Correspondence Between Murray J. Rossant and Fred Friendly Regarding The Ford Foundation Support of National Press Council, 1972 September 5 and 1972 September 12

Murray J. Rossant

Fred Friendly

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September 12, 1972

Mr. Fred Friendly
Advisory on Television
Office of the President
Ford Foundation
320 East 43rd Street
New York, New York 10017

Dear Fred:

I welcomed your constructive letter concerning the proposal for a national press council made by an independent Twentieth Century Fund Task Force. It is reassuring to know that the Ford Foundation will make its decision about support for the proposed council "in the wider context of (y)our long-standing and continuing commitments to journalism education, public television and communications in general," because I believe that this new institution will bolster the efforts that the Ford Foundation has made and is making.

Many of the questions you raise are ones that have been considered by the Task Force; others which are largely procedural in nature, were deliberately left unresolved because the Task Force felt, quite properly, that the founding committee ought to have an opportunity to deal with them; still others, it felt, must be left to the council itself.

The fact is that the Task Force did not attempt to produce a fully detailed blueprint for the council, much less a constitution for it. Rather, it considered at great length how best to devise a means of monitoring the performance of the media and providing a mechanism for citizens who have complaints against either broadcast or print journalism. It came to the conclusion that a private national body could serve as a model for future efforts at the regional, state or local level.

If that proposal has validity, as I believe it has, then the process of creating the council obviously requires a good deal of thought and expertise. The Task Force and myself both welcome constructive criticism. But we hope that you, as well as other potential suppliers of funds for the Council, will not only ask questions but help to answer them.

Certainly, the whole object of the exercise of providing you and other interested foundations with the Task Force proposal was to elicit your assistance in the task of bringing a new institution into being. Your questions
are part of that exercise but it does not seem to me that the process of
dealing with them should delay the process of forming the press council.
On the contrary, it is our belief that the Ford Foundation and other
members of the foundation consortium should work together with members
of the Task Force and representatives of the media, in dealing with the
details that would permit the council to be safely launched.

As we see it, procedural issues -- concerning the composition of the
council, provisions for its succession, the publication of council findings,
etc. -- can be decided rather quickly by a working committee of represen-
tatives of the funding consortium, the Task Force and the media. Other
issues, such as the proper balance of the council's work -- how much should
be judicial, how much research -- calls for discussion but can be resolved
ultimately only by the council itself. As for the question of confidentiality,
the Fund has asked Justice Traynor and Professor Bickel for their views which,
again, should be discussed by the founding committee made up of the Task Force,
the foundation consortium and representatives of the media.

Your letter seems to me to provide an agenda for the working committee,
which could then report to the founding committee. Justice Traynor has
consented to serve with the working committee, and I hope that we can count
on your participation on it so that the guidelines essential for establishing
the council can be worked out within the next month or two.

But the need for a council argues against a prolonged period of con-
sultation over whether a council should be formed. Consultation is essential,
but I believe that if you agree that a council is a valid concept, the problem
of its funding and its implementation should not be delayed.

While I cannot speak for the Task Force, my own view is that your par-
ticipation in the formative stages would serve to insure the successful launch-
ing of the council.

Sincerely,

H. J. Rossant

EMR/cs

P.S. Thanks for the clip on the McKay Commission; I believe that Justice
Traynor will deal with the issue.
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 participa-
tion 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.

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 con-
sumers and other non-establishment groups?

3. What should the proper balance be between journalists, jurists, his-
torians 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 com-
plete 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 shortcom-
ings 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?
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
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,

[Signature]

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