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## Michael Schudson, *The Rise of the Right to Know: Politics and the Culture of Transparency 1945-1975*

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In contemporary understandings about the role of the news media in American political life, it is often assumed that the job of the press is to expose the inner workings of government and other powerful institutions. When analysts and consumers of news solemnly invoke the people's "right to know," they appeal to a common understanding that we the people are entitled to a significant amount of information about decisions that are made which affect us directly. This assumption is particularly grounded in the unhappy experience of decisions that go wrong. Whether it is concern over a legislature's consideration of a bill that corruptly favors some but disfavors others, or a corporation's strategies for creating and marketing a product that eventually proves defective, the public has a natural desire to protect itself from institutional malfeasance, and a concomitant desire to deter the commission of such malfeasance. The "right to know" is intimately tied to these desires; it is the very threat of exposure that will, one hopes, encourage powerful institutions and actors to do their jobs properly.

Because of the internal logic of this assumption, it is often further assumed that the "right to know" is a natural and time-honored rationale for freedom of the press. Most people would likely guess that the "right to know" was part of the Framers' outlook on a free press, and was a key motivation behind the drafting and ratification of the First Amendment.

This secondary assumption, however, is incorrect. The founding vision of a free press was much different than the contemporary vision. In part, this is because the press itself was very different in the Founders' time. Where today there is an expectation that the press is neutral, in

the Framers' time all but a handful of newspapers were "party presses" that were officially affiliated with a specific political faction.

But another key difference between the press at the founding and the press today is that this very notion of institutional transparency—the notion at the core of the "right to know"—is a modern phenomenon. As Michael Schudson persuasively and intelligently demonstrates in *The Rise of the Right to Know*, it was not until the 1960's that transparency began to emerge as a core value in American public life. And when it did, Schudson argues, this sparked a series of broader changes in American society and American politics.

Schudson lays out the mission of his project right away: "What I will ponder in this book is not why forms of secrecy endured for so long but why they changed when they did" (3). He further explains that the goal of the book is to show how the evolving centrality of transparency and disclosure became a transformative element within American politics, one which served to make the American political system "more fully democratic." Importantly, Schudson resists affixing a normative judgment to this conclusion. He does not insist that this transformation has produced a better sociopolitical order; merely that it has produced a sociopolitical order that is fundamentally different from the one that existed prior to the 1960s.

This transformation, according to Schudson, had multiple and disparate components. Some were governmental in nature; Schudson devotes individual chapters to the creation and early implementation of the Freedom of Information Act and to the rise in procedural transparency in Congress that was advanced by the Democratic Study Group. But there were also non-governmental forces at work; another chapter tracks the advent of the consumers' rights movement that was spearheaded by figures such as supermarket executive Esther Peterson and consumer advocate Ralph Nader. Other factors that Schudson covers include the news media's

turn to a more investigative posture in the Vietnam and Watergate eras, and the skyrocketing number (and increased diversity) of students pursuing higher education. As Schudson tells it, all of these variables—changes in how government worked, changes in how the press worked, and changes in the expectations of everyday people—interwove and coalesced into a sweeping civic desire to pay much more attention to the Oz-like man behind the curtain across the public and private sector.

Schudson's ability to craft this narrative by grounding the emergence of transparency in variegated sources and dynamics is perhaps the best of this book's many commendable qualities. What could have been a technocratic and dull accounting of the transition of the American system away from secrecy-based and discretion-based models to disclosure-based models is instead a lively and readable story. Better yet, Schudson pulls off the difficult trick of simultaneously being both readable and sophisticated. He neither dumbs down his argument with lowest-common-denominator observations, nor bogs down his argument with jargon that makes the argument inaccessible. The end result is a book that will be thought-provoking for scholars and practitioners, but also valuable for general readers interested in a deeper understanding of these subjects

One particular way that the book is thought-provoking, although perhaps unintentionally so, is that readers might well wonder if the very idea of institutional transparency has an ideological dimension. While Schudson does not at all raise this question himself, it is a fair question to ask after reading his book: Is the quest for transparency a liberal political value?

The reason that this question emerges is that while the picture that Schudson paints of how transparency became a central sociopolitical phenomenon is rich and detailed, he does rely on particular colors in his palette. Schudson details the significance of the rise of the Democratic

Study Group, a collection of mostly progressive lawmakers who were able to ascend to positions of influence following the civil-rights-based collapse of the Congressional hegemony of Southern conservatives. He also tracks the news media's shift to a hyper-investigative watchdog posture, a shift that was triggered first by liberal skepticism about the Vietnam War and then by widespread revulsion at the actions of a Republican presidential administration in Watergate. Additionally, Schudson includes a lengthy chapter on the passage and implementation of the National Environmental Policy Act of 1970 (NEPA), a law which Schudson calls "one of the most important pieces of legislation in U.S. history that you may never have heard of" (180).

Granted, not all environmental advocates were and are politically liberal. Theodore Roosevelt was a crucial engine for conservation, and Richard Nixon signed NEPA into law; both were, of course, Republicans. And while key NEPA Senate sponsor Henry "Scoop" Jackson was a Democrat, he was famously nobody's idea of a left-winger. But as Schudson freely acknowledged, "[t]here could have been many more chapters in this book" (270), which means that a focus on landmark legislation that enacted a policy priority championed by liberals carries with it a certain amount of significance.

This is not at all to suggest that the book suffers from an ideological blind spot. Such a suggestion would be a completely inaccurate assessment of a book which is relentlessly, scrupulously, and admirably even-handed. (Moreover, such a suggestion is more often than not a sloppy weapon wielded by a cynical or dishonorable analyst.) But this is to suggest that there may be more to this story than even Schudson himself is contemplating. Why are so many of the advocates for transparency, and so many of the issues over which the fight for transparency is waged, seemingly sited on the liberal and/or capital-D Democratic side of the political

continuum? What might we learn about American democracy by focusing on conservative calls for institutional transparency?

Consider: Schudson makes only a passing mention to Judicial Watch, which is perhaps the most famous and powerful conservative voice for transparency in the last 25 years. While it is unquestionably true that the founder of Judicial Watch, Larry Klayman, is motivated by a pathological hatred of Bill and Hillary Clinton—and that some observers might thus arrive at a reasonable conclusion that the activities of his group are unreliable variables—it is nevertheless also true that Judicial Watch has applied pressure to Republicans and conservatives, albeit not to the same degree as it applies pressure to Democrats and liberals. As a consequence, one wonders how the book might have been enhanced by a choice to spend time analyzing its litigation campaigns.

Notably, Judicial Watch teamed up with the Sierra Club in a landmark lawsuit that attempted to force Vice President Dick Cheney to disclose the details of his White House meetings with energy industry figures. Cheney resisted these disclosures by arguing that the doctrine of “executive privilege,” which allows the President to shield White House conversations from public exposure in the name of enabling frank discussion among policy advisors, also extended to the Vice President. The Supreme Court agreed with Cheney in its 2004 decision, *Cheney v. United States District Court*, and the following year the D.C. Circuit Court of Appeals reviewed the record and determined that Cheney did not have to disclose the records that Judicial Watch and the Sierra Club had demanded.

Those rulings seem to counter Schudson’s argument that American politics has become more democratic in this modern era of increased transparency, and yet they are not mentioned at all in the book. On a certain level, the omission of these rulings is utterly understandable:

Schudson has chosen to focus on the 1960's and 1970's in his analysis, which places the *Cheney* decision and its aftermath beyond his preferred scope. But on another level, *Cheney* has a central impact on the “culture of transparency” that Schudson is chronicling, and the case seems to be a hanging curveball begging to be hit. As good as this book is, it may well have been even better had it included a confrontation with—and perhaps a critique of—this decision.

Schudson closes the book with comparisons of theories of democracy which depict it as oriented towards either citizen advocacy or institutional monitoring, although there is some natural overlap in these functions. He suspects that we have entered “an era of monitory democracy” (267) in which the point of disclosure is to hold power accountable. However, he also stresses that this does not necessarily mean that American democracy has improved, only that it has morphed into something different than what it was a generation ago. What troubles Schudson, though, is that he is compelled to ruefully acknowledge that this is not only just a guess, but also a guess that is not at all widely shared.

The problem is that there is no collective consensus about democracy's aims. “Remarkably and regrettably, we have no shared conceptualization of what is going on,” Schudson writes, and he further cautions that “[w]e lurch ahead into an informational future and a political future without a map” (238). That observation is acutely bracing amid the spectacular upsurge in information-sharing technologies. Were one to ruminate on how those technologies are altering the way we think about privacy—to the point that a number of observers suggest that the very concept is being delegitimized—one would fully understand just how timely Schudson's work is.

Indeed, in the time following publication of his book, events seem to have proved Schudson prophetic, both in fact and in tone. A purported desire for transparency and a stated

goal of smashing the very idea of governmental secrecy are what animates Julian Assange and WikiLeaks. Yet if whole political point of transparency is to make democracy a more reliable and trustworthy process, then it is profoundly disturbing to observe the collusion of that radical pro-transparency organization and the Russian government in an effort to manipulate the 2016 American presidential election, as well as the copious evidence indicating the success of that endeavor. The hopes that Schudson expresses in this book may yet come to pass, but at this moment the cautions that Schudson sounds seem to be more salient.