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978-1-107-03833-2 - America's Battle for Media Democracy: The Triumph of Corporate
Libertarianism and the Future of Media Reform

Victor Pickard

Excerpt

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Introduction

The Policy Origins and Normative Foundations of American Media

To live in modern society today is to be immersed in media. We spend much of our waking lives reading, viewing, listening to, and interacting with the products and processes that we refer to generally as “media” or a “media system.” Yet most of us know little about the policies that structure the media surrounding us. Particularly in the United States vast sectors of communications are heavily commercialized, dominated by corporate duopolies and oligopolies, with relatively little public input or oversight. How did Americans come to inherit this particular media system? More specifically, when and how did the U.S. polity determine media’s normative role in a democratic society – its social responsibilities and commitments to the public interest? Everyone learns in school that an independent press is necessary for democratic self-governance, but American citizens rarely pause to reflect on what this means. How did American society decide upon media’s public service obligations? Commercial media institutions receive many benefits, from indirect subsidies and tax breaks to monopolistic use of the public airwaves; what do they owe society in return?

This book shows that many of these answers lie in the 1940s, when core constituencies fought over questions about the American media system’s governance and design. The following historical analysis retraces policy trajectories, ideas, and discourses to a moment before received assumptions about media’s role in society took on an air of inevitability. By uncovering a key chapter of this history, this project is as much about the present and future as it is about the past. Once we realize that the status quo was contingent, that there were other options, other roads not taken, we can begin to imagine that a very different media system was – and still is – possible.

Contested and constantly renegotiated, policy arrangements are always in flux to varying degrees. At any given point of development, resistance to

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a commercial media system is usually detectable.¹ However, not all kinds of resistance are equivalent, whether in terms of degree or impact. During specific moments – what previous scholars have termed “critical junctures” and “constitutive moments” – inordinate disruptions occur, usually caused by socio-political and technological turmoil, as status quo relationships are jolted before settling into new, path-dependent trajectories.² Therefore, policy decisions during these periods can carry tremendous weight, often determining a media system’s contours for generations to come.³ The Marxist thinker Antonio Gramsci referred to these recurring patterns as “conjunctural moments,” marked by shifting historical blocs and fleeting political opportunities.⁴ Describing hegemonic processes by which an elite consensus comes to dominate commonsensical notions about how society should operate, a Gramscian framework also allows for constant conflict and challenges from below. Often characterized by crisis, these conjunctural moments create openings into which radical ideas and experimental models – banished to the far reaches of acceptable discourse during less tumultuous times – are suddenly treated with serious consideration.

This book focuses on one of these pivotal moments. It shows how specific arrangements shaping many of American media’s core foundations, particularly its dominance by commercial interests and unusually weak (compared to other advanced democracies) public service obligations and regulation,⁵ trace back to policy decisions made in the 1940s. During this period, political elites, social movement groups, and communication industries grappled over defining media’s role in a democratic society. In the 1940s, alternate media trajectories differing from today’s market-driven system were still in play. Recovering these forgotten antecedents and lost alternatives denaturalizes the commercial status quo by underscoring its contingency. Furthermore, though drawing parallels is an inherently fraught and risky enterprise, this historical work yields fresh insights and potential lessons applicable to contemporary policy challenges.

¹ The term “commercial media” used throughout this book generally refers to for-profit media; in many cases it is synonymous with “capitalist” or “corporate media.”

² Robert McChesney, *Communication Revolution: Critical Junctures and the Future of Media* (New York: New Press, 2007); Paul Starr, *Creation of the Media* (New York: Basic Books, 2004). Some scholars understand this process as a “punctuated equilibrium,” although this framing suggests more harmony than is typically present in contentious policy processes.

³ For more on critical junctures and path dependencies, see Ruth Berins Collier and David Collier, *Shaping the Political Arena: Critical Junctures, the Labor Movement, and Regime Dynamics in Latin America* (Princeton, NJ: Princeton University Press, 1991); Kathleen Thelen, “Historical Institutionalism in Comparative Politics,” *Annual Review of Political Science* 2 (1999): 369–404.

⁴ Antonio Gramsci, *Selections from the Prison Notebooks* (New York: International, 1971). I elaborate on this critical historical approach in “‘Whether the Giants Should Be Slain or Persuaded to Be Good’: Revisiting the Hutchins Commission and the Role of Media in a Democratic Society,” *Critical Studies in Media Communication* 27, no. 4 (2010): 391–411; see especially 395–6.

⁵ Daniel Hallin and Paolo Mancini, *Comparing Media Systems: Three Models of Media and Politics* (Cambridge: Cambridge University Press, 2004).

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Then, as now, vexing policy questions faced a still-new medium – commercial radio broadcasting was at approximately the same stage of development as the Internet today – as well as a newspaper industry in structural crisis. This book, based on extensive archival research, historicizes media policies and reform efforts by contextualizing them within ongoing struggles for a more public-oriented media system.

The 1940s was a decade of transition and reform. As American society converted to a peacetime economy, national and geopolitical power relations were in flux. Although New Deal liberalism had begun to falter, a window of opportunity arose in the early to mid-1940s, when structural reform of the American media system still seemed viable. Elements of the 1930s Popular Front – uniting radical leftists, Progressives, and New Deal liberals – persisted, and American power centers like Washington, DC were not yet dominated by anti-communist hysteria. Until the late 1940s, many social movements, especially those supporting labor and civil rights, continued to advance a reformist agenda. During and immediately after World War II, a three-pronged assault against commercial media arose from above and below, led by grassroots activist groups, progressive policy makers, and everyday American listeners and readers who were upset with specific aspects of their media system, especially its excessive commercialism. This disenchantment gave rise to various forms of media criticism and activism as coalitions composed of labor unions, civil rights organizers, civil libertarians, disaffected intellectuals, progressive groups, educators, and religious organizations sought to reform their media system. Media reform activists helped advance policy interventions and experimental models, ranging from nonprofit ventures to strong public interest mandates for commercial news organizations.

Within this political and intellectual landscape, a number of policy debates rose to the fore in ways rarely seen, calling into question the implicit laissez-faire relationships among U.S. media institutions, the public, and the state. A nascent media reform movement set the stage for a cluster of progressive court decisions and policy interventions, including the Federal Communications Commission's (FCC) 1943 anti-monopoly measures against chain broadcasters, which forced NBC to divest itself of a major network; the Supreme Court's 1945 antitrust ruling against the Associated Press, which affirmed the government's duty to encourage in the press "diverse and antagonistic voices"; the 1946 "Blue Book," which mandated broadcasters' public service responsibilities; the 1947 Hutchins Commission on Freedom of the Press, which established journalism's democratic benchmarks; and, finally, the 1949 Fairness Doctrine, which outlined key public interest obligations for broadcasters.

Not all of these initiatives were successful, but they all sought to ensure that profit was not the sole imperative of the American news media. They also all shared an expansive view of the First Amendment, one that protected the audience's "positive" right *to* information as much as broadcasters' and publishers' "negative" rights protecting their speech and property *from* government

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intervention.⁶ In other words, these initiatives prioritized the collective rights of the public's "freedom to read, see, and hear" over the individual rights of media producers and owners.⁷ And, as important, they all assumed a proactive role for government to guarantee these rights affirmatively. Had this trajectory not been averted, much of the American media system might look very different today.

Taken together, these policy interventions composed a broader impulse, one defined by a "social democratic" view of media, what I refer to as "media democracy" in the title of this book. More established in other advanced democracies, "social democracy," like the term "liberal" in many nations, refers to both a type of political party and an ideological project. Drawing from the normative foundations of the latter, a specific policy framework comes into focus, one that emphasizes media's public service mission instead of treating it as only a business commodity. Privileging social benefits over property rights, this perspective assesses a media system's value by how it benefits all of society rather than how it serves individual freedoms, private property rights, and profits for a relative few. As Thomas Meyer wrote in *The Theory of Social Democracy*, two normative premises unite all versions of social democracy: "First, 'libertarian particularism' ... is rejected in favor of a universal conception of liberty that ranks negative and positive liberty on par. Second, the identification of freedom and property is jettisoned in favor of a universal conception of liberty that balances the liberties of all parties."⁸ That is, social democracy elevates a positive liberty in which universal and collective rights – pertaining to publics, audiences, and communities – are at least as important as the individual freedoms most cherished within libertarianism and classical liberalism.

Reaching its greatest expression in the United States during the New Deal era, social democracy legitimates an activist state that allocates resources in an egalitarian fashion. Skeptical of unregulated capitalism and wary of "market failure,"⁹ this ideological project values a mixed economy and structural diversity. It sees crucial services like education as public goods that warrant special protections and subsidies. Instead of leaving the public sector entirely dependent on the market's mercy, social democracy seeks to reinforce civil society's foundations by promoting public investments in critical infrastructures and institutions like strong labor unions, universal health care, public media, libraries, and schools. The historian Tony Judt observed that a social democratic society's normative foundation begins with determining whether a policy is good or just, not whether it is profitable or efficient.¹⁰

⁶ Isaiah Berlin, "Two Concepts of Liberty," in *Four Essays on Liberty* (London: Oxford University Press, 1969).

⁷ See Morris Ernst, "Freedom to Read, See, and Hear," *Harper's Magazine*, July 1945, 51–3; see also Lee Bollinger, *Images of a Free Press* (Chicago: University of Chicago Press, 1991).

⁸ Thomas Meyer, *The Theory of Social Democracy* (Cambridge: Polity Press, 2007), 16.

⁹ I expand on media market failure in the Conclusion.

¹⁰ Tony Judt, *Ill Fares the Land* (New York: Penguin Press, 2010).

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This book uncovers a paradigmatic challenge in the 1940s, when a social democratic vision that major news media should not be organized primarily by market relationships was buoyed by social movements and a New Deal ethos. By focusing particularly on case studies of policy formations around the Blue Book, the Fairness Doctrine, and the Hutchins Commission, the book charts the rise and fall of a reform movement that envisioned a different media system. It shows how these reform efforts were largely coopted and quelled, resulting in a “postwar settlement” for American media. This settlement was defined by several overlapping assumptions: that media should remain self-regulated, adhere to a negative conception of the First Amendment – a freedom of the press privileging media producers’ and owners’ individual rights over the collective rights of listeners, readers, and the broader public – and, in return, practice a mostly industry-defined version of social responsibility. Within this framework, press freedoms were understood as primarily protecting commercial media institutions, a logic perhaps best described as “corporate libertarianism.” This ideological framework attaches individual freedoms to corporate entities and assumes that an unregulated market is the most efficient and therefore the most socially desirable means for allocating important resources.¹¹ An apotheosis of market fundamentalism that combines the exaltation of absolute individual liberty with the delegitimation of redistributive policies, the logic of corporate libertarianism encourages media self-regulation and weak public interest standards.

The resultant changes from these policy debates in the 1940s were subtle but significant. Under the guise of “social responsibility,” media were now nominally accountable to the public interest, but government would play only a minor role in defining and mandating these obligations. The implicit social contract that emerged among the state, the polity, and commercial media institutions consolidated an industry-friendly arrangement that contained reform movements, foreclosed on alternative models, and discouraged structural critiques of the U.S. media system. The failure of a social democratic challenge to an increasingly corporate libertarian policy orientation left a lasting imprint on much of the media Americans interact with today.

Legacies from these debates, particularly the delegitimation of public policy interventions in media, continue to straitjacket discussions about the future of news media. For example, the retreat or absence of the regulatory state – a turn usually pegged to 1980s “deregulation,” but that had already begun by the late 1940s – is a key assumption in contemporary discourse about how we as

¹¹ For a more in-depth discussion of corporate libertarianism, see Victor Pickard, “Social Democracy or Corporate Libertarianism? Conflicting Media Policy Narratives in the Wake of Market Failure,” *Communication Theory*, 23, no. 4 (2013): 336–55. David Korten used this term, especially in characterizing global neoliberal instruments like the World Trade Organization and the International Monetary Fund. See *When Corporations Rule the World* (West Hartford, CT: Kumarian Press, 1995).

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a society can sustain journalistic media that are no longer market supported. This book shows how this deference to the market was not natural, inevitable, nor necessarily ideal; it was first and foremost the result of policy decisions and political struggles. Therefore, such market centrism should be subjected to rigorous interrogation and debate. Indeed, given the frequent and ongoing failures of America's crisis-prone news media system, the history of these foundational normative debates is central to questions about the future of journalism and news media more generally.¹² This history helps explain how American society came to have a particular media system largely defined by commercialism and self-regulation, and it can clarify policy options moving forward.

Thus far, little research has focused on 1940s media reform efforts, although several leading scholars have signaled the period's importance and suggested that it warrants scholarly attention.¹³ Dan Schiller, for example, noted a significant confluence of progressive media policy initiatives in the mid-1940s, observing that they had "yet to find their historian."¹⁴ Similarly, Robert Horwitz situated these years as the second of three key media reform periods, occurring after questions of broadcast media ownership and control were decided in the 1930s and before public broadcasting was established in the 1960s.¹⁵ A number of more recent books have focused on specific postwar radio reform issues, including Elizabeth Fones-Wolf's *Waves of Opposition*, Kathy Newman's *Radio Active*, Michael Stamm's *Sound Business*, Matt Ehrlich's *Radio Utopia*, and Inger Stole's *Advertising at War*.¹⁶ For a revisionist history of print media, David Davies offered a very useful analysis in *The Postwar Decline of American Newspapers*.¹⁷ However, these and other important studies notwithstanding, few existing works examine the period's broader political and ideological contexts in relation to media policy, and none offers a detailed discussion of the

¹² W. Lance Bennett, Regina Lawrence, and Steven Livingston, *When the Press Fails: Political Power and the News Media from Iraq to Katrina* (Chicago: University of Chicago Press, 2007).

¹³ Exceptions are Margaret Blanchard, "Press Criticism and National Reform Movements: The Progressive Era and the New Deal," *Journalism History* 5, no. 2 (1978): 33–7, 54–5; Marion Marzolf, *Civilizing Voices: American Press Criticism, 1880–1950* (New York: Longman, 1991).

¹⁴ Dan Schiller, *Theorizing Communication: A History* (New York: Oxford University Press, 1996), 53.

¹⁵ Robert Horwitz, "Broadcast Reform Revisited: Reverend Everett C. Parker and the 'Standing' Case," *Communication Review* 2, no. 3 (1997): 311–48.

¹⁶ Elizabeth Fones-Wolf, *Waves of Opposition: Labor, Business, and the Struggle for Democratic Radio* (Urbana: University of Illinois Press, 2006); Kathy Newman, *Radio Active: Advertising and Consumer Activism, 1935–1947* (Berkeley: University of California Press, 2004); Michael Stamm, *Sound Business: Newspapers, Radio, and the Politics of New Media* (Philadelphia: University of Pennsylvania Press, 2011); Matt Ehrlich, *Radio Utopia: Postwar Audio Documentary in the Public Interest* (Urbana: University of Illinois Press, 2011); Inger Stole, *Advertising at War: Business, Consumers, and Government in the 1940s* (Urbana: University of Illinois Press, 2012).

¹⁷ David Davies, *The Postwar Decline of American Newspapers, 1945–1965* (Westport, CT: Praeger, 2006).

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1940s policy battles that gave birth to many of the intellectual foundations and normative assumptions that continue to structure the American media system. In particular, a dearth of scholarship has attempted to historically contextualize contemporary issues like the journalism crisis and questions around digital media governance. On a more theoretical level, relatively little work has explored the American media system's normative foundations, especially the politics that historically shaped them.¹⁸ The media system that has developed in the United States – one that is lightly regulated and whose public service components receive minimal subsidies – stands in stark contrast to systems that developed in other advanced democracies. The historical decisions and events that led to this kind of “American exceptionalism” deserve closer analysis. This book focuses attention on a neglected but formative period in the American media system's development – a period that holds profound implications for the present moment.

The following chapters trace the rise and fall of a social democratic vision of the press. The book is divided into a broadcast media section and a print media section. The former receives a longer treatment largely because the technology was newer and thus subjected to more developments and reform proposals. Chapter 1 begins with an overview of 1940s radio criticism that served as the political and intellectual landscape for the policy initiatives discussed in the following three chapters. The book then proceeds chronologically through Chapters 2–4, covering case studies of key policy battles. By discussing early-1940s media ownership debates and anti-monopoly initiatives, Chapter 2 sets up the antecedents and political conditions that led to the Blue Book episode. Close attention is given to debates and policy battles around the FCC's Blue Book in Chapter 3. Chapter 4 focuses on the deliberations leading to what later became known as the Fairness Doctrine. Chapter 5 presents the political economic context, especially the abundant press criticism that drove regulatory threats against the 1940s newspaper industry, and discusses the Hutchins Commission's genesis. Chapter 6 traces the Hutchins Commission's debates, resolutions, and implications. Chapter 7 provides an analytical overview of the preceding chapters' case studies. I conclude with an epilogue that discusses why this history matters especially now, and its implications for American media policy's future trajectory.

Before proceeding, several caveats are in order. In the name of self-reflexivity, I should state up front that I am sympathetic with many of the 1940s media policy reform efforts. In my view, reformers were attempting to create a media system more aligned with the liberal democratic ideals upon which the United States was purportedly founded. Nonetheless, I am critical of how these reformers strategically advanced their goals – which often were thwarted

¹⁸ An exception is Clifford Christians, Theodore Glasser, Denis McQuail, Kaarle Nordenstreng, and Robert White, *Normative Theories of the Media: Journalism in Democratic Societies* (Urbana: University of Illinois Press, 2009).

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as much by liberals' nervousness as conservatives' obstruction – and I try to be generous toward commercial media owners' and operators' objectives. I do not see them as nefarious; rather, they were acting rationally within the parameters of a commercial media system. I also grant that perhaps many pro-industry spokespeople believed that their arguments were not merely in service to profit motives; they may have genuinely felt that democratic principles were at stake, that an unregulated commercial media system was an ideal model, and that any move toward closer governmental oversight was a slide toward statism or even totalitarianism.

I should be clear, though, that my analysis leads me to believe that the corporate libertarian position – which, save for a few significant exceptions, became the dominant policy paradigm – has set the American media system on a dangerous trajectory, a point to which I return in the final chapters of the book. There is much to learn, and perhaps recover, from the social democratic vision of media that briefly flowered in the United States in the 1940s. I do not wish to exaggerate the impact of the period's reform efforts. That many of them came to naught, however, does not negate their significance for subsequent policy developments. Nor do I mean to suggest an overly deterministic narrative; resistance to commercial media has never fully abated, and organized reform efforts have flared up again periodically in the ensuing decades. Moreover, a historical debate about exact periodization is not the intervention I hope to make with this book; rather I am drawing attention to an ideological formation that is historically situated. Finally, I should note that although this book's focus is clearly on American policy, it offers many important parallels and disjunctures with the histories of other countries' media systems. Furthermore, it holds significant implications for international media policy debates – especially since contemporary media crises are increasingly global in scope.

The following chapters call attention to this long-neglected history and its relevance for many contemporary regulatory challenges, from Internet policies like net neutrality to debates about the future of news and public media. Given the ongoing dissolution of journalism, the decline of broadcast media, and the failed promises of digital communication, this history suggests that now is an opportune moment for renegotiating the resolutions of the 1940s – a second chance to forge a new social contract, one that rescues media from endemic market failures to create a more democratic system.

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I

The Revolt against Radio

In 1940s America, radio was the preeminent communications medium, fully integrated into millions of households. Although its programs were much loved, grievances were also commonplace, particularly concerning overcommercialization. Access to a variety of high-quality programs was not guaranteed, especially in rural areas. Growing concerns around excessive advertising and the medium's failure to reach its full democratic promise prompted grassroots activism and proposals for government intervention. In 1947, near the fortieth anniversary of his invention of the Audion tube, Lee de Forest, often considered "the father of radio," wrote a widely distributed letter to the National Association of Broadcasters (NAB):

What have you gentlemen done with my child? He was conceived as a potent instrumentality for culture, fine music, the uplifting of America's mass intelligence. You have debased the child ... made him a laughing stock.... The occasional fine program is periodically smeared with impudent insistence to buy or try.... Soap opera without end or sense floods each household daily. Murder mysteries rule the waves by night, and children are rendered psychopathic by your bedtime stories. This child of mine has been resolutely kept to the average intelligence of 13 years ... as though you and your sponsors believe the majority of listeners have only moron minds. Nay, the curse of your commercials has grown consistently more cursed, year by year.¹

De Forest's anguish over how commercialization undermined radio's potential as an enlightening and democratizing instrument – degrading it with excessive advertising and low-quality programming – echoed across much of the media criticism that was proliferating in the 1940s. The analysis that follows shows how these central critiques shaped media reformers' intellectual arsenal and helped them move from criticism to activism. Following in a rich tradition that

¹ "Radio: Debased Child," *Time*, February 10, 1947. Also printed in, for example, *Chicago Tribune*, October 28, 1946.

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anticipates contemporary media-related crises and opportunities, this criticism reminds us that the modern American media system faced significant dissent. It resulted from a profound struggle to define media's social responsibilities – and government's ability to mandate them – in a democratic society.

The Political Economy of 1940s American Radio

American radio in the 1940s was an increasingly concentrated and powerful industry. The commercial broadcasting system had roots going back to the 1920s, but it was officially codified by the 1934 Communications Act. Through this legislation, Congress largely sanctioned commercial broadcasting at the expense of alternatives pushed by educators and other reformers. Thus a strong public broadcasting system did not take root during American radio's early days as it did in many other democratic nations. Instead, American radio was dominated by an oligopoly of large networks and the same commercial interests were monopolizing FM radio.

Although these pre-television years are often celebrated as radio's golden age, public service responsibilities were ill defined. Most broadcasters viewed their primary role as that of selling airtime to individual advertisers who would then use their rented time slot to develop programs and promote their product. Advertisers – usually referred to as “sponsors” – would buy entire time segments (“dayparts”) of programming from a commercial broadcaster, usually an affiliate of one of the major networks. Shows like “soap operas,” the term given to 1940s radio serials because of frequent soap company sponsorship, gave sponsors free rein to air numerous commercials and even sometimes to influence actual programming.

Radio's expansion was accompanied by media conglomeration and concentration. By the mid-1940s, the broadcast industry was dominated by four networks: the National Broadcasting Company (NBC), the Columbia Broadcasting System (CBS), the Mutual Broadcasting System (MBS), and the American Broadcasting Company (ABC – formerly NBC's Blue Network, until 1943). By the end of 1946, MBS had 384 affiliates; ABC, 238; NBC, 162; and CBS, 162.² Local stations were largely dependent on the networks, with approximately two-thirds of the nine hundred AM stations affiliated with, and thus taking syndicated nonlocal content from, one or more of the big four. The major networks commanded about 95 percent of the entire country's nighttime programming, with independent commercial broadcasters and about twenty-eight noncommercial stations producing the remaining 5 percent.³ Such intensive concentration and commercialization had an impact on radio content. Describing the American broadcast media system as one in which nominally

² White, *American Radio*, 35.

³ Eugene Konecky, *The American Communications Conspiracy* (New York: People's Radio Foundation, 1948).