

SYMPOSIUM ON THE



SMITH-MUNDT ACT OF 1948

The Report on the Smith-Mundt Symposium
of January 13, 2009

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About the Symposium

On January 13, 2009, nearly two hundred people attended the Smith-Mundt Symposium held at the Reserve Officers Association on Capitol Hill. The frank and open discussion included a diverse group of stakeholders, practitioners, and observers from Congress, the Departments of State, Defense, and Homeland Security, and outside of government, many of whom never had a reason to be in the same room with one another before, to discuss public diplomacy, strategic communication, or whatever their particular “tribe” calls information and perception warfare.

The subtitle of the event – “A Discourse to Shape America’s Discourse” – hinted at the Symposium’s real purpose. Taking place a week before the Obama Administration came in and just short of the sixty-first anniversary of the Act, this one-day event was intended to fuel an emerging discourse inside and outside of Government on the purpose and structure of public diplomacy.

On its face, the discussion was organized around the Smith-Mundt Act of 1948, the law intended to “promote the better understanding of the United States among the peoples of the world and to strengthen cooperative international relations.”

But the real purpose of the Symposium was to facilitate an interagency, public-private, and inter-tribal discussion about the purpose, structure, and direction of America’s global engagement.



A question for the first panel

The Smith-Mundt Act of 1948 is one of the most influential, and least understood, law affecting American national security.

It was the authorizing legislation establishing the US Government’s information, education, and cultural programs from the beginning of the Cold War through the present day as it continues to shape how America engages the world.

There were two keynotes and four panels. Giving the keynotes were then-Under Secretary of State for Public Diplomacy and Public Affairs James K. Glassman and (former) Deputy Assistant Secretary of Defense for Support to Public Diplomacy Michael Doran.

The membership of the four panels only somewhat reflected the diversity of the audience. Organizations represented on the panels included the United States Information Agency, the US Agency for International Development, the Voice of America, US Central Command, the State Department, *The Washington Post*, Syracuse and George Washington Universities, and Congress.

The panel discussions were structured chronologically with the first three focused on the past, present, and future of America’s public diplomacy. The fourth panel was a uniquely

Congressional panel that included the essential, if overlooked or ignored, partner in restructuring and funding America's engagement. The day ended with a hosted reception in the lobby of the symposium venue, the Reserve Officers Association.

The format of the panels was dialogue. There were no PowerPoint presentations or white papers. There was not even a projector or a screen was even in the room. The audience was asked to prepare for the event by exploring an electronic library made available prior to the event. In other words, this Symposium assigned homework.

The entire event was on the record. Transcripts and audio of the proceedings, as well as biographies of the moderators and panelists, the day's agenda, and this report are available at <http://MountainRunner.us/Symposium>.

The Symposium was sponsored by Armstrong Strategic Insights Group, LLC, (www.ArmstrongSIG.com) and presented in association with the Center on Communication Leadership (www.CommunicationLeadership.org).

Overview

Public diplomacy is not, and has never been, a monolithic enterprise strictly owned by the State Department or the now-abolished USIA. The global information environment changed from the world in which the Smith-Mundt Act was crafted. It is also quite unlike the world of just twenty or even ten years ago. Especially true today, the State Department is just one actor in America's global engagement. Congressman Adam Smith (D-Wash.) said "There's going to be a lot of different pieces who are engaged in messaging, particularly when you think about it as broadly as I think we have to think about it."

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USIA's motto...
'Telling America's story to the
world,' as if it's one official
story.*

Just as there has never been a single spokesperson for America, there has never been a single "story" of America. Ms. Nancy Snow, professor at Syracuse University, raised an important, if ignored, point about the motto of the USIA. "I was always a little troubled with USIA's motto



when I walked into work," she recalled. "'Telling America's story to the world,' as if it's one official story."

Those attending and interested in the Smith-Mundt Symposium came from Congress, the Departments of State, Defense, Homeland Security, the Broadcasting Board of Governors, Voice of America, universities from around the country, non-governmental organizations, foreign missions, and the media, including *The Washington Post*,

the *Associated Press*, *Inside Defense*, and others. Professions ranged from cultural and educational diplomats to psychological operations to public affairs to government broadcasters to graduate students to ambassadors and beyond. The diversity of the public diplomacy and strategic communication stakeholders was significant and for many, this event was the first time they sat next to each other.

This report is an overview of the day's discussions. The purpose of the symposium was to raise awareness and to elicit a discourse that will hopefully shape future discourses on the purpose and structure of America's global engagement, whether it is called public diplomacy or something else. From the feedback during and after the event, it seemed that goal was achieved.

This report is in several sections. After this Overview, there is a brief history of the Act on which the Symposium was based. After the History section is the heart of the report: several sections on discussions at the Symposium that were rarely if ever raised in other forums or reports.

These are:

- Different Views of the Act
- Linking Transparency to Effectiveness
- Limiting Awareness
- Inhibiting Synergy
- Changing the Smith-Mundt Act

Those are followed by a single section aggregating themes commonly raised in reports and recommendations on public diplomacy. These include:

- America must be more effective at public diplomacy;
- Public diplomacy is critical to national security;
- Public diplomacy must inform foreign policy; and
- Public diplomacy is under-rated and under-respected.

This report concludes with key findings followed by an appendix listing the contents of the library that was available to participants prior to the event.

A Brief History of the Act

In 1946, America's Ambassador to Russia described the global situation to the 79th Congress as a "war of ideology...a war unto death." This condition was echoed by George Kennan in his Long Telegram and related writing that suggested ideological containment of Communism. The House passed the Bloom Bill in response to the need to transform America's "whisper" in July 1946 only to have it blocked by Senator Robert Taft, who never gave a reason. Reintroduced in the 80th Congress, it became the Smith-Mundt Bill and was eventually signed by President Harry S. Truman on January 27, 1948. It was officially known as PL 80-402: the United States Information and Educational Exchange Act of 1948. The Senate declared it to be a necessary response to the danger posed "by the weapons of false propaganda and misinformation and the inability on the part of the United States to deal adequately with those weapons." Deliberated and modified over two years, the final push for its passage came after a Congressional delegation to Europe witnessed firsthand that "knowledge of the United States [was] being systematically blotted out" by Communist propaganda that was compared to a constantly playing "tremendous symphony orchestra". The Communists were responding to the mere announcements of the largest denial of sanctuary and reconstruction and stabilization programs the United States ever put forward: the Marshall Plan.

A necessary response to the danger posed "by the weapons of false propaganda and misinformation and the inability on the part of the United States to deal adequately with those weapons"

The Act is commonly referred to as the Smith-Mundt Act. It combined Senator J. William Fulbright's (D-AR) exchange programs with international broadcasting and it expanded and institutionalized both.

What today is considered the essence of the Act was in fact a relatively minor element that received relatively little attention until the late 1960's and early 1970's. The so-called "firewall" of the Act was in fact a prohibition on the State Department from disseminating material within the US that was produced for overseas audiences. This was done for three reasons and in fact encompassed three clauses in the Act, two of which are usually ignored in modern debates about the Act. First and foremost were Congressional suspicions that the loyalty many personnel within the State Department was suspect. In 1946, the ranking minority member of the House Appropriations Committee, for example, called for a "house-cleaning" in the Department that would "keep only those people whose first loyalty is to the United States." A subcommittee of the House Military Affairs Committee asked the Secretary of State in 1946 to remove from the State Department Intelligence Service men of "strong Soviet leanings."

The second reason was concern that private media could not compete with the Government within the US. The resolution was not the dissemination prohibition but another provision that mandated the maximum use of private resources. (Hearings were held on an amendment to completely privatize America's information activities in June 1947 but both the Columbia and National Broadcasting Systems said private business could not afford the international broadcast part of the program.)

The third area of concerns was that a peacetime informational capability would create an executive branch propaganda machine targeting Americans. A third clause of the Act addressed this concern by preventing the government from having a monopoly on domestic communication.

Contemporary debates and the Congressional record show clearly that the intent was never to shield Americans from what the State Department was doing overseas. In fact, oversight was

The simple truth about the United States...widely told throughout the world, will do more to reduce the risk of war, and thus to reduce the need for a multibillion dollar military force, than any other single factor

intended as the Government was to partner with private media as often as possible. The restriction was on dissemination not availability. Congress was not concerned that the Department would propagandize the American public as much as it feared the Department would undermine the Government through its Communist and socialist sympathies. The media, Congress, and academics were to provide the oversight and make the materials intended for overseas audiences available to the public. The *The New York Times*, *Newsweek*, *Time*, the *Washington Star*, and the *Chicago Times*, all actively supported the bill. David Sarnoff, president of RCA, and Philip D. Reed,

chairman of GE, wrote favorable editorials supporting the Smith-Mundt Bill. Testifying on behalf of the bill in July 1947, Reed said "the simple truth about the United States...widely told throughout the world, will do more to reduce the risk of war, and thus to reduce the need for a multibillion dollar military force, than any other single factor."

Congressional oversight, today mostly done through media, was in fact legislated by the Act to come from two Advisory Commissions, the precursors to today's US Advisory Commission on Public Diplomacy. One of these commissions, the Advisory Commission on Information, was required to issue public, twice-yearly reports on the status of the government's information activities. Early commissions included the vice president of CBS, a university president, the president of Time, Inc., advertising executives, and newspaper editors and publishers.

Demonstrating the distrust of the State Department while also acknowledging the strategic importance of what would become known as public diplomacy, the Smith-Mundt Act required a “loyalty check” (equivalent to today’s security clearance) for all State Department personnel working on information programs as well as cultural and educational exchanges. Bill sponsor, Congressman Karl Mundt (R-SD) said that “all employees, new or old, would have to undergo an FBI loyalty check even more stringent than the one given to people working on the atomic bomb during the war.” The FBI was also concerned over the ability of State to monitor and control participants in the exchange programs. One Congressman even proposed all Voice of America scripts be edited by a committee of the Daughters of the American Revolution.

Two decades after President Dwight D. Eisenhower established the United States Information Agency, as bipolar politics anchored in missiles, planes, and tanks replaced the psychological struggle for minds and wills, Senator Fulbright sensed a chance to get rid of the international broadcasting authorized by the Smith-Mundt Act. In 1972 the Senator declared that the “Radios [Voice of America, Radio Free Europe, and Radio Liberty] should be given an opportunity to take their rightful place in the graveyard of Cold War relics.” As part of his battle against the information programs, he complained to the US Attorney General about another Senator screening a USIA film. Attorney General Richard G. Kleindienst would not intervene, writing that the “apparent purpose [of the clause prohibiting domestic dissemination] was to make USIA materials available to the American public, through the press and members of Congress.” Senator Fulbright would go to war with the Nixon Administration and expend all of his political capital, and then some, to get the prohibition on domestic dissemination changed to prevent domestic access to content produced for overseas audiences by the USIA. In 1985, when the federal courts were exempting USIA materials from the Freedom of Information Act, Senator Edward Zorinsky successfully “closed” a loophole in what was now a firewall blocking virtually any access.

All employees, new or old, would have to undergo an FBI loyalty check even more stringent than the one given to people working on the atomic bomb during the war

For a deeper historical analysis of the Smith-Mundt Act, including contemporary public debates, see “Rethinking Smith-Mundt” at <http://ArmstrongSIG.com/events/Smith-Mundt>.

Different Views of the Act

There is no commonly held view of the Smith-Mundt Act which means the Act is applied inconsistently and often detrimentally. During the discussions, three general views of the Act emerged. The first was that the Smith-Mundt Act protects public diplomacy budgets and methods by preventing encroachment by US-oriented public affairs. This idea was put forward

by Under Secretary Glassman and supported by others. A member of the audience in the afternoon said:

I think there are certain aspects of Smith-Mundt that are useful and worthwhile to consider, namely, if we are working in the field or here in Washington or wherever and our focus is on foreign audiences, if we have to turn our attention as well to talking to domestic audiences in the United States continuously, that's a drain on resources, and resources we don't have.

The second view was that the Act applies to somebody else. This was mostly heard from the veteran Foreign Service Officers on the first panel who agreed the Act had no substantial effect in the field. Len Baldyga, former Director of the Office of European Affairs at the US Information Agency, said the Act was a "Washington phenomenon." Barry Zorthian, a former Foreign Service Officer, echoed this by saying that "never felt restricted by Smith-Mundt." Mr. Michael Schneider, Director of the Syracuse-Maxwell International Program, said "the field offices didn't even know about it." This group also noted that obstructions to domestic dissemination of material were either ignored or easily mitigated by a short phone call to the right Congressman.



Barry Zorthian and Mike Schneider

They also noted that when a potential violation of the Act did come up, they were transferred from the USIA payroll to the State Department payroll.

Michael Schneider noted the evolution of attribution. In the 1950's, the US was "aggressive in terms of our persuasive communication." The Kennedy Administration in the early 1960's brought a "reconfiguration" where "everything we produced has to be attributable." That, Mr. Schneider continued, "evolved in the late '60s, early '70s to everything we produced had to be attributed."

The third perspective was that the Act could and should be ignored. This did not sit well with the military who view laws as granting permission for what they can do. This is in stark contrast to the general public who view laws as guidance on what not to do.

Richard Arndt, author of The First Resort of Kings: American Cultural Diplomacy in the Twentieth Century, felt the Smith-Mundt Act could be ignored for the purposes of cultural and education exchanges. According to Mr. Arndt, the Smith-Mundt Act was superseded by the Fulbright-Hayes Act of 1961 and

The Kennedy Administration in the early 1960's brought a reconfiguration where everything we produced has to be attributable. [This] evolved in the late '60s, early '70s to everything we produced had to be attributed.

thus the Smith-Mundt Act is irrelevant for the purpose of cultural and educational exchanges.

Linking Transparency to Effectiveness

For many, Smith-Mundt is a code for the uniquely American firewall between foreign and domestic information dissemination. This firewall was based not on protecting sensitive American eyes and ears but a perception that the Government needed protection from the State Department. Over sixty years ago, Congress was convinced the State Department was infested with Communists. Today, it not like yesterday and there is little concern that the State Department, or by extension the Defense Department, is sympathetic to al Qaeda. As Ambassador Glassman quipped, “If you believe that the State Department can’t be trusted, you certainly don’t want the State Department proselytizing within the boundaries of the United States. It is bad enough that the State Department is operating abroad.”

The result was decreasing awareness of what America was doing overseas, as well as why we were doing it. This opacity came from both active and passive applications of the Smith-Mundt Act. Jeff Greico, Assistant Administrator for Legislative and Public Affairs of the US Agency for International Development, described the impact of the passive expansion of the firewall attributed to Smith-Mundt.

An agency of 8,000 people and a \$24 billion U.S. Official Development Assistance budget has only \$25,000 a year to tell the American public what it does

The lack of a consensus within USAID or definitive guidance from outside of USAID as to whether the agency is covered by Smith-Mundt meant the agency operates in the “shadow” of the Act. In Mr. Greico’s

words, they “homage and respect to the act” even though “we’re not certain that the act really applies to the things that we need to do domestically.” The only official programming money given to the agency for communication is through “development education grants” known as Biden-Pell grants. As Mr. Greico put it, the “agency of 8,000 people and a \$24 billion US Official Development Assistance budget,” he had only “\$25,000 a year to talk to the public about what it is we do.”

Mr. Greico noted his agency’s challenge in communicating to Americans and beyond. There were described, as Mr. Greico said, in a recent report on USAID’s ability to communicate its activities.¹ The “lack of effective communications by USAID due to limited resources for communications” combined with the absence of a “public or private entity in the United States charged with communicating what US foreign assistance” were two arguments of the report

¹ “From the American People: Why the Story that U.S. Foreign Assistance Is Working Must Be Told.” See http://mountainrunner.us/2008/11/usaaid_in_the_struggle.html.

Mr. Greico related. With a \$24 billion budget, “at the highest levels that it’s been for a long time,” there is a lot being done overseas without much knowledge (or constituency) being created within the US. Mr. Greico noted the reports call for a “strategic [and] coherent... multiyear set of communications in outreach requirements... to identify resources, audiences, architecture and the tools by which we need to get those done, including outside partnerships.” Mr. Greico said that since 9/11, USAID has put more resources into outreach, including placing “development outreach and communications officers in every one of our missions.”

Limiting Awareness

Ostensibly used to prevent “propagandizing” Americans, the firewall prevents the development of constituencies behind public diplomacy and understanding of why and what America is doing overseas. The firewall, by preventing and inhibiting private access to government content, Congress, and academia, places a greater burden on private media to cover foreign affairs on their own.



Under Secretary James K. Glassman

Ambassador Bill Rugh, speaking from the audience, said that permitting government to inform Americans what is said and done in their name overseas would translate into a better understanding of public diplomacy by the American public.

Under Secretary Glassman commented that the oversight potentially provided by public access the Act prevents today. Ambassador Glassman suggested making VOA’s Persian News Network available (in Farsi) to Americans would mean it could be monitored as CNN and BBC are monitored: by public scrutiny.

The denial of access is, according to David Jackson, former Director of the Voice of America, a “farce.” While VOA, he said, does not want to distribute domestically, the restrictions create “ridiculous situations where people ask for a show or a story or a reprint and we have to go

Foreign critics ... frequently will say that VOA, or the other broadcasts, are propaganda because the U.S. government won't even let American citizens be exposed to it.

through this sort of awkward dance of saying, well, we really can’t tell you where you can find that or how you can download it.” But online access to broadcasts, either contemporary or archive, means if people can find the content they can download and share it on their own. It would “be nice if someone [asked]”, Mr. Jackson continued, “can we place that programming [in Los Angeles], and I would have been able to say yes.”

The firewall does more than limits American access to information generated by their tax dollars, it taints overseas broadcasting. As Mr. Jackson noted, “Foreign critics ... frequently will say that VOA, or the other broadcasts, are propaganda because the U.S. government won’t even let American citizens be exposed to it.” Removing the firewall, which the “Internet has made ...moot,” would remove “a damaging talking point against the credibility of those broadcasts.”



Rear Admiral Greg Smith
and Jeff Greico

Rear Admiral Greg Smith, Director of Communication for US Central Command, said there was too much focus on firewalls in the complex “game” of information where there are “lots of actors brought to the table.” He argued the best “regulatory approach” is the media to protect against certain techniques. While the target is always non-US, the prohibition should be on the “[intentional] purpose to mislead, to misinform, to somehow have an agenda that’s at counter-purposes with the truth, and so forth.”

The limited access means the American public, Congress, and the media have limited insight into what the Government is doing. For example, Colleen Graffy, Deputy Assistant Secretary of State for Public Diplomacy for European and Eurasian Affairs, asked “Wouldn’t it be a good idea for people in America to know that we’re actually doing a lot around the world about the environment, about climate change, about green diplomacy, as we call it?”

Karen DeYoung, Senior Diplomatic Correspondent for *The Washington Post*, agreed that transparency is required to let Americans know what is being said in their name.

But what if the media is unable to investigate? Mr. Greico predicted that the “foreign service corps” of *The Washington Post* and *The New York Times* would be gone in a few years. Sixty-years ago, the public record and the letter of the law was clear that private media was to be intimately involved in America’s international engagement.

Inhibiting Synergy

Mr. Kiehl suggested violating the Smith-Mundt Act was a laughing matter. There are no Smith-Mundt police, he said, so willingly and intentionally violating it is just fine. “The modern age has amended it.”

The issue of the “Smith-Mundt Police,” imaginary or not, is very real despite Mr. Kiehl’s suggestion. Dennis Murphy of the US Army War College pointed out the military lives by “rules, regulations, doctrine, and our culture says, by God, if it’s outside those rules, regulations or doctrine, don’t do it.” Matt Armstrong, the Symposium’s chair, emphasized this, pointing out

that while democracy is based on laws telling the public what they cannot do, the military is controlled by laws telling it what it can do. Without specific permission to do something, as Mr. Murphy said, the military will not do it, “and they’re going to push back real, real hard.”

In the field today, Rear Admiral Smith said the firewall still does not interfere with the interagency process. The roles of different agencies “are not... built along firewall discussions as much as they are along the collaborative and really the necessity to work together to achieve what we want to achieve in places like Iraq.”

While Rear Admiral Smith argued the process is not disrupted, others said the effectiveness is. Several people, both in the audience and on panels, gave anecdotal evidence of the negative and constraining influence of Smith-Mundt across the Government. Mr. Murphy, for example, said the result was that we have “we’ve lost a lot of synergy and energy and the capability to bring a lot of people to bear on the problem because of the reticence.”

Ambassador Rugh characterized the prohibition as something only the State Department does. “Other agencies of government, particularly the Pentagon, but the State Department too are unhindered in speaking about their activities to the American public.”

Ambassador Rugh continued, “But somehow USIA and its successor representatives in the State Department feel hindered by it, and it’s ridiculous and anachronistic.”

We’ve lost a lot of synergy and energy and the capability to bring a lot of people to bear on the problem because of the reticence” created by the “firewall”

However, Ambassador Rugh’s argument comingled both the method and content of domestic communications and beyond-the-borders communications. What the State Department says outside of the United States, if done within the public diplomacy context, is not readily available within the United States. Ms. Graffy talked about the need to “scrub” public diplomacy material through public affairs in order to share information – video, pictures, or text – with American audiences. (“So I feel like I’m money-laundering, right?”)

Ms. Graffy demanded we “stop the self-censorship.” The firewall prevents Ms. Graffy from putting “America.gov” on her business cards. It also prevented her from publicly distributing a weekly “highlights” newsletter on public diplomacy because it would contain information that should not be read by Americans.

Ms. Graffy suggested the interpretation was too strict and should be based on intent to “propagandize” and not inform. Opacity is a problem, Ms. Graffy argued. The result is, as Ms. Graffy stated, a problem of self-censorship. “We don’t necessarily have to amend it, we do need to have an interpretation that’s broadcast very widely within the government to say, yes,

it's all right to do this and this." Although Mr. Kiehl suggested the real reason was people did not want "to do something."

Lynne Weil, Communications Director for the House Foreign Affairs Committee, suggested the firewall may not only inhibit developing a constituency for public diplomacy but also preventing knowledge of foreign affairs. If, Ms. Weil wondered, "moms across the country, don't understand public diplomacy as they should, is it because of Smith-Mundt?" This, Ms. Weil continued, "goes to the larger question of people across the country knowing what our foreign policy is about and how much we do to promote peace in the world."

Possibly as a result of the American public's limited insight into foreign affairs, some in Congress limit domestic visibility of their own overseas activities. Ms. Graffy related how some Congressmen do not "want attention paid to their trips overseas where they're doing public diplomacy because it will be held against them in their campaign back in the United States because this is seen as a big boondoggle."

Deep in the DNA of the State Department is the notion that the mission of the State Department is to carry out bilateral relationships with other states

Rep. Hodes argued part of the problem is with the State Department. He suggested that "that a lot of members of Congress don't know a lot of what the stuff that's going on, because it is sort of buried somewhere deep in the State Department bureaucracy."

This is, in part, because the Department of State has trouble with becoming the Department of Non-State as well. As Mr. Doran said, "Deep in the DNA of the State

Department is the notion that the mission of the State Department is to carry out bilateral relationships with other states."

The issue that "the role of a democratic leader is to marshal and manage public opinion" was raised in the opening remarks by Mr. Armstrong. As Americans, we expect our leaders to be transparent in all areas of civic life except with it comes to foreign affairs and then and only then we seemingly expect the government to raise a curtain and obscure its activities and pretend there are two, disconnected information markets: one within the geography of the United States and the other beyond our borders.

The distinction between public affairs and public diplomacy did come up, but not often. Nancy Snow, Syracuse University, noted that public affairs is a part of global communication and recommended expanding "public affairs side of the equation,



Michael Doran

which includes that mutual understanding,” to include more public diplomacy-like attributes.

Mr. Doran suggested looking at public diplomacy as an “influence enterprise.” The problem is, Mr. Doran continued, “from a systemic point of view... our efforts are not well-coordinated and not necessarily directed toward a set of strategic priorities.” The resolution is not found in changing legislation or creating a new

bureaucracy, but coordinating the interagency process. The key, according to Mr. Doran, to rebuilding America’s “arsenal of influence” is “coordinating the functions of government that already exist. This can best be achieved by creating a powerful leadership office, perhaps in an ODNI-like structure rather than by creating a completely new structure.”

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Changing the Smith-Mundt Act

Kristin Lord opened the third panel, “Rebuilding the Arsenal of Persuasion,” with the critical question: “If we were to develop a Smith-Mundt Act for the 21st century, not for the beginning of the Cold War, what would that act look like?” Conversations before the Symposium or during its breaks frequently included the recommendation to simply do away with the Act. But these suggestions are generally aimed at the firewall provision and dissipate when the larger purpose and effect of the Act is discussed.

Any attempts to change the Act should be weighed carefully and the repercussions explored fully. Under Secretary Glassman said “opening any legislation can lead to unexpected consequences.” Mr. Doran agreed and added that reopening the Act “might take things away from us that we currently take for granted.”

There were several suggestions to address problems of modern interpretation of the Act. One example was from Major Matthew Morgan, USMC, who asked Congress define propaganda because the current Defense Department definition is not useful as it “essentially defines [propaganda] as any communication designed to influence behavior or opinions, either directly or indirectly.”

Another was to suggest the firewall be loosened to allow some content based on intent. Under Secretary Glassman suggested that the “reasonable way to judge whether the State Department should be prohibited from disseminating a film or a television program or a speech or a magazine is the intention of the Department.”

But Marc Lynch, Associate Professor of Political Science and International Affairs at George Washington University, responded that hard limits were necessary as “intent is very difficult... who knows what evil lurks in the minds of men? The Shadow knows but State Department lawyers don’t.”

The issue is not the application of the law, but understanding the requirements we face today. Mr. Doran said:

I do not think that Smith-Mundt is our key problem. We need to redefine the public diplomacy mission for the current strategic environment, keeping those Cold War capabilities that fit the current context and augmenting them with new ones that meet the challenges of the age. And we need to build our arsenal of influence by coordinating the functions of government that already exist.

Mr. Lynch was cautious. “Whatever the original intent of Smith-Mundt, the idea of trying to preserve some sense of a firewall between influence operations overseas and at home is an important one, and increasingly important. Rather than the impossibility of the prevention of domestic dissemination leading us to abandon any attempt to do so, we might want to think in the other direction of attempting to strengthen that firewall in a more creative and innovative way to try to adapt it to the globalized era rather than abandoning efforts to do so.”

“Who knows what evil lurks in the minds of men, you know? The Shadow knows but State Department lawyers don’t.”

Rep. Smith said “Congress needs to act...to update Smith-Mundt, to basically give our stamp, our vision, and certainly, that will not be the end of the story.” The issue was broader than the Act. He acknowledged the executive branch will and should have a lot to say about it, and that it would be a “mistake for the legislative branch to simply stand back and say, well, let’s just let the Obama administration go and fix that through the State Department.”

Rep. Hodes wants to “make sure that we strengthen prohibitions against domestic covert propaganda campaigns aimed essentially at breaking down the constitutional barriers between



Lynne Weil, Rep. Paul Hodes, Rep. Adam Smith, Doug Wilson (l-r)

who controls policy and who makes war and how that needs to work.”

Ted Tzavellas, a consultant on the third panel, stated that the Smith-Mundt Act must acknowledge the “death of distance and the collapse of time” is applicable to both the relationship between the government and the media as well as the

relationship between the government and global audiences.

Sue Gough, a retired military officer and now a contractor in the Pentagon, gave two examples where the Act was invoked to prevent communication not based on content but on means. Her points could have sparked a deeper conversation on the general differences between the reactive communication methods of public affairs and the proactive communication methods of public diplomacy and information operations. Ms. Gough related two stories about the use of military capabilities to assist in domestic disasters that were prevented based on concerns over the means rather than the intent.

Hurricane Andrew back in the '90s ... devastated central Florida, and all the communications means were out, televisions were out, radios were out, people were cut off. The military was brought in to help the civil authorities. One of the things that we wanted to do was bring in our military information operations capabilities because we have means of giving leaflets out, getting newspapers out, bringing loud-speakers in, bringing in mobile television and radio stations to do that.

And we were told we can't do that because of the Smith-Mundt Act. You can't do that. You'd be propagandizing the American people, even though all we wanted to do is put out where you can get food, water, shelter and other information. We had to go up to the White House, to the president, to get approval. Got the approval; everything in Hurricane Andrew went fine.

The Smith-Mundt Act must be carefully reconsidered. Mr. Schneider said that he “can’t underestimate the value of Smith-Mundt.” Ms. Weil said that “we need to seize this moment through congressional action, through the next administration, and through citizen diplomacy to really make a point of showing America’s best face to the world. ... We need to make sure that people around the world understand who we really are.”

Common Themes

Below are several of the themes that were not unique to the Symposium.

America must be more effective at public diplomacy. No one suggested at the Symposium that the United States should not engage the world through information and cultural and educational exchanges. There was a consensus, if implicit by the lack of argument against, that the US is not doing enough or doing enough right in the modern global environment of instant, saturating, and persistent information. Echoing the arguments made over sixty years ago, Rep. Smith said America has “got to be engaged in trying to get our case

out there, our side of the story, because believe me, al Qaeda and all those folks, 24/7, that's what they're doing on the Internet, everyplace else."

Mr. Doran said "It is my fervent hope that... future administrations will...see the job [of Under Secretary of State for Public Diplomacy and Public Affairs] as a national security position."

Public diplomacy is critical to national security. Improving America's global engagement is more than a nice thing to do; it is a critical element of America's national security. Under Secretary James Glassman made it clear: "The goal of public diplomacy, the goal of strategic communication, is a safer and freer world."

Ms. Weil stated that public diplomacy "will, of necessity, be a national security priority... people have recognized that since 9/11, but we need to start doing more than giving lip service to lip service."

Public diplomacy must inform foreign policy. A few echoed Edward R. Murrow's admonition that public diplomacy must be on the "take-offs" – or creation of foreign policy – and not just doing damage control after the crash landing was emphasized. Mr. Tzavellas said America "failed to pay attention to the aesthetics of our policies, both in terms of our US domestic audience as well as foreign audiences." America must, he continued, "integrate that communications strategy from the very beginning of that policy development."

*It is my fervent hope that...
future administrations
will...see the job [of Under
Secretary of State for Public
Diplomacy and Public Affairs]
as a national security position*

Public diplomacy is under-rated and under-respected. A heated subject was the lack of opportunities for those in the public diplomacy "cone", or career track, at the State Department. Mr. Kiehl said it is "hard to attract and keep people in [public diplomacy]" because promotion opportunities are "not what they are for those who work in the [economic] or political cones."

Greg Garland of the State Department echoed this sentiment. "I can't be a desk for public diplomacy. I'm not a political appointee." New people will not, Mr. Garland, continued, focus on public diplomacy but "would probably end up doing two, three, maybe more tours outside of the [cone]" and therefore have little real, and at least relative, experience as a public diplomat.²

² Related: see the report by the United States Advisory Commission on Public Diplomacy titled "Getting the People Part Right." http://mountainrunner.us/2008/06/from_the_us_advisory_commissio.html.

Ms. Snow said the constraints imposed by the bureaucracies and Smith-Mundt pushed her students toward non-governmental organizations and citizen diplomacy rather than Governmental public diplomats. Many of the students in the Syracuse public diplomacy masters program are resisting required internships in Washington, D.C.

The challenge is not just domestic communication, but direct public engagement around the world as well. Mr. Greico said that “On an interagency basis, and within the US government, there is chauvinism against communications and chauvinism against public diplomacy that it’s not that serious.”

Conclusion

No one suggested that the current situation was adequate. On the contrary, change was demanded. However, there was no consensus on what to do with the Smith-Mundt Act. It seemed that the exposure to the many facets, interpretations, and applications of the law changed blanket demands to repeal the whole Act to more nuanced arguments addressing specific elements.

The event highlighted the need for ongoing interagency and “inter-tribal” discourse on the practices and purposes of American global engagement. The variety of perceptions and applications of the Act demonstrated the need to bring together the vast variety of stakeholders in America’s public diplomacy, strategic communication, or global engagement to gain a better understanding of the reach and impact of the law that institutionalized much of what they do and why they do it.



The End of the Day during the Congressional Panel

The consensus is that something must be done to the Act. Not only does it limit America’s effectiveness, but it harms our credibility. The impact and purpose of the Act requires substantial attention. Organizations do not understand the Act and simply accept hearsay and rumor about its reach. The lack of a common understanding leads to chaotic application in some areas and “paying homage” by others, both of which prevents or disrupts America’s ability to develop synergy and across the Government and with private partners.

The diversity of the audience that made it to the event and that expressed interest in participating in the months leading to it was remarkable. More impressive is how the event turned into a networking event as people with different background and seemingly different purposes discovered common goals. In many ways the discourse on public diplomacy practiced public diplomacy by providing an environment of cultural and educational exchange between persons that would not ordinarily be in the same room with each other.

The productivity was not measured in actionable items such as new legislation. The event was not structured to produce findings or arrive at a consensus. Recommendations to change the Smith-Mundt Act ranged from tightening the firewall to eliminating the firewall. The product of the event was creating knowledge of the diversity of actors and challenges to global engagement.

Follow up events are planned. To be included on the announcement list, contact Matt Armstrong at matt@mountainrunner.us or follow the blog www.MountainRunner.us.

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Appendix – Library Contents

History

- ▶ ["Rethinking Smith-Mundt"](#) by Matt Armstrong (2008).

Review of the the causes and debates over the Act. Focuses on 1946-1947 with forgotten context of the 1972 and 1985 revisions to the Act that led to the modern misconception of the purpose of the Act.

- ▶ ["Smith-Mundt Act- A Legislative History"](#) by Burton Paulu (1953).

With only a few exceptions all present United States Government international information and educational exchange activities are carried on under this act. ... It is impossible to review these events without noticing parallels between them and many current developments. Some of the basic issues are still being debated: the loyalty of State Department advisers and officials; the efficiency of State Department operations; and the question of whether it is safe to expose the American people to uncensored radical opinions, especially those from abroad.

- ▶ [Part 2: Is the Domestic Dissemination Media Ban Obsolete](#) from [Alvin Snyder's 1994 colloquium](#)

- ▶ [Weitzman Speech Notes for the above Annenberg Project](#) - Feb 1994

- ▶ [Interpreting Smith-Mundt as a Freedom of Information Act exemption](#) (1997)

This appeal challenges the USIA's interpretation of the Smith Mundt Act, 22 U.S.C. § 1461, as forbidding disclosure of certain agency records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. In its brief, the USIA has not met appellants' central contention: that while the Smith Mundt Act places certain restrictions on the agency from engaging in domestic propaganda, it does not specifically exempt the USIA's overseas programming materials or its Internet addresses from mandatory disclosure under the FOIA.

- ▶ [Persuasive politics: Revisit the Smith-Mundt Act](#), 12/19/08 op-ed in *The Washington Times*

"Repairing America's image" is a popular mantra these days, but discussions on revamping America's public diplomacy are futile if the legislative foundation of what we are attempting to fix is ignored. ... In the early years of the Cold War, the threat to the United States was not military invasion but subversion capitalizing on economic and social unrest in Europe and elsewhere. ... Denying ideological and physical sanctuary to our enemy required more than deeds. ... A brand new National Security Council directed the State Department [in 1947] to respond to the "coordinated psychological, political and economic measures designed to undermine non-Communist elements in all countries."

► [Congressional Intent on Privatization of International Broadcasting](#), a footnote from a [1948 Brookings Institute report](#) on America's international broadcasting.

The following link to the archives of The New York Times. The articles are free to download if you have an NYTimes.com account. (I requested permission to post the articles here, but licensing is \$250 / article.)

► "[Cooper Criticizes 'Voice of America'; It Is Impotent, He Says at Medill School Jubilee, Speaking Not as AP Chief](#)" (May 27, 1947), *The New York Times*.

[Kent Cooper, executive director of the Associated Press,] said that if communism was to be thwarted, "not propaganda, but the abhorrent method of military force alone, could accomplish it. Even if all the vast hordes of underprivileged in all of Eastern Europe had radios, and thus could hear the voice of America, I am afraid they would spurn communism and rejoice only if the voice of America were something more than a voice - military power, food, clothing, land, homes and freedom." he said. ...

He asserted that "the American press is unanimously sponsoring world-wide news exchange" through its own news agencies, practical access to whose reports is "available to every country in the world."

► "[Benton Questions Attack by Cooper: Replies in Detail to Criticism of Voice of America Made by Associated Press Chief](#)" (June 15, 1947), *The New York Times*.

... 2. You have said in previous that if the United states abandoned its international information program, other nations would abandon theirs. ... 3. You say that 'all countries of any importance actually avail themselves' of the news reports of the United States wire services. ... 5. You say that the American people have no way of checking up on what the State Department is saying abroad 'that might lead us all to catastrophe.' In saying this, you underrate the rigid policing provided by our listeners and readers. You underrate Congress. You underrate your own staff, both here and abroad. You underrate the thousands of American business men living abroad, and those serving in our missions. It is all on the record.

► "[Editors Endorse U.S. News Service](#)" (May 15, 1946), *The New York Times*.

Charges of obstructing a vital function of government were made against two major wire news services of the United States today by Ralph McGill, editor of The Atlanta Constitution, and Mark Ethridge, editor of The Louisville Courier-Journal and Times. ...

Mr. McGill told the [House Committee on Foreign Affairs] that the Constitution and the Congress are adequate to guard freedom of the press in the United States.

["Kleindienst Says Buckley Can Show U.S.I.A.'s Film"](#) (April 1, 1972), *The New York Times*

As chairman of the Senate Foreign Relations Committee, J. W. Fulbright wrote Mr. Kleindienst last Thursday protesting that Senator Buckley's showing of the film "Czechoslovakia 1965" would violate the provisions of the 1948 law that established the agency. It was the intent of this law, the Arkansas Democrat argued, that material produced by the agency for dissemination abroad should not be distributed domestically.

Arguing, in a four-page letter that the U.S.I.A. film could be shown domestically by Senator Buckley, [Acting U.S. Attorney General] Mr. Kleindienst relied heavily on a section in the 1948 law providing for examination of the material by the press and members of Congress. This section, he noted, provides that material disseminated abroad by the Information Agency "shall be available in the English language at the Department of State at all reasonable times following its release as information abroad, for examination by representatives of United States press associations, newspapers, magazines, radio systems and stations, and, on request, shall be made available to members of Congress." Mr. Kleindienst said the "apparent purpose" of this section was to make U.S.I.A. materials available to the American public, through the press and members of Congress.

Defense Department

▶ ["Restrictions on Influencing Domestic Audience"](#) (Aug 2006). "This paper was authored by Richard Shiffrin, former Deputy DoD General Counsel for Intelligence and Compartmented Activities. Mr. Shiffrin authored this document in late August 2006 in response to tasking received from the Defense Policy Analysis Office (DPAO)."

The legal objection to engaging in activities designed to influence a domestic audience is, to be sure, strong even in the absence of a specific prohibition on DoD. When the government tries to sway the American public through the various means at its disposal it imperils the essential relationship between the governed and the governing. Without going into a lengthy exegesis of the point, suffice it to say that while a particular undertaking may be intended to be benign, even ameliorative, what is to prevent a partisan effort or a malign one in the future. The far safer course is the current, well-settled ban.

▶ ["Strategic Communication CDRs Handbook-JFCOM"](#) (Sep 2008).

Strategic communication must be at the heart of US Government efforts to influence key audiences in support of broad US national interests, policies, and objectives. We seek to achieve this influence by understanding key audiences and engaging them with coordinated programs, plans, themes, messages, images, and products synchronized with the actions of all instruments of national power.

- ▶ "[Enabling Public Diplomacy Field Officers To Do Their Jobs](#)" by AMB William Rugh (Jan 2009).
- ▶ Defense Department's [Principles of Strategic Communication](#)
- ▶ U.S. Advisory Commission on Public Diplomacy: [no one in PD conducts PD overseas](#)

On / From the Discussants

Panel 1

- ▶ "[The World According to Zorthian: Public Diplomacy and the Virtues of Integration](#)" by Uri Zigelboim (Oct 30, 2007)
- ▶ [Pages 180-186](#) from [The First Resort of Kings: American Cultural Diplomacy in the Twentieth Century](#) by Richard Arndt.

Panel 3

- ▶ [Humpty Dumpty Redux](#) by William P. Kiehl
- ▶ Chapter 8 "Seduced and Abandoned: Strategic Communication in the National Security Process" by William P. Kiehl in [Affairs of State: The Interagency and National Security](#) edited by Gabriel Marcella
- ▶ [Smith-Mundt Act of 1948](#) by Nancy Snow (1998)
- ▶ "[A Call for Action on Public Diplomacy, 2nd ed.](#)" (Oct 2005) by [The Public Diplomacy Council](#)

Also of interest are:

- 2008 [Defense Sciences Board Report on Strategic Communication](#)
- 2008 [Voices of America](#) by Kristin Lord
- 2005 [The Law: The Executive Branch and Propaganda: The Limits of Legal Restrictions](#) by Kevin Kosar
- 2002 [Should Smith-Mundt-Zorinsky Legislation Be Reformed and How?](#) By Bruce Gregory