

March 15, 1939

MEMORANDUM TO THE COMMISSIONERS (Through the Chairman)

Final Report on the Collection and Dissemination of Information

As I have submitted two reports earlier, giving some details, this report will deal broadly with conditions, progress, conclusions and recommendations. It should be reiterated that the emergency existing at the time my detail began, and pressure since, have necessarily subordinated study of informational methods to the actual carrying on of informational work. No formal and comprehensive "survey" has been attempted, nor any "investigation" seeking to fix personal responsibility for abuses or failures. Within the limits indicated, my observations have been careful and extended.

As my previous reports have suggested, information about the actual or perspective decisions and other actions of this Commission affecting broadcasting, telephones and telegraphs, especially broadcasting, has not merely wide interest, but large value. Possession of it can confer great advantage upon licensees and their attorneys. Often it has marked political importance. Since some of the companies subject to the Commission's jurisdiction have their securities listed upon the leading stock exchanges, information about especially important Commission action may affect the markets. Accordingly the handling of information here is much more than ordinarily subject to "leaks" discrimination, or even racketeering.

Conditions that grew up through the years, surrounding the dissemination of this information, appear to have been thoroughly rotten. The service was weak and incomplete. The pace was hopelessly slow. "Leaks" were notorious. The discrimination in favor of representatives of the industries regulated and the trade press, and against the general press, were a matter of exceedingly widespread and bitter complaint.

Responsibility for the conditions appears to have been widely diffused. The Press Section was of rudimentary character and uncertain and diverse function. It was so far separated from the Commission administratively and physically that it was neither dependable nor fully informed, and lacked control over and responsibility for its own output. The most important information appears customarily to have been given out first, if not given out solely, through the offices of some of the individual commissioners and members of the staff. There was no effective provision for simultaneous and fair announcement to all parties interested and the public at large.

One of the consequences was to establish something approaching a monopoly of information or news by the representative of the industries regulated and the specialist writers who work for or in close conjunction with those industries.

Four months of close observation and direction of the Commission's informational work, supplemented by consideration of innumerable complaints and reports of experiences, convince me that these representatives of the industries and the specialists who write for the information of persons identified with the industries, benefited from old practices. Certainly the general press and the public did not. Similarly the representatives of industry and specialist writers are the only ones who have been disadvantaged by the new practice of prompt and simultaneous public announcement. Even for them the disadvantage is limited, of course, to sharing with others information which before they obtained more or less exclusively. Much more information is being released than before.

The informational volume in this Commission is large. Considering decisions alone, approximately 500, including those whose news interest is quite limited but almost certainly not non-existent, were promulgated in one period of twenty one working days. In dealing with such a volume of decisions and great quantity of material about the Commission's operations that accompanies them, the interests of the general press are served by orderly handling, simultaneous public announcement, quick service and fullest access to supplementary information. Discrimination in the release of any information handled by routine is quickly and generally resented. As many correspondents have attested, the general press welcomes competition for legitimate "scoops" that are the reward of enterprise and lie outside the fields of routine information. But it objects to having to fight for, and then perhaps fail to get, information which by its very nature should be made easily and simultaneously available to all. That has been the burden of many complaints about this omission.

There has been keen resentment, for example, because until recently publishers who were also broadcasters could also get information from their Washington attorneys that cases had been decided for or against them, but were unable to confirm this information through their Washington correspondents or the national news services. While the form of Commission procedures then existing contributed to such happenings, this circumstance scarcely lessened the resentment. Moreover it was recognized that the "leaks" could not have occurred except through violation of the express or implied confidence which interdicted the release of the information to the public until opinions and the Commission's action upon them were completed.

Another consequence of the weak information set up and the coincident growth of the practice of individual handling of publicity, and the defining and limiting of the terms of public discussion of pending issues, by an individual commissioner

or group of commissioners who at any given time were most aggressive and most adept at propaganda. Individual commissioners who might be willing to do so were in a position to exploit information having news value for their own purposes and even to put their associates "on the spot" in specific cases.

In this connection, as indicated in my report of March 3, a simultaneous and wholly equitable release of information is not even now completely achieved. Nearly all actions of major importance are being handled satisfactorily. In some instances, however, when the Information Office declines to furnish information to representatives of industry in advance of its impending public release, those inquiring retort with assurance that they will get it at another office. There are also plain indications that in other offices of the Commission some of the writers closely identified with the industries are scanning "flimsies" and memoranda which are not made available at all.

Handling of information in this fashion, abetted by the weak and undependable information service of the past, has failed to acquaint the public fully with actions taken and the reasons for them. This in turn has pretty well precluded the development of an informed and broad-based public opinion on communications issues. Personal and policy differences which inevitably are part of the picture of the Commission as it is exhibited to the public, have tended to become the whole picture.

Instead of broad-based, informed public opinion, the Commission's handling of information through the years, and the interplay of various other forces, have helped to create an apparent public opinion that is synthetic as well as narrow. This asserts itself through the spokesman for the regulated industries, the journals of limited and highly selective circulation which make up the trade press, and only three of four daily newspapers which pay special attention to the Commission's work and interest themselves in the shaping of policy as well as in reporting it and commenting editorially upon it.

Contributing to the narrowness of discussion has been the absence of a well defined information practice. In seeking broader discussion and broader opinion, some help may be anticipated from more complete announcements of Commission actions and Commission issues, more exposition of the Commission's functions and its difficulties by the commissioners themselves, through speeches and writings, for example, and stronger support for the informational set up.

Specifically, as to the more complete announcements which are possible, the releases on important decisions other than those in docket cases might well be elaborated. This would carry further the principle of open dealing with its corollary of fuller and more widespread public discussion of the issues which the

Commission is called upon to meet. I have in mind particularly those decisions having to do with the ownership of broadcasting stations by newspapers, the approval or disapproval of purchase prices substantially in excess of the physical value of broadcast properties, and the receipt of and action upon listener complaints.

In the complaint matter it is quite possible to keep confidential the names of complainants, as at present, in order to avoid subjecting them to embarrassment or reprisals and to avoid drying up the stream of complaints, while disclosing the general subject matter and character of the complaints and their approximate number. To do so would at once satisfy the newspaper demand for information of this sort and the interest of the public in it, and would encourage larger public response to the highly controverted questions which so frequently confront the Commission and in which public opinion is generally accounted an important factor.

There has been a disposition in the past, to a lesser extent still persisting, to minimize the information released on such subjects. In the last four months the whole tendency has been towards fuller presentation of all the subjects dealt with. However, I have not initiated radical changes in the handling of these highly controverted matters because other duties intervened and because such a change, to be effective and to produce no reactions adverse to the first objective of achieving a sound informational set up, should be preceded by a definite understanding with the commissioners, if not a direction from them. Any step toward fuller announcements that can be taken now should help to broaden discussion and opinion.

That, in turn, will help to correct the general public misapprehensions about the functions and duties which are imposed upon the Commission by statute -- to say nothing of those which it is accused of arrogating to itself. These misapprehensions -- especially that the Commission scans programs prior to broadcasting, may by fiat stop broadcasts at will, and may create careers on the air for promising broadcast talent -- are manifest in many petitions and letters of complaint and remonstrance.

Such informational activity as is here reported upon or suggested involves neither propaganda nor promotion. It is concerned altogether with factual material, supplied incident to and as a part of the Commission's work. It is worth recalling that the Congress in enacting the Communications Act appears to have contemplated that there should be full public knowledge of the Commission's work, and much publicity as was necessary to bring this about. Section 303 (p) provide that the Commission shall "Have authority to cause to be published such call letters and such other announcements and data as in the judgment of the

Commission may be required for the efficient operation of radio stations subject to the jurisdiction of the United States and for proper enforcement of this Act.”

Viewing possibilities in the light of this authorization, I find no evidence that the Commission or its predecessor agencies made noteworthy use of publicity as an instrument of regulation. Many will recognize that it is often one of the most effective of such instruments: that merely calling public attention to conditions contrary to public interest may be as powerful a corrective as direct regulatory action. In looking to the future of the information work this aspect of the matter might well be taken into account.

As to the progress made thus far in setting up and maintaining an effective information service, the slow pace which tended strongly to drive reporters and parties in interest back upon the commissioners or upon members of the staff for information, has been largely corrected. The whole information process has been speeded up radically.

We are now announcing all major decisions and actions immediately after the Commission acts. No information of major importance is held over night. Decisions in docket cases are announced in reasonably brief summaries setting forth the grounds for them. The full text of opinions is made available a day or two later, as soon as they can be duplicated. Where formerly the decisions in these cases were not ready for release at best for one or two days, and when there were many and lengthy opinions, for as long as a week, they are now being made available ordinarily within thirty minutes to an hour after the Commission acts.

Some non-useful material has been eliminated from the public distribution. The weekly lists of call letters and the tentative calendars in which neither the press nor the attorneys and others served at the Information Reference Room showed any interest have been dropped. Tariff memoranda have been retained because it proved that, while interest in them was exceedingly limited, a few people connected with industry do want them.

Four of the technical articles relating to advances in the art of communications, originated by the Engineering Department and prepared for release in collaboration with them, have now been released. Drafts of two more are in preparation. This activity, although its possibilities have not been fully developed, is promising and worth extending.

The revision of informational mailing lists, which apparently had not been revised for four and a half years, is well advanced. In general the new lists are being set up on a strictly request basis and by classes of subject matter so that informational material will be sent only to those who have asked for it, and each

person will get exactly the material he has requested. This will avoid incomplete service on one hand and waste on the other.

There is need for the speeding up of the informational mailings. In the responses to our letters about revision of the lists there is considerable complaint that releases are many days old. Some are received five or six days late even by newspaper correspondents in Washington. As a corrective, new and separate mailing lists are being set up for Washington correspondents and a limited number of newspapers, for quick mailings.

In planning for the future, however, I think the Information Office should definitely control the mailings on those lists which are of press or informational, as distinguished from administrative, character. This might be done, for example, by having the person persons responsible for these lists and the mailings on them put under the jurisdiction of the director of information, or whatever official is designated to act in a like capacity.

Along with the establishment of an informational service should go a gradual overhauling of the entire machinery for the handling of information within the Commission, and its dissemination outside the Commission, with a view to continuing improvement and fuller coordination.

The paramount present need is for the establishment of a small but strong set up, having such permanence as is possible under the conditions existing, for the dissemination of information about the Commission's actions and operations that will guard against back-sliding into neglect and ineffectiveness, and will consolidate and extend the gains that have been made.

As such a set up may not under present conditions have full and continuous support from all of the commissioners, it will need to be endowed with some strength and backing. Lack of support, if coupled with obstruction or resistance from either a commission or a staff quarter, can tie an information service in a bow knot an twenty four hours.

On the other hand, any new set up to function with full effectiveness will need not only to serve the majority of the commissioners, but to make provision for the release and distribution of dissenting or minority views to the full extent that the dissenting or minority elements may use its facilities.

That the set up must be independent and responsible directly to the Commission is, in my opinion, imperative. As was suggested in my report of February 17, what was known as the Press Section and was part of the Administrative branch of the Commission, should give way, as it has during my tenure, to an Office of Information functioning in a direct relation to the Commission. This Office of

Information should have jurisdiction over the presently existing Information Office, the Information Reference Room, and the Press Room.

It could assume other functions, preferably not too numerous or out of harmony with the informational task, if the Commission wished. One such function is the preparation of the annual report, which could be at once a fascinating narrative of communications development and progress and an invaluable work of reference. It is now of the dry-as-dust type, enumerating activities rather than portraying and illuminating them.

All necessary arrangements for coordination with other branches which might call for the intervention of a superior authority would be directed by the Commission.

It is probable that a set up can be obtained which will serve present purposes at a cost somewhat less than that of the temporary organization headed by me. I cannot believe, however, that any one-man organization, or especially any set up staffed by other than experienced and intelligent men will work. The volume of information is too great and the overloads and crises come too quickly and too often. They cannot be met single handed by a man who is often tied to a telephone answering inquiries, has a group of correspondents in his office, has no privacy for the discussion, negotiation and composition that must precede the release of important information, has little or no contact with the Commission which must be the chief source of his information, and at least when need arises a sympathetic collaborator in releasing that information with satisfactory form and content.

Similarly, while other forms of organization are possible, as was indicated in my report of February 17, it is inconceivable that any arrangement can be effective which does not provide for a dependable and continuing link with the Commission. Except for attendance at meetings, that link, I believe, can be maintained only through the Chairman or through a designated commissioner whose interest would be lively and continuing and who would assume part of the responsibility for seeing to it that the Information Office was kept fully informed and given every reasonable facility for its difficult task. For a long time there will be inertia and informational bad habits to overcome.

Manifestly, the closest possible contact should be kept with individual commissioners not merely through the Chairman or the commissioner designated, but independently. But this will only lessen the dependence upon the link with the Chairman or the designated commissioner; not remove the need for it.

I therefore recommend that the Commission consider an Information Office organization of not less than two men, headed by a Director of Information or the

equivalent. If one of his possible links with the Commission is intended to be maintained through the Chairman's office, he should also be designated as an Assistant or Special Assistant to the Chairman. He should have as aide a man of high caliber fully capable of handling contacts with the press as well as with the commissioners and the staff.

Much cooperation from many commissioners and staff members has helped greatly in my study of informational methods, and is warmly acknowledged.

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