

Book Reviews

The Rise of the Right to Know: Politics and the Culture of Transparency, 1945–1975

Michael Schudson

The Belknap Press of Harvard University,
Cambridge, MA, 2016, 348 pp

When this measured account of the late 20th-century expansion of the U.S. public's "right to know" went to press in 2016, that right seemed securely established even if it has never been fully realized in practice. So firmly established that Michael Schudson contends most Americans erroneously believe that the right to know was sanctified by the founders of the American covenant.

Yet, 2017 has proven how fragile that right is, with a newly inaugurated U.S. president almost immediately declaring media the "enemy of the people" and barring selected representatives of American and British news organizations from press conferences. Instead of rendering Schudson's argument anachronistic, the administration's war on the press, and by extension the First Amendment, significantly enhances its relevance. Without knowledge of the social conditions and political struggles that led to the institutionalization of an expansive right to know, that right cannot be effectively defended. And as Schudson warns, "The rise of cultural support and institutional mechanisms for a right to know need not be a permanent social transformation."

Rights discourse is usually the purview of philosophers and legal scholars, but the reader will not encounter

Locke, Kant, Bentham, Mill, or even mid-20th century theorists of the right to know like Thomas Emerson or Alexander Meiklejohn in Schudson's book. Rather its sociological approach is grounded in what Robert Merton lauded as "middle-range theory"—in this case middle-range historical narratives. In lucid prose, Schudson recounts the issues, events, and people involved in the expansion of the public's right to know in three arenas: consumerism, government, and the environment. He treats each as an extended case study.

The contributions of some of the people involved in these struggles, including Ralph Nader, Carl Bernstein, Bob Woodward, and Daniel Ellsberg, have been widely celebrated. Schudson's sociological approach digs deeper, shining light on unsung heroes of the struggle for transparency such as James Moss, a quiet but determined California congressman, who fought to expand the public's right to know; Congressional staffer Richard Conlon, who was a key strategist from 1968 to 1988 in efforts to bring greater transparency and accountability to Congress; and Ester Peterson, an effective consumer advocate in both public and corporate venues, who contributed to the advent of truth in packaging, unit pricing, and labeling of expiration dates on perishable products. Schudson chronicles the intricacies of the strategizing that went into bringing about changes that the old guard often strongly resisted, seeking to preserve privileges secured in

secrecy. To wit, President Johnson and every government agency that testified at the 1966 hearings on the Freedom of Information Act opposed it. Predictably, journalists were the primary champions of FOIA.

Schudson acknowledges that the phrase “right to know” can be traced back to the Constitutional Convention, but points out that it was not cited in a Supreme Court decision until 1945, and did not gain broad public currency until more than a decade later when what he calls a “culture of disclosure” emerged. Schudson does not attribute this sea change to any single cause, but claims that it was animated by three components: (a) a new form of democracy that developed after World War II that holds governments accountable, not just during elections, but continuously; (b) competition between political parties in which the power of the federal government could sometimes be used to constrain the actions of the party in power, along with a greater presence of a national media that could cultivate and amplify public awareness of these struggles; and (c) a new ethos or spirit that accompanied the postwar expansion of higher education and valorized critical inquiry. Although Schudson does not examine it, the growth of higher education was fueled by a period of sustained economic growth and the rising expectations that accompanied it.

While the “culture of disclosure” created pressures for institutional reforms, Schudson points out that some far-reaching transformations occurred

almost as afterthoughts, with “people stumbling into an era of disclosure.” For example, what initially seemed like an incidental bureaucratic provision of the 1970 National Environmental Policy Act (EPA) that required federal agencies to prepare environmental impact statements turned out to be “the hidden steel” in the legislation, which had far-reaching consequences in launching the environmental movement.

The strength of the book is that it tells a very human story of the people and institutions that expanded the public’s right to know. The subject covers a vast landscape: One can quibble over the specifics of the composition of the canvas Schudson has chosen to represent it. Much is excluded—economics, landmark legal decisions, intellectual history, and the early roots of consumerism, environmentalism (cum conservation), and investigative journalism (muckraking) in the Progressive era. However, to paint a coherent, detailed, and reader-friendly picture of the genesis of the institutions supporting the right to know in a single volume, much needed to be excluded. *The Rise of the Right to Know* may not have been intended as a call to action, but the tribute Schudson pays to the moral courage and pragmatic struggles of those who valiantly championed strong democracy a half-century ago can function as one in these perilous times.

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