

AOC Journalist Series Transcript
“Revisiting the Smith-Mundt Act of 1948”
January 6, 2009

The following is a transcript of proceedings from the AOC Journalist Series on 44th Annual International Symposium and Convention. The moderator was Mr. Ken Miller, AOC Director of Government and Industry Affairs. The following participants served on the panel:

Matt Armstrong

Principal and Co-founder
Armstrong Strategic Insights Group (ASIG)
www.MountainRunner.us

David Firestein

US Advisory Commission on Public Diplomacy

George Clack

Director, Office of Publications
Bureau of International Information Programs (DOS-IIP)
U.S. Department of State

RADM Greg Smith

US Central Command (CENTCOM)

The following media were in attendance:

David Fulghum

Aviation Week

Patricia Kushlis

Worldview

Spencer Ackerman

Washington Independent

Steven Corman

Comops Journal

Adam Graham-Silverman

Congressional Quarterly

Nick Cull

Center for Public Diplomacy
University of Southern California

Tim Stevens

Ubiwar

Kernan Chaisson

Journal of Electronic Defense

TRANSCRIPT BEGINS

Ken Miller: I want to welcome everyone to the AOC journalist series this afternoon. The AOC Journalist Series is a quarterly forum designed to bring leaders and experts in electronic warfare and information operations and related disciplines together with relevant media to discuss key issues of the day. This is our first journalist series of the

New Year and the topic of today's round table is "Revisiting the Smith-Mundt Act of 1948. Our lead panelist is Mr. Matthew Armstrong. He is the principal and co-founder of Armstrong Strategic Insights Group. He is sponsoring a symposium next week on the same topic. And he will share a little bit about that as well as share some of the issues that we will be discussed at the symposium. Additionally, the AOC is having a information operations convention in April here in Washington D.C. and the Smith-Mundt Act will be a topic of conversation there as well. Before I introduce Mr. Armstrong, I would like to recognize the other people on the panel this afternoon. We have Mr. David Firestein from the U.S. Advisory Commission on Public Diplomacy. Rear Admiral Greg Smith from U.S. Central Command. George Clack, Department of State Bureau of International Information Programs. Now I would like to recognize Matt Armstrong, our lead panelist for brief introductory statements by himself and the panel, and then I will begin Q&A and I will have a few words to get that started.

Matt Armstrong: Thanks Ken, AOC, and Joel Harding for setting this all up. I appreciate that . . . So a couple of comments from me and then I will let each of the panelist speak for themselves. Again, I appreciate having this event here. This is a lead in for the symposium that we are having next week January 13th at the Reserve Officers Association, "Smith-Mundt Act: A Discourse to Shape America's Discourse." The idea is that we are talking about the structure of and the purpose of public diplomacy. It is a different type of conversation that is multi-disciplinary. The panels that are next week are set up chronologically, the first three panels are chronological. The first panel is the history to explain what we are doing, why we did it in the past. The second panel is ostensibly today to talk about diplomacy; however you want to call it today, strategic communication, global engagement. And the third panel is the future. And then the fourth panel for next week's symposium is the congressional view. Which is one of those perspectives that is so often left out. So that fourth panel is simply going to be active Members of Congress. And that is still being finalized today. So this event that we are having today, this round table is really a lead in for that so, but anything that you want to talk about of course is fair game. With that I want to leave it up to Q&A to ask me questions because I think that the other panelists are much more interesting than myself. So on my right for those who are here, is George Clack. So you can say a few words of your own.

George Clack: Just let me tell you a little bit about my background so you know where I am coming from on this. I began as a magazine editor at the U.S. Information Agency in the 1980's so, my earliest knowledge (6:50) denying, allowing our magazines to be distributed within the United States. I am now the director of publications for the Bureau of the International Information Programs. We produce books, pamphlets, all sorts of print material for foreign audiences. Also all of our materials go online on our website and we produce a monthly electronic journal. Very briefly, I have a fairly profound split in my brain about Smith-Mundt and I will tell you what it is and we can get into it more later. I think modern communications technology and ideas of how to be affective in web 2.0 era, mean if Smith-Mundt were taking literally and strictly, it would almost be literally impossible for us to do our job. On the other hand, I do see certain advantages in having a fence built around the activities that we do to reach foreign audiences. Last

thing I will say at the beginning is I think Smith-Mundt arises a lack of clarity about what diplomacy is, what tactics we are suppose to use, and who we are trying to reach. I think the central word in Smith-Mundt, others may disagree, is the word propaganda. And the last thing I will leave you with is, this is not a direct quote but it's very close to a direct quote. A paraphrase from a high State Department official in public diplomacy. This person said when the word propaganda came up in response to a question, this person said, "Our enemies do propaganda; we don't need propaganda; we can tell the truth." I toss that out to you. That word propaganda which is the center of Smith-Mundt.

RADM Greg Smith: Well thank you for the opportunity to participate. I guess I'm unique to the rest of the panel in that I am not in the public diplomacy business, day-in day-out. As a partnership, however, I've spent many hours together on panels and other in depth discussions. Not so much on this subject per say, but in a more pragmatic way about how to do communications in this new environment. And I think I (inaudible) with the last persons comments in many ways about the diametrically opposed aspects of Smith-Mundt that make, on the one hand, the necessary way to control perhaps the abuses of government and its activities to communicate, and in another way it obviously could broadly limit our activities to reach the audiences that our government needs to reach with the message. I should tell you I spent the last couple of years now associated with the War on Terror more intimately, of which the year prior was in Iraq itself MNFI (Multi-National Force Iraq) was the spokesman for communications for General Patreaus in Iraq and Baghdad. And I followed along with him down to Tampa and picked up that responsibility there in a much more broader context. It's in that broader context that I see the challenges of the mediums we hope to use, largely internet-based, satellite-based, programming information and products that I have no doubt will be the subject of our discussion today and also next week in appropriateness and whether or not in fact we are in violation of any standards that are associated with the Smith-Mundt Act. My personal opinion is that we have to find ways to understand the intent of Smith-Mundt as it was presented many years ago by its founders and in fact I challenge myself to go back and read the actually debate on the floor and really get into the minds and the heads of those who in those days figured out a way for our government to counter communism and the propaganda that was coming out of Russia, with its own activities designed against audiences to make certain that the U.S. had a voice out there in the information environment. I think that was the intent. And I would argue that that is exactly what they would want us to do today is to find new ways to reach those audiences and not get too hung up on the bleed over affect of some of the mediums we employ. Again, as a military guy and in my current capacity I've got responsibilities for creative interest known as Information Operations and public affairs. Although I am a career public affairs officer as some of you might find interesting. I'd like to take questions on that subject and I look forward to the dialogue.

David Firestein: Well, first of all let me just say thank you very much to AOC and thank you to Matt for having me today. Smith-Mundt in fact is not very well known outside the foreign affairs community, and as I think about it's not all that well known outside the foreign affairs community. I think that we have a significant swathe of expertise on Smith-Mundt in this room and certainly in the room on January 13th at the event that Matt

has organized. And I want to commend Matt in particular for really raising the level of discourse on this important question. In my brief opening comments probably won't quite as brief as the folks that just spoke. I just want to say a few words about the perspective that I bring in this session today, and then I would like to make a couple comments about Smith-Mundt. And I certainly got a lot of things I would like to say but I will certainly try to resist the temptation, and instead save that time for what I hope to be a vigorous discussion.

Let me note on the onset that today I am speaking on the record but in a personal capacity, rather than in an official capacity except where I indicate that I am speaking for the organization for which I work. Again my name for those on the phone is David Firestein and I represent the U.S. Advisory Commission on Public Diplomacy which is a seven member panel that is charged by Congress and the President with assessing the effectiveness of U.S. public diplomacy programs and operations and recommending improvements if you will to the President, Congress, the Secretary of State and others. I am a Foreign Service officer and have been for nearly 17 years, and about half that time I have spent practicing public diplomacy in China and Russia in particular. And I am also the project director of the most recent U.S. Advisory Commission Report entitled, "Getting the People Part Right" a report on the human resources dimension on U.S. Public Diplomacy. So that is the angle from which I am coming. And what I hope to add to the discussion today and during the Q&A part of our session is a practitioner's perspective on some of these issues. Someone who has been in the field and who has bumped up against Smith-Mundt and other associated issues.

Let me just share a few thoughts briefly on Smith-Mundt. And I thought it would be just sort of useful to start with my perspective on Smith-Mundt as it has kind of evolved over the years. And let me start at the outset my just making an administrative point or I guess a terminological point, which is that Smith-Mundt in reality refers to a significant piece of legislation that does a number of things. But when we of the foreign service and I would say for the most part in the State Department refer to Smith-Mundt, we are really talking about a very specific clause, namely that clause that prohibits the dissemination of information designed to go to foreign audiences here in the United States. And so Smith-Mundt, in short-hand, is a kind of a code word, an abbreviation for that point. Now my perspective on Smith-Mundt has evolved over some period of time. For the most part I have been aware of this sort of prohibition. I think most members of the Foreign Service and the foreign affairs committees are sort of generally aware of that. But I had seen some problems with Smith-Mundt at a conceptual level. I think the main problem I see is to a certain degree is that the notion that there is information that we the U.S. can convey overseas versus separate information that we are authorized to convey to the United States. That concept I think undermines U.S. credibility in a number of important ways, principally because it creates this suspicion or sort of doubt in the mind of the recipient of this information. Well, if you can't distribute this information in the United States, then what is it that you are distributing to me, is it really the truth and so on. So I think that there is a very real unintended consequence that the notion of trying to cordon off a firewall, domestic information from foreign directed information, that takes a real toll on our credibility and I think that is a significant problem.

I would also agree with I think with the implication of George Clack's comment. The way he stated it was quite accurately that if Smith-Mundt were taken literally, a significant swathe of the U.S. State Department wouldn't be able to do its job. On the other hand, it's not taken literally. And in fact we are able to do our job. And I would argue that in fact Smith-Mundt and many do argue this, is essentially obsolete and has been rendered obsolete in the modern era because of internet technology. When you have an environment which you have instantaneous and boundary-less communications at all times, in sort of artificial notion of information for them overseas versus information for us here in the United States dissipates. So de facto I think the Smith-Mundt prohibition on the dissemination of information for domestic audiences is effectively overtaken by events and obsolete. In that sense, I think my baseline take on Smith-Mundt over the years has been fairly irrelevant to the work of the State Department because again the internet era we put things out there if people want to see it in the United States they can see it and that is just the way the world is.

Now with all of that said, let me just close with a couple points here. I have a lot of respect for the work that Matt has done in this area, and I think single handedly, to a large degree he has raised the profile of this issue and actually given me some things to think about that I have not thought about prior to our dialogue on this topic that goes back into last year. That is, in the internet age, we may forget or it may not occur to us that there may be foreign groups or individuals who we want to engage in a public diplomacy sense who operated here in the United States. But Smith-Mundt would seem to make it impossible to do that legally since those individuals are here. And so we have a conundrum there because the world has changed, the communication environment has changed and the legislation lags the reality. And I give Matt a lot of credit for making that point. He is the first person to mention it that I am aware of. And as an example and its one that sometimes Matt uses is, if one could make the case that if one wanted to reach out to a Latin American audience, one of the most efficient and focused ways to do that would be to reach out Latin American immigrants here in the United States who have a very active line of communication with family and friends back home or wherever that is. And so we are closing off to ourselves an avenue of engagement in terms of public diplomacy and I think this brings to the fore the fact that this legislation which we all know was signed into law in 1948, is just really no longer equipped to deal with the world as we know it.

So, those are my general observations. I just want to add one last thing before concluding, and I will be happy to share other thoughts in the Q&A period. But I do want to say that the State Department does in fact make an effort typically under the leadership of the Bureau of Public Affairs in the State Department to reach out to American audiences and to explain policies, why we are doing what we are doing wherever it is that we are doing it to American Audiences. I think that is sometimes overlooked in the context of Smith-Mundt. But I can tell you the Bureau of Public Affairs itself most obviously in the context of the twelve o'clock noon briefings that we have every single day, that is an effort directed at the United States in which we the U.S. Government, the State Department are articulating in very plain terms what it is we are

trying to do and that's U.S. or domestic directed message. The other thing I think people may not be as aware of is that there is a program within the State Department referred to often as the Speakers Bureau, and here I am not talking about the U.S. Speakers Program that sends American speakers overseas. But State Department officials, probably disproportionately foreign service but also civil service, kind of an informal pool of folks who are on call to speak across the country whenever called upon to do so. They're specialists on international property rights, China, Russia and human rights and the whole gamut of issues that the State Department works on. I have been involved in those programs myself many times. And the fact is that we do make an effort to reach out to the American public. And so for those reasons and the reasons I mentioned earlier, I do think there are some issues with Smith-Mundt that deserve revisiting and exploration and I really do generally commend Matt and everyone who is involved in today's session and the January 13th session. We are taking up the issues and raising the level of discourse. Thanks.

Matt Armstrong: One thing I wanted to highlight here is that this is a multidisciplinary discussion. We have George from State, David who is sort of outside of State to some regard, he is at the commission, and of course Greg who is DoD. At the symposium next week, its very much the same way, there is one person who is suppose to be here who could not and that is Jeff Grieco U.S. AID just to emphasize that this was a multidisciplinary inter agency if you will discussion, because these issues are not just our related issues. They are U.S.G. and United States issues. Issues in Gaza actually kept him from coming. But this is something that is very important.

Question: I wanted to know, given this sort of involves kinetic weaponry. But does this act in any way hamstringing the military in information operations or information warfare and if so, how might it be corrected to better serve those needs.

RADM Greg Smith: Well, I think it has not necessarily to date. The point is there could be some interpretations of those that might want to address our activities against Smith-Mundt with an eye toward limiting what we are doing. Again right now we are very, very active in mediums you would expect us to be on to speak to foreign audiences both in a regional sense as well as audiences inside Iraq more broadly across the great divide of people across borders and again in those meetings we are using internet based and satellite based programs to reach those broader audiences. So all of that would be available to a U.S. domestic audience should they choose to do so. No, we haven't been challenged in that way and it is interesting in that the debate centers largely on public diplomacy. But certainly as we in the U.S. military are entering in a great deal more of what is traditionally done by those inside State, as we do nation building and we find ourselves in Iraq for multiple years and Afghanistan. I think this discussion will center more on DoD's activities as well. But to date no real impact that I've seen.

Matt Armstrong: In my conversations I guess at the operational and Colonel-level and such, what I've heard and seen is that there had been boundaries. For example, when a web server is based in the United States.

RADM Greg Smith: Yes, when there are practical applications of law for instance if an IP address is associated with a U.S.-based server, there are restrictions on what actions we can take against that IP address server location. That has a great deal more to do with our countering this information by taking down servers than it is necessarily to speaking to an audience on that IP address. Does that help?

Matt Armstrong: It does. I heard that it also had to do with speaking to the people.

RADM Greg Smith: No, again, we have not seen it challenged there necessarily that I am aware of but it does come into play when you try to work to counter this information on mediums that are hosted inside the U.S. but that is a little different aspect, a different law with that issue.

David Firestein: I just want to add one thing to this discussion, I went back and looked at the operative mind from the legislation and I will just throw it out there, I don't profess to be the most expert on Smith-Mundt in this group but let me throw this out there, because I think the original prohibition was directed very specifically at the USIA which now takes the form of the Bureau of the International Information Programs, which George Clack represents, and also the Bureau of Educational and Cultural Affairs and it says, this is the original legislation, "No funds authorized to be appropriated to the United States Information Agency shall be used to influence public opinion in the United States and no program material prepared by the United States Information Agency shall be distributed within the United States." So if you take that strict constructionist approach of what the law said, it was very much directed as I understand it at the USIA and therefore wouldn't necessarily apply directly as the Rear Admiral was saying, to the military.

George Clack: Following what David said, what he just read aloud, my understanding USIA merged into the State Department in 1999, I read the legislation at that time and it appeared to me a lay person that there was an authorization and it simply carried over that clause to public diplomacy employees within the State Department, so the question in my head is, is there any legal basis for this whatsoever for this to be interpreted as applying to DoD, because I don't know any legislation where it specifically applies to the DoD.

RADM Greg Smith: That is why I say, I am not aware of anything that has been run through a legal process yet, or taken to that level. There are those I think who have tried to insert Smith-Mundt in the discussion relative to the DoD activities. I have not seen any maturing of that discussion beyond just talking about it. There in the sense of taking it to a court case.

Matt Armstrong: There are not court cases. I can share with you a memo – it will go up on the symposium's library if its not there already, I don't think it is there – but there was an analysis of Smith-Mundt and its application to DoD done in 2003; Richard Shifrin wrote the memo and I can share that, and basically it's the assessment that well, the State Department is not suppose to propagandize the American public, so therefore U.S.G. is not; therefore DoD. But one thing if I could and I understand this is Q&A with other

people and not discussion amongst us as much but the passage David that you read was modified version of the act and this goes back to what I am going to talk about and it's a really important point that Greg mentioned and that is if we go back to the guys who wrote the Act and the debates of Congress at the time, the issues were distrust of the State Department and the information people. They were full of communist. This is even before McCarthy, this is even before Alger Hiss. They were full of communist, and they didn't trust the State Department. And the statement aligned in the act said that "The State Department shall not disseminate the information." Disseminate is the key word. The point was, and they made this clear in public discussions and in committee reports was that the media, the Congress, and the academics would distribute the content that was sent overseas. They would mediate the conversation back, they would filter it back into the United States because we can't trust the State Department. So by extension this would mean that as it was read, as it was written, to continue to apply that today it would mean that we are suggesting that Defense Department by extension but State Department was infested today with Al-Qaeda sympathizers, cause that was the purpose of the dissemination prohibition or the primary purpose not the exclusive purpose, but I just wanted to mention language.

Question: If I could just ask an ignorant question – I'm not really hearing so much about what programs you guys want to institute from a public diplomacy perspective that this legislation simply prohibits you from. The example I think I heard the clearance of was try to focus on Latin American interest to the United States for the purpose of reaching out to Latin America but I am kind of having a hard time discerning the "so what" factor. At the same time, what steps should be taken to make sure that we in the press are not the subjects of information operations propaganda.

Matt Armstrong: I'll take the initial cut at that. A couple of reasons. This gets into the "why" for the symposium. My thing is not necessarily speaking to specific programs. My issue is what is the impact, which gets into your question, and that is: the way the Act is set up now and the way of implementing this firewall is that we (a) imagine that there is a U.S. and a non-U.S. theater of engagement of information, so we bifurcate the Act. What's the impact of that? Well, it means for one that the United States public, the government, and Congress don't actually know what is being done in America's name with America's tax dollars. And USAID would be a perfect example of that and the Millennium Challenge Corporation would be another example of that. They actually came to me and wanted to be on a panel because nobody knows what they do because they can't tell anybody what they do. We don't know what is going on overseas. The most common example is the State Department has to have two websites. It was a little more pronounced when they had the U.S. Info website, now they have America.gov website but the State Department has to have two websites. When you have public diplomacy done overseas and you want to bring back for example the speakers program that David mentioned, if there is going to be an image, there was broadcast overseas used in a PowerPoint here it has to be cleansed through the public affairs apparatus before it can be used, you can't just use it, so it adds a bureaucratic level. But it prevents the free flow of information between what we are saying overseas, it prohibits and inhibits an oversight capability. So not only do we not have oversight over what we are doing, we

don't have insight. And this is not just the American public that does it, the media does it, and Congress does it, and again, the government itself whether its DoD or DoS, they don't know what the left hand or the right hand is doing.

Journalist: Smith-Mundt isn't preventing the U.S. Government from propaganda from its own people...

Matt Armstrong: And that is the point, it's a ludicrous assessment because if we really wanted to prevent the government from propagandizing the American public, we would get rid of the Sunday talk shows circuit. We would change the way the press secretary would operate. There are a number of things we would do. The election cycle that we just left would change.

Journalist: So would campaign contributions.

Matt Armstrong: Exactly. And so we have this really odd perspective of foreign policy. What we do overseas fits into a special bucket. And yet what we do overseas is impacted greatly by what we do at home, but we just can't merge these two concepts. So today we have a foreign policy that is hard to defend, so we create this public diplomacy but sixty years ago when we started this we had a foreign policy that was supported by information activities, the Marshall plan. So again, one of the things we need to have oversight and insight of what we are doing is accountability.

There's an article, "Benton Questions Attack by Cooper" in the NY Times. Kent Cooper was the executive director of the Associated Press, and he shut off the AP feed to Voice of America, saying government news agencies are propaganda organs, and you're going to taint my (inaudible) if you distribute your product under my name. (inaudible). One of the responses Benton made to Cooper's attack was "You refer to the Government as being in the 'news agency business' yet you concede that the State Department's information program is not regarded by the wire services as being competitive. 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 [speaking to Cooper and media in general], both here and abroad. You underrate the thousands of American businessmen living abroad, and those serving our mission." So the point is we prevent oversight and insight into what we're doing with regard to this act.

George Clack: I just want to elaborate a little bit to the question of what programs aren't you doing at this. I can think of a few, but let me give you some examples of what I would call the absurdity of the act in an internet age. There is this website, America.gov. The lawyers at the beginning of the internet had the good sense in my view to say could we do a website at all because how can you keep Americans off a website, and we can't, so the lawyers compromised because of Smith-Mundt, we will never advertise, we will not, our bureau will not give out the URL of our website to Americans. We will only give out this URL to foreign audiences. It is distributed all over the world and it is much

used by foreign audiences. So in the month of the November the website from foreign audiences, America.gov has sixty percent foreign audience viewership, and forty percent Americans. How do Americans get there? Search engines. We produce a whole lot of material. We are high on lots of search engines. You can find us in lots of search engines. So seventh graders writing term papers are finding their way to our to our book called, "Outline of American Literature" sitting right there on the website. I am well aware of the absurdity when someone who might be a home-schooler, or ninth grade history teacher trying to obey copyright intellectual property laws will send me an email and say, can we use this chapter out of your book? Then what kind of email do I write in return? It's a very complicated one but it goes something like this, there is a law called Smith-Mundt. It prohibits me as a State Department employee from telling you that you can do this. But at the same time you should know that we are a U.S. government agency and we have no copyright, everything we do is domestic and Smith-Mundt does not apply to American citizens. It only applies in my view to State Department employees. That is the kind of answer they get. So, it hasn't stopped us from doing that particular kind of thing but it makes for some contortions.

Matt Armstrong: Let me add, you reminded me of something. Jim Weitzman, I don't know how many have read this Annenberg paper online, it's broken into a bunch of websites. Talks about Gardner vs. USA and Jim Whitesman he had wanted to have a VOA feed for his radio stations. I am going to post his notes when he spoke at this 1994 Annenberg session, I been talking to him he is very interested in this, but one of the examples of Smith-Mundt to Georges point was no longer is it interpreted that media was suppose to have access to this material, so the media itself has been denied access to American product to the extent that the courts have ruled that the product under Smith-Mundt are exempted from Freedom of Information Act requests. When in reality it was suppose to be available to the media.

David Firestein: I just want to add one or two quick sound bites to this discussion. First of all, to coin a phrase, to say that the internet got Smith-Mundt on the ropes we could also say that Google landed the knock-out punch. Because when you can search these things as quickly as you can now on the internet, it obliterates the distinction between foreign and domestic in exactly the ways that George was mentioning. The second point that I will make is, and I don't think we have made this point yet, but I think it is important to note. I don't think there really is a very significant distinction between the content of what we are distributing overseas and the content of what if you will American foreign policy makers or leaders are distributing through the Sunday talk shows or other formats to the American people. In fact I would go further and say that if you look at the content that we distribute overseas broadly speaking, often times it is sourced to U.S. presidential speeches or the speeches or comments of the Secretary of State, which by definition are authoritative pronouncements of U.S. policy. And so I don't see that there is a meaningful distinction in the content which renders all the more odd and arcane I think this notion that there is a presumed firewall between the two sets of information. The fact is, if any American were to look at the material of IIP, the Bureau of International Information Programs puts out, I don't think they would be greatly

offended, and I don't think they would be offended at all, and I don't think they would see anything that they haven't heard a hundred times that week from the Washington Post, Sunday talk shows, the news, the Presidents speeches, whitehouse.gov, the Secretary speeches on State.gov and various other places. So the fact is I think it is a much to do about nothing.

Question: And this question goes to any of you, but probably George Clack and David Firestein more than anything. What would you like to see in its place of Smith-Mundt if it were abolished and why, and what trade-offs would you like to see as a part of a package.

George Clack: I actually talked to the State Department lawyer who interprets Smith-Mundt, and I would like some wording in the legislation that allows more wiggle room for that lawyer, so that the lawyer doesn't have to take a strict interpretation all the time as she does. That would be number one for me but when you say the word trade-off, I think there is a really fundamental thing I want to bring this up fairly clearly from my perspective. And that is for one who has been in the State Department for a while and USAID before that, I don't quite buy into that what David was just saying that the messages are all the same. I do think there is a distinct nuance maybe the way you put it, but I do think that messages need to be tailored for foreign audiences. In my concern if Smith-Mundt were to disappear, if Congress were to say repeal it, my concern would be, having seen the way the State Department operates, the PAO office, the gravitational force of the daily briefing and the daily spin message to mostly the American public would take over all the work that we do, and the fundamental work that we do in public diplomacy which in my view is kind of a long term work explaining values much more than explaining particular policies of the moment or the day, I am afraid that the Public Affairs Office would win the resource competition and within five years or so, people who are dedicating their lives to trying to craft messages for foreign audiences might disappear. So that is my big concern about having Smith-Mundt just plain disappear. There may be ways of writing legislation that still fences off a mission for foreign audiences and that would be my major concern. Some way to continue to dedicate resources to the State Department to a foreign audience, because that has been my experience.

David Firestein: I do think that one of the points that George makes that is I think worth emphasizing and that is when we use the word public diplomacy, it's important that we are all on the same page to what that word means, because it can mean a lot of things. But public diplomacy fundamentally embraces two core tasks. There is a long term task, which is what I call the big wheels of cultural and educational exchange that is the Fulbright Program, international visitors, youth exchanges, Humphrey fellowships and many others. That really isn't affected, and people can take issue to this, but I don't think that is even affected or even addressed by the Smith-Mundt legislation. Basically the Smith-Mundt legislation says these exchanges are going to occur and we are going to have Fulbrights going to Idaho and Texas and Missouri and going overseas and so forth. So that is not even an issue. What is an issue is the short term task of public diplomacy which I would call policy advocacy. And policy advocacy is where the action is at or

where the rubber meets the road in terms of the question of Smith-Mundt. I do think that George's point is well taken which is that when you are addressing foreign audiences who's baseline is the United States presumably is somewhat lower in terms of level of understanding of the American constitutional process and all kinds of other things, then you may need to spend more time contextualizing, and as George rightly points out, tailoring the message for the foreign public. What I am not convinced of is that that tailoring to the foreign audiences is not necessarily altering the substance of the message in a way that is objectionable from the standpoint of Smith-Mundt or the standpoint of propagandizing the American people. I do think that most people would look at the journals that George Clack's bureau produces, e journals, and other publications that lay out aspects of the Americana. And most Americans would look at that and be favorably impressed with what see and not surprised and not offended or anything else. So I do think that we sometimes overstate, but I do think that George's point is well taken that in the end, public diplomacy's is about the U.S. effort to reach out to foreign publics in support of U.S. foreign policy, and we have to keep that in mind as we tinker with it. And to go back to Pat Kushlis' question, for my part, I think that the internet and Google and so forth have obliterated the idea of a firewall. I don't see why, and I am not the most expert on this issue, but I don't see why there has to be that type of a prohibition written into any other legislation if in when it is ever updated. But the good news is, so long as its there, it's largely irrelevant, because we do in fact get a message out to the American people all the time. So I see it more as an irritant or as an inconvenience rather than a significant hindrance to American public diplomacy.

Question: Just as a follow up to the previous question, I am wondering, you know this sort of suggest that if true, we need to keep around a law in order to sort of protect the public diplomacy function to keep it from going away. I wonder if this may suggest the need for a bureau or organization on strategic communications functions sort of on the lines of the Defense Sciences Board recommendation for an independent non-profit center for global engagement. If abolishing Smith-Mundt and creating that organizational distinction would both do getting rid of the obsolete law and keeping the part of public diplomacy function alive.

Matt Armstrong: My position is that we don't actually abolish the law as David said, Smith-Mundt we are using a code word for one element of the law. My position is we go back to what the law was all about. And that is the better thing to do which means why did we have this dissemination prohibition for one, but why do we do informational, cultural and educational outreach in the first place which is to support a smart foreign policy. Today we are trying to change the subject of our foreign policy. We are trying to speak about other things. Back then it was to support our foreign policy in the 1940s and 1950s. So I would just say instead of just dumping the law, let's go back to what was the law about. Now, how do actualize that and that is something I am leaving to other people but I would suggest a different acronym and that is a U.S. Agency for Global Engagement and I like the acronym "USAGE."

David Firestein: If I could just make one point about the question of an independent non-profit agency, and this is one of the questions to which I would offer the preface,

don't get me started on this, but I think again for my part, and again this is my personal view. I think that the need for a new agency or to perhaps reconstitute a USIA-type organization is overstated. In my view and I do think this is an unconventional kind of a minority view within the foreign affairs community. I think that the problem is the opposite; the problem is that the consolidation that was envisaged with the 1999 amalgamation of USIA into the State Department never really occurred. What did occur was that offices came over within the walls of main State [Department] in Foggy Bottom [Washington, DC], but the actual process of sitting down and kind of rethinking kind of the policy making process to bring public diplomacy considerations in a much more integral and holistic way, that never occurred. So I would argue that the opposite needs to happen, that what should have happened or what was suppose to happen in 1999, but didn't happen, that is still what needs to happen – namely a much greater level of integration between the public diplomacy function, which is nominally-housed in the State Department, which in fact is largely sort of independent in its operation, we have to bring that function in to the policy making process and I would refer to those here and on the phone, I would refer you to the report, "Getting the People Part Right," which the U.S. Advisory Commission on Public Diplomacy issued in June 2008, and which is online by that name; you can Google it. And by the way, we don't come under Smith-Mundt, so I am allowed to say that. Take a look at that we had some specific recommendations about some things that need to be looked at, but I don't see a compelling need for a movement in the direction of an independent organization. Again, that is my personal view.

George Clack: I don't have any particular view on the organization, but the case I want to make again and again and again is that there is a distinct mission to reach foreign audiences and I don't want to beat this horse too much, but I will say that I was on the transition team when the USIA merged into the State Department. I talked at that time to a great number of colleagues in the State Department and to a person they were not able to get the distinction between the public affairs – reaching the American audience and public diplomacy. They thought it was one message; the spokesman gets his talking points everyday; that is the message and that is the line we tow. So those who have public diplomacy as a career, they know that it is a little more complicated and more complex than that. It's not a set of talking points that are developed every day, yes, you need those they are useful, but it's much more context than that and it's also much more nuanced. I will just give one example. In Barack Obama's energy program, he gave a speech about a month back, he gave three reasons for the green energy program: (1) basically to save the world from global warming; (2) to create a bunch of new jobs, and get the economy going; and (3) end dependence on foreign oil. Now, when practitioners in my bureau begin to get that message out oversees and assimilate that and pass that around, we are not going to emphasis foreign oil, because that is not a message that foreign audiences want to hear. So there is a zero sum game involved. And that is the kind of nuancing that people are doing every single day. In other words, the message from the spokesman in my view generally speaking is a much more to the American people to convince them of the readiness of the administration's current policies than at foreign audiences. And tailoring it to foreign audiences is the mission that we do.

RADM Greg Smith: Well, from a military view we face the same conundrum in the sense that any given environment that we operate in we have got the business of today's news to contextualize and to make sure is accurate and that is the public affairs spokesman responsibility. It often sets the stage though for a longer term effort called public diplomacy, you might want to call it information operations in this sense that, there is a shaping of that understanding now over a series of contextually laid out events that allows over a period of time people don't understand broadly what we are doing and why we are there. And it is based on those individual piece of events if done properly it allows them to see with some fact of that occurring in their lives and within the space that they operate in. But there is a relationship there and in fact if done properly it does fairly well. But I take the point that it has to be much more nuanced in the public diplomacy, information operations environment, because there you don't have to drive to a particular event you are trying to get the audience to understand a more broader issue like the need to respect others in your neighborhood or treat your family with respect. All the fanatic kinds of things we try to work on months if not years as opposed to a public affairs job which is to make certain that we move information as quick as we can to get set in the right context and characterization ahead of all the other news cycle and all the other demands we have. So there is a much different game that we play, but there is a marriage there that does work.

Matt Armstrong: Yes, public affairs is more reactive, and public diplomacy in DoD and elsewhere is proactive and engaging versus (audible). I want to say one thing about David's comment. I think there needs to be some clarification. One, I don't think you can rip global engagement out of State because to do that means you should just rip it out of DoD as well. I think you need to make State relevant for this modern age and it needs to have a non-State capability so therefore something needs to be there. At the same time I will go back to the history and that is USIA was created in part because State was having a problem with adapting to non-State requirements, the public diplomacy requirements. So they created USIA. And yet in 1999, there was no real ability to bring in those non-States. So, I really think that we really need to think about this department of non-State operational function within State, lest Department of State becomes irrelevant or less relevant. And so you continue this inbounds where DoD has the ability to speak to people and State moves away from that capability.

Question: Matt, what do you expect from the conference or what would you like in terms of outcomes?

Matt Armstrong: I would like to see a more informed discussion on what public diplomacy is and what its purpose is. I'd like to stop seeing point solutions coming out of Congress and I'd like to see greater collaboration between State Department and Congress on how do we move forward on Global Engagement. At the very least, I'm hoping that we have a better understanding on why we do this and how we should be doing it. What I found is that people don't understand what we're doing. If we want to have a firewall; let us legislate a firewall. Let's not say we have a firewall, because I really don't think we have a fire for the reasons people say we have a firewall. So early on, that was one of my big things: if we want a firewall, let's put it in. Now I just want to

have a greater informed debate and discussion, and knowledge-sharing, about what we're doing and why, and let's loop in Congress because everybody is offer these point solutions. Hopefully this is going to be Part I of a series of events, so you may be seeing something in the near future about a second edition to this symposium. There are almost a half-dozen panels that I'd like to see included, including a panel of non-U.S. public diplomats. Thomas Cull I think does a great job and then some other non-U.S. public diplomats to speak about how they do global engagement.

Question: I want to ask about the cultural attitude around Smith-Mundt, because people who don't know much about it speak of it as Posse Coma Tatis, and there's a real uphill battle around it. And in the past, when there have been pretty sensible ideas about reforming public diplomacy, like Presidential Decision Directive 68 in 1998/1999; that was sunk by the Benjamin Barber piece in the Washington Times saying this the government propagandizing the American people. How are you going to get past this immense fear? Another example of this is the way the Office of Global Communications – the thing that Tori Clark [was involved in – inaudible]. How do you move beyond that when it's such an easy thing to be shot down?

Matt Armstrong: Well, I think you have a more informed populous; a more informed Congress; you have stronger personalities . . .

Question: Do you think we have that now or do you think we need to work towards that?

Matt Armstrong: Well, both. I think we are stronger than we were in 1998, but I definitely think we need to work toward it. For example, who gets the USIA questions? The Secretaries of Defense get asked that question. Who is supporting Jim Glassman now? We need to get that support, so I think we have a better understanding of both the need to participate in the struggle for minds and wills. Regarding Tori Clark, on the fascinating things – I was talking Bob Hastings about this – is that Tori Clark sunk this ostensibly public diplomacy apparatus, if you will, but I don't think it would have been executed well. The Office of Strategic Influence (OSI) – I don't think it would have been executed well – but essentially it was going to be “public diplomacy” – before it was called public diplomacy – and she sunk it over a turf battle. And then she turns around and conducts the Pentagon Pundit Program – and we all know what that program was. So, we do that; that happens. But she didn't do it for the right reasons because she then goes out and does a domestic influence campaign. She didn't understand what was necessary. So I think we need to have a better understanding, which is why I keep coming back to your book, Nick, and let's look at why this firewall exists. You know, Fulbright pushed for it because he thought that radios were Cold War relics. In 1972, he thought they were relics. So let's go back. I think if we have this more informed debate – going back to Greg's comment – why did we do this in the first place? What was the purpose? I think we're getting to that point and I think – now that we're four Under Secretaries into the Administration, we're finally getting to understand that this is a struggle for minds and wills and not to get into this “War of Ideas” debate. So I think we're getting to that point, and the people moving in have a better understanding of that

as well. And I'm talking to Congress about that and they seem to be very enthusiastic about this discussion as well.

And you see proposals to dump the prohibition of Smith-Mundt, whether it's the Brownback bill or Rep. Hodes' legislation introduced as a response to the Pentagon Pundits Program. The legislation had a much broader scope than they intended, so they started playing around with it. So I think there's a much more informed discussion going on now and I hope this symposium will further that discussion.

Journalist: There are a lot of people that need reassurance because this isn't easy and you have to brace yourself for people to hit the panic button and ring this bell that seems to be very deep-seeded in American political culture.

Matt Armstrong: Right, this was an issue a while ago that you raised at the beginning of this call. The American public is already being propagandized, but more importantly, where's the media in this equation? They're supposed to be doing a check on it and the American public doesn't know what's going on. So we need to increase the transparency of what's going on and the media needs to step up into this.

Question: And probably by building into any new legislation – beefing up citizen oversight – making that a more publicly-known dimension. Have that be a check on what's being done.

Matt Armstrong: Thanks for reminding me about that, because then we get into David's points [inaudible] When Smith-Mundt was passed, the Advisory Commission on Information, which became the Public Diplomacy Commission, was staffed with professionals and publishers – Edward R. Murrow was on it – major information people, media people were on there. Today we don't have that. And the Commission's job was to be offer a critical look at our international information engagement.

Question: And it's clear from Benton's papers that the intent was that the Commission would become friends with the information operation and would publicize it among their peers. So it almost breeches Smith-Mundt as it was and having propaganda in support of American information disseminated within the American elite.

Matt Armstrong: I wouldn't say it was a breach. It was the intention . . .

Question: That's what I'm saying, it was his intention. He knew it needed to be know and that it had natural enemies; many, many enemies, particularly among the commercial media.

Matt Armstrong: And you were kept in check by the commercial media – watching what they were doing. That was the response to Benton in this article [that is being distributed to participants of the roundtable].

Ken Miller: At this time, I'd like to bring an end to the formal Q&A portion of the roundtable. I'd like to turn it over to the panel for closing comments.

RADM Greg Smith: Well, a lot of this discussion has been rightly centered on the State Department, but the consequences of the Defense Department appetite to do more of this kind of public diplomacy and the funding that's going toward our activities; although Secretary Gates is probably the biggest champion of moving a lot this over to State. It's a resource issue. What I always find interesting about this discussion is that there's an inference that the message itself is a bad message or that the American people will have a problem with it. When in fact, often times they would look at the message and say, "I understand why the U.S. is saying that." I can understand why it's important to send a message to young, 15 year old males in any country about why it's a bad thing to pick up arms and kill. Why would that not be a good thing for us to go and communicate? So I find the discussion centered around the notion that there needs to be a watch dog of our activities by State, when in fact I believe what is need is to be more transparent – have a more open process – to give public assurance that our government can respect these firewalls naturally and they can fulfill their responsibilities overseas on their behalf.

David Firestein: Well, let me conclude with a few points that I haven't had the chance to make yet – an incoherent final salvo. First, going back to Greg's question on the Web 2.0, there is one point that I want to make about that. I think we have to remember that in the final analysis, the engagement on the technology, whether it's social chat rooms or networking sites – is only as good as the input. You know, we think the technology is there, so that answers all the questions. But you have to make effective use of that technology. You have to have somebody on the ground that brings to that discussion, that interaction, a nuanced understanding of the local context, the society, the language, the culture, the politics, etc. And this leads to one other point that I would make, which is the most underutilized resource in our public diplomacy arsenal is the Foreign Service officer. All we ask them to do is go overseas and administer programs. We don't really ask them to, or reward them for, going out and using the skills that the State Department has given them in training to use and interact in that substantive and culturally-attuned way. I think that's an unconscionable blind-spot in our public diplomacy efforts.

A couple of other quick points. One thing we have to do in public diplomacy is ask the question, "What does success look like?" I don't think we know what a successful public diplomacy effort would result in terms of a perception of the United States. Are we looking for an 85 percent favorable? Are we looking for 100 percent? Are we looking for understanding, but not necessarily agreement? What does success look like? The fact is that most of us in public diplomacy have no idea. We don't ask the question. And, I would pose that question in all of our discussions.

The resource question that's been mentioned let me make one point. The budget for public diplomacy is broadly speaking 1/1000th of the military when you total all the different factors. If you look at this through the prism of DIME – Diplomatic, Intelligence, Military and Economic – with public diplomacy being a small sub-set of the Diplomatic part of the equation – again it's 1/1000th, about one trillion to one billion, in

rough figures. So I think that is something that we are going to have to take a look at if we're going to be serious about public diplomacy.

Another point to make. In our public diplomacy efforts – the policy advocacy side – we must inaugurate a much more serious, sophisticated, and research-driven messaging process. Everyone who's ever run for City Council in Alexandria knows how to get a message across and how to target a message, and they know what audience they are speaking to and what the issues are. We don't bring discipline to the messaging process in the State Department and the U.S. Government. And I think that's a travesty. That's something that we need to get better at.

And finally, I think we need in this next Administration, we need an Under Secretary of State for Public Diplomacy who is going to stick around for four years, because we've had a string of Under Secretaries who have been there six months, a year, two years, six months, etc. And then we express surprise that we haven't made some the institutional reforms that typically can only be realized when you have sustained, engaged leadership for a period of time. Now obviously, that person serves at the President's pleasure, and we understand that, but I have a personal hunch that the President would like to have a person stick around for four years. And we haven't had that thus far. We've had six Under Secretary is about 10 years. We need to do a better job at that.

Thank you very much.

Georg Clack: I'm a connoisseur of irony, so I have a point of irony for you. I read Matt's article in *Small Wars Journal* about the early history of Smith-Mundt. Of course, one of the early leaders of the opposition to the whole idea of creating a government information agency was Kent Cooper, the head of the Associated Press. Well about two years ago when we were revising our America.gov website we decided that we really need to hype the visuals. It can't be just all words; we need more pictures. Well, we went to the Associated Press and sat down and negotiated with them, and signed a blanket photograph contract. So if you look on our website today – www.america.gov – about 98 percent of the photos are from the Associated Press.

Matt: I've said everything that I wanted to say, so I thank the AOC for sponsoring this event and I thank everyone who participated today on the panel and from the media. I hope this gets out into the real world and spur more discussion in preparation of the symposium on January 13, because that's going to be a very interesting day.

Ken: Thank you to everyone who participated today. This concludes our roundtable. The AOC looks forward to continuing to work with all of you on this issue.

END OF TRANSCRIPT