering hostility toward the news media has been raised by the press as a significant factor in how the military addressed media coverage of the Grenada Invasion in 1983. But, there is no documentation to prove or disprove this allegation. The fact is that there was no FPC on news coverage of the operation. There was, in fact, no on-scene news coverage at all in its first two days.

The temporary exclusion of the press in the Grenada Invasion appears to have stemmed from the little time allowed to plan it and the need for complete surprise to ensure its success.⁷¹ Another consideration, raised by then Assistant Secretary of Defense (Public Affairs) Michael Burch, was one of logistics.⁷² As an example, he pointed out that space needed to transport correspondents, particularly television and its equipment, to Grenada would have meant troops left behind.⁷³ Another practical consideration was operational conditions: with troops moving rapidly, a press contingent could not be safely accommodated as part of the initial assault forces.⁷⁴

The ban on press coverage in Grenada was lifted on October 26, 1983, in response to a clamor of complaints from news organizations, and the first reporters arrived on the island the following day. The press pool, used for D-Day in World War II and for the Inchon landings in the Korean War, once again was employed to accommodate reporters on Grenada. A Joint Information Bureau (JIB) was hastily established to handle the influx of correspondents; and, by October 28, 24 reporters were on the island for a guided tour arranged by the JIB in a pool set-up.⁷⁵ In all, some 400 news media representatives were accredited to cover Grenada operations by the time the last official news briefing was given the press corps on November 23, 1983.⁷⁶

The media complaints, to include threats of law suits over media access rights, continued after the press ban was lifted, and the media's attitude toward the Administration and the military remained acrimonious. Although a Los Angeles Times poll, conducted in November 1983, showed 52 percent of the U.S. public approved the news blackout, it also revealed a decided public concern over the blackout's implications as related to future conflicts and censorship.⁷⁷

In face of the continuing, and often vocal, complaints from an array of news organizations and the damage to military-media relations stemming from Grenada, the government held several meetings with media groups to resolve the situation. No concrete decisions about censorship and media access in wartime were reached; but, the outcome of the meetings had some positive aspects. The primary one was the establishment of the Chairman of the Joint Chiefs of Staff (CJCS) Panel on Military-Media Relations, known as the Sidle Panel.

General John W. Vessey, Jr., then CJCS, appointed Major General Winant Sidle, U.S. Army (Retired), one of the most experienced public affairs practitioners, to chair the panel. The panel was charged by the CJCS to answer the question, "How do we conduct military operations in a manner that safeguards the lives of our military and protects the security of the operation while keeping the American public informed through the media?"⁷⁸

The panel was convened in February 1984. Panel membership consisted of military public affairs officers from each of the Services and the Defense Department, operations spokesmen from the Organization of the Joint Chiefs of Staff, retired members of the press and broadcast media, and educators in the field of journalism.⁷⁹ In all, 14 served on the panel, which met for 5 days.⁸⁰ Although working journalists, representatives of major news outlets, and umbrella media groups such as the American Society of Newspaper

Publishers and the National Association of Broadcasters declined to participate as members of the panel, they did make presentations before the group and others provided written comments to it.⁸¹

Eight recommendations were formulated by the panel to respond to General Vessey's question. The recommendations dealt with:

-- The need for concurrent public affairs planning in the development of plans for military operations. This recommendation has been implemented. The Joint Operational Planning System has been amended to require this; and the Organization of the Joint Chiefs of Staff public affairs staff, on a regular basis, reviews all CINC plans to ensure they contain appropriate public affairs provisions.⁸²

-- The use of news media pools when planning reveals they are the only feasible means of furnishing media access to operations at the outset. The panel stressed that such pools should be planned to be as large as possible and be employed for a minimum amount of time before full coverage access is permitted for correspondents.

-- Four other points directly related to media pools and news coverage planning. They were: to pre-establish a system for media accreditation for pools with provisions for constant updating; planning to ensure sufficient equipment and qualified public affairs personnel will be available to assist media in covering the operations; ensuring that media communications needs are identified and made available as early as possible, even to the extent of providing military facilities dedicated to news media use; and ensuring that plans include provision for intra- and inter-theater transportation of the media.

-- The responsibility of the military to issue to the media security guidelines and ground rules worked out in the planning stage of each operation. Media compliance with them should be voluntary, with violations resulting in barring news representatives from further coverage of the operation concerned.

-- Improving military-media relations through a program of regular meetings between military officials and news organizations to discuss mutual concerns. This recommendation was adopted with the Department of Defense (DOD) announcement of the formulation of a permanent Secretary of Defense Media Advisory Committee in August 1984.⁸³

The DOD media pool is, perhaps, the best known of the initiatives which the Defense Department undertook to implement the Sidle Panel's recommendations. The national media pool program was established in 1985. More than 40 Washington-based media organizations have been accredited for pool membership.⁸⁴ Pool participants include 26 newspapers, the 3 national news magazines, the 3 major wire services, the 4 major television networks, and 8 radio organizations.⁸⁵ Pool membership rotates on a quarterly basis among these organizations. Although pools may be tailored in size and composition for a given operation, they generally consist of 11 media representatives: 1 wire service reporter and photographer, a television correspondent and 2-person technical crew, a magazine reporter and photographer, a radio correspondent, and 3 newspaper reporters.⁸⁶ Two military public affairs escorts accompany each pool and are usually joined by a unified/specified command public affairs escort on station. Pool members agree in advance to observe basic ground rules which support fundamental operations security considerations. Although media participants are not given advance notice that a pool is to be activated, plans are made to ensure when

the notification comes that transportation is on-hand to get the pool to the theater concerned and that procedures are in place for the news representatives to transmit their stories. Following the Sidle Panel's recommendations, special clothing and equipment, lodging, and food are ready for the pool members when they reach their destination. To reflect actual contingency conditions, communications and logistics arrangements and pool operations in-theater are the responsibility of the unified/specified command concerned.⁸⁷

The DOD national media pool was first tested in April 1985 to cover a U.S. exercise in Honduras. Since that time, six additional pools have been activated to cover military exercises, the most recent one in Alaska in December 1988.⁸⁸ Two operational deployments--in the Persian Gulf in July 1987, and in Honduras in March 1988--also were made by media pools. These deployments were a real test of the national media pools and showed progressive improvements in them since 1985.⁸⁹ DOD is now looking into expanding the pool system to establish regional media pools.⁹⁰

The pool system, however, is not without its problems. One surfaced in the Persian Gulf deployment to cover the first U.S. Navy escort of reflagged Kuwaiti tankers. Carl Rochelle, Cable News Network's Pentagon correspondent, who was in that pool, felt the brunt of the situation. Rochelle and his crew got the visuals needed for his report on the Bridgeton hitting a mine, but couldn't get them from his shipboard base to land for transmission in acceptable time.⁹¹ "There had been no provision for a television drop, he noted, "and we faced a logistical and planning nightmare."⁹² This was not the case with print and radio media correspondents who could call in their reports from the ship.⁹³

Another issue Rochelle raised was the secrecy which surrounds pool activations. He asked the question of why pool members had to wait until they were enroute to their destination to cover an unclassified exercise before being briefed on it.⁹⁴

That question and arrangements for transmission facilities for television reporters from shipboard are among the issues which will have to be addressed by DOD if the pool system is to work to the satisfaction of both the military and the media in future operations, be they exercises or actual combat.

From a historical perspective, FPC has a mixed record of success. It was effective in World Wars I and II, less effective in the Korean War, nearly useless in the Civil War, and employed not at all in the Spanish-American and Vietnam Wars. However, the future of field press censorship cannot alone be predicated on its past performance.

LEGAL PERSPECTIVE

The First Amendment to the U.S. Constitution, the public's right to know, and the media's right of access to government activities and information loom large as factors in any discussion of FPC.

"Congress shall make no law . . . abridging the freedom of speech or the press," so says the First Amendment to the U.S. Constitution. In the nearly two centuries since its enactment, this amendment has been tested by the public and the government many times. Interpretations of that amendment by the U.S. Supreme Court have varied from the application of Justice Oliver Wendell Holmes' "clear and present danger" test to a functional analysis of constitutionality which balances First Amendment freedoms with the competing

interests of society. No matter what approach has been applied, there are several key laws and court decisions which have had an impact on the concept of the free flow of information.

The leading legal decision establishing the government's right to withhold information emerged from Near v. Minnesota, in 1931.⁹⁵ The significance of that case is that it recognized the right of the government to restrict the publication of "the sailing dates of transports or the number and location of troops." This landmark decision, acknowledging the government's right to censorship for national security reasons, has not been successfully challenged. Even vocal foes of FPC, such as Peter S. Prichard, editor of USA Today, acknowledge the legitimacy of the ban on publishing information about troop movements and sailing dates in protecting military operations.⁹⁶ Near v. Minnesota also suggests, in the words of David O'Brien in The Public's Right to Know, "that matters related to national security and national defense . . . might be susceptible to prior restraint."⁹⁷

Prior restraint is the most powerful form of censorship. It represents the government's action to prevent the dissemination of certain types of information by the media to the public. Usually, it involves classified information which the government blocks from publication or broadcast. Prior restraint is the single form of censorship which the media unanimously oppose, arguing it is a clear violation of their First Amendment rights. The most important case to date involving prior restraint and national security revolved around publication of the Pentagon Papers during the Vietnam War. In New York Times v. United States, the Supreme Court upheld the prohibition on prior restraint of publication of information.⁹⁸ That decision did not, however, prohibit the government from bringing legal action later for violating the Espionage Act or betraying vital national secrets.

The Espionage Act of 1917 and its amendment in 1918 have served, since World War I, as the primary source for government to restrict the dissemination of information in connection with national security concerns. Those acts imposed criminal liability on individuals who "shall make or convey false reports or false statements with the intent to interfere with the operations or success of the military or naval forces of the United States or to promote the success of its enemies . . . or shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States"99 A number of challenges to these laws have been issued, notably Schenck v. United States.100 It was in this ruling that Justice Holmes defined the "clear and present danger" test of First Amendment protection of speech and press.101 As in Schenck v. United States, the constitutionality of the Espionage Acts has been upheld in every challenge.

Beyond the legal aspects of restricting publication of information concerning national security, discussed above, is the issue of media access. This was a major point of media contention in the Grenada Invasion.

The Supreme Court has addressed the subject of media access a number of times. In its opinion the First Amendment does not confer on the news media a special authority for access to government information or activities. Best summarizing these opinions is Chief Justice Earl Warren's statement, "The right to speak and publish does not carry with it the unrestricted right to gather information."102

Among several cases addressing media access is the Supreme Court's decision in Saxbe v. The Washington Post Co.. In its written opinion, the Court ruled, "The Constitution does not . . . require government accord the press special access to information not shared by members of the public

generally."¹⁰³ Buttressing this position was the recent decision in Richmond Newspapers Inc. v. Virginia. The ruling in that case included the comment, "The right of access to places traditionally open to the public, as criminal trials have long been, may be seen as assured by the amalgam of the First Amendment guarantees of speech and press."¹⁰⁴ As Braestrup points out in Battle Lines, the key phrase is "places traditionally open to the public."¹⁰⁵ The Department of Defense would argue that battlefields are not such places.¹⁰⁶

Despite such legal decisions, the media contend they must have special access privileges if they are to fulfill their responsibilities to the public's right to know. The question of what the public has a right to know and the status of the media in informing the public about government affairs are the subject of considerable discussion.

Presenting the media's argument, Richard Halloran of the New York Times stated, "Most journalists would argue that the people's right to know is implicit in the First Amendment and was among the basic reasons the Founding Fathers adopted the amendment."¹⁰⁷ Expounding an opposite view, Chief Justice Warren Burger declared, "Interest alone does not create a constitutional right," in Gannett v. DePasquale.¹⁰⁸ An earlier decision in the Court of Common Pleas of Ohio in the case of Dayton Newspapers, Inc. v. City of Dayton supports Burger.¹⁰⁹ The decision in that case included the comments:

The so-called 'right of the public to know' is a rationalization developed by the fourth estate (the press) to gain rights not shared by others . . . to improve its private ability to acquire information which is a raw asset of its business The Constitution does not appoint the fourth estate the spokesmen (sic) of the people. The people speak through the elective process and

through the individuals it elects to positions created for that purpose. The press has no right that exceeds that of other citizens.¹¹⁰

Joseph Tussman in Government and the Media presented another view which balances a right to know with a need to know. This would appear to offer a compromise acceptable to military thinking. Tussman, addressing the issue, states, "There is, indeed, in some circumstances, a right to know, but it is not defined by a desire to know, by curiosity--idle or active. We cannot demand answers to our questions, as a matter of right, simply because we want answers. We are entitled to know by virtue of some functional status; the right to know is tied to the need to know."¹¹¹ He continues, ". . . the justification for the right to withhold as for the right to know, is the necessity of the legitimate function."¹¹² The balancing of legitimate function and press freedom is the one most predominant in recent Supreme Court decisions.

In the litany of case law and judicial pronouncements, examples can be found to support both the media and the military positions on censorship, media access, and the public's right to know. Therein lies a problem. Increasingly, since World War II, the media have sought recourse through the courts to establish a liberal interpretation of access and authority to disseminate information about the government. This trend, as O'Brien succinctly points out, may in the future force the Supreme Court "to establish a standard for accommodating First Amendment and national security interests."¹¹³

Another aspect of the First Amendment which must be discussed is that of the role of Congress. Under the Constitution, only the Congress is authorized to enact legislation. In this, its First Amendment specifically bars Congress from making laws which abridge the freedom of the press. It does not mean

that laws cannot be enacted regarding the press.¹¹⁴ From the record, Congress appears to be reticent in this area. Historically, Congress has been most active when faced with national crises, real or merely perceived.

The first instance of Congressional action on information dissemination was in 1798, when it passed the Alien and Sedition Acts. The former provided the government a powerful tool to silence critics. It authorized the President to deport aliens whom he regarded as subversive. Since at that time a number of journalists and editors were not U.S. citizens, the law was a threat to those who used the newspapers to criticize the Administration. In effect, the Alien Act empowered the government to silence a considerable portion of the press.¹¹⁵ The Sedition Act of 1798 "imposed criminal sanctions on individuals who made 'any false, scandalous writings against the government of the United States'."¹¹⁶ Its provisions were abused by the Administrations in power, and a number of its victims were members of the press who openly criticized the government.¹¹⁷ Shortly after the Jeffersonian Era began, Congress refused to extend the life of these Acts and they expired.

World War I saw Congress pass three significant laws dealing with censorship. Only one, the Espionage Act of 1917 and its 1918 amendment, discussed above, remain in effect. The Trading With the Enemy Act of 1917 expanded censorship control. It authorized censorship of all communications in and out of the U.S. and required newspapers and magazines to provide translations of foreign language articles in them to the Postmaster General for review and, if deemed appropriate, to withhold mailing privileges from the offending publications. The Sedition Act of 1918 broadened the Espionage Act

and included criminal sanctions against those who violated its provisions.¹¹⁸ After the patriotic frenzy of World War I faded, the constitutionality of the Trading With the Enemy and Sedition Acts came into question and both were repealed in 1921.

More recently, Congressional action resulted in the passage of the Atomic Energy Act of 1954. That law had its genesis during the cold war. It provides penalties for anyone who "communicates, transmits or discloses [restricted data] to any individual or person, or attempts or conspires to do any of the foregoing, with intent to injure the United States or with intent to secure an advantage to any foreign nation."¹¹⁹ That law also authorizes the government to obtain injunctions or restraining orders to prevent dissemination of such data. The significance of the Atomic Energy Act lies in that authority. It can be considered to legitimize application of prior restraint, although only in the narrow context of atomic energy "restricted data."

For classified information related to other matters there is, in the view of the Army Office of General Counsel, "only the general common law authority to enjoin activities which would cause grave and irreparable injury to the public interest The fact that the information is classified is not necessarily sufficient to satisfy this standard. . . ." ¹²⁰ The decision in New York Times Co. v. United States, which upheld the newspaper's right to publish the Pentagon Papers, is proof of that statement.

Congress has enacted several statutes which provide for criminal sanctions against publication of classified information after the fact. The application of them is limited in some circumstances, and the majority require the government to show that a person acted with intent to injure the U.S. or to confer an advantage on a foreign country.¹²¹ Meeting that standard would

be difficult in the case of media disclosures.¹²² Other statutes, such as those dealing with disclosure of an intelligence agent's identity (50 U.S.C. 421) and publication of classified cryptographical information (18 U.S.C. 798), do not require the showing of intended harm. But, those laws are quite narrow in scope.¹²³

Although the U.S. has an Espionage Act and a variety of laws dealing with disclosure of certain type of information, Congress has refused to enact any legislation comparable to the British Official Secrets Act. The Official Secrets Act provides broad powers to the British government to block distribution of publications and to prosecute anyone disclosing information "endangering the security of the State."¹²⁴ The law does not define in specific terms what information that includes.¹²⁵ Related to this law is the "D" Notice System used by the British government. As defined by Valerie Adams, "'D' Notices are issued by the British government to inform the media that a given item is regarded as secret and to request that it should not be published. Compliance is voluntary, but publishing classified information would carry the risk of prosecution under the Official Secrets Act."¹²⁶

Obviously, the existence of an Official Secrets Act in the U.S. would make the imposition of press censorship an easy task. In reality, there would be little, if any, chance that such a law could withstand a First Amendment test. Congress seems well aware of that, as William Colby, former Director of Central Intelligence, noted in Congressional testimony in 1979:

On a number of occasions during this century, the Congress has considered proposals to establish an official secrets act on the British model and has turned them down. It has drawn a line between espionage and simple disclosure of defense secrets, and decided that the latter problems are an acceptable cost of the kind of society we prefer.¹²⁷

The legislative actions and court rulings noted above point to the fact that Constitutional rights, particularly First Amendment guarantees, take precedence over any other consideration in national life. Any determinations made on field press censorship in the future cannot be valid if those rights are ignored.

COMMUNICATION TECHNOLOGY'S IMPACT

Beyond historical and legal perspectives the impact of modern communications technology is central to the question of FPC's viability in the 21st Century.

Beginning with the Civil War, when the telegraph changed the complexion of reporting wars, technology has had a significant effect on how conflicts have been covered and how the military has dealt with that coverage. From then to the present, where real-time transmission of news is a fact of life, each communications technology advance has compounded the military's difficulties in protecting vital information from unhampered disclosure.

Vietnam has been called the war that was fought in the American family's living room to explain the impact which the medium of television had on news coverage of that conflict. It is true that television news reporting has drastically changed coverage of world events. But radio, which came of age in World War II, also had a stunning impact on war reporting. It, too, brought the battlefield into homes at the turn of a switch. In the 1980s, the public takes the immediacy of the once revolutionary technologies of broadcast media for granted. The public also has become accustomed to a plenitude of choices from which to draw their news.

In the U.S., there are 1,645 daily newspapers with a total circulation of 62,826,273 being published, and an additional 7,954 weekly, biweekly, and monthly newspapers with a circulation totalling 42,347,512.¹²⁸ Today, there are 1,342 television stations across the country and 90,270,000 sets ready to receive their broadcasts.¹²⁹ Radio stations number over 8,000 and the number of radio receivers exceed 440,000,000.¹³⁰ In this information age, those numbers are forecast to increase as the 21st Century nears. With such expansion, news coverage of world events also will increase, aided by new technologies.

Electronic News Gathering (ENG), domestic satellites, computerized newsrooms and printing plants, microchips and fiber optics have emerged from the laboratories. In doing so, they have enhanced the media's capability to gather and disseminate information. They affect both the print and broadcast media.

William Lindley tells us that newspapers, which once relied on teletypes operating at 66 words per minute, now use electronic equipment delivering 1,050 words per minute directly to a computer for editing.¹³¹ He also notes that computerized photocomposition units have replaced linotype machines and make it possible for newspapers to turn out more editions.¹³² This adds to a newspaper's ability to keep up with fast breaking news events and rapidly changing situations. Editing directly on video display terminals and transmitting the resultant copy directly to the printing plant also speed up newspaper production. Satellite distribution of the written word now permits such national media as Time and USA Today to produce a variety of versions of a single issue, tailored for a specific geographical region.¹³³ This allows for localizing news and even for targeting specific demographical audiences within a region.

The electronic newspaper also has become a reality. This has been made possible by the expansion of cable television and the increasing popularity of personal computers in the home. It is estimated that 25 million Americans will have them by the end of 1989.¹³⁴ They are all potential subscribers to electronic newspaper services. The salient feature of electronic newspapers is timeliness. Within five minutes of receiving a news report, the "publisher" is able to have the story on its way to the display screens of his readership.

The technology revolution is not limited to print media. Radio also benefits from technology advances, particularly those of fiber optics. This tool, coupled with increased satellite transmission capabilities, offers hundreds of telephone "lines," where only one or two may have existed previously. Such telephone assets make it possible for radio reporters to call in their stories from even the most remote areas of the globe.

Television has become the primary recipient of technology advances in the media. Miniaturization and satellite transmission make it possible for television's eye witness reporting to be broadcast as events occur, in real time. The cumbersome equipment needed to record sight and sound during the Vietnam War is gone. Thanks to technology, cameras and sound recording instruments are now small enough to carry to the scene of the action in a brief case. This provides a mobility to reporter and technical crew unknown in previous wars. Real time transmissions of their reports is now possible through the availability of communications satellites and portable ground transmission stations. Those ground uplinks have been miniaturized to the point they can be carried in a container the size of a suitcase. Uplinks from shipboard are still too large to make it practical to transmit from ships. As

Carl Rochelle related, this is because of the need for additional stabilizing equipment for the uplink to compensate for the roll of a ship.¹³⁵ However, this problem is under study and a solution is being developed.

The past 20 years have seen dramatic advances in communications satellite technology. Transmission of news reports from ground stations to satellites to television newsrooms for broadcast has become commonplace. Emerging today is a new generation of satellites which can eliminate that intermediate stop for editing in the newsroom. Direct broadcast satellites (DBS) offer the technology to broadcast from the scene of a news event directly to the viewer's television screen. DBS use geostationary orbits which follow the equator. Up to 180 satellites can be placed along it, allowing for many nations to use such technology.¹³⁶ In 1981, the Federal Communications Commission authorized private companies to develop DBS services; and, by 1985, eight licenses were issued for their construction.¹³⁷ A major block to the proliferation of DBS services is the high cost of their construction and operation. Another is its implications related to international affairs and a nation's sovereignty to regulate the flow of information within its boundaries. The impact of DBS on battlefield coverage will be far-reaching and have a serious effect on any consideration of field press censorship, if those problems are resolved and DBS construction expands.

Another communications technology which has direct bearing on national security is remote-sensing satellites. Mark Brender, Pentagon producer for ABC News, tells us that within the next ten years "news organizations could be able to take pictures from advanced remote-sensing satellites of virtually any place on earth, producing timely images of extraordinary detail."¹³⁸

U.S. media have made limited use of satellite imagery to augment news reports in the past few years. Major sources of such material are commercial firms such as EOSAT's Landsat, the first commercial remote-sensing satellite which was launched by the U.S. in 1972, and France's SPOT Image.¹³⁹ Other countries are also involved in remote-sensing satellite operations. Brender notes, "According to a report from the International Space Year Conference in the spring of 1988, upwards of 17 countries plan to put some 23 remote-sensing satellites into orbit by the year 2000."¹⁴⁰

The Soviet shuttle launch site at Tyuratam was one of the first uses by a news outlet of remote-sensing imagery. It appeared in an Aviation Week and Space Technology article in 1975.¹⁴¹ Such imagery has increased in use in recent years. It has included imagery of a military airfield and surface-to-air missile sites in Libya by ABC News in January 1986, CBS News' broadcast of an Iraqi poison gas facility in August 1987, weather satellite data imagery showing the smoke from the Yellowstone National Park fires in September 1988, which was published in Insight Magazine, and, more recently, Jane's Defence Weekly's publication of imagery of ballistic missile sites in Saudi Arabia in October 1988.¹⁴²

This news gathering from space technology is in its infancy, but is not limited to U.S. media use. Media in a number of other countries also have used remote-sensing imagery in their print and broadcast news reports of events in remote or dangerous environments. In essence, such technology makes it possible for news "pictures" to be obtained without a photographer, cameraman, or reporter at the scene of the action.

The concern over the impact of high resolution satellite imagery gave rise to a study in 1987 by the Office of Technology Assessment (OTA), a Congressional agency. The OTA report found that the current cost and lack of

timely delivery and high resolution of the imagery keep this news gathering tool from being widely used.¹⁴³ However, the report points out, "The technology exists to obtain high resolution, near-real-time imagery; what is lacking is the clear financial justification for employing this technology."¹⁴⁴ Experts estimate that a remote-sensing satellite, designed to meet news media needs, could cost \$215 million to \$470 million to establish and \$10 million to \$15 million in annual operating costs.¹⁴⁵ Brender contends that the capabilities inherent in a media satellite of this type could attract others as subscribers, such as commercial firms dealing in agriculture, oil, and gas, and offer a financially viable market to current and potential remote-sensing satellite corporations.¹⁴⁶ This would overcome the limiting cost factor and give impetus to private sector investment in constructing, launching, and operating such satellites, and lower the cost of purchasing its products. If this should be the case, satellite imagery would be more readily and economically available to the media. The impact of such a development could be grave for national security. As the OTA report notes, the media could obtain and disseminate information on military operations, "thereby depriving U.S. troops of the critical element of surprise."¹⁴⁷

For the military the problems posed by technology, as applied to news reporting, will make decisions difficult on the feasibility of employing field press censorship on the future battlefield. Communications technology may well be the deciding factor in that issue.

FUTURE WAR SCENARIOS

Any discussion of the future of FPC must take into account the type of war which the U.S. may have to face in the years ahead. It is generally agreed that in any future war the U.S. will not fight alone. Coalition

warfare will be the most probable situation found from the upper range of low intensity conflict to high intensity warfare. The battleground for such wars most likely will be outside U.S. territory.

For purposes of this study, the focus will be on warfare scenarios in the Republic of Korea (ROK) and Europe, and FPC considerations which apply to them.

A major factor in examining the feasibility of FPC in coalition warfare is that host nation laws take precedence. In the case of Korea, when only one nation other than the U.S. is involved, this factor is quite clear-cut. In a NATO scenario there is the possibility of a multiplicity of host nation laws being involved. Consideration also must be given to a situation where the host country has more stringent rules about gathering and disseminating news. When that is the case, the task of dealing with on-scene U.S. media representatives is made more difficult for the U.S. military than in those countries whose laws are similar to ours.

At present there are no standing agreements between the U.S. and the ROK, nor within NATO, regarding imposition of FPC and procedures for on-scene media coverage in wartime. That does not mean that our allies are ignoring the issue. For example, in Korea negotiations are underway to identify locations for press centers to be established in the event of a contingency operation.

In Korea, any war will be prosecuted by the Combined Forces Command, a joint ROK/U.S. command which has thoroughly integrated staff and command positions. It is probable in the event of a conflict that the ROK will insist on nearly total restriction of media representatives. According to Colonel H. T. Linke, the U.S. Forces, Korea Public Affairs Officer, "In the early stages of a war, [the ROK] will move to control all access to outgoing communications

and absent some direct TV/satellite link, no one will be able to transmit copy or tape without ROK approval.¹⁴⁸ He also points out, ". . . I doubt they will allow reporters to travel freely. Consequently, they will likely attempt to keep the media dependent upon government handouts and schedule press trips only into tightly controlled areas and then insist on checking copy/tape before it is released."¹⁴⁹ Linke contends that the ROK has sufficient security forces to enforce these stringent policies.¹⁵⁰

As a coalition command partner, the U.S. may be forced to agree to these highly restrictive rules on media movement, access, and censorship, unless pressure can be brought to have the ROK relax its position to some degree to be more compatible with less stringent forms of U.S. censorship reflected by previous wars.

In the situation described by Colonel Linke, the U.S. decision on whether to impose FPC is moot. But, the ROK's insistence on tight controls, as he envisions them, will present an extremely difficult situation for the U.S. military's dealings with U.S. correspondents. This problem's roots lie in the fact that U.S. news representatives are used to a more liberal government attitude toward news gathering and the flow of information engendered by First Amendment guarantees.

The situation in the NATO alliance is quite different from the one in Korea. This is basically due to the number of nations concerned; the variety, in terms of situations and circumstances, of press laws in those nations; the abundance of media representatives and outlets in-place in Western Europe; and the nature of combat projected for that theater of operations in future conflicts.

The 16 nations of NATO each has its own laws related to the free flow of information and rules regulating the censorship of media outlets within their boundaries. They range from a liberal approach in the Federal Republic of Germany, the Netherlands, and the U.S. to the more structured approach in the United Kingdom with its Official Secrets Act and "D" Notice system and France, where government control is pronounced. Since unanimity is required among all its member nations before a NATO-wide policy is approved, agreement on FPC rules involves a long and arduous process. At present there is no standard policy regarding imposing FPC in the event of war. Recently, however, progress in that area was made; and, NATO now has a set of criteria under which alliance members will decide whether FPC should be imposed and, if so determined, to what extent. Yet to be resolved are such equally important issues as news media accreditation systems to be employed and accommodation of correspondents in that theater of war.

It is estimated that from 20,000 to 23,000 media representatives would converge on Western Europe to cover combat operations there.¹⁵¹ Many of these would be on-site at the start of hostilities. A contingent of correspondents that large could require as many as 5,000 military personnel to support their activities.¹⁵² These circumstances represent a major problem without censorship and a mind-boggling one should FPC be invoked.

Air-Land Battle and Follow-on-Force-Attack doctrine would be implemented in the event of a major conflict in the European Theater. This will assure that combat will be fast-moving over wide areas. This situation will further complicate military efforts to deal with the media on-scene. For, as Warren Strobel of the Washington Times, points out, "The good reporters won't want to stay in press camps. Most reporters will want to get out to the units independent of media escorts."¹⁵³ This raises several questions, one of

which is the safety of the reporters. Since they are noncombatants, the Geneva Conventions would require their protection. Such protection would mean diversion of forces and resources to ensure their well-being amid lethal exchanges. Without media escorts to help in keeping them from harm's way, the interference with combat operations by the unit they are accompanying would further be compounded.

The vision of correspondents setting up portable ground stations to transmit stories directly from the battlefield to satellites is a sobering one. The diversion of hundreds of soldiers from combat duties to serve as censors in rear area news media centers is another. The possibility of enemy forces intercepting reporters' news transmissions from satellites to obtain vital information on troop movements and casualties is a serious threat to military operations. All these hypothetical situations, and more, can become reality in a future conflict without a well-thought-out, practical program to deal with news coverage of war in the 21st Century. But, is field press censorship the means to create such a program?

CONCLUSIONS AND RECOMMENDATIONS

The answer to that question is, "No." Field press censorship cannot effectively serve as the instrument by which vital military information is protected in wartime, while accurate information on what is happening in a theater of operations is provided to the public.

The scissors, imprimatur stamps, and ink pads of FPC have become obsolete in the age of communications satellites, portable ground stations, laptop computers, and miniaturized television equipment. Communications technology has outstripped the tools available to the military in a war zone to monitor and shape the flow of information. Added to this, at least in the U.S., is

the attitude of the media toward attempts to infringe upon their First Amendment right to publish the news. The record of law suits brought by news organizations against the government for such perceived attempts has grown steadily since mid-century. It cannot be said that this will come to a halt in the future, nor can it be expected that court decisions will support the government's position when constitutional issues are at stake in the future. Further, the public's strong belief in its right to know what its government is doing cannot be expected to fade. And, the news media will not relinquish what they consider to be a main role: providing such information to the public. With FPC no longer a viable option, what then is available to the military to deal with media in the war zone? The answer to this dilemma lies in three words: accreditation, accommodation, and access.

The Department of Defense must establish and institutionalize throughout the U.S. military services a standard accreditation policy for news media and put in place procedures to accomplish such credentialing for the gamut of contingencies it is likely to face in the future. The most effective method would be to adopt the policies and procedures currently used for the DOD News Media Pool Program. Once a uniform accreditation program is established and implemented by DOD, the U.S. should negotiate with its alliance partners and other allies to have them adopt the same, or at least compatible, systems.

The next step is to develop and preposition a basic set of ground rules with which the media would be required to comply, or risk dis-accreditation, when covering contingency operations. A model for these basic ground rules should be the ones used in Vietnam and the current list of those employed in DOD National News Media Pool operations. To insure that ground rules are

compatible with specific combat situations, each operation or contingency plan should include, where appropriate, additional rules or modifications in existing ones.

Each operations and contingency plan also should address the issue of how on-scene media representatives are to be accommodated in the specific war zone. At a minimum, this should include details as to the number, location, and type of press centers and camps to be established in the theater of operations (e.g., should they be allied press information centers at Army Group level or below; or joint information bureaus throughout the theater of war under control of the U.S. warfighting CINC; or press camps at division or corps level, operated by the individual Service responsible for the area of operation, etc.). As recommended by the Sidle Panel, the plan also should provide for equipment, housing, telecommunications, and transportation needs of the media. Additionally, friendly forces troop lists in the plan should identify personnel needed to operate press camps and information centers, to serve as media escorts and perform other duties directly related to news media activities.

Media access to information, be it through regularly scheduled briefings, news handouts, or arrangements for their visits to troops in the field, also should be forecast in planning documents. Access also should be balanced with accommodation considerations and security concerns in the execution of such plans. The media should be made to understand, through orientations and ground rule provisions, that at all times access will be both driven and limited by operational requirements, operational security concerns, the safety of the correspondents, and availability of logistical resources to support media activities.

To test and enhance the accreditation-accommodation-access system in peacetime, deployments of the DOD National News Media Pool should continue and, if possible, increase. DOD regional news media pools also should be organized and exercised. These deployments would provide experience to both the military and the media in the system's operation as it would be implemented in wartime. Such tests also would provide the opportunity to refine the system and resolve problems in its execution.

In addition to advance planning and deployment testing, the system outlined here will require an education effort by the military for the media. That program must be initiated in peacetime and conducted on a continuing basis by the military's public affairs arm. It also must have the support of military commanders and senior defense officials.

A major element of this education program must be to ensure the news media representatives understand how the U.S. Armed Forces are organized, how they operate jointly and independently, and what their missions are. This will help to avoid the problems of the Civil War and later conflicts where ignorance on the part of correspondents about the military resulted in inaccurate and misleading reporting and security breaches. Another element of the program should be to ensure that editors, news directors, and other media executives, as well as working journalists, understand clearly under what conditions they will be allowed to operate in a war zone. In this, it must be stressed to them the penalties which will be invoked for violating ground rules and other aspects of the accreditation-accommodation-access system (e.g., expulsion from the theater of operations, legal prosecution under the Espionage Acts, etc.), and the benefits of cooperation in terms of access to

information and events. As part of the education program, the media also must be made to see how their actions could affect the outcome of military operations and the safety of armed forces personnel.

A corresponding training program for military public affairs personnel and commanders also is essential to the success of the accreditation-accommodation-access system. Public affairs practitioners who will be called upon to operate this three-pronged system must be trained thoroughly to perform effectively under its provisions. Military commanders who will be dealing at some time with the media in the theater of operations must know the parameters and purpose of the system for it to work; and, they must have an understanding of the mission of the media as it affects their own mission. This will avert unnecessary confusion and misunderstanding.

To accomplish these training programs, formal instruction should be introduced into the Defense Information School curriculum for public affairs personnel. Further, formal courses of instruction should be institutionalized within the officer education system, beginning in advanced courses and continuing through the senior service school level. Consideration also should be given to such instruction being included in the intermediate and senior noncommissioned officers education system.

The accreditation-accommodation-access system proposed here represents the most realistic approach to security concerns which will challenge the military in its dealings with the media in future wars. It also has a subsidiary benefit: By dealing as a partner, rather than an adversary, the military has the opportunity to improve its relations with the media in both peacetime and wartime. If the death of field press censorship will bring this about, it is a casualty the U.S. military can well afford.

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