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Letter to Murray J. Rossant Pertaining to The American Foundation's Reservation in Supporting the Proposed National Press Council

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THE FORD FOUNDATION
320 EAST 43RD STREET
NEW YORK, NEW YORK 10017

1, 4, 5, 6, 7

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September 5, 1972

Dear Murray:

I think you know how much I enjoyed meeting Justice Traynor. Visiting with him for even a short time makes it easy to understand why those who have worked with him or have studied his opinions have so much praise for his integrity and intellect.

All of us who have become involved in this study are indebted to you and the Twentieth Century Fund's Task Force for directing our thoughts toward the possibilities of a National Press Council. The prospect of an overview agency monitoring the performance of print and broadcast journalism, setting standards and pointing up shortcomings in the flow of information to the citizenry, defending journalists when they are wrongly or unfairly attacked, and working constantly to raise the sights of both practitioners and "consumers" certainly has virtue.

Having said that, we do not mean to imply that the Ford Foundation is necessarily convinced that the concept of a press council making quasi-judicial judgments on the journalistic endeavors of the national suppliers of news is the way, or the only way to achieve the high goals that prompt our mutual interest in this vital field. It is, in fact, in the wider context of our long-standing and continuing commitments to journalism education, public television and communications in general, that we must measure a decision on the specific proposal of your Task Force.

What we have before us is an imaginative sketch or drawing, rather than a blueprint. One could not expect a schematic drawing at this point, but our officers and trustees would expect a more detailed plan on how a press council would be formed, and what its constitution might be. The Ford Foundation, as you have suggested, would be quite properly but one of several funders. Because we would expect to play no active role in the deliberations and processes of the council, we could not, in due conscience, support the creation of such an institution that would become part of the information process without having submitted a more comprehensive plan to our trustees.

As we continue to consider this complex problem, we think it constructive and fair to share with you some of the most important questions and reservations which are the product of our own recent conversations with a variety of leaders in this field. This, as you know, includes two valuable seminars with Douglass Cater's communications groups at Aspen.

1. What will be the relationship between the legal process and the council's activities? Although the British system precludes court action, will

the council be open to subpoenas from United States grand juries and prosecutors? In the case of television and radio, which are subject to FCC regulation, could the stricture against regulatory action mentioned in the Task Force proposal be enforced? In light of recent Supreme Court decisions such as the Caldwell case, would the council be able to resist such subpoenas? How would this affect the participation of journalists involved in delicate cases? Also, in this area, although the Task Force report states that an individual would waive the right to sue, the question of class action or third party suits is not considered.

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2. How would the membership be selected, not only at the moment of charter, but two and three generations later? Critics of the plan point to the decay which often sets in on self-perpetuating boards. Could several outside organizations nominate a certain number of candidates to the council? How is representation provided for consumers and other non-establishment groups?
3. What should the proper balance be between journalists, jurists, historians and other citizens? There are those who resist a panel dominated by professional journalists because it would appear to the public to be incestuous, too capable of producing a whitewash. Others feel that a panel of former jurists would impose too much of a quasi-legal discipline on journalism. Although journalists strive for complete accuracy, they can rarely provide more than "the first draft of history," and they cannot be expected to write legal decisions on a deadline.
4. What would the relationship be between the national council and regional ones? Those participating in the Aspen conference and other interested practitioners constantly made the point that vital as the performance of the national suppliers of news is, some of the most serious shortcomings occur at the local and regional levels in communities such as Indianapolis, Seattle and Jacksonville. Their response to the Task Force proposal was, "Can you not fund some experimental regional councils at the same time a national council is established?"
5. What use would be made of publications such as journalism reviews? Should the press council have a regularly scheduled publication? Should it use funds to encourage journalism reviews? Has the use of critical analysis in journalism reviews as a means of surveying the newspaper and broadcast product been fully explored?

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6. How long would the experiment last? Lou Cannon of The Washington Post and many journalists who favor the concept of a press council recommend that there be a time limit of five or seven years on the original experiment. The fear is that non-profit organizations develop a life of their own and, regardless of their success or failure, are difficult to terminate. The suggestion that this press council experiment be subject to evaluation after the initial five years seems to have merit.
 7. Is the budget sufficient? Although the Task Force has provided an itemized summary of salaries and other operating expenses, it is not clear that the kind of structure that would match the model described -- which would achieve sufficient public confidence to weather the attacks against it -- can be supported by the budget the Task Force identifies. Additionally, there is the vital matter of an electronic library of news broadcasts and major documentaries which would have to be available, particularly if one or more of the network news organizations continue their position of non-cooperation. The press council would have to maintain a library of one-inch videotape recordings or make arrangements with some university or other independent institution to make such material available to them. Such arrangements, whether in-house or on a participation basis, will be a line item of considerable magnitude and should include funds for play-back and review equipment.

These are some of the sensitive, constructive questions which have been raised by some 30 or 40 editors, producers, working reporters, and distinguished non-professionals, whose views we have solicited. Our hesitation is not because we necessarily seek a unanimous consensus, but because we believe that the issues raised deserve serious study before implementation is attempted.

Our trustees would expect a working paper that probed some of the above questions in far greater detail than is now available. It is Mr. Bundy's thought and mine that whatever our recommendation to our trustees, we shall require most of the time between now and our December meeting to prepare the proper kind of comprehensive document.

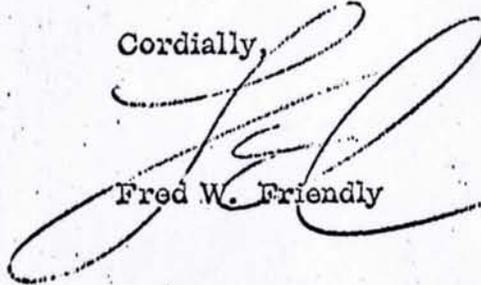
We presume to speak and act only for the Ford Foundation. Your own trustees and your Task Force may well feel that you have sufficient evidence and funding from other organizations. Should you proceed without the Ford Foundation, we

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would wish you every success. Our reservations relate only to our judgments of what is needed in our own consideration of your proposal.

We await your response and stand available at any time to discuss the matter with you.

Cordially,

A large, stylized handwritten signature in black ink, appearing to read 'F. Friendly', is written over the typed name.

Fred W. Friendly

Mr. Murray J. Rossant
Director
Twentieth Century Fund
41 East 70 Street
New York, New York 10021