

ORIGINAL ARTICLE

Reopening the Postwar Settlement for U.S. Media: The Origins and Implications of the Social Contract Between Media, the State, and the Polity

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Drawing from archival research, I historicize current media policies and reform efforts by analyzing the 1940s critical juncture when policymakers, social movements, and communication industries grappled over commercial media's role in a democratic society. By focusing on policy formations around the Hutchins Commission and the FCC's "Blue Book," I propose that a suppressed media reform movement resulted in a "postwar settlement" marked by three assumptions: media should remain self-regulated, practice social responsibility, and be protected by a negative freedom of the press. This social contract consolidated an industry-friendly arrangement that contained reform movements, foreclosed on alternative models, discouraged structural critiques of the U.S. media system, and privileged media owners' rights over those of the public's—a relationship that continues today.

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The postwar 1940s witnessed a series of decisive policy battles in the United States as government officials, social movements, and communication industries grappled over the role of commercial media in a democratic society. At this time, a media reform movement of grassroots activists and progressive policymakers emerged to challenge the commercial interests consolidating control of U.S. media, particularly broadcasting. A key initiative borne out of this movement was the 1946 Federal Communications Commission (FCC) Report on Public Service Responsibilities of Broadcast Licensees—better known as the “Blue Book”—a high-water mark for FCC progressive activism that mandated public service obligations for broadcasters in return for their use of the public airwaves. Another progressive initiative, aimed at the news media in general, was “The Commission on Freedom of the Press”—better known as the “Hutchins Commission”—which issued a general report in 1947

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that codified democratic benchmarks for the press. During the immediate postwar years, these initiatives posed significant challenges to the reigning libertarian notion of media industry self-regulation. Ultimately, however, an industry-led backlash characterized by Red-baiting tactics defeated the policy initiatives outlined in the Blue Book and Hutchins Commission, and the 1940s media reform movement was largely contained.

The outcome of these norm-setting policy debates gave rise to a kind of social contract between media institutions, U.S. regulatory regimes, and the polity—what I refer to as a “postwar settlement” for U.S. media. This settlement was marked by three assumptions: Media should remain self-regulated, practice nominal social responsibility, and be protected by a negative freedom of the press—negative in the sense that it conceived freedom of the press as privileging the rights of media owners over those of listeners, readers, and the broader public. In other words, it elevated a libertarian “freedom from” (as in media companies’ freedom *from* government regulation) over a “freedom for” or “freedom to” (as in the public’s freedom *to* a diverse and informative media system). This settlement consolidated an industry-friendly arrangement that largely foreclosed on alternative models, discouraged structural critiques, and prefigured normative expectations for the decades that followed, thus holding much relevance for the crises facing U.S. media institutions today.

Today, among industry circles, economic conservatives, political pundits, as well as the broader public, it is nearly axiomatic that government does not regulate media—or if and when it does, only with a light regulatory touch. Although this assumed relationship is demonstrably untrue, the deregulatory paradigm that defers media governance to market operations remains dominant. The following draws from archival materials to provide a critical analysis of the origins and implications of the deregulatory media policy paradigm that was codified during the immediate postwar years in the United States. This analysis focuses on themes connected to the 1940s media reform movement: progressive policy initiatives, confrontations with industry, and the settlement that emerged from industry’s counterattacks. In recovering the contingencies and connections that give this period coherence, several questions drive this analysis: How was the shift in normative democratic discourse articulated? What were some of the alternatives being proposed, and how close were they to being realized? What was the historical context and social impetus for this media activism? What were the activists’ underlying normative assumptions? How were they defeated? What was the nature of the settlement resulting from their demise? Finally, what lessons can be drawn for current media reformers and policymakers? In this analysis, what did *not* happen as a result of media reform activism is as important as what *did* happen. Situating 1940s media reform activism and progressive policy initiatives in this historical context of political struggle over the normative foundations of media policy gives us purchase on larger connections and ramifications, both historic and contemporary, that otherwise might elude analysis. Specifically, it examines how governance of U.S. media continues to be defined by the legacies of 1940s policy battles.

This study rests on two levels of historical methodology. First, I analyzed and synthesized trade journal accounts, newspaper coverage, and secondary literature to understand the context surrounding these reform initiatives. Second, inspired by recurring themes and omissions from these sources, I located the relevant archives holding Blue Book and Hutchins Commission-related materials, such as letters to and between commissioners, policy memos, and retrospective oral histories and interviews. Although space constraints limit the extent to which I can provide examples of this material as I do elsewhere (Pickard, 2008), the analysis in this article emerged from close, iterative readings of trade press accounts and archival records. By recuperating lost alternatives from the postwar era to inform contemporary policy debates, this study is as much about present and future media policy as it is about past struggles. Indeed, by questioning the legitimacy of the postwar settlement, my analysis begins to set the stage for overturning it.

Media policy debates in the 1940s

Key normative principles concerning the role of media in a democratic society formed during a brief yet dynamic and often overlooked period in American history. The postwar 1940s was a time of inordinate change, a critical juncture when technological, social, and political upheavals created both crisis and opportunity. For a brief period, a number of potential trajectories opened before the public and policymakers. As fundamental questions about the relationships between media, the state, and the public emerged, organized groups as well as vocal segments of the general population rebelled against the commercial media system in ways rarely seen in U.S. history (Pickard, 2008).

At this time, a diverse and wide-ranging media reform movement coalesced around several strands of media criticism and dialectically engaged with ongoing structural crises in the commercial media system. Composed of disaffected intellectuals, civil libertarians, civil rights groups, religious organizations, educators, labor unions, and progressive policymakers, this new movement leveled media criticism around four general themes: first, a structural critique that focused on issues regarding control and ownership, particularly around monopoly and media concentration issues, as well as labor relationships; second, an informational critique that focused on patterns of news content selection, omission, and emphasis that arose from specific structural attributes of the commercial media system; third, a racial critique that focused on misrepresentations of marginalized people within commercial media and a lack of minority-owned and operated media; and fourth, a critique of commercialism that focused on excessive advertising, commercial values, and low-quality programming (Pickard, 2008). Reflecting some of these themes, an irate letter from a self-described “housewife” to the FCC described the quality of typical programming as “abysmally low,” leading her to “take up the cudgels for the stay at homes—the aged, the sick in homes and hospitals, the house-wives sewing and knitting for Red Cross as I do, and the thinking women who would like some consideration from the

radio . . .” Noting that commercial broadcasters had “no sense of obligation to those who do not like these banal programs nor of public benefit in raising the taste,” she asked Durr to “Please keep up the fight. If it means government control better than sponsor control” (Ragsdale, 1946).

In an attempt to change their media system, media reform groups developed tactics for channeling anger into tangible protests and interventions. Their actions included setting up community listening councils that organized media activism campaigns such as circulating petitions, writing letters, and calling in to radio stations, commercial sponsors, and the FCC. These activists would urge broadcasters to, for example, remove racial stereotypes from scripts, allow for fair discussion of important social issues, and cut down on low-quality, sensationalistic fare like soap operas. Other broad campaigns pressured broadcasters to stop airing the so-called “singing commercials” and “plug-uglies,” terms for the annoying on-air advertisements that interrupted people’s favorite programs. On a more structural level, labor unions attempted to buy their own stations, create programming within the existing commercial media system, and organize against newspaper publishers, whereas a relatively large number of African American–owned and –operated newspapers sprung up in response to racist coverage in the mainstream commercial press. This context of media reappraisal did not just serve as a backdrop but directly gave rise to the policy initiatives of the Blue Book and the Hutchins Commission (Pickard, 2008).

The proposals outlined in the Blue Book represented a highly significant, if largely forgotten, policy statement (Fones-Wolf, 2006; Meyer, 1962; Pickard, *in press b*; Socolow, 2002; Toro, 2000). Put forth by one of, if not the most, progressive FCCs in U.S. media history, the 59-page Blue Book laid out four requirements for broadcast licensees: They must sustain experimental programs deemed unsponsorable, promote local live programs, devote programs to the discussion of local public issues, and eliminate “excessive advertising.” Adding weight to these public interest obligations was the very real threat that, failing these criteria, broadcast licensees would be subjected to public hearings and possible termination of their licenses—a stipulation that is almost inconceivable today. However, the Blue Book was clear in limiting the FCC’s regulatory role in directly affecting programming. It stated that “listeners must primarily turn for improved standards of program service” to individual stations and the networks “rather than to federal regulation” (pp. 54–55).

The Hutchins Commission was composed of leading intellectuals—all white, elite men—whose ideological breadth ranged from social democratic progressives like Archibald MacLeish to First Amendment absolutist liberals like Zechariah Chafee. Although more radical proposals like government aid toward start-ups in one-newspaper towns and establishing municipal-owned newspapers were jettisoned, the commission established once and for all that institutions of the press bore responsibilities to the public, and should be held accountable (Bates, 1995; McIntyre, 1987; Pickard, *in press a*). The commission’s findings held profound norm-setting power. The late C. Edwin Baker noted that the commission’s general report “provides

the most influential modern account of the goals of journalistic performance” and is virtually treated as the “official Western view” of journalism’s aims (Baker, 2002, p. 154). Elsewhere, he described its work as “the most important, semi-official, policy-oriented study of the mass media in U.S. history” (Baker, 2007, p. 2).

What many previous accounts have overlooked or at least failed to give sufficient attention to is the larger context within which the Hutchins Commission unfolded: a paradigmatic clash between, on the one side, threatened media industries scrambling to shore up their commercial dominance over the American media system and steal a march against the government’s regulatory efforts, and, on the other side, a burgeoning media reform movement struggling to advance a vision of what could be termed “media democracy”—a social democratic vision that allows for a proactive governmental role in protecting the public’s collective freedoms to a diverse, information-rich media system over the individual rights of incumbent commercial media owners. The social democratic approach allows for a redistribution of media power through governmental regulation; the libertarian approach maintains a laissez-faire relationship between media and government, except in cases where industry stands to gain from government protections and allocations, such as granting commercial broadcasters monopolistic use of public airwaves.

In both the Blue Book and the Hutchins Report, the projects were clearly prompted by widespread public criticism of commercial broadcasters and publishers’ tendencies to privilege profit accumulation over producing media that benefited the public interest. Particularly with regard to the Blue Book, countless letters from organized groups and individuals to policymakers—as well as policymakers’ own rhetoric—evidenced strong connections to social movements. This relationship was most clearly demonstrated through Clifford Durr, a progressive FCC commissioner and the Blue Book’s primary champion, whose social contacts represented a nexus for various grassroots constituencies.

Durr often hewed to activist themes in his public writing and speaking. In his widely discussed article “Freedom of Speech for Whom?” he drew connections between structures of media ownership and First Amendment protections, stating that “The only barriers to the complete occupation of the air by advertisers, and the consequent total elimination of public service programs, are self-restraint on the part of the broadcasters and networks themselves—somewhat fortified, perhaps, by the complaints of their listeners—and the public interest provisions of the Communications Act. . .” (Durr, 1944a). In another article titled “How Free Is Radio?” Durr warned that radio was becoming “predominantly an advertising medium” that “moved from diversification to concentration.” He warned that “concentration of economic power” subjects radio to “dangers far more serious and immediate than any threat from the government.” (Durr, 1944b). Durr commissioned a like-minded reformer, the BBC pioneer Charles Siepmann, to serve as the primary author of the Blue Book.

Both the Blue Book and the Hutchins Report open windows into the core debates and contradictions connected to our most basic normative assumptions regarding

media in a democratic society. They address questions about who gets to speak, who gets to control media, what media institutions owe society in return for their many benefits, and if and how media should be regulated. As important, with these initiatives we glimpse what could have been—the alternative trajectories and structural reforms that were deferred but still hold promise today. The actors in these media debates engaged in a spirited dialogue about the role of media regulation in a democratic society. The debates cast into sharp relief the contrast between a social democratic vision of a mixed private and public media system and a corporate-dominated vision of a wholly privatized media system. The former sought to preserve the overall commercial media system, but it allowed for a greater regulatory role for government while keeping alive a possibility for nonprofit models. The latter position viewed any move toward government involvement as antithetical to private enterprise and freedom of speech. This rationale was no doubt in large part motivated by profit-seeking imperatives, but industry's true motives were often hidden behind explanations based on libertarian First Amendment rights, and cast as a life and death struggle for American freedom.

Ultimately, the social democratic vision lost to a vicious corporate backlash that exploited Cold War politics to effectively red-bait and silence progressive reformers. Once the media reform movement was demobilized, its proposed policies were variously ignored or co-opted by business-friendly arrangements that continue to define U.S. media policy today. The resolution emerging from the Blue Book's deferral led to a self-regulated broadcast system that suffered virtually no threat of license revocation, thereafter allowing broadcasters to act with near-impunity. This outcome has had a profound impact on our current media system. Today broadcasters have virtually no risk of losing their license and merely have to mail in a "postcard" every 8 years to be rubber-stamped by the FCC for renewal—precisely the outcome Durr was fighting against.

Similarly, the resolution of the Hutchins Commission produced a newspaper industry further inoculated against future regulation. It emerged with negative First Amendment rights strengthened and a code of self-regulation further solidified. The concession to the public was "social responsibility," which actually protected commercial values and cemented corporate domination of the news industry. This outcome was not inevitable. Archibald MacLeish, the original author of the Hutchins Report, argued passionately and repeatedly for a more progressive statement. Specifically, MacLeish insisted on a more radical, affirmative view of the First Amendment, allowing everyone access to the press to have their say if they so desired. Otherwise, according to MacLeish, the whole notion of freedom of the press was farcical. As the commissioners heavily edited his original draft of the report, MacLeish asked, "Are we going to state the facts and mark the implications regardless of the probable reactions of the press and its owners?" It seemed to MacLeish that the commission was exhibiting undue caution in the Report by glossing over "unpleasant facts." He took particular issue with the phrase "freedom for the press." "Surely," MacLeish argued, "this should mean freedom *of* the press." MacLeish observed, "Freedom *for* is what

[newspaper publishers] think it is.” He reiterated, “The freedom belongs, however, to the people, not to the press. And *that* difference is real” (MacLeish, 1946).

Nonetheless, the final report did little to chasten owners and publishers of the press. Newspaper publishers went from being terrified in 1945 of imminent government intervention (in the form of court cases, congressional investigations, and an FCC carrying out Franklin D. Roosevelt’s bidding to go after newspapers) to being assured in 1949 of near-complete autonomy. The difference in the relationship between the press and the government between these two bookends is striking. And yet, had MacLeish and Durr prevailed, had policymakers coordinated more effectively with social movement groups, had the Cold War and its resultant anticommunist hysteria not snuffed out much of the progressive potential in the postwar 1940s, things may have gone differently. Instead, the commercial system emerged not only intact but even stronger than before. Thus, the most palpable outcome of this ascendancy of conservative media policy was exiling the Blue Book and Hutchins Commission to the annals of history rather than having them serve as the foundations for media policy in the United States.

Not only did these resolutions combine to consolidate commercial ownership and control of key institutions of the press, but also they solidified a coerced settlement that continues to define U.S. media’s social obligations today—one that delegitimizes a constructive regulatory role for government while leaving *de facto* governance to marketplace relationships, and thereby permanently elevating economic motives over social imperatives. Designed to push back and contain media reform movements, this coerced social contract systematically obscured structural critiques, foreclosed radical alternatives, and kept in place a self-regulating, nominally socially responsible, commercial media system.

Crosscutting issues

Considering the Blue Book and Hutchins Commission together brings crosscutting issues into focus. In addition to coinciding time frames and personnel linkages exemplified by Clifford Durr consulting with the Hutchins Commission, there was a remarkable symmetry between these initiatives. Both were founded on a similar critique—namely, that commercial media were failing in delivering the public services democracy required. Both cases witnessed progressive policy elites and intellectuals taking on issues embraced by social movements. Both debates proposed positive and significantly expanded First Amendment freedoms. Both initiatives faced remarkably similar opposition, which amounted to red-baiting from reactionary broadcasters, publishers, and their respective lobbyists, as well as conservative politicians from both major parties. Allowing for some oversimplification, both the Blue Book and the Hutchins Commission followed a four-stage pattern: first, originating as a popular critique/movement; second, manifesting as a progressive policy initiative based on social democratic normative principles; third, suffering counterattacks from commercial media counterattacks; and fourth, resulting in industry-friendly settlements.

These initiatives also shared similar weaknesses. For example, by not coordinating with grassroots media activists, these policy elites practiced a progressivism that only selectively drew from criticisms advanced by the media reform movement coalescing outside Washington, D.C. The two commissions did not embrace the more radical proposals—for example, the calls for public ownership of media, or the proposal that newspapers should be considered public utilities or common carriers (Pickard, in press a). Another weakness shared by these two groups of progressive policy elites was privileging content over structure in their recommendations. This was not entirely true with the Blue Book—posing a credible threat of pulling a station's license certainly amounted to a structural intervention. But even the Blue Book primarily focused on regulating broadcasters' programming choices instead of more fundamental questions about commercial ownership and control. These initiatives also bore some important differences. For example, whereas the Blue Book was largely defeated by the broadcasters and their political allies, the Hutchins Commission was co-opted by the newspaper industry under the guise of "social responsibility." These outcomes can be partly attributed to the broadcast reform movement being better organized and pronounced across various constituencies compared to its counterpart aimed at newspapers.

Nevertheless, the existence of so many parallels between the Blue Book and the Hutchins Commission was not happenstance. Rather, they were symptomatic of an overarching paradigm clash between two discrete visions of the press's role in a democratic society. Appraising these two policy debates side by side highlights how this was a systemic crisis, inextricably linked to broader political economic relationships like corporate consolidation of mass media industries. Finally, it brings into focus the most significant crosscutting issue they shared: similar outcomes that, taken together, constitute a settlement based on self-regulation, social responsibility, and a negative freedom of the press, which allowed the corporate structure of media to become solidified and largely immunized from future intervention.

The common sense of self-regulation

Arguably, the most significant outcome to emerge from both the Blue Book and the Hutchins Report was the decision that commercial media—particularly the mass media of newspapers and broadcasting—should remain self-regulated. Although questions about ownership and control and whether the nature of mass media should remain private or public had been almost entirely settled in the 1930s, the question of the compact between these commercial entities and the public, and the government's role in regulating this relationship, was still very much open for further definition. Self-regulation of media industries represented the triumph of an elite consensus, one that had suffered setbacks during the Depression and New Deal periods, but now was firmly reasserted as a sacrosanct principle lying beyond the parameters of public scrutiny. American society's increasingly commonsensical belief in self-regulation

evidenced industry's capture of major policymaking institutions like the FCC and related policy discourses.

The postwar challenge to industry's ascendance posed by the Hutchins Commission was articulated clearly by Wilbur Forrest, the outgoing president of the major newspaper industry group, the American Society of Newspaper Editors (ASNE). At its 1947 annual convention he warned the membership of the gathering threat posed by the commission: "We have knowledge that there is a campaign afoot to tear down the prestige of the American press as an institution in order to obtain government regulation of the press. Is not regulation a step in the direction of control?" Recommending a more aggressive defense of their version of freedom of the press, Forrest cautioned his colleagues, "We are . . . in an era in which the American press is and will be under attack by those who constantly seek some measure of regulation." (ASNE proceedings, 1947, p. 19). Likewise, National Association of Broadcasters' (NAB) president Judge Justin Miller warned against the threat of government interfering with "free radio" (Pickard, 2008).

Broadcasters' arguments against the Blue Book centered on three themes that all stem from the notion of free radio. First, they argued that the Blue Book was an attempt to censor free speech—an infringement of their First Amendment rights. A second standard line of reasoning was that educational and nonprofit broadcasting set-asides were unnecessary because the commercial system already provided these services. This line of argument was meant to head off structural interventions like deprivatizing swathes of spectrum, because, the argument went, all public service needs were already covered within the commercial system. A third and final argument rested on the assumption that any kind of regulation of radio smacked of socialism, was antibusiness, and was therefore inherently nefarious and un-American. This argument also assumed that radio had been invented and driven purely by private enterprise; any deviation was a betrayal of radio's first principles.

Framing the debate as one over free radio placed reformers on the defensive from the beginning. Because they had already lost decisively in the 1930s on core issues of media ownership and control, many reformers were forced to constantly deny that they were, for example, advocating a British-style government-controlled broadcast system, or a government takeover of newspapers. In public debates with commercial media representatives, progressive policy elites like Clifford Durr and Robert Hutchins often were prevented from engaging in substantive issues and instead corralled into contesting inflammatory yet vacuous topics such as whether they were against private enterprise. Despite their focus on core normative issues, the reformers were never able to make the case that regulation was absolutely necessary for a commercial media system to operate at a level required for democratic society and for the system's long-term survival.

In discussing and critiquing media, reformers were eloquent and articulate in their critical formulations but far too often offered tepid recommendations that amounted to pleading with, scolding, and shaming commercial media organizations into being good. Relatively minor exceptions notwithstanding, ultimately such browbeating

had little demonstrable effect on media performance. An illustrative example was the Hutchins Commission's stand-alone report on American radio. The commission urged the FCC to "enforce the procedures outlined in the Blue Book in an instance which will insure its speedy review by the courts as to constitutionality." At the same time, it advised the NAB to endorse "such portions of the Blue Book as appear to the better broadcasters to be reasonable and workable . . ." (White, 1947, p. 235). In other words, the report simultaneously urged the FCC to pass the Blue Book and then suggested to broadcasters, who had essentially avowed fighting to the death any regulation whatsoever, to endorse those portions that seemed "reasonable and workable." This timidity and naiveté in the face of industry recalcitrance helped lead the way toward a nominal social responsibility model of the press.

The press finds social responsibility

The social responsibility model of the press has its roots in the 1940s, although it would not be completely codified until the publication of the highly influential *Four Theories of the Press* in 1956 (Siebert, Schramm, & Peterson, 1956), which saw the social responsibility model replacing the earlier libertarian model. More critical analyses reveal that this purportedly new model essentially enabled a slightly tweaked libertarian model to continue unabated. Based on the notion of balanced and informative reporting, social responsibility maintained journalistic autonomy from regulation while professing a firewall from business pressures that supposedly allowed reporters to work in the public's interest. As long as the press remained socially responsible, so the argument went, the public and, more important, the government had nothing to worry about. The key objective of this norm, however, was to head off structural reform, particularly that posed by governmental regulation. The overly cautious recommendations in the Hutchins Commission, which were further watered down in *Four Theories*, helped lead to this predicament. The former FCC chief economist and Durr ally, Dallas Smythe, who had fled to the University of Illinois as political repression worsened in Washington, D.C., wrote a scathing critique of his colleagues' social responsibility model. In general, Smythe saw the social responsibility model as a highly ideological project, "reflecting the public relations program of big business" and "formally equivalent in class and political economic terms to the press doctrine in the Soviet Union." (Smythe & Guback, 1994, pp. 94–98).

The social responsibility model rested upon the Hutchins Commission's recommendations that focused on embracing the professional norms of journalism such as objectivity instead of implementing more stringent reforms. The commissioners, like many progressive reformers in the 1940s, were limited by their liberal ideology and the worsening political climate, and thus felt resigned to temper their criticisms by affirming the sanctity of the privately controlled commercial media system. Furthermore, the ambiguity of the language in the final version of the Hutchins Report was well-positioned for industry co-optation. In this environment, publishers and

broadcasters were able to enshrine negative understandings of the First Amendment under the guise of media self-regulation and social responsibility.

The triumph of a negative freedom of the press

Competing visions of First Amendment protections of the press were boldly contrasted in the postwar 1940s. On one side, a positive vision of the First Amendment promoted a “freedom for” approach; on the other, a negative laissez-faire position promoted “freedom from” government intrusion. According to this latter view, government should defer to market operations to dictate who has access to media, thus privileging media owners and producers over everyone else. While progressives sought a positive nurturing of healthy discourse, media owners and publishers wanted a strictly hands-off regulatory approach (Blanchard, 1987). Despite key court decisions to the contrary, the latter view won decisively.

The Hutchins Commission had advocated a positive First Amendment conception in line with the Supreme Court’s decision against the Associated Press (AP) regarding the public’s “right to know.” This position of state-guaranteed provisions for positive First Amendment protections in the press was clearly articulated in the court’s ruling: “Freedom of the press from governmental interference under the First Amendment does not sanction repression of that freedom by private interests” (*Associated Press v. United States*, 1945). The Hutchins Commission likewise stated, “The freedom of the press can remain a right of those who publish only if it incorporates into itself the right of the citizen and the public interest. Freedom of the press means freedom from *and* freedom for” (my emphasis, Leigh, 1947, p.18). Clearly at stake in these decisions were understandings about the normative role of media, and whether the benefits of the First Amendment should mostly accrue to individual entities (the position espoused by media industries), or if emphasis should be placed on the public’s collective First Amendment rights and protecting the structures necessary for a vibrant marketplace of ideas.

Similarly, Durr and his allies advocated a “listeners’ rights” approach to broadcast policy (Fones-Wolf, 2006; Toro, 2000). After leaving the FCC, in a series of letters to Dallas Smythe a dispirited Durr wrote that the primary motivation behind the Blue Book initiative boiled down to a concern for First Amendment protections. He saw radio as an “instrument of free speech” and believed that he and his liberal cohort were championing the enlightenment traditions reflected in the U.S. Bill of Rights. The Blue Book, in Durr’s view, was part of a larger civil rights project aimed at expanding First Amendment freedoms. In an earlier letter to Blue Book coauthor Charles Siepmann, Durr summarized his understanding of the First Amendment vis-à-vis broadcast policy, which clearly contrasted with industry’s:

The First Amendment does not require that the government vest in broadcasters the uncontrolled right to control freedom of speech of others. Free speech means effective free speech, and that means that access to the effective instrumentalities should not be denied. There is certainly no denial of free speech when the

government, through the FCC, says to a broadcaster, “You must make free speech an effective reality by making the publicly owned radio channels available for the discussion of all points of view.” (Durr, 1947)

Durr felt that the main barriers to realizing this vision of the First Amendment were the “emotional blockages” that industry representatives and their conservative allies deliberately employed to obfuscate the substantive issues. These red herrings included charges against the FCC’s more expansive and progressive view of the First Amendment, codified in the Blue Book, as being an infringement against “free radio” and “free enterprise”—which therefore meant it was “un-American” and “communistic.” Durr’s support for a positive First Amendment was consistent with that of his brother-in-law Justice Hugo Black’s decision in the Supreme Court’s AP antitrust decision, and with that of First Amendment scholar Alexander Meiklejohn, who in 1948 lamented the triumph of the negative view:

When [radio] became available, there opened up before us the possibility that, as a people living life under common agreement, we might communicate with one another freely with regard to the values, opportunities, the difficulties, the joys and sorrows, the hopes and fears, the plans and purposes, of that common life. It seemed possible that, amid all our difference, we might become a community of mutual understanding and of shared interest. It was that hope which justified making our radio “free,” giving it First Amendment protection . . . But never was a human hope more bitterly disappointed. The radio as it now operates among us is not free. Nor is it entitled to the protection of the First Amendment. It is not engaged in the task of enlarging and enriching human communication. It is engaged in making money. And the First Amendment does not intend to guarantee men freedom to say what some private interest pays them to say for its own advantage. (Meiklejohn, 1960, pp. 86, 87; quoted in Land, 1999, p.5)

Most broadcasters, in contrast, saw First Amendment principles in more libertarian terms, pertaining primarily to individual liberties rather than the collective good, which translated into the public being limited to programming dictated by broadcasters’ profit concerns. Consequently, in this system, as a critical article in 1946 put it, “The public does not now hear the voice of its many minorities, of labor, or of consumer groups to any representative extent. Ideas which might arouse vigorous controversy, and antagonize sponsors . . . receive no air time” (Timberg, 1946, p. 357). Commercial broadcasters viewed as an anathema any redistributive, affirmative logic in giving more representation to these marginalized groups and ideas. This libertarian view ultimately triumphed and continues to drive media policy today, though a burgeoning media reform movement continues to challenge these assumptions (McChesney, 2007). Once the political opportunity arises, reformers will have a rich yet neglected alternative tradition of a positive First Amendment to draw upon.

Intellectual consolidation of the deregulatory paradigm

The three components of the postwar settlement had the collective aim of heading off all manner of structural reform. It contained radical movements, preempted governmental oversight, and bolstered libertarian laissez-faire protections that simultaneously shielded the press industry from intervention and afforded it more political and commercial power. The much-vaunted market was restored to its governing role in the commercial media system, and profit imperatives were not sacrificed in any significant way. Indeed, while the social responsibility/professionalization project professed to protect the press from political pressures, it also conveniently served to protect revenue. Whereas the commercial media had suffered a crisis of legitimacy in the mid-1940s, by the end of the decade, that legitimacy had been restored, even strengthened.

One way of looking at the discursive shift that happened during this postwar window is to consider the pair of questions posed at the beginning of 1945: What is the role of media in a democratic society, and what is the function of the state in regulating media to perform that role? The initial answer to that question in 1945 was that media should fulfill a set of criteria or else risk state intervention. But by 1949 the answer to that question had become that media should decide for themselves what was socially responsible, and government had only a minor role to play in encouraging this behavior. These assumptions became embedded in subsequent media policies and institutions. There would be significant discontinuities—for example, in the late 1960s with the advent of public broadcasting in response to blind spots within for-profit media—but in terms of regulating *commercial* media, policymaking has remained largely constrained within this paradigm.

Indeed, the historical record shows a specific ideology ascending from 1940s media debates. These assumptions would continue to garner intellectual heft throughout the second half of the 20th century, evidenced by an increasingly deregulatory push for media policy exemplified by the 1996 Telecommunications Act, which drastically deregulated telecommunications and broadcast media. This intellectual position has had profound and continuing effects on our contemporary media system. Connected to this commonsensical view were discursive constructions of the First Amendment that privileged individual media producers, embraced technocratic language, and elevated economic models that assumed a benign role for market governance of media. This deregulatory policy paradigm treats most communication issues as primarily technical issues and tends toward ahistorical and apolitical conceptions of media policy based on economic questions of efficiency, while stripping most policy discussions of normative concerns. This discourse enables current policy regimes to persist and serves as a major roadblock in working toward more progressive policy formations. FCC Commissioner Robert McDowell, writing in a *Washington Post* op-ed, epitomized this position when, in reference to crucial internet policies like net neutrality, he asserted that “engineers, not politicians or bureaucrats, should solve engineering problems” (McDowell, 2008).

Addressing the issue of ideological consolidation raises questions about whether the 1940s media reform movement completely failed. It did not for at least two reasons. First, the reformers were able to register some relatively small gains. Second, and more important, they planted seeds for future media reform efforts. Some progressive efforts were codified and corporate interests had to make some concessions, such as making some effort to cover important social issues. Indeed, some historians have argued that even the threat of regulation encouraged media institutions to self-reform. For example, Ehrlich (2008) has argued that the Blue Book helped usher in a golden era of radio documentary. Another leading historian has suggested that the Blue Book would have a significant impact on subsequent policy debates connected to the Beveridge report on broadcasting in Britain (Hilmes, in press; see also *Time*, 1950). These discursive victories would allow future media reform activists at least some leverage in pressuring commercial media, and they may have helped produce some admirable reporting during journalism's "golden age." Even in these cases, however, changes to the U.S. media system arguably afforded business interests only a patina of social responsibility, inoculating them from more substantive means of regulation. Thus, even in cases in which progressives made some gains, such as the Fairness Doctrine and the creation of a few educational and labor-oriented radio stations, kept intact were the more problematic aspects of what was essentially still a laissez-faire system. After facing significant challenges in the 1940s, this template for the common sense of self-regulation was solidified.

These outcomes also raise the question: Were the 1940s media reformers doomed from the beginning? After all, from our current vantage point, it may seem they had little chance of succeeding. It is difficult to contemplate what could have been if not for the purge of progressives and radicals from postwar social movements. The role of the Red Scare, and the ways media industries exploited it, cannot be overstated. Blacklists, like those used against Hollywood liberals, effectively silenced progressive individuals and groups. For example, the 1950 "Red Channels" pamphlet published by the rightwing journal *Counterattack* listed 151 names (including Clifford Durr's) of "Red Fascists and their sympathizers." African Americans and their allies were hit especially hard. Barlow notes that "the list was virtually a roll call of the most progressive people in the entertainment industries, especially those most active in the struggles for civil rights and racial equality" (Barlow, 1999, p. 77). Capturing the suddenness and viciousness with which the blacklist struck, Arthur Miller noted, "In 1946 I do not think we could have believed that such a black list was possible, that the current of one's life and career could simply be switched off and the wires left dead" (Miller, 1987, p. 269). The atmosphere in Washington D.C. had turned so toxic by 1948 that progressives like Durr and Smythe were prompted to leave. Smythe described later how he "was about the last New Dealer to leave Washington with his scalp still on. The ones who stayed beyond me got them taken off by the new Un-American Inquisition." (Lent, 1995, p. 30). As Cold War imperatives and a resurgent business community led to a dramatic rightward shift in national political economics, more centrist groups were co-opted into a strategic corporatist arrangement among

business, labor (as well as other civil society groups), and government, and attempts toward structural media reform were largely abandoned.

The postwar settlement: Lessons from its ascendancy and prospects for its demise

The history of media reform movements is one of missed opportunities and deferred alternatives, but the purpose of this narrative is not to mourn lost battles. Instead, my aim is to draw linkages between previous struggles and future possibilities, to glean lessons from past mistakes, and to see contemporary media reform movements as part of a long, ongoing tradition, one that continually engages with the vexing intersections between media, democracy, and policy. This history amounts to more than a declension narrative. In answering the “How did we get here?” question, it teaches us about the paths not taken, the deferred options—alternatives that we recover not only to correct the historical record by reclaiming agency and resistance but also to inspire future reform efforts. As historical analyses unmask the corrupting role of commercial power in shaping media policy, we can recuperate these lost possibilities.

Indeed, during the immediate postwar period, we see the glimmerings of an alternative media system struggling to be born. The policy battles surrounding the Hutchins Commission and Blue Book comprised two key discursive moments within this larger reformation of normative assumptions regarding media. Although this social democratic vision was violently put down, its failures can be instructive. Quoting Stuart Hall, Denning suggests that failure and crisis can lead to progress: “Social forces which lose out in any particular historical period do not thereby disappear from the terrain of struggle” (Denning, 1996, pp. 465, 466). That our current commercial media system is contingent on past failures and violent suppressions calls into question its legitimacy. Indeed, the recognition that our media system could have been otherwise is a first step toward meaningful change. Also, understanding how the 1940s movement failed helps point the way toward future reform.

So why *did* this media reform movement largely fail? Not only were reformers outgunned and outmaneuvered, but also they failed to coordinate efforts among activist groups and thus were unable to realize the sum of their disparate parts. Reformers were particularly disadvantaged at critical moments by a lack of coordination between D.C.-based policy elites and grassroots organizations. For example, although its impetus stemmed from grassroots pressures and it was quickly embraced by social movements, the FCC’s Blue Book was drafted behind closed doors. There was little communication between the FCC and activist allies leading up to its publication. Some coordination occurred afterward, but by that point reformers were already in retreat. Although Durr’s personal contacts and the activist themes featured in his work demonstrate a clear line from social movements to the Blue Book, efforts toward actual implementation failed by overly relying on the FCC’s inner circle instead of drawing support from outside media reform activists.

In addition to unsuccessfully coordinating an inside/outside strategy between progressive policymakers and social movement groups, 1940s media reformers failed because they retreated from a structural approach to policy intervention. As they attempted to persuade big media corporations to be good, liberals drifted away from building systemic safeguards like spectrum set-asides and nonprofit models. Of course, this raises a chicken-and-egg question: Were media reformers rendered ineffective by factors beyond their control and thus forced to move away from structural criticism, or did they move away from structural criticism and thus became less effective? Probably both were true, but regardless, the trajectory is clear: In the 1930s, there was debate over media ownership and control—whether radio should be commercial or nonprofit (McChesney, 1993). During the 1940s, the debate shifted from antitrust efforts and other structural interventions to one over the social responsibilities of commercial media and content-related matters. By the end of the 1940s, activists retreated further to what eventually became known as the Fairness Doctrine, which attempted to force media into providing balanced discussion of important issues, but faced enforcement difficulties. In more contemporary times, even the Fairness Doctrine has been repealed, on the verge of being permanently outlawed by Congress (Kucinich, 2008). The debate has shifted so far toward libertarian assumptions, in fact, that rightwing activists have successfully used the specter of a long-since-abandoned Fairness Doctrine as a stigma with which to taint other nonrelated progressive legislation such as net neutrality (Eggerton, 2010; Topcik, 2008). The movement away from structural critique and intervention has left progressive media reformers even more exposed to libertarian First Amendment arguments. Without a structural analysis, policymakers are left to fight against the symptoms of a fundamentally flawed media system instead of the root causes—causes often related to commercial media's profit motives and the ensuing market failure to provide the media required by democratic society.

The rise and fall of the 1940s media reform movement is relevant today for at least three reasons. First, the recent collapse of commercial journalism makes the 1940s reformers' inability to effect structural change and the passed-over alternatives especially timely for reexamination. Specifically, given the failure of the market to provide viable journalism, structural alternatives like nonprofit and/or worker-owned newspapers, as well as more proactive state involvement and resources devoted to public media, are worthy of reconsideration. Second, many of the issues complicating new media then are again pressing today, like questions of gatekeeping (e.g., net neutrality), corporate capture of policy discourse and regulatory agencies (as well as renewed efforts toward red-baiting), and questions of spectrum allocation and management (Meinrath & Pickard, 2008). As the FCC and other regulatory agencies take up questions regarding the future of journalism and broadband provision, they would do well to remember that the lack of clear public interest standards can be traced back to earlier policy battles. And finally, just as a media reform movement was coalescing then, a vibrant one is emerging now (McChesney, 2007). In attempting to coordinate between various components of the media reform movement and heeding

the lesson that reformers shirk structural approaches at their own peril, history can help guide this new movement away from past mistakes.

For example, by uncovering the 1940s historical context when broadcasters overcame what was arguably the last significant challenge to their control of the airwaves, we set the stage for reinventing spectrum regulation for the 21st century—a project that spans beyond U.S. media to also include global media policies governing the electromagnetic spectrum and spectrum-enabled wireless internet communications (Pickard & Meinrath, 2009). Moreover, spectrum reform brings together concerns about both the future of journalism, and the future of telecommunications policy. For example, FCC Commissioner Copps has suggested that, if broadcasters do not use their publicly owned spectrum to serve the public interest in the form of local journalism, then perhaps broadcasters should be forced to relinquish the spectrum they occupy to be reallocated toward public broadband services (Eggerton, 2009).

The need for further critical policy research

The foregoing discussion contributes to our understanding of media policy and media activism in a number of ways. It covers a formative and largely neglected period in communications history. It recovers contingency and the alternatives that were jettisoned. By looking at 1940s debates about print and broadcast media together as they cohered around similar themes and crises, my analysis also sheds light on larger paradigmatic shifts. However, still needed is critical policy research that divides into a number of possible lines of inquiry. Further syntheses and analyses of historical, international, and contemporary alternative models for policymaking are needed, particularly with regard to the struggling print news industries, and the ever-worsening crisis in journalism (Pickard, 2010). Further work is also needed to flesh out how the postwar settlement impacted the trajectories of film, telecommunications, and global media, and how it intersected with the early development of the field of communication. Detailed histories of critical junctures in media policy development could aid all of these projects.

It is incumbent upon critical scholars to underscore conditions that interfere with realizing media's democratic potentials. Notable exceptions exist, but in key areas our current self-regulated, commercial model for media has fallen short. In particular, advertising-supported journalism is beginning to fail (Pickard, 2010); the notion of socially responsible media has often failed (Bennett, Lawrence, & Livingston, 2007); and, if declining international rankings are to be taken as evidence, market-driven build-out of crucial communication infrastructure like broadband services is failing, too (Anderson, 2008). Of course, it is unreasonable to think that we can awaken tomorrow and jettison the entire apparatus. However, it is reasonable—in fact, it is absolutely necessary—that media reformers redouble their efforts toward establishing nonprofit and/or newly regulated alternatives. This will require a paradigmatic shift in media policy. The notion that the private sector is unwilling or unable to provide for all of our communication needs is still viewed

as a fairly dangerous argument. The notion that the public interest is not always served by the market is likewise still mostly off-limits, though this is beginning to change, especially given the abundance of evidence for market failure in the wake of the 2008–2009 financial meltdown. Nonetheless, repairing our media system will require new policies that are now consigned to the discursive margins. Just as the New Deal era has been described as a period of “chaotic experimentation,” the time has come for a new era of experimenting with alternative models. For this goal to be realized, we will have to renegotiate the postwar settlement, and to do this we must know its history.

This history tells us that, despite tremendous activism against U.S. media in the 1940s, by the end of the decade, the ideological consolidation that girded a commercial, self-regulated media system emerged largely inoculated against further structural challenges. The movement against commercial media had been contained, and under the new settlement, media would be “socially responsible” and the American people were meant to feel secure in this knowledge. This settlement would impact much of what Americans would see, hear, and read in their media for decades to come. By setting the parameters for what people can expect of commercial media, this compact has had continuing effects on policy decisions on issues ranging from the crisis of U.S. journalism to the management of the public airwaves. The postwar settlement for U.S. media marked a failure for reformers’ vision of a more democratic media system, one that emphasized public access over corporate profits and diversity over commercial values. This was not inevitable, nor must it be permanent. A more democratic vision has been deferred but lives on, awaiting its moment.

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