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CENSORSHIP IN A NATIONAL EMERGENCY

27 May 1949

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COLONEL BABCOCK: General Holman, distinguished guests, and gentlemen of the College: You have heard throughout this year at the Industrial College, as well as in the lectures of the National War College, many talks regarding public information and freedom of the press and other subjects along that line. Censorship sort of reminds me of a river, which under good conditions flows down and irrigates the land and does a lot of good. That is what a free flow of information does under good conditions. Under bad conditions that same river may become a raging torrent, flood the land, destroy property, destroy lives, and cause a lot of trouble. War is one of the bad conditions when some kinds of information are dangerous.

Now, in peacetime and in connection with rivers we have certain flood-control apparatus, somewhat like TVA projects, where we build dams on rivers to hold back the waters that would cause trouble. Censorship is like such a dam.

Our speaker today is particularly well qualified in the line of censorship, having served both in civilian agencies and military agencies, and in the military agencies both at home and abroad. He served in SHAEF, and in the Military Government in Germany he was Chief of the Censorship Branch. You have read his biographical sketch, so I won't go further into that.

With the previously mentioned simile in mind, our speaker this morning will discuss the subject of "Censorship in a National Emergency." I take great pleasure in introducing Mr. G. C. Jacobus, Assistant to the Chairman of the National Security Resources Board.

MR. JACOBUS: As a starting point in this discussion you should be warned that it is totally impossible to present in the brief space of one hour a full discussion of censorship problems. Assuming that few in this gathering have had any close association with censorship in operation, the target for this morning will be to develop some understanding of the broad propositions contributing to a successful censorship in the United States as an instrument of war. Please note that we shall be dealing wholly with the civilian aspects; censorship within the Armed Forces being excluded as a subject entirely apart from what is now to be considered. No attempt will be made to discuss detailed operational techniques peculiar to censorship, on the premise that no one of you is likely to be called upon to direct such operations. That is not to imply, however, that those of you may be charged with positions of major responsibility in any future war, and particularly policy-making positions, will not find helpful a knowledge of what censorship is, what benefits may be derived therefrom, and what its limitations are.

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Your attention will be directed to eight main points:

1. What constitutes censorship?
2. Why is censorship necessary in time of war?
3. What is the distinction between censorship of the public media and the censorship of communications?
4. What authority is needed to institute censorship in the United States?
5. What basic policies are essential to a successful censorship in the United States?
6. What is necessary in the way of an organizational structure?
7. What basic procedures are required for effective operations?
8. What are the limitations of censorship as an instrument of war?

At first it seems ridiculous even to think of raising such a simple question as "What constitutes censorship?" Everyone, especially everyone in the Armed Forces, knows what it is. Censorship consists of reading the letters of someone else and, when good judgment dictates, ventilating those letters by introducing blank spaces formed with the aid of scissors, a sharp knife or a razor blade. Or, on the other hand, to some it consists in issuing to a nosy newspaper correspondent the official edict, "You can't print that."

Both these concepts are correct in their way, but both are much too limited in scope. Censorship is in fact many things to many people; even in the United States it is not entirely confined to war when one considers it broadly as a control of the transmission of ideas.

For example, the following are restraints exercised continuously throughout peace as well as war in our society:

1. Everpresent is the more or less specific control of public expression and conduct exercised by the community at large. Such control is rigid or lax in direct relationship to the degree of tolerance and the mores of the community concerned.
2. The Post Office Department exercises under statutory authority a power to exclude certain types of matter from the mails (18 USC 334).

3. The motion picture industry maintains a board to control the contents of films released for public entertainment.

4. Despite the fact that the Federal Communications Act of 1934 (47 USC 151-609 Subchapter III, Sec. 326) specifically states:

"Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication,"

the FCC has in fact refused to renew the license of a station broadcasting programs the content of which the Commission deemed contrary to the public interest.

5. Judicial rulings prevent the publication of certain types of information, as in the case of the so-called Baltimore gag rule promulgated by the Supreme Court of the city of Baltimore.

6. By statute the Atomic Energy Commission is specifically charged with the duty of controlling in the interest of public welfare the release of information related to atomic energy.

7. Books are banned from public sale and from public libraries by means of religious, patriotic, or government pressures. At the sixty-seventh annual conference of the American Library Association, held in Atlantic City June 1948, the president of the association, who is chief of the reference department of the New York Library, condemned several then recent instances of censorship of library collections.

8. Various proposals have been advanced throughout the country for curbing the glorification of crime and immorality portrayed in comic books unless approved by a public official. The industry, in an attempt to do a self-policing job, has proposed a code barring "sexy, wanton" pictures, "sadistic torture," "vulgar and obscene language," and "ridicule of or attack on any religious or racial group" in comic books.

This is by no means an exhaustive treatment of the subject, but should be sufficient to illustrate the fact that censorship has many facets and extremely far-reaching effects. Consequently, when for convenience in discussion there is adopted a highly generalized definition of censorship, such a statement should be accepted only with the realization that the problem is not a simple one.

With that background, censorship as an instrument of war may be defined in very broad terms as a control over the transmission of ideas in the interest of national defense, which means that it must be in a position to command the flow of communications by whatever channel they

may move. And we shall see that this control has both a negative and a positive aspect, which leads us to our second point:

"Why is censorship necessary in time of war?"

The best way to answer that question is to let the facts speak for themselves by reviewing what censorship accomplished in World War II.

During that period U. S. Censorship:

1. Assisted in maintaining the secrecy of military information sought by the enemy, including such data as ship, plane and troop movements.
2. Hampered the world-wide propaganda effort of the enemy by blockading his communications.
3. Obtained a wide diversity of information of value in prosecuting the war.
4. Assisted in the enforcement of necessary wartime controls over imports, exports, transfers of funds and war shipping.
5. Assisted in the maintenance of effective restrictions applicable to the Proclaimed List of Blocked Nationals.
6. Aided in the detection of espionage agents and of commercial transactions which might have resulted in furnishing to the enemy vitally needed commodities.
7. Made possible the exchange with enemy countries of family welfare messages and prisoner of war communications, the latter a requirement of the Geneva Convention 27 July 1949, Relative to the Treatment of Prisoners of War.

From the foregoing it can readily be seen that censorship in war performs two key roles:

First, it keeps from the enemy information which would aid his war effort or would hinder our own or that of our allies, and assists in withholding funds and goods of all kinds.

Second, it collects information of value in prosecuting the war and makes that information available to the proper agencies.

At this point it seems essential to pause briefly to distinguish between censorship of the public media and censorship of communications, the term "public media" including all avenues of expression by which ideas are disseminated to a community at large (newspapers, magazines, and publications of all sorts, motion pictures, radio broadcasting, and

television). Censorship as related to these media is almost wholly negative, the objectives being to prevent wide or public dissemination of information valuable to an enemy. Upon reflection it is quite easy to realize that there is little intelligence interest in the content of U. S. publications, motion pictures, or radio broadcasts except for the security aspects. If any intelligence interest does manifest itself, obviously the intelligence authorities have as ready access to the material as does censorship.

Where security is concerned, as will be discussed more fully later, the long tradition of the freedom of the press in the United States, coupled with the proved ability of the press and radio to govern themselves in time of war, as demonstrated during World War II, gives rise to a presumption that this country will favor a voluntary censorship scheme in the event of future hostilities.

Two guiding principles underlay the success of World War II voluntary censorship. First, requests for suppression were not permitted to be so restrictive that they would have kept the American people in ignorance of the progress of the war. Secondly, voluntary censorship dealt only with information, strictly avoiding any invasion into the realm of editorial or other opinion.

As to the first principle, under our form of government the public is entitled to essential information. It is entitled to know about the tough realities of the war and should not be subjected to a blackout of news such as is standard practice in totalitarian countries. If Americans are denied the news, they will not be so likely to give the war their full support. From the standpoint of censorship it must be recognized that if the curtain is drawn too tightly in the name of national security, all efforts to maintain voluntary cooperation by the public media industries will be put to serious hazard. At the same time it should be apparent that if those industries carry their voluntary enterprise to the point of strangulation of the news, the public will intervene.

It all becomes a question of where the line is to be drawn and this can be resolved only by a rule of reason. Narrow thinking by the Government or the public media industries can lead only to ridiculous results and national harm. The fact is that knowledge of almost anything that happens within the country in time of war might conceivably be of some value to an enemy. Anyone desirous of so doing can find justification to withhold almost any piece of news whatever. Yet in some instances it can be shown convincingly that real danger arises from disclosures which on their face appear perfectly harmless.

There is the example of casualties among officers in a naval engagement. The battle stations of officers aboard ships are well known to the navies of the world, or can be deduced with fair accuracy from a knowledge of the officers' qualifications, training, and experience.

Prompt access to lists of dead and wounded, therefore, not only provides information as to which ships were engaged and damaged, but also permits shrewd guesses of what part of the ships were damaged and to some extent even the seriousness of the injury.

As to the second guiding principle, that concerned with the avoidance of censoring opinion, this is a peculiarly vulnerable spot in the censoring of the public dissemination of news. Censorship at its best must frequently meet the charge of being arbitrary and capricious, but often is unable to defend itself without disclosing the very information it is trying to withhold. Whenever it ventures outside the bounds of strictly "information" control, as opposed to "opinion" control, it divests itself of its most potent argument with which to enlist the cooperation of those censored, an important factor in successfully accomplishing its mission.

Censorship of communications, on the other hand, is entirely different in the respect that it is compulsory and, more important, only censorship has access to the documents which are the source of the information sought. Consequently in this phase of the activity censorship must take positive action as an instrumentality of the war agencies, or the desired information will fail to be drawn into the intelligence system. Although security matters cannot be disregarded with impunity, because frequently vital information becomes available to persons having no appreciation of the damage which may follow its transmission to points where an enemy will have access to it, in this area of censorship operations the needs of the various intelligence units should take precedence except in those unusual circumstances when the need to insure the stoppage of certain information transcends the usefulness of the inflow of intelligence.

With respect to the fourth point, the authority for instituting censorship, the legal foundations for the censorship of international communications should be firm and unassailable. Although there is precedent for the exercise of censorship powers by the President in wartime under his general constitutional authority as Commander-in-Chief, experience shows that it is preferable to have congressional sanction. You are all aware of the Fourth Amendment to our Federal Constitution which stipulates that: "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated ..."

Censorship, in seeming direct violation of this prohibition of the Bill of Rights, subjects all kinds of papers and effects found in all channels of communication to seizure and scrutiny by public officials. The exigencies of war may be held to make such seizures and searches "reasonable," but in fact the invasion or suspension of this basic right should be undertaken only with the express sanction of the Congress.

Experience has shown that censorship cannot function effectively lacking the support of the mass of the people being censored.

The censorship of communications should be authorized by means of specific legislation corresponding generally to that contained in Section 303 of the First War Powers Act, approved 18 December 1941, which was a simple presidential authorization to impose censorship when needed in time of war in the interest of public safety.

Much more controversial in character is the question of governmental authority to prevent the publication of any information which may reach the hands of the press, radio broadcasting, or film industries. The First Amendment to the Constitution states categorically that: "Congress shall make no law abridging the freedom of speech, or of the press ..."

How can anyone impose restrictions in the face of such a clear-cut prohibition? Remember, moreover, that abhorrence of governmental censorship of the press is an American tradition stemming from the earliest days of our history. The colonists who settled in America had seen at first hand the evils of state licensing of the press enforced by the Star Chamber technique. The early governors in America sought to continue such practices, the first newspaper in the colonies (Publick Occurrences, published in Boston, 1690) being suppressed by the Governor and Council of Massachusetts after a single issue because of their "high resentment and disallowance" of its publication on local and military matters. They declared that the paper came out contrary to law and strictly forbade "anything in print without license first obtained from those appointed by the government to grant the same."

In 1693 the first printer in Pennsylvania was commanded to print nothing without license from the Council. He resisted, but became discouraged and finally left the colony.

The real turning point in the development of freedom from government control took place in August 1733, when John Peter Zenger, a printer in New York City, was arrested on a warrant from the Council for printing satirical political songs which annoyed the government authorities. Zenger's attorney, Andrew Hamilton, talked the jury into disregarding the instructions of the judge, with the result they found Zenger "Not guilty" of the charge of libel, thereby establishing the power of the jury in America to protect a free press.

Notwithstanding this background and the adoption of the Bill of Rights in 1791, the well-known Sedition Act was passed by Congress in 1798. Section 2 stated in part:

"That if any person shall write, print, utter or publish, or shall cause or procure to be ... published; or shall knowingly assist or aid in ... publishing any false, scandalous and malicious writings against the government of the United States, or either

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House of the Congress ... or the President, with intent to defame the said government, etc., ... or to bring them into contempt or disrepute, or to excite against them ... the hatred of the good people of the United States, ... or to excite any unlawful combination therein for opposing or resisting any law ... or any act of the President of the United States done in pursuance of any such law, or of the powers vested in him by the Constitution ... shall be punished by a fine not exceeding \$2,000, and by imprisonment not exceeding two years."

All this means that men were punished without overt acts merely for the utterance of words that in court were held to have a tendency to injure the State, the necessary intent being presumed from the fact of publishing the words. Popular indignation against the act and the prosecutions under it wrecked the Federalist Party. Jefferson, when he became President, pardoned those imprisoned by virtue of convictions under the act, and Congress (31 years later) repaid all fines collected thereunder.

The unhappy experience with the Sedition Act of 1798 prevented a revival of that doctrine until the passage of the Espionage Act of 1917, amended in 1918. (The later amendment was repealed 3 March 1921.) Under this act many convictions followed mere expressions of opinion about the merits and the conduct of the war. Men were imprisoned for arguments or profanity used in the heat of private quarrels.

There is the case (U. S. v. Marshfield, 260 Fed 659 - C. C. A. 8th, 1919) of two persons, stranded on a country road because of insufficient gasoline for their auto, who sought to obtain some from a farmer. He supplied the needed gas and invited the strangers to dinner, during which an argument arose. The farmer uttered "scurrilous, improper and disgraceful" (and presumably unpatriotic) language, which his two guests subsequently reported to the public authorities. The farmer was prosecuted and convicted of a willful attempt to cause disloyalty, insubordination, mutiny, and refusal of duty in the military and naval forces of the United States. There had been present at the time of his utterance, in addition to the two guests, four children, two neices, and two hired men of the farm. The conviction was subsequently reversed by the Circuit Court of Appeals, but that did not prevent the farmer from being subjected to the hardship and financial strain attending participation in such a court action.

Even unexpressed thoughts were dangerous under that act. A committee selling Liberty Bonds visited the home of a known German-American who had failed to subscribe to the Liberty Bond drive. When asked his reasons, the man replied, within the confines of his own home, that he did now wish either side to win the war and that he was opposed to war. The case report states that:

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"It was stipulated that he never attempted to get anybody else to adopt his views, or to act with reference to these patriotic activities (the Liberty Bonds) as he was acting; that the words spoken by the defendant were spoken coolly and deliberately, and as an educated man would speak them; that after the interview he presented his views to nobody else, nor endeavored to have anybody else decline to subscribe or contribute." In other words, for exercising his legal right not to buy or subscribe to bonds offered for voluntary purchase he was arrested and held in confinement until his release was obtained through proceedings in a Federal District Court. (U. S. v. Pape, 253 Fed 270.)

Under the same act, an ex-British soldier (D. H. Wallace, Bulletin 4 - Iowa) was sentenced to twenty years for saying:

"That when a soldier went away he was a hero and that when he came back flirting with a band organ he was a bum, and that the asylums will be filled with them; that the soldiers were giving their lives for the capitalists, that 40 percent of the ammunition of the Allies or their guns was defective because of graft."

Wallace went insane and died in jail.

Another man (D. T. Blodgett, Nelles Espionage Cases, page 48) received the same sentence of twenty years for circulating a pamphlet urging voters not to re-elect the Iowa Congressman who voted for conscription, and for reprinting an argument of Thomas E. Watson of Georgia against the validity of the Draft Act. The judge (Justice Wade) in his charge recalled the draft riots of the Civil War and suggested the accused had felt a little mutiny right aid his political cause.

"Just look at this that he wants drafted men to buy," spoke the judge: "In Washington City it is a carnival, a wild extravagance; an orgy of prodigal waste; a bacchanalian revel of men who act as though they were drunk on power and had lost every sense of shame, duty and responsibility. The huge appropriations made will accrue to the benefit of the classes. Great is the gathering of the vultures at the National Capital, for never before has there been such a carcass inviting them to the feast. Three thousand millions of dollars in one appropriation, and the vultures fiercely shrieking for more."

Continued the judge: "There is no better way of unsettling the confidence of the people and stirring their souls against the war than to paint it as a war of capitalism, organized by capitalists and for capitalists, and painting the officers of the government as representing willing tools of Wall Street."

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If you believe this to be simply water over the dam and of academic interest alone, review some of the legislation introduced into the current session of the Eighty-first Congress. Time will be taken here to mention just one proposed bill (H. R. 3927) now resting in the House Judiciary Committee. This bill, by legislative fiat, would establish as fact that:

1. "There exists a world-wide conspiracy to overthrow the Government of the United States by force and violence;
2. "The persons engaged in such conspiracy seek to cause disaffection by inciting contempt for the Government, its officers and employees; and
3. "This conspiracy in all its stages presents a clear and present danger to the security of the United States."

That sets the stage for judicial action, since such facts would be given judicial notice by the courts, precluding any dispute. The proposed bill then continues in part:

"Whoever with intent to facilitate the subsequent overthrow of the Government of the United States by force or violence - (and remember the judicial precedents for presuming intent merely from the commission of an act, as applied to the Sedition Act of 1798 and the Espionage Act of 1917) -

- "1. Prepares, prints, edits, circulates, sells, distributes, publicly displays, ... any written or printed matter or any motion-picture film which tends to incite contempt for the Government of the United States or for any officer or employee of such Government ... shall be fined not more than \$10,000 or imprisoned not more than 10 years or both."

Visualize your position under such legislation if in a moment of exasperation, not uncommon to any of us, you wrote in a letter to some member of your family that your current CO (Major Doe or Colonel Dumbjohn, whoever he may be) is just about the stupidest so-and-so with which it has been your tough luck ever to be associated. Then suppose by some quirk of misfortune that letter fell into hands unfriendly to you. Need it be pointed out that you will have "prepared written matter tending to incite contempt for an employee of the Government"?

The year 1949 is certainly a long way from 1798, but ideas seem to possess a wonderful faculty for reincarnation. Basically, the lesson to be taken from all this is that opposition to governmental action through discussion is the alternative to the use of force to adjust inequities and avert or correct abuses. The repression of ideas or the suppression of all adverse criticism can well engender the very condition leading to violent action which is sought to be avoided.

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It is interesting to note that the U. S. Supreme Court decision handed down 16 May 1949, in connection with the reversal of a conviction of Reverend Arthur W. Terminiello for disorderly conduct in breaching the peace through a violent speech in the Chicago Auditorium on 7 February 1948, rejected in the majority opinion (5-4 division) the trial judge's definition of a breach of the peace as including speech that "stirs the public to anger, invites dispute, brings about a condition of unrest, or creates a disturbance."

Justice Douglas, who wrote the majority opinion, stated:

"A function of free speech under our system is to invite dispute. It may indeed serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger."

Justice Jackson in his dissenting opinion, however, points out that:

"There is danger that if the court does not temper its doctrinaire logic with a little practical wisdom, it will soon convert the Bill of Rights into a suicide pact."

Thus there continues among the best intellects of the country the search for the proper balance between the benefits and hazards of free speech and a free press. Byron Price as retiring Director of Censorship in 1943 stated that in censorship of the press during a time of hostilities:

"... there is only one reasonable rule. Censorship of the dissemination of public information must hold unceasingly, day in and day out, to the single purpose of keeping dangerous information from the enemy. Editorial opinions and criticisms never can be brought under government restraint, and ought not to be, so long as our present form of government endures; and any censorial excursion into that realm would most certainly destroy the respect and confidence of the censored and lead to collapse of the entire structure."

Mr. Price, on the basis of his wide background and experience, advocated that "censorship of the press and radio" (to which should be added motion pictures) "ought to be voluntary as a matter of principle in a free country." He pointed out that "as a matter of practicality, experience has shown that a voluntary censorship with all its undeniable weaknesses can be fully as effective as such compulsory systems as those of Canada and Britain." There has arisen to date no circumstance which would vitiate the validity of Mr. Price's argument or would induce us to act contrary to his counsel.

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Turning to our fifth point, the basic policies essential to a successful censorship in the United States can be best illustrated through reference to those followed by the Office of Censorship in World War II. Their primary policy, constantly emphasized to all employees and to all persons dealing with censorship in any way, was, "What does not concern the war is no concern of censorship."

Major policies subsidiary to that main one were:

- "a. Censorship restraints will be enforced for reasons of military security only (using the word "military" in its generic sense). This means that censorship will not conceal government blunders, will not suppress criticism of censorship itself, will not assist in the enforcement of peacetime statutes unconnected with the war effort and will not become a guardian of public morals.
- "b. The Office of Censorship, to the maximum extent possible within the limits of its objectives and approved policies, will cooperate with other government agencies engaged in prosecuting the war. In turn, it will be entitled to receive from other government agencies all assistance they can afford in the accomplishment of the censorship mission.
- "c. The Office of Censorship will cooperate as fully as possible with commercial interests to the end that there will be no unnecessary interference with the normal flow of legitimate communications.
- "d. The Office of Censorship will not be responsible in any way whatever for the giving out of government information or for the conduct of government propaganda.
- "e. The Office of Censorship will terminate its operations the moment American lives are no longer in danger."

One policy, a corollary of the one concerning the enforcement of censorship restraints for reasons of military security, was that which came to be known as the policy of "appropriate authority." This was the basis of the smooth, effective operation of voluntary censorship. At the outset Byron Price was besieged with queries from the host of government publicity men requesting censorship approval of government releases to the press.

Mr. Price was experienced enough to recognize the implications of that situation and made an immediate decision. The Office of Censorship was not to censor such releases, for that would carry it into the fields of publicity and propaganda. Mr. Price decided that anything

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which responsible government officials believed should be disclosed, either in formal announcements or in conversations with individual reporters, would be acceptable to the Office of Censorship.

Thereafter censorship never objected to the publication of material emanating from a qualified government source, even though such information might be in direct contradiction of a censorship request outstanding with the press and radio. The Armed Forces, for example, weighing security against the public need for knowledge, might state openly the exact size of units in a particular area without a murmur of complaint from censorship. The problems of how, when, and to what extent to inform the public were left in the hands of the Office of War Information. The policy of not censoring government helped to establish a clear line of demarcation in the functions of the two agencies.

It is interesting to review the reactions of Byron Price to voluntary censorship after the initial struggle with the major problems had been resolved. In an address to the annual meeting of the Southern Newspaper Publishers Association, he stated:

"... After nine months of experience some Americans are convinced that domestic voluntary censorship is a feeble and futile method of dealing with a vital problem. The adherents of that school march in three battalions.

"In the first battalion are the legislators-without-portfolio who go forward with bills in their pockets and a grim purpose in their hearts, watching and hoping for a blunder or a breakdown to give them an opening.

"Close behind come the censors-without-portfolio. You have seen many of these eager volunteers face to face and know what widespread competitive damage would be done needlessly if editors were gullible enough to be governed by their thundering pronouncements. Their diverse and contradictory activities have had at least one virtue. They have demonstrated the wisdom of the President's policy in designating a single federal agency, the Office of Censorship, to administer censorship evenly and consistently, according to a national plan, and to give that plan its undivided attention.

"Finally there are the patriotic and well-meaning thousands who petition us to suppress facts well known to the enemy before December 7, or maps or ship designs or production figures which can be found readily in standard year-books and encyclopedias. For these honest critics I have only the highest respect even though I cannot share many of their apprehensions.

"Over against these battalions stands a large body of public opinion holding that more information, not less, should appear in

print This also is honest criticism, and the motives behind it are not open to question. The American people cannot be expected to fight the war in a vacuum. Neither should they, nor will they when properly advised, want to see in print any disclosure which would endanger the life of a son or brother.

"In censorship, as in all things, there is, somewhere, a road of common sense. We must find it

"What is the basic consideration behind censorship? It is simply this: That none of us shall provide the enemy, by design or inadvertence, with information which will help him kill Americans....

"But won't he have most of this information anyway? Why do we ask that an official announcement be awaited when hundreds or perhaps thousands of your readers already know the facts? Well, sometimes the enemy will have the information but very often he will not; and I know of no good reason why, in a matter of life and death, we should give the enemy the benefit of the doubt....

"The enemy may dream and talk of vast 'Fifth Column' enterprises in America; in practice he is thankful for small favors. We have seen some of his messages to and from his spies; and we know how highly he prizes such commonplace things as collections of stray newspaper clippings, from which he may be able to piece together, little by little, a picture of our resources and our preparations.

"The enemy may know many things, but there is much he would like to know. Why put at his disposal, anytime, anywhere, the expert fact-finding machinery built up by the American press through the years of patient struggle? Nothing would please him better than to turn the engines of freedom to account in his desperate work of destroying freedom....

"In all these things, let's be sensible. The enemy is not super-human. He can be deceived and he can be frustrated. It is not on the side of common sense to assume otherwise...."

The organization needed to cope with censorship responsibilities, our sixth point, is not tremendous considering the huge volume of material it must control. In September 1948, for example, a daily average of more than 21 million (estimated) air mail letters and more than 15 million (estimated) surface letters passed through the port of New York alone. At the same time there were some 45 tons of parcel post packages and more than 300 tons of printed matter through the same port daily. Cable radio and land-line telegraph traffic passing through the same point currently totals something in excess of 40,000 to 50,000 messages daily.

The problem to be solved obviously is how to work out a scheme for effective control within limitations encountered in wartime, created by the urgent demands which develop for manpower and materials of all kinds. In World War II, the Office of Censorship accomplished its mission with a personnel strength which at the peak numbered 14,462 and required a maximum annual budget of about 28.5 million dollars.

The organization structure adopted must provide for a headquarters because censorship needs centralized direction. It must provide for field stations located at strategic points communications-wise throughout the continental United States and its territories and possessions. The principal functions for which provision must be made are:

1. Guidance of the public media (press, radio broadcasting, and motion pictures) to provide protection of the public dissemination of information affecting the national security.
2. Control over communications of all categories crossing the borders.

The basic procedures required for operations, our seventh point, insofar as the public media industries are concerned, involve first the issuance of official codes along the lines of those established by the Office of Censorship to provide the criteria for do's and don'ts which publishers, broadcasters, and film men can apply in their daily tasks. Then there must follow arrangements whereby more precise rulings can be obtained on unusual or borderline situations.

Communications censorship procedures, as they must function in conjunction with the intelligence agencies, can be most interestingly illustrated by a brief resume of the Ludwig case from the files of World War II:

During 1940 a New Yorker became a steady user of the Havana-to-Europe mail channel, sending strange communications to Spain and Portugal signed "Joe K." He had a penchant for inclosing with his letters clippings from New York newspapers--clippings that told how the United States was rushing its new program of defense production, how planes were starting to come off assembly lines in sizable quantities, and how luxury goods were giving way to war necessities. Sometimes there were lists of ships loading or unloading at Manhattan docks. Sometimes there would be found in invisible ink information about our then mushrooming Army camps, or unannounced details concerning Navy and merchant vessels.

Occasionally a letter passed through signed merely "K" or "Konrad." The censorship sorters culled out these letters by means of the rather distinctive handwriting of the suspect despite the fact that various intermediaries were employed as addressees.

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Early in 1941 Joe began to worry about the censors. He wrote his wife, who was in Europe, a suggestion that she use a typewriter to address envelopes to him, for he believed the censors would be less likely to open typewritten letters. Strangely enough, though, Joe did not follow his own advice. He typed that particular letter, but used pen and ink to address the envelope.

For some four months Joe K. remained a prolific writer without providing a single clue as to his identity; the return addresses being always different. But then, in March 1941, a lucky break occurred. The censors intercepted a letter containing in secret ink the message:

"This week something terrible happened. Phil, whom you know, had a fatal accident. One evening he wanted to cross Broadway. He stopped at the middle of the street, as he could not go on further, on account of the heavy traffic. The moment he turned around, he was first hit by a taxi - thrown to the ground, and then hit again by a passenger car which knocked him unconscious by injuring his head very badly."

This information went to the Federal Bureau of Investigation, which was already familiar with an accident that took place at Times Square on the eighteenth of March, just as the theater crowds were pouring out. Two men engaged in conversation started to walk across the Forty-fifth Street intersection. One of them carried a brown brief case. As his companion shouted a warning, he stepped squarely in front of a taxicab, was knocked down, and the brief case sent spinning to the pavement. The companion, without a second look to see whether the victim had been injured, pushed through the crowd to snatch up the brief case and disappear. The police were able to get only a vague description of that man.

In the injured man's possession was a Spanish passport issued to Julio Lopez Lido. He was taken to a hospital, where several hours later he died; his body thereafter unclaimed until the Spanish consulate arranged for burial.

But Lopez Lido's room told a different story, which caused the police to call in the FBI. Papers there identified the man as Captain Ulrich von der Oster, a German military intelligence officer who had sailed to the United States from Shanghai only a month prior to the accident. Some of the papers referred to him as "Konrad." There undoubtedly was the source of the "Konrad" reports, which occasionally had been mailed with Joe K's letters. "Phil" apparently was another of his aliases.

The search for Von der Oster's companion was intensified and once again the censors provided a key. Some weeks earlier "Joe K." had written that he wanted to make certain one of his letters was properly

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received. He asked the addressee to cable him a guarded message of congratulations if the letter came through all right. The cable censors intercepted a message subsequently that seemed to correspond to this request. It was directed to a cable address in New York, which upon investigation proved to be registered in the name of Kurt Frederick Ludwig.

Coupled with other pieces of information available, this established the identity of Von der Osten's Broadway companion, and a comparison of Ludwig's handwriting with that of "Joe K." clinched the matter.

A 24-hour surveillance was placed on Ludwig, who was permitted to continue operations with the censors covering his clandestine communications. This bore fruit in the unmasking of previously unknown intermediaries and the detection of eight colleagues. They were all finally taken into custody, prosecuted, and imprisoned, Ludwig drawing a twenty-year sentence.

Obviously the procedures followed in this work must provide for:

1. Determination of the communications to be censored.
2. Identification and segregation of those communications.
3. Discovery of significant information.
4. Action appropriate to the information found.
5. Appropriate disposition of the communications.

The principal limitations of censorship, the final point in this discussion, constitute a subject which deserves more attention than is usually accorded it. There is, for example, an apparently irresistible urge on the part of many to believe that the censor is omnipresent and infallible. The tendency is to feel "now that we have censorship, nothing can get out."

General appreciation of the volume problem alone is usually lacking. Consider in your own mind the magnitude of the physical task of coping with the communications flowing through just New York City--faced with a daily volume approximating:

Cables and telegrams	-	50,000 messages.
Letters	-	484 tons.
Parcels	-	43 tons.
Prints of all kinds	-	300 tons.
TOTAL	-	827 tons.

Remember that at times you want one particular letter out of 434 tons of mail. Then calculate the possibility of failing to detect that special letter for whatever reason you can imagine. Short of cutting off all communications, which seldom proves feasible, censorship simply can not in the nature of things create an impregnable barrier.

In addition to the volume problem there is the added risk of human fallibility. The censorship organization differs in one fundamental aspect from the usual organization: the key responsibility for its effectiveness rests in the lowest echelon. There is no substitute for alert understanding and keen judgment on the part of every individual who actually examines the communications flowing through censorship. Inattention or failure to comprehend the import of any given message may permit the release of highly damaging information or mean the irrecoverable loss of valuable intelligence. The percentage of probability favoring the recruiting under wartime pressure of some 10,000 persons perfectly suited to the task to be performed, you can calculate as well as anyone else. It is not very high.

In regard to censorship of the public media, the point to be remembered is that it in particular must be limited to exercising its power solely on the basis of military security if it is to be successful. It must never base a request to the industries to withhold information on any security consideration which may be questionable. The danger to security must be real and must be backed by a solid and reasonable explanation. The standard for security in relation to military information must be set by the Armed Forces themselves. You all undoubtedly appreciate the fact that control at the source is the most effective means of control, for even with censorship code in effect there are bound to exist varying interpretations of the statements contained therein and their applications to particular situations.

Please note that these limitations, as in the case of the other parts of this discussion, have touched only upon the very broadest questions. Anyone interested in a more detailed picture can obtain a quick review of the subject from last year's Student Committee Report on the "Proposed Economic Mobilization Plan." This does not by any means imply that I agree with everything in the censorship section of that report; but it obviously was based on World War II experience, is fundamentally sound so far as it goes, and is readily available to you.

As a final summary of the key points covered by this discussion that may be helpful guides to you sometime in the future I would stress:

1. Censorship basically is a control over the transmission of ideas.
2. There are two distinct but closely interrelated aspects: first, the censorship of the public media, and, secondly, the censorship of communications.

3. Censorship in the United States is viewed as a war instrument only.

4. Censorship as a war instrument has certain definite limitations. It is not an infallible weapon, but it can be made highly dependable if manned by competent personnel.

Censorship planning, in common with all other mobilization planning, must look ahead to discern future problems. You who have spent so many months concentrating particularly upon future mobilization questions undoubtedly share the view that this country can not afford to assume World War II provides all the answers which every will be needed. Our minds must remain flexible, forward-looking, and receptive to new ideas and methods. It would be most unfortunate, perhaps fatal, should the planners become addicted to lethargy.

QUESTION: In using censorship how do you permit the use of such things as the Gallup Poll to get the feeling of a military command? Is that permissible or not?

MR. JACOBUS: I don't know whether I should try to answer that question. You remember, in the initial statement in my discussion I said I was not going to discuss military censorship. I can't answer as to military censorship, but I presume you include also civilian censorship, because censorship has been used for that purpose and no doubt will be used again.

QUESTION: What I wanted cleared up in my mind did have to do with the military. I wanted to know whether it is illegal for me as a commander to use censorship under my jurisdiction to fathom out the workings of the minds of some of my own GI's, not as individuals but as a matter of cross-section.

MR. JACOBUS: If I were here as a military censor, I would give you the answer; but being here as a representative of NSRB, I prefer to duck it. There is a censorship officer with the General Staff on the Intelligence Division level, to whom you could put that question, and I know he would give the answer.

COLONEL BABCOCK: Mr. Jacobus, I think in your very excellent presentation you have covered almost every question we had in our minds. On behalf of the faculty and the student body I wish to express our warmest thanks.

(19 July 1949--650)S.